

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Council of the County of Maui

Meeting Agenda

Monday, October 27, 2014
9:00 a.m.

2014 OCT 21 AM 10: 27

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

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**PIA-2(38) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(COST OF GOVERNMENT COMMISSION)**

DESCRIPTION: The Committee is in receipt of correspondence dated October 2, 2014 (received October 2, 2014), from the Mayor, transmitting a proposed resolution entitled “APPOINTMENT OF A MEMBER TO THE COST OF GOVERNMENT COMMISSION”, along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the appointment of Bradley Bunn to the Cost of Government Commission, for a term expiring on March 31, 2018, to fill a vacancy due to the resignation of Yuki Lei Sugimura.

STATUS: The Council must approve or disapprove the nomination to the Cost of Government Commission by December 1, 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 the 2015 Hawaii State Association of Counties (“HSAC”) legislative proposals.
2. Correspondence dated October 20, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO ZONING”. The purpose of the revised proposed resolution is to approve a proposed State bill submitted by Kauai County, entitled “A BILL FOR AN ACT RELATING TO ZONING”, attached to the resolution as Exhibit “A”, for inclusion in the 2015 HSAC Legislative Package. The purpose of the proposed State bill is to distinguish Single-Family Residential Use from Single-Family Vacation Rental Use, and allow amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period of time.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of the correspondence and other related action.

**PIA-4(1) MAUI COUNTY LEGISLATIVE PACKAGE (2015 MAUI COUNTY
LEGISLATIVE PACKAGE)**

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 13-44, from Council Chair Gladys C. Baisa, relating to matters pertaining to the Maui County Legislative Package.
2. Correspondence dated October 20, 2014, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2015 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMUNITY MEETINGS”. The purpose of the revised proposed resolution is to authorize for inclusion in the 2015 Maui County Legislative Package a proposed State bill entitled “A BILL FOR AN ACT RELATING TO COMMUNITY MEETINGS”. The purpose of the proposed bill is to allow members of a county council to jointly attend and speak at a community, educational, or informational meeting or presentation of another entity, including a legislative hearing, convention, seminar, conference, forum, debate, or community association meeting.

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

**PIA-82 PERFORMANCE AUDIT OF THE SOLID WASTE DIVISION,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 14-229, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE SOLID WASTE DIVISION, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT". The purpose of the proposed resolution is to authorize the Council Chair to contract for an independent audit or evaluation of the Solid Waste Division, Department of Environmental Management.
 2. A copy of Resolution 14-98, entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE SOLID WASTE DIVISION, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT", adopted on September 5, 2014.
- STATUS:** The Committee may consider the scope of the audit to be conducted. The Committee may also consider the filing of County Communication 14-229 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); AND WILLIAM L. LARSON, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 09-1-0413(2) (CONSOLIDATED))

- DESCRIPTION:** The Committee is in receipt of correspondence dated October 20, 2014, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-1-0496(3), AND WILLIAM L. LARSON, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0413(2)", and transmitting a copy of the complaints. Both complaints allege inverse condemnation, denial of substantive due process rights, and denial of equal protection, and demand damages, including punitive damages, arising out of a dispute concerning plaintiffs' proposals to construct a single-family residence on each of their properties. The Leone complaint involves property located at 4492 Makena Keoneoio Road, Makena, Hawaii, consisting of approximately 20,343 square feet. The Larson complaint involves 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 consolidated cases.
- 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.