

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

Date: June 18, 2002 (1:30 p.m.) [Council Chamber, 8th Floor, Kalana O Maui Bldg.,
200 South High Street, Wailuku, Maui, Hawai'i]

NOTE: Executive meetings, if any, will be in the Committee Room, 7th Floor, Kalana O
Maui Bldg., while the public meeting is in recess

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

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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-57

PROPOSED RESOLUTION AMENDING SECTION 08-101-50 OF THE LIQUOR CONTROL COMMISSION RULES

DESCRIPTION:

By County Communication No. 02-94, the Director of Liquor Control transmitted a proposed resolution entitled "APPROVING AN AMENDMENT TO SECTION 08-101-50 OF THE RULES OF THE LIQUOR CONTROL COMMISSION". The purpose of the proposed resolution is to approve an amendment to the rules of the Liquor Control Commission that would: (1) establish a fee to obtain a retail alcohol liquor license; and (2) eliminate the percentage fee assessed to any manufacturer licensee whose wine is manufactured from fruits grown in the State.

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. 02-94.

MORE →

COW-11(11) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [PETER AKUNA V. COUNTY OF MAUI, CASE NO. 7-98-01074]

DESCRIPTION: By correspondence dated June 4, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF PETER AKUNA V. COUNTY OF MAUI, CASE NO. 7-98-01074" and transmitted a copy of the decision of the State Department of Labor and Industrial Relations Disability Compensation Division. The claimant alleges work-related injuries sustained on March 12, 1998. 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(14) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [ALANNAH PASCUA, CLAIM NO. 99-110]

DESCRIPTION: By correspondence dated June 4, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 99-110, CLAIM OF ALANNAH PASCUA" and transmitted a copy of Resolution No. 01-92. Resolution No. 01-92 authorized settlement of this claim. The claim alleges damages due to personal injury. The purpose of the proposed resolution is to provide additional settlement authority for the claim.

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(15) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [CONSOLIDATED CASES OF MAALAEA KAI ENTERPRISES, INC., ET AL. V. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 98-0630 (3) AND KEVIN M. HOGAN, ET AL. V. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 99-0132 (3)]

DESCRIPTION: By correspondence dated June 5, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF MAALAEA KAI ENTERPRISES, INC., ET AL., VS. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 98-0630 (3), KEVIN M. HOGAN, ET AL., VS. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 99-0132 (3)" and transmitted a copy of Resolution No. 01-186. Resolution No. 01-186 authorized settlement of these consolidated cases. The complaints include allegations of negligence, nuisance, trespass, civil conspiracy, pollution, and punitive damages. The purpose of the proposed resolution is to provide additional settlement authority for the consolidated cases.

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
[SANDRA YAMASHITA, CLAIM NO. 2002-030/1778111]**

DESCRIPTION: By correspondence dated May 28, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2002-030/1778111, CLAIM OF SANDRA YAMASHITA" and transmitted a copy of the claim. The claim alleges damages relating to a motor-vehicle accident. The purpose of the proposed resolution is to authorize settlement of the claim for \$4,644.39.

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-46(14) SPECIAL COUNSEL [BURKE V. MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. CV98-00184 SOM]

DESCRIPTION: By correspondence dated June 5, 2002, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR THE EMPLOYMENT OF SPECIAL COUNSEL TORKILDSON, KATZ, FONSECA, JAFFE, MOORE & HETHERINGTON IN BURKE V. MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. CV98-00184 SOM". The purpose of the proposed resolution is to authorize additional compensation in the amount of \$5,000 (for a cumulative compensation limit of \$310,000) for special counsel Torkildson Fonseca Jaffe Moore & Hetherington in Burke v. Maui Police Department, et al., Civil No. CV98-00184 SOM.

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.