

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

December 2, 2010

9:00 a.m.

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

website: www.mauicounty.gov/committees/COW

OFFICE OF THE
COUNTY CLERK

2010 NOV 26 AM 11:07

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, Carla Nakata, 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-1(39) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:
BRANDI-LEE GOUVEIA V. COUNTY OF MAUI; CASE NO. 7-07-03325)**

DESCRIPTION: The Committee is in receipt of correspondence dated November 8, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF BRANDI-LEE GOUVEIA VS. COUNTY OF MAUI, CASE NO. 7-07-03325". The claim alleges work-related injuries sustained on December 3, 2007. 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, 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.

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**COW-1(18) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:
CALEB J. SANDERS V. COUNTY OF MAUI, ET AL.; CIVIL NO. 09-1-0287(3))**

DESCRIPTION: The Committee is in receipt of correspondence dated October 6, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CALEB J. SANDERS VS. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0287(3)" and transmitting a copy of the complaint. The complaint alleges that Caleb J. Sanders suffered injuries as a result of a fall on a ramp at Kalama Park, 1910 South Kihei Road, Kihei, Maui, on April 25, 2007. The purpose of the proposed resolution is to authorize settlement of the case.

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; 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.

**COW-1(30) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION:
COLIN DEREK GARDNER V. SAMUEL AH LOO, ET AL.; CIVIL NO. CV 10-00283
ACK LEK)**

DESCRIPTION: The Committee is in receipt of correspondence dated June 16, 2010, from the Department of the Corporation Counsel, transmitting the following:

1. A proposed resolution entitled "INDEMNIFYING SAMUEL AH LOO AND LANCE KAUPALOLO IN COLIN DEREK GARDNER VS. SAMUEL AH LOO, ET AL., CIVIL NO. CV 10-00283 ACK LEK" and transmitting a copy of the complaint. The complaint alleges false arrest, intentional and negligent infliction of emotional distress, deprivation of Plaintiff's constitutional rights, and personal injury. The purpose of the proposed resolution is to indemnify Samuel Ah Loo and Lance Kaupalolo, police officers, in this case.
2. A copy of correspondence dated May 19, 2010, from the Chair of the Police Commission to the Chief of Police, informing that the Police Commission voted to approve legal representation for the police officers.

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; 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.

**COW-46 INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES
DEPARTMENT OF ARMY (SOUTH MAUI WATERSHED SECTION 22 STUDY)**

DESCRIPTION: The Committee is in receipt of County Communication No. 10-250, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY FOR THE SOUTH MAUI WATERSHED SECTION 22 STUDY". The purpose of the proposed bill is to authorize the Mayor to

enter into a Planning Assistance Agreement for the South Maui Watershed Section 22 Study, to develop and plan strategies related to drainage issues in South Maui, including the impact on nearshore waters.

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 10-250 and other related action.

COW-40 HUI PONO ‘IKE KANAWAI

DESCRIPTION: The Committee is in receipt of County Communication No. 10-136, from Councilmember Michael P. Victorino, transmitting correspondence dated May 19, 2010, from Johanna Kamaunu, Oihana, Hui Pono ‘Ike Kanawai, describing the group and its vision, and requesting the opportunity to provide a presentation.

STATUS: The Committee may receive a presentation from Hui Pono ‘Ike Kanawai. The Committee may also consider the filing of County Communication No. 10-136 and other related action.

NOTE: THE COMMITTEE CHAIR HAS RECOMMENDED THAT THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2011, PURSUANT TO RULE 21 OF THE RULES OF THE COUNCIL.

COW-10 PROPOSED CHARTER AMENDMENTS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/25/2009	CC 09-229	Councilmember Michael J. Molina, relating to proposed Charter Amendments.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/10/2009	Sub-item (2)	HANA PLANNING COMMISSION

Councilmember Bill Kauakea Medeiros, transmitting the following:

1. A proposed resolution entitled “PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A HANA PLANNING COMMISSION”; and
2. A proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, AND REPEALING SECTIONS 2.28.060 AND 2.40.130, MAUI COUNTY CODE, TO ABOLISH THE HANA ADVISORY COMMITTEE AND TO ESTABLISH A HANA PLANNING COMMISSION”.

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/28/2010	Sub-item (6)	FOUR-YEAR COUNCIL TERMS

Councilmember Gladys C. Baisa, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH FOUR-YEAR COUNCIL TERMS".

COW-24 REINSTATEMENT OF THE HAWAIIAN KINGDOM

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/02/2009	CC 09-273	Councilmember Gladys C. Baisa, transmitting a draft bill entitled "AN ORDINANCE ACKNOWLEDGING THE REINSTATEMENT OF THE HAWAIIAN KINGDOM NATION AND THE <i>PERFECT RIGHT</i> OF THE REINSTATED HAWAIIAN GOVERNMENT TO INITIATE THE TRANSITION OF GOVERNMENT POWERS TO SHARE JURISDICTION AND REVENUE OF HAWAIIAN GOVERNMENT AND CROWN LANDS CURRENTLY UNDER COUNTY OF MAUI MANAGEMENT AND TO PREVENT COUNTY OF MAUI GOVERNMENT OFFICIALS AND EMPLOYEES FROM RECEIVING HUMAN RIGHTS VIOLATION(S)".

COW-29 MANAGEMENT OF RECORDS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/06/2009	CC 09-314	Council Chair Danny A. Mateo, transmitting a letter dated 10/23/2009, from the Department of the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO MANAGEMENT OF RECORDS".