

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

May 13, 2008

9:00 a.m.

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

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

e-mail: pol.committee@mauicounty.us

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

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of the following:

- I. County Communication No. 07-268, from the Director of Housing and Human Concerns, transmitting correspondence dated August 21, 2007, from Peter Durkson, Chair of the Council on Aging, requesting that a Council member be appointed to serve as an ex-officio member on the Council on Aging.
- II. Correspondence dated April 11, 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 on March 31, 2013, unless otherwise indicated):
 - A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 1. Kaye Lehua Jackson; and
 2. Deborah Ellen Schulman.

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B. CIVIL SERVICE COMMISSION

1. Delbert Wayne Derego.

C. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Gary Yukio Ohashi.

D. COST OF GOVERNMENT COMMISSION

1. Leo Kaniela Caires (Reappointment), for a term expiring on March 31, 2010;
2. Malcolm Hearne Findley (Reappointment), for a term expiring on March 31, 2010; and
3. Gina Marie Flammer (Reappointment), for a term expiring on March 31, 2010.

E. COUNCIL ON AGING

1. Councilmember Bill Kauakea Medeiros.

F. LANAI PLANNING COMMISSION

1. Leticia Castillo;
2. Darlene Janice Endrina; and
3. Gerald Gerry Rabaino.

G. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. R. Susan Rubenstein (Reappointment).

H. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE

1. Andrea Emily Baer, for a term expiring on March 31, 2009;
2. Wendy Aiko Fujinaka; and
3. Marge Grace Kelm.

I. REAL PROPERTY TAX REVIEW BOARD

1. Jay Bradley Armstrong (replacing Marlene Ritts), for a term expiring on March 31, 2009; and
 2. Dean K. Frampton (replacing Michael Blaz), for a term expiring on March 31, 2011.
2. Nominees to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation (for terms expiring on March 31, 2013, unless otherwise indicated):

A. KULA AGRICULTURAL PARK COMMITTEE

1. Paula Heiskell.

B. URBAN DESIGN REVIEW BOARD

1. Darryl Eugene Canady;
2. Linda Okamoto (Reappointment); and
3. Mary Randall Wagner (Alternate), for a term expiring on March 31, 2012.

STATUS: Except for the Kula Agricultural Park Committee and the Urban Design Review Board, the Council must approve or disapprove the nominations by June 10, 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 the filing of County Communication No. 07-268 and other related action.

POL-3(4) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (REVISED FISCAL YEAR (FY) 2008-2009 PROPOSED ANNUAL OPERATING BUDGET)

DESCRIPTION: The Committee is in receipt of correspondence dated May 6, 2008, from the HSAC Treasurer, transmitting the revised HSAC FY 2008-2009 proposed annual operating budget, along with the revised budget details.

STATUS: The Committee may consider whether to recommend approval of the revised HSAC FY 2008-2009 proposed annual operating budget. The Committee may also consider other related action.

POL-30 CURFEW EXCEPTIONS

DESCRIPTION: The Committee is in receipt of County Communication No. 07-202, from Councilmember Danny A. Mateo, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 9.24.030, MAUI COUNTY CODE, RELATING TO CURFEW EXCEPTIONS". The purpose of the proposed bill is to ensure the constitutionality of the County curfew ordinance, Chapter 9.24, Maui County Code, by establishing new exceptions, consistent with Nunez v. City of San Diego, 114 F.3d 935 (9th Cir. 1997).

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. 07-202 and other related action.

POL-4(5) INDEMNIFICATION AUTHORIZATION (EVELYN GOO, ET AL. V. THE COUNTY OF MAUI, ET AL., CIVIL NO. CV 08-00172 DAE BMK)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated May 1, 2008, from the Department of the Corporation Counsel, transmitting a proposed resolution relating to the indemnification of the former Planning Director and a copy of the complaint. The complaint alleges tortious interference with contractual relations and prospective economic relations, breach of the implied covenant of good faith and fair dealing, and violation of Plaintiffs' constitutional rights.
2. Correspondence dated May 6, 2008, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING MICHAEL FOLEY IN EVELYN GOO, ET AL. V. THE COUNTY OF MAUI, ET AL., CIVIL NO. CV 08-00172 DAE BMK". The purpose of the revised proposed resolution is to indemnify Michael Foley, former Planning Director, 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, 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.