

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

July 2, 2003

1:30 p.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@co.maui.hi.us](mailto:cow.committee@co.maui.hi.us)

### COMMITTEE MEMBERS

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G. Riki Hokama

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Danny A. Mateo

Michael J. Molina

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Joseph Pontanilla

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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 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-2(1)**

**SPECIAL COUNSEL (MICHAEL KAHO`OHANO HANO V. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated May 28, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR, HIPPI, JONES & PEPPER, IN MICHAEL KAHO`OHANO HANO VS. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK". The purpose of the proposed resolution is to authorize additional compensation of \$60,000 and a total compensation of \$120,000 for special counsel Marr Hipp Jones & Pepper in Michael Kaho`ohanohano v. County of Maui; Civil No. 02-00296 HG/BMK.

**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.

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**COW-1(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(RICHARD SKAFF, ET AL. V. COUNTY OF MAUI, CIVIL NO. 01-00666 HG KSC)**

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

1. Correspondence dated May 20, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RICHARD SKAFF, ET AL., v. COUNTY OF MAUI, CIVIL NO. 01-00666 HG KSC", and transmitting a copy of the First Amended Complaint. The complaint alleges noncompliance with Federal and State accessibility requirements under the Americans With Disabilities Act (ADA). The purpose of the proposed resolution is to authorize settlement of the case; and
2. Correspondence dated June 26, 2003 from the Committee Chair, transmitting correspondence dated June 20, 2003 from Earl Matsukawa, Wilson Okamoto Corporation's Project Manager, along with a three-volume Draft Self Evaluation & Transition Plan and Facility Report for the County of Maui Parks and Recreation Department dated May 2003. The draft report describes the process used to evaluate the Department's activities, provides policy and program recommendations, and presents a transition plan for the modification of facilities to ensure program accessibility in keeping with the ADA.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may receive a presentation on ADA requirements. 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  
(RICHARD SKAFF V. COUNTY OF MAUI, CIVIL NO. 03-00284 SOM KSC)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated June 18, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RICHARD SKAFF v. COUNTY OF MAUI, CIVIL NO. 03-00284 SOM KSC", and transmitting a copy of the complaint. The complaint alleges noncompliance with Federal and State accessibility requirements under the ADA. 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 receive a presentation on ADA requirements. 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-2(2)      SPECIAL COUNSEL (COUNTY OF MAUI V. HOLLAND, CIVIL NO. 01-1-0642 (3), AND IN THE MATTER OF THOSE APPEALS BEFORE THE MAUI PLANNING COMMISSION RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII, DOCKET NO.: APPEALS 01-0001 THROUGH 01-0006)**

**DESCRIPTION:**      The Committee is in receipt of correspondence dated June 25, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MCCORRISTON MILLER MUKAI MACKINNON LLP, FOR JAMES B. TAKAYESU, FORMER CORPORATION COUNSEL, AND RICHARD K. MINATOYA, A FORMER DEPUTY CORPORATION COUNSEL, IN COUNTY OF MAUI v. HOLLAND, Civil No. 01-1-0642 (3) AND IN THE MATTER OF THOSE APPEALS BEFORE THE MAUI PLANNING COMMISSION RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII, Docket No.: APPEALS 01-0001 through 01-0006", and transmitting related documents. The purpose of the proposed resolution is to authorize the employment of special counsel, McCorriston Miller Mukai MacKinnon LLP in County of Maui v. Holland, Civil No. 01-1-0642 (3), Circuit Court of the Second Circuit, State of Hawaii, to represent James B. Takayesu and Richard K. Minatoya and in the matter of those appeals before the Maui Planning Commission, relating to the Montana Beach Condominium Project in Paia, Docket No.: Appeals 01-0001 through 01-0006, with an hourly rate not to exceed \$325 and a total compensation not to exceed \$10,000.

**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), 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.