



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/COW](http://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

## COMMITTEE OF THE WHOLE

**Friday, October 7, 2016**

**1:30 p.m.**

MEETING SITE:

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

## **A G E N D A**

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: A  
CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL  
RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION ON MARCH 11, 2014; FEDERAL  
EMPLOYMENT PRACTICES AGENCY M-16340; EQUAL  
EMPLOYMENT OPPORTUNITY COMMISSION 37B-2011-00145)  
(COW-1(46))**

**Description:** The Committee is in receipt of correspondence dated September 13, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON MARCH 11, 2014; FEDERAL EMPLOYMENT PRACTICES AGENCY NO. M-16340; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 37B-2011-00145." 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

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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.

[County Communication 15-6](#)

[Proposed resolution from Corp Counsel 09-13-2016](#)

## **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ROBERT LOW V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 8-15-00560) (COW-1(43))**

**Description:** The Committee is in receipt of correspondence dated August 23, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROBERT LOW V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 8-15-00560." The claim alleges work-related injuries sustained on January 20, 2015. 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.

[County Communication 15-6](#)

[Correspondence from Corp Counsel 08-23-2016](#)

## **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM 2014-2034-10-0001 OF KAREN HUNTER) (COW-1(45))**

**Description:** The Committee is in receipt of correspondence dated August 31, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2034-10-0001 OF KAREN HUNTER," and transmitting a copy of the claim. The claim alleges Karen Hunter sustained injuries at Kupaoa Street in Kula, Maui, Hawaii, on July 2, 2014, from a police vehicle being operated by a County employee. The purpose of the proposed resolution is to authorize

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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.

[County Communication 15-6](#)

[Proposed resolution from Corp Counsel 08-31-2016](#)

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: APRIL  
FREELAND, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 11-00617  
ACK-KSC; NINTH CIRCUIT U.S. COURT OF APPEALS 14-15014)  
(COW-1(44))**

**Description:** The Committee is in receipt of correspondence dated August 29, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF APRIL FREELAND, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00617 ACK-KSC; NINTH CIRCUIT U.S. COURT OF APPEALS NO. 14-15014," and transmitting a copy of the Second Amended Complaint. The complaint alleges unlawful seizure, unlawful arrest, unlawful search, inadequate supervision and training, false arrest, assault, battery, false imprisonment, negligent infliction of emotional distress, and intentional infliction of emotional distress arising from an incident on April 15, 2011, involving Defendants Jerald Perkett, Jeffrey Calibuso, Keoki Santos, Richard Dods, Christopher Gantala, Kenneth Carroll, Clifford Dagulo, Jamie Wright, Matthew Brown, Eduardo Bayle, Christopher Kealoha, Clifton Perreira, Gregg Okamoto, Matthew Bigoss, and Gary Yabuta as Chief of Police. 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

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to a State or Federal law, or a court order.

[County Communication 15-6](#)

[Proposed resolution from Corp Counsel 08-29-2016](#)

#### 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

Carla Nakata and Clarita Balala

#### TESTIMONY

For information on testifying please visit [www.MauiCounty.us/how-to-testify](http://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.

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Agenda items are subject to cancellation.