



# 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

**Monday, July 6, 2015**  
**9:00 a.m.**

Committee Vice-Chair  
Stacy Crivello

Voting Members:  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Don Couch  
Riki Hokama  
Michael P. Victorino  
Mike White

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

RECEIVED  
2015 JUN 30 AM 9:51  
OFFICE OF THE  
COUNTY CLERK

## A G E N D A

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF MARVIN KALANI MILES, AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE M-2012-004; AND MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIVIL 14-1-0345(2)) (COW-1(13))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated June 16, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF MARVIN KALANI MILES AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE NO. M-2012-004; AND OF MARVIN KALANI MILES VS. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIVIL NO. 14-1-0345(2)", and transmitting a copy of the Circuit Court complaint. The complaint alleges general and special damages related to Mr. Miles' termination of employment with the Department of Police on May 31, 2012. The purpose of the proposed resolution is to authorize settlement of the SHOPO grievance and the Circuit Court 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 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.

MORE →

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEAL OF AUWAHI WIND ENERGY, LLC; TAX APPEAL 13-1-0302) (COW-1(11))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated June 1, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF AUWAHI WIND ENERGY, LLC V. COUNTY OF MAUI, TAX APPEAL CASE NO. 13-1-0302”, and transmitting a copy of the notice of tax appeal for tax year 2013. In its tax appeal, Auwahi Wind Energy LLC alleges the County of Maui improperly assessed the value of the real property it leases from Ulupalakua Ranch, Inc., identified for real property tax purposes as Tax Map Key (2) 1-9-001:006, for tax year 2013. The purpose of the proposed resolution is to authorize settlement of the tax appeal.

**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 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 (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEALS OF KAHEAWA WIND POWER, LLC; TAX APPEAL 10-1-1246) (COW-1(24))**

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

1. Correspondence dated May 18, 2012, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of the tax appeals of Kaheawa Wind Power, LLC, for tax years 2007, 2008, 2009, 2010, and 2011, which appeals have been consolidated under Tax Appeal 10-1-1246. The correspondence also transmitted a copy of each of the notices of appeal. In its tax appeals, Kaheawa Wind Power, LLC, alleges the County of Maui improperly assessed the value of its real property located at 3000 Honoapiilani Highway.
2. Correspondence dated June 25, 2015, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled “AUTHORIZING SETTLEMENT OF KAHEAWA WIND POWER, LLC v. COUNTY OF MAUI, TAX APPEAL CASE NO. 10-1-1246”. The purpose of the revised proposed resolution is to authorize settlement of the referenced consolidated tax appeals.

**STATUS:** The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. 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 (SETTLEMENT AUTHORIZATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK) (COW-1(3))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated April 20, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING THE SETTLEMENT IN HAWAII WILDLIFE FUND, ET

AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK". The First Amended Complaint, transmitted by correspondence dated January 27, 2015, 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. 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 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>
<b>CONTACT INFORMATION</b>	<p>Office of Council Services (808) 270-7838 (phone) 200 South High Street (800) 272-0098 (toll-free from Lanai) Wailuku, Hawaii 96793 (800) 272-0026 (toll-free from Molokai) <a href="http://www.MauiCounty.us/COW">www.MauiCounty.us/COW</a> (808) 270-7686 (fax)</p> <p>Committee Staff: Carla Nakata and Clarita Balala</p>	
<b>TESTIMONY</b>	<p>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.</p>	
<b>DISABILITY ACCESS</b>	<p>People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.</p>	
<b>LIVE CABLECAST</b>	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION.*