

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

January 3, 2006

9:00 a.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/COW/>

e-mail: cow.committee@mauicounty.us

COMMITTEE MEMBERS

Michael J. Molina, Chair

Dain P. Kane, Vice-Chair

Michelle Anderson

Robert Carroll

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

Joseph Pontanilla

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 Clarita Balala) 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(15) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated November 22, 2005, from the Mayor, requesting consideration of the following:

Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days:

A. COMMISSION ON CHILDREN AND YOUTH

1. Rafael Boritzer (replacing Roxanne French), for a term expiring on March 31, 2006.

B. COMMISSION ON CULTURE AND THE ARTS

1. Richard Obley (replacing John DeMello), for a term expiring on March 31, 2006.

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C. COST OF GOVERNMENT COMMISSION

1. Albert Newsham (replacing Todd Hondo), for a term expiring on March 31, 2006.

D. FIRE AND PUBLIC SAFETY COMMISSION

1. Angel Allas (replacing A. Douglas Daguay), for a term expiring on March 31, 2010.

E. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

1. Ramoda Anand (replacing Laura Gima), for a term expiring on March 31, 2007.

F. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Carl Shelton (replacing Rita Whitford), for a term expiring on March 31, 2010.

G. MOLOKAI PLANNING COMMISSION

1. Lynn DeCoite (replacing Michael Tancayo, Jr.), for a term expiring on March 31, 2009.

H. SALARY COMMISSION

1. Dale Webster (replacing Anthony Lemmo), for a term expiring on March 31, 2009.

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

A. URBAN DESIGN REVIEW BOARD

1. Victor Fink (replacing Paul Horner), for a term expiring on March 31, 2008.

STATUS: With the exception of the nominee to the Urban Design Review Board, the Council must approve or disapprove the nominations by January 21, 2006, or the nominees 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-19**STATE FIRE CODE****DESCRIPTION:**

The Committee is in receipt of the following:

1. County Communication No. 05-90, from the Fire Chief, transmitting a proposed bill to adopt the State Fire Code with modifications.
2. Committee Report No. 05-144 (recommitted).
3. Correspondence dated November 28, 2005, from the Fire Chief, transmitting a draft bill to adopt the State Fire Code with modifications.
4. Correspondence dated December 15, 2005, from the Chair of the Committee, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO". The purpose of the revised proposed bill is to adopt the State Fire Code with modifications.

STATUS:

The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-90, Committee Report No. 05-144, and other related action.

COW-4(5) INDEMNIFICATION AUTHORIZATION (ALICE LEE - VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, ET AL., CIVIL NO. CV05-00683 SOM LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated December 20, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING ALICE LEE, IN CIVIL NO. CV05-00683 SOM LEK, VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, ET AL." and transmitting a copy of the complaint. As against this defendant, the complaint alleges civil rights violations and the intentional infliction of emotional distress. The purpose of the proposed resolution is to indemnify Alice Lee, a County employee, in this 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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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-4(6) INDEMNIFICATION AUTHORIZATION (WENDY STEBBINS - VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, ET AL., CIVIL NO. CV05-00683 SOM LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated December 20, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING WENDY STEBBINS, IN CIVIL NO. CV05-00683 SOM LEK, VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, ET AL." and transmitting a copy of the complaint. As against this defendant, the complaint alleges intentional infliction of emotional distress and defamation. The purpose of the proposed resolution is to indemnify Wendy Stebbins, a County employee, in this 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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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.