

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

Date: November 12, 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.

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

COW-11(14) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (RAYMOND F. BURNS V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 02-00334 ACK KSC)

DESCRIPTION: The Committee is in receipt of correspondence dated October 23, 2002, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RAYMOND F. BURNS V. COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS & WASTE MANAGEMENT, CIVIL NO. CV 02-00334 ACK KSC". A copy of the amended complaint was transmitted on October 22, 2002. The complaint alleges sexual harassment, religious discrimination, emotional distress, and negligence. The purpose of the proposed resolution is to authorize settlement of the case for \$5,000.

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.

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COW-67 AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN OR, IN THE ALTERNATIVE, ACQUISITION BY NEGOTIATION OF LAND AT LAHAINA, MAUI, HAWAII PURSUANT TO SECTIONS 3.44.015(D) AND 3.44.015(B), MAUI COUNTY CODE

DESCRIPTION: The Committee is in receipt of County Communication No. 02-225, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN OR, IN THE ALTERNATIVE, ACQUISITION BY NEGOTIATION OF LAND AT LAHAINA, MAUI, HAWAII PURSUANT TO SECTIONS 3.44.015(D) AND 3.44.015(B), MAUI COUNTY CODE". The purpose of the proposed resolution is to authorize proceedings in eminent domain, or alternatively, if the appraised value of the subject property exceeds \$100,000, then for acquisition of land by negotiation for a purchase price not to exceed the appraised value of the subject property. The subject property consists of approximately 21,524 square feet and is located in Lahaina, Maui, TMK: (2) 4-5-012:018.

STATUS: The Committee may consider whether to recommend passage of the resolution on first reading, with or without revisions. The Committee may consider other related action, including the possible filing of County Communication No. 02-225.

COW-11(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CLAIM OF COUNCILMEMBER JO ANNE JOHNSON RELATING TO ATTORNEY'S FEES ARISING FROM BOARD OF ETHICS COMPLAINTS)

DESCRIPTION: By correspondence dated October 23, 2002, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING PAYMENT OF CLAIM NO. 2002-072/1781488, CLAIM OF JO ANNE JOHNSON". The purpose of the proposed resolution is to authorize settlement of Claim No. 2002-072/1781488, from Councilmember Jo Anne Johnson, requesting compensation for attorney's fees arising from Board of Ethics complaints filed against her (currently estimated by her attorney as \$11,983.30).

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(13) SPECIAL COUNSEL (ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL REPRESENTING COUNCILMEMBER JO ANNE JOHNSON BEFORE THE BOARD OF ETHICS)

DESCRIPTION: By correspondence dated October 23, 2002, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL ANTHONY L. RANKEN TO ADVISE AND REPRESENT COUNCILMEMBER JO ANNE JOHNSON BEFORE THE BOARD OF ETHICS ON COMPLAINT NOS. 02-2 THROUGH 02-13". The purpose of the proposed resolution is to authorize additional compensation, as requested by special counsel Anthony L. Ranken, Esq. (currently requesting additional compensation of up to \$5,665.73, for a total compensation limit of up to \$15,665.73).

STATUS: By Resolution No. 02-116, the Council authorized the retention of Anthony L. Ranken, Esq. as special counsel to advise and represent Councilmember Jo Anne Johnson on Board of Ethics Complaint Nos. 02-2 through 02-13 for a maximum hourly rate of \$175 and an overall compensation limit of \$10,000. 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.

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