

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

January 29, 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/>

e-mail: cow.committee@co.maui.hi.us

COMMITTEE MEMBERS

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Robert Carroll

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.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

COW-11(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [ROBERT H. LUDLOW, JR. V. COUNTY OF MAUI, ET AL., CIVIL NO. 99-0652 (1)]

DESCRIPTION: By correspondence dated January 11, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 99-0652 (1), ROBERT H. LUDLOW, JR., v. COUNTY OF MAUI, ET AL." and transmitted a copy of the first amended complaint. The complaint alleges personal injury arising when the plaintiff fell out of his wheelchair due to a hole in the sidewalk. 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.

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**COW-11(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[COSCO PROPERTIES' CLAIM NO. 2001-032]**

DESCRIPTION: By correspondence dated January 15, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2001-032, CLAIM OF COSCO PROPERTIES, LLC." and transmitted a copy of the claim and other related documents. The claim alleges damages due to a broken water main that caused sewer backup and flooding. The purpose of the proposed resolution is to authorize settlement of the claim for \$7,026.90.

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(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[ALFREDO VILLANUEVA'S WORKERS' COMPENSATION CLAIM, CASE
NO. 7-98-03467]**

DESCRIPTION: By correspondence dated December 28, 2001, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF ALFREDO VILLANUEVA V. COUNTY OF MAUI, CASE NO. 79803467". The purpose of the proposed resolution is to authorize settlement of a workers' compensation 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(9) SPECIAL COUNSEL [WILLIAM G. MEYER, III, ESQ. TO ASSIST THE COUNTY
IN PURSUING A CIVIL COMPLAINT FOR COPYRIGHT INFRINGEMENT AGAINST
BRIAN OGAWA AND VOLCANO PUBLICATIONS]**

DESCRIPTION: By correspondence dated January 15, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL WILLIAM G. MEYER, III, ESQ., TO ASSIST THE COUNTY IN PURSUING A CIVIL COMPLAINT FOR COPYRIGHT INFRINGEMENT AGAINST BRIAN OGAWA AND VOLCANO PUBLICATIONS". The purpose of the proposed resolution is to authorize special counsel William G. Meyer, III, Esq. to assist the County in pursuing a civil complaint for copyright infringement against Brian Ogawa and Volcano Publications.

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-3(4) STATUS REPORTS ON LEGAL MATTERS [COMPLIANCE WITH THE SUNSHINE LAW]

DESCRIPTION: By correspondence, dated December 28, 2001, the Department of the Corporation Counsel requested an opportunity to discuss the State court consent decree in James R. Smith v. James H. Apana, Jr., et al., Civil No. 97-0536 (2). The lawsuit charged County officials and entities with violating the State Sunshine Law (Chapter 92, Part I, Hawaii Revised Statutes).

STATUS: The prior Council's Committee of the Whole met on this matter twice without recommending legislative action. The Committee will consider whether to recommend any legislative action on this item. 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-30 RULES OF THE COUNCIL

DESCRIPTION: By County Communication No. 01-59, the Council Chair transmitted a copy of Resolution No. 01-4, entitled "ADOPTING THE RULES OF THE COUNCIL". Resolution No. 01-4 was adopted at the Council meeting of January 2, 2001.

STATUS: On February 15, 2001 and August 14, 2001, the Committee deferred consideration of this matter pending further discussion. The Committee will consider whether to recommend revisions to Section 7 of the Rules of the Council, relating to voting and recording of votes, by resolution. The Committee may consider other related action.