MEETING IS RECESSED TO THURSDAY, MARCH 16, 2006, AT 9:00 A.M. AT COUNCIL CHAMBER, 8TH FLOOR, 200 SOUTH HIGH STREET, WAILUKU, HAWAII.

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

March 14, 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 (Shelly Espeleta 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.

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COW-46 CHARTER AMENDMENT TO ESTABLISH AN AFFORDABLE HOUSING FUND

DESCRIPTION: The Committee is in receipt of County Communication No. 06-62, from Councilmember Michael J. Molina, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, PERTAINING TO ESTABLISHING AN AFFORDABLE HOUSING FUND". The purpose of the proposed resolution is to initiate an amendment to the Revised Charter of the County of Maui (1983), as amended (Charter), to establish an affordable housing fund and require that the Council appropriate a minimum of two percent of real property tax revenue to the fund for building and expanding affordable housing.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 06-62 and other related action.

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COW-44 CHARTER AMENDMENT TO CHANGE THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS, AND TO ESTABLISH A DEPARTMENT OF WASTE MANAGEMENT

DESCRIPTION: The Committee is in receipt of County Communication No. 06-16, from Councilmember Charmaine Tavares, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A DEPARTMENT OF WASTE MANAGEMENT". The purpose of the proposed resolution is to initiate an amendment to the Charter that would change the Department of Public Works and Environmental Management to the Department of Public Works; establish a Department of Waste Management; allocate the powers, duties, and functions of the Department of Public Works and Environmental Management between the two departments; and make corresponding changes throughout the Charter.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 06-16 and other related action.

COW-1(32) 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 February 28, 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". 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-2(19) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY GRANTS REVIEW COMMITTEE)

DESCRIPTION: The Committee is in receipt of correspondence dated February 22, 2006, from the Mayor, requesting consideration of the following:

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

A. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Kenneth Rothman (replacing Robert McElroy), for a term expiring on March 31, 2007; and
2. Cynthia Arruiza (replacing Charles Kaukeano), for a term expiring on March 31, 2008.

STATUS: The Council must approve or disapprove the nominations by April 23, 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-2(20) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (URBAN DESIGN REVIEW BOARD)

DESCRIPTION: The Committee is in receipt of correspondence dated February 28, 2006, from the Mayor, requesting consideration of the following:

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

A. URBAN DESIGN REVIEW BOARD

1. Linda Okamoto (replacing Paul Horner), for a term expiring on March 31, 2008; and
2. Francis Skowronski (replacing Craig Murayama), for a term expiring on March 31, 2007.

STATUS: The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

COW-5(9) SPECIAL COUNSEL AUTHORIZATION (PROPOSED EMINENT DOMAIN PROCEEDINGS FOR REAL PROPERTY SITUATED AT KIHEI, MAUI, HAWAII (NORTH-SOUTH COLLECTOR ROAD))

DESCRIPTION: The Committee is in receipt of correspondence dated March 6, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL REINWALD O'CONNOR & PLAYDON IN THE PROPOSED EMINENT DOMAIN PROCEEDINGS FOR REAL PROPERTY SITUATED AT KIHEI, MAUI, HAWAII". The purpose of the proposed resolution is to authorize the employment of special counsel, Reinwald O'Connor & Playdon, in proposed eminent domain proceedings for real property situated at Kihei, Maui, Hawaii (North-South Collector Road).

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(33) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CLAIM OF PAULINE HAFOKA, CLAIM NO. 2006-012)

DESCRIPTION: The Committee is in receipt of correspondence dated March 6, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2006-012 OF PAULINE HAFOKA", and transmitting a copy of the claim. The claim alleges damages arising from a motor vehicle accident involving a County vehicle. 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-1(31) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (KRS ASSOCIATES II, LLC, ET AL. V. COUNTY OF MAUI, CIVIL NO. 05-1-0411(3))

DESCRIPTION: The Committee is in receipt of correspondence dated February 22, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KRS ASSOCIATES II, LLC, ET AL. V. COUNTY OF MAUI, CIVIL NO. 05-1-0411(3)", and transmitting a copy of the complaint. The complaint alleges damages arising from an alleged breach of contract. 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.

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