

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

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## Meeting Agenda

Monday, October 28, 2013  
9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.*

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**PIA-1(31) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: LEGAL AID SOCIETY OF HAWAII TO PROVIDE LEGAL SERVICES FOR DEPARTMENT OF HOUSING AND HUMAN CONCERNS)**

**DESCRIPTION:** The Committee is in receipt of County Communication 13-328, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII WITH RESPECT TO PROVIDING LEGAL SERVICES FOR THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS". The purpose of the proposed resolution is to authorize the employment of Legal Aid Society of Hawaii as special counsel to provide legal services for the Department of Housing and Human Concerns as administered through the Maui County Office of Aging and the Aging Title III Federal Program, for a total compensation for two years not to exceed \$73,200 per year.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 13-328 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.

**PIA-1(30) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CHRISTOPHER CARROLL AND DUKE-PATRICK CARROLL V. COUNTY OF MAUI, ET AL.; CIVIL CV13-00066 LEK KSC)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 16, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHRISTOPHER CARROLL, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV13-00066 LEK KSC" and transmitting a copy of the complaint. The complaint alleges that on February 11, 2011, Christopher Carroll and Duke-Patrick Carroll were unlawfully arrested and subjected to excessive force by the Department of Police. The purpose of the proposed resolution is to authorize settlement of the case.

**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.

**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(23) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KAY BURKE V. COUNTY OF MAUI; CIVIL 09-1-0127(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 17, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KAY BURKE V. COUNTY OF MAUI, CIVIL NO. 09-1-0127(1)" and transmitting a copy of the complaint. The complaint alleges that Kay Burke suffered physical injuries when she tripped and fell on January 24, 2009, due to a defect in a sidewalk fronting the Maui Vista Condominium in Kihei, Maui, Hawaii. The purpose of the proposed resolution is to authorize settlement of the case.

**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.

**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-22                    FEE STRUCTURE FOR FEES COLLECTED BY VARIOUS COUNTY DEPARTMENTS**

**DESCRIPTION:** The Committee is in receipt of County Communication 13-102, from Donald G. Couch, Chair, Planning Committee, relating to the fee structure for fees collected by the various County departments.

**STATUS:** The Committee may discuss the matter of the fee structure for fees collected by the various County departments. The Committee may also consider the filing of County Communication 13-102 and other related action.

**PIA-34                    COST RECOVERY OF HELICOPTER SERVICE PROVIDED BY DEPARTMENT OF FIRE AND PUBLIC SAFETY**

**DESCRIPTION:** The Committee is in receipt of a Miscellaneous Communication dated May 29, 2013, from the County Clerk, reporting that on May 28, 2013, pursuant to the adoption of Budget and Finance Committee Report 13-59, the Council referred the matter relating to cost recovery of the helicopter service provided by the Department of Fire and Public Safety.

**STATUS:** The Committee may discuss the matter relating to cost recovery of the helicopter service provided by the Department of Fire and Public Safety. The Committee may also consider the filing of the Miscellaneous Communication and other related action.

**PIA-35                    COST RECOVERY OF LICENSES AND PERMITS ISSUED BY COUNTY DEPARTMENTS**

**DESCRIPTION:** The Committee is in receipt of a Miscellaneous Communication dated May 29, 2013, from the County Clerk, reporting that on May 28, 2013, pursuant to the adoption of Budget and Finance Committee Report 13-59, the Council referred the matter relating to cost recovery of licenses and permits issued by County departments.

**STATUS:** The Committee may discuss the matter relating to cost recovery of licenses and permits issued by County departments. The Committee may also consider the filing of the Miscellaneous Communication and other related action.