

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

August 15, 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

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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-1(38) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CLAIM NO. 2004-020 BY DEBORAH LYNN MAY, DOUG SMITH, AND ALLSTATE INDEMNITY COMPANY)

DESCRIPTION: The Committee is in receipt of correspondence dated August 7, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-020 BY DEBORAH LYNN MAY, DOUG SMITH, AND ALLSTATE INDEMNITY COMPANY" and transmitting a copy of the claim. The claim alleges damages due to an automobile collision with a County police vehicle on or about February 2, 2004. The purpose of the proposed resolution is to authorize settlement of the case for \$8,232.23.

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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**COW-1(37) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(DANEEN KAILI V. COUNTY OF MAUI, CASE NO. 7-03-00034)**

DESCRIPTION: The Committee is in receipt of correspondence dated August 2, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DANEEN KAILI VS. COUNTY OF MAUI, CASE NO. 7-03-00034". The claim alleges work-related injuries sustained on January 3, 2003. 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-4(10) INDEMNIFICATION AUTHORIZATION (CONSTANCE C. DEANS, ET AL. V.
COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0175(1))**

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated July 11, 2006, from the Department of the Corporation Counsel, transmitting a proposed resolution to indemnify County employees in Constance C. Deans, et al., v. County of Maui, et al., Civil No. 06-1-0175(1) and transmitting a copy of the first amended complaint. The complaint alleges the death of Stuart R. Deans was caused by the negligent conduct of the defendants.
2. Correspondence dated July 24, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING JACK SPOTTSWOOD, JOAN MORRIS, AND NAVAYO CAISERMAN IN CONSTANCE C. DEANS, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0175(1)". The purpose of the revised proposed resolution is to indemnify Jack Spottswood, Joan Morris, and Navayo Caiserman, County employees, in this case.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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-5(12) SPECIAL COUNSEL AUTHORIZATION (JACK HENRY WILLIAMS, JR., ET
AL. V. COUNTY OF MAUI, CIVIL NO. CV05-00278 DAE LEK)**

DESCRIPTION: The Committee is in receipt of correspondence dated August 4, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR HIPPI JONES & WANG, IN JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI, CIVIL NO. CV05-00278 DAE LEK". The purpose of the proposed resolution is to authorize additional compensation of \$85,000 for a total compensation of \$125,000 for special counsel, Marr Hipp Jones & Wang, 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-5(13) SPECIAL COUNSEL AUTHORIZATION (TRINIDAD K. ALCONCEL, ET AL. V. COUNTY OF MAUI, CIVIL NO. CV05-00280 SPK BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated August 4, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR HIPPI JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, CIVIL NO. CV05-00280 SPK BMK". The purpose of the proposed resolution is to authorize additional compensation of \$85,000 for a total compensation of \$125,000 for special counsel, Marr Hipp Jones & Wang, 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.