

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

September 12, 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

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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(39) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (JAMES LONCZAK VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0004(1))

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

1. Correspondence dated August 23, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to settle 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.
2. Correspondence dated September 1, 2006, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMES LONCZAK VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0004(1)". The purpose of the revised proposed resolution is to authorize settlement of the case for \$21,000, and to clarify that the revised proposed resolution supersedes Resolution No. 06-73.

**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

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pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and pursuant to Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

**COW-5(14) SPECIAL COUNSEL 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 correspondence dated September 5, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ROBBINS & ASSOCIATES IN CONSTANCE C. DEANS, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0175(1)", and transmitting a copy of the resume of Kenneth Robbins, Esq., and a copy of the First Amended Complaint. The purpose of the proposed resolution is to authorize the employment of Robbins & Associates as special counsel in the case for a total compensation not to exceed \$100,000.

**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 relating 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-56 LEGAL ALTERNATIVES REGARDING ENVIRONMENTAL CONCERNS RAISED BY THE KAHULUI COMMERCIAL HARBOR 2025 MASTER PLAN AND THE HAWAII SUPERFERRY PROJECT**

**DESCRIPTION:** The Committee is in receipt of County Communication No. 06-188, from the Council Chair, inviting discussion on the legal alternatives that may be available to the County to address the environmental concerns raised by the Kahului Commercial Harbor 2025 Master Plan and the Hawaii Superferry project.

**STATUS:** The Committee may discuss the matter. The Committee may also consider the filing of County Communication No. 06-188 and 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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