

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

Meeting Agenda

June 5, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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(29) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES)**

DESCRIPTION: The Committee is in receipt of correspondence dated May 7, 2014 (received May 7, 2014), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Gabriel Johnson to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2017, to fill a vacancy due to the resignation of Joseph Felipe.

STATUS: The Council must approve or disapprove the nomination to the Maui County Commission on Persons with Disabilities by July 6, 2014, 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(30) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES)**

DESCRIPTION: The Committee is in receipt of correspondence dated May 14, 2014 (received May 14, 2014), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES", along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Faraz Azizoltani to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2016, to fill a vacancy due to the resignation of Charlotte Smith.

STATUS: The Council must approve or disapprove the nomination to the Maui County Commission on Persons with Disabilities by July 13, 2014, 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-10(9) PROPOSED CHARTER AMENDMENTS (PENALTIES)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated January 3, 2012, from Councilmember Donald G. Couch, Jr., transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PENALTIES". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Section 13-10 of the Revised Charter of the County of Maui (1983), as amended ("Charter") shall be amended to remove the limitation on the amount of penalties that may be imposed.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider other related action.

PIA-10(11) PROPOSED CHARTER AMENDMENTS (MAXIMUM AMOUNT OF PENALTIES)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated December 11, 2013, from the Chair of the Committee, transmitting a proposed resolution to place on the next General Election ballot the question of whether

Section 13-10 of the Charter shall be amended to increase the maximum penalty from \$1,000 to \$10,000 for violations of the Charter and violations of ordinances and rules having the force and effect of law.

3. Correspondence dated January 2, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO MAXIMUM AMOUNT OF PENALTIES". The revised proposed resolution incorporates a nonsubstantive revision and has been approved as to form and legality.

STATUS: The Committee may consider whether to recommend passage of the revised proposed resolution on first reading, with or without further revisions. The Committee may also consider other related action.

PIA-10(2) PROPOSED CHARTER AMENDMENTS (COST OF GOVERNMENT COMMISSION)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated March 31, 2014, from the Chair of the Committee, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ABOLISHING THE COST OF GOVERNMENT COMMISSION". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter shall be amended to abolish the Cost of Government Commission, whose functions have been subsumed by the newly established Office of the County Auditor.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider other related action.

PIA-1(37) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: PATRICE FALCONE AND ROBERT FALCONE V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0716(2))

DESCRIPTION: The Committee is in receipt of correspondence dated April 15, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF PATRICE FALCONE AND ROBERT FALCONE V. COUNTY OF MAUI, ET AL., CIVIL NO. 13-1-0716(2)" and transmitting a copy of the complaint. The complaint alleges Patrice Falcone suffered injuries when she slipped and fell in the public shower area at D.T. Fleming Beach Park on September 17, 2011, and that she and her husband, Robert Falcone, sustained damages as a result. 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(3) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND STATUS: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated May 16, 2014, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the case.

STATUS: The Committee may discuss the status of the case. 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.

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