

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

Meeting Agenda

June 30, 2014

9:00 a.m.

MEETING SITE: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

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COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

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**PIA-27(2) COMMUNITY PLAN ADVISORY COMMITTEE SELECTION
(MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE)**

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 11-164, from the Planning Director, requesting that the process to establish Community Plan Advisory Committees for the Molokai and Lanai Community Plan Areas be initiated.
2. Correspondence dated November 21, 2013, from the Department of the Corporation Counsel, transmitting a revised proposed resolution to appoint 9 members to the 13-member Molokai Community Plan Advisory Committee, as authorized by Section 2.80B.080(C), Maui County Code.
3. Correspondence dated June 23, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "APPOINTMENTS TO THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE". The purpose of the revised proposed resolution is to appoint the following 9 members to the 13-member Molokai Community Plan Advisory Committee, as authorized by Section 2.80B.080(C), Maui County Code: Dathan Bicoy, Lori L. Buchanan, Steve Chaikin, Lance ("Kip") Dunbar, Gregory E. Jenkins, Debra N. Kelly, Deldrine Manera, Robert A. Stephenson, and Glenn Teves.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution noted in paragraph 3 above, with or without further revisions. The Committee may also consider the filing of County Communication 11-164 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

**PIA-2(31) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LIQUOR CONTROL COMMISSION)**

DESCRIPTION: The Committee is in receipt of correspondence dated June 6, 2014 (received June 6, 2014), from the Mayor, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL COMMISSION 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 appointment of Stephen West to the Liquor Control Commission, for a term expiring on March 31, 2017, to fill a vacancy due to the resignation of Neldon Mamuad.

STATUS: The Council must approve or disapprove the nomination to the Liquor Control Commission by August 5, 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(32) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES)**

DESCRIPTION: The Committee is in receipt of correspondence dated June 10, 2014 (received June 10, 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 Harold Davis to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2015, to fill a vacancy due to the resignation of Cesar Gaxiola.

STATUS: The Council must approve or disapprove the nomination to the Maui County Commission on Persons with Disabilities by August 9, 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-69 MINIMUM ISLAND REPRESENTATION ON SPECIFIED COUNTY
BOARDS AND COMMISSIONS**

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 14-129, from Councilmember G. Riki Hokama, transmitting a proposed bill to amend Chapter 2.41, Maui County Code, by adding a new Section 2.41.080, "Balanced geographic representation", requiring that a minimum of one member shall be a resident of Lanai and a minimum of one member shall be a resident of Molokai for each of the following boards and commissions: Board of Variances and Appeals, Cost of Government Commission, Fire and Public Safety Commission, Liquor Control Adjudication Board, Liquor Control Commission, and Police Commission.
 2. Correspondence dated June 23, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, TO REQUIRE SPECIFIED COUNTY BOARDS AND COMMISSIONS TO INCLUDE MEMBERS FROM LANAI AND MOLOKAI". The purpose of the revised proposed bill is to amend Chapter 2.41, Maui County Code, by adding a new Section 2.41.080, "Minimum island representation", requiring that a minimum of one member shall be a resident of Lanai and a minimum of one member shall be a resident of Molokai for each of the following boards and commissions: Board of Variances and Appeals, Fire and Public Safety Commission, Liquor Control Adjudication Board, Liquor Control Commission, and Police Commission.

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 14-129 and other related action.

**PIA-10(4) PROPOSED CHARTER AMENDMENTS (ALLOWING THE COUNCIL TO
REMOVE THE CORPORATION COUNSEL)**

- 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. County Communication 14-143, from Councilmember Don S. Guzman, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ALLOWING THE COUNCIL TO REMOVE THE CORPORATION COUNSEL". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Section 8-2.2 of the Revised Charter of the County of Maui (1983), as amended, should be amended to allow the Council or the Mayor, independently, to remove the County's chief legal advisor and representative, the Corporation Counsel.

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 the filing of County Communication 14-143 and other related action.

**PIA-10(5) PROPOSED CHARTER AMENDMENTS (ATTORNEYS WITHIN THE
OFFICE OF COUNCIL SERVICES)**

- 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. County Communication 14-165, from Councilmember Don S. Guzman, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES". The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, shall be amended to permit the attorneys within the Office of Council Services to serve as legal advisors to, and legal representatives of, the Council and its members, in addition to the attorneys within the Department of the Corporation Counsel.

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 the filing of County Communication 14-165 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(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 the following:

1. 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.
2. Correspondence dated June 17, 2014, from the Department of the Corporation Counsel, requesting further consideration of the proposed resolution transmitted by correspondence dated March 5, 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.

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 the following:

1. 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.

2. Correspondence dated June 17, 2014, from the Department of the Corporation Counsel, requesting further consideration of the proposed resolution transmitted by correspondence dated March 5, 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.

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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