



# 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

**Thursday, July 16, 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 JUL 10 AM 9:06  
OFFICE OF THE  
COUNTY CLERK

## A G E N D A

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM OF TREMAINE BALBERDI, CLAIM 5-14-00322; CLAIM OF JAMES A.Q. GIROUX, CLAIM 5-14-00345; CLAIM OF KATHLEEN KERN, CLAIM 5-14-00330; CLAIM OF MARK A. KING, CLAIM 5-14-00348; CLAIM OF DOUGLAS MILLER, CLAIM 5-14-00526 (RELATING TO MAUI AIR INCIDENT ON LANAI)) (COW-1(19))**

**DESCRIPTION:**

The Committee is in receipt of correspondence dated June 30, 2015, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "AUTHORIZING SETTLEMENT OF TREMAINE BALBERDI V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00322";
2. A proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMES A.Q. GIROUX V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00345";
3. A proposed resolution entitled "AUTHORIZING SETTLEMENT OF KATHLEEN KERN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00330";
4. A proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARK A. KING V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00348"; and
5. A proposed resolution entitled "AUTHORIZING SETTLEMENT OF DOUGLAS MILLER V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00526."

The claims each allege work-related injuries sustained as a result of an air crash on Lanai, Maui, Hawaii, on February 26, 2014. The purpose of each proposed resolution is to authorize settlement of the case.

**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 are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on

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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.

**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.

<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 and Clarita Balala</p>	
<p><b>TESTIMONY</b></p>	<p>For information on testifying please visit <b>www.MauiCounty.us/how-to-testify</b> or contact the Office of Council Services.</p> <p>If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.</p>	
<p><b>DISABILITY ACCESS</b></p>	<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>	
<p><b>LIVE CABLECAST</b></p>	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION.*

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