



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

Tuesday, May 17, 2016
9:00 a.m.

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

RECEIVED
2016 MAY 11 AM 8:54
OFFICE OF THE
COUNTY CLERK

A G E N D A

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (MAUI RACEWAY PARK)) (COW-1(38))

DESCRIPTION: The Committee is in receipt of correspondence dated April 28, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR SETTLEMENT OF ALLEGED VIOLATIONS AT MAUI RACEWAY PARK." The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States Environmental Protection Agency to settle alleged violations relating to a large capacity cesspool at the Maui Raceway Park, now known as the Maui Motor Sports Park, on a parcel identified for real property tax purposes as tax map key (2) 3-8-008:037, in violation of the Safe Drinking Water Act.

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, 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 the following:

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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 Kuponu 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 Kuponu 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 May 5, 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.

LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION: 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 May 6, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF DUKIE RACADIO v. COUNTY OF MAUI, ET AL., CIVIL NO. 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. 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: NADJA VITAVEC NKA NADJA NEIDHART V. COUNTY OF MAUI, ET AL.; CIVIL 15-1-0181(1)) (COW-1(37))

DESCRIPTION: The Committee is in receipt of correspondence dated May 6, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF NADJA VITAVEC NKA NADJA NEIDHART V. COUNTY OF MAUI, ET AL. CIVIL NO. 15-1-0181(1)," and transmitting a copy of the First Amended Complaint. The complaint alleges Nadja Vitavec suffered personal injuries on or about May 8, 2013, when a large tree branch fell on her at Puamana Beach Park in Lahaina,

Maui, Hawaii. 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.

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>
CONTACT INFORMATION	<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>	
TESTIMONY	<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>	
DISABILITY ACCESS	<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>	
LIVE CABLECAST	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.