

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

October 16, 2007

1:30 p.m.

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

website: <http://www.mauicounty.gov/committees/POL/>

e-mail: pol.committee@mauicounty.us

COMMITTEE MEMBERS

Danny A. Mateo, Chair

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.

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

POL-33

FIRST-TIME HOME BUYERS' PROGRAM

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 07-234, from Councilmember Michael J. Molina, relating to the matter of the First-Time Home Buyers' Program; and
2. Correspondence dated August 27, 2007, from the Department of the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.30, MAUI COUNTY CODE, RELATING TO THE FIRST-TIME HOME BUYERS' REVOLVING FUND". The purpose of the proposed bill is to allow no more than 3 percent of the First-Time Home Buyers' Revolving Fund to be used for administrative expenses.

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 other related action.

MORE →

**POL-1(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(ASGHAR R. SADRI V. MAUI PLANNING COMMISSION; CIVIL NO. 04-1-0366(2);
ASGHAR R. SADRI V. KURT ULMER, ET AL.; CIVIL NO. CV06-00430 ACK KSC)**

- DESCRIPTION:** The Committee is in receipt of the following:
1. Correspondence dated October 3, 2007, from the Department of the Corporation Counsel, requesting the opportunity to discuss a settlement offer relating to the Montana Beach Condominium in Paia, Maui.
 2. Correspondence dated October 8, 2007, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ASGHAR R. SADRI V. KURT ULMER, ET AL., CIVIL NO. CV06-00430 ACK KSC, AND ASGHAR R. SADRI V. MAUI PLANNING COMMISSION, CIVIL NO. 04-1-0366(2)". The purpose of the proposed resolution is to authorize settlement of the cases. The complaints allege constitutional violations arising from the rescission of an exemption for a Special Management Area permit for the subject property.
- 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.

POL-4(2) INDEMNIFICATION AUTHORIZATION (MAUI VACATION RENTAL ASSOCIATION, INC. V. THE COUNTY OF MAUI, ET AL., CIVIL NO. CV07-00495 JMS KSC)

- DESCRIPTION:** The Committee is in receipt of correspondence dated October 3, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING PLANNING DIRECTOR JEFF HUNT IN MAUI VACATION RENTAL ASSOCIATION, INC. V. THE COUNTY OF MAUI, ET AL., CIVIL NO. CV07-00495 JMS KSC" and transmitting a copy of the complaint. The complaint alleges violation of the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution. The purpose of the proposed resolution is to indemnify Jeff Hunt, the Planning Director, 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 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-5(6) SPECIAL COUNSEL AUTHORIZATION (MICHAEL DAVID OGDEN, ET AL., V. COUNTY OF MAUI, ET AL.; CIVIL NO. 06-00113 JMS LEK)

- DESCRIPTION:** The Committee is in receipt of correspondence dated October 4, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled. "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ROBBINS & ASSOCIATES, ATTORNEYS AT LAW, A LAW CORPORATION, IN MICHAEL DAVID OGDEN, ET AL., VS. COUNTY OF MAUI, ET AL., CIVIL NO. 06-00113 JMS LEK" and transmitting a copy of the complaint. The complaint alleges wrongful death and various violations of Charles Benson Ogden's constitutional and civil rights. The purpose of the proposed resolution is to authorize the employment of Robbins &

Associates, as the County's special counsel to represent Defendants County of Maui and Clifford Pacheco in Michael David Odgen et al., v. County of Maui, et al., Civil No. 06-00113 JMS LEK, for a total compensation not to exceed \$150,000.

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.

POL-1(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CLAIM OF THEODORE MIYASHIRO, CLAIM NO. 2005-019)

DESCRIPTION: The Committee is in receipt of correspondence dated August 29, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-019 OF THEODORE MIYASHIRO" and transmitting a copy of the claim. The claim alleges damages and injuries related to an automobile accident at the intersection of Makawao Avenue and Maha Road on January 7, 2005. The purpose of the proposed resolution is to authorize settlement of the case for \$8,000.

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.