

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

March 20, 2003

9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawai'i

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

e-mail: cow.committee@co.maui.hi.us

COMMITTEE MEMBERS

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Dain P. Kane, Vice-Chair

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

Michael J. Molina

Wayne K. Nishiki

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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 (Carla Nakata or Pauline Martins) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Moloka'i), 1-800-272-0098 (toll-free from Lana'i), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 15 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-8

ASSESSING THE IMPACTS OF POTENTIAL MILITARY CONFLICT

DESCRIPTION:

The Committee is in receipt of a Miscellaneous Communication, dated March 7, 2003, from the County Clerk, referring the matter of assessing the impacts of potential military conflict on the County of Maui and transmitting a copy of Resolution No. 03-31 entitled "URGING THE ADMINISTRATION TO DEVELOP A PROACTIVE MITIGATION PLAN TO ADDRESS THE IMPACTS OF POTENTIAL MILITARY CONFLICT". The purpose of the resolution is to request that the Mayor develop a proactive plan to address potential impacts of military conflict on the County's economy, delivery of goods and services, infrastructure and public safety.

STATUS:

Resolution No. 03-31 was adopted by the Council at its meeting of March 7, 2003. The Committee may consider whether to recommend any legislative action. The Committee may also consider other related action, including the possible filing of the Miscellaneous Communication.

MORE →

**COW-1(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(DEBORAH CHARBONNEAU V. COUNTY OF MAUI, ET AL., CIVIL
NO. 01-1-0245 (2))**

DESCRIPTION: The Committee is in receipt of correspondence dated February 24, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DEBORAH CHARBONNEAU V. COUNTY OF MAUI, ET AL., CIVIL NO. 01-1-0245 (2)" and transmitting a copy of the first amended complaint. The complaint alleges that plaintiff was injured on July 9, 1999, on Baldwin Avenue in Paia, when she stepped on the metal lid covering a water valve belonging to the Board of Water Supply, and the lid flipped open, causing her to trip. 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), HRS, 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(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CHAMP
K. WRIGHT V. COUNTY OF MAUI, CASE NO. 7-99-02110)**

DESCRIPTION: The Committee is in receipt of correspondence dated March 3, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHAMP K. WRIGHT VS. COUNTY OF MAUI, CASE NO. 7-99-02110". The claim alleges work-related injuries sustained on June 30, 1999 by Champ K. Wright, a County employee. 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), HRS, 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(2) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(RAYMOND F. BURNS V. COUNTY OF MAUI, CASE NOS. 7-00-03893, 7-01-02109,
AND 7-02-03136)**

DESCRIPTION: The Committee is in receipt of correspondence dated March 3, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RAYMOND F. BURNS VS. COUNTY OF MAUI, CASE NOS. 7-00-03893, 7-01-02109, AND 7-02-03136". The claims allege work-related injuries sustained on September 18, 2000, May 23, 2001, and August 21, 2002 by Raymond F. Burns, a County employee. The purpose of the proposed resolution is to authorize settlement of the cases.

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), HRS, 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(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (DANA HENDERSON V. FERNANDO PAGADOR, ET AL., CIVIL NO. 01-1-0632 (3))

DESCRIPTION: The Committee is in receipt of correspondence dated March 3, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DANA HENDERSON v. FERNANDO PAGADOR, ET AL., CIVIL NO. 01-1-0632 (3)" and transmitting a copy of the complaint. The complaint alleges damages arising from a fall, which occurred on October 10, 2000, at 308 Kinaole Circle in Kihei. 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), HRS, 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(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (LISA LOUIS V. COUNTY OF MAUI, CASE NO. 7-01-03652)

DESCRIPTION: The Committee is in receipt of correspondence dated March 13, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LISA LOUIS VS. COUNTY OF MAUI, CASE NO. 7-01-03652". The claim alleges work-related injuries sustained on October 4, 2001 by Lisa Louis, a County employee. 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), HRS, 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.