

POLICY COMMITTEE

Council of the County of Maui

Meeting Agenda

Wednesday, October 5, 2011

9:00 a.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/committees/POL>

OFFICE OF THE
COUNTY CLERK

2011 SEP 29 AM 9:30

RECEIVED

VOTING MEMBERS

G. Riki Hokama, Chair

Robert Carroll, Vice-Chair

Gladys C. Baisa

Elle Cochran

Donald G. Couch, Jr.

Danny A. Mateo

Joseph Pontanilla

Michael P. Victorino

Mike White

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 (Carla Nakata or Jo-Ann Sato) 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. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be suspended pursuant to the Rules of the Council, provided a suspension would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting, 16 copies are requested.

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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POL-2(21)

NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COMMISSION ON PERSONS WITH DISABILITIES)

DESCRIPTION:

The Committee is in receipt of correspondence dated September 1, 2011 (received September 2, 2011), from the Mayor, transmitting a draft resolution entitled "APPOINTMENT OF MEMBER TO THE COMMISSION ON PERSONS WITH DISABILITIES", along with a completed application form for the nominee. The purpose of the draft resolution is to approve or disapprove the appointment of Paulo Sabado to the Commission on Persons with Disabilities, for a term expiring on March 31, 2015, to fill an existing vacancy due to the resignation of Joseph Crugnale.

MORE →

STATUS: The Council must approve or disapprove the nomination by October 31, 2011, or the nomination will be deemed approved. The Committee may consider whether to recommend adoption of the draft resolution, with or without revisions. The Committee may also consider other related action.

POL-1(18) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: JACKI JURA V. COUNTY OF MAUI, ET AL.; CIVIL NO. 11-00338 SOM RLP)

DESCRIPTION: The Committee is in receipt of correspondence dated September 13, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL CAHILL & O'NEILL, IN JACKI JURA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00338 SOM RLP", and attaching a copy of the Complaint. The Complaint alleges that Ms. Jura was the subject of discrimination and unlawful employment practices during her employment as a Deputy Prosecuting Attorney for the County. The purpose of the proposed resolution is to authorize the employment of the firm of Cahill & O'Neill as special counsel to represent Defendant Marie J. Kosegarten in her individual and official capacities in the case, for a total compensation not to exceed \$50,000.

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.

POL-1(1) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ELMER STEPHEN WEREB, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 09-00198 JMS LEK)

DESCRIPTION: The Committee is in receipt of correspondence dated January 24, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ELMER STEPHEN WEREB, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV 09-00198 JMS LEK", and transmitting a copy of the First Amended Complaint. The First Amended Complaint alleges damages for the death of Plaintiffs' son, Dennis Werek, while in custody at the Lahaina Police Station on or about September 26, 2008. 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), 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 matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

POL-1(15) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MARK HIGA AND JASMINE HIGA V. DAVID ROARTY, COUNTY OF MAUI, ET AL., CIVIL NO. 10-1-0373(3))

DESCRIPTION: The Committee is in receipt of correspondence dated August 4, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF MARK HIGA AND JASMINE HIGA V. DAVID ROARTY, ET AL., CIVIL NO. 10-1-0373(3)”, and transmitting a copy of the Complaint. The Complaint alleges damages for injuries sustained as a result of a collision between the plaintiffs’ vehicle and the motor vehicle driven by David Roarty at the intersection of Hana Highway and Dairy Road in Kahului, Maui, on or about May 25, 2009. The purpose of the proposed resolution is to authorize settlement of the case on behalf of Mr. Roarty and the County.

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

POL-1(17) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JAMES GIBBINS V. COUNTY OF MAUI, ET AL., CIVIL NO. 10-1-0443(3))

DESCRIPTION: The Committee is in receipt of correspondence dated August 25, 2011, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING SETTLEMENT OF JAMES GIBBINS V. COUNTY OF MAUI, ET AL., CIVIL NO. 10-1-0443(3)”, and transmitting a copy of the Complaint. The Complaint alleges damages for personal injuries suffered while boogie boarding at Baldwin Beach Park, Paia, Maui, on or about April 12, 2009. 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), 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 matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

POL-1(10) 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 August 8, 2011, 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 Amended Complaint. The Amended Complaint alleges Ms. Pounder was injured as a result of tripping over a metal-plate covered concrete water meter junction box located at the Eddie Tam Memorial Center in Makawao, Maui, on or about September 12, 2008. The purpose of the proposed resolution is to provide additional settlement authority 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), 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 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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