

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

June 30, 2003
1:30 p.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/COW/>
e-mail: cow.committee@co.maui.hi.us

COMMITTEE MEMBERS

Robert Carroll, Chair

Dain P. Kane, Vice-Chair

G. Riki Hokama

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Danny A. Mateo

Michael J. Molina

Wayne K. Nishiki

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 (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 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, 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-7

**GRANT OF A LICENSE TO USE COUNTY REAL PROPERTY ALONG
MAMALU PLACE AND MAOHU STREET, MAKAWAO**

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 02-21 from the Director of Public Works and Waste Management, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO USE COUNTY REAL PROPERTY IN MAKAWAO, MAUI, HAWAII, TO JOEL ANTHONY KENNEY". The purpose of the proposed resolution is to authorize a grant of a license to Joel Anthony Kenney to use County real property along Mamalu Place and Maohu Street, Makawao, for the encroachment of a wall and walkway on the County right-of-way; and
2. Correspondence dated March 4, 2003, from the Director of Public Works and Environmental Management, transmitting a revised proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO USE COUNTY REAL PROPERTY IN MAKAWAO, MAUI, HAWAII, TO JOEL ANTHONY KENNEY". The revised proposed resolution reflects the change in Administration and department name, as well as the lapse in time since the resolution and attached license agreement were prepared.

STATUS:

The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without revisions. The Committee may consider other related action, including the possible filing of County Communication No. 02-21.

MORE →

COW-9 FLOOD CLAIMS AND LAWSUITS (JANUARY 2002, OCTOBER 2002 AND FEBRUARY 2003)

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication No. 03-81, from the Department of the Corporation Counsel, transmitting various flood claims and lawsuits with supporting documents, involving the following: Marie A. Achi; Clayton and Janet Alexander; David Barrett; Chuck and Lisa Burke; Zachary and Henrietta Helm; Donovynne E. and Tanya Moleta; Naomi Malone; Troy and Rebecca Richardson; and Ronald D. Vaught; and
 2. Correspondence dated June 23, 2003, from the Department of the Corporation Counsel, transmitting additional documents for claimant Marie A. Achi and additional flood claims and lawsuits with supporting documents, involving the following: Kitty L. Atchley and Gilbert K. Ikeda.
- STATUS:** The Committee may consider whether to recommend any legislative action. The Committee may also consider other related action, including the possible filing of County Communication No. 03-81.
- 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 (CATHRYNE J. BARNES, CLAIM NO. 2002-084/1782315-0004)

- DESCRIPTION:** The Committee is in receipt of correspondence dated May 21, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-084/1782315-0004 OF CATHRYNE J. BARNES" and transmitting a copy of the claim. The claim alleges damages sustained when the claimant tripped and fell at the intersection of Front and Dickenson Streets. 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 (DONNA BURNS V. COUNTY OF MAUI, CASE NO. 7-99-01591)

- DESCRIPTION:** The Committee is in receipt of correspondence dated May 30, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DONNA BURNS VS. COUNTY OF MAUI, CASE NO. 7-99-01591". The claim alleges work-related injuries sustained on April 29, 1999. 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(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CHERYL FREITAS-ANTONIO V. COUNTY OF MAUI, CASE NOS. 7-95-00001,
7-99-01149 AND 7-01-02585)**

DESCRIPTION: The Committee is in receipt of correspondence dated June 2, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHERYL FREITAS-ANTONIO VS. COUNTY OF MAUI, CASE NOS. 7-95-00001, 7-99-01149, AND 7-01-02585". The claims allege work-related injuries sustained on January 4, 1995, April 20, 1999, and August 9, 2001. 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(6) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (RAY
SHIMIZU V. COUNTY OF MAUI, CASE NO. 7-01-03899)**

DESCRIPTION: The Committee is in receipt of correspondence dated March 17, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RAY SHIMIZU VS. COUNTY OF MAUI, CASE NO. 7-01-03899". The claim alleges work-related injuries sustained on November 28, 2001. 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(7) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (JOAN
MORRIS V. COUNTY OF MAUI, CASE NO. 7-99-01098)**

DESCRIPTION: The Committee is in receipt of correspondence dated April 1, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOAN MORRIS VS. COUNTY OF MAUI, CASE NO. 7-99-01098". The claim alleges work-related injuries sustained on March 11, 1999. 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.