



PUBLIC MEETING NOTICE

COMMITTEE OF THE WHOLE

COUNCIL OF THE COUNTY OF MAUI

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

Friday, November 18, 2016
1:30 p.m.

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

RECEIVED
2016 NOV 10 PM 2:06
OFFICE OF THE
COUNTY CLERK

A G E N D A

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: THOMAS N. LIGSAY V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-15-00504) (COW-1(47))

DESCRIPTION: The Committee is in receipt of correspondence dated November 2, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF THOMAS N. LIGSAY V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-15-00504." The claim alleges work-related injuries sustained on February 9, 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.

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 December 3, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Plaintiffs' claim for attorneys' fees and costs related to the case. The case involves allegations of violations under the Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. Sections 1311(a) and 1342,

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and other laws, arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility.

STATUS: The Committee may consider the filing of the correspondence dated December 3, 2015, and other related action.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: IN THE MATTER OF THE TAX APPEAL OF KAHEAWA WIND POWER II, LLC; TAX APPEAL 13-1-0313) (COW-1(48))

DESCRIPTION: The Committee is in receipt of correspondence dated November 7, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF THE MATTER OF THE TAX APPEAL OF KAHEAWA WIND POWER II, LLC, TAX APPEAL NO. 13-1-0313," and transmitting a copy of the Notice of Appeal. The Notice of Appeal by Kaheawa Wind Power II, LLC, alleges the County of Maui improperly assessed the value of its real property located at 3000 Honoapiilani Highway for tax year 2013.

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: COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL.; CIVIL 11-1-0311(3)) (COW-1(49))

DESCRIPTION: The Committee is in receipt of correspondence dated November 10, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL., CIVIL NO. 11-1-0311(3)," and transmitting a copy of the Complaint. The Complaint alleges building code, housing code, and zoning violations arising out of illegal dwellings and occupancy on property identified for real property tax purposes as tax map key (2) 3-4-032:001, located on Piihana Road, Wailuku, Maui. 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.

LITIGATION MATTERS (STATUS: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2); OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 15-1-0435(1)) (COW-1(2))

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated January 9, 2015, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 13-1-0848(2), and transmitting a copy of the First Amended Complaint filed on August 24, 2014.
2. Correspondence dated November 4, 2016, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 13-1-0848(2). The Second Amended Complaint, filed on August 12, 2016, alleges violations of the Due Process and Equal Protection Clauses of the United States and Hawaii Constitutions, and violations of Chapter 92, Part I, Hawaii Revised Statutes, known as the "Sunshine Law," in the determination of the timeshare real property tax rates for the County for Fiscal Years 2014 and 2015, and amended assessments issued for tax years 2006, 2007, and 2008.

STATUS: The Committee may receive a status update on the case from the Department of the Corporation Counsel. The Committee may also recommend the correspondence dated January 9, 2015, be referred to the Council Chair for the term beginning January 2, 2017, pursuant to Rule 23 of the Rules of the Council, 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.

NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2017, PURSUANT TO RULE 23 OF THE RULES OF THE COUNCIL.

COW-5 STATUS: CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL 15-00384 LEK-KSC

DATE REFERRED REFERENCE
07/19/2016 COW-5

SUBJECT
Memo from Deputy Corporation Counsel Bilberry, dated 07/19/2016, requesting the opportunity to disclose a settlement demand received from Christopher Salem.

COW-6 PROPOSED NAHIKU COMMUNITY CENTER LITIGATION (COUNTY OF MAUI V. MAUI KUPONO BUILDERS LLC, ET AL., CIVIL 15-1-0421(1))

DATE REFERRED REFERENCE
10/06/2015 MISC

SUBJECT
County Clerk, reporting that on 10/06/2015, the Council referred the matter relating to the Complaint filed in County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1), and attaching a copy of the Complaint.

REMOTE TESTIMONY SITES		
<p>Hana Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii</p>	<p>Lanai Council District Office Lanai Community Center 8th Street Lanai City, Hawaii</p>	<p>Molokai Council District Office 100 Ainoa Street Kaunakakai, Hawaii</p>
<p>CONTACT INFORMATION</p>	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 www.MauiCounty.us/COW</p> <p>Committee Staff: Carla Nakata and Clarita Balala</p>	
<p>TESTIMONY</p>	<p>For information on testifying please visit www.MauiCounty.us/how-to-testify 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>DISABILITY ACCESS</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>LIVE CABLECAST</p>	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.