Meeting has been recessed to Thursday, June 8, 2006 at 9:30 a.m. in Council Chamber.

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

June 6, 2006
9:00 a.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: http://www.co.maui.hi.us/committees/COW/
e-mail: cow.committee@mauicounty.us

COMMITTEE MEMBERS

Michael J. Molina, Chair

Dain P. Kane, Vice-Chair

Michelle Anderson

Robert Carroll

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

Joseph Pontanilla

Charmaine Tavares

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 (Richelle Kawasaki or Clarita Balala) 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.

COW-2(22) **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**

DESCRIPTION: The Committee is in receipt of correspondence dated May 18, 2006, from the Mayor, requesting consideration of the following:

Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days:

A. BOARD OF VARIANCES AND APPEALS

1. Shirley Alapa (replacing Jersula Manaba), for a term expiring on March 31, 2007.

MORE ➔

B. COMMISSION ON CULTURE AND THE ARTS

1. Katherine Taylor (replacing Diane Wydock), for a term expiring on March 31, 2008.
2. Elaine Gast (replacing Janet Agapay), for a term expiring on March 31, 2010.

C. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Kaheleonolani Dukelow (replacing Susanne (Kamaile) Kekahuna), for a term expiring on March 31, 2007.

D. LIQUOR CONTROL ADJUDICATION BOARD

1. Joe Tanaka (replacing Lance Collins), for a term expiring on March 31, 2010.

E. LIQUOR CONTROL COMMISSION

1. Todd Lawson (replacing Blake Takayama), for a term expiring on March 31, 2009.

STATUS: The Council must approve or disapprove the nominations by July 18, 2006, or the nominees 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.

COW-4(9) INDEMNIFICATION AUTHORIZATION (MICHAEL DAVID OGDEN, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF CHARLES BENSON OGDEN V. COUNTY OF MAUI, ET AL., CIVIL NO. CV06-00113)

DESCRIPTION: The Committee is in receipt of correspondence dated May 4, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING CLIFFORD PACHECO IN CIVIL NO. CV06-00113, MICHAEL DAVID OGDEN, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF CHARLES BENSON OGDEN V. COUNTY OF MAUI, ET AL.", and transmitting a copy of the complaint. The complaint alleges wrongful death and various violations of Charles Benson Ogden's constitutional and civil rights. The purpose of the proposed resolution is to indemnify Police Officer Clifford Pacheco 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.

COW-5(10) SPECIAL COUNSEL AUTHORIZATION (ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL KESSNER, DUCA, UMEBAYASHI, BAIN & MATSUNAGA IN GENE V. WILLIAMS, CASE NOS. 7-99-02488 AND 7-99-04066)

DESCRIPTION: The Committee is in receipt of correspondence dated May 3, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL KESSNER, DUCA, UMEBAYASHI, BAIN & MATSUNAGA IN GENE V. WILLIAMS, CASE NOS. 7-99-02488 AND 7-99-04066; DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, LABOR APPEALS BOARD". The purpose of the proposed resolution is to authorize additional compensation of $2,700 for a total compensation of $15,200, for special counsel, Kessner, Duca, Umebayashi, Bain & Matsunaga, in Gene V. Williams; Case Nos. 7-99-02488 and 7-99-04066.

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.

COW-46 CHARTER AMENDMENT TO ESTABLISH AN AFFORDABLE HOUSING FUND

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 06-62, from Councilmember Michael J. Molina, transmitting a proposed resolution to initiate an amendment to the Revised Charter of the County of Maui (1983), as amended (Charter), to establish an affordable housing fund and require that the Council appropriate a minimum of two percent of real property tax revenue to the fund for building and expanding affordable housing.
2. Correspondence dated May 26, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, PERTAINING TO ESTABLISHING AN AFFORDABLE HOUSING FUND". The purpose of the revised proposed resolution is to initiate the referenced Charter amendment and to also incorporate the wording of the proposed ballot question.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of County Communication No. 06-62 and other related action.

COW-44 CHARTER AMENDMENT TO CHANGE THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS, AND TO ESTABLISH A DEPARTMENT OF WASTE MANAGEMENT

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 06-16, from Councilmember Charmaine Tavares, transmitting a proposed resolution to initiate an amendment to the Revised Charter of the County of Maui (1983), as amended (Charter), to change the Department of Public Works and Environmental Management to the Department of Public Works; establish a Department of Waste Management; allocate the powers, duties, and functions of the Department of Public Works and Environmental Management between the two departments; and make corresponding changes throughout the Charter.
2. Correspondence dated May 25, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A DEPARTMENT OF WASTE MANAGEMENT". The purpose of the revised proposed resolution is to initiate the referenced Charter amendment and to also incorporate the wording of the proposed ballot question.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of County Communication No. 06-16 and other related action.

COW-28 AMENDING CHARTER SECTION 13-6

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-215, from the Council Chair, transmitting correspondence from the Department of the Corporation Counsel, recommending initiation of a Charter amendment to repeal Section 13-6, Revised Charter of the County of Maui (1983), as amended (Charter), relating to the filing of claims against the County of Maui.
2. Correspondence dated November 17, 2005, from the Council Chair, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, REPEALING SECTION 13-6, RELATING TO CLAIMS". The purpose of the proposed resolution is to initiate the repeal of Section 13-6 of the Charter, relating to the filing of claims against the County of Maui.
3. Correspondence dated April 7, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AMENDING SECTION 13-6, RELATING TO CLAIMS". The purpose of the revised proposed resolution is to amend Section 13-6 of the Charter, relating to the filing of claims against the County of Maui and to also incorporate the wording of the proposed ballot question.

STATUS: The Committee may consider whether to recommend adoption of either resolution, with or without further revisions. The Committee may also consider the filing of County Communication No. 05-215 and other related action.

cow:060606:ske