

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

February 15, 2005

9:00 a.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

Michael J. Molina, Chair

Dain P. Kane, Vice-Chair

Michelle Anderson

Robert Carroll

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

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 (Richelle Kawasaki or Clarita Balala) 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, 16 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-10

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (2004)

DESCRIPTION:

The Committee is in receipt of correspondence dated November 9, 2004, from the Mayor, requesting consideration of the following nominees:

- A. KULA AGRICULTURAL PARK COMMITTEE
 1. Geoffrey Haines (replacing Eric Mitchell), for a term expiring on March 31, 2006.
- B. COMMITTEE ON STATUS OF WOMEN
 1. Cecille Patao Piros (replacing Shay Chan Hodges), for a term expiring on March 31, 2005.

STATUS:

There are no deadlines for approval of nominations to the Kula Agricultural Park Committee and Council approval is not required for the Committee on Status of Women. The Committee may consider whether to recommend approval or disapproval of the nomination to the Kula

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Agricultural Park Committee. The Committee may also consider whether to file County Communication No. 03-25 and other related action.

COW-2(1) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated January 27, 2005, from the Mayor, requesting consideration of the following nominees:

- A. REAL PROPERTY TAX REVIEW BOARD
 - 1. Marilyn Colvin (replacing Kyle Yamashita), for a term expiring on 3/31/07.
- B. SALARY COMMISSION
 - 1. Frederick Rohlfing (replacing Gladys Baisa), for a term expiring on 3/31/08.
- C. URBAN DESIGN REVIEW BOARD
 - 1. John Sprinzel (replacing Robert Henriques), for a term expiring on 3/31/08.

STATUS: The Council must approve or disapprove the nominations to the Real Property Tax Review Board and the Salary Commission by March 29, 2005, or the nominees will be deemed approved. There are no deadlines for approval of nominations to the Urban Design Review Board. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

COW-2(2) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated January 26, 2005, from the Mayor, requesting consideration of the following nominees:

Nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days (for terms expiring on March 31, 2010, unless otherwise indicated):

- A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 - 1. Rudolpho "Rudy" Esquer (County employee).
- B. BOARD OF CODE APPEALS
 - 1. Robert Bowlus (Architect).
- C. BOARD OF ETHICS
 - 1. Randol Leach; and
 - 2. John Pele.
- D. BOARD OF VARIANCES AND APPEALS
 - 1. Harjinder Ajmani; and
 - 2. James Shefte.
- E. CIVIL SERVICE COMMISSION
 - 1. Francis Kau.

- F. COMMISSION ON CHILDREN AND YOUTH
 - 1. Felecia Shin; and
 - 2. Duke Sevilla.
- G. COMMISSION ON CULTURE AND THE ARTS
 - 1. Janet Agapay; and
 - 2. Marilyn Hirashima.
- H. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES
 - 1. Verna Nahulu; and
 - 2. Karen Arakawa.
- I. COST OF GOVERNMENT COMMISSION
 - 1. Jack Skillicorn, for a term expiring on 3/31/07;
 - 2. James Loomis, for a term expiring on 3/31/07;
 - 3. Sandra Swanson, for a term expiring on 3/31/07; and
 - 4. Sean Cunningham, for a term expiring on 3/31/07.
- J. COUNCIL ON AGING
 - 1. Robin Ridley; and
 - 2. Veronica Yamanoha.
- K. FIRE AND PUBLIC SAFETY COMMISSION
 - 1. Frank Pikrone; and
 - 2. Angel Allas.
- L. HANA ADVISORY COMMITTEE
 - 1. Kau`i Kanaka`ole; and
 - 2. Melissa Mauiola.
- M. LANAI PLANNING COMMISSION
 - 1. Dwight Gamulo; and
 - 2. Charles Kaukeano.
- N. LIQUOR CONTROL ADJUDICATION BOARD
 - 1. Lance Collins; and
 - 2. Darren Lopez.
- O. LIQUOR CONTROL COMMISSION
 - 1. Victor Fink; and
 - 2. Curt Morimoto.
- P. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 - 1. Darren Quinn; and
 - 2. Marguerite Rowland.
- Q. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Dorothy Pyle (Historian);
 - 2. Lee Kalei Moikeha; and
 - 3. Evalina "Nani" Watanabe (Lanai).
- R. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Rita Whitford; and
 - 2. Donald Stewart.

- S. MAUI PLANNING COMMISSION
 1. Bruce U`u; and
 2. Wayne Hedani.
- T. POLICE COMMISSION
 1. Doreen Gomes; and
 2. John Ornellas.
- U. REAL PROPERTY TAX REVIEW BOARD
 1. Carmela Zimmermann.
- V. SALARY COMMISSION
 1. Douglas Levin; and
 2. Andrew Herrera.
- W. STREET LIGHTING COMMITTEE
 1. Charles Hirata.
- X. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 1. Brooks Aoki (Engineer); and
 2. Garrett Tokuoka (Engineer).
- Y. KULA AGRICULTURAL PARK COMMITTEE
 1. Gregory Knue (Banker); and
 2. Craig Rasmussen (Rep. from Tenants Assoc.).
- Z. MAUI REDEVELOPMENT AGENCY
 1. Linda Tamanaha.
- AA. URBAN DESIGN REVIEW BOARD
 1. Eric Nakagawa (Engineer);
 2. Anthony Riecke-Gonzales (Architect);
 3. Russ Riley (Landscape Architect);
 4. Raymond Phillips (Engineer, alternate); and
 5. Christopher "Chris" Hart (Landscape Architect, alternate).
- BB. COMMITTEE ON STATUS OF WOMEN
 1. Leanne Calandrella, for a term expiring on 3/31/09; and
 2. Nadine Newlight, for a term expiring on 3/31/09.
- CC. MAUI COUNTY ARBORIST COMMITTEE
 1. Sue Lipp;
 2. Harlan Hughes; and
 3. Eric Molina.
- DD. TRAFFIC SAFETY COUNCIL
 1. Thomas Thomas, Sr.;
 2. Charles Casicas; and
 3. Robert Evans.

STATUS: There are no deadlines for approval of nominations to the Kula Agricultural Park Committee, Maui Redevelopment Agency, and the Urban Design Review Board. Council approval is not required for the Committee on Status of Women, Maui County Arborist Committee, and the Traffic Safety Council. All other nominations must be approved or disapproved by the Council by April 1, 2005, or the nominees will be deemed approved. The Committee may

consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

**COW-1(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(ELEANOR POJAS V. COUNTY OF MAUI, CASE NO. 7-96-02608)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 1, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ELEANOR POJAS V. COUNTY OF MAUI, CASE NO. 7-96-02608". The purpose of the proposed resolution is to authorize settlement of the workers' compensation case for alleged work-related injuries sustained on July 30, 1996.

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
(CHRISTOPHER TINTIANGCO V. COUNTY OF MAUI, CASE NO. 7-02-03219)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 1, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHRISTOPHER TINTIANGCO V. COUNTY OF MAUI, CASE NO. 7-02-03219". The purpose of the proposed resolution is to authorize settlement of the workers' compensation case for alleged work-related injuries sustained on September 4, 2002.

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(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(RONALD SANDATE V. COUNTY OF MAUI, CASE NO. 7-01-03760)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 1, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RONALD SANDATE V. COUNTY OF MAUI, CASE NO. 7-01-03760". The purpose of the proposed resolution is to authorize settlement of the workers' compensation case for alleged work-related injuries sustained on November 21, 2001.

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
(REYNOLDS TAVARES V. COUNTY OF MAUI, CASE NO. 7-02-01731)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 1, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF REYNOLDS TAVARES V. COUNTY OF MAUI, CASE NO. 7-02-01731". The purpose of the proposed resolution is to authorize settlement of the workers' compensation case for alleged work-related injuries sustained on June 18, 2002.

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(7) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(MARTIN STRAIN CLAIM NO. 2004-101)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 7, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-101 OF MARTIN STRAIN" and transmitting a copy of the claim. The claim alleges damages related to an automobile collision with a County vehicle on or about December 8, 2004. 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-14 MONTANA BEACH CONDOMINIUM PROJECT (PAIA)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 01-193, from former Councilmember Alan M. Arakawa, requesting consideration of the matter of the development of single-family homes near Baldwin Beach in Paia, Maui.
2. Correspondence dated February 4, 2005, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL THE PACIFIC LAW GROUP, IN CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII". The purpose of the proposed resolution is to authorize the employment of special counsel, The Pacific Law Group, as insurance coverage counsel to represent the County of Maui in cases related to the Montana Beach Condominium Project, Paia, Maui.
3. Correspondence dated February 4, 2005, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF ASHFORD AND WRISTON, FOR THE INTERLOCUTORY APPEALS IN HOLLAND, ET AL. V. JAMES H. APANA, ET AL., CV03-00296 HG/BMK AND DENNIS P. HOLLAND, ETC., ET AL. V. COUNTY OF MAUI, ET AL., CV02-00071 HG/BMK". The purpose of the proposed

resolution is to authorize special counsel, Ashford and Wriston, as special counsel to represent the County of Maui in the appeals of Holland, et al. v. James H. Apana, et al., CV03-00296 HG/BMK and Dennis P. Holland, etc., et al. v. County of Maui, et al., CV02-00071 HG/BMK.

4. Correspondence dated February 4, 2005, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ALL CASES RELATING TO THE MONTANA BEACH CONDOMINIM PROJECT, PAIA, MAUI, HAWAII". The purpose of the proposed resolution is to settle all cases relating to the Montana Beach Condominium Project, Paia, Maui.

STATUS: The Committee may consider whether to recommend passage of the proposed resolutions, with or without revisions. The Committee may also consider the filing of County Communication No. 01-193 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.