

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

September 2, 2010

9:00 a.m.

Council Chamber, 8<sup>th</sup> Floor  
200 South High Street, Wailuku, Hawaii

website: [www.mauicounty.gov/committees/COW](http://www.mauicounty.gov/committees/COW)

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<p><b><u>VOTING MEMBERS</u></b></p> <p><b>Michael J. Molina, Chair</b></p> <p><b>Danny A. Mateo, Vice-Chair</b></p> <p><b>Gladys C. Baisa</b></p> <p><b>Jo Anne Johnson</b></p> <p><b>Sol P. Kaho'ohalahala</b></p> <p><b>Bill Kauakea Medeiros</b></p> <p><b>Wayne K. Nishiki</b></p> <p><b>Joseph Pontanilla</b></p> <p><b>Michael P. Victorino</b></p>	<p><i>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).</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.</i></p>
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### **COW-2(26) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY CULTURAL RESOURCES COMMISSION; URBAN DESIGN REVIEW BOARD)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated July 30, 2010 (received August 2, 2010), from the Mayor, requesting consideration of the following:

1. Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days:
  - A. MAUI COUNTY CULTURAL RESOURCES COMMISSION
    1. Warren Osako, for a term expiring on March 31, 2015.

- 2. Nominees to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation:

- A. URBAN DESIGN REVIEW BOARD

- 1. John “Morgan” Gerdel (replacing John P. Ryan), for a term expiring on March 31, 2014.

**STATUS:** The Council must approve or disapprove the nomination to the Maui County Cultural Resources Commission by October 1, 2010, or the nomination 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(27) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COUNCIL ON AGING)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 11, 2010 (received August 12, 2010), from the Mayor, requesting consideration of the nomination of James Shefte (replacing Anthony Fisher) to the Council on Aging, for a term expiring on March 31, 2015.

**STATUS:** The Council must approve or disapprove the nomination by October 11, 2010, or the nomination 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.

**COW-1(29) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: DOLORES ABREU V. HERBERT KINORES, JR., ET AL.; CIVIL NO. 07-1-0216(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 14, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF DOLORES ABREU VS. HERBERT KINORES, JR., ET AL., CIVIL NO. 07-1-0216(1)” and a copy of the complaint. The purpose of the proposed resolution is to authorize settlement of the case. The complaint alleges that on December 20, 2006 Dolores Abreu suffered injuries when her vehicle collided with a garbage truck operated by Herbert Kinores, Jr., a County employee.

**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(31) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JAMES MATTOS V. COUNTY OF MAUI, CASE NO. 7-08-01871)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 18, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF JAMES MATTOS VS. COUNTY OF MAUI, CASE NO. 7-08-01871”. The purpose of the proposed resolution is to authorize settlement of the worker’s compensation claim.

**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.

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