

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

July 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

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Dain P. Kane, Vice-Chair

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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(2)

SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION (CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT IN PAIA)

DESCRIPTION:

The Committee is in receipt of correspondence dated July 22, 2003, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "INDEMNIFYING FORMER MAYOR, JAMES H. APANA, JR., AND FORMER CORPORATION COUNSEL, JAMES TAKAYESU, IN CASE NO. CV03-00296 DAE/KSC, DENNIS P. HOLLAND, ET AL., VS. JAMES H. APANA, ET AL.", and transmitting a copy of the complaint filed on June 13, 2003. The purpose of the proposed resolution is to indemnify each of the individuals named as defendants in Dennis P. Holland, et al. v. James H. Apana, et al., United States District Court, District of Hawaii. The complaint alleges extortion of property rights and other constitutional violations by a former Mayor, a former Corporation Counsel, and the County.

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2. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL AYABE CHONG NISHIMOTO SIA & NAKAMURA, FOR JAMES B. TAKAYESU, FORMER 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 the resume of the proposed special counsel. The purpose of the proposed resolution is to authorize the employment of special counsel Ayabe Chong Nishimoto Sia & Nakamura to represent James B. Takayesu in County of Maui v. Holland, 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, with an hourly rate not to exceed \$150 and total compensation not to exceed \$10,000.
3. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ROECA LOUIE & HIRAOKA, FOR 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 the resume of the proposed special counsel. The purpose of the proposed resolution is to authorize the employment of special counsel Roeca Louie & Hiraoka to represent Richard K. Minatoya in County of Maui v. Holland, 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, with an hourly rate not to exceed \$175 and total compensation not to exceed \$10,000.

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-12

GRANT OF A LICENSE TO OCCUPY COUNTY REAL PROPERTY TO BOYS & GIRLS CLUB OF MAUI, INC. (KAHULUI)

DESCRIPTION: The Committee is in receipt of County Communication No. 03-177, from the Director of Parks and Recreation, transmitting the following:

1. A proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO OCCUPY COUNTY REAL PROPERTY TO BOYS & GIRLS CLUB OF MAUI, INC.". The purpose of the proposed resolution is to grant a license to the Boys & Girls Club of Maui, Inc. to occupy approximately 4.367 acres at 100 Kanaloa Avenue, Kahului, with a fair market rental value of \$2,754 per annum, at a nominal rental of \$1 per annum for a period of 35 years;
2. A proposed License; and
3. A proposed Grant Agreement for a License of County Real Property.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may consider other related action, including the possible filing of County Communication No. 03-177.

COW-1(19) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (HERTZ CORPORATION AND STATE FARM INSURANCE COMPANIES ON BEHALF OF LORI BRODEUR, CLAIM NO. 2002-0050)

DESCRIPTION: The Committee is in receipt of correspondence dated July 11, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-0050 OF HERTZ CORPORATION AND STATE FARM INSURANCE COMPANIES ON BEHALF OF LORI BRODEUR" and transmitting a copy of the claim. The claim alleges damages related to an automobile accident on February 14, 2002, at the intersection of Akahele Street and Honoapiilani Highway in Lahaina. The purpose of the proposed resolution is to authorize settlement of the case for \$11,133.40.

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(18) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (FIRST INSURANCE COMPANY OF HAWAII, LTD., AND LOIS A. LABANG, CLAIM NO. 2002-080)

DESCRIPTION: The Committee is in receipt of correspondence dated July 10, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-080 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AND LOIS A. LABANG" and transmitting a copy of the claim. The claim alleges damages to Ms. Labang's motor vehicle for an accident occurring on May 24, 2002, on Kula Highway. The purpose of the proposed resolution is to authorize settlement of the case for \$9,245.25.

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.