

POLICY COMMITTEE
Council of the County of Maui

Meeting Agenda

July 22, 2008
9:00 a.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

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G. Riki Hokama, Vice-Chair

Michelle Anderson

Gladys C. Baisa

Jo Anne Johnson

Bill Kauakea Medeiros

Michael J. Molina

Joseph Pontanilla

Michael P. Victorino

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 (Gayle Revels, Kirstin Hamman, or Camille Sakamoto) 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. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

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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POL-46

INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN HALEAKALA NATIONAL PARK/U.S. NATIONAL PARK SERVICE AND THE COUNTY OF MAUI (FIREFIGHTING, LAW ENFORCEMENT, AND EMERGENCY SERVICES "MUTUAL AID" RELATIONSHIP)

DESCRIPTION:

The Committee is in receipt of County Communication No. 08-74, from the Mayor, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A FIREFIGHTING, LAW ENFORCEMENT, AND EMERGENCY SERVICES "MUTUAL AID" RELATIONSHIP BETWEEN HALEAKALA NATIONAL PARK/U.S. NATIONAL PARK SERVICE AND THE COUNTY OF MAUI, STATE OF HAWAII". The purpose of the proposed bill is to authorize the Mayor, on behalf of the County of Maui, to enter into an Intergovernmental Agreement/Memorandum of Understanding to document a firefighting, law enforcement and emergency services "mutual aid"

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relationship with Haleakala National Park and U.S. National Park Service to protect citizens and visitors of the County.

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 08-74 and other related action.

POL-48 DONATION TO DEPARTMENT OF HOUSING AND HUMAN CONCERNS, KAUNOA SENIOR SERVICES (1996 JEEP CHEROKEE FROM MARK AND ANNA RAMSEY)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 08-108, from the Director of Housing and Human Concerns, relating to the donation of a 1996 Jeep Grand Cherokee to the Department of Housing and Human concerns, Kaunoa Senior Services' Meals-on-Wheels and Assisted Transportation Programs.
2. Correspondence dated April 22, 2008, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A 1996 JEEP GRAND CHEROKEE FROM MARK AND ANNA RAMSEY TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, KAUNOA SENIOR SERVICES, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE". The purpose of the revised proposed resolution is to authorize acceptance of a 1996 Jeep Grand Cherokee donated by Mark and Anna Ramsey to the Department of Housing and Human Concerns, Kaunoa Senior Services' Meals-on-Wheels and Assisted Transportation Programs.

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 County Communication No. 08-108 and other related action.

POL-4(4) INDEMNIFICATION AUTHORIZATION (CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV 05-00694 DAE BMK)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated March 6, 2008, from the Department of the Corporation Counsel requesting consideration of a proposed resolution to indemnify Roy Hirayama, a police officer, and transmitting a copy of the complaint. The complaint alleges personal injury, emotional distress, and the deprivation of the Plaintiff's rights under the Fourteenth Amendment to the U.S. Constitution and violation of his rights under 42 U.S.C. § 1983.
2. Correspondence dated July 15, 2008, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING ROY HIRAYAMA IN CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV05-00694 DAE BMK". The purpose of the revised proposed resolution is to indemnify Roy Hirayama, a police officer, in this case.

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.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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), HRS, 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.

POL-4(6) INDEMNIFICATION AUTHORIZATION (LUCILLE R. TABON V. SAMUEL C. GASMEN, ET AL., CIVIL NO. 07-1-0307(3))

DESCRIPTION: The Committee is in receipt of correspondence dated May 22, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING SAMUEL C. GASMEN IN LUCILLE R. TABON V. SAMUEL C. GASMEN, ET AL., CIVIL NO. 07-1-0307(3)" and transmitting a copy of the complaint. The complaint alleges that Samuel C. Gasmen, a police officer, negligently and/or recklessly caused physical injuries and emotional trauma to the Plaintiff. The purpose of the proposed resolution is to indemnify Samuel C. Gasmen 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 (HRS), 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), HRS, 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.

POL-1(21) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (WAYNE K. YOSHIOKA V. COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CASE NOS. AB 2006-477 (M) AND 7-04-01273)

DESCRIPTION: The Committee is in receipt of correspondence dated June 10, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WAYNE K. YOSHIOKA VS. COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CASE NOS. AB 2006-477 (M) AND 7-04-01273". The claim alleges work-related injuries sustained on April 26, 2004. The purpose of the proposed resolution is to authorize settlement of the 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 (HRS), 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), HRS, 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.

POL-49 ANNOUNCED CLOSURE OF PRIVATE WATER AND WASTEWATER OPERATIONS ON MOLOKAI

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 08-144, from Councilmember Danny A. Mateo, transmitting the matter relating to the closure of private water and wastewater operations on Molokai, and a draft resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL WITH RESPECT TO POSSIBLE LEGAL CLAIMS ARISING FROM THE ANNOUNCED CLOSURE OF PRIVATE WATER AND WASTEWATER OPERATIONS ON MOLOKAI IN AUGUST 2008". The purpose of the draft resolution is to authorize the Council Chair to select a

private attorney or law firm to represent the County in possible legal claims against Molokai Properties, Ltd., the State of Hawaii, and other parties arising from the announced closure of private water and wastewater operations in August 2008.

2. County Communication No. 08-153 from Council Vice-Chair Danny A. Mateo, transmitting copies of various correspondence relating to Molokai Properties, Ltd. proposed termination of water and wastewater system services on Molokai.
3. Correspondence dated July 14, 2008, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL BRONSTER & HOSHIBATA WITH RESPECT TO POSSIBLE LEGAL CLAIMS RELATING TO WATER AND WASTEWATER UTILITY SERVICE ON MOLOKAI". The purpose of the proposed resolution is to authorize the employment of Bronster & Hoshibata, as the County's special counsel to represent the County in all legal matters pertaining to Molokai Properties, Ltd., dba Molokai Ranch; Molokai Public Utilities, Inc.; Wai'ola O Molokai, Inc.; and Mosco, Inc., for a total compensation not to exceed \$100,000.

STATUS: The Committee may consider whether to recommend adoption of the draft or 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 (HRS), 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; Section 92-5(a)(6), HRS, to consider sensitive matters related to public safety or security; and Section 92-5(a)(3), HRS, to deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations.