

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

June 14, 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@mauicounty.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-22

AMERICANS WITH DISABILITIES ACT COMPLIANCE

DESCRIPTION:

The Committee is in receipt of County Communication No. 05-180, from the Council Chair transmitting correspondence dated April 21, 2005 from the Department of the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE COUNTY OF MAUI". The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States of America to perform specified work in order to comply with the Americans with Disabilities Act.

STATUS:

The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-180 and other related action.

MORE →

**COW-1(18) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(CALVIN RITA V. COUNTY OF MAUI, CASE NO. 7-02-01104)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated May 12, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CALVIN RITA V. COUNTY OF MAUI, CASE NO. 7-02-01104". The claim alleges work-related injuries sustained on April 19, 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-2(8) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(MAUI COUNTY GRANTS REVIEW COMMITTEE)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated May 16, 2005 (received on May 17, 2005), from the Mayor, requesting consideration of the nomination of Charles Kaukeano to replace Phyllis McOmber on the Maui County Grants Review Committee for a term expiring on March 31, 2008.
- STATUS:** The Council must approve or disapprove the nomination by July 16, 2005, or the nominee will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action.

**COW-2(9) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LANAI PLANNING COMMISSION)**

- DESCRIPTION:** The Committee is in receipt of correspondence dated May 17, 2005 (received on May 18, 2005), from the Mayor, requesting consideration of the nomination of Stella Del Rosario to the Lanai Planning Commission for a term expiring on March 31, 2010.
- STATUS:** The Council must approve or disapprove the nomination by July 17, 2005, or the nominee will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action.

COW-25 BROWNFIELDS CLEANUP REVOLVING LOAN FUND COALITION

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication No. 05-211 from the Mayor transmitting a proposed bill to authorize an intergovernmental agreement for the United States Environmental Protection Agency Hawaii Brownfields Cleanup Revolving Loan Fund Program.
 2. Correspondence dated June 6, 2005 from the Executive Assistant for Environmental Concerns transmitting a revised proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU AND STATE OF HAWAII FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAWAII BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM". The purpose of the revised proposed bill is to authorize an intergovernmental agreement with the City and County of Honolulu and the State of Hawaii for the United States Environmental Protection Agency Hawaii Brownfields

Cleanup Revolving Loan Fund Program. The revised bill corrects “Brownsfield” to “Brownfields” in all instances.

STATUS: The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication No. 05-211 and other related action.

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 May 26, 2005, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled “AUTHORIZING ADDITIONAL TERMS FOR 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.
3. Correspondence dated June 1, 2005, from the Department of the Corporation Counsel, transmitting the following proposed resolutions entitled:

- A. “AUTHORIZING ADDITIONAL COMPENSATION 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 additional compensation of \$55,000 for a total of up to \$65,000 for special counsel, the Law Offices of Ashford and Wriston, to represent the County of Maui regarding appeals of cases relating to the Montana Beach Condominium Project in Paia, Maui.

- B. “AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL, THE LAW OFFICES OF AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA, FOR JAMES B. TAKAYESU, FORMER CORPORATION COUNSEL, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE”.

The purpose of the proposed resolution is to authorize additional compensation of \$75,000 for a total of up to \$105,000 for special counsel, the Law Offices of Ayabe, Chong, Nishimoto, Sia & Nakamura, to represent former Corporation Counsel James B. Takayesu in legal proceedings relating to the Montana Beach Condominium Project in Paia, Maui.

- C. “AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL, THE LAW OFFICES OF CROCKETT AND NAKAMURA, FOR JOHN MIN, FORMER PLANNING DIRECTOR, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE”.

The purpose of the proposed resolution is to authorize additional compensation of \$50,000 for a total of up to \$55,000 for special counsel, the Law Offices of Crockett and

Nakamura, to represent former Planning Director John Min in legal proceedings relating to the Montana Beach Condominium Project in Paia, Maui.

- D. "AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL, THE LAW OFFICES OF MICHAEL JAY GREEN, FOR JAMES H. APANA, JR., FORMER MAYOR, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE".

The purpose of the proposed resolution is to authorize additional compensation of \$110,000 for a total of up to \$120,000 for special counsel, the Law Offices of Michael Jay Green, to represent former Mayor James H. Apana, Jr. in legal proceedings relating to the Montana Beach Condominium Project in Paia, Maui.

- E. "AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL, THE LAW OFFICES OF ROECA, LOUIE & HIRAOKA, FOR RICHARD K. MINATOYA, FORMER DEPUTY CORPORATION COUNSEL, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE".

The purpose of the proposed resolution is to authorize additional compensation of \$60,000 for a total of up to \$70,000 for special counsel, the Law Offices of Roeca, Louie & Hiraoka, to represent former Deputy Corporation Counsel Richard K. Minatoya in legal proceedings relating to the Montana Beach Condominium Project in Paia, Maui.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolutions, 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.