

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

February 27, 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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Robert Carroll

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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.

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COW-2(2)

NOMINATIONS TO BOARDS AND COMMISSIONS

DESCRIPTION:

By letter dated January 16, 2001, the Mayor requested consideration of the nomination of James Tyler Lee to the Maui County Grants Review Committee for the term expiring on March 31, 2006.

STATUS:

The Committee previously met on this matter on February 13, 2001. The Committee will discuss the qualifications of the nominee, evaluate the information and take appropriate action. The Council must approve or disapprove of the nomination by March 19, 2001, or the nominee will be deemed approved. The Committee may also consider other related action.

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**COW-11(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(Stafford “Lani” Caparida)**

DESCRIPTION: By letter dated February 6, 2001, the Department of the Corporation Counsel requested that the Committee consider the possible settlement of Stafford “Lani” Caparida v. Maui County, et al., Civil No. 00-1-0153 (3) by recommending approval of a proposed resolution attached to the letter, entitled “AUTHORIZING SETTLEMENT OF THE CLAIM OF STAFFORD “LANI” CAPARIDA VS. MAUI COUNTY, ET AL., CIVIL NO. 00-1-0153(3) ARISING FROM AN ALLEGED ACCIDENT AT THE KAUNAKAKAI GYM, MOLOKAI, ON JUNE 7, 1999”.

STATUS: The Committee previously met on this matter on February 13, 2001. The Committee will consider whether to recommend that settlement authority be provided in this case by recommending adoption of the proposed resolution. 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-11(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (DIEGO VS. CUMMING, ET AL.)

DESCRIPTION: By letter dated February 6, 2001, the Department of the Corporation Counsel requested that the Committee consider the possible settlement of Norman and Patricia Diego vs. James Scott Cumming, et al., Civil No. 99-0764 (3) and Rachele D. Diego, etc. vs. James Scott Cumming, et al.; Civil No. 00-1-0005 (3) by recommending approval of a proposed resolution attached to the letter, entitled “AUTHORIZING SETTLEMENT OF THE CLAIM OF NORMAN AND PATRICIA DIEGO VS. JAMES SCOTT CUMMING, ET AL., CIVIL NO. 99-0764 (3) and RACHELLE D. DIEGO, ETC. VS. JAMES SCOTT CUMMING, ET AL.; CIVIL NO. 00-1-0005 (3) ARISING FROM AN ALLEGED FATAL MOTOR-VEHICLE/MOTORCYCLE ACCIDENT ON NOVEMBER 11, 1998”. The Department of the Corporation Counsel subsequently transmitted a revised version of the proposed bill, entitled “AUTHORIZING SETTLEMENT OF THE CLAIM OF NORMAN AND PATRICIA DIEGO VS. JAMES SCOTT CUMMING, ET AL., CIVIL NO. 99-0764 (3) and RACHELLE D. DIEGO, ETC. VS. JAMES SCOTT CUMMING, ET AL.; CIVIL NO. 00-1-0005 (3) ARISING FROM AN ALLEGED FATAL MOTOR-VEHICLE/MOTORCYCLE ACCIDENT ON NOVEMBER 11, 1999”, correcting the year of the alleged accident from 1998 to 1999.

STATUS: The Committee will consider whether to recommend that settlement authority be provided in this case by recommending adoption of the revised proposed resolution. 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(10) SPECIAL COUNSEL (Burke v. County of Maui)

DESCRIPTION: By letter dated February 6, 2001, the Corporation Counsel requested consideration of a proposed resolution to authorize additional compensation for special counsel Torkildson Katz Fonseca Jaffe Moore & Hetherington (Katz) in Bonnie K. Burke, et al. v. County of Maui, et al., Civil No. 98-00184. Attached to the letter is a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL TORKILDSON, KATZ, FONSECA, JAFFE, MOORE & HETHERINGTON IN BURKE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 98-00184, FOR A TOTAL COMPENSATION LIMIT OF \$300,000".

STATUS: By Resolution Nos. 99-43 (March 19, 1999), 99-96 (June 18, 1999) and 00-50 (May 5, 2000), the Council authorized compensation of up to \$292,000 for the Katz law firm as the County's special counsel in Burke and a related case. 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.

COW-2(3) NOMINATIONS TO BOARDS AND COMMISSIONS (Charter Commission)

DESCRIPTION: By letter dated January 30, 2001, the Mayor requested consideration of the following nominations to the Charter Commission as required by Section 14-3 of the Charter of the County of Maui:

Donn Takahashi
 Vince Bagoyo, Jr.
 Terryl Venci
 William (Bill) Fuhrmann
 G. Stephen Holaday
 Stephen Petro
 Karolyn Mossman
 Robert (Sean) McLaughlin
 Gwen Hiraga
 Carole Ameral
 Erlinda Rosario

STATUS: The Committee previously met on this matter on February 13, 2001. The Committee will discuss the qualifications of the nominees, evaluate the information and take appropriate action. The Council must approve or disapprove of the nominations by March 30, 2001 or they will be deemed approved. The Committee may also consider other related action.