

# POLICY COMMITTEE

Council of the County of Maui

## Meeting Agenda

March 11, 2008

1:30 p.m.

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

200 South High Street, Wailuku, Hawaii

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

e-mail: [pol.committee@mauicounty.us](mailto:pol.committee@mauicounty.us)

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### VOTING 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-2(10)**

### **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**

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

- I. Correspondence dated January 31, 2007, from the Mayor, requesting consideration of the following:
  1. Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days, for terms expiring as indicated:
    - A. BOARD OF ETHICS
      1. Michael R. Westfall (replacing Peter Soman), for a term expiring on March 31, 2010;

MORE →

B. CIVIL SERVICE COMMISSION

1. Ellen Joy Pelissero (replacing Abe Kaahui), for a term expiring on March 31, 2011;

C. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Robert Vafaie (replacing Verna Nahulu, for a term expiring on March 31, 2010;
2. Keoni Kaniela Kali (replacing Karen Arakawa), for a term expiring on March 31, 2010;

D. COST OF GOVERNMENT COMMISSION

1. Gina Marie Flammer (replacing Stephen Goldsmith), for a term expiring on March 31, 2008;
2. Malcolm Hearne Findley (replacing Keith Moniz), for a term expiring on March 31, 2008;
3. Leo Kaniela Caires (replacing Frederic Schwettmann), for a term expiring on March 31, 2008;

E. COUNCIL ON AGING

1. Deldrine Kauinohea Manera (replacing Karen Holt), for a term expiring on March 31, 2009; and

F. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. R. Susan Rubenstein (replacing Cynthia Arruiza), for a term expiring on March 31, 2008.

II. Correspondence dated January 31, 2007, from the Mayor, requesting consideration of the following:

1. Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days (for terms expiring on March 31, 2013, unless otherwise indicated):

A. AFFIRMATIVE ACTION ADVISORY COUNCIL

1. Jon Herman Schlobohm;

B. BOARD OF CODE APPEALS

1. Herman Freitas Nascimento;

C. BOARD OF ETHICS

1. Marti Anne Wukelic;
2. C. Gretchen Guy (Reappointment);

D. BOARD OF VARIANCES AND APPEALS

1. Kevin Takeshi Tanaka;
2. Sandra Lee Duvauchelle;

E. BOARD OF WATER SUPPLY

1. Ted Kiyoshi Yamamura;
2. Scott Luck (Reappointment);

F. CIVIL SERVICE COMMISSION

1. Paula Ann Heiskell;

G. COMMISSION ON CHILDREN AND YOUTH

1. Lis Christina Richardson;
2. Ailina Hakeleleponi Laborte;
3. Edward Baldonado Garcia;

H. COMMISSION ON CULTURE AND THE ARTS

1. Craig Lang Gardner;
2. Randi Glaser Pack;

I. COST OF GOVERNMENT COMMISSION

1. Robert George Hill III, for a term expiring on March 31, 2010;
2. Craig Conway Anderson, for a term expiring on March 31, 2010;

J. COUNCIL ON AGING

1. Douglas Scott Harr;
2. Marlene Young (Reappointment);

K. FIRE AND PUBLIC SAFETY COMMISSION

1. Kevyn Fujio Correa;

L. HANA ADVISORY COMMITTEE

1. Tina-Marie Leimomi Kahula;

M. LIQUOR CONTROL ADJUDICATION BOARD

1. Jason Harvey Medeiros;
2. Ralph Norio Masuda;

N. LIQUOR CONTROL COMMISSION

1. James Takeshi Viela;
2. Henry Ahyau Kauka Jr. (Reappointment);

O. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Raymond James Hutaff;

P. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Phyllis Mie Sato;

Q. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE

1. Joseph Michael Ritter, for a term expiring on March 31, 2010;
2. Sye Vasquez, for a term expiring March 31, 2010;
3. Delilah Dela Rosa Salcedo, for a term expiring March 31, 2009;

R. MAUI PLANNING COMMISSION

1. Donna Lee Domingo;
2. Kent M. Hiranaga (Reappointment);

S. MOLOKAI PLANNING COMMISSION

1. Lori Leimamo Buchanan;
2. Donald Wayne Williams;

T. POLICE COMMISSION

1. Kirk Tadao Tanaka;
2. David Marshall Jorgensen;

U. REAL PROPERTY TAX REVIEW BOARD

1. Susanna Sato;

## V. SALARY COMMISSION

1. Monica Ann Revells;

## W. SUBDIVISION ENGINEERING STANDARDS COMMITTEE

1. Chadwick Ken Fukunaga; and
2. Edward Thomas Lewicke.

2. Nominees to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation (for terms expiring on March 31, 2013):

## A. KULA AGRICULTURAL PARK COMMITTEE

1. Norman Masato Nagata;

## B. MAUI REDEVELOPMENT AGENCY

1. Katharine Olga Popenuk; and

## C. URBAN DESIGN REVIEW BOARD

1. Linda Jean Berry (Alternate member).

3. Nominees to boards, committees, and commissions, appointed by the Mayor with notice to, but without approval by, the Council (for terms expiring on March 31, 2013, unless otherwise indicated):

## A. COMMITTEE ON THE STATUS OF WOMEN

1. Paulette Ann McFaul (replacing Emma Fay), for a term expiring on March 31, 2010;

## B. MAUI COUNTY ARBORIST COMMITTEE

1. Monroe Thomas Bryce; and

## C. TRAFFIC SAFETY COUNCIL

1. David John Peterson.

## III. Correspondence dated February 15, 2008, from the Mayor, requesting consideration of the following:

1. Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days, for terms expiring as indicated:

## A. AFFIRMATIVE ACTION ADVISORY COUNCIL

1. Karleen Hultquist (replacing Rudolpho "Rudy" Esquer), for a term expiring on March 31, 2010;

## B. COST OF GOVERNMENT COMMISSION

- 1. Ronald Vaught (replacing Sharron Courter), for a term expiring on March 31, 2009;

C. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

- 1. John Briley (replacing Don Reaser), for a term expiring on March 31, 2011; and
- 2. Charlotte Seales (replacing Kealoha Laemoa), for a term expiring on March 31, 2012.

**STATUS:** Except for the nominees to the Committee on the Status of Women, Maui County Arborist Committee, and Traffic Safety Council, the Council must approve or disapprove the nominations in correspondence dated January 31, 2008 by March 31, 2008, or the nominations will be deemed approved. Further, the Council must approve or disapprove the nominations in correspondence dated February 15, 2008 by April 20, 2008, or the nominations will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

**POL-4(1) INDEMNIFICATION AUTHORIZATION (LOTHAR KUSTER  
V. MICHAEL W. FOLEY ET AL., CIVIL NO. CV 07-00264 SOM BMK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 29, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING TAMMY OSURMAN IN LOTHAR KUSTER V. MICHAEL W. FOLEY ET AL., CIVIL NO. CV 07-00264 SOM BMK" and transmitting a copy of the complaint. The complaint alleges violations of Plaintiff's rights under 42 U.S.C. § 1983 and the 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendments to the U.S. Constitution relating to his 4.5-acre property in Haiku, Maui. The purpose of the proposed resolution is to indemnify Tammy Osurman, a Zoning Inspector, 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, 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(18) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(HANOHANO, LLC V. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0148(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 27, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF HANOHANO, LLC V. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0148(1)" and transmitting a copy of the complaint. The complaint alleges declaratory, injunctive, and other relief stemming from a County zoning decision affecting lands comprising the Pukalani residential community owned by class Plaintiffs, including two parcels of land owned by Plaintiff Hanohano, LLC, comprising approximately 28.695 acres situated at Keahua, Kula, Maui, Hawaii. 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 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.

**POL-1(19) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(TROY MATTOS, ET AL. V. DARREN AGARANO, ET AL., CIVIL NO. 07-00220 DAE  
BMK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 28, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TROY MATTOS, ET AL. V. DARREN AGARANO, ET AL., CIVIL NO. 07-00220 DAE BMK" and transmitting a copy of the complaint. The complaint alleges general, special, and punitive damages arising out of violations of Plaintiffs' rights under 42 U.S.C. §1983 and the 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 14<sup>th</sup> Amendments to the U.S. Constitution. 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 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, 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.

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