



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/PRL

Committee Chair
Don S. Guzman

Committee
Vice-Chair
Kelly T. King

Voting Members:
Alika Atay
Robert Carroll
Elle Cochran
Stacy Crivello
Riki Hokama
Yuki Lei K. Sugimura
Mike White

PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE

Wednesday, July 5, 2017

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

2017 JUN 29 PM 2: 07

RECEIVED

A G E N D A

LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: LESLI LYN OTANI V. COUNTY OF MAUI, ET AL., CIVIL 17-00281 DKW-KJM) (PRL-1(19))

Description: The Committee is in receipt of correspondence dated June 28, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL OTA & HARA, A LIMITED LIABILITY LAW COMPANY, IN LESLI LYN OTANI V. COUNTY OF MAUI, ET AL., CIVIL NO. 17-00281 DKW-KJM," and transmitting a statement of qualifications for the law firm and a copy of the Complaint. The Complaint alleges violations of the First Amendment to the United States Constitution, the Constitutional right to privacy, public policy, the Constitutional right to due process, and Hawaii's Whistleblower Statute, arising from actions or omissions by the Defendants following Ms. Otani's promotion on April 1, 2016. The purpose of the proposed resolution is to authorize the employment of Ota & Hara, A Limited Liability Law Company, as special counsel to represent the named Defendants in 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

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powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

Correspondence from Corporation Counsel 06-28-2017

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JOHN S. DIAZ V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-04-01704) (PRL-1(18))

Description: The Committee is in receipt of correspondence dated June 28, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOHN S. DIAZ V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-04-01704." The claim alleges John S. Diaz sustained work-related injuries on June 14, 2004. 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.

Correspondence from Corporation Counsel 06-28-2017

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND INDEMNIFICATION AUTHORIZATION: JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL.; CIVIL 15-00122 SOM-KJM) (PRL-1(17))

Description: The Committee is in receipt of the following:

1. Correspondence dated June 1, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JASON GRIEGO AND JAMES SANCHEZ VS. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM-KJM," and transmitting a copy of the Second Amended Complaint. The Second 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,

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and Myles S. Won, employees of the Department of Police. The Complaint also alleges false imprisonment, false arrest, intentional infliction of emotional distress, and negligence claims. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

2. Correspondence dated June 16, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to indemnify Myles S. Won in the case, and transmitting a copy of the Second Amended Complaint.
3. Correspondence dated June 26, 2017, from the Department of the Corporation Counsel, transmitting a revised proposed resolution, entitled "INDEMNIFYING MYLES S. WON IN JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM KJM," incorporating nonsubstantive revisions.

Status: The Committee may consider whether to recommend adoption of the proposed resolution noted in paragraph 1, with or without revisions, and the revised proposed resolution noted in paragraph 3, with or without further 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.

[Correspondence from Corporation Counsel 06-01-2017](#)

[Correspondence from Corporation Counsel 06-16-2017](#)

[Correspondence from Corporation Counsel 06-26-2017](#)

REMOTE TESTIMONY SITES

Hana	Lanai	Molokai
Council District Office	Council District Office	Council District Office
Hana Community Center	Lanai Community Center	100 Ainoa Street
5091 Uakea Road	8th Street	Kaunakakai, Hawaii
Hana, Hawaii	Lanai City, Hawaii	

CONTACT INFORMATION

Office of Council Services	(808) 270-7838 (phone)	(808) 270-7686 (fax)
200 South High Street	(800) 272-0098 (toll-free from Lanai)	
Wailuku, Hawaii 96793	(800) 272-0026 (toll-free from Molokai)	

COMMITTEE STAFF

Traci Fujita, Carla Nakata, and Pauline Martins

TESTIMONY

Oral or written testimony on any agenda item will be accepted. Email testimony to prl.committee@mauicounty.us.

For more 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.

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.