

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

Date: September 3, 2002 (1:30 p.m.) [Council Chamber, 8<sup>th</sup> Floor, Kalana O Maui Bldg., 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](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

Danny A. Mateo

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.*

**COW-57**

### **PROPOSED RESOLUTION APPROVING COUNTY'S ACQUISITION OF DUKE MALIU PARK ON MOLOKAI**

**DESCRIPTION:**

The Committee is in receipt of County Communication No. 02-153, from the Director of Parks and Recreation, transmitting a proposed resolution entitled, "APPROVING THE COUNTY'S ACQUISITION OF REAL PROPERTY IN MOLOKAI PURSUANT TO SECTION 3.44.015 (B), MAUI COUNTY CODE". The purpose of the proposed resolution is to authorize the acquisition of real property in Kaunakakai, Molokai, Hawaii, known as Duke Maliu Park, comprised of approximately 13.145 acres of land, TMK: (2) 5-3-003:012 for a purchase price of up to \$359,000.

**STATUS:**

The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may consider other related action, including the possible filing of County Communication No. 02-153.

MORE →

**COW-53            PROPOSED BILL AMENDING SECTION 2.38.030, RELATING TO COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES**

**DESCRIPTION:**    The Committee is in receipt of County Communication No. 02-37, from the Director of Public Works and Waste Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.38.030, MAUI COUNTY CODE, RELATING TO COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES". The purpose of the proposed bill is to reduce the number of members of the Commission from nine to five.

**STATUS:**            The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may consider other related action, including the possible filing of County Communication No. 02-37.

**COW-60            PROPOSED BILL AMENDING SECTION 2.12.040 OF THE MAUI COUNTY CODE PERTAINING TO THE DEPARTMENT OF THE PUBLIC PROSECUTOR**

**DESCRIPTION:**    The Committee is in receipt of County Communication No. 02-132, from a Deputy Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.12.040, MAUI COUNTY CODE, PERTAINING TO THE DEPARTMENT OF THE PUBLIC PROSECUTOR". The purpose of the proposed bill is to grant investigators within the Department of the Prosecuting Attorney the powers and privileges of a County police officer.

**STATUS:**            The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may consider other related action, including the possible filing of County Communication No. 02-132.

**COW-11(12)        SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (NAOMI M.L.K. GUTH, ET AL. V. HAINES BURT FREELAND, ET AL., CIVIL NO. 97-0727 (2))**

**DESCRIPTION:**    The Committee is in receipt of correspondence dated August 5, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF NAOMI M.L.K. GUTH, ET AL., V. HAINES BURT FREELAND ET AL., CIVIL NO. 97-0727 (2)" and transmitted a copy of the complaint. The complaint alleges damages due to a corpse being left un-refrigerated at the County morgue. 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  
(FRANCES OSHIRO'S WORKERS' COMPENSATION CASE NO. 7-00-03725)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 2, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF FRANCES C. OSHIRO VS. COUNTY OF MAUI, CASE NO. 7-00-03725". The matter involves allegations of work-related injuries sustained on October 11, 2000 by Frances Oshiro, a County employee. 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(11) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(MANUEL GARCIA'S WORKERS' COMPENSATION CASE NOS. 7-88-04784,  
7-88-04785, 7-89-05272, 7-92-04888 AND 7-93-00200)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 2, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MANUEL F. GARCIA VS. COUNTY OF MAUI, CASE NOS. 7-88-04784, 7-88-04785, 7-89-05272, 7-92-04888, AND 7-93-00200" and transmitting a copy of a decision and order dated September 18, 1998 and a supplemental decision dated April 8, 1997. The matter involves allegations of work-related injuries sustained on September 17, 1988, September 23, 1988, October 18, 1988, September 18, 1989, and August 31, 1992 by Manuel Garcia, a County employee. 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-1(1) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (PROPOSALS  
FOR THE 2003 HSAC LEGISLATIVE PACKAGE AND APPROVAL OF THE 2003  
HSAC LEGISLATIVE PROGRAM POLICY STATEMENT)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 28, 2002, from the Committee Chair, transmitting correspondence dated August 23, 2002 from the HSAC President, requesting submittal of proposals for the 2003 HSAC Legislative Package and approval of the 2003 HSAC Legislative Program Policy Statement.

**STATUS:** The Committee may consider whether to recommend transmittal of proposals for the HSAC 2003 Legislative Package and approval of the proposed 2003 HSAC Legislative Policy Statement. The Committee may also consider other related action, including the possible filing of the above-referenced correspondence.