

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

January 30, 2001

1:30 p.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Maui, Hawai'i

website: <http://www.co.maui.hi.us/committees/COW/index.html>

e-mail: cow.committee@co.maui.hi.us

COMMITTEE MEMBERS

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G. Riki Hokama, Vice-Chair

Alan M. Arakawa

Robert Carroll

Jo Anne Johnson

Patrick S. Kawano

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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 Pauline Martins) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Moloka'i), 1-800-272-0098 (toll-free from Lana'i), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted prior to the discussion of each agenda item. Oral testimony shall be limited to three minutes. An additional minute to conclude oral testimony may be granted subject to discretion of the Committee Chair. If oral testimony is incomplete, an additional three minutes will be given after all others have been heard. If written testimony is submitted at the meeting, 15 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 (see attached Akaku Taping and Playback Schedule).

COW-1(1)

HAWAII STATE ASSOCIATION OF COUNTIES (2001 HSAC LEGISLATIVE PACKAGE)

DESCRIPTION:

By memorandum dated January 22, 2001, the Chair of the Committee requested consideration of the possible addition of a draft bill entitled, "RELATING TO ENTERPRISE ZONES" to the 2001 HSAC Legislative Package. The purpose of the draft bill is to provide for sharing between the State and a county of general excise, use, and income taxes paid by businesses in an enterprise zone which were initially assisted with state and local tax incentives.

STATUS:

The Committee will consider whether to recommend approval of the proposed inclusion of the draft bill in the 2001 HSAC Legislative Package. The Committee may also consider other related action, including the filing of the above-referenced Committee Chair's memorandum.

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COW-1(2) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC BYLAWS)

DESCRIPTION: By memorandum dated January 22, 2001, the Chair of the Committee requested consideration of the possible amendment of the HSAC Bylaws to formalize the nomination procedures to reflect the position that each of the counties should be represented on the national level if four national level positions are available to Hawai'i.

STATUS: The Committee will consider whether to recommend approval of a proposed amendment of the HSAC Bylaws. The Committee may also consider other related action, including the filing of the above-referenced Committee Chair's memorandum.

COW-10 PROPOSED RESOLUTION ACCEPTING THE DONATION OF EQUIPMENT FROM TRIDENT TECHNOLOGIES TO THE DEPARTMENT OF FIRE CONTROL

DESCRIPTION: The Fire Chief transmitted County Communication No. 00-287, regarding a proposed resolution to accept the donation of equipment to the Department of Fire Control by Trident Technologies for service at the Kahului Fire Station. The equipment being donated is one SeaPatch/ProMag System--a patching kit used to patch leaks of ships, tanks, or cylinders containing hazardous materials. The fair market value of the donated equipment is estimated to be \$10,100. Attached to the County Communication is a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF A DONATION FROM TRIDENT TECHNOLOGIES TO THE DEPARTMENT OF FIRE CONTROL, COUNTY OF MAUI, PURSUANT TO SECTION 13-8, REVISED CHARTER OF THE COUNTY OF MAUI, AND CHAPTER 3.56, MAUI COUNTY CODE".

STATUS: The Committee will consider whether to recommend acceptance of the equipment through the adoption of the proposed resolution. The Committee may also consider other related action, including the filing of County Communication No. 00-287.

COW-12 PROPOSED RESOLUTIONS ACCEPTING DEDICATION OF LAND BY THE WAILEA RESORT COMPANY, LTD., FOR A NEW FIRE STATION IN SOUTH MAUI

DESCRIPTION: The Mayor transmitted County Communication No. 00-318, regarding a request for acceptance of the dedication of land by the Wailea Resort Company, Ltd., for a new fire station in south Maui. The two properties are comprised of approximately 5.752 acres and are identified for real property tax purposes as TMK No. (2) 3-9-038:026 and a portion of 028 and TMK No. (2) 2-1-008:046 and 113. Attached to the County Communication are two proposed resolutions, each entitled, "ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

STATUS: The Committee will consider whether to recommend acceptance of the land through the adoption of the proposed resolutions. The Committee may also consider other related action, including the filing of County Communication No. 00-318.

COW-2(1) NOMINATIONS TO BOARDS AND COMMISSIONS

DESCRIPTION: The Mayor transmitted County Communication No. 01-34, requesting that the Council consider his nomination of Samuel Kalalau III to the Maui Planning Commission to fill Robert Carroll's unexpired term to end on March 31, 2002. For informational purposes only, the Mayor also advised the Council that Robert Miskae and Kathy Wilson were appointed to the Traffic Safety Council. The Mayor also transmitted respective personal history forms for the nominee and the appointees.

STATUS: The Committee will discuss the qualifications of the nominee, evaluate the information and take appropriate action. The Committee has requested the attendance of Samuel Kalalau III for the purpose of conducting an interview. The Council must approve or disapprove of the nominations by February 27, 2001, or they will be deemed approved. The Committee will consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action, including the filing of County Communication No. 01-34.

**COW-11(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(Childress v. Holokai)**

DESCRIPTION: By letter dated January 3, 2001, the Department of the Corporation Counsel requested that the Committee consider the possible settlement of Karen Childress v. Clyde Holokai, Civil No. 99-0355(1).

STATUS: The Committee will consider whether to recommend that settlement authority be provided in this case. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Department of the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), HRS, 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(8) SPECIAL COUNSEL (O'Connor vs. County of Maui, State of Hawaii et al.)

DESCRIPTION: By letter dated January 22, 2001, the Corporation Counsel requested consideration of a proposed ordinance to authorize the Mayor of the County of Maui to enter into an intergovernmental agreement between the County of Maui and the State of Hawaii to authorize special counsel, Robbins & Rhodes, in O'Connor vs. County of Maui, State of Hawaii et al.; Civil No. 94-0544 (1) to provide legal representation for both the State and County. Attached to the letter is a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE JOINT REPRESENTATION BY SPECIAL COUNSEL ROBBINS & RHODES IN THE MATTER OF O'CONNOR, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL NO. 94-0544(1)".

STATUS: The Committee will consider whether to recommend passage of the proposed bill on first reading. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), HRS, 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(9) SPECIAL COUNSEL (Chun vs. County of Maui, Richard T. Bissen, Jr., et al.)

DESCRIPTION: By letter dated January 22, 2001, the Corporation Counsel requested consideration of a proposed resolution to authorize special counsel, Torkildson Katz Fonseca Jaffe Moore & Hetherington, in Malia C. Chun vs. County of Maui, Richard T. Bissen, Jr., et al.; United States District Court No. CV00-00556SOM/BMK. Attached to the letter is a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN MALIA C. CHUN, v. COUNTY OF MAUI, RICHARD T. BISSEN, JR., ET AL.; CIVIL NO. CV00-00556SOM/BMK".

STATUS: The Committee will consider whether to recommend adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), HRS, 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.

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