

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

Date: October 1, 2002 (1:30 p.m.) [Council Chamber, 8th 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

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.

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COW-2(2)

NOMINATIONS TO BOARDS AND COMMISSIONS (VARIOUS)

DESCRIPTION:

The Committee is in receipt of County Communication No. 02-176 from the Mayor, requesting consideration of the following nominations to various boards, committees, and commissions (for terms expiring on March 31, 2007, unless otherwise indicated). The Mayor also transmitted application forms for the nominees.

- A. BOARD OF VARIANCES AND APPEALS
 1. Maile Lu`uwai (replacing Joy White).
- B. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 1. James Riley (replacing Michael Ishikawa), expiring on March 31, 2004.
 2. Derick Yoro (replacing Donn Takahashi), expiring on March 31, 2005.
- C. URBAN DESIGN REVIEW BOARD
 1. Craig Murayama (replacing Alvin Nakamura).

MORE →

STATUS: The Council must approve or disapprove of the nominations by October 29, 2002, or they will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action, including the possible filing of County Communication No. 02-176 .

COW-51 ESTABLISHING A WEST MAUI ACUTE CARE FACILITY

DESCRIPTION: The Committee is in receipt of County Communication No.02-35, from Councilmember Carroll, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE AND THE GOVERNOR OF THE STATE OF HAWAII TO ESTABLISH A WEST MAUI ACUTE CARE FACILITY". The purpose of the proposed resolution is to urge the State to establish an acute care facility in West Maui.

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. 02-35.

COW-5 RESOLUTION AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF LAND IN LAHAINA

DESCRIPTION: The Committee is in receipt of the following:

1. Resolution No. 00-166 entitled, "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF LAND AT LAHAINA, MAUI, HAWAII". The purpose of the proposed resolution is to authorize condemnation of real property for public purposes relating to Phase III of the Lower Honoapiilani Road Improvements in Lahaina. The proposed resolution identifies the subject property as TMK: (2) 4-3-010:006 and (2) 4-3-006:041, together consisting of approximately 2,628 square feet and 4,958 square feet for a construction easement.
2. Correspondence dated August 30, 2002 from the Chair of the Committee, transmitting correspondence dated August 26, 2002 from the Director of Public Works and Waste Management, transmitting a revised proposed resolution entitled, "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF LAND AT LAHAINA, MAUI, HAWAII" and other related documents. The purpose of the revised proposed resolution is to replace Resolution No. 00-166 and to authorize condemnation of real property for public purposes relating to Phase III of the Lower Honoapiilani Road Improvements in Lahaina. The revised proposed resolution identifies the subject property as portions of TMK: (2) 4-3-010:004, consisting of approximately 811 square feet for a construction easement and 210 square feet for a road widening lot.

STATUS: The Committee may consider whether to recommend passage of the revised proposed resolution on first reading, with or without revisions. The Committee may consider other related action, including the possible filing of Resolution No. 00-166.

COW-11(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (DAMAGE CLAIM OF HEIDRUN DAHLHAUS, CLAIM NO. 2002-069/1781309-196)

DESCRIPTION: The Committee is in receipt of correspondence dated September 12, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2002-069/1781309-196, CLAIM OF HEIDRUN DAHLHAUS" and transmitting a copy of the claim. The claim alleges damages related to an automobile accident. The purpose of the proposed resolution is to authorize settlement of the claim for \$18,000.

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(7) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(DAMAGE CLAIM OF BRETT SMITH, CLAIM NO. 2001-006/1773775-0187)**

DESCRIPTION: The Committee is in receipt of correspondence dated September 10, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2001-006/1773775-0187, CLAIM OF BRETT SMITH" and transmitted a copy of the claim. The claim alleges damages related to an automobile accident. The purpose of the proposed resolution is to authorize settlement of the claim for \$10,000.

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(12) SPECIAL COUNSEL (MICHAEL KAHO`OHANO HANO V. COUNTY OF MAUI,
CIVIL NO. 02-00296 HG/BMK)**

DESCRIPTION: The Committee is in receipt of correspondence dated September 18, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MARR, HIPPI, JONES & PEPPER, IN MICHAEL KAHO`OHANO HANO VS. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK". The purpose of the proposed resolution is to authorize the employment of special counsel Marr, Hipp, Jones & Pepper to represent the County of Maui, in Michael Kaho`ohanohano v. County of Maui, Civil No. 02-00296 HG/BMK for a compensation limit of \$10,000.

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.