

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

November 18, 2010
9:00 a.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: www.mauicounty.gov/committees/COW

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COUNTY CLERK

VOTING MEMBERS

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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.

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COW-1(6)

**LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION:
BRIAN MURPHY V. THE STATE OF HAWAII, ET AL.; CIVIL NO. 08-1-0622(1))**

DESCRIPTION:

The Committee is in receipt of the following:

1. Correspondence dated May 5, 2009, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING THOMAS M. PHILLIPS IN BRIAN MURPHY V. THE STATE OF HAWAII, ET AL., CIVIL NO. 08-1-0622(1)" and transmitting a copy of the complaint. The complaint alleges that the plaintiff, Brian Murphy, has suffered injuries as a result of actions taken by the Department of Police and Chief of Police Thomas M. Phillips. The purpose of the proposed resolution is to indemnify Chief of Police Thomas M. Phillips in the case.
2. Correspondence dated August 16, 2010, from the Department of the Corporation Counsel, notifying the Committee that the case has been dismissed, and that Council approval of the resolution is no longer needed.

STATUS:

The Committee may consider the filing of the correspondence dated May 5, 2009, and other related action.

MORE →

**COW-1(23)2 LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION:
ELMER STEPHEN WEREB, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL
 NO. CV09-00198 JMS LEK)**

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated August 4, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING RANDALL BURGESS, KAMUELA MAWAE, AND DONNA GOMES IN ELMER STEPHEN WEREB, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV09-00198 JMS LEK" and transmitting a copy of the complaint. The complaint alleges the wrongful death of Dennis Werek at the Lahaina Police Station on September 28, 2008. The purpose of the proposed resolution is to indemnify County employees Randall Burgess, Kamuela Mawae, and Donna Gomes in the case.
2. Correspondence dated November 10, 2010, from the Department of the Corporation Counsel, notifying the Committee that the individuals named in the proposed resolution have been dismissed from the lawsuit, and that Council approval of the resolution is no longer needed.

STATUS: The Committee may consider the filing of the correspondence dated August 4, 2010, and other related action.

**COW-1(36) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:
STACEY POUNDER V. COUNTY OF MAUI, ET AL.; CIVIL NO. 09-1-0202(1))**

DESCRIPTION: The Committee is in receipt of correspondence dated October 11, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF STACEY POUNDER v. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0202(1)" and transmitting a copy of the complaint. The complaint alleges that on September 12, 2008, Ms. Pounder suffered injuries as a result of the County's failure to maintain, in a reasonably safe manner, a metal-plate-covered concrete water meter junction box, located at the Eddie Tam Memorial Center, Makawao, Maui, Hawaii. 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.

**COW-1(38) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:
JULIE MATSUDA-ZANER, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL
 NO. 10-1-0033(1))**

DESCRIPTION: The Committee is in receipt of correspondence dated November 1, 2010, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JULIE MATSUDA-ZANER, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 10-1-0033(1)" and transmitting a copy of the complaint. The complaint alleges that on April 9, 2009, Ms. Matsuda-Zaner was injured when she ran into a light post that was in disrepair at Keopualani Park, Kahului, Maui, Hawaii, a park that is owned and maintained by the County. 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.

**COW-33 ESTABLISHING SISTER-CITY RELATIONSHIP WITH
MUNICIPALITY OF BADO, PROVINCE OF ILOCOS NORTE,
REPUBLIC OF THE PHILIPPINES**

DESCRIPTION: The Committee is in receipt of County Communication No. 10-14, from the Economic Development Coordinator, transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE MUNICIPALITY OF BADO, PROVINCE OF ILOCOS NORTE, REPUBLIC OF THE PHILIPPINES". The purpose of the proposed resolution is to establish a sister-city relationship with the Municipality of Bado, Province of Ilocos Norte, Republic of the Philippines.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication No. 10-14, and other related action.

COW-24 REINSTATEMENT OF THE HAWAIIAN KINGDOM

DESCRIPTION: The Committee is in receipt of County Communication No. 09-273, from Councilmember Gladys C. Baisa, transmitting a draft bill entitled "AN ORDINANCE ACKNOWLEDGING THE REINSTATEMENT OF THE HAWAIIAN KINGDOM NATION AND THE *PERFECT RIGHT* OF THE REINSTATED HAWAIIAN GOVERNMENT TO INITIATE THE TRANSITION OF GOVERNMENT POWERS TO SHARE JURISDICTION AND REVENUE OF HAWAIIAN GOVERNMENT AND CROWN LANDS CURRENTLY UNDER COUNTY OF MAUI MANAGEMENT AND TO PREVENT COUNTY OF MAUI GOVERNMENT OFFICIALS AND EMPLOYEES FROM RECEIVING HUMAN RIGHTS VIOLATION(S)". The purposes of the draft bill are to initiate the transition of government powers, share jurisdiction and revenue of Hawaiian government lands and Crown Lands within the County of Maui, and prevent County officials and employees from receiving human rights violations.

STATUS: The Committee may receive information from representatives of various groups on the issues raised in the draft bill. The Committee may also consider the filing of County Communication No. 09-273 and other related action.