

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

August 16, 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

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Jo Anne Johnson

Danny A. Mateo

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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-1(26) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (FRANK ESTRELLA, SR. V. COUNTY OF MAUI, CASE NO. 7-03-00813)

DESCRIPTION: The Committee is in receipt of correspondence dated July 21, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF FRANK ESTRELLA, SR. V. COUNTY OF MAUI, CASE NO. 7-03-00813". The claim alleges work-related injuries sustained on March 21, 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.

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COW-5(2) SPECIAL COUNSEL AUTHORIZATION (COUNTY OF MAUI V. MOUNTAIN RIDERS, INC., ET AL., CIVIL NO. 05-1-0170 (1))

DESCRIPTION: The Committee is in receipt of correspondence dated August 3, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL AYABE CHONG NISHIMOTO SIA & NAKAMURA, IN COUNTY OF MAUI VS. MOUNTAIN RIDERS INC., ET AL, CIVIL NO. 05-1-0170 (1)" and attaching a copy of the complaint. The purpose of the proposed resolution is to authorize special counsel, Ayabe Chong Nishimoto Sia & Nakamura, in the aforementioned case due to the complexity of litigation.

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-5(3) SPECIAL COUNSEL AUTHORIZATION (TRINIDAD K. ALCONCEL, ET AL. V. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00280 SPK BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated August 9, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE PACIFIC LAW GROUP, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00280 SPK BMK" and attaching a copy of the complaint. The purpose of the proposed resolution is to authorize special counsel, The Pacific Law Group, in the aforementioned case due to the complexity of insurance coverage litigation issues.

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-5(4) SPECIAL COUNSEL AUTHORIZATION (MICHAEL KAHO'OHANO, ET AL. V. COUNTY OF MAUI, CIVIL NO. CV02-00296 HG BMK)

DESCRIPTION: The Committee is in receipt of correspondence dated August 9, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE PACIFIC LAW GROUP, IN MICHAEL KAHO'OHANO, ET AL. V. COUNTY OF MAUI, CIVIL NO. CV02-00296 HG BMK" and attaching a copy of the complaint. The purpose of the proposed resolution is to authorize special counsel, The Pacific Law Group, in the aforementioned case due to the complexity of insurance coverage litigation issues.

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-5(5) SPECIAL COUNSEL AUTHORIZATION (JACK HENRY WILLIAMS, JR., ET AL. V. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00278 DAE LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated August 9, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE PACIFIC LAW GROUP, IN JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00278 DAE LEK" and attaching a copy of the complaint. The purpose of the proposed resolution is to authorize special counsel, The Pacific Law Group, in the aforementioned case due to the complexity of insurance coverage litigation issues.

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(12) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (CIVIL SERVICE COMMISSION)

DESCRIPTION: The Committee is in receipt of correspondence dated August 1, 2005, from the Mayor, requesting consideration of the nomination of Brian Cremer to replace Francis Kau on the Civil Service Commission for a term expiring on March 31, 2010.

STATUS: The Council must approve or disapprove the nomination by September 30, 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-33 SUPPLEMENTAL AGREEMENT TO STATEWIDE PROGRAM ON PARKING FOR PERSONS WITH DISABILITIES (FISCAL YEAR 2005)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-250, from the Director of Finance, transmitting a proposed Supplemental Agreement to a Memorandum of Agreement between the State Department of Health and the County of Maui for handicap placard services.
2. Correspondence dated August 9, 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 WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH, DISABILITY AND COMMUNICATION ACCESS BOARD FOR A SUPPLEMENTAL AGREEMENT TO MEMORANDUM OF AGREEMENT". The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii, Department of Health, regarding the Statewide Program on Parking for Persons with Disabilities to receive funds for services performed in conjunction with the administration and operation of distributing disabled parking placards for Fiscal Year 2005.

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. 05-250 and other related action.

COW-32 STATEWIDE PROGRAM ON PARKING FOR PERSONS WITH DISABILITIES (FISCAL YEAR 2006)

DESCRIPTION: The Committee is in receipt of County Communication No. 05-249, from the Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH". The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii, Department of Health, regarding the Statewide Program on Parking for Persons with Disabilities to receive funds for services performed in conjunction with the administration and operation of distributing disabled parking placards for Fiscal Year 2006.

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. 05-249 and other related action.

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