

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

February 26, 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

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.

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COW-54

DONATION TO THE DEPARTMENT OF FIRE CONTROL FROM BREWER ENVIRONMENTAL INDUSTRIES, LLC

DESCRIPTION:

By County Communication No. 02-38, the Acting Fire Chief transmitted a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF EQUIPMENT FROM BREWER ENVIRONMENTAL INDUSTRIES, LLC. TO THE DEPARTMENT OF FIRE CONTROL, COUNTY OF MAUI, FOR USE BY THE HAZMAT TEAM, PURSUANT TO CHAPTER 3.56 OF THE MAUI COUNTY CODE". The purpose of the proposed resolution is to authorize the acceptance of the donation of equipment valued at \$30,000 for use by the Department of Fire Control's Hazmat Team.

STATUS:

The Committee may 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 County Communication No. 02-38.

MORE →

COW-1(1) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) [PROPOSED ADDITION TO THE 2002 HSAC LEGISLATIVE PACKAGE]

DESCRIPTION: By correspondence dated January 18, 2002, the Committee Chair requested consideration of a proposal from the HSAC President for the possible inclusion of a bill relating to a beverage container deposit in the 2002 HSAC Legislative Package (HB 1256, HD 2, SD 2).

STATUS: The Committee may consider whether to recommend approval of the proposed addition of the aforementioned bill to the 2002 HSAC Legislative Package. The Committee may also consider other related action, including the possible filing of the above-referenced correspondence.

COW-35 PROPOSED RESOLUTION ENCOURAGING SUPPORT TO RECOGNIZE SURFING AS AN INTERSCHOLASTIC SPORT

DESCRIPTION: By County Communication No. 01-299, Councilmember Charmaine Tavares transmitted a proposed resolution entitled "ENCOURAGING SUPPORT TO RECOGNIZE SURFING AS AN INTERSCHOLASTIC SPORT". The purpose of the proposed resolution is to urge support for establishing surfing as a sanctioned interscholastic sport in the State of Hawaii.

STATUS: The Committee may 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 County Communication No. 01-299.

COW-11(7) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [DIANE GARRETT V. REID NAKAMURA, ET AL., CIVIL NO. 01-1-0163 (3)]

DESCRIPTION: By correspondence dated January 28, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED FINAL SETTLEMENT RELATING TO THE REMAINING CLAIMS OF DIANE GARRETT V. REID S. NAKAMURA, ET AL., CIVIL NO. 01-1-0163 (3)" and transmitted a copy of the complaint. The complaint alleges property damage and personal injury arising from a motor-vehicle accident. The purpose of the proposed resolution is to authorize settlement of the case.

STATUS: The Committee may 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(10) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [RICHARD I. CHERRY'S WORKER'S COMPENSATION CLAIM, CASE NO. 7-94-00939]

DESCRIPTION: By correspondence dated February 6, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF RICHARD I. CHERRY V. COUNTY OF MAUI, DEPARTMENT OF LIQUOR CONTROL, CASE NO. 7-94-00939". The purpose of the proposed resolution is to authorize settlement of a workers' compensation case.

STATUS: The Committee may 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 DELIMA, SR.'S WORKERS' COMPENSATION CLAIM, CASE
NO. 7-93-03755]**

DESCRIPTION: By correspondence dated February 6, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF ARTHUR DELIMA, SR. V. COUNTY OF MAUI, DEPARTMENT OF LIQUOR CONTROL, CASE NO. 7-93-03755". The purpose of the proposed resolution is to authorize settlement of a workers' compensation case.

STATUS: The Committee may 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(11) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[AMENDMENTS TO THE CONSENT DECREE FILED IN EDWIN HENSLEY V.
COUNTY OF MAUI, CIVIL NO. 97-00342 HG]**

DESCRIPTION: By correspondence dated February 15, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING PROPOSED AMENDMENTS TO THE CONSENT DECREE FILED IN CIVIL NO. 97-00342 HG, EDWIN HENSLEY V. COUNTY OF MAUI". The purpose of the proposed resolution is to authorize the proposed amendments to the Consent Decree in the case.

STATUS: The Committee may 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.