

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

November 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-11(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [BRIAN JOACHIM VS. LUTHER DAVIS, ET AL., CIVIL NO. 00-1-0223 (2)]

DESCRIPTION: By correspondence dated October 24, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF BRIAN JOACHIM VS. LUTHER DAVIS, ET AL., CIVIL NO. 00-1-0223 (2)" and transmitted a copy of the first amended complaint. The purpose of the proposed resolution is to authorize settlement of the case.

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.

MORE →

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(6) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [HALE O KAULA CHURCH, ET AL. VS. THE MAUI PLANNING COMMISSION, ET AL., CIVIL NO. CV 01-00615 SPK KSC]

DESCRIPTION: By correspondence dated November 6, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. CV 01-00615 SPK KSC, HALE O KAULA, ET AL. VS. THE MAUI PLANNING COMMISSION, ET AL." and transmitted a copy of the first amended complaint. The purpose of the proposed resolution is to authorize settlement of the case.

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 [LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV-01-00689 ACK (LEK)]

DESCRIPTION: By correspondence dated November 6, 2001, the Department of the Corporation Counsel requested consideration of the following proposed resolutions for indemnification or in the alternative, special counsel:

1. A proposed resolution entitled "INDEMNIFYING J. KALANI ENGLISH, MICHAEL A. DAVIS, JOHN WAYNE ENRIQUES, AND DENNIS Y. NAKAMURA, IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the indemnification of J. Kalani English, Michael A. Davis, John Wayne Enriquez, and Dennis Y. Nakamura in Laki Kaahumanu, et al. vs. County of Maui, et al., Civil No. CV-01-00689 ACK (LEK);
2. A proposed resolution entitled "INDEMNIFYING G. RIKI HOKAMA IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the indemnification of G. Riki Hokama in Laki Kaahumanu, et al. vs. County of Maui, et al., Civil No. CV-01-00689 ACK (LEK);
3. A proposed resolution entitled "INDEMNIFYING DAIN P. KANE IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the indemnification of Dain P. Kane in Laki Kaahumanu, et al. vs. County of Maui, et al., Civil No. CV-01-00689 ACK (LEK);
4. A proposed resolution entitled "INDEMNIFYING PATRICK S. KAWANO IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the indemnification of Patrick S. Kawano in Laki Kaahumanu, et al. vs. County of Maui, et al., Civil No. CV-01-00689 ACK (LEK);

5. A proposed resolution entitled "INDEMNIFYING WAYNE K. NISHIKI IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the indemnification of Wayne K. Nishiki in Laki Kaahumanu, et al. vs. County of Maui, et al., Civil No. CV-01-00689 ACK (LEK); and
6. A proposed resolution entitled "INDEMNIFYING CHARMAINE TAVARES IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the indemnification of Charmaine Tavares in Laki Kaahumanu, et al. vs. County of Maui, et al., Civil No. CV-01-00689 ACK (LEK).

Attached to the request was a copy of the first amended complaint, alleging civil rights violations.

STATUS: The Committee will consider whether to recommend adoption of the proposed resolutions 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.