

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

October 13, 2003

9:00 a.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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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(3)**

**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 October 1, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR, HIPP, 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 \$70,000 and a total compensation of \$190,000 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), 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-1(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(BUDGET RENT-A-CAR, CLAIM NO. 2003-045)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 6, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-045 OF BUDGET RENT-A-CAR" and transmitting a copy of the claim. The claim alleges damages related to a motor-vehicle accident on April 17, 2003, on South Kihei Road in Kihei, Maui. The purpose of the proposed resolution is to authorize settlement of the case for \$3,881.26.

**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(2) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (DTRIC  
INSURANCE, SUBROGEE FOR EUGENE LIBRANDO, CLAIM NO. 2002-079)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 7, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-079 OF DTRIC INSURANCE, AS SUBROGEE FOR EUGENE LIBRANDO" and transmitting a copy of the claim. The claim alleges damages related to a motor-vehicle accident on May 15, 2001, on Baldwin Avenue in Paia, Maui. The purpose of the proposed resolution is to authorize settlement of the case for \$3,930.06.

**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(7) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(CHERLYN PONCE, ET AL. V. GINA GUZMAN, ET AL., CIVIL NO. 01-1-0442 (2))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 3, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHERLYN PONCE, ET AL. VS. GINA GUZMAN, ET AL., CIVIL NO. 01-1-0442 (2)" and transmitting a copy of the complaint. The complaint filed by Plaintiffs Cheryl Ponce, individually and as next friend of Waipuulani Tachera, a minor, alleges general and special damages arising from a collision that occurred on April 29, 2000, on Kawaipuna Street in Wailuku, Maui. 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(16) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(ERNEST SOARES, JR. V. COUNTY OF MAUI, CASE NO. 7-01-03578)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated June 26, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ERNEST SOARES, JR., VS. COUNTY OF MAUI, CASE NO. 7-01-03578". The claim alleges work-related injuries sustained on June 6, 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.

**COW-1(17) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS  
(JOSEPH DUARTE V. COUNTY OF MAUI, CASE NO. 7-99-02997)**

**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 JOSEPH DUARTE VS. COUNTY OF MAUI, CASE NO. 7-99-02997". The claim alleges work-related injuries sustained on August 26, 1999. 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(8) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CASES  
RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT IN PAIA)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated October 6, 2003, from the Department of the Corporation Counsel, requesting consideration of the Hollands' written settlement demands in: (1) County of Maui v. Holland, Civil No. 01-1-0642 (3); (2) In the Matter of Those Appeals Before the Maui Planning Commission Relating to the Montana Beach Condominium Project in Paia, Maui, Docket No.: Appeals 01-0001 through 01-0006; (3) Holland, et al. v. Apana, et al., Civil No. CV03-00296 HG/BMK; and (4) Holland, et al. v. County of Maui, et al., Civil No. CV02-00071 HG/BMK.

**STATUS:** The Committee may discuss the written settlement demands and 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-6            SUNSTONE REALTY PARTNERS VIII, LLC V. COUNTY OF MAUI,  
ET AL.; CIVIL NO. 03-1-0136 (2)**

**DESCRIPTION:**    The Committee is in receipt of County Communication No. 03-249, from the First Deputy Corporation Counsel, transmitting a copy of the complaint in Sunstone Realty Partners VIII, LLC v. Maui County, et al., Civil No. 03-1-0136 (2), Circuit Court of the Second Circuit, State of Hawaii, filed April 10, 2003.

**STATUS:**            The Committee may consider the status of the ongoing litigation and liability issues. The Committee may also consider the possible filing of County Communication No. 03-249 and 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.