

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

July 13, 1999

1:30 p.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Maui, Hawai'i

COMMITTEE MEMBERS

Dain P. Kane, Chair

Patrick S. Kawano, Vice-Chair

Michael A. Davis

J. Kalani English

John Wayne Enriques

G. Riki Hokama

Dennis Y. Nakamura

Wayne K. Nishiki

Charmaine Tavares

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF COUNCIL SERVICES AT 270-7838 (FROM MAUI), 1-800-272-0026 (FROM MOLOKA'I), OR 1-800-272-0098 (FROM LANA'I) AT LEAST THREE DAYS IN ADVANCE.

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted prior to the discussion of each agenda item. Oral testimony shall be limited to three minutes. An additional minute to conclude testimony may be granted subject to discretion of the Committee Chair. If testimony is incomplete, an additional three minutes will be given after all others have been heard.

Agenda items are subject to cancellation. Please contact the Committee Staff (David Raatz or Yvette Bantilan) at the Office of Council Services at 270-7838 (from Maui), 1-800-272-0026 (from Moloka'i), or 1-800-272-0098 (from Lana'i) for a confirmation of the meeting date and time, and for tentative scheduling of agenda items.

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 on cable channel 45 (most of Maui), channel 3 (Moloka'i and Lana'i), or channel 6 (West Maui). Council time slots are: Saturdays at 4:00 p.m., Sundays at 12:00 p.m., Mondays at 8:00 p.m. and Thursdays at 7:00 p.m. Each time slot consists of about four hours.

COW-13 PROPOSED BILL AMENDING SECTION 2.56.010, PERTAINING TO THE CODE OF ETHICS, VIOLATIONS AND PENALTIES

DESCRIPTION: By County Communication No. 99-158, the Chair of the Board of Ethics transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 2.56.010 OF THE MAUI COUNTY CODE, PERTAINING TO THE CODE OF ETHICS, VIOLATIONS AND PENALTIES". The purpose of the proposed bill is to give the Board of Ethics the authority to impose an administrative penalty for the failure to file a timely financial disclosure statement or update.

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STATUS: The Committee has not previously considered the proposed bill. The Committee will consider whether to recommend that the proposed bill be passed on first reading. The Committee may also consider other related action.

COW-24 FILING OF FINANCIAL DISCLOSURE STATEMENTS

DESCRIPTION: By County Communication No. 95-39, the former Council Chair transmitted documents relating to the Board of Ethics' 1993 "reprimand" of a Council member for the late filing of a financial disclosure statement.

STATUS: The Committee has not previously considered this item. The Committee will consider whether to recommend that County Communication No. 95-39 be filed. The Committee may consider other related action.

COW-11 SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS

DESCRIPTION: The following cases have been referred to the Committee for consideration as to possible settlement or other disposition:

- 11(1);
- Molokai Golf, Inc. vs. County of Maui, Civil No. 92-0318(2) (State court)—COW-
 - Davis vs. Benito, et al., Civil No. 92-00168 DAE (Federal court)—COW-11(2);
 - Kutsch, et al. vs. County of Maui, et al. and County of Maui vs. Hyatt Corporation, et al., Civil No. 93-00272 HMF (Federal court)—COW-11(3);
 - Claim No. 94-102 (Claim of Donald K. Kosaka)—COW-11(5); and
 - Elena Rivera v. County of Maui, et al., Civil No. 98-0533(1), Arbitration Case No. 98-0533A (State court)—COW-11(17)

STATUS: The Committee has not previously considered these cases. The Committee will consider whether to recommend that the cases be settled or filed. 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), HRS, 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.