



# 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, July 24, 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 JUL 18 PM 2:08

RECEIVED

### AGENDA

#### LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LEXINGTON INSURANCE COMPANY ON BEHALF OF ITS INSURED, KIHEI SANDS AOA; CLAIM 30153916459-0001) (PRL-1(8))

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

1. Correspondence dated February 7, 2017, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of Claim 30153916459-0001 of Lexington Insurance Company, on behalf of its insured, Kihei Sands AOA, and transmitting a copy of the claim. The claim alleges property damage to the Kihei Sands Condominium resulting from a broken water pipe on March 26, 2015.
2. Correspondence dated July 17, 2018, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30153916459-0001 OF LEXINGTON INSURANCE COMPANY, ON BEHALF OF ITS INSURED, KIHEI SANDS AOA," and transmitting documents relating to the claim. The purpose of the revised proposed resolution is to authorize settlement of the claim for \$320,000.

**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

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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 02-07-2017

Correspondence from Corporation Counsel 07-17-2018

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ASSOCIATION OF APARTMENT OWNERS OF KIHEI SANDS; CLAIM 30177587502-0001) (PRL-1(41))**

**Description:** The Committee is in receipt of correspondence dated July 16, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30177587502-0001 OF ASSOCIATION OF APARTMENT OWNERS OF KIHEI SANDS," and transmitting a copy of the claim and related documents. The purpose of the proposed resolution is to authorize settlement of the case for \$50,000. The claim by the Association alleges property damage to the Kihei Sands Condominium resulting from a broken water pipe on March 26, 2015.

**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.

Correspondence from Corporation Counsel 07-16-2018

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: SIMONE BOSCO V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-16-01543) (PRL-1(40))**

**Description:** The Committee is in receipt of correspondence dated July 10, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF SIMONE BOSCO V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-16-01543." The purpose of the proposed resolution is to authorize settlement of the workers' compensation claim. The claim alleges work-related injuries sustained on March 18, 2016.

**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.

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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; 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 07-10-2018

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. FELICIA PROVENCAL, ET AL.; CIVIL 12-1-0255(1)) (PRL-1(5))**

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

1. County Communication 13-41, from Council Chair Gladys C. Baisa, relating to litigation matters.
2. Correspondence dated January 18, 2013, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. FELICIA PROVENCAL, CIVIL NO. 12-1-0255(1)," and transmitting a copy of the complaint. The purpose of the proposed resolution is to authorize settlement of County of Maui v. Felicia Provenca, et al., Civil 12-1-0255(1). The complaint filed by the County on March 9, 2012, seeks reimbursement of monies paid to Ms. Provenca arising from her failure to provide all services, individually or in her capacity as contractor for Hawaii Design Modeling, required by a contract with the County.
3. Correspondence dated June 26, 2018, from the Department of the Corporation Counsel, advising that on June 14, 2018, an order was entered granting default judgment in favor of the County for \$78,950 plus interest. Final judgment in favor of the County was entered on June 25, 2018. Therefore, the request for settlement authority in this matter is no longer needed.

**Status:** The Committee may consider whether to recommend the filing of County Communication 13-41 and the correspondence dated January 18, 2013, and other related action.

County Communication 13-41

Correspondence from Corporation Counsel 01-18-2013

Correspondence from Corporation Counsel 06-26-2018

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LESLI LYN OTANI V. COUNTY OF MAUI, ET AL.; CIVIL 17-00281 DKW-KJM) (PRL-1(19))**

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**Description:** The Committee is in receipt of correspondence dated June 15, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF LESLI LYN OTANI vs. COUNTY OF MAUI, ET AL., USDC CIVIL NO. 17-00281 DKW-KJM," and transmitting a copy of the Complaint. The purpose of the proposed resolution is to authorize settlement of the case. The Complaint alleges violations of the First Amendment to the United States Constitution, the Constitutional right to privacy, public policy, the Constitutional right to due process, and Hawaii's Whistleblower Statute, arising from Lesli Otani's non-retention as Chief of Field Operations and Maintenance for the Department of Public Works at the expiration of her probationary appointment to the position.

**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.

Correspondence from Corporation Counsel 06-15-2018

## LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND STATUS: SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL CV 14-00535 SOM-RLP) (PRL-1(33))

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

1. Correspondence dated January 26, 2016, from the Department of the Corporation Counsel, transmitting a proposed resolution to authorize the settlement of Spirit of Aloha Temple, et al. v. County of Maui, et al., Civil CV 14-00535 SOM-RLP. The complaint alleges discriminatory and unreasonable land use regulations and intentional conduct, including the denial of a State Special Use Permit, prohibited the Spirit of Aloha Temple from conducting religious services and activities in the exercise of its religious beliefs, in violation of the Religious Land Use and Institutionalized Persons Act of 2000, the Hawaii State Constitution, and the First and Fourteenth Amendments of the United States Constitution, at 800 Haumana Road, Haiku, Maui, Hawaii.
2. Correspondence dated June 22, 2018, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 14-00535 SOM-RLP." The purpose of the revised proposed resolution is to authorize settlement of the case.

**Status:** The Committee may consider whether to recommend adoption of the

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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.

Correspondence from Corporation Counsel 01-26-2016

Correspondence from Corporation Counsel 06-26-2018

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

BOARD PACKETS

Board packets, as defined in Section 92-7.5 of the Hawaii Revised Statutes, are available for inspection at the Office of Council Services. Board packets are also available electronically as soon as practicable upon request.

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.