

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

May 1, 2001

1:30 p.m.

Council Chamber, 8th Floor

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

website: <http://www.co.maui.hi.us/committees/COW/index.html>

e-mail: cow.committee@co.maui.hi.us

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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 Pauline Martins) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Moloka`i), 1-800-272-0098 (toll-free from Lana`i), 808-270-7686 (fax).

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 oral testimony may be granted subject to discretion of the Committee Chair. If oral testimony is incomplete, an additional three minutes will be given after all others have been heard. If written testimony is submitted at the meeting, 15 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 (see attached Akaku Taping and Playback Schedule).

COW-11(3)

SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (David Lee Gardner, et al. v. Dean Rickard, et al., Civil No. CV00-00508 DAE BMK)

DESCRIPTION:

By letter dated April 23, 2001, Deputy Corporation Counsel Victoria J. Takayesu transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. CV00-00508 DAE BMK DAVID LEE GARDNER, KAREN GARDNER. VS. DEAN RICKARD, ET AL.". The purpose of the proposed resolution is to authorize settlement of Gardner, et al. v. Rickard, et al., Civil No. CV00-00508 DAE BMK (Federal court), relating to an alleged false arrest and malicious prosecution.

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STATUS: The Committee will consider whether to recommend that settlement authority be provided for this case by recommending adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Department of the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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-11(4) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (Walter J. Whitten v. County of Maui, et al., Civil No. CV00-00628 HG BMK)

DESCRIPTION: By letter dated April 23, 2001, Deputy Corporation Counsel Victoria J. Takayesu transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. CV00-00628 HG BMK WALTER J. WHITTEN VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize settlement of Whitten v. County of Maui, et al., Civil No. CV00-00628 HG BMK (Federal court), relating to alleged racial discrimination within the Department of Police.

STATUS: The Committee will consider whether to recommend that settlement authority be provided for this case by recommending adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Department of the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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-11(6) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (O'Connor, et al. v. County of Maui, et al., Civil No. 94-0544 (1))

DESCRIPTION: By memorandum dated October 25, 2000, the Committee Chair requested the Corporation Counsel's guidance regarding the possible settlement of O'Connor, et al. v. County of Maui, et al., Civil No. 94-0544 (1) (State court), relating to an alleged injury at Makena Beach Park. By letter dated April 23, 2001, the Corporation Counsel transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 94-0544 (1), BRYAN O'CONNOR, ET AL. vs. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize settlement of the case.

STATUS: By Resolution No. 00-15, the Council provided initial settlement authority in this case. On October 31, 2000, the prior Council's Committee of the Whole deferred consideration of additional settlement authority in this case. The Committee will consider whether to recommend that additional settlement authority be provided for this case by recommending adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced memorandum to the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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-46(9) SPECIAL COUNSEL (O'Connor, et al. v. County of Maui, et al., Civil No. 94-0544 (1))

DESCRIPTION: By letter dated April 23, 2001, the Corporation Counsel transmitted a proposed resolution entitled "APPROVING AMENDMENT TO CONTRACT NO. C1059 FOR SPECIAL COUNSEL ROBBINS & RHODES". The purpose of the proposed resolution is to authorize compensation for special counsel Robbins & Rhodes up to \$200,000 to defend the County in O'Connor, et al. v. County of Maui, et al. (State court), relating to an alleged injury at Makena Beach Park.

STATUS: By Resolution Nos. 98-102, 98-188, and 00-16, the Council authorized compensation of up to \$125,000 for special counsel Robbins & Rhodes to defend the County in this case. The Committee will consider whether to recommend that additional compensation be approved by recommending adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Department of the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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-11(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (Margaret Toba's Damage Claim No. 2001-030)

DESCRIPTION: By letter dated April 20, 2001, Deputy Corporation Counsel Judith M. E. Williams requested consideration of the possible settlement of Claim No. 2001-030 (claim of Margaret Toba), arising from alleged flooding damage caused by a sewer-line obstruction in Wailuku on February 22, 2001. The Department of the Corporation Counsel subsequently transmitted a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2001-030, CLAIM OF MARGARET TOBA". The purpose of the proposed resolution is to authorize settlement of Claim No. 2001-030.

STATUS: The Committee will consider whether to recommend that settlement authority be provided for Claim No. 2001-30 by recommending adoption of the proposed resolution. The Committee may also consider other related action, including the possible filing of the above-referenced letter from the Department of the Corporation Counsel.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to HRS § 92-5(a)(4) 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.