



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/PRL](http://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, March 13, 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 MAR -7 PM 3:23

RECEIVED

## AGENDA

### KAHULUI COMMUNITY CENTER PARK AND SURROUNDING AREA MASTER PLAN (PRL-10)

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

1. County Communication 17-361, from the Mayor, relating to Hale Makua Health Services' interest in entering into a long-term lease agreement with the County for a portion of the Kahului Community Center Park.
2. Correspondence dated March 2, 2018, from the Mayor, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO HALE MAKUA HEALTH SERVICES." The purpose of the proposed resolution is to grant a 75 -year lease to Hale Makua Health Services, for the 34.082 acres identified for real property tax purposes as tax map key (2) 3-8-007:097 and known as the Kahului Community Center Park, Kahului, Maui, Hawaii, for expanding and establishing a holistically planned senior community and related facilities. The proposed lease attached as Exhibit "1" to the proposed resolution would grant the lease to Hale Makua Health Services in phases, starting with Phase 1a, to include the gateball field and community center only.

**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 County Communication 17-361 and other related action.

**MORE →**

County Communication 17-361

Correspondence from the Mayor 03-02-2018

**PRESENTATIONS BY THE OFFICE OF THE MAYOR, OFFICE OF ECONOMIC DEVELOPMENT (PRL-20(4))**

**Description:** Pursuant to Rule 7(B) of the Rules of the Council, the Committee is in receipt of the following:

1. Correspondence dated March 6, 2018, from the Energy Commissioner, Office of Economic Development, transmitting a document, entitled "County of Maui: FY18 Alternative Vehicles Assessment," prepared by Hitachi Advanced Clean Energy Corporation, dated December 13, 2017.
2. Correspondence dated March 6, 2018, from the Energy Commissioner, Office of Economic Development, transmitting a presentation for the Committee's March 13, 2018 meeting entitled "Parks, Recreation, Energy, and Legal Affairs Committee: Alternative Vehicles Assessment."

**Status:** The Committee may receive a presentation from the Energy Commissioner, Office of Economic Development, relating to alternative vehicle options for the County vehicle fleet. The Committee may also discuss related matters. No legislative action will be taken.

Correspondence from Economic Development 03-06-2018

Presentation 03-13-2018

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: GLEN R. CABATINGAN V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-15-01528) (PRL-1(34))**

**Description:** The Committee is in receipt of correspondence dated January 24, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF GLEN R. CABATINGAN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-15-01528." The claim alleges work-related injuries sustained on August 14, 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 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

**MORE →**

consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Correspondence from Corporation Counsel 01-24-2018

**LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION:  
DAVID TAYLOR V. ALAN ARAKAWA, ET AL.; CIVIL 18-1-0056(1))  
(PRL-1(32))**

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

1. Correspondence dated February 7, 2018, from the Department of the Corporation Counsel, requesting consideration of the following:
  - a. A proposed resolution to authorize the employment of Cox Fricke LLP as special counsel to represent Alan Arakawa, who has been identified as a Defendant in his individual capacity, in David Taylor v. Alan Arakawa, et al., Civil 18-1-0056(1), for a total compensation not to exceed \$75,000. The Complaint, filed January 30, 2018, alleges David Taylor was removed from his position as Director of Water Supply starting as early as November 15, 2017, in violation of the Revised Charter of the County of Maui (1983), as amended; wrongful termination in violation of his due process rights under the Hawaii Constitution; misuse of his professional engineering license, in violation of the Hawaii Revised Statutes; and defamation, slander per se, and intentional infliction of emotional distress, among other things.
  - b. A proposed resolution to authorize the employment of Kobayashi, Sugita & Goda, LLP as special counsel to represent the County of Maui and Alan Arakawa in his capacity as the Mayor of the County of Maui, who have been identified as Defendants, in David Taylor v. Alan Arakawa, et al., Civil 18-1-0056(1), for a total compensation not to exceed \$75,000.
2. Correspondence dated February 23, 2018, from the Department of the Corporation Counsel, requesting consideration of the following:
  - a. A revised proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI, SUGITA & GODA, LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)." The purpose of the proposed resolution is to authorize the employment of Kobayashi, Sugita & Goda, LLP to represent Alan Arakawa, who has been identified as a Defendant in his individual capacity, in David Taylor v. Alan Arakawa, et al., Civil 18-1-0056(1), for a total compensation not to exceed \$50,000.
  - b. A revised proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL COX FRICKE LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)." The purpose of the proposed resolution is to authorize the employment of Cox Fricke LLP as special counsel to represent

**MORE →**

the Maui County Council and its members as material witnesses who will be deposed by the Plaintiff in David Taylor v. Alan Arakawa, et al.; Civil 18-1-0056(1), for a total compensation not to exceed \$25,000.

**Status:** The Committee may consider whether to recommend adoption of the revised proposed resolutions, 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.

Correspondence from Corporation Counsel 02-07-2018

Correspondence from Corporation Counsel 02-23-2018

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 [prl.committee@mauicounty.us](mailto:prl.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.

---

Agenda items are subject to cancellation.