

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

May 12, 2004

9:00 a.m.

Council Chamber, 8<sup>th</sup> Floor  
200 South High Street, Wailuku, Hawaii

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

e-mail: [cow.committee@co.maui.hi.us](mailto:cow.committee@co.maui.hi.us)

### COMMITTEE MEMBERS

Robert Carroll, Chair

Dain P. Kane, Vice-Chair

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

Michael J. Molina

Wayne K. Nishiki

Joseph Pontanilla

Charmaine Tavares

*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-1(5)**

### **SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (MICHAEL KAHO`OHANO HANO V. COUNTY OF MAUI, CIVIL NO. CV02-00296 HG/BMK)**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated April 23, 2004, from the Department of the Corporation Counsel, informing the Committee of a court-ordered mediation scheduled for May 17-19, 2004, and requesting an opportunity to discuss settlement options in Michael Kaho`ohanohano v. County of Maui, Civil No. CV02-00296 HG/BMK. Transmitted with the correspondence is a copy of the complaint and the Notice of Removal from State to Federal court. The complaint alleges violations of the overtime compensation requirements of the Fair Labor Standards Act.

**STATUS:**

The Committee may consider the status of the ongoing litigation, liability issues, and settlement options. The Committee may also consider the possible filing of the correspondence and 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  
(JOSEPH T. WALLON, JR. V. COUNTY OF MAUI, CASE NOS. 7-02-00493,  
7-02-00953 AND 7-02-01711)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 4, 2004, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSEPH T. WALLON, JR., VS. COUNTY OF MAUI, CASE NOS. 7-02-00493, 7-02-00953, 7-02-01711". The claims allege work-related injuries sustained on January 30, 2002, February 5, 2002, and May 20, 2002. The purpose of the revised proposed resolution is to authorize settlement of the cases.

**STATUS:** The Committee may consider whether to recommend adoption of the revised 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  
(NORMAN VIDA V. COUNTY OF MAUI, CASE NO. 7-01-02916)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated May 4, 2004, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF NORMAN VIDA VS. COUNTY OF MAUI, CASE NO. 7-01-02916". The claim alleges work-related injuries sustained on August 22, 2001. The purpose of the revised proposed resolution is to authorize settlement of the case.

**STATUS:** The Committee may consider whether to recommend adoption of the revised 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.