



PUBLIC MEETING NOTICE

COMMITTEE OF THE WHOLE

COUNCIL OF THE COUNTY OF MAUI

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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, November 6, 2015
1:30 p.m.

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

OFFICE OF THE
COUNTY CLERK

2015 OCT 30 AM 8:48

RECEIVED

A G E N D A

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF FARMERS INSURANCE HAWAII, INC., ON BEHALF OF ITS INSURED, VERONICA GRAY, CLAIM 30153984350-0001) (COW-1(27))

DESCRIPTION: The Committee is in receipt of correspondence dated October 23, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30153984350-0001 OF FARMERS INSURANCE HAWAII, INC., ON BEHALF OF ITS INSURED, VERONICA GRAY," and transmitting a copy of the claim. The claim alleges damages to Veronica Gray's vehicle resulting from a collision with an unsecured park gate at Kanaha Beach Park on April 19, 2015. The purpose of the proposed resolution is to authorize settlement of the claim for \$11,319.14.

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 (STATUS: DUKIE J. RACADIO V. COUNTY OF MAUI, ET AL.; CIVIL 14-1-0451(2)) (COW-1(26))

DESCRIPTION: The Committee is in receipt of correspondence dated October 22, 2015, from the Department of the Corporation Counsel, requesting an opportunity to discuss the status of Dukie J. Racadio v. County of Maui, et al., Civil 14-1-0451(2), and transmitting a copy of the Complaint. The Complaint alleges disability discrimination relating to Dukie J. Racadio's termination as a police officer on or about December 31, 2013.

MORE →

STATUS: The Committee may receive a status update on the case from the Department of the Corporation Counsel. 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 (STATUS: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2); OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 15-1-0435(1)) (COW-1(2))

DESCRIPTION: The Committee is in receipt of correspondence dated October 22, 2015, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the cases, and transmitting a copy of the Complaint filed on August 12, 2015, in Civil 15-1-0435(1). The Committee is also in receipt of correspondence dated February 12, 2015, transmitting a copy of the First Amended Complaint in Civil 13-1-0848(2). The Complaint and First Amended Complaint allege violations of the Due Process and Equal Protection Clauses of the United States and Hawaii Constitutions, and violations of Chapter 92, Part I, Hawaii Revised Statutes, known as the "Sunshine Law," in the determination of the timeshare real property tax rates for the County for Fiscal Years 2014, 2015, and 2016.

STATUS: The Committee may receive a status update on the cases from the Department of the Corporation Counsel. 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 AND STATUS: CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL 15-00384 LEK-KSC (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. County Communication 15-257, from Deputy Corporation Counsel Brian A. Bilberry, transmitting a proposed resolution to authorize the employment of special counsel Kobayashi Sugita & Goda to represent Alan Arakawa, Patrick Wong, Keith Regan, David Goode, Milton Arakawa, William Spence, John Min, and Jeffrey Hunt, who have been identified in their individual capacities in Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC, for a total compensation not to exceed \$75,000.
3. Correspondence dated October 22, 2015, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the case.
4. Correspondence dated October 23, 2015, from the County Clerk, transmitting a copy of (a) Committee of the Whole Committee Report 15-146; and (b) Resolution 15-135, adopted on October 16, 2015, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL

NO. 15-00384 LEK-KSC.” The Resolution authorizes the employment of special counsel Kobayashi Sugita & Goda to represent Alan Arakawa, Patrick Wong, Keith Regan, David Goode, Milton Arakawa, William Spence, John Min, and Jeffrey Hunt, who have been identified as Defendants in their individual capacities, in Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC, for a total compensation not to exceed \$50,000.

STATUS: The Committee may receive a status update on the case from the Department of the Corporation Counsel. The Committee may also consider the filing of County Communications 15-219 and 15-257 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.

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 Kupon 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 Kupon Builders LLC, breached Contract 5149, as amended, relating to construction of the proposed Nahiku Community Center, by failing to: (1) submit a construction schedule; (2) commence work on the site; and (3) provide a performance bond as required by the Contract. The Complaint also alleges 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.

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

TESTIMONY	For information on testifying please visit www.MauiCounty.us/how-to-testify 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.
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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