

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

August 13, 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

Jo Anne Johnson

Danny A. Mateo

Michael J. Molina

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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-2(2)

SPECIAL COUNSEL (CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT IN PAIA)

DESCRIPTION:

The Committee is in receipt of correspondence dated August 7, 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 HOLLAND, ET AL. v. APANA, ET AL., CV03-00296 DAE/KSC". The purpose of the proposed resolution is to authorize the employment of special counsel Law Offices of Michael Jay Green to represent the former Mayor, James H. Apana, Jr., in the referenced case, with an hourly rate not to exceed \$200 and total compensation not to exceed \$10,000.

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2. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL THE FIRM OF CROCKETT AND NAKAMURA, FORMERLY KNOWN AS CROCKETT NAKAMURA & SCHMIDT, FOR RALPH NAGAMINE, LANCE TAGUCHI, CHARLES JENCKS, CLAYTON YOSHIDA, AND JOHN MIN, CURRENT AND FORMER EMPLOYEES OF THE COUNTY OF MAUI, IN CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII". The purpose of the proposed resolution is to authorize the employment of special counsel Crockett and Nakamura to represent these nonparty witnesses in cases relating to the Montana Beach Condominium Project, with an hourly rate not to exceed \$200 and total compensation not to exceed \$15,000.
3. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HISAKA STONE GOTO YOSHIDA COSGROVE & CHING, FOR HOWARD FUKUSHIMA, DAVID GOODE, KARLYNN KAWAHARA AND MICHELE YOSHIMURA, CURRENT AND FORMER EMPLOYEES OF THE COUNTY OF MAUI, IN CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII". The purpose of the proposed resolution is to authorize the employment of special counsel Hisaka Stone Goto Yoshida Cosgrove & Ching to represent these nonparty witnesses in cases relating to the Montana Beach Condominium Project, with an hourly rate not to exceed \$200 and total compensation not to exceed \$15,000.

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), Hawaii Revised Statutes, 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.

The Committee is also in receipt of correspondence dated August 6, 2003, from the Department of the Corporation Counsel, transmitting a revised proposed License.

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.