

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

July 16, 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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COUNCIL

### VOTING MEMBERS

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Danny A. Mateo, Vice-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-1(12) LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: RICHARD CERTO V. COUNTY OF MAUI, ET AL.; CIVIL NO. 09-1-0438(1))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated July 1, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING KALBERT YOUNG IN RICHARD CERTO V. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0438(1)" and transmitting a copy of the complaint. The complaint alleges that the County failed to pay Mr. Certo, and similarly situated persons, interest or actual earnings realized on the overpayment of real property taxes. The purpose of the proposed resolution is to indemnify Kalbert Young, Director of Finance, 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.

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**COW-1(11)      LITIGATION MATTERS (STATUS: EVELYN GOO, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 08-00172 DAE BMK)**

**DESCRIPTION:**      The Committee is in receipt of correspondence dated July 1, 2009, from the Department of the Corporation Counsel, requesting an opportunity to provide a status report, in an executive meeting, on the settlement negotiations in the case.

**STATUS:**      The Committee may receive a status report from the Department of Corporation Counsel.

**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.

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