

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

June 25, 2009

9:00 a.m.

Council Chamber, 8<sup>th</sup> Floor  
200 South High Street, Wailuku, Hawaii

website: [www.mauicounty.gov/committees/COW](http://www.mauicounty.gov/committees/COW)

e-mail: [cow.committee@mauicounty.us](mailto:cow.committee@mauicounty.us)

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### VOTING MEMBERS

Michael J. Molina, Chair

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Jo Anne Johnson

Sol P. Kaho'ohalahala

Bill Kauakea Medeiros

Wayne K. Nishiki

Joseph Pontanilla

Michael P. Victorino

*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.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

**COW-2(5)**

### **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI COUNTY CULTURAL RESOURCES COMMISSION)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated May 8, 2009 (received May 12, 2009), from the Mayor, requesting consideration of Doradeen Kanuha to the Maui County Cultural Resources Commission for a term expiring on March 31, 2014.

**STATUS:**

The Council must approve or disapprove the nomination by July 11, 2009, or the nomination 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.

MORE →

**COW-1(5) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: SANDHILLS GANG PARTNERS V. MALAFU CONTRACTORS LLC, ET AL.; CIVIL NO. 08-1-0585(3))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 5, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING DAVID I. SAKODA IN SANDHILLS GANG PARTNERS V. MALAFU CONTRACTORS LLC, ET AL., CIVIL NO. 08-1-0585(3)" and transmitting a copy of the complaint. The complaint alleges Plaintiff suffered damages as a result of the removal of a tree from Plaintiff's property. The purpose of the proposed resolution is to indemnify David I. Sakoda, a County employee, in 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 are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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-1(7) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: TINA BASS V. MAUI COUNTY POLICE DEPARTMENT, ET AL.; CIVIL NO. CV08-00280 HG BMK)**

**DESCRIPTION:** The Committee is in receipt of the following:

1. Correspondence dated May 6, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution requesting indemnification of three police officers in Tina Bass v. Maui County Police Department, et al.; Civil No. CV08-00280 HG BMK and transmitting the following:
  - A. a copy of the complaint, which alleges violations of Plaintiff's constitutional rights; and
  - B. a copy of correspondence dated January 21, 2009, from the Chair of the Police Commission to the Chief of Police, informing that the Police Commission voted to approve legal representation for the three police officers.
2. Correspondence dated May 27, 2009, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "INDEMNIFYING CHIEF OF POLICE THOMAS PHILLIPS, DEPUTY CHIEF OF POLICE GARY YABUTA AND OFFICER NELSON JOHNSON IN TINA BASS V. MAUI COUNTY POLICE DEPARTMENT, ET AL., CIVIL NO. CV 08-00280 HG BMK". The purpose of the revised proposed resolution is to indemnify former Chief of Police Thomas Phillips, Chief of Police Gary Yabuta, and Officer Nelson Johnson in the case.

**STATUS:** The Committee may consider whether to recommend adoption of the revised 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, 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), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

**COW-1(8) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL.; CIVIL NO. CV05-00694 DAE BMK)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 6, 2009, from the Department of the Corporation Counsel, transmitting the following:

1. A proposed resolution entitled "INDEMNIFYING AARON WON IN CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV05-00694 DAE BMK" and a copy of the complaint. The complaint alleges personal injury, infliction of emotional distress, and violations of Plaintiff's constitutional rights. The purpose of the proposed resolution is to indemnify Aaron Won, a former police officer, in the case.
2. A copy of correspondence dated November 19, 2008, from the Chair of the Police Commission to the Chief of Police, informing that the Police Commission voted to approve legal representation for Mr. Won.

**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, 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), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

**COW-1(9) LITIGATION MATTERS (PROPOSED SETTLEMENT: DESIREE ALVARADO V. COUNTY OF MAUI; CIVIL NO. 05-1-0250(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated June 1, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DESIREE ALVARADO VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0250(1)" and transmitting a copy of the complaint. The complaint alleges that Plaintiff sustained injuries as a result of the negligent operation of a grass-cutting machine by a County employee on July 3, 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 are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.