

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

March 9, 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-5(1)

SPECIAL COUNSEL AUTHORIZATION (MEGAN KAINA, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 04-00608 DAE LEK)

DESCRIPTION:

The Committee is in receipt of correspondence dated March 1, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL GASS WEBER MULLINS, LLC, IN MEGAN KAINA, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 04-00608 DAE LEK". The purpose of the proposed resolution is to authorize the employment of special counsel, Gass Weber Mullins, LLC, in Megan Kaina, et al. v. County of Maui; Civil No. 04-00608 DAE LEK.

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.

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COW-1(6) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CLAIM OF DANIEL MILLS, CLAIM NO. 2004-084)

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 CLAIM NO. 2004-084 OF DANIEL MILLS" and transmitting a copy of the claim. The claim alleges damages due to an automobile accident. 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(8) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CLAIM OF KUU IPO WILHELM, CLAIM NO. 2004-027)

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. 2004-027 OF KUU IPO WILHELM" and transmitting a copy of the claim. The claim alleges damages due to an automobile accident. 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-4(2) INDEMNIFICATION AUTHORIZATION (VERIZON HAWAII, INC. V. LOUIS M. GOMES, ET AL., CIVIL NO. 05-1-0166)

DESCRIPTION: The Committee is in receipt of correspondence dated February 28, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING LOUIS M. GOMES IN CIVIL NO. 05-1-0166, VERIZON HAWAII, INC. VS. COUNTY OF MAUI, ET AL." and transmitting a copy of the complaint. The complaint alleges that while operating a brush cutter mower on August 26, 2003, Louis M. Gomes severed four cables on Kaupakalua Road in Makawao, Maui. The purpose of the proposed resolution is to indemnify Louis M. Gomes in this 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(10) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(WILLIAM RIVERA V. COUNTY OF MAUI, CASE NO. 5-95-03562)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WILLIAM RIVERA V. COUNTY OF MAUI, CASE NO. 5-95-03562". The claim alleges work-related injuries sustained on September 6, 1995. 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(17) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (CLAIM
OF GERARDO AND HELEN GARCIA, CLAIM NO. 2004-067)**

DESCRIPTION: The Committee is in receipt of correspondence dated March 2, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-067 BY GERARDO AND HELEN GARCIA" and transmitting a copy of the claim. The claim alleges damages to a hollow tile wall from a police vehicle. 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(11) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (BRIAN
KAYA V. COUNTY OF MAUI, CASE NO. 7-03-03298)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF BRIAN KAYA V. COUNTY OF MAUI, CASE NO. 7-03-03298". The claim alleges work-related injuries sustained on October 28, 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(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(ANSELM YAZAKI V. COUNTY OF MAUI, CASE NO. 7-02-02298)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ANSELM YAZAKI V. COUNTY OF MAUI, CASE NO. 7-02-02298". The claim alleges work-related injuries sustained on July 29, 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(13) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (PAUL
BAILEY V. COUNTY OF MAUI, CASE NO. 7-98-01622)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF PAUL BAILEY V. COUNTY OF MAUI, CASE NO. 7-98-01622". The claim alleges work-related injuries sustained on April 26, 1998. 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(14) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CHRISTOPHER BUENO V. COUNTY OF MAUI, CASE NO. 7-02-03285)**

DESCRIPTION: The Committee is in receipt of correspondence dated February 4, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHRISTOPHER BUENO V. COUNTY OF MAUI, CASE NO. 7-02-03285". The claim alleges work-related injuries sustained on October 5, 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-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 SETTLEMENT OF ALL CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII". The purpose of the proposed resolution is to settle all cases relating to the Montana Beach Condominium Project in Paia, Maui.

STATUS: The Committee may consider whether to recommend passage 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.