

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

October 1, 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

MAUI COUNTY
COUNTY CLERK

2009 SEP 25 AM 10:19

RECEIVED

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(8)

**NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(VARIOUS)**

DESCRIPTION:

The Committee is in receipt of correspondence dated August 25, 2009 (received August 26, 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 on the dates indicated:

A. COUNCIL ON AGING

1. Judith Mikami (replacing Deldrine Manera), for a term expiring on March 31, 2013; and
2. Wanda McMaster (replacing Amy Kastens), for a term expiring on March 31, 2012.

B. LANAI PLANNING COMMISSION

1. David Green (replacing Darlene Endrina), for a term expiring on March 31, 2013.

MORE →

STATUS: The Council must approve or disapprove the nominations by October 25, 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-3 (3) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (NOMINATION TO THE NATIONAL ASSOCIATION OF COUNTIES' (NACO) BOARD OF DIRECTORS)

DESCRIPTION: The Committee is in receipt of correspondence dated September 1, 2009, from Councilmember Joseph Pontanilla, requesting consideration of Honolulu City Councilmember Romy Cachola to the NACo Board of Directors.

STATUS: The Committee may consider whether to recommend approval of Councilmember Cachola to the NACo Board of Directors. The Committee may also consider other related action.

COW-1(11) LITIGATION MATTERS (SETTLEMENT: EVELYN GOO, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 08-00172 DAE BMK; AND IN THE MATTER OF MAUI'S BEST GIFT AND CRAFT FAIR, LLC, APPEAL OF THE NOTICE OF VIOLATION, DOCKET NOS. BVA 2005-0013, BVA 2005-0024, AND BVA 2005-0027)

DESCRIPTION: The Committee is in receipt of correspondence dated September 17, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF EVELYN GOO, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 08-00172 DAE BMK; AND IN THE MATTER OF MAUI'S BEST GIFT & CRAFT FAIR, LLC APPEAL OF THE NOTICE OF VIOLATION ISSUED BY THE DIRECTOR OF PLANNING IN REGARD TO THE USE OF PROPERTY LOCATED AT 270 LAHAINALUNA ROAD, LAHAINA, MAUI, HAWAII TMK (2) 4-6-010:025, DOCKET NOS. BVA 2005-0013, BVA 2005-0024 AND BVA 2005-0027". The complaint alleges interference with contractual relations and prospective economic advantage, breach of the duty of good faith and fair dealing, and violation of plaintiffs' constitutional rights through the maintenance of illegal customs and policies. The purpose of the proposed resolution is to authorize settlement of the 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.

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.

NEW TESTIMONY REGISTRATION PROCEDURE

Testifiers must sign in
at the registration table
in the 8th floor lobby of
the Council Chamber.