

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## Meeting Agenda

Monday, March 11, 2013

9:00 a.m.

MEETING SITE: Council Chamber, 8<sup>th</sup> Floor, 200 South High Street, Wailuku, Hawaii

RECEIVED  
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OFFICE OF THE  
COUNTY CLERK

REMOTE TESTIMONY SITES: **Hana Council District Office, Hana Community Center, 5091 Uakea Road, Hana, Hawaii**  
**Lanai Council District Office, Lanai Community Center, 8<sup>th</sup> Street, Lanai City, Hawaii**  
**Molokai Council District Office, 100 Ainoa Street, Kaunakakai, Hawaii**

website: <http://www.mauicounty.gov/committees/PIA>

### VOTING MEMBERS

**G. Riki Hokama, Chair**

**Donald G. Couch, Jr., Vice-Chair**

**Gladys C. Baisa**

**Robert Carroll**

**Elle Cochran**

**Stacy Crivello**

**Don S. Guzman**

**Michael P. Victorino**

**Mike White**

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Kirstin Hamman or Tammy Frias) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be modified pursuant to the Rules of the Council, provided a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.*

*REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of Council Services prior to the meeting. While oral testimony is being received, the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

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**PIA-2(2) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(VARIOUS)**

- DESCRIPTION:** The Committee is in receipt of the following:
1. Correspondence dated January 29, 2013 (received January 29, 2013), from the Mayor, transmitting a proposed resolution to approve or disapprove the Mayor's nominees to fill 48 vacancies on various boards, committees, and commissions, due to the upcoming expiration of members' terms on March 31, 2013, along with completed application forms for the nominees.
  2. Correspondence dated March 4, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY GRANTS REVIEW COMMITTEE". The purpose of the revised proposed resolution is to approve or disapprove the Mayor's nominations of Robin Ritchie and Jenny Worth to the Maui County Grants Review Committee, for terms beginning on April 1, 2013, and expiring on March 31, 2018.
- STATUS:** The Council must approve or disapprove the nominations by March 30, 2013, or the nominations will be deemed approved. The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider other related action.

**PIA-2(3) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(MOLOKAI PLANNING COMMISSION)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated February 6, 2013 (received February 6, 2013), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MOLOKAI PLANNING COMMISSION", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Diane Swenson to the Molokai Planning Commission, for a term expiring on March 31, 2014, to fill an existing vacancy due to the resignation of Nathaniel Bacon.
- STATUS:** The Council must approve or disapprove the nomination by April 7, 2013, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**PIA-2(4) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(MAUI REDEVELOPMENT AGENCY)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated February 12, 2013 (received February 12, 2013), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Thomas Fairbanks III to the Maui Redevelopment Agency, for a term expiring on March 31, 2015, to fill an existing vacancy due to the resignation of Mark Walker.
- STATUS:** There is no time limitation for Council approval or disapproval of the nomination. The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**PIA-2(5) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**

- DESCRIPTION:** The Committee is in receipt of the following:
1. Correspondence dated March 4, 2013, from the Chair of the Committee, transmitting the following:
    - a. A proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF BRADFORD OSHIRO TO THE LANAI PLANNING COMMISSION". The purpose of the proposed resolution is to nominate and approve the appointment of Bradford Oshiro to the Lanai Planning Commission, for a term commencing on April 1, 2013, and expiring on March 31, 2018, to fill an anticipated vacancy due to the upcoming expiration of a member's term on March 31, 2013.
    - b. A proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF ANDREW DE LA CRUZ TO THE MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE". The purpose of the proposed resolution is to nominate and approve the appointment of Andrew de la Cruz to the Maui County Outdoor Lighting Standards Committee, for a term commencing on April 1, 2013, and expiring on March 31, 2018, to fill an anticipated vacancy due to the upcoming expiration of a member's term on March 31, 2013.
  2. Correspondence dated March 4, 2013, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF OWANA SALAZAR TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION". The purpose of the proposed resolution is to nominate and approve the appointment of Owana Salazar to the Maui County Cultural Resources Commission, for a term commencing on April 1, 2013, and expiring on March 31, 2018, to fill an anticipated vacancy due to the upcoming expiration of a member's term on March 31, 2013.
- STATUS:** The Council's deadline to nominate and approve individuals to fill these vacancies is March 31, 2013. The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider other related action.

**PIA-3(1) HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC") (HSAC EXECUTIVE COMMITTEE REPRESENTATIVES, AND HSAC NOMINEE TO NATIONAL ASSOCIATION OF COUNTIES BOARD FOR FISCAL YEAR 2014)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated February 15, 2013, from Councilmember Michael P. Victorino, transmitting a proposed resolution entitled "APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE, AND NOMINATING A MEMBER TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS FOR FISCAL YEAR 2014". The purpose of the proposed resolution is to appoint Councilmember Michael P. Victorino as the Maui County Council's representative and Councilmember G. Riki Hokama as the Maui County Council's alternate representative to the HSAC Executive Committee for a term commencing on July 1, 2013, and expiring on June 30, 2014; and to nominate Councilmember Victorino to serve on the National Association of Counties Board of Directors for Fiscal Year 2014.
- STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**PIA-20 MAUI COUNTY GRANTS**

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 09-120, from the Director of Housing and Human Concerns, transmitting a proposed bill to limit the role of the County's Grants Review Committee to advising the Mayor on requests for Community Partnership, Youth Center, Youth Program, and Culture and the Arts Grants; establish that advice to the Mayor on requests for Real Property Grants shall be provided

by the agency that administers the property; and incorporate other adjustments to the County grants procedures.

2. Miscellaneous Communication, dated May 26, 2011, from the County Clerk, referring the matter relating to County grants and disbursements, including amendments to Chapter 3.36, Maui County Code, relating to the Maui County Grants Program, and the Budget and Finance Committee Chair's correspondence dated May 6, 2011, relating to the General Budget Provisions.
3. Miscellaneous Communication, dated May 25, 2012, from the County Clerk, referring the matter relating to a needs capacity and duplication of services study for all County grantees.
4. Correspondence dated March 4, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM". The revised proposed bill amends the procedures and administration of the Maui County Grants Program, including: specifying that all grants of County funds or real property are subject to Chapter 3.36; eliminating the grants review committee; and setting a maximum amount of total grant funds for any fiscal year, not to exceed five percent of the general fund for that fiscal year.

**STATUS:** The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication 09-120, the Miscellaneous Communication dated May 26, 2011, and the Miscellaneous Communication dated May 25, 2012, and other related action.

**PIA-1(6) LITIGATION MATTERS (STATUS: MARIE J. KOSEGARTEN V. DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI, ET AL., CIVIL CV 10-00321 LEK/KSC)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated January 18, 2013, and March 4, 2013, from the Department of the Corporation Counsel, requesting the opportunity to advise the Committee of the status of the case. The complaint alleges the plaintiff was the subject of discrimination and unlawful employment practices during her employment as a Deputy Prosecuting Attorney for the County.

**STATUS:** The Committee may discuss the status of the case. The Committee may also consider the filing of the correspondence and other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

**PIA-1(13) LITIGATION MATTERS (STATUS: DANIEL K. KANAHELE, ET AL. V. MAUI COUNTY COUNCIL, ET AL., SCWC-29649)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 28, 2013, from the Department of the Corporation Counsel, requesting an opportunity to discuss the status of this case, currently pending before the Hawaii Supreme Court, and transmitting a copy of the Findings of Fact, Conclusions of Law, and Order filed on December 15, 2008, in the Second Circuit Court; and a copy of the Summary Disposition Order filed on June 29, 2012, in the Intermediate Court of Appeals. The complaint alleged violations of Chapter 92, Hawaii Revised Statutes, also known as the State's Sunshine Law, relating to actions taken by the Council at its meetings of November 20, 2007, and February 14, 2008, concerning the Honua'ula/Wailea 670 project.

**STATUS:** The Committee may discuss the status of the case. The Committee may also consider the filing of the correspondence and other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

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