



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, February 5, 2016
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

2016 JAN 29 PM 1:18

RECEIVED

A G E N D A

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 January 21, 2016, 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; 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.

MORE →

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL 13-00698 LEK-KSC) (COW-1(32))

DESCRIPTION: The Committee is in receipt of correspondence dated January 22, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 13-00698 LEK KSC," and transmitting a copy of the Complaint. The Complaint alleges Lars Sandstrom applied for employment with the Department of Police, but was not hired due to age discrimination, and the County of Maui violated the Age Discrimination in Employment Act of 1967, as amended. 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: LISA L. HAUPU V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-09-00326) (COW-1(28))

DESCRIPTION: The Committee is in receipt of correspondence dated January 14, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LISA L. HAUPU V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00326." The claim alleges work-related injuries sustained on January 21, 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), 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: LARS M. GASCON V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-11-01155; LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD CASE AB 2015-319(M)) (COW-1(29))

DESCRIPTION: The Committee is in receipt of correspondence dated January 21, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LARS M. GASCON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01155; LABOR AND

INDUSTRIAL RELATIONS APPEALS BOARD CASE NO. AB 2015-319(M).” The workers’ compensation appeal has been brought by Dr. James Hattaway, Lars M. Gascon’s treating physician, of a decision by the Disability Compensation Division that Dr. Hattaway had committed 69 counts of fraud. The purpose of the proposed resolution is to authorize settlement of the workers’ compensation appeal.

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.

SPECIAL COUNSEL AUTHORIZATION: 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 the Department of the Corporation Counsel, transmitting a proposed resolution to authorize the employment of special counsel to represent Defendants 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 (“individual Defendants”), in Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC, for a total compensation not to exceed \$75,000.
3. Committee Report 15-146, attaching Resolution 15-135, entitled “AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL NO. 15-00384 LEK-KSC,” adopted on October 16, 2015. The resolution authorizes the employment of special counsel Kobayashi Sugita & Goda to represent the individual Defendants in Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC, for a total compensation not to exceed \$50,000.
4. Correspondence dated January 26, 2016, from the Department of the Corporation Counsel, transmitting a proposed resolution entitled “AUTHORIZING AN INCREASE IN COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP, IN CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL NO. CV 15-00384 LEK-KSC, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII.” The purpose of the proposed resolution is to authorize \$75,000 in additional compensation for Kobayashi Sugita & Goda, LLP as special counsel for the individual Defendants in the case, for a total compensation not to exceed \$125,000.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolution noted in paragraph 4 above, with or without revisions. 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.

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>
<p>CONTACT INFORMATION</p>	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 <u>www.MauiCounty.us/COW</u> Committee Staff: Carla Nakata and Clarita Balala</p>	
<p>TESTIMONY</p>	<p>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.</p>	
<p>DISABILITY ACCESS</p>	<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>	
<p>LIVE CABLECAST</p>	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.