

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

October 30, 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

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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.

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POL-35

ACQUISITION OF REAL PROPERTY AT HAIKU (3550 HANA HIGHWAY, TMK: (2) 2-7-07:008)

DESCRIPTION:

The Committee is in receipt of County Communication No. 07-270, from the Director of Finance, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT HAIKU, MAUI, HAWAII". The purpose of the proposed resolution is to approve the acquisition of approximately 27.9 acres, including a 1,188 square-foot home and all improvements thereon, of real property located at 3550 Hana Highway, Haiku, Maui, Hawaii, and more particularly identified as TMK: (2) 2-7-07:008, for a purchase price of \$3,200,000. The subject property has been identified as a possible location for the Haiku Fire Station.

STATUS:

The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication No. 07-270 and other related action.

**POL-1(15) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(MICHAEL DAVID OGDEN V. COUNTY OF MAUI, CIVIL NO. 06-0013 JMS LEK)**

DESCRIPTION: The Committee is in receipt of correspondence dated October 10, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MICHAEL DAVID OGDEN AS SPECIAL ADMINISTRATOR OF THE ESTATE OF CHARLES BENSON OGDEN VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV06-00113 JMS LEK" and transmitting copies of the settlement demand and complaint. The complaint alleges general and special damages arising from the death of Charles Benson Ogden. 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.

POL-4(3) INDEMNIFICATION AUTHORIZATION (TROY MATTOS, ET AL., V. DARREN AGARANO, ET AL., CIVIL NO. CV07-00220 DAE BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated October 10, 2007, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING DARREN AGARANO, RYAN AIKALA, STUART KUNIOKA, AND HALAYUDHA MACKNIGHT IN TROY MATTOS, ET AL. V. DARREN AGARANO, ET AL., CIVIL NO. CV07-00220 DAE BMK" and transmitting a copy of the complaint. The complaint alleges violation of the Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendments to the U.S. Constitution. The purpose of the proposed resolution is to indemnify Darren Agarano, Ryan Aikala, Stuart Kunioka, and Halayudha Macknight, employees of the Department of Police, 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-8(2) AMENDMENTS TO THE RESIDENTIAL WORKFORCE HOUSING POLICY (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated February 5, 2007, from the Council Chair, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE TO REDUCE THE COUNTY FEES REQUIRED FOR RESIDENTIAL WORKFORCE HOUSING UNITS". The purpose of the draft bill is to amend various sections of the Maui County Code to decrease the County fees required to build residential workforce housing units.

STATUS: The Committee may consider whether to recommend passage of the draft bill on first reading, with or without revisions. The Committee may also consider other related action.

POL-3(3) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2008 LEGISLATIVE PACKAGE PROPOSALS)**DESCRIPTION:**

The Committee is in receipt of correspondence dated October 18, 2007, from Councilmember Joseph Pontanilla, transmitting correspondence dated October 9, 2007 (received October 15, 2007), from the HSAC President, requesting consideration of the following proposals introduced by the individual Councils for inclusion in the 2008 HSAC Legislative Package.

1. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PRODUCT BRANDING AND LABELING", and a justification sheet for the bill. The purpose of the proposed State bill is to establish a process by which products are identified by region and/or country of origin and all percentages contained be prominently displayed on the front label of all packaging material; to require a minimum of 100 percent of a Hawaiian grown product for packaging to advertise as 100 percent Hawaiian; and to increase the minimum percentage of Kona grown coffee from 10 percent to 75 percent for any coffee blend using the "Kona Coffee Blend" label.
2. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCTS", and a justification sheet for the bill. The purpose of the proposed State bill is to implement and monitor the Federal COOL Act in order to protect our local farmers and their niche market products.
3. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES", and a justification sheet for the bill. The purpose of the proposed State bill is to establish a special fund for counties to access to combat invasive species and also to establish protocols for funding applications and methods for prioritizing needs.
4. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO COUNTIES, ESTABLISHING A PERMANENT FUND FOR LOW INTEREST LOANS TO COUNTIES", and a justification sheet for the bill. The purpose of the proposed State bill is to create a permanent fund that counties can access for low-interest loans to fund Capital Improvement Projects, pay for shortfalls, and/or fund emergency projects.
5. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO GOVERNMENT", and a justification sheet for the bill. The purpose of the proposed State bill is to remove the limitations on the ability of the counties of Hawaii, Maui, and Kauai to enter into contracts to privatize. Act 191, Session Laws of Hawaii 2007, allows these counties to contract for personnel services with private persons or entities, but limits these contracts to no more than one year and less than \$750,000.
6. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY", and a justification sheet for the bill. The purpose of the proposed State bill is to provide counties protection from liability as a result of natural conditions on or near public beach parks.
7. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS", and a justification sheet for the bill. The purpose of the proposed State bill is to delete that portion of Section 205-49(a)(3), Hawaii Revised Statutes, which removes large tracts of agricultural lands from consideration for designation as "Important Agricultural Lands" based on a criteria that has no rational basis to the suitability of the land for agriculture.
8. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO HOUSING", and a justification sheet for the bill. The purpose of the proposed State bill is to extend the 45-day window for a legislative body to approve, approve with modification, or disapprove an affordable housing project under Section 201H-38, Hawaii Revised Statutes, to 90 days.
9. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT", and a justification sheet for the bill. The purpose of the proposed State bill is to remove the requirement for local governments to comply with rules adopted by the policy board and to place the decision-making power to use cooperative contracts within the discretion of local governments.
10. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO GRAY WATER", and a justification sheet for the bill. The purpose of the proposed State bill is to allow use of gray water for landscape irrigation.

11. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS", and a justification sheet for the bill. The purpose of the proposed State bill is to require the State to transfer a portion of the fines and forfeitures collected for uncontested traffic infractions to the county in which the violations occurred.

STATUS:

The Committee may consider whether to recommend that the proposed State bills and corresponding justification sheets be submitted to the HSAC Executive Committee for consideration as part of the 2008 HSAC Legislative Package. The Committee may also consider other related action.

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