



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

PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE

Tuesday, June 12, 2018

1:30 p.m.

MEETING SITE:

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

RECEIVED
2018 JUN - 6 AM 9:49
OFFICE OF THE
COUNTY CLERK

AGENDA

PRESENTATIONS BY THE DEPARTMENT OF PARKS AND RECREATION (PRL-20(1))

Description: Pursuant to Rule 7(B) of the Rules of the Council, the Committee intends to receive a presentation from the Department of Parks and Recreation on the County's Aquatics Facilities Master Plan, including recommendations for new facilities and renovation of existing facilities, and projected costs for development, staffing, and maintenance.

Status: The Committee may receive a presentation from the Department of Parks and Recreation and the Department's consultant, Councilman-Hunsaker, on the County's Aquatics Facilities Master Plan, and discuss related matters. No legislative action will be taken.

LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION AND SETTLEMENT 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

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not to exceed \$75,000, along with a copy of the Complaint. 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 March 23, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)." The purpose of the proposed resolution is to authorize settlement of the case.
3. Correspondence dated June 1, 2018, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the case and to discuss settlement options.

Status: The Committee may consider whether to recommend adoption of the proposed resolution noted in paragraph 2 above, 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.

Correspondence from Corporation Counsel 02-07-2018

Correspondence from Corporation Counsel 03-23-2018

Correspondence from Corporation Counsel 06-01-2018

LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)) (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.

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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 August 22, 2016, from the Department of the Corporation Counsel, transmitting a copy of the Second Amended Complaint, filed on August 12, 2016. The Second Amended Complaint 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 establishment of the timeshare classification and 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 June 1, 2018, from the Department of the Corporation Counsel, requesting the opportunity to provide a status update on the case and transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 13-1-0848(2)."

Status: The Committee may receive a status update on the case and 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.

Correspondence from Corporation Counsel 01-09-2015

Correspondence from Corporation Counsel 08-22-2016

Correspondence from Corporation Counsel 06-01-2018

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

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.