

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

August 4, 2004
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-12

AIR AMBULANCE SERVICE PROPOSALS

DESCRIPTION: The Committee is in receipt of County Communication No. 04-163, from the Council Chair, transmitting proposals for air ambulance services from Air Methods Corporation and CJ Systems Aviation Group, Inc.

STATUS: The Committee may receive informational presentations from each vendor. The Committee may also consider the possible filing of County Communication No. 04-163 and other related action.

MORE →

**COW-2(2) SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION
(CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT IN
PAIA, MAUI)**

DESCRIPTION: The Committee is in receipt of correspondence dated July 27, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING JOHN E. MIN, DAVID GOODE, CLAYTON YOSHIDA, AND MILTON ARAKAWA IN CASE NO. CV02-00071 HG/BMK, DENNIS P. HOLLAND, ETC., ET AL. VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to indemnify former Planning Director, John E. Min; former Deputy Planning Director and current County employee, Clayton I. Yoshida; former Director of Public Works and Waste Management, David Goode; and Deputy Director of Public Works and Environmental Management and current County employee, Milton Arakawa in a lawsuit involving a dispute arising at the Montana Beach Condominium project adjacent to Baldwin Beach Park in Paia, Maui. The allegations against these defendants include due process and equal protection violations and conspiracy to violate civil rights. The plaintiffs are also requesting injunctive and declaratory relief.

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-2(1) SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION
(VALERIE GREGORY, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL
NO. 03-1-0265 (1))**

DESCRIPTION: The Committee is in receipt of correspondence dated July 27, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING EDWIN AMONG, NICHOLAS ANGELL, AND GARRET TIHADA IN CIVIL NO. 03-1-0265 (1), VALERIE GREGORY, ET AL. V. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to indemnify Edwin Among, Nicholas Angell, and Garret Tihada, police officers with the County of Maui Department of Police, in the referenced lawsuit containing allegations of negligent battery, assault and battery, use of excessive and deadly force, and violations of Richard Gregory's constitutional rights.

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.