

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

December 4, 2001

1:30 p.m.

Council Chamber, 8<sup>th</sup> 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](mailto: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. 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-41**

### **PROPOSED ORDINANCE TO ACCEPT REAL PROPERTY ONLY WITH INSURABLE TITLE AND BY WARRANTY DEED**

**DESCRIPTION:**

By County Communication No. 01-108, Councilmember Wayne K. Nishiki transmitted a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.44, MAUI COUNTY CODE, REGARDING ACCEPTANCE OF REAL PROPERTY ONLY WITH INSURABLE TITLE AND BY WARRANTY DEED". The purpose of the draft bill is to ensure that the County avoids costly legal disputes, by prohibiting the acceptance of real property without clear title.

MORE →

**STATUS:** The Committee will consider whether to recommend any legislative action. The Committee may also consider other related action, including the possible filing of County Communication No. 01-108.

**COW-11(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
[ARTHUR E. K. SEVIGNY’S CLAIM]**

**DESCRIPTION:** By correspondence dated November 15, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled “APPROVING A PROPOSED SETTLEMENT OF THE CLAIM OF ARTHUR E. K. SEVIGNY” and transmitted a copy of the claim. The claim alleges damages due to a motor-vehicle accident. The purpose of the proposed resolution is to authorize settlement of the claim.

**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-11(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
[MUALLA ATAHAN, INDIVIDUALLY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL  
NO. 95-0160 (1)]**

**DESCRIPTION:** By correspondence dated November 27, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled “APPROVING A PROPOSED SETTLEMENT OF MUALLA ATAHAN, INDIVIDUALLY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 95-0160 (1)” and transmitted a copy of the complaint and other related documents. The complaint alleges beach liability. The purpose of the proposed resolution is to authorize settlement of the case.

**STATUS:** The prior Council’s Committee of the Whole met on this matter three times without recommending settlement of the case. 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.