

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

November 5, 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.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

COW-10

COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN ANNUAL EVALUATION REPORT (2003)

DESCRIPTION:

The Committee is in receipt of County Communication No. 03-258, from the Planning Director, transmitting: (1) the County of Maui Repetitive Loss Properties Floodplain Management Plan Annual Evaluation Report (2003); and (2) a copy of Resolution No. 01-141, entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN".

STATUS:

The Committee may receive a presentation on the Floodplain Management Plan Annual Evaluation Report. The Committee may also consider the possible filing of County Communication No. 03-258 and other related action.

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**COW-1(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(MICHAEL FELICILDA V. COUNTY OF MAUI, CASE NO. 7-99-00168)**

DESCRIPTION: The Committee is in receipt of correspondence dated September 2, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MICHAEL FELICILDA VS. COUNTY OF MAUI, CASE NO. 7-99-00168". The claim alleges work-related injuries sustained on January 7, 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(9) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(RONALD DAVIS V. COUNTY OF MAUI, CASE NO. 7-99-02989)**

DESCRIPTION: The Committee is in receipt of correspondence dated October 7, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RONALD DAVIS VS. COUNTY OF MAUI, CASE NO. 7-99-02989". The claim alleges work-related injuries sustained on September 5, 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-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.