

MINUTES

COMMITTEE OF THE WHOLE

Council of the County of Maui

Council Chamber

December 16, 2003

CONVENE: 1:33 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Dain P. Kane, Vice-Chair
Councilmember G. Riki Hokama, Member
Councilmember Jo Anne Johnson, Member (arr. at 1:43 p.m.)
Councilmember Danny A. Mateo, Member
Councilmember Joseph Pontanilla, Member

EXCUSED: Councilmember Michael J. Molina, Member
Councilmember Wayne K. Nishiki, Member
Councilmember Charmaine Tavares, Member

STAFF: Carla Nakata, Legislative Attorney
Pauline Martins, Committee Secretary

Morris Haole, Executive Assistant to Councilmember Carroll

ADMIN.: Laureen Martin, Deputy Corporation Counsel, Department of the
Corporation Counsel
Gary Gates, Risk Manager, Department of Finance
Kekuhaupio Akana, Deputy Chief of Police, Department of Police
(Item No. 1(12) & 1(14))
John Buck, Deputy Director, Department of Parks and Recreation
(Item No. 1(1))

PRESS: None.

CHAIR CARROLL: Good morning, members, and thank you for attending this meeting this afternoon.
With us this morning--I remembered to say afternoon instead of morning.

COUNCILMEMBER HOKAMA: I knew that was a test for me.

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

CHAIR CARROLL: In the after . . . afterwards, so I get 50 percent credit for that.

MEMBERS: . . . (*chuckled*) . . .

CHAIR CARROLL: Let the record show that this afternoon, we have Vice-Chair Kane, Members Riki Hokama, Danny Mateo and Joseph Pontanilla. Excused at this time are Jo Anne Johnson, Michael Molina, Wayne Nishiki and Charmaine Tavares. Jo Anne Johnson should be joining us shortly. All right, members, we have only three items this afternoon. First of all, is there anyone that has signed up for public testimony? Hearing none and seeing the gallery empty. If there are no objections, we will close public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR CARROLL: Thank you.

COW-1(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (DANIEL GANANCIAL V. COUNTY OF MAUI, CASE NO. 7-96-03171) (C.C. No. 03-19)

CHAIR CARROLL: Our first item today is Committee of the Whole Item No. 1(12), settlement authorization of claims and lawsuits, Daniel Ganancial versus County of Maui, Case No. 7-96-03171. We have Corporation Counsel Laureen Martin. Oh . . . and we also have our Deputy Chief Akana, Mr. Gary Gates, and John Buck from Parks, and also our staff (Pauline Martins and Carla Nakata). Ms. Martin?

MS. MARTIN: Thank you, Chairman Carroll. This is a workers' compensation claim arising out of work-related injuries sustained on September 9, 1996. This injury occurred as a result of a motor-vehicle accident. I am requesting executive session in order to discuss medical and personnel issues.

CHAIR CARROLL: Thank you. Members? Mr. Kane?

VICE-CHAIR KANE: This involves what department?

MS. MARTIN: Chairman. The Police Department.

VICE-CHAIR KANE: Thank you.

CHAIR CARROLL: Any further discussion in open session?

COUNCILMEMBER HOKAMA: One, Chairman.

CHAIR CARROLL: Mr. Hokama?

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

COUNCILMEMBER HOKAMA: If Corporation Counsel can in open session tell us why we are dealing with something almost eight years old, now?

CHAIR CARROLL: Corporation Counsel?

MS. MARTIN: Chairman. I can only say that there has not been an unusual delay in this particular case. There was additional treatment, which necessitated this settlement.

CHAIR CARROLL: Anything further? Mr. Hokama, are you finished?

COUNCILMEMBER HOKAMA: Yeah, Chair--no . . . uh . . . well, it just bothers me, Chairman. I would hope we would be able to deal with our employees on a more reasonable time schedule than eight years later.

CHAIR CARROLL: The Chair concurs and hopes that in the future, we can address things in a more timely manner. I am sure that Corporation Counsel has gotten the message about that.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR CARROLL: Mr. Kane, did you have something to add?

VICE-CHAIR KANE: Thank you, Mr. Chair. Mr. Ganancial--is that his name? Is he an employee of the County? And if so, is he currently still employed?

CHAIR CARROLL: Corporation Counsel?

MS. MARTIN: Chairman. In response to the question, he is no longer employed by the County of Maui?

VICE-CHAIR KANE: Is it as a result of this work-related injury?

MS. MARTIN: Chairman. No. My understanding is that it's not as a result of this.

VICE-CHAIR KANE: Okay, thank you. I look forward to the discussion in executive session.

CHAIR CARROLL: Anything further? Hearing none. The Chair would entertain a motion to go into executive session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

VICE-CHAIR KANE: So moved.

COUNCILMEMBER PONTANILLA: Second.

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

CHAIR CARROLL: It's been moved by Mr. Kane, seconded by Mr. Pontanilla. Discussion?
Mr. Kane?

VICE-CHAIR KANE: No discussion.

CHAIR CARROLL: All those in favor of the motion signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR CARROLL: Chair votes "aye". Motion carried. Opposed?

VOTE: AYES: Chair Carroll, Vice-Chair Kane, Councilmembers Hokama, Mateo and Pontanilla.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson, Molina, Nishiki and Tavares.

MOTION CARRIED.

ACTION: EXECUTIVE SESSION.

CHAIR CARROLL: Thank you. We are going to go on to the next one and then we will come back and do all the executive sessions at one time.

COW-1(14) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (JAMIE J. BECRAFT V. COUNTY OF MAUI, CASE NOS. AB 2003-223 (M), 7-98-01964, 7-99-02271 AND 8-01-00226) (C.C. No. 03-19)

CHAIR CARROLL: The next case we have is Committee of the Whole Item No. 1(14), settlement authorization of claims and lawsuits, Jamie J. Becraft versus County of Maui, Case Nos. AB 2003-223 (M), 7-98-01964, 7-99-02271 and finally 8-01-00226. Corporation Counsel, Ms. Martin?

MS. MARTIN: Thank you, Chairman Carroll. The proposed settlement involves three workers' compensation claims arising out of work-related injuries sustained on July 1, 1998, June 30, 1999, and December 13, 2000. One injury arose from a motor-vehicle accident and

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

the other two injuries arose from attempting to arrest suspects. I am requesting executive session in order to discuss medical and personnel issues.

CHAIR CARROLL: Thank you. Members, questions in open session? Mr. Kane?

VICE-CHAIR KANE: There is a total of four cases here? Four claims?

MS. MARTIN: Chairman. In response to the question, one of those numbers (the AB number) is actually the Appeals Board number and so that relates to one of the DCD numbers. So there is only three injuries.

VICE-CHAIR KANE: Okay. And they all are with Jamie Becraft.

MS. MARTIN: Chairman. Yes, that's correct.

VICE-CHAIR KANE: Okay, thank you.

CHAIR CARROLL: Members, further questions in open session? Hearing none. Chair will entertain a motion to go into executive session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

VICE-CHAIR KANE: So moved.

COUNCILMEMBER PONTANILLA: Second.

CHAIR CARROLL: It's been moved by Mr. Kane, seconded by Mr. Pontanilla. Mr. Kane, discussion?

VICE-CHAIR KANE: No discussion.

CHAIR CARROLL: Discussion, members? Hearing none. All those in favor of the motion signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR CARROLL: Opposed?

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

VOTE: AYES: Chair Carroll, Vice-Chair Kane, Councilmembers Hokama, Mateo and Pontanilla.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson, Molina, Nishiki and Tavares.

MOTION CARRIED.

ACTION: EXECUTIVE SESSION.

CHAIR CARROLL: Motion carried unanimously. Thank you.

COW-1(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CHARLES SILVA V. COUNTY OF MAUI, CASE NOS. 7-02-02296 AND 7-01-01302) (C.C. No. 03-19)

CHAIR CARROLL: We have one more item. Committee of the Whole Item No. 1(1), settlement authorization of claims and lawsuits, Charles Silva versus County of Maui, Case Nos. 7-02-02296 and 7-01-01302. Corporation Counsel.

MS. MARTIN: Thank you, Chairman Carroll. This proposed settlement involves two workers' compensation claims arising out of work-related injuries sustained on April 23, 2001 and November 23, 2001. These injuries arose from falling and involves the Department of Parks and Recreation. I am requesting executive session in order to discuss medical and personnel issues.

CHAIR CARROLL: Members, questions in open session? Hearing none. Chair will entertain a motion to go into executive session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

VICE-CHAIR KANE: So moved.

COUNCILMEMBER PONTANILLA: Second.

CHAIR CARROLL: It's been moved by Mr. Kane, seconded by Mr. Pontanilla. Discussion, Mr. Kane?

VICE-CHAIR KANE: No further discussion.

CHAIR CARROLL: Members? Hearing none. All those in favor of the motion signify by saying "aye".

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

COUNCIL MEMBERS VOICED AYE.

CHAIR CARROLL: Opposed?

VOTE: AYES: Chair Carroll, Vice-Chair Kane, Councilmembers Hokama, Mateo and Pontanilla.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson, Molina, Nishiki and Tavares.

MOTION CARRIED.

ACTION: EXECUTIVE SESSION.

CHAIR CARROLL: Motion carried unanimously. Thank you. Members, I am going to recess this meeting and we will then convene in executive session. This meeting is in recess.

RECESS: 1:42 p.m.

(THE COMMITTEE OF THE WHOLE MEETING ENTERED INTO EXECUTIVE SESSION AT 1:45 P.M. AND ENDED AT 3:13 P.M.)

RECONVENE: 3:17 p.m.

CHAIR CARROLL: This Committee of the Whole meeting of December 16, 2003 is now back in session.

COW-1(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (DANIEL GANANCIAL V. COUNTY OF MAUI, CASE NO. 7-96-03171) (C.C. No. 03-19)

CHAIR CARROLL: Members, we have before us the first item to bring back up after executive session. It is Committee of the Whole Item No. 1(12), settlement authorization of claims and lawsuits, Daniel Ganancial versus County of Maui, Case No. 7-96-03171. Members, any discussion?

VICE-CHAIR KANE: Recommendation, Mr. Chair?

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

CHAIR CARROLL: The Chair would accept a motion . . . uh . . . entertain a motion to adopt the proposed resolution entitled "AUTHORIZING SETTLEMENT OF DANIEL GANANCIAL VS. COUNTY OF MAUI, CASE NO. 7-96-03171".

VICE-CHAIR KANE: Mr. Chair?

CHAIR CARROLL: Yes.

VICE-CHAIR KANE: Does that recommendation include the amount that was discussed in executive session?

CHAIR CARROLL: Thank you, Mr. Kane. This recommendation also includes the amount that was discussed in executive session.

VICE-CHAIR KANE: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR CARROLL: It's been moved by Mr. Kane, seconded by Ms. Johnson. Mr. Kane, discussion?

VICE-CHAIR KANE: No further discussion.

CHAIR CARROLL: Members, any discussion? Hearing none. All in favor of the motion signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR CARROLL: Opposed?

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

VOTE: **AYES:** **Chair Carroll, Vice-Chair Kane, Councilmembers Hokama, Johnson, Mateo and Pontanilla.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Molina, Nishiki and Tavares.**

MOTION CARRIED.

ACTION: **ADOPT RESOLUTION.**

CHAIR CARROLL: Motion carried unanimously. Thank you.

COW-1(14) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (JAMIE J. BECRAFT V. COUNTY OF MAUI, CASE NOS. AB 2003-223 (M), 7-98-01964, 7-99-02271 AND 8-01-00226) (C.C. No. 03-19)

CHAIR CARROLL: Moving on to Committee of the Whole Item No. 1(14), settlement authorization of claims and lawsuits, Jamie J. Becraft versus County of Maui, Case Nos. AB 2003-223 (M), 7-98-01964, 7-99-02271 and finally 8-01-00226. Members, discussion?

VICE-CHAIR KANE: Recommendation, Mr. Chair.

CHAIR CARROLL: The Chair will accept a motion to adopt the proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMIE J. BECRAFT VS. COUNTY OF MAUI, CASE NOS. AB 2003-223 (M), 7-98-01964, 7-99-02271 AND 8-01-00226" and the amount that was agreed upon in executive session.

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR KANE: That was **discussed** in executive session.

CHAIR CARROLL: That was **discussed** in executive session.

VICE-CHAIR KANE: Thank you, Mr. Chair.

CHAIR CARROLL: Thank you.

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

VICE-CHAIR KANE: So moved--oh, I'm sorry. I'll second. Member Johnson moved.

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR KANE: Second.

CHAIR CARROLL: Moved by Ms. Johnson, seconded by--who seconded the motion? Mr. Kane, thank you. Discussion?

COUNCILMEMBER HOKAMA: Chairman?

CHAIR CARROLL: Mr. Hokama.

COUNCILMEMBER HOKAMA: My comments--and I will try to keep it so that I am very cognizant of the open session status. My concern, as I believe it, is not from the claimant's problem with the County of Maui but as it regards to . . . um . . . a decision or ruling through representation of the State Department of Labor. And so as we have discussed it in executive session, and with the information that is available to us at this time, I will not support the motion.

CHAIR CARROLL: Thank you, Mr. Hokama. Any further discussion? Mr. Kane?

VICE-CHAIR KANE: Thank you, Mr. Chairman. I found this one to be very challenging and I think the comments of Mr. Hokama should really be something for us to consider, in this vote as well as in overall our approach to cases similar to this particular case. However, I will be supporting the motion to authorize or support the resolution authorizing the claim settlement because I think on an individual case-by-case basis, for me, I feel it is necessary to weigh out what the circumstances are with respects to settlement . . . uh . . . generally speaking, settlement. And that the challenge in this particular case gives us conflicting information. There is information within the reports that were provided to us in executive session that made it difficult for us to have a clear line on making a determination, in my opinion . . . um . . . and so that's what creates the challenge. And so in this case, it came down to weighing out the proposed settlement versus not being willing to settle a component of this resolution and . . . uh . . . not knowing how to anticipate an outcome with a decision that's going to be made someplace else. And that's what made it difficult for me for the consideration. So again with, like Member Hokama said, without divulging the specifics on that, I am just trying to relay to this body--on record--that in this case, for me, the benefit to settle with the amount that has been discussed between the parties seems reasonable enough for me to move forward with the support. But I think in similar situations and in claims that would come forward before us next time will still be reviewed with the same level--if not more--level of scrutiny to make sure that when we weigh it out in the end, that overall, the benefit is gonna be for us to do the right thing. So thank you for letting me give you extended comments, Mr. Chairman.

CHAIR CARROLL: Thank you, Mr. Kane. Ms. Johnson?

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

COUNCILMEMBER JOHNSON: And I will be supporting the motion as well because I think that while Councilmember Hokama raises some good points, I think it really is a larger issue than just the specific case because it involves policy and direction. It involves how we view risk management and for me, those kinds of issues, while they are important, they really, I think--at least in this particular case--I agree with Councilmember Kane that I am not going to let that override my decision, which is basically to just take this particular case on its own merits. And whether it's prudent to take one course or more prudent to make a point and take another course. So I will do what I believe is the most fiscally responsible thing at this point in time and support the motion. But I think that it's important for our Risk Manager and for all of our departments to look at: how we function; how we look at employment; how we look at any kind of mitigative measures with regards to tasks that people are assigned; and how it relates to potential recurring injuries or recurring claims. So I think that's a discussion perhaps for another day. But I think it might--at some point in time Mr. Chair--be helpful for us to maybe even have workshops or a conference in general, just for us or for department heads, maybe just to look at the overall issue of Risk Management and employment, where we place employees, and also let the employees know that sometimes it's not always an easy fix. It's not always just an easy choice and that whatever choices we make--whether they are our own personal choices or whether they are choices that are imposed on us by Administration or by our supervisors--that there are consequences often times for making those choices. So thank you, Mr. Chair, for taking the extra time and allowing us the freedom to discuss these issues. Thank you.

CHAIR CARROLL: Thank you, Ms. Johnson. Any further discussion? Mr. Kane?

VICE-CHAIR KANE: Yeah. Just one final comment, Mr. Chair. You know, in this situation, I just want to note that for me, the reason why it made it more difficult was because I think Mr. Hokama raised the bar on looking at these things closely. It helped me to really look at it with attention to some detail that may have otherwise been missed in my opinion. So it made me really sit back and think about this one and that, for me, the bar has been raised in looking at future settlement authorizations and working with our Risk Manager and our department heads as well as Corp. Counsel because we know that Corp. Counsel is the one ultimately, you know, is sitting there trying to negotiate out a settlement that would be the best for all parties . . . uh . . . well--let me restate that. Negotiate it out for the best for us--the County of Maui--which is our taxpayers and our citizens. So I just wanted to make that additional note. This one was kind of challenging and it's not because of the dollar amounts overall. I mean because relatively speaking it's not a lot of money but from a principle standpoint, I think, some issues were raised that were very important for us to be aware of. So raising that bar is important for me and I appreciate the comments that were brought forward by Mr. Hokama. Thank you.

CHAIR CARROLL: Thank you. Mr. Mateo?

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

COUNCILMEMBER MATEO: Thank you, Mr. Chair. Mr. Chair, just to continue in echoing the same sentiments as my colleagues. Perhaps Mr. Chair, I think our risk management really needs--I would like to understand how they work with the different departments. We are looking at claim settlements that involve multiple injuries, you know, injuries occurring to individuals on multiple dates and to me, I would just like to understand how risk management is dealing with the departments in addressing these multiple claims. One, it's not only really . . . um . . . bad for our employees, but I don't know what kind of initiation programs or measures that are being included with the departments to really address these issues that we are seeing right now because we are not just seeing one. We are seeing several. And I would just like to get additional information. I will touch basis with risk management just so I can get a better understanding of how the situation is being worked on. Thank you, Mr. Chair.

CHAIR CARROLL: Thank you. Any further discussion?

COUNCILMEMBER PONTANILLA: Yeah, just a comment.

CHAIR CARROLL: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chair. It's just a comment in regards to workers' compensation settlement. I know that we do have a whole bunch that's, you know, dated ten years ago. And you know, thanks to risk management for trying to catch up right now and I think what we are seeing is those items that were . . . probably happened maybe five or ten years ago, and we are finally coming to rest on some of these. But going forward, any workers' comp injury that happens--yeah. We need to take it up on a timely basis, you know, as soon as possible, so that it doesn't get into the same situation where this thing age and it does cost the County money. So it's one good thing that we are trying to catch up right now to reduce that particular expense item that we have and . . . uh . . . I thank risk management for taking that as a priority.

CHAIR CARROLL: Thank you. Any further discussion? Hearing none. All those in favor of the motion signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR CARROLL: Opposed?

COUNCILMEMBER HOKAMA: No.

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

VOTE: AYES: Chair Carroll, Vice-Chair Kane, Councilmembers Johnson, Mateo and Pontanilla.

NOES: Councilmember Hokama.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Molina, Nishiki and Tavares.

MOTION CARRIED.

ACTION: ADOPT RESOLUTION.

CHAIR CARROLL: Note there is one "no" and five "ayes". The motion is carried. Thank you.

COW-1(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CHARLES SILVA V. COUNTY OF MAUI, CASE NOS. 7-02-02296 AND 7-01-01302) (C.C. No. 03-19)

CHAIR CARROLL: Our last item for today, Committee of the Whole Item No. 1(1), settlement authorization of claims and lawsuits, Charles Silva versus County of Maui, Case Nos. 7-02-02296 and 7-01-01302. Discussion? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I would request that you write a letter to the appropriate department, possibly Personnel Services. I would like this committee to have the information of how many employees either do part-time or full-time equivalent side jobs . . . that's been approved by the County.

CHAIR CARROLL: It will be done. We will get that back to the members. Anything further?

VICE-CHAIR KANE: If there's no other request, Mr. Chair, I ask for your recommendation.

CHAIR CARROLL: Thank you. Any further discussion? Hearing none. All in favor of the . . .

VICE-CHAIR KANE: Your recommendation, Chair?

MEMBERS: Your recommendation.

CHAIR CARROLL: Oh! . . . (*chuckled*) . . . Yes. Let's do the recommendation and have a motion on the floor. That would probably be a good idea. The Chair will entertain a motion to adopt the proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHARLES SILVA VS.

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

COUNTY OF MAUI, CASE NOS. 7-02-02296 AND 7-01-01302” and the settlement amount discussed in executive session.

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR KANE: Second.

CHAIR CARROLL: It's been moved by Ms. Johnson, seconded by Mr. Kane. Discussion? All those in favor of the motion signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR CARROLL: Opposed?

COUNCILMEMBER HOKAMA: No.

VOTE: AYES: Chair Carroll, Vice-Chair Kane, Councilmembers Johnson, Mateo and Pontanilla.

NOES: Councilmember Hokama.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Molina, Nishiki and Tavares.

MOTION CARRIED.

ACTION: ADOPT RESOLUTION.

CHAIR CARROLL: Note there is one "no" by Mr. Hokama and five "ayes". Motion is carried. Members, that completes our agenda. The Chair would just to make one final comment about today's proceedings. This is part of the mitigation process. The things that are heard here in open session and executive session help the Risk Manager and Corporation Counsel to structure things to make working conditions safer and better, and to improve the process to where we can reduce injuries and have far less cases coming before us. So I know there was a lot of concern with raising the bar. We cannot raise the bar too high. That is not possible because the more information we have and the more that we explore the different cases, the more information it gives to the people that can really make a difference and reduce the number of work-related injuries and other types of . . . uh . . . settlement claims that come before us. And lastly, thank you so much, members. The Chair deeply appreciates your participation today. This is not only the Committee of the Whole's last meeting of the year. I

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

believe this is the last meeting **period** of the year. I really appreciate your coming out and spending the time. I can't stress how important it is and I know you all know . . . because by doing this now, it really affects the lives of the people that come before us. Mr. Kane?

VICE-CHAIR KANE: Thank you, Mr. Chairman. I just wanted to make a comment about this meeting being scheduled this afternoon. You know, we on the 7th floor from the Chair's office put out a memo recently discussing scheduling meetings off of the normal scheduled times for committees. In this case, I wanted to share with you--Mr. Chair--that after you made the request to have this particular meeting, I looked at it and I want to thank you for convincing me how important it was to have this meeting today. Although some members might not think of the time-sensitivity on these issues today for something that's going to be needed in the next week or so. By looking at your master agenda, it becomes very clear that as you can see we've taken over two hours for these three items and that if these two items were put off along with the time-sensitive issues that are going to be coming forward in January on your . . . from your master agenda and coming forward, then we can start to see how pressing it is to relieve your master agenda. So that is what compelled me to look at this on a case-by-case basis as the memo was put out, that we would look at requests first by you polling the members and seeing if you're available. And then second, if there is an availability, really to justify--as we agreed as a body--justify what is the compelling need to have a meeting during an off-scheduled time. So again, I just wanted to provide you--Mr. Chair--and your committee members the reason why we are having this meeting and that we felt that it was a justified meeting to have and . . . uh . . . I think we got a lot out of the discussion today in hopefully formulating broader issues and refining some broader issues that were brought up as a result of the discussion today. Thank you.

CHAIR CARROLL: Thank you, Mr. Kane. Any further comment/discussion? Ms. Johnson?

COUNCILMEMBER JOHNSON: I just wanted to thank staff and also Corporation Counsel and yourself and Administration for being here today. I think that--I am sure they have other things to do too but it's really appreciated and I appreciate the fact that they've been very loyal and taking long minutes and sitting through a lot of discussions, not just at this meeting but all throughout the whole year. Since this is your last meeting of this calendar year, I really just want to thank them for their dedication to the people of Maui and to the committee members too, who came today.

CHAIR CARROLL: Thank you. Anything further? Mr. Hokama?

COUNCILMEMBER HOKAMA: I think this would help us, Chairman. I would request you to write a letter, maybe to Finance Department. In all these claims and settlements, what is the dollar amount that each department has been approved for and the amount of claims . . . uh . . . because I am thinking of doing budget differently as it regards to claims and settlements for the upcoming budget, Chairman.

COMMITTEE OF THE WHOLE
Council of the County of Maui

December 16, 2003

CHAIR CARROLL: Thank you. It will be done. Anything further, members? Oh--Carla?

MS. NAKATA: I would just note that there was a prior request made to the Department of Finance along those lines. Reports have been timely submitted and they are just waiting to be scheduled on the Committee's calendar.

CHAIR CARROLL: All right.

COUNCILMEMBER HOKAMA: Have it updated if there's any additions, please.

CHAIR CARROLL: Thank you, Mr. Hokama. Is there anything further? If not, a very merry Christmas and a happy new year to everyone. This Committee of the Whole meeting of December 16, 2003 stands adjourned.

ADJOURN: 3:38 p.m.

APPROVED BY:



ROBERT CARROLL, Chair
Committee of the Whole

cow:min:031216

Transcribed by: Pauline Martins