



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, April 15, 2016
1:30 p.m.

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

RECEIVED
2016 APR -8 AM 9:02
OFFICE OF THE
COUNTY CLERK

A G E N D A

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 the filing of the correspondence 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; 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: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM-BMK; SPECIAL COUNSEL AUTHORIZATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET 15-17447, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT) (COW-1(3))

DESCRIPTION: The Committee is in receipt of the following:
1. Correspondence dated December 3, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement

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of Plaintiffs' claim for attorneys' fees and costs related to the case. The case involves allegations of violations under the Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. Sections 1311(a) and 1342, and other laws, arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility.

2. Correspondence dated April 4, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT." The United States District Court, District of Hawaii, entered judgment in Civil 12-00198 SOM-BMK on November 17, 2015. The purpose of the proposed resolution is to authorize \$350,000 in additional compensation for special counsel Hunton & Williams LLP for the appeal in the case, for a total compensation not to exceed \$3,400,000.

STATUS: The Committee may receive a status update on the appeal and consider whether to recommend adoption of the proposed resolution noted in paragraph 2 above, with or without revisions. The Committee may also consider the filing of the correspondence dated April 4, 2016, 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 the following:

1. 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: (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.
2. Correspondence dated March 17, 2016, from the Department of the Corporation Counsel, requesting an opportunity to provide a status update on the case.

STATUS: The Committee may receive an update from the Department of the Corporation Counsel and discuss the status of 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		
<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</p> <p>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.</p> <p>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.