

# POLICY COMMITTEE

Council of the County of Maui

## Meeting Agenda

November 18, 2008

1:30 p.m.

Council Chamber, 8<sup>th</sup> Floor  
200 South High Street, Wailuku, Hawaii

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

e-mail: [pol.committee@mauicounty.us](mailto: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(16) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 22, 2008, received October 23, 2008, from the Mayor, requesting consideration of the following nominees to boards, committees, and commissions requiring Council approval or disapproval within 60 days for terms expiring as indicated:

### A. COMMISSION ON CULTURE AND THE ARTS

1. Kevin Block (replacing Scott Obley), for a term expiring on March 31, 2011;

### B. COUNCIL ON AGING

1. Rhonda Mary Fosbinder (replacing Nalani Archibeque), for a term expiring on March 31, 2010;
2. Saundra Gaskey (replacing Nancy Leano), for a term expiring on March 31, 2011;
3. Brent Stricker (replacing Branch Isole), for a term expiring on March 31, 2012;

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C. SALARY COMMISSION

- 1. Jeremiah Savage, for a term expiring on March 31, 2013; and

D. SUBDIVISION ENGINEERING STANDARDS COMMITTEE

- 1. Karl Bossert (replacing Ty Takeno), for a term expiring on March 31, 2012.

**STATUS:** The Council must approve or disapprove the nominations by December 22, 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-5(8) SPECIAL COUNSEL AUTHORIZATION (SHERI GAIL DURHAM, INDIVIDUALLY AND AS NEXT FRIEND OF JESSICA HALEY DURHAM AND MARISA UMA LAMA DURHAM, BOTH MINORS, AND AS THE ADMINISTRATOR OF THE ESTATE OF MARK ALLEN DURHAM, DECEASED V. COUNTY OF MAUI, ET AL., CIVIL NO. 08-00342 JMS LEK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 28, 2008, 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 SHERI GAIL DURHAM, INDIVIDUALLY AND AS NEXT FRIEND OF JESSICA HALEY DURHAM AND MARIA UMA LAMA DURHAM, BOTH MINORS, AND AS THE ADMINISTRATOR OF THE ESTATE OF MARK ALLEN DURHAM, DECEASED VS. COUNTY OF MAUI, ET AL., CIVIL NO. 08-00342 JMS LEK". The complaint alleges the County is liable for the defective design, structure, and/or maintenance of the intersection at Hansen Road and Pulehu Road. The purpose of the proposed resolution is to authorize the employment of Robbins & Associates, Attorneys at Law, A Law Corporation, as special counsel in the case for a total compensation of \$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 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, are anticipated 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-26 ACQUISITION OF LAND AT LIPOA POINT**

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

- 1. County Communication No. 07-128, from Councilmember Jo Anne Johnson, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO NEGOTIATE FOR THE COUNTY'S ACQUISITION OF LAND AT LIPOA POINT, WEST MAUI". The purpose of the proposed resolution is to support the acquisition and preservation of land at and around Lipoa Point and to urge the Administration to enter into negotiations with the landowner (Maui Land & Pineapple Company, Inc.) to facilitate the County's purchase of land.
- 2. Correspondence dated November 12, 2008, from the Committee Chair transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO NEGOTIATE FOR THE PRESERVATION OF HONOLUA BAY AND LIPOA POINT FOR PARK, OPEN SPACE, AND CONSERVATION PURPOSES". The purpose of the proposed resolution is to urge the

Administration to negotiate for the preservation of Honolua Bay and Lipoa Point for park, open space, and conservation purposes.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution transmitted by the Committee Chair, with or without revisions. The Committee may also consider the filing of County Communication No. 07-128 and other related action.

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