

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

May 15, 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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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-11(7) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [Matthew R. Baker's Claim No. 00-03]

DESCRIPTION: By letter dated May 4, 2001, Deputy Corporation Counsel Judith M. E. Williams transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 00-03, CLAIM OF MATTHEW R. BAKER". The purpose of the proposed resolution is to authorize settlement of Matthew R. Baker's claim relating to alleged false arrests.

MORE →

STATUS: The Committee will consider whether to recommend that settlement authority be provided for 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 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-11(10) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[Alannah Pascua's Claim No. 99-110]**

DESCRIPTION: By letter dated May 7, 2001, Deputy Corporation Counsel Judith M. E. Williams transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 99-110, CLAIM OF ALANNAH PASCUA". The purpose of the proposed resolution is to authorize settlement of Alannah Pascua's claim relating to alleged personal injury.

STATUS: The Committee will consider whether to recommend that settlement authority be provided for 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 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-11(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [Max
and Martha Ferris's Damage Claim No. 2000-006]**

DESCRIPTION: By letter dated May 4, 2001, First Deputy Corporation Counsel Howard M. Fukushima transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM OF MAX AND MARTHA FERRIS, CLAIM NO. 2000-006". The purpose of the proposed resolution is to authorize additional settlement authority for Max and Martha Ferris's claim for damages relating to the location of a County sewer line.

STATUS: By Resolution No. 00-159, the Council provided initial settlement authority for this case. The Committee will consider whether to recommend that additional settlement authority be provided for 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 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-11(11) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[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)]

DESCRIPTION: By letter dated May 8, 2001, Deputy Corporation Counsel Robert D. Rivera transmitted a proposed resolution 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". The purpose of the proposed resolution is to authorize additional settlement authority for the consolidated cases 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), relating to an alleged fatal motor-vehicle/motorcycle accident.

STATUS: By Resolution No. 01-42, the Council provided initial settlement authority for the consolidated cases. The Committee will consider whether to recommend that additional settlement authority be provided for the 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.

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(10) SPECIAL COUNSEL [Board of Water Supply Request regarding a loan from
the United States Department of Agriculture]

DESCRIPTION: By letter dated May 4, 2001, First Deputy Corporation Counsel Howard M. Fukushima transmitted a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL FOR THE BOARD OF WATER SUPPLY". The purpose of the proposed resolution is to authorize the employment of William W. L. Yuen, Esq., of Ching Yuen and Morikawa, as special counsel for the Board of Water Supply, regarding a loan from the United States Department of Agriculture, subject to an overall compensation limit of \$12,000.

STATUS: The Committee will consider whether to recommend that employment of special counsel for the Board of Water Supply be approved 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 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(11) SPECIAL COUNSEL [Makawao Highlands Housing Project]

DESCRIPTION: By memorandum dated May 8, 2001, the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO INVESTIGATE THE MAKAWAO HIGHLANDS HOUSING PROJECT". The purpose of the proposed resolution is to authorize a maximum hourly compensation rate of \$200 for proposed special counsel Margery S. Bronster, Esq., of Bronster Crabtree & Hoshibata, to represent the County with respect to the Makawao Highlands Housing Project.

STATUS: By Resolution No. 00-72, the Council authorized the Corporation Counsel to employ special counsel, if necessary, to represent the County with respect to the Makawao Highlands Housing Project, subject to a maximum hourly compensation rate of \$150. The Committee will consider whether to recommend that an increased maximum hourly compensation rate be approved by recommending adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced memorandum from 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.

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