

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

January 8, 2002

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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Jo Anne Johnson

Patrick S. Kawano

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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. 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.

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COW-2(1)

NOMINATIONS TO BOARDS AND COMMISSIONS [VARIOUS]

DESCRIPTION:

By correspondence dated December 4, 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) and advised that two members on the Committee on Status of Women have been replaced. The Mayor also transmitted personal history forms for the nominees.

A. **BOARD OF WATER SUPPLY**

1. Jeffrey Eng (replacing Elmer Cravalho), expiring on 03/31/02.

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- B. CHARTER COMMISSION
 - 1. Raymond DeMello (replacing Carole Ameral), no expiration date.
- C. COMMITTEE ON STATUS OF WOMEN
 - 1. Cecilia Alvarado (replacing Jill Bauss), expiring on 03/31/03; and
 - 2. Cynthia Cary (replacing Amanda Martin), expiring on 03/31/05.
- D. POLICE COMMISSION
 - 1. John "Keone" Ball (replacing John Arisumi), expiring on 03/31/04.
- E. STREET LIGHTING COMMITTEE
 - 1. Steven Sutrov.

STATUS: The Council must approve or disapprove of the nominations by February 1, 2002, or they will be deemed approved. The Committee will consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action.

COW-46(11) SPECIAL COUNSEL [COUNTY OF MAUI V. MICHAEL S. SPALDING, ET AL., CIVIL NO. 01-1-0602 (1)]

DESCRIPTION: By correspondence dated December 28, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN COUNTY OF MAUI V. MICHAEL S. SPALDING, ET AL., CIVIL NO. 01-1-0602 (1)" and transmitted a copy of the complaint. The purpose of the proposed resolution is to authorize the employment of special counsel Watanabe Ing & Kawashima in County of Maui v. Michael S. Spalding, et al.; Civil No. 01-1-0602 (1).

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(10) SPECIAL COUNSEL [BOARD OF WATER SUPPLY'S BOND COUNSEL FOR A LOAN FROM USDA]

DESCRIPTION: By correspondence dated December 19, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING AMENDMENT TO AGREEMENT REGARDING LEGAL SERVICES FOR SPECIAL COUNSEL WILLIAM YUEN FOR THE BOARD OF WATER SUPPLY". The purpose of the proposed resolution is to authorize additional compensation for special counsel William Yuen, acting as bond counsel for the Board of Water Supply regarding the procurement of a United States Department of Agriculture loan for the Ulumalu-Peahi water system.

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(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[ARTHUR AND KENDRA SEVIGNY'S CLAIM AND TIG INSURANCE'S CLAIM ON
BEHALF OF JAMES AND MARIA KATO; CLAIM NO. 1774228]**

DESCRIPTION: By correspondence dated December 28, 2001, the Department of the Corporation Counsel requested consideration of a revised proposed resolution entitled "APPROVING A ROPOSED SETTLEMENT OF CLAIM NO. 1774228 (A), CLAIM OF ARTHUR AND KENDRA SEVIGNY" and a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 1774228 (B) OF TIG INSURANCE ON BEHALF OF ITS INSURED, JAMES AND MARIA KATO". The purpose of the resolutions is to authorize settlement of the claim. By correspondence dated November 15, 2001, the Department of the Corporation Counsel transmitted a copy of the claim alleging damages due to a motor-vehicle accident.

STATUS: The Committee previously met on this matter on December 4, 2001 and deferred action without discussion. 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.

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