



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/PRL

Committee Chair
Don S. Guzman

Committee
Vice-Chair
Kelly T. King

Voting Members:
Alika Atay
Robert Carroll
Elle Cochran
Stacy Crivello
Riki Hokama
Yuki Lei K. Sugimura
Mike White

PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE

Tuesday, October 17, 2017

1:30 p.m.

MEETING SITE:

Council Chamber

Kalana O Maui Building, 8th Floor

200 South High Street

Wailuku, Hawaii

OFFICE OF THE
COUNTY CLERK

2017 OCT 11 PM 3:16

RECEIVED

AGENDA

HAWAIIAN CULTURAL RESTORATION (PRL-26)

Description: The Committee is in receipt of County Communication 17-135, from Councilmember Don S. Guzman, relating to Hawaiian Cultural Restoration.

Status: The Committee may receive a presentation from Cultural Surveys Hawaii, Inc. relating to the archaeological inventory survey for Mokuhinia Ecosystem Restoration for the Department of Management. The Committee may also consider the filing of County Communication 17-135 and other related action.

County Communication 17-135

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION; CIVIL 15-1-0209(2)) (PRL-1(25))

Description: The Committee is in receipt of the following:

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1. Correspondence dated September 26, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii Department of Defense, the National Cemetery Administration of the U.S. Department of Veterans Affairs, the State Historic Preservation Division of the Department of Land and Natural Resources, and the Advisory Council on Historic Preservation in the form of the Memorandum of Agreement attached thereto as Exhibit "1." Attached to the correspondence is a copy of the Complaint filed in The Makawao Cemetery Association, Inc. v. The Office of Veterans Services, Department of Defense, State of Hawaii, et al., Civil 15-1-0209(2), Circuit Court of the Second Circuit, State of Hawaii. The Complaint is an action by The Makawao Cemetery Association, Inc. to enforce easements and covenants alleged to exist on the Maui Veterans Cemetery land.
2. Correspondence dated October 9, 2017, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION TO SET FORTH GUIDELINES TO MAINTAIN THE MAUI VETERANS CEMETERY AT 'SHRINE STATUS.'" The purpose of the revised proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the entities noted in the form of the Memorandum of Agreement attached thereto as Exhibit "1," to set forth guidelines to maintain the Maui Veterans Cemetery in Makawao, Maui, Hawaii, at "Shrine Status."

Status: The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further 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.

Correspondence from Corporation Counsel 09-26-2017

Correspondence from Corporation Counsel 10-09-2017

LITIGATION MATTERS (SPECIAL COUNSEL ADDITIONAL

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COMPENSATION AND SETTLEMENT AUTHORIZATION: HARRY DONENFELD V. COUNTY OF MAUI, ET AL.; CIVIL 16-00381 DKW-KJM) (PRL-1(24))

Description: The Committee is in receipt of the following:

1. Correspondence dated September 12, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING AN INCREASE IN COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP IN HARRY DONENFELD v. COUNTY OF MAUI, ET AL., USDC CIVIL NO. 16-00381 DKW-KJM," and transmitting a copy of the complaint. The purpose of the proposed resolution is to authorize an increase in compensation for special counsel Kobayashi Sugita & Goda, LLP by \$75,000 for trial preparation and trial of the case, for a total compensation not to exceed \$150,000. The First Amended Complaint alleges Harry Donenfeld was terminated as the Maui County Film Commissioner in violation of his due process rights under the United States and Hawaii Constitutions, breach of contract, defamation, and violations of statutory privacy interests, among other things.
2. Correspondence dated October 11, 2017, from the Department of the Corporation Counsel, requesting an opportunity to discuss the status of settlement negotiations in 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.

Correspondence from Corporation Counsel 09-12-2017

Correspondence from Corporation Counsel 10-11-2017

STATUS AND SETTLEMENT AUTHORIZATION: DUKIE J. RACADIO V. COUNTY OF MAUI, ET AL.; CIVIL 14-1-0451(2) (PRL-1(26))

Description: The Committee is in receipt of the following;

1. Correspondence dated October 5, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DUKIE RACADIO v. COUNTY OF MAUI, ET AL., CIVIL NO. 14-1-0451(2)," and an opportunity to provide a status update on the case. The

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purpose of the proposed resolution is to authorize settlement of the case.

2. Correspondence dated October 10, 2017, from the Department of the Corporation Counsel, transmitting a copy of the Complaint filed in Dukie J. Racadio v. County of Maui, et al., Civil 14-1-0451(2). The Complaint alleges disability discrimination relating to Dukie J. Racadio's termination as a police officer on or about December 31, 2013.

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.

[Correspondence from Corporation Counsel 10-05-2017](#)

[Correspondence from Corporation Counsel 10-10-2017](#)

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

Maggie Clark, Carla Nakata and Pauline Martins

TESTIMONY

Oral or written testimony on any agenda item will be accepted. Email testimony to prl.committee@mauicounty.us.

For more information on testifying please visit 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.

Agenda items are subject to cancellation.