

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

June 12, 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(1)

SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [RACHEL SIALANA, ET AL. VS. COUNTY OF MAUI, CIVIL NO. 001-0574 (1)]

DESCRIPTION:

By letter dated May 24, 2001, Deputy Corporation Counsel Robert D. Rivera requested the Committee's consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RACHEL SIALANA, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 00-1-0574 (1)" and transmitted a copy of the complaint in the case. The complaint alleges that a motor vehicle accident on November 2, 1998 was caused by the County's negligent failure to maintain the intersection of Hina Avenue and Kamehameha Avenue in Kahului. The purpose of the proposed resolution is to authorize settlement of the case.

MORE →

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(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
[PARTIAL SETTLEMENT OF DIANE GARRETT VS. COUNTY OF MAUI, ET
AL., CIVIL NO. 01-1-0163(3)]**

DESCRIPTION: By memorandum dated May 24, 2001, Deputy Corporation Counsel Gregory J. Garneau requested the Committee's consideration of a proposed resolution entitled "APPROVING A PROPOSED PARTIAL SETTLEMENT RELATING TO THE PROPERTY CLAIM PORTION OF DIANE GARRETT V. REID S. NAKAMURA, ET AL., CIVIL NO. 01-1-0163 (3)" and transmitted a copy of the complaint in the case. The complaint alleges that a motor vehicle accident on Hana Highway near Huelo on September 21, 2000 was caused by County police officers. The purpose of the proposed resolution is to authorize partial settlement of the case.

STATUS: The Committee will consider whether to recommend that partial 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 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-46(8) SPECIAL COUNSEL AND/OR INDEMNIFICATION (BARTON J. ADAMS
V. RICHARD SCHWAB, ET AL., CIVIL NO. 97-01549 SPK)**

DESCRIPTION: By letter dated February 27, 2001, Deputy Corporation Counsel Victoria J. Takayesu requested the Committee's consideration of the possible approval of special counsel and/or indemnification for various defendants in Barton J. Adams v. Richard Schwab, et al., Civil No. 97-01549 SPK and transmitted a copy of the complaint in the case. The complaint alleges that several current and former employees of the Department of the Prosecuting Attorney participated in the malicious prosecution of the plaintiff from 1990 to 1995. By memorandum dated May 23, 2001, Deputy Corporation Counsel Gregory J. Garneau transmitted a proposed resolution entitled "INDEMNIFYING DAVELYNN TENGAN, RICHARD BISSEN, LARRY BUTRICK, RICHARD PRIEST, AND ROBERT RIVERA, IN CIVIL NO. 97-01549 SPK, BARTON J. ADAMS V. RICHARD SCHWAB, ET AL.". The purpose of the proposed resolution is to require that the County accept responsibility for the payment of any damages assessed in the case against the individual defendants identified in the proposed resolution.

STATUS: On April 6, 2001, the Council adopted Resolution No. 01-67, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN BARTON J. ADAMS V. RICHARD SCHWAB, ET AL., CIVIL NO. 97-01549 SPK". The purpose of Resolution No. 01-67 is to authorize the employment of Michael N. Tanoue, Esq. as special counsel for former Deputy Prosecuting Attorney Joseph E. Cardoza. The Committee will consider whether to recommend adoption of the proposed resolution transmitted on May 23, 2001 or, alternatively, to authorize the employment of special counsel for the individual defendants identified in 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.

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