

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

March 15, 2004

1:00 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-1(1)

SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (STATE FARM INSURANCE COMPANIES ON BEHALF OF HISAO YOSHIZU, CLAIM NO. 2003-091/1789793-0197)

DESCRIPTION:

The Committee is in receipt of correspondence dated February 27, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-091/1789793-0197 OF STATE FARM INSURANCE COMPANIES ON BEHALF OF ITS INSURED, HISAO YOSHIZU". The claim alleges damages related to a collision between Mr. Yoshizu's parked vehicle and the Kihei Fire Station truck at Wili Pa Loop in Wailuku, on August 5, 2003. The purpose of the proposed resolution is to authorize settlement of the case for \$7,154.49.

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.

MORE →

COW-6 ACCEPTING DEDICATIONS OF ROADWAY EASEMENT AND ROAD-WIDENING LOT WITH RESPECT TO KEOLA LANE (UALAPUE, MOLOKAI)

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 04-61 from the Department of the Corporation Counsel, transmitting a proposed resolution to accept the dedication of a roadway easement situate at Ualapue, Molokai.
2. Correspondence dated March 3, 2004, from the Department of the Corporation Counsel, transmitting the following:
 - a. An Order on Return Day Hearing on Deadlines in Wescoatt, et al. v. Affordable Dreams, Inc., et al., Civil No. 95-0078(3), Circuit Court of the Second Circuit, State of Hawaii, filed January 9, 2004.
 - b. A revised proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY EASEMENT FROM HERMAN T. TANAKA, ET AL., SITUATE AT UALAPUE, MOLOKAI, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO ACQUISITION OF REAL PROPERTY". The purpose of the revised proposed resolution is to accept the dedication of a roadway easement from Herman T. Tanaka, Cynthia S. Y. Tanaka, Harvey T. Tanaka and Sherry C. Teruya, situate at Ualapue, Molokai (TMK: (2) 5-6-02:015).
 - c. A proposed resolution entitled "ACCEPTING LAND PATENT GRANT NO. S-15, 984, KEOLA LANE WIDENING, FROM THE STATE OF HAWAII, SITUATE AT UALAPUE, MOLOKAI, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO ACQUISITION OF REAL PROPERTY". The purpose of the proposed resolution is to accept a land patent grant from the State of Hawaii relating to public lands, identified as TMK: (2) 5-6-02:portion 6, Keola Lane Widening, situate at Ualapue, Molokai.

STATUS:

The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider the possible filing of County Communication No. 04-61 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.

COW-2(1) SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION (MANNY CARABELLO V. MAUI COUNTY POLICE DEPARTMENT, ET AL.; CIVIL NO. CV-03-00693 DAE/BMK)

DESCRIPTION:

The Committee is in receipt of correspondence dated March 5, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING EMPLOYEES ORLINO NONEZA, JR., GREGG A. KARONIS, AND NICHOLAS P. KRAU IN CIVIL NO. CV-03-00693 DAE/BMK; MANNY CARABELLO vs. MAUI COUNTY POLICE DEPARTMENT, ET AL.". The purpose of the proposed resolution is to indemnify Orlino Noneza, Jr., Gregg A. Karonis, and Nicholas P. Krau, police officers with the County of Maui Department of Police, in the referenced lawsuit alleging the violation of Manny Carabello's constitutional rights and alleging discrimination on the basis of race.

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
(MARLENE CURTIS V. COUNTY OF MAUI, CASE NO. 7-02-02038)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 9, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARLENE CURTIS VS. COUNTY OF MAUI, CASE NO. 7-02-02038". The claim alleges work-related injuries sustained on April 10, 2002. 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(6) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(MARVIN MILES V. COUNTY OF MAUI, CASE NO. 7-03-00900)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 11, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARVIN MILES VS. COUNTY OF MAUI, CASE NO. 7-03-00900". The claim alleges work-related injuries sustained on April 2, 2003. 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(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (ALAN
AKANA V. COUNTY OF MAUI, CASE NO. 7-02-03691)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ALAN AKANA VS. COUNTY OF MAUI, CASE NO. 7-02-03691". The claim alleges work-related injuries sustained on November 15, 2002. 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.