

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

March 10, 2009
10:30 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: www.mauicounty.gov/committees/COW
e-mail: cow.committee@mauicounty.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 (Kirstin Hamman or Camille Sakamoto) 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(4)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CONSTANCE C. DEANS, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 06-1-0175(1))

DESCRIPTION:

The Committee is in receipt of correspondence dated February 26, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING PAYMENT OF COUNTY'S SELF-INSURED RETENTION LIMITS TO COUNTY'S INSURER TO PERMIT COUNTY'S INSURER TO SETTLE CONSTANCE C. DEANS, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0175(1)" and transmitting a copy of the first amended complaint. The purpose of the proposed resolution is to authorize payment to the County's insurer to permit the County's insurer to settle the case. The complaint alleges general and special damages as a result of injuries sustained by Plaintiffs on August 11, 2005.

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 are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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; and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a

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matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

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