

POLICY COMMITTEE
Council of the County of Maui

Meeting Agenda

December 2, 2008
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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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-58

DONATION TO DEPARTMENT OF POLICE (ONSITE 200 RADAR SPEED DOLLY, ROTARY CLUB OF LAHAINA SUNRISE)

DESCRIPTION:

The Committee is in receipt of County Communication No. 08-265, from the Chief of Police, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION FROM THE ROTARY CLUB OF LAHAINA SUNRISE, A NONPROFIT ORGANIZATION, TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE". The purpose of the proposed resolution is to authorize the acceptance of a brand new Onsite 200 Radar Speed Dolly, approximately valued at \$4,000, from the Rotary Club of Lahaina Sunrise to the Department of Police.

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. 08-265 and other related action.

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POL-59 GRANT OF LEASE TO KA LIMA O MAUI, LTD.

DESCRIPTION: The Committee is in receipt of County Communication No. 08-266, from the Director of Housing and Human Concerns, transmitting the following:

1. A proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO KA LIMA O MAUI, LTD." The purpose of the proposed resolution is to authorize a grant of a 50-year lease for a property consisting of approximately two acres situated at 95 Mahalani Street, Wailuku (TMK: (2) 3-8-46:016) to Ka Lima O Maui, Ltd., for a nominal amount;
2. A copy of the Lease, dated October 17, 2008, between the County of Maui and Ka Lima O Maui; and
3. A copy of the Grant Agreement for Lease of County Real Property, dated October 27, 2008.

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. 08-266 and other related action.

POL-5(9) SPECIAL COUNSEL AUTHORIZATION (MOLOKAI PROPERTIES, LTD., FORMERLY KNOWN AS MOLOKAI RANCH, LTD., VS. DEPARTMENT OF HEALTH, STATE OF HAWAII, ET AL., CIVIL NO. 08-1-1877-08 EEH; COUNTY OF MAUI VS. MOLOKAI PROPERTIES, LTD., FORMERLY KNOWN AS MOLOKAI RANCH, LTD., ET AL., CIVIL NO. 08-1-0493(1); AND COUNTY OF MAUI VS. STATE OF HAWAII, DEPARTMENT OF HEALTH, CIVIL NOS. 08-1-0533(1) AND 08-1-0534(1))

DESCRIPTION: The Committee is in receipt of correspondence dated November 13, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL BRONSTER HOSHIBATA, A LAW CORPORATION, WITH RESPECT TO LEGAL CLAIMS RELATING TO WATER AND WASTEWATER UTILITY SERVICE ON MOLOKAI". The purpose of the proposed resolution is to authorize \$200,000 in additional compensation for Bronster Hoshibata, A Law Corporation, as special counsel in the case for a total compensation of \$300,000.

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.

POL-57 RESOLUTION AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR ACQUISITION OF REAL PROPERTY INTERESTS AT LAHAINA (LAHAINA WATERSHED FLOOD CONTROL PROJECT)

DESCRIPTION: The Committee is in receipt of County Communication No. 08-255, from the Director of Public Works, transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT LAHAINA, MAUI, HAWAII FOR LAHAINA WATERSHED FLOOD CONTROL PROJECT". The purpose of the proposed resolution is to authorize proceedings in eminent domain to acquire approximately 20.572 acres, 2.311 acres, and 9.919 acres located in Lahaina, Maui for drainage easement, access easement, and construction easement purposes, respectively (TMK: (2) 4-7-01:portion of 026, TMK: (2) 4-7-02:portion of 004, TMK: (2) 4-7-02:portion of 012, TMK: (2) 4-7-03:portion of 028, TMK: (2) 4-7-03:portion of 031, TMK: (2) 4-7-03:portion of 032, and TMK: (2) 4-7-03:portion of 033).

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. 08-255 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(3), Hawaii Revised Statutes (HRS), to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations; and Section 92-5(a)(4), HRS, 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.

NOTE: THE COMMITTEE CHAIR HAS RECOMMENDED THAT THE FOLLOWING COMMUNICATION BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2009, PURSUANT TO SECTION 19 OF THE RULES OF THE COUNCIL.

POL-26 ACQUISITION OF LAND AT LIPOA POINT

04/20/2007 CC 07-128 Councilmember Johnson, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO NEGOTIATE FOR THE COUNTY'S ACQUISITION OF LAND AT LIPOA POINT, WEST MAUI".