

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

March 13, 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

Dain P. Kane, Chair

G. Riki Hokama, Vice-Chair

Alan M. Arakawa

Robert Carroll

Jo Anne Johnson

Patrick S. Kawano

Michael J. Molina

Wayne K. Nishiki

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 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-2(1)

NOMINATIONS TO BOARDS AND COMMISSIONS (Various)

DESCRIPTION:

County Communication No. 99-33, from the Council Chair, requested that matters related to boards and commissions be referred directly to the prior Council's Governmental Relations and Finance Committee. This Communication was transmitted to the current Council's Committee of the Whole at the beginning of this term. The Committee anticipates a new County Communication at the March 16, 2001 Council meeting, from the current term's Council Chair, to allow matters related to boards and commissions to be directly referred to the Committee. By letter dated February 22, 2001, the Mayor requested consideration of the following nominations to various boards, committees and commissions for terms expiring on March 31, 2006, unless otherwise indicated:

MORE →

COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

Mark Nikaido (reappoint).

COUNCIL ON AGING

Jo Anne Johnson (replacing J. Kalani English), for a term expiring on March 31, 2003.

KULA AGRICULTURAL PARK COMMITTEE

Randy Griebenow; and
Eric Mitchell.

LANAI PLANNING COMMISSION

Roland Kaopuiki; and
Fairfax (Pat) A. Reilly (reappoint).

MAUI COUNTY GRANTS REVIEW COMMITTEE

Ronald Maielua (replacing Sue Kiang), for a term expiring on March 31, 2002.

SUBDIVISION ENGINEERING STANDARDS COMMITTEE

Rebecca Collins; and
Brian Ige.

STATUS:

The Mayor is also requesting that a correction be made to the expiration date of the term of Leticia Castillo on the Lanai Planning Commission, from March 31, 2005 to March 31, 2003.

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 April 23, 2001 or they will be deemed approved. The Committee may also consider other related action, including the possible filing of County Communication No. 99-33.

COW-11(7)

SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (Dereck H. Aveiro v. Maui Police Department, et al. and Guy P. Souza v. Maui Police Department, et al.)

DESCRIPTION:

County Communication No. 99-18, from the Council Chair, requested that matters related to requests for settlement authorization be referred directly to the prior Council's Committee of the Whole. This Communication was transmitted to the current Council's Committee of the Whole at the beginning of this term. The Committee anticipates a new County Communication at the March 16, 2001 Council meeting, from the current term's Council Chair, to allow matters related to requests for settlement authorization to be directly referred to the Committee. By letter dated February 27, 2001, the Department of the Corporation Counsel requested that the Committee consider the possible settlement of Dereck H. Aveiro v. Maui Police Department, et al., Civil No. CV00-00300 DAE LEK and Guy P. Souza v. Maui Police Department, et al., Civil No. CV00-00301 DAE LEK, by recommending approval of a proposed resolution attached to the letter, entitled "APPROVING A PROPOSED SETTLEMENT OF CONSOLIDATED CASES CIVIL NO. CV00-00300 DAE LEK, DERECK H. AVEIRO V. MAUI POLICE DEPARTMENT, ET AL. AND CIVIL NO. CV00-00301 DAE LEK, GUY P. SOUZA V. MAUI POLICE DEPARTMENT, ET AL."

STATUS: The Committee will consider whether to recommend that settlement authority be provided in these consolidated cases 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 and/or County Communication No. 99-18.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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 (Barton J. Adams v. Richard Schwab, et al. and indemnification of Davelyn Tengan, Richard Bissen, Larry Butrick, Richard Priest, Robert Rivera and Joseph Cardoza)

DESCRIPTION: County Communication No. 99-17, from the Council Chair, requested that matters related to requests for special counsel be referred directly to the prior Council's Committee of the Whole. This Communication was transmitted to the current Council's Committee of the Whole at the beginning of this term. The Committee anticipates a new County Communication at the March 16, 2001 Council meeting, from the current term's Council Chair, to allow matters related to requests for special counsel to be directly referred to the Committee. By letter dated February 27, 2001, the Department of the Corporation Counsel requested consideration of two proposed resolutions to authorize special counsel in Barton J. Adams v. Richard Schwab, et al., Civil No. 97-01549 SPK and to indemnify County of Maui employees Davelynn Tengan, Richard Bissen, Larry Butrick, Richard Priest, Robert Rivera, and Joseph Cardoza. Attached to the letter are two proposed resolutions entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN BARTON J. ADAMS V. RICHARD SCHWAB, ET AL., CIVIL NO. 97-01549 SPK" and "INDEMNIFYING EMPLOYEES DAVELYNN TENGAN, RICHARD BISSEN, LARRY BUTRICK, RICHARD PRIEST, ROBERT RIVERA, AND JOSEPH CARDOZA, IN CIVIL NO. 97-01549 SPK, BARTON J. ADAMS V. RICHARD SCHWAB, ET AL."

STATUS: The Committee will consider whether to recommend adoption of the proposed resolutions. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Department of the Corporation Counsel and/or County Communication No. 99-17.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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(2) SPECIAL COUNSEL (Peter Stolle vs. David Craddick, et al.)

DESCRIPTION: By letter dated June 19, 2000, the Department of the Corporation Counsel requested consideration of the possible employment of special counsel to represent the Director of Water Supply in Peter Stolle vs. David Craddick, et al., Civil No. 00-1-0121(1). In a second letter dated March 5, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution to authorize special counsel, Michael Tanoue of The Pacific Law Group, in Peter Stolle vs. David Craddick, et al., Civil No. 00-1-0121(1). Attached to this letter is a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN PETER STOLLE vs. DAVID CRADDICK, ET AL., CIVIL NO. 00-1-0121(1)".

STATUS: The prior Committee of the Whole met on this item on July 6, 2000 and deferred action pending further discussion. 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 Department of the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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-12 APPOINTING THE COUNTY CLERK AND DEPUTY COUNTY CLERK

DESCRIPTION: County Communication No. 01-80, from the Council Chair, requested consideration of the appointment of the County Clerk and the Deputy County Clerk. Attached to the County Communication are two proposed resolutions entitled "APPOINTING THE COUNTY CLERK" and "APPOINTING THE DEPUTY COUNTY CLERK".

STATUS: The Committee will consider whether to recommend adoption of the proposed resolutions. The Committee may conduct interviews with interested candidates, either in open or executive session or both. The Committee may also consider other related action, including the possible filing of County Communication No. 01-80.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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/or HRS § 92-5(a)(2) to consider the hire, evaluation, dismissal, or discipline of an officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.