

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

July 21, 2003

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@co.maui.hi.us

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Dain P. Kane, Vice-Chair

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Danny A. Mateo

Michael J. Molina

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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(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 July 14, 2003, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LAW OFFICES OF MICHAEL JAY GREEN, FOR JAMES H. APANA, JR., FORMER MAYOR, 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 Law Offices of Michael Jay Green to represent James H. Apana, Jr., in County of Maui v. Holland, Civil No. 01-1-0642 (3), Circuit Court of the Second Circuit, State of Hawaii, and in the matter of those appeals before the Maui

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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 \$200 and a total compensation not to exceed \$10,000; and

2. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL THE FIRM OF CROCKETT AND NAKAMURA, FORMERLY KNOWN AS CROCKETT NAKAMURA & SCHMIDT, FOR JOHN MIN, FORMER PLANNING DIRECTOR, 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 Crockett and Nakamura to represent John Min in County of Maui v. Holland, Civil No. 01-1-0642 (3), Circuit Court of the Second Circuit, State of Hawaii, 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 \$200 and a total compensation not to exceed \$5,000.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolutions, 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-6 SALE OF COUNTY REAL PROPERTY TO ODIE AND JOHN DRISCOLL

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 01-156, from the Director of Finance, relating to the sale of County real property located in Makawao to Odie and John Driscoll.
2. Correspondence dated July 14, 2003, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING THE SALE OF COUNTY REAL PROPERTY LOCATED IN MAKAWAO, MAUI, HAWAII, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE, AND SECTION 264-3, HAWAII REVISED STATUTES". The purpose of the revised proposed resolution is to authorize the sale of approximately 9,044 square feet of County real property located in Makawao, identified as TMK: (2) 2-4-15:Abutting Parcel 31, to John F. and Mary O. Driscoll.

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. 01-156.

COW-1(14) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (FIONA J. LEIGH AND STATE FARM FIRE & CASUALTY COMPANY, CLAIM NO. 2001-159)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated June 18, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution and transmitting a copy of the claim and related information. The claim alleges damage to Ms. Leigh's property caused by wastewater overflow into her residence on Kanaloa Avenue in Kahului, on May 14, 2001. The purpose of the proposed resolution is to authorize settlement of the case for \$19,909.98; and

2. Correspondence dated July 11, 2003, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2001-159 OF FIONA J. LEIGH AND STATE FARM FIRE & CASUALTY COMPANY". The revised proposed resolution clarifies in the title that the proposed settlement includes a claim by State Farm Fire & Casualty Company, and contains new paragraphs 2 and 3 relating to the insurer's claim.

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(15) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CYNTHIA ROTH, DONALD ROTH, AND STATE FARM INSURANCE COMPANIES,
CLAIM NO. 2003-006)**

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated June 26, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution and transmitting a copy of the claim and related information. The claim alleges damage to the Roths' automobile caused by a collision with a County of Maui vehicle on Alamaha Street in Kahului on July 17, 2002. The purpose of the proposed resolution is to authorize settlement of the case for \$3,488.11; and
2. Correspondence dated July 11, 2003, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-006 OF CYNTHIA ROTH, DONALD ROTH, AND STATE FARM INSURANCE COMPANIES". The revised proposed resolution corrects the name of the insurer and contains new paragraphs 2 and 3 relating to the insurer's claim.

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(9) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (JON
RICH V. COUNTY OF MAUI, CASE NO. 7-01-03299)**

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 JON RICH VS. COUNTY OF MAUI, CASE NO. 7-01-03299". The claim alleges work-related injuries sustained on August 24, 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(10) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(BONNIE YOUNG V. COUNTY OF MAUI, CASE NO. 8-00-03745)**

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 BONNIE YOUNG VS. COUNTY OF MAUI, CASE NO. 8-00-03745". The claim alleges work-related injuries sustained on August 30, 2000. 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.

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