

# POLICY COMMITTEE

Council of the County of Maui

## Meeting Agenda

September 18, 2007

1:30 p.m.

Council Chamber, 8<sup>th</sup> Floor

200 South High Street, Wailuku, Hawaii

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### COMMITTEE MEMBERS

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G. Riki Hokama, Vice-Chair

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Gladys C. Baisa

Jo Anne Johnson

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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.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

**POL-7(1)**

### **HRS CHAPTER 201H AFFORDABLE HOUSING PROJECTS (MAUI LANI SITE 6D AFFORDABLE HOUSING PROJECT)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated August 24, 2007, from the Director of Housing and Human Concerns, transmitting the following:

1. An application for the development of the proposed Maui Lani Site 6D Affordable Housing Project in Kahului, Maui. The project consists of 48 two-bedroom/one-bath units (791 sq. ft.) and 24 three-bedroom/two-bath units (1,083 sq. ft.). All of the rental units will be offered to families earning less than 80 percent of Maui County's median family income. The Director recommends approval of the proposed project under Section 201H-38 of the Hawaii Revised Statutes (HRS);
2. A proposed resolution entitled "APPROVING THE MAUI LANI SITE 6D AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with various exemptions, including exemptions from the traffic and roadway improvements impact

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fees, the Comprehensive Zoning Ordinance, and the Project District Phase II and Phase III approval process;

3. A proposed resolution entitled "APPROVING WITH MODIFICATION THE MAUI LANI SITE 6D AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with the modifications in Attachment "1" and various exemptions, including exemptions from the traffic and roadway improvements impact fees, the Comprehensive Zoning Ordinance, and the Project District Phase II and Phase III approval process; and
4. A proposed resolution entitled "DISAPPROVING THE MAUI LANI SITE 6D AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to disapprove the proposed project.

**STATUS:** In accordance with Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the proposed project by October 8, 2007, or it will be deemed approved. The Committee may consider whether to recommend adoption of a proposed resolution, with or without revisions. The Committee may also consider other related action.

**POL-5(1) SPECIAL COUNSEL AUTHORIZATION (TRINIDAD K. ALCONCEL, ET AL. V. COUNTY OF MAUI, CIVIL NO. CV05-00280 SPK BMK AND JACK HENRY WILLIAMS, JR., ET AL. V. COUNTY OF MAUI, CIVIL NO. CV05-00278 DAE LEK)**

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

1. Correspondence dated August 29, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV 05-00280 SPK BMK". The purpose of the proposed resolution is to authorize \$25,000 in additional compensation for Marr Hipp Jones & Wang as special counsel in the case for a total compensation of \$525,000; and
2. Correspondence dated August 29, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00278 DAE LEK". The purpose of the proposed resolution is to authorize \$25,000 in additional compensation for Marr Hipp Jones & Wang as special counsel in the case for a total compensation of \$525,000.

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

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

**POL-1(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (LYNN S. POTRATZ, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 04-1-0390(3))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 7, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LYNN S. POTRATZ, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL

NO. 04-1-0390(3)”. The complaint alleges general and special damages arising from injuries sustained on September 27, 2002 in Pukalani, Maui.

**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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.

**POL-1(10)      SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(GEORGE GOMES V. COUNTY OF MAUI, DEPARTMENT OF PARKS AND  
RECREATION, CASE NO. 7-99-03478)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 15, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF GEORGE GOMES VS. COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, CASE NO. 7-99-03478”. The claim alleges work-related injuries sustained on October 18, 1999. 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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.