

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

January 14, 2010

9:00 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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VOTING MEMBERS

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Jo Anne Johnson

Sol P. Kaho'ohalahala

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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.

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COW-1(24)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HI-TECH ROCKFALL CONSTRUCTION, INC. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 08-00081 DAE LEK)

DESCRIPTION:

The Committee is in receipt of the following:

1. Correspondence dated December 4, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize the settlement of Hi-Tech Rockfall Construction, Inc. vs. County of Maui, et al., Civil No. 08-00081 DAE LEK., and attaching a copy of the complaint. The complaint seeks declaratory and injunctive relief, attorneys' fees, and damages resulting from the County's award of a contract to Janod, Inc., to complete rockfall mitigation after an October 2006 earthquake resulted in a major rockfall along Piilani Highway, Kaupo, Maui, Hawaii.
2. Correspondence dated December 14, 2009, transmitting a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF HI-TECH ROCKFALL CONSTRUCTION, INC. V. COUNTY OF MAUI, ET AL., CIVIL NO. 08-00081 DAE LEK". The purpose of the revised proposed resolution is to authorize settlement of the case.

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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.

**COW-1(25) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:
VERANIO S. TONGSON, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL
NO. 08-1-0267(3))**

DESCRIPTION: The Committee is in receipt of correspondence dated December 9, 2009, from the Department of the Corporation Counsel requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 08-1-0267(3)" and attaching a copy of the complaint. The complaint alleges intentional infliction of emotional distress and violations of the Hawaii Whistleblowers' Protection Act while the plaintiffs were employed with the Department of Housing and Human Concerns.

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)(2), HRS, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved.