

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

September 29, 2004

3:00 p.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/COW/>

e-mail: cow.committee@co.maui.hi.us

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Dain P. Kane, Vice-Chair

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AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Carla Nakata or Pauline Martins) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

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COW-2(1)

SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION (VALERIE GREGORY, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 04-00516 SPK KSC)

DESCRIPTION:

The Committee is in receipt of correspondence dated September 22, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ROBBINS & ASSOCIATES, IN VALERIE GREGORY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 04-00516 SPK KSC". The purpose of the proposed resolution is to authorize the employment of special counsel Robbins & Associates to represent Defendants County of Maui, Garret Tihada, Edwin K. Among, and Nicholas E. Angell in the referenced lawsuit, with an hourly rate not to exceed \$175 and total compensation not to exceed \$100,000.

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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.

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**COW-1(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(VALERIE GREGORY, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 04-00516
SPK KSC)**

DESCRIPTION: The Committee is in receipt of correspondence dated September 21, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF VALERIE GREGORY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 04-00516 SPK KSC" and transmitting a copy of the second amended complaint and notice of removal. The complaint alleges negligent battery, assault and battery, use of excessive and deadly force, and violations of Richard Gregory's constitutional rights. 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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.

**COW-1(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(JOANNE KELLEY V. COUNTY OF MAUI, ET AL., CIVIL NO. 02-1-0129 (3))**

DESCRIPTION: The Committee is in receipt of correspondence dated September 20, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOANNE KELLEY VS. COUNTY OF MAUI, ET AL., CIVIL NO. 02-1-0129 (3)" and transmitting a copy of the second amended complaint. The complaint alleges that plaintiff sustained injuries when she tripped over a speed bump in a roadway in Kuau, Maui, on March 23, 2001. 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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.

**COW-1(2) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS
(ROWAN CHONG V. COUNTY OF MAUI, CASE NOS. 7-00-02950 AND 7-02-02432)**

DESCRIPTION: The Committee is in receipt of correspondence dated August 10, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROWAN CHONG VS. COUNTY OF MAUI, CASE NOS. 7-00-02950 AND 7-02-02432". The claims allege work-related injuries sustained on July 24, 2000 and August 12, 2002. The purpose of the proposed resolution is to authorize settlement of the cases.

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 pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.