

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

September 18, 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

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-1(1) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) [2002 LEGISLATIVE PACKAGE]

DESCRIPTION: By correspondence dated September 10, 2001, the Chair of the Committee advised that the HSAC Executive Committee granted his request to consider additional proposals for the 2002 HSAC Legislative Package, which will be submitted to the State Legislature. The Chair requested that Council members submit proposals in writing.

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STATUS: At its meeting of September 4, 2001, the Committee recommended that the following proposals for State legislation be approved for inclusion in the 2002 HSAC Legislative Package: (1) allow each county to authorize its Council to delegate its responsibility to accept the dedication or surrender of roadways and roadway lots; (2) allow the counties to impose and collect additional fines for violations of State traffic laws; and (3) designate a percentage of revenues from liquor license fees for alcohol-abuse prevention and treatment. The Committee will consider whether to recommend that additional proposals be approved for inclusion in the 2002 HSAC Legislative Package. The Committee may also consider other related action, including the filing of the above-referenced correspondence.

COW-47 PROPOSED BILLS AMENDING SECTION 16.04A.120 AND CHAPTER 16.04A, RELATING TO THE FIRE CODE

DESCRIPTION: By County Communication No. 01-249, the Acting Fire Chief transmitted the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.04A.120, MAUI COUNTY CODE, RELATING TO THE FIRE CODE". The purpose of the proposed bill is to expand the permitted expenditure of funds from the Plan Review, Permit Processing, and Inspection Revolving Fund.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04A, MAUI COUNTY CODE, RELATING TO THE FIRE CODE". The purpose of the proposed bill is to add two sections to Chapter 16.04A of the Maui County Code. The first new section would adopt the National Fire Protection Association (NFPA) 1998 Edition of NFPA 1141, Standard for Fire Protection in Planned Building Groups. The second new section would adopt the NFPA 1999 Edition of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting.

STATUS: The Committee will consider whether to recommend passage of the proposed bills on first reading with or without revisions. The Committee may also consider other related action, including the possible filing of County Communication No. 01-249.

COW-46(10) SPECIAL COUNSEL AND/OR INDEMNIFICATION [WILLIAM D. ANDERSON VS. CITY AND COUNTY OF MAUI, PUBLIC WORKS WASTE WATER DIVISION, ET AL., CIVIL NO. 01-00159 SPK-KSC]

DESCRIPTION: By correspondence dated August 16, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "INDEMNIFYING RANDY LUAT, JOHN KOSTRICK, JOHN OKA AND RON RISKA IN CIVIL NO. 01-00159 SPK-KSC WILLIAM D. ANDERSON VS. CITY AND COUNTY OF MAUI, PUBLIC WORKS WASTE WATER DIVISION; ET AL." and transmitted a copy of the first amended complaint. The first amended complaint alleges civil rights violations. The purpose of the proposed resolution is to authorize the indemnification of various former and current County employees in William D. Anderson vs. City and County of Maui, Public Works Waste Water Division, et al., Civil No. 01-00159 SPK-KSC. In the alternative, the correspondence requests consideration of the authorization of special counsel for the aforementioned former and current County employees.

STATUS: The Committee will consider whether to recommend adoption of the proposed resolution with or without revisions. The Committee may also consider other related action, including the possible filing of the above-referenced correspondence 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(12) SPECIAL COUNSEL [INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR JOINT REPRESENTATION BY SPECIAL COUNSEL ROBBINS & RHODES IN ATAHAN, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 95-0160 (1)]

DESCRIPTION: By correspondence dated August 29, 2001, the Department of the Corporation Counsel requested consideration of 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 ATAHAN, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL NO. 95-0160 (1)". The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii for joint representation by special counsel Robbins & Rhodes in Atahan, et al. vs. County of Maui, et al., Civil No. 95-0160 (1).

STATUS: The Committee will consider whether to recommend passage of the proposed bill on first reading with or without revisions. The Committee may also consider other related action, including the possible filing of the above-referenced correspondence 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.