



# PUBLIC MEETING NOTICE

## COMMITTEE OF THE WHOLE

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

**Wednesday, March 4, 2015**  
**1:30 p.m.**

MEETING SITE:  
Council Chamber  
Kalana O Maui Building, 8<sup>th</sup> Floor  
200 South High Street  
Wailuku, Hawaii

RECEIVED  
2015 FEB 26 PM 2:43  
OFFICE OF THE  
COUNTY CLERK

### A G E N D A

#### **LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND STATUS: DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 07-1-0496(2)) (COW-1(6))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 26, 2015, from the Department of the Corporation Counsel, requesting an opportunity to provide a status update on the case and consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF DOUGLAS LEONE AND PATRICIA A. PERKINS-LEONE V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-1-0496(2)", and transmitting a copy of the Complaint. The Complaint alleges inverse condemnation, denial of substantive due process rights, and denial of equal protection, and demands damages, including punitive damages, arising out of a dispute concerning plaintiffs' proposals to construct a single-family residence on their property located at 4492 Makena Road, Kihei, Maui, Hawaii.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also discuss the status of the case. The Committee may also consider 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.

#### **LITIGATION MATTERS (STATUS: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)) (COW-1(2))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated February 12, 2015, from the Department of the Corporation Counsel, requesting an opportunity to provide a status update on the case and transmitting a copy of the First Amended Complaint. The First Amended Complaint alleges violations of equal protection, due process, and the State Sunshine Law.

MORE →

**STATUS:** The Committee may discuss the status of the case. The Committee may also consider 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.

**LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION AND STATUS: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK) (COW-1(3))**

**DESCRIPTION:** The Committee is in receipt of the following:

1. Correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the case, and transmitting a copy of the Complaint. The Complaint alleges violations under the Federal Water Pollution Control Act, also known as the Clean Water Act, caused by the discharge of wastewater into the ocean from injection wells operated by the County at the Lahaina Wastewater Reclamation Facility.
2. Correspondence dated February 17, 2015 from the Department of the Corporation Counsel, requesting an opportunity to provide a status update on the case and consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK". The purpose of the proposed resolution is to authorize the employment of Michael Shebelskie, Esq., of Hunton & Williams LLP, as special counsel to represent the County as appellate counsel in the case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution with or without revisions. The Committee may also discuss the status of the case. The Committee may also consider 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.

<b>REMOTE TESTIMONY SITES</b>		
<p><b>Hana</b> Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii</p>	<p><b>Lanai</b> Council District Office Lanai Community Center 8<sup>th</sup> Street Lanai City, Hawaii</p>	<p><b>Molokai</b> Council District Office 100 Ainoa Street Kaunakakai, Hawaii</p>
<p><b>CONTACT INFORMATION</b></p>	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 <b>www.MauiCounty.us/COW</b></p>	
	<p>Committee Staff: Carla Nakata, Sharon Brooks and Clarita Balala</p>	
		<p>(808) 270-7838 (phone) (800) 272-0098 (toll-free from Lanai) (800) 272-0026 (toll-free from Molokai) (808) 270-7686 (fax)</p>

<b>TESTIMONY</b>	For information on testifying please visit <a href="http://www.MauiCounty.us/how-to-testify">www.MauiCounty.us/how-to-testify</a> or contact the Office of Council Services.
<b>DISABILITY ACCESS</b>	People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.
<b>LIVE CABLECAST</b>	Available on Akaku: Maui Community Media, Channel 53.

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION.*

cow:150304:scb