



# 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

**Friday, October 16, 2015**  
**1:30 p.m.**

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

OFFICE OF THE  
COUNTY CLERK

2015 OCT -9 AM 10:50

RECEIVED

### **A G E N D A**

#### **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JUDSON K. MCCANDLESS V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-12-00096) (COW-1(21))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 4, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JUDSON K. McCANDLESS V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-12-00096." The claim alleges work-related injuries sustained by Judson K. McCandless on January 1, 2012. 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.

#### **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: WALTER HAVEKORST V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-09-01885) (COW-1(23))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 11, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WALTER HAVEKORST V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-01885." The claim alleges work-related injuries sustained by Walter Havekorst on September 8, 2009. The purpose of the proposed resolution is to authorize settlement of the case.

MORE →

**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.

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF CLINTON GOUVEIA AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT; SHOPO CASE M-2014-073) (COW-1(25))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated September 11, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF CLINTON GOUVEIA AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE NO. M-2014-073." The proposed resolution states the State of Hawaii Organization of Police Officers has filed a grievance on behalf of former Maui Police Department Officer Clinton Gouveia. 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.

**PROPOSED NAHIKU COMMUNITY CENTER LITIGATION (COUNTY OF MAUI V. MAUI KUPONO BUILDERS LLC, ET AL., CIVIL 15-1-0421(1)) (COW-6)**

**DESCRIPTION:** The Committee is in receipt of a Miscellaneous Communication, dated October 6, 2015, from the County Clerk, reporting that on October 6, 2015, the Council referred the matter relating to the Complaint filed in County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1), to the Committee, and attaching a copy of the Complaint. The Complaint alleges, among other things, the Contractor, Maui Kupono Builders LLC, breached Contract 5149, as amended, relating to construction of the proposed Nahiku Community Center, by failing to submit a construction schedule or commence work on the site; the Contractor failed to provide a performance bond as required by the Contract; and the Contractor's bonding agent breached its obligations pursuant to the Performance and Payment Bond, and Contract.

**STATUS:** The Committee may discuss the status of, and the County's legal strategy in, the case. The Committee may also consider the filing of the Miscellaneous Communication 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.

<b>REMOTE TESTIMONY SITES</b>		
<p><b>Hana</b> Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii</p>	<p><b>Lanai</b> Council District Office Lanai Community Center 8<sup>th</sup> Street Lanai City, Hawaii</p>	<p><b>Molokai</b> Council District Office 100 Ainoa Street Kaunakakai, Hawaii</p>
<b>CONTACT INFORMATION</b>	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 <b>www.MauiCounty.us/COW</b>  Committee Staff: Carla Nakata and Clarita Balala</p>	
<b>TESTIMONY</b>	<p>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.</p>	
<b>DISABILITY ACCESS</b>	<p>People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.</p>	
<b>LIVE CABLECAST</b>	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION.*