



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, March 4, 2016
1:30 p.m.

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

RECEIVED
2016 FEB 26 AM 9:22
OFFICE OF THE
COUNTY CLERK

A G E N D A

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.

MORE →

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.

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 Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 13-1-0848(2), and Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 15-1-0435(1), and transmitting a copy of the Complaint filed 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 First Amended Complaint in Civil 13-1-0848(2) and Complaint in Civil 15-1-0435(1) 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.

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: CLAIM 30154560286-0001 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., ON BEHALF OF ITS INSURED, ZITA MENDOZA MORALES) (COW-1(34))

DESCRIPTION: The Committee is in receipt of correspondence dated February 1, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 30154560286-0001 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., ON BEHALF OF ITS INSURED, ZITA MENDOZA MORALES,” and transmitting a copy of the claim. The claim alleges damages to Zita Mendoza Morales’ vehicle resulting from a collision with a Department of Police vehicle on Kaahumanu Avenue, Kahului, Maui, Hawaii, on August 8, 2015. The purpose of the proposed resolution is to authorize the Department to settle the claim of Ms. Morales’ insurer, First Insurance Company of Hawaii, Ltd., on behalf of its insured, for \$21,250.05.

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 (INDEMNIFICATION AUTHORIZATION: JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL 15-00122 SOM-BMK) (COW-1(31))

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 “INDEMNIFYING MYRNA SABAS-RYDER, ANSELM YAZAKI, AND ALY MIYASHIRO IN JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM BMK,” and transmitting a copy of the First Amended Complaint. The First Amended Complaint alleges Plaintiffs Jason Griego and James Sanchez suffered violations of their rights under the Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendments to the United States Constitution, and Article I of the Constitution of the State of Hawaii, on or about July 14, 2013, as a result of actions by Anselm Yazaki, Aly Miyashiro, and Myrna Sabas-Ryder, employees of the Department of Police. The First Amended Complaint alleges general, special, and punitive damages, and seeks reimbursement of costs and attorneys’ fees. The purpose of the proposed resolution is to indemnify Anselm Yazaki, Aly Miyashiro, and Myrna Sabas-Ryder in this 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.

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 www.MauiCounty.us/COW 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.