



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/PRL](http://www.MauiCounty.us/PRL)

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Riki Hokama  
Yuki Lei K. Sugimura  
Mike White

## PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE

Tuesday, January 23, 2018

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

2018 JAN 16 PM 2:24

RECEIVED

### AGENDA

**LITIGATION MATTERS (SPECIAL COUNSEL ADDITIONAL  
COMPENSATION: 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 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, and transmitting a copy of the complaint. 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 January 9, 2018, from the Department of the Corporation Counsel, transmitting a revised 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." The purpose of the revised proposed resolution is to authorize an increase in compensation for special counsel Kobayashi Sugita & Goda, LLP by \$21,815.33 for payment of special counsel's final billing

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for the case, for a total compensation not exceeding \$96,815.33.

**Status:** The Committee may consider whether to recommend adoption of the revised proposed resolution, 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; and 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 01-09-2018

**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)) (PRL-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 28, 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.
3. Correspondence dated January 9, 2018, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the case.

**Status:** The Committee may receive a status update on the case from the Department of the Corporation Counsel. No legislative action will be taken.

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**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 01-09-2015

Correspondence from Corporation Counsel 11-04-2016

Correspondence from Corporation Counsel 01-09-2018

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 [pri.committee@mauicounty.us](mailto:pri.committee@mauicounty.us).

For more information on testifying please visit [www.MauiCounty.us/how-to-testify](http://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.

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Agenda items are subject to cancellation.