

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

August 18, 2004

2:30 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

COMMITTEE MEMBERS

Robert Carroll, Chair

Dain P. Kane, Vice-Chair

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

Michael J. Molina

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Joseph Pontanilla

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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(3)

SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION (MICHAEL KAHO`OHANO HANO V. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK)

DESCRIPTION:

The Committee is in receipt of correspondence dated August 12, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR, HIPP, JONES & WANG, IN MICHAEL KAHO`OHANO HANO VS. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK". The purpose of the proposed resolution is to authorize additional compensation of \$160,000 and total compensation of \$450,000 for special counsel Marr, Hipp, Jones & Wang, formerly known as Marr, Hipp, Jones & Pepper, in this matter.

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.

MORE →

**COW-2(2) SPECIAL COUNSEL AND/OR INDEMNIFICATION AUTHORIZATION
(CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT IN
PAIA, MAUI)**

DESCRIPTION: The Committee is in receipt of correspondence dated August 12, 2004, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA, FOR JAMES B. TAKAYESU, FORMER CORPORATION COUNSEL, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE";
2. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF CROCKETT AND NAKAMURA, FOR RALPH NAGAMINE, LANCE TAGUCHI, CHARLES JENCKS, CLAYTON YOSHIDA, AND JOHN MIN, CURRENT AND FORMER EMPLOYEES OF THE COUNTY OF MAUI, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE";
3. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF MICHAEL JAY GREEN, FOR JAMES H. APANA, JR., FORMER MAYOR, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE";
4. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF HISAKA, STONE, GOTO, YOSHIDA, COSGROVE & CHING, FOR HOWARD FUKUSHIMA, DAVID GOODE, KARLYNN KAWAHARA AND MICHELE YOSHIMURA, CURRENT AND FORMER EMPLOYEES OF THE COUNTY OF MAUI, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE"; and
5. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF ROECA, LOUIE & HIRAOKA, FOR RICHARD K. MINATOYA, FORMER DEPUTY CORPORATION COUNSEL, IN LEGAL PROCEEDINGS ARISING OUT OF THE MONTANA BEACH CONDOMINIUM PROJECT DISPUTE".

The purpose of the proposed resolutions is to authorize the further employment of special counsel for the indicated individuals in legal proceedings involving the dispute arising at the Montana Beach Condominium Project adjacent to Baldwin Beach Park in Paia, Maui, including the case of Dennis P. Holland, etc., et al. v. County of Maui, et al., CV02-00071 HG/BMK.

STATUS: The Committee may consider whether to recommend adoption of the proposed resolutions, 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(3) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (AARON KAMAUNU V. COUNTY OF MAUI, CASE NOS. 7-01-03530, 7-02-03255, 7-02-00525, GRIEVANCE DATED FEBRUARY 20, 2003, AND OTHER ANTICIPATED LITIGATION)

DESCRIPTION: The Committee is in receipt of correspondence dated August 11, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE GLOBAL SETTLEMENT OF AARON KAMAUNU V. COUNTY OF MAUI, CASE NOS. 7-01-03530, 7-02-03255, 7-02-00525, GRIEVANCE DATED FEBRUARY 20, 2003, AND OTHER ANTICIPATED LITIGATION". The purpose of the proposed resolution is to authorize a global settlement of these matters, which include claims alleging work-related injuries sustained on July 21, 2001, October 17, 2001, and January 21, 2002; a grievance filed on February 20, 2003; and other anticipated employment-related litigation.

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 (JUANITA FERNANDEZ V. COUNTY OF MAUI, CASE NO. 7-99-02359)

DESCRIPTION: The Committee is in receipt of correspondence dated June 21, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JUANITA FERNANDEZ VS. COUNTY OF MAUI, CASE NO. 7-99-02359". The claim alleges work-related injuries sustained on or about June 21, 1999. 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(13) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS (WESLEY MATTOCKS V. COUNTY OF MAUI, CIVIL NO. 03-1-0192 (3))

DESCRIPTION: The Committee is in receipt of correspondence dated June 3, 2004, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WESLEY MATTOCKS V. COUNTY OF MAUI, CIVIL NO. 03-1-0192 (3)" and transmitting a copy of the complaint. The complaint alleges damages arising from a fall that occurred on May 16, 2001, on Lower Honoapiilani Highway, Lahaina, Maui. The purpose of the proposed resolution is to authorize settlement of the case for \$20,000.

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.