

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

October 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

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<u>COMMITTEE MEMBERS</u>	<i>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).</i>
Michael J. Molina, Chair	<i>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.</i>
Dain P. Kane, Vice-Chair	<i>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.</i>
Michelle Anderson	<i>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.</i>
Robert Carroll	<i>TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.</i>
G. Riki Hokama	
Jo Anne Johnson	
Danny A. Mateo	
Joseph Pontanilla	
Charmaine Tavares	

COW-51

SISTER-CITY RELATIONSHIP WITH THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE, REPUBLIC OF THE PHILIPPINES

DESCRIPTION:

The Committee is in receipt of County Communication No. 06-148, from the Economic Development Coordinator, transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE, REPUBLIC OF THE PHILIPPINES". The purpose of the proposed resolution is to establish a sister-city relationship with the municipality of San Nicolas, a province of Ilocos Norte, Republic of the Philippines.

STATUS:

The Committee may consider adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication No. 06-148 and other related action.

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**COW-1(40) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CLAIM OF JEFFREY THIEL AND AMERIPRISE AUTO AND HOME INSURANCE,
CLAIM NO. 2005-113)**

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 SETTLEMENT OF CLAIM NO. 2005-113 BY JEFFREY THIEL AND AMERIPRISE AUTO AND HOME INSURANCE", and transmitting a copy of the claim. The claim alleges damages related to an automobile collision with a County vehicle. The purpose of the proposed resolution is to authorize settlement of the case for \$8,805.30.

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(43) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(JOSEPH CRISAFULLI V. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0443(1))**

DESCRIPTION: The Committee is in receipt of correspondence dated October 23, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSEPH CRISAFULLI VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0443(1)", and transmitting a copy of the complaint. The complaint alleges general and special damages arising from injuries caused by a County police officer or officers. 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 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-60 AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE
ACQUISITION OF REAL PROPERTY AT UKUMEHAME**

DESCRIPTION: The Committee is in receipt of County Communication No. 06-263, from the Planning Director, transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY SITUATED AT UKUMEHAME, MAUI, HAWAII FOR UTILITIES, PARK, AND ACCESS PURPOSES TO COUNTY PROPERTY". The purpose of the proposed resolution is to authorize proceedings in eminent domain for the acquisition of real property situated at Ukumehame, Maui (TMKs (2) 4-8-02:059 (por.), (2) 4-8-02:067 (por.), and (2) 4-8-02:069 (por.)), for \$507,850. The real property would be used to enhance access to County property, including the construction of acceleration and deceleration lanes, and for utility and park purposes.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 06-263 and other related action.

COW-61 KIHEI HIGH SCHOOL OPTION AGREEMENT

DESCRIPTION: The Committee is in receipt of County Communication No. 06-262, from the Mayor, transmitting a copy of the "OPTION AGREEMENT" for a Kihei High School. The purpose of the option agreement is to allow Hawaii School Development LLC (Dowling) to purchase real property from the County for \$1 based upon Dowling's commitment to construct a Kihei High School and convey the school and property to the State Department of Education on a "design build lease" or "design build sale" basis. The subject property is comprised of approximately 72 acres at TMK (2) 2-2-02:001 (por.)

STATUS: The Committee may discuss the matter. The Committee may also consider the filing of County Communication No. 06-262 and other related action.