

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

October 1, 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

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-2(1)

SPECIAL COUNSEL AND/OR INDEMNIFICATION (INDEMNIFYING THOMAS P. RACK IN THOMAS A. CRAIG V. COUNTY OF MAUI, ET AL., CASE NO. CV03-1-0380 (1))

DESCRIPTION:

The Committee is in receipt of correspondence dated September 23, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING THOMAS P. RACK IN CASE NO. CV03-1-0380 (1), THOMAS A. CRAIG V. COUNTY OF MAUI ET AL.", and transmitting a copy of the complaint filed on September 11, 2003. The purpose of the proposed resolution is to indemnify former Deputy Corporation Counsel, Thomas Rack, in Craig v. County of Maui, et al., Case No. CV03-1-0380 (1). The complaint alleges that defendants committed fraud upon the court in an earlier lawsuit in which the County prevailed.

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), 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.

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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, regarding the Boys & Girls Club of Maui, Inc.'s request to occupy approximately 4.367 acres at 100 Kanaloa Avenue, Kahului, Maui.

STATUS: The Committee may receive a status report on this request. The Committee may also consider other related action.

COW-1(6) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (MARGOLYNN CORREIA V. COUNTY OF MAUI, CASE NO. 7-00-01445)

DESCRIPTION: The Committee is in receipt of correspondence dated September 3, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARGOLYNN CORREIA VS. COUNTY OF MAUI, CASE NO. 7-00-01445". The claim alleges work-related injuries sustained on May 10, 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), 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-1(5) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (WILLIAM J. MARTIN V. COUNTY OF MAUI, CASE NO. 7-91-02671)

DESCRIPTION: The Committee is in receipt of correspondence dated September 23, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WILLIAM J. MARTIN VS. COUNTY OF MAUI, CASE NO. 7-91-02671". The claim alleges work-related injuries sustained on April 15, 1991. 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), 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-1(11) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(ROBERT J. FERNANDEZ V. COUNTY OF MAUI, CASE NOS. 7-72-01172 AND
7-73-01468)**

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 ROBERT J. FERNANDEZ VS. COUNTY OF MAUI, CASE NOS. 7-72-01172 AND 7-73-01468". The claims allege work-related injuries sustained on May 4, 1972 and November 25, 1972, respectively. 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), 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-1(13) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CHARLES IWATA V. COUNTY OF MAUI, CASE NO. 7-01-01579)**

DESCRIPTION: The Committee is in receipt of correspondence dated June 6, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHARLES IWATA VS. COUNTY OF MAUI, CASE NO. 7-01-01579". The claim alleges work-related injuries sustained on May 17, 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), 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.