

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

June 28, 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.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

COW-19

STATE FIRE CODE

DESCRIPTION:

The Committee is in receipt of County Communication No. 05-90, from the Fire Chief, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO". The purpose of the proposed bill is to adopt the State Fire Code with modifications.

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. 05-90 and other related action.

COW-2(10) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)

DESCRIPTION: The Committee is in receipt of correspondence dated June 6, 2005, from the Mayor, requesting consideration of the following nominations:

A. COST OF GOVERNMENT COMMISSION

1. Buddy Duncan (replacing Harvey Janis), for a term expiring on 3/31/06.

B. COUNCIL ON AGING

1. Lydia Furomoto (replacing Katherine Burrows), for a term expiring on 3/31/06.

C. SUBDIVISION ENGINEERING STANDARDS COMMITTEE

1. Raymond Phillips (replacing Allen Ai), for a term expiring on 3/31/08.

STATUS: The Council must approve or disapprove the nominations by August 5, 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-24 SETTLEMENT OF CLAIMS AND OTHER CIVIL LITIGATION

DESCRIPTION: The Committee is in receipt of County Communication No. 05-204, from the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.16.020, MAUI COUNTY CODE, RELATING TO SETTLEMENT OF CLAIMS AND OTHER CIVIL LITIGATION". The purpose of the proposed bill is to amend Section 3.16.020 of the Maui County Code relating to the settlement of claims and other civil litigation, including the addition of language regarding the settlement of workers' compensation claims.

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. 05-204 and other related action.

COW-15 DEDICATION OF PROPERTY FOR A VETERANS CENTER (KIHEI)

DESCRIPTION: The Committee is in receipt of County Communication No. 05-85, from the Mayor transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF REAL PROPERTY SITUATE AT KIHEI, WAILUKU, MAUI, HAWAII, FROM THE STATE OF HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The purpose of the proposed resolution is to accept the dedication of land (TMK: (2) 3-9-07:003) comprised of approximately 0.398 acres and located in Kihei, Maui, for a Veterans Center and community support activities, as provided for by State Executive Order No. 4087.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-85 and other related action.

COW-4(3) INDEMNIFICATION AUTHORIZATION (DONALD KAULIA VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV05-00290 DAE LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated June 16, 2005, from the Department of the Corporation Counsel, requesting consideration of:

1. A proposed resolution entitled "INDEMNIFYING JAMES APANA, DAVID GOODE, GRANT CHUN, DENNIS SCHWIND, RON RISKKA, TRACY TAKAMINE, ALLEN SOUZA, AND JOHN KOSTRICK, IN CIVIL NO. CV05-00290 DAE LEK, DONALD KAULIA VS. COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT, ET AL.". The complaint in this matter alleges civil rights violations and employment discrimination. The purpose of the proposed bill is to indemnify James Apana, David Goode, Grant Chun, Dennis Schwind, Ron Riska, Tracy Takamine, Allen Souza, and John Kostrick, current and former County employees, for any damages that may be assessed against them in the referenced lawsuit.
2. A proposed resolution entitled "INDEMNIFYING JAMES APANA, DAVID GOODE, GRANT CHUN, DENNIS SCHWIND, RON RISKKA, TRACY TAKAMINE, AND ALLEN SOUZA, IN CIVIL NO. CV05-00290 DAE LEK, DONALD KAULIA VS. COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT, ET AL.". The complaint in this matter alleges civil rights violations and employment discrimination. The purpose of the proposed bill is to indemnify James Apana, David Goode, Grant Chun, Dennis Schwind, Ron Riska, Tracy Takamine, and Allen Souza, current and former County employees for any damages that may be assessed against them in the referenced lawsuit.

STATUS: The Committee may consider whether to recommend adoption of a 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.