

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

July 18, 2006

9:00 a.m.

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

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

e-mail: [cow.committee@mauicounty.us](mailto: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-50**

### **AUTHORIZING SALE OF A COUNTY ROAD REMNANT PARCEL LOCATED IN MAKAWAO**

**DESCRIPTION:**

The Committee is in receipt of the following:

1. County Communication No. 06-129, from the Director of Finance, transmitting a proposed resolution to authorize the sale of a County road remnant parcel adjacent to Olinda Road to an abutting landowner.
2. Correspondence dated July 11, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING THE SALE OF A COUNTY ROAD REMNANT PARCEL LOCATED IN MAKAWAO, MAUI, HAWAII, PURSUANT TO SECTION 3.44.020, MAUI COUNTY CODE, AND SECTIONS 264-1 AND 264-3, HAWAII REVISED STATUTES". The purpose of the revised proposed resolution is to authorize the sale of a County road remnant parcel adjacent to Olinda Road in Makawao, Maui, consisting of approximately 9,116 square feet, to John T. Vail, an abutting landowner, for \$13,250 plus closing costs (TMK: (2) 2-4-19:005).

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**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. 06-129 and other related action.

**COW-1(34) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(JAMES LONCZAK V. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0004(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 31, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMES LONCZAK VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0004(1)", and transmitting a copy of the complaint. The complaint alleges damages due to injuries allegedly sustained at the Waiehu Golf Course. 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(35) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(VALERIE GREGORY, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 04-00516  
SPK KSC)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 31, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF VALERIE GREGORY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 04-00516 SPK KSC"; and transmitting a copy of the Second Amended Complaint and Summons; a copy of the Notice of Filing Verified Petition for Removal; and a copy of the Order Granting Defendants' Motion for Summary Judgment. The complaint alleges general and special damages arising from the death of Richard J. Gregory. 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(36) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(AUTHORIZING SETTLEMENT OF ALL CASES RELATING TO THE REAL  
PROPERTY LOCATED AT 1377 FRONT STREET, LAHAINA, MAUI, HAWAII, AND  
AUTHORIZING ACQUISITION OF SAID REAL PROPERTY)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated July 6, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ALL CASES RELATING TO THE REAL PROPERTY LOCATED AT 1377 FRONT STREET, LAHAINA, MAUI, HAWAII, AND AUTHORIZING ACQUISITION OF SAID REAL PROPERTY". The cases pertain to the rescission of a Special Management Area exemption determination; the suspension of a building permit; and allegations of the violation of

procedural due process, a taking of property rights, and equitable estoppel. The purpose of the proposed resolution is to authorize settlement of all cases related to this matter.

**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-28 AMENDING CHARTER SECTION 13-6**

**DESCRIPTION:** The Committee is in receipt of the following:

1. County Communication No. 05-215, from the Council Chair, transmitting correspondence dated June 1, 2005 from the Department of the Corporation Counsel, recommending initiation of a Charter amendment to repeal Section 13-6, Revised Charter of the County of Maui (1983), as amended (Charter), relating to the filing of claims against the County of Maui.
2. Correspondence dated November 17, 2005, from the Council Chair, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, REPEALING SECTION 13-6, RELATING TO CLAIMS". The purpose of the proposed resolution is to initiate the repeal of Section 13-6 of the Charter, relating to the filing of claims against the County of Maui.
3. Correspondence dated April 7, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AMENDING SECTION 13-6, RELATING TO CLAIMS". The purpose of the revised proposed resolution is to amend Section 13-6 of the Charter, relating to the filing of claims against the County of Maui, and to also incorporate the wording of the proposed ballot question.

**STATUS:** The Committee may consider whether to recommend adoption of either resolution, with or without further revisions. The Committee may also consider the filing of County Communication No. 05-215 and other related action.

## **COW-53 AMENDING CHARTER SECTION 13-2, RELATING TO BOARDS AND COMMISSIONS**

**DESCRIPTION:** The Committee is in receipt of the following:

1. County Communication No. 06-174, from the Mayor, transmitting a proposed resolution to amend Section 13-2 of the Charter, relating to boards and commissions.
2. Correspondence dated July 3, 2006 from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AMENDING SECTION 13-2, RELATING TO BOARDS AND COMMISSIONS". The purpose of the revised proposed resolution is to amend Section 13-2 of the Charter, relating to boards and commissions, by removing reference to political party affiliation in appointments to boards and commissions, and by also incorporating the wording of the proposed ballot question.

**STATUS:** The Committee may consider whether to recommend passage of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of County Communication No. 06-174 and other related action.