

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

January 31, 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-4(8) INDEMNIFICATION AUTHORIZATION (KITTY ATCHLEY VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0391(1))

DESCRIPTION: The Committee is in receipt of correspondence dated January 23, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING BEAU H. K. SPENSER IN CIVIL NO. 05-1-0391(1), KITTY ATCHLEY V. COUNTY OF MAUI, ET AL.", and transmitting a copy of the complaint. The complaint in this matter alleges damages arising from a motor vehicle accident. The purpose of the proposed resolution is to indemnify Beau H. K. Spencer, 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.

MORE →

**COW-4(7) INDEMNIFICATION AUTHORIZATION (BARBARA KALANIKIEKIE
KAAPUNI, ET AL. VS. CARLTON HELM, ET AL., CIVIL NO. CV 04-00449 SOM LEK)**

DESCRIPTION: The Committee is in receipt of correspondence dated January 23, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING CARLTON HELM, RONALD SAGARIO, CHRISTINA WILLIAMS, KELLY PAUOLE, JAMIE WINFREY, HAROLD MANAOIS, AND KAENA BROWN IN BARBARA KALANIKIEKIE KAAPUNI, ET AL. V. CARLTON HELM, ET AL., CIVIL NO. CV 04-00449 SOM LEK", and transmitting a copy of the complaint. The complaint alleges violations of plaintiffs' rights under 42 U.S.C. § 1983 and the 4th Amendment to the U.S. Constitution. The purpose of the proposed resolution is to indemnify present or former County employees Carlton Helm, Ronald Sagario, Christina Williams, Kelly Pauole, Jamie Winfrey, Harold Manaos, and Kaena Brown 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-1(29) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(MEGAN KAINA, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV 04-00608
DAE)**

DESCRIPTION: The Committee is in receipt of correspondence dated January 23, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MEGAN KAINA, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV 04-00608 DAE", and transmitting a copy of the complaint. The complaint alleges damages arising from the death of Lisa Tomita Kaina. 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 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-32 STATEWIDE PROGRAM ON PARKING FOR PERSONS WITH
DISABILITIES (FISCAL YEAR 2006)**

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-249, from the Director of Finance, 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 STATE OF HAWAII, DEPARTMENT OF HEALTH". The purpose of the proposed bill is to authorize an intergovernmental agreement with the State Department of Health to define the respective responsibilities of the County and the State in implementing the Statewide Program on Parking for Persons with Disabilities, and to establish the County's compensation for services performed in conjunction with the administration and distribution of disabled parking placards for Fiscal Year 2006.

2. Correspondence dated August 31, 2005, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH". The purpose of the revised proposed bill is to authorize the requested intergovernmental agreement with the State Department of Health and to increase the County's compensation for the performance of such services.

STATUS: The Committee may consider whether to recommend passage of the proposed bill or the revised proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-249 and other related action.

COW-41 DEVELOPMENT OF A PUMP-OUT FACILITY AT MAALAEA HARBOR

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-383, from Councilmember Michael J. Molina, transmitting a proposed resolution urging the State Legislature and the State Department of Land and Natural Resources to expedite the Development of a pump-out facility at Maalaea Harbor.
2. Correspondence dated January 20, 2006, from the Chair of the Committee, transmitting a revised proposed resolution entitled "URGING THE STATE LEGISLATURE AND THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE DEVELOPMENT OF A PUMP-OUT FACILITY AT MAALAEA HARBOR AND TO PROVIDE IMMEDIATE FUNDING TO SUPPORT INTERIM ONSHORE WASTEWATER PUMPING OF COMMERCIAL VESSELS". The purpose of the revised proposed resolution is to urge the State Legislature and the State Department of Land and Natural Resources to expedite the development of a wastewater pump-out facility at Maalaea Harbor and to provide immediate funding to support interim onshore wastewater pumping of commercial vessels.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of County Communication No. 05-383 and other related action.