



PUBLIC MEETING NOTICE

COMMITTEE OF THE WHOLE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/COW

Committee Chair
Don S. Guzman

Committee Vice-Chair
Stacy Crivello

Voting Members:
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Riki Hokama
Michael P. Victorino
Mike White

Tuesday, August 25, 2015
1:30 p.m.

MEETING SITE:
Council Chamber
Kalana O Maui Building, 8th Floor
200 South High Street
Wailuku, Hawaii

RECEIVED
2015 AUG 19 PM 1:50
OFFICE OF THE
COUNTY CLERK

A G E N D A

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK) (COW-1(3))

DESCRIPTION: The Committee is in receipt of correspondence dated July 21, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK." The First Amended Complaint alleges violations under the Federal Water Pollution Control Act, also known as the Clean Water Act, caused by the discharge of wastewater into the ocean from injection wells operated by the County at the Lahaina Wastewater Reclamation Facility. 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.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: GEICO, ON BEHALF OF ITS INSURED, LAURIE MCCARTHY, CLAIM 2014-2020-15) (COW-1(17))

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated June 23, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Claim 2014-2020-15 of Geico, on behalf of its insured, Laurie McCarthy, for \$8,682.01, and transmitting a copy of the claim. The claim alleges damages to Laurie

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McCarthy's vehicle resulting from a collision with a coconut tree lying across Honoapiilani Highway, Lahaina, Maui, Hawaii, on January 3, 2014.

2. Correspondence dated August 11, 2015, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2020-15 OF GEICO, ON BEHALF OF ITS INSURED, LAURIE McCARTHY." The revised proposed resolution incorporates nonsubstantive revisions.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: FIRST INSURANCE COMPANY OF HAWAII, LTD., ON BEHALF OF ITS INSURED, NELIA PADIONG, CLAIM 2013-1064-10) (COW-1(16))

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated June 22, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Claim 2013-1064-10 of First Insurance Company of Hawaii, Ltd., on behalf of its insured, Nelia Padiong, for \$15,470.05, and transmitting a copy of the claim. The claim alleges damages to Nelia Padiong's vehicle resulting from a collision involving a Department of Police fleet vehicle on April 25, 2013.
2. Correspondence dated August 11, 2015, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1064-10 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., ON BEHALF OF ITS INSURED, NELIA PADIONG." The revised proposed resolution incorporates nonsubstantive revisions.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF REGINALD YAP, CLAIM 2013-1079-10) (COW-1(18))

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated June 23, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Claim 2013-1079-10 of Reginald Yap for \$10,000, and transmitting a copy of the claim. The claim alleges property damage and injuries arising out of a motor vehicle accident on Makawao Avenue, Makawao, Hawaii, involving a Department of Police fleet vehicle on August 15, 2013.
2. Correspondence dated August 11, 2015, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled

“AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1079-10 OF REGINALD YAP.”

The revised proposed resolution incorporates nonsubstantive revisions.

STATUS: The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further 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.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CHRISTOPHER CARROLL AND DUKE-PATRICK CARROLL V. COUNTY OF MAUI, ET AL.; CIVIL CV13-00066 LEK KSC) (COW-1(30))

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

1. Correspondence dated October 16, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF CHRISTOPHER CARROLL, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV13-00066 LEK KSC,” and transmitting a copy of the complaint. The complaint alleges Plaintiffs Christopher Carroll and Duke-Patrick Carroll were unlawfully arrested and subjected to excessive force at their residence in Kihei, Maui, Hawaii, by the Department of Police on February 11, 2011. The purpose of the proposed resolution is to authorize settlement of the case.
2. Correspondence dated August 6, 2015, from the Department of the Corporation Counsel, advising that summary judgment has been granted in favor of the County and the individual defendants, and a judgment entered in their favor. The Department states the case is closed and the Committee may, therefore, file the matter.

STATUS: The Committee may consider whether to recommend the filing of the correspondence dated October 16, 2013, and other related action.

REMOTE TESTIMONY SITES		
<p>Hana Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii</p>	<p>Lanai Council District Office Lanai Community Center 8th Street Lanai City, Hawaii</p>	<p>Molokai Council District Office 100 Ainoa Street Kaunakakai, Hawaii</p>
CONTACT INFORMATION	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 www.MauiCounty.us/COW</p>	<p>(808) 270-7838 (phone) (800) 272-0098 (toll-free from Lanai) (800) 272-0026 (toll-free from Molokai) (808) 270-7686 (fax)</p>
	Committee Staff: Carla Nakata and Clarita Balala	
TESTIMONY	For information on testifying please visit www.MauiCounty.us/how-to-testify or contact the Office of Council Services.	

DISABILITY ACCESS	People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.
LIVE CABLECAST	Available on Akaku: Maui Community Media, Channel 53.

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

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