

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

Meeting Agenda

March 17, 2014

9:00 a.m.

RECEIVED
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OFFICE OF THE
COUNTY CLERK

MEETING SITE: Council Chamber, 8th 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, 8th 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 (Carla Nakata 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

**PIA-2(22) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(KULA AGRICULTURAL PARK COMMITTEE; MAUI REDEVELOPMENT
AGENCY; AND URBAN DESIGN REVIEW BOARD)**

DESCRIPTION: The Committee is in receipt of correspondence dated January 29, 2014 (received January 29, 2014), from the Mayor, transmitting the following:

1. A proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Douglas Wright to the Kula Agricultural Park Committee, for a term beginning on April 1, 2014, and expiring on March 31, 2019.
2. A proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY FOR THE COUNTY OF MAUI", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Jonathan Starr to the Maui Redevelopment Agency, for a term beginning on April 1, 2014, and expiring on March 31, 2019.
3. A proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Hunton Conrad to the Urban Design Review Board, for a term beginning on April 1, 2014, and expiring on March 31, 2019.

STATUS: There is no time limitation for Council approval or disapproval of the nominations. 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-1(34) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: DOUGLAS
LEONE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 07-1-0496(3))**

DESCRIPTION: The Committee is in receipt of correspondence dated March 5, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DOUGLAS LEONE AND PATRICIA A. PERKINS-LEONE V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-1-0496(3)" and transmitting a copy of the complaint. The complaint alleges inverse condemnation, denial of substantive due process rights, and denial of equal protection, and demands damages including punitive damages, arising out of a dispute concerning plaintiffs' proposal to construct a single-family residence on property located at 4492 Makena Keoneoio Road, Makena, Hawaii, consisting of approximately 20,343 square feet. 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.

**PIA-1(35) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: WILLIAM L.
LARSON, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 09-1-0413(2))**

DESCRIPTION: The Committee is in receipt of correspondence dated March 5, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WILLIAM L. LARSON, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0413(2)" and transmitting a copy of the complaint. The complaint alleges inverse condemnation,

denial of substantive due process rights, and denial of equal protection, and demands damages including punitive damages, arising out of a dispute concerning plaintiffs' proposal to construct a single-family residence on each of two properties located at 4500 Makena Keoneoio Road, Makena, Hawaii, consisting of approximately 24,829 square feet, and 4508 Makena Keoneoio Road, Makena, Hawaii, consisting of approximately 19,166 square feet. 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.

PIA-1(36) LITIGATION MATTERS (JOHN DOE V. COUNTY OF MAUI, LODGED UNDER SEAL IN CIVIL NO. CV14-00102 JMS BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated March 11, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MARR JONES & WANG A LIMITED LIABILITY LAW PARTNERSHIP IN JOHN DOE V. COUNTY OF MAUI, LODGED UNDER SEAL IN CIVIL NO. CV14-00102 JMS BMK". The complaint was lodged under seal of the United States District Court for the District of Hawaii and, according to the proposed resolution, could not be attached to public document. The purpose of the proposed resolution is to authorize the employment of Marr Jones & Wang A Limited Liability Law Partnership as special counsel in the case because of a conflict of interest, for a total compensation not to exceed \$150,000.

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.