

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## Meeting Agenda

August 11, 2014

9:00 a.m.

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 (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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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-2(33) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(REAL PROPERTY TAX REVIEW BOARD)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated July 1, 2014 (received July 1, 2014), from the Mayor, transmitting a proposed resolution entitled “APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX 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 appointment of Bryan Esmeralda to the Real Property Tax Review Board, for a term expiring on March 31, 2018, to fill a vacancy due to the resignation of Brent Johnson.

**STATUS:** The Council must approve or disapprove the nomination to the Real Property Tax Review Board by August 30, 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(34) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(BOARD OF VARIANCES AND APPEALS)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated July 30, 2014 (received July 30, 2014), from the Mayor, transmitting a proposed resolution entitled “APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS”, along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Raymond Sung to the Board of Variances and Appeals, for a term expiring on March 31, 2016, to fill a vacancy due to the resignation of Jacqueline Haraguchi.

**STATUS:** The Council must approve or disapprove the nomination to the Board of Variances and Appeals by September 28, 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-3(6) HAWAII STATE ASSOCIATION OF COUNTIES (“HSAC”) (2015 HSAC  
LEGISLATIVE PACKAGE)**

**DESCRIPTION:** The Committee is in receipt of the following:

1. County Communication 14-176, from Council Chair Gladys C. Baisa, relating to 2015 Hawaii State Association of Counties (“HSAC”) legislative proposals.
2. Correspondence dated June 18, 2014, from Mel Rapozo, HSAC President, providing a timetable for the 2015 HSAC legislative package.
3. Correspondence dated July 30, 2014, from Councilmember Michael P. Victorino, transmitting a proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE COUNTIES’ SHARE OF TRANSIENT ACCOMMODATIONS TAX REVENUE”. The purpose of the proposed resolution is to approve for inclusion in the 2015 HSAC legislative package a proposed State bill to restore the counties’ share of transient accommodations tax (“TAT”) revenue to 44.8 per cent of the TAT revenue collected.
4. Correspondence dated August 1, 2014, from Councilmember Michael P. Victorino, transmitting a proposed resolution entitled “APPROVING HAWAII STATE ASSOCIATION OF COUNTIES’ LEGISLATIVE PRIORITIES FOR THE 2015 STATE LEGISLATIVE SESSION”. The purpose of the proposed resolution is to approve as HSAC’s legislative priorities for the 2015 State Legislative Session, legislation relating to the following: the transient accommodations tax, a retail sales tax, the general excise tax, open government (including the Sunshine Law and Uniform Information Practices Act), transportation, and capital improvement projects.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider the filing of County Communication 14-176 and other related action.

**PIA-68                   ALARM SYSTEMS AND FALSE ALARMS**

**DESCRIPTION:**     The Committee is in receipt of the following:

1. County Communication 14-100, from Councilmember Don S. Guzman, transmitting a proposed bill to reduce the danger and annoyance associated with false alarms, and to encourage owners to register, use, and maintain their alarm systems properly.
2. Correspondence dated August 4, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.34, MAUI COUNTY CODE, RELATING TO ALARM SYSTEMS AND FALSE ALARMS". The purpose of the revised proposed bill is to reduce the danger and annoyance associated with false alarms, and to encourage owners to register, use, and maintain their alarm systems properly.

**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 14-100 and other related action.

**PIA-1(41)               LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK)**

**DESCRIPTION:**     The Committee is in receipt of correspondence dated August 4, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "INDEMNIFYING GARY YABUTA IN MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIV. NO. 14-00278 BMK", and transmitting a copy of the complaint, notice of removal, and related documents. The complaint alleges Mr. Miles, an employee of the Department of Police, was the subject of discrimination and retaliation, and that he suffered damages and injuries as a result of his termination from employment on May 31, 2012. The purpose of the proposed resolution is to indemnify Gary Yabuta, an employee of the Department of Police on May 31, 2012, in this 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(3)               LITIGATION MATTERS (SETTLEMENT AUTHORIZATION, STATUS, AND SPECIAL COUNSEL ADDITIONAL COMPENSATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK)**

**DESCRIPTION:**     The Committee is in receipt of the following:

1. Correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the case and a copy of the complaint. The complaint alleges violations of the Federal Clean Water Act arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility, Lahaina, Maui.
2. Correspondence dated July 22, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK". The purpose of the proposed resolution is to authorize \$300,000 in additional compensation for Hunton & Williams LLP as special counsel in the case, for a total compensation not to exceed \$850,000.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution referenced in paragraph 2 above, 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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