



# PUBLIC MEETING NOTICE

## COMMITTEE OF THE WHOLE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/COW](http://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

**Wednesday, September 23, 2015**  
**1:30 p.m.**

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

RECEIVED  
2015 SEP 17 PM 2:43  
OFFICE OF THE  
COUNTY CLERK

### AGENDA

#### **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF DOUGLAS CALDITO, CLAIM 2014-2022-21) (COW-1(22))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 10, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2022-21 OF DOUGLAS CALDITO," and transmitting a copy of the claim and other related documents. The claim alleges damages to Mr. Caldito's rock wall resulting from a blocked County sewer line, which caused flooding on his property and created a sinkhole below the wall on or about August 27, 2013. The purpose of the proposed resolution is to authorize settlement of the case for \$8,851.

**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: INTERGOVERNMENTAL AGREEMENTS WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY AND THE LANAI WASTEWATER TREATMENT FACILITY) (COW-1(20))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 1, 2015, from the Department of the Corporation Counsel, requesting consideration of the following:

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1. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY." The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States Fish and Wildlife Service to settle alleged violations regarding the take of endangered birds and migratory birds, nests, or eggs in violation of the federal Migratory Bird Treaty Act at the Wailuku-Kahului Wastewater Reclamation Facility during September 2014.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE LANAI WASTEWATER TREATMENT FACILITY." The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States Fish and Wildlife Service to settle alleged violations regarding the take of endangered birds and migratory birds, nests, or eggs in violation of the federal Migratory Bird Treaty Act at the Lanai Wastewater Treatment Facility during February 2012 and September 2014 to January 2015.

**STATUS:** The Committee may consider whether to recommend passage of the proposed bills on first reading, 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.

**SPECIAL COUNSEL AUTHORIZATION: CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL.** (COW-5)

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

1. County Communication 15-219, from Council Chair Mike White, transmitting two proposed resolutions to authorize the employment of special counsel in Christopher Salem v. County of Maui, et al.
2. Correspondence dated September 17, 2015, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL." The purpose of the revised proposed resolution is to authorize the employment of special counsel to represent the Defendants in Christopher Salem v. County of Maui, et al., for a total compensation not to exceed \$75,000.

**STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of County Communication 15-219 and 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: JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL 12-1-0812(2)) (COW-1(7))**

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

1. Correspondence dated April 4, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Justin Dobbs v. County of Maui, et al., Civil 12-1-0812(2), and transmitting a copy of the complaint. The complaint alleges, among other things, retaliation against Justin Dobbs, a County employee, for reporting allegedly illegal behavior by employees of the Department of Liquor Control, constitutional violations, wrongful termination of employment, and damages. The purpose of the proposed resolution is to authorize settlement of the case.
2. Correspondence dated September 1, 2015, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)." 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.

<b>REMOTE TESTIMONY SITES</b>		
<b>Hana</b> Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii	<b>Lanai</b> Council District Office Lanai Community Center 8 <sup>th</sup> Street Lanai City, Hawaii	<b>Molokai</b> Council District Office 100 Ainoa Street Kaunakakai, Hawaii
<b>CONTACT INFORMATION</b>	Office of Council Services 200 South High Street Wailuku, Hawaii 96793 <b>www.MauiCounty.us/COW</b>	(808) 270-7838 (phone) (800) 272-0098 (toll-free from Lanai) (800) 272-0026 (toll-free from Molokai) (808) 270-7686 (fax)
<b>TESTIMONY</b>	For information on testifying please visit <b>www.MauiCounty.us/how-to-testify</b> or contact the Office of Council Services.  If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.	
<b>DISABILITY ACCESS</b>	People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.	
<b>LIVE CABLECAST</b>	Available on Akaku: Maui Community Media, Channel 53.	

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION.*