

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

August 6, 2009
9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: www.mauicounty.gov/committees/COW
e-mail: cow.committee@mauicounty.us

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VOTING MEMBERS

Michael J. Molina, Chair

Danny A. Mateo, Vice-Chair

Gladys C. Baisa

Jo Anne Johnson

Sol P. Kaho'ohalahala

Bill Kauakea Medeiros

Wayne K. Nishiki

Joseph Pontanilla

Michael P. Victorino

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 (Kirstin Hamman or Camille Sakamoto) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 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-2(6) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated July 21, 2009 (received July 22, 2009), from the Mayor, requesting consideration of the following nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days for terms expiring as indicated:

A. BOARD OF VARIANCES AND APPEALS

1. Ray Shimabuku (replacing John Torchiana), for a term expiring on March 31, 2014.

B. COMMISSION ON CHILDREN AND YOUTH

1. Sunny Cabello (replacing Lydia Lee), for a term expiring on March 31, 2011.

MORE →

C. COST OF GOVERNMENT COMMISSION

1. Ivan Lay (replacing Gina Marie Flammer), for a term expiring on March 31, 2010.

D. SALARY COMMISSION

1. Agnes Terao-Guiala (replacing Douglas Levin), for a term expiring on March 31, 2010.

STATUS: The Council must approve or disapprove the nominations by September 20, 2009, or the nominations will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

COW-2(7) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated July 29, 2009 (received July 29, 2009), from the Mayor, requesting consideration of the following nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days for terms expiring as indicated:

A. CIVIL SERVICE COMMISSION

1. Arnold Wunder (replacing Ellen Pelissero), for a term expiring on March 31, 2011.

B. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Gene Zarro, for a term expiring on March 31, 2014.

STATUS: The Council must approve or disapprove the nominations by September 27, 2009, or the nominations will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

COW-1(10) LITIGATION MATTERS (PROPOSED SETTLEMENT: CLAIM OF WADE H. SAUNDERS, CLAIM NO. 2007-080)

DESCRIPTION: The Committee is in receipt of correspondence dated June 9, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2007-080 OF WADE H. SAUNDERS", and transmitting a copy of the claim. The claim alleges that on October 13, 2007, Mr. Saunders was injured at D.T. Fleming Beach Park in Kapalua, Maui. The purpose of the proposed resolution is to authorize settlement of the case for \$10,358.17.

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.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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; and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

COW-1(13) LITIGATION MATTERS (PROPOSED SETTLEMENT: CLAIM OF RONALD PIRONE, CLAIM NO. 2007-083)

DESCRIPTION:

The Committee is in receipt of the following:

1. Correspondence dated July 24, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution authorizing settlement of Claim No. 2007-083 of Ronald Pirone, and transmitting copies of a release and indemnity agreement dated June 5, 2009 and the claim. The claim alleges bodily injuries related to an incident near the Mokulele Highway and Hansen Road intersection in Kahului, Maui, on September 4, 2007.
2. Correspondence dated July 30, 2009, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2007-083 OF RONALD PIRONE". The purpose of the proposed resolution is to authorize settlement of the case for \$15,000.

STATUS:

The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider other related action.

NOTE:

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.