

**PARKS, RECREATION, ENERGY, AND LEGAL
AFFAIRS COMMITTEE
Council of the County of Maui**

M I N U T E S

Council Chamber

July 24, 2018

CONVENE: 1:32 p.m.

PRESENT: Councilmember Don S. Guzman, Chair
Councilmember Kelly T. King, Vice-Chair
Councilmember Alika Atay
Councilmember Robert Carroll
Councilmember Elle Cochran
Councilmember Stacy Crivello
Councilmember Riki Hokama (arrived at 1:47 p.m.)
Councilmember Yuki Lei K. Sugimura
Councilmember Mike White (arrived at 2:13 p.m.)

STAFF: Carla Nakata, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

Morris Haole, Executive Assistant to Councilmember Carroll

ADMIN.: Moana M. Lutey, Deputy Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Acting Director, Department of Water Supply
Helene Kau, Assistant Waterworks Fiscal Officer, Department of Water Supply
Brian Bilberry, Deputy Corporation Counsel, Department of the Corporation Counsel
Shinken Naitoh, Deputy Corporation Counsel, Department of the Corporation Counsel
David Goode, Director, Department of Public Works
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
Patrick Wong, Corporation Counsel, Department of the Corporation Counsel

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Joseph Alueta, Deputy Planning Director, Department of Planning
Clayton Yoshida, Planning Program Administrator, Current
Planning Division, Department of Planning
Kurt Wollenhaupt, Planner, Current Planning Division,
Department of Planning

OTHERS: Zandra Amaral
Gary Wood (*aka John Smith*)
Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR GUZMAN: . . . (*gavel*) . . . Okay, welcome to the Parks, Recreation, Energy, and Legal Affairs Committee. Before I begin, I'd like to introduce the Members that we have for this afternoon. We have Ms. Kelly King, our Vice-Chair of the Committee.

VICE-CHAIR KING: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. Ms. Cochran, good afternoon.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR GUZMAN: Ms. Sugimura, good afternoon.

COUNCILMEMBER SUGIMURA: Aloha.

CHAIR GUZMAN: Mr. Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. Ms. Crivello, good afternoon.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR GUZMAN: And Mr. Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. Let's see, excused is Mr. White as well as Mr. Hokama. I'll go ahead and check in with our District Offices. Hello, on Molokai, are you there?

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. . . BEGIN PUBLIC TESTIMONY . . .

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

CHAIR GUZMAN: Thank you, Ms. Alcon. In Hana District Office, are you there?

MS. LONO: Yes. Good afternoon, Chair. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

CHAIR GUZMAN: Thank you, Ms. Lono. And in Lanai?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

CHAIR GUZMAN: Thank you, Ms. Fernandez. Anyone signed up to testify in the Chambers?

MS. NAKATA: Mr. Chair, no one has signed up to testify in the Chamber.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR GUZMAN: Thank you. Without any objections, Members, I'd like to close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: Thank you. Public testimony is now closed. Moving on to the first item on today's agenda.

PRL-1(8) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LEXINGTON INSURANCE COMPANY ON BEHALF OF ITS INSURED, KIHEI SANDS AOA; CLAIM 30153916459-0001) (CC 17-6)

PRL-1(41) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ASSOCIATION OF APARTMENT OWNERS OF KIHEI SANDS; CLAIM 30177587502-0001) (CC 17-6)

CHAIR GUZMAN: This is PRL-1(8), Litigation Matter, the Settlement Authorization for Lexington Insurance Company on behalf of its insured, Kihei Sands AOA; Claim 30153916459-0001, County Communication 17-6. Also calling to the floor Item PRL-1(41). This is Settlement Authorization for the Association of Apartment Owners of the Kihei Sands, Claim No. 30177587502-0001, County Communication 17-6.

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Ms. Lutey, this is your case, and please present to the Committee in open session the facts of this case and any settlements that you can disclose in open session.

MS. LUTEY: Thank you, Chair. I believe that we should be able to handle both of these settlements in open session. These are pure property damage claims. And the basic facts are that on March 26, 2015, our fire hydrant that is on South Kihei Road fronting the Kihei Sands condominium complex leaked. And I've provided you with a number of photos showing the amount of water that was in there and we basically flooded 15 units, which were ground floor units in this condominium, their laundry area, their storage, and their office, so a total of 18 rooms. And what happened was Lexington Insurance who insures the Kihei Sands submitted a claim for the damages that they paid to the claimants in this matter, the property owners. And then we got a separate demand or claim from Kihei Sands Association of Apartment Owners asking for the other items that they had paid for that were not covered for insurance. That includes their insurance deductible. So, for Kihei...for the Lexington Insurance claim I'm asking for settlement authority in the amount of \$320,000. And for the Kihei Sands AOA, I'm asking for \$50,000. And that will resolve both of these claims. And then I have given you a number of documents. There's significantly more. I've got two big binders up here of additional documentation that were provided for this claim. We also hired an outside adjuster to go through it because the claim amount in total initially was \$420,440.50 or 55 cents from Lexington Insurance. And in order to evaluate something like that when you're talking about a 420-page claim, it was difficult for us so we hired an adjuster to go through it. And they evaluated with depreciation and so forth for the Lexington claim. They valued it at \$323,000 and some change. So, the 320 is about \$3,000 less than what our outside adjuster values it at. And that should be in your documents as well.

CHAIR GUZMAN: Ms. Lutey, it is my understanding that this was a result of a fire hydrant. Can you explain further how that happened? The fire hydrant, how did that become defective or --

MS. LUTEY: I'm not sure --

CHAIR GUZMAN: --the facts surrounding that?

MS. LUTEY: --and I asked our Water Department as well. We're not sure of the mechanics of why it leaked, but as you can see by the volume of water in the photos, you know, this is a high pressure system because if our Fire Department is out there fighting fires they need the amount of water pressure necessary for them to perform their jobs. On the downside of that when you have a leak like this you can see how much water is produced in terms of flooding this particular property.

CHAIR GUZMAN: Okay, so, Members, do you have any questions that you would like to pose to Ms. Lutey? Ms. King?

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VICE-CHAIR KING: Thank you, Chair. So, I guess, that's all on us, that's, the responsibility, we don't have any outside people that work on that, that may be responsible for making sure they don't leak?

MS. LUTEY: No, that's the responsibility of our Water Department.

VICE-CHAIR KING: Okay. Yeah, I would consider this more of a burst than a leak.

CHAIR GUZMAN: We also have our Water Director, Ms. Gladys Baisa.

VICE-CHAIR KING: Okay.

CHAIR GUZMAN: Can you please come down and maybe you can answer some of the questions?

VICE-CHAIR KING: Okay, the other question I had while she's coming down is just this settlement has been accepted by the plaintiff?

MS. LUTEY: They're willing to accept it, but I don't...they're all aware of the fact that it is contingent on Council approval. So, we haven't executed documents, but this is an amount that each claimant would be willing to accept.

VICE-CHAIR KING: Okay.

CHAIR GUZMAN: So, Ms. Baisa, were you able to listen to the question?

MS. BAISA: Yes, thank you very much.

CHAIR GUZMAN: Thank you for being here.

MS. BAISA: And thank you for the opportunity to be here. I just had a brief discussion with our Field Operations Supervisor and he explained to me that it's not unusual that water hydrants due to normal wear and tear. They're on a cast iron base, but the part above will respond to wear and tear and we do have leaks occasionally. And when it happens because of the high pressure it blows. I don't know if ever you've seen a hydrant blow up, but it is amazing. It is like a geyser and it goes 200-300 feet up in the air. And it takes us a while because we have to call the maintenance person to get there when it happens. And in this case, he was in Kahului and this was in Kihei, so it took about a half an hour and that's speeding.

VICE-CHAIR KING: Can I follow up, Chair? Do we have any preventive maintenance that we do knowing that there is wear and tear as it ages? Is there like some kind of program to replace before this happens? This shouldn't be a normal thing, so.

MS. BAISA: It really doesn't happen that often. Normally, when a hydrant goes it's 'cause

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somebody hits it. That's very common. But this kind of thing, we do have a maintenance program. We have staff assigned to take care of the hydrants, but these things happen. The nature of our work is unfortunate. We get a lot of emergency things.

VICE-CHAIR KING: Okay, no, I understand but for normal wear and tear that should be something we should be able to, you know, have preventive maintenance for. So, it's a little disappointing. I understand when things happen when they get hit, but...thank you, Chair.

CHAIR GUZMAN: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Thank you, Ms. Baisa, for being here. And so yeah, along the lines of Ms. King after this had occurred, are we looking, you know, just reassessing, I guess, the other hydrants in the area? Maybe it's due to salt intrusion, you know, rusting out the bottoms, or what have you. I don't know. So, is there a follow up, I think, more of a preventive-type actions?

MS. BAISA: And I like where this conversation is going because when I got to the Department, we do have a maintenance program. However, when this happened we had a maintenance person who had to be gone sometimes quite a bit because he has National Guard and we've had to replace him. And so, we're very, very careful now. I've required that we have to have somebody on that job every day, every day.

COUNCILMEMBER COCHRAN: Okay, and sorry, I was looking at the photos that are on Granicus right now. And that's a huge, I mean, leak is like...a leak is sort of trickling, seeing it, but man this is an entire flood zone had occurred. So, did it actually burst? I mean, did it actually pop off? Is that what happened?

MS. BAISA: That's where all that water came from.

COUNCILMEMBER COCHRAN: Okay. And so, I know, experiencing a car hitting a fire hydrant in Lahaina not too long ago, and it shot up for hundreds of feet in the air like you said and it was . . .

(NOTE: Gary Wood burst into the Chamber, and began yelling profanities. Police later escorted him out.)

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CHAIR GUZMAN: Excuse me. We'll take a brief recess. . . . *(gavel)* . . .

RECESS: 1:42 p.m.

RECONVENE: 1:43 p.m.

CHAIR GUZMAN: . . . *(gavel)* . . . We're back in open session. Thank you. Ms. Cochran, proceed.

COUNCILMEMBER COCHRAN: Yeah, thank you. And so, there was a, I don't want to say issue but, I think, it's the fire hydrant so people call the Fire Department. Fire hydrant, Fire Department, but, it is, I believe, Water Department. So, the Water Department person lives Upcountry, so obviously how long does it take to get down to Lahaina? In the meantime, this geyser, how much water...and I was told that every fire truck has one of those keys to shut this down.

MS. BAISA: That's correct.

COUNCILMEMBER COCHRAN: And, I guess, the people there at that time were not, I guess, trained or told or something to that effect. So, I think, from here on out definitely everyone is on board. So, for this particular incident was that also...could Fire have been called with their key to shut it down or it could not have taken care of this issue?

MS. BAISA: I don't know that it's true that Fire can shut it down because, to my knowledge, we always have to show up. And the other piece of this that is really important is in order to shut down the hydrant you have to know where the valve is. And we are in the process right now of updating all of our maps and providing them too so people in the field have them so they know where they are. That's another really big piece is you got to know where the valve is. So, we're charting that right now.

COUNCILMEMBER COCHRAN: Very good. Thank you. And that was the other issue in line, but anyways. Okay. Well, thank you very much.

CHAIR GUZMAN: Thank you.

COUNCILMEMBER COCHRAN: We need to pay for damages. Thank you.

CHAIR GUZMAN: I want to follow up with Ms. Cochran's questions. So, in the past, and you did mention, Ms. Baisa, that there may have been other incidents where the hydrant does, I guess, blow up, or not really blow up, but gets, I guess, wear and tear.

MS. BAISA: When I said that, Chair, I was referring to the fact that hydrants blow up.

CHAIR GUZMAN: Right.

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MS. BAISA: And when they do, it's really, really dangerous 'cause it can really hurt things.

CHAIR GUZMAN: Has there been a consistent type of, I guess, has there been continuum? I mean, when was the last time that we had this type of issue?

MS. BAISA: I'm really sorry, but I don't have that information. And I don't know. I have the Deputy Fiscal Director here today. Would you be able to help, Holly, not Holly, but Helene? Helene?

CHAIR GUZMAN: I just want to see how like if this is a prevalent issue that is ongoing or is it something that random case that --

MS. BAISA: Maybe Helene knows something.

CHAIR GUZMAN: --maybe happens once every 20 years or something like that.

MS. BAISA: Helene, come.

MS. KAU: Helene Kau, Assistant Fiscal Officer, Department of Water Supply. And it appears as though based on...I'm looking at the general liability cases that we've encountered in recent history. And we have waterline breaks fairly frequently.

CHAIR GUZMAN: Yes.

MS. KAU: But this type of incident involving the hydrant is very infrequent. Again, as Ms. Baisa had alluded to more hydrants get hit and damaged than, yeah, than, you know, any liability incurring from faulty, you know, maintenance issues and, you know.

CHAIR GUZMAN: Okay. So, it's not something that we should be . . .

MS. KAU: It is not a frequent occurrence.

CHAIR GUZMAN: Okay, thank you. Any further questions?

VICE-CHAIR KING: Can I just...Chair?

CHAIR GUZMAN: Yeah, Ms. Cochran?

COUNCILMEMBER COCHRAN: I mean, with that follow up, Chair, thank you. So, was it...do we know the cause though? I mean, we're saying faulty or whatever. I'm picturing erosion of some kind and with that constant pressure that's what made it blow per se up.

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MS. KAU: So, I believe, as it has been described, I believe, the base of the hydrant is cast iron. And so, I believe, there was some, you know, some corrosion. But, you know, fortunately this is not a frequent occurrence.

COUNCILMEMBER COCHRAN: Right.

MS. KAU: But, you know, it happened.

COUNCILMEMBER COCHRAN: Okay.

MS. KAU: Yeah.

COUNCILMEMBER COCHRAN: Okay. And, I think, in my initial question, Chair, that knowing that if that entire stretch had been...the infrastructure was built up at the same time this corrosion occurred at this one perhaps looking at the ones further...next to it you can kind of guess that it's the same age and, you know, timeline and all of that. So, I think, that's where my line of questioning too was headed for preventive measures. Taking a look at others, you know, do we see cracks and things starting to chip away because of the rust build up or something or whatever, I don't know something like that, so.

MS. KAU: Yeah, thank you, Ms. Cochran, and I do believe that as Ms. Baisa had indicated we do have a maintenance program. And so, you know, we have been regularly inspecting and so, you know, fortunately, you know, this is a rare occurrence. But, you know, unfortunately it did happen.

CHAIR GUZMAN: Any other Members wanted to ask questions?

VICE-CHAIR KING: Chair?

CHAIR GUZMAN: Ms. King?

VICE-CHAIR KING: Thank you. If I could just follow up 'cause I really didn't get a feel for, I think, Ms. Cochran mentioned something about the Fire Department being able to shut these hydrants off if something like this happens. Ms. Baisa said she wasn't sure. So, can we get like an answer? Obviously, the Fire Department knows where all the valves are. They're using the hydrants when they have to fight fires, so.

MS. KAU: It would...if I may?

CHAIR GUZMAN: Yes.

MS. KAU: Ms. King, now it makes sense, the Fire Department needs to be able to open the hydrants --

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VICE-CHAIR KING: Right.

MS. KAU: --'cause they're the ones that use it, so they can certainly close a hydrant but they can't necessarily shut the valve because they don't know where the valves are.

VICE-CHAIR KING: Can they be told? I mean, they're right there and we had we wait half an hour for someone to come down from Upcountry. That could have saved a lot of water and a lot of damage.

MS. BAISA: You're absolutely correct and that is why we're working on this valve, doing a GIS of where all the valves are. It's being done right now. Funny we had a conversation yesterday about it and also making it available to the right people.

VICE-CHAIR KING: Okay, so, we can expect our Fire Department's cooperation?

MS. BAISA: I'm very sure. We work together very well.

VICE-CHAIR KING: Okay, thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. I'd like to recognize Mr. Hokama. Thank you. Did you have any questions, Mr. Hokama? Okay. Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I don't have a question, but I'm listening to this and I'm recalling a previous discussion back some time in April, we had a discussion about Esri Canada and their capability of their apps of being able to assist our various departments in location. So, I was just trying to think, like a mental note, that this ability to locate the valve if we have this Esri Canada app, any of our departments, whether it be Fire, could make the call out and say where's the valve for the shut off? And this system would be able to help whoever is first on scene to shut the water down. So, I'm just making a mental note that to also consider when we move forward with Esri Canada's application that this an example.

CHAIR GUZMAN: Ms. Baisa, do you have any comments on it?

MS. BAISA: I think that's an excellent observation. However, I'm very happy to say that just yesterday I met with the Planning Office and one of the engineers is tasked with working on this. He's also working with Wendy and all of her people so that we have these valves where they're supposed to be. You know, I remember long time ago when my son first went on the job, it was cute he used to call my husband and ask him, "Dad where's the valve?" because Sherman could tell him in a second where it was. So, we are ahead of that now and we want to make sure that people have these plans available, all the fire protection plans.

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CHAIR GUZMAN: Any questions from the Members? Seeing none, so I have just one more follow-up on the settlement amount for the owners of Kihei Sands, which is PRL-1(41), that is for 50,000, that's for ancillary costs? Can you describe those again?

MS. LUTEY: Sure.

CHAIR GUZMAN: Itemization on that?

MS. LUTEY: I have a whole list. We're covering the insurance deductible, all of the parking lot clean up, and we have receipts for those. Susan from my office went through and collected all of those for us. And then there's the walkways, all of the grounds. I mean, they needed to have pumps or actually that went to Lexington, I'm sorry. Their pool filter was not covered. Any of the pool cleaning wasn't covered by their insurance company. That was paid for by the association. And then labor for their rock wall. Apparently that was damaged while we were removing water or they were having water removed from their property. So, the total amount comes out to about to \$48,930.42. And one of the issues that we had was that they wanted compensation for future lost income because these are rental units, but we can't do that. It's speculative, so to resolve this we were at 50,000 even. So, that's about 1,100 over what we show as their actual amount and that's just the settlement value.

CHAIR GUZMAN: Okay. So, the 1,100 was basically to come to negotiations for a settlement --

MS. LUTEY: Correct.

CHAIR GUZMAN: --instead of arguing about future costs, loss, or future revenues lost?

MS. LUTEY: Right. And their future --

CHAIR GUZMAN: Okay.

MS. LUTEY: --revenue lost claim was \$20,696.50.

CHAIR GUZMAN: Okay, that's good. I mean good on terms of 1,100 versus 20,000. Okay, I got it. And so, and just to let the Members know, again, the settlement amount number for PRL-1(8) for the Kihei Sands HOAO [sic] is 320,000, right?

MS. LUTEY: No, that's Lexington.

CHAIR GUZMAN: Oh, Lexington, sorry.

MS. LUTEY: Lexington is 320.

CHAIR GUZMAN: Three twenty, okay, got it. So --

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COUNCILMEMBER COCHRAN: Chair?

CHAIR GUZMAN: --at this time, Members, without any . . .

COUNCILMEMBER COCHRAN: Chair?

CHAIR GUZMAN: Chair's...

COUNCILMEMBER COCHRAN: Sorry, it was me.

CHAIR GUZMAN: Oh, I'm sorry. Yeah, Ms. Cochran?

COUNCILMEMBER COCHRAN: So, this actual accident occurred in 2015?

MS. LUTEY: Correct.

COUNCILMEMBER COCHRAN: So, I mean, that's like three, three-and-a-half years. I guess, that's the process it takes that long.

MS. LUTEY: Well, a lot of it had to do with, I mean, they filed their claims, but they also both sued us. So, they're within statute of limitations for litigation purposes, but during that time we were negotiating over it. But because of the volume of work that needed to be done on those 18 rooms, it just took time.

COUNCILMEMBER COCHRAN: Okay.

MS. LUTEY: And I'm not sure the day that the day the claims were actually filed but 2017.

COUNCILMEMBER COCHRAN: Okay. I was looking at the dates and going so many years later, but, okay. I'm just, wondered why. Thank you.

CHAIR GUZMAN: Okay, so, Chair's recommendation is to go ahead and approve the settlement amounts, and I'll just go ahead and take a vote on it. So, the Chair will entertain a motion to recommend adoptions of the revised proposed resolutions entitled, Authorizing Settlement of the Claim No. 30153916459-0001 in regards to Lexington Insurance Company, on Behalf of its Insured, Kihei Sands AOA, as well as the resolution entitled Authorizing Settlement of Claim No. 30177587502-0001 of the Association of Apartments Owners of Kihei Sands. VICE-CHAIR KING: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR GUZMAN: Moved by Ms. King, seconded by Ms. Sugimura. Any further discussion? Seeing none, all those in favor, say "aye."

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COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no." We have eight "ayes," one "excused," and no "noes." Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair King,
 Councilmembers Atay, Carroll, Cochran,
 Crivello, Hokama, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember White.

MOTION CARRIED.

**ACTION: ADOPTION OF REVISED RESOLUTION FOR LEXINGTON
 INSURANCE COMPANY AND ADOPTION OF RESOLUTION
 FOR ASSOCIATION OF APARTMENT OWNERS.**

CHAIR GUZMAN: Thank you, Members. Moving on to the next item on today's agenda.

**PRL-1(40) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: SIMONE BOSCO V.
COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-16-
01543) (CC 17-6)**

CHAIR GUZMAN: This is the PRL-1(40), and this is settlement authorization for Simone Bosco v. County of Maui; Disability Compensation Division Case No. 7-16-01543. This is County Communication 17-6. This is, I believe, Mr. Caleb Rowe's case. He's the Deputy Corporation Counsel. I believe, Ms. King, did you want to at some point state on the record any concerns that you may have?

VICE-CHAIR KING: Yes, thank you, Chair. I just shared with the Chair earlier that, I think, I'm going to recuse myself from this because Ms. Bosco worked in my office for a few months and we actually discussed her case, so just be on the safe side in case there is any perception of bias that I would recuse myself from the vote on this issue.

CHAIR GUZMAN: Okay, very good. And abundance of caution, I will go ahead and approve that recusion [sic] and then, Mr. Rowe, if you could go ahead and present the case to the Committee in open session.

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MR. ROWE: Thank you, Chair. Simone Bosco was employed as an Urban and Regional Planner with the Department of Planning. On September 30, 2016, she reported suffering a personal psychological stress injury dating back in March 16th. At the same time, she also had some personal health issues as well as a pending grievance matter. The County initially denied this claim for Worker's Compensation, denied that it was a compensable injury, and at this point has continued to deny it up until now. In speaking with Ms. Bosco's attorney, we have reached a settlement in which she will completely withdraw her claim for any compensation in exchange for a lump sum nuisance amount. Because this discussion is going to involve her personal medical history as well as settlement discussions, I would like to request that the rest of it take place in closed session, in executive session.

CHAIR GUZMAN: Thank you. Members, do you have any questions for our Deputy Corporation Counsel in open session? Seeing none, we have a request to enter into executive session. The Chair will entertain a motion to convene in executive meeting pursuant to Section 92-5(a)(4) of the HRS to consult with legal counsel on questions pertaining to powers, duties, privileges, and immunities, and liabilities of this County, this Council, and this Committee. And as well as 92-5(a)(8) of the HRS to deliberate or make decisions upon matters requiring consideration of information that must be kept confidential pursuant to State and Federal law, as well as court order.

COUNCILMEMBER COCHRAN: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR GUZMAN: Moved by Ms. Cochran, seconded by Ms. Sugimura. Any further discussion? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no." We have eight [sic] "ayes," no "noes", one "excused." Motion carries.

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VOTE: AYES: Chair Guzman, Councilmembers Atay, Carroll, Cochran, Crivello, Hokama, and Sugimura.

NOES: None.

ABSTAIN: Vice-Chair King.

ABSENT: None.

EXC.: Councilmember White.

MOTION CARRIED.

ACTION: APPROVE; RECESS open meeting and CONVENE executive meeting.

CHAIR GUZMAN: Thank you. Moving on to the next item. Thank you, Mr. Rowe.

**PRL-1(5) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI
V. FELICIA PROVENCAL, ET AL.; CIVIL 12-1-0255(1)) (CC 13-41)**

CHAIR GUZMAN: This would be PRL-1(5). This is the settlement authorization for County of Maui v. Felicia Provencal, et al.; Civil No. 12-1-0255(1), County Communication 13-41. Who is our deputy for this case? Yes, thank you, please come forward.

MS. NAKATA: Mr. Chair, before we proceed onto this item could Staff just request clarification on the last vote for executive meeting for the Bosco matter. I believe, Councilmember King indicated that she wanted to abstain.

CHAIR GUZMAN: Oh yes, I apologize. That would be seven . . .

MS. NAKATA: Seven "ayes," zero "noes," one "abstain."

CHAIR GUZMAN: Yes, thank you.

MS. NAKATA: Thank you.

CHAIR GUZMAN: Thank you for that clarification.

VICE-CHAIR KING: Thank you, Carla.

CHAIR GUZMAN: Okay, this is our new deputy. If you would like to introduce yourself to the Members.

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MR. NAITOH: Good afternoon.

CHAIR GUZMAN: You can turn on the mic. There's a button on the bottom there. There you go.

MR. NAITOH: Good afternoon, Members of the Committee. My name is Shinken Naitoh. I'm a new Deputy Corporation Counsel.

CHAIR GUZMAN: You may proceed with your case...presentation.

MR. NAITOH: This matter regarding County of Maui v. Provencal has been resolved. I understand that back in 2013 authority to settle was requested, but subsequently I assumed control of the case last...earlier this year and was able to obtain default judgment in the matter. So, there is no pending matter at this point. The judgment has been entered.

CHAIR GUZMAN: Okay. So, the last time this case was present in this Committee...we have new Members now and so, if you could give a little bit of factual background so the Members may understand.

MR. NAITOH: Sure. Ms. Provencal agreed to provide certain services to the Real Property Division of the County of Maui. She proceeded to provide certain services and billed for her services, but stopped providing services after approximately a year, I believe. I'm sorry, I don't have the file with me and I wasn't really prepared to address this matter so I don't have the exact dates. But from my memory, it was approximately one year into the case she stopped providing services. But by the time she stopped providing services she had billed for all the services under the contract and collected all the monies from the Property Division. And so, the Real Property Tax Division decided to institute a lawsuit to recover the monies that was not rightfully hers and that rightfully belonged to the County. And litigation commenced and, I believe, the plaintiff offered to submit certain amounts of money. The settlement was being considered and authorization for settlement came to Council. And I am not clear on the actual process at that time as to whether the Council denied the request or not. But my understanding is that the request for authorization remained active until 2018.

CHAIR GUZMAN: Can you refresh my memory, was this under the Planning Department? The contract was with...

MR. NAITOH: No, I believe, it was a Real Property Tax Division.

CHAIR GUZMAN: The Real, oh RPT.

MR. NAITOH: Yes.

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CHAIR GUZMAN: Okay. Okay, very good. So, Members, do you have any questions in open session that you may have? Ms. Cochran?

COUNCILMEMBER COCHRAN: So, this originally started in 2012, back in 2012, and now we're in 2018 --

MR. NAITOH: Yes.

COUNCILMEMBER COCHRAN: --and, just, again, a long span of, I guess, it's just the process took this long, six years later to finally come to this settlement. Was that just kind of the gist of it too?

MR. NAITOH: I understand the matter was diligently pursued initially. The problem arose when Ms. Provencal moved out of the state and virtually just disappeared from the face of the earth. And it was not until last year that one of our investigators managed to locate her address and that's when we...that's when I entered. That was about the time I joined the Corporation Counsel and I took the matter from there.

COUNCILMEMBER COCHRAN: Okay, thank you. Just was noticing the big span again and timeframe. Thank you.

CHAIR GUZMAN: Any further questions, Members? Ms. King?

VICE-CHAIR KING: Thank you, Chair. Because I wasn't around back then either, but what were the services?

MR. NAITOH: It was digitizing a tax map, tax area map, I believe.

VICE-CHAIR KING: Okay, yeah, just because it says contractor for Hawaii Design Modeling, so it sounded like something completely different. But it's actually like an IT advisor?

MR. NAITOH: Yes.

VICE-CHAIR KING: Okay.

MR. NAITOH: She was one of the only people who could provide those services at the time --

VICE-CHAIR KING: Oh, okay.

MR. NAITOH: --in Maui.

VICE-CHAIR KING: Alright, thank you, Chair.

CHAIR GUZMAN: Thank you. So, Mr. Naitoh?

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MR. NAITOH: Naitoh.

CHAIR GUZMAN: Are you requesting for executive session and for what purpose?

MR. NAITOH: Not for this matter, your honor.

CHAIR GUZMAN: Okay.

MR. NAITOH: I mean, Chair.

CHAIR GUZMAN: Your honor...thank you. I wish I were.

MR. NAITOH: I'm so used to court ____.

CHAIR GUZMAN: No, so, it would be...I was the same way when I started down on the floor. I was always calling the Chair your honor. But did you...is this just an update, is this what this is? Are you asking for settlement authority at this point?

MR. NAITOH: No, I'm not asking for any settlement authority. The case has been...has ended.

CHAIR GUZMAN: Okay.

MR. NAITOH: We obtained judgment for the matter. I think, this matter was put on the agenda --

CHAIR GUZMAN: Yes.

MR. NAITOH: --so that --

CHAIR GUZMAN: For filing.

MR. NAITOH: --the County Council can end the request.

CHAIR GUZMAN: Okay, very good. So, at this time, the Chair, will entertain a motion to recommend filing of the County Communication 13-41 and the correspondence dated January 18, 2013.

VICE-CHAIR KING: So moved.

CHAIR GUZMAN: Moved by Ms. King.

COUNCILMEMBER SUGIMURA: Second.

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MR. NAITOH: This is an employment litigation instituted by an employee of the County of Maui who alleges that she was wrongfully denied promotion and prior to that decision wrongfully had her probation extended. She was promoted to a position as a Chief in a division in the Public Works and she started on a probationary basis. She did well the first four months, ran into issues, and probation was decided to be extended, six months additional period of extension, decision was made to deny promotion, and she was placed back into her original position that she came from. She subsequently instituted a lawsuit against the County for wrongful demotion and litigation commenced last year, July 2017. Because the matter involved various investigations involving her activities most of the Corporation Counsel were conflicted out of representing the County of Maui and for that reason outside counsel was retained. And I was one of the deputies who were not involved in this case. And for that reason, I was assigned to oversee the litigation. After approximately six months, we are at a stage where we are seeking settlement authority in this matter. Discussion as to the details of the matter will require confidential information about this employee plus settlement discussions and attorney work product, which must be protected, and for that reason I seek executive session for the discussion.

CHAIR GUZMAN: Thank you very much. Members, do you have any questions in open session that you would like to pose? Seeing none, there has been a request to enter into executive session. The Chair will entertain a motion to convene in executive meeting pursuant to Section 92-5(a)(4) of the HRS to consult with legal counsel on matters regarding issues pertaining to duties, powers, privileges, and immunities, liabilities of this County, this Council, and this Committee.

VICE-CHAIR KING: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR GUZMAN: Moved by Ms. King, seconded by Ms. Sugimura. Any further discussion? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no." We have eight "ayes," one "excused," no "noes." Motion carries.

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**VOTE: AYES: Chair Guzman, Vice-Chair King,
 Councilmembers Atay, Carroll, Cochran,
 Crivello, Hokama, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember White.

MOTION CARRIED.

**ACTION: APPROVE; RECESS open meeting and CONVENE
 executive meeting.**

CHAIR GUZMAN: Thank you very much. Moving on to the next item, which is the last item.

**PRL-1(33) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND STATUS:
SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL
CV 14-00535 SOM-RLP) (CC 15-6)**

CHAIR GUZMAN: It is PRL-1(33). This is the settlement authorization and status for the Spirit of Aloha Temple, et al. v. County of Maui, et al.; Civil No. 14-00535 SOM-RLP, County Communication 15-6. Mr. Brian Bilberry, this is your case, if you would like to present in open session any factual background and the status of the case.

MR. BILBERRY: Thank you, your honor. This case is...involves what is called a RLUIPA claim. That is the Religious Land Use and Institutionalized Persons Act. I'll try to do a quick factual summary because I don't believe this case has been presented to the Committee before. But it involves an individual named Mr. Fredrick R. Honig and a nonprofit corporation, a 501(C)(3) called Spirit of Aloha Temple. Mr. Honig bought property out in Haiku along Haumana Road in September of 1994. Concurrent with his purchase of that property he formed a different nonprofit company called Well Being International, Inc. Well Being International, Inc. somewhat developed the property with some tent structures and, I think, there was some old grandfathered, well not grandfathered, but old structures on the property including a potting shed and maybe some sort of other structure, but it's not coming to my memory right now. It's Ag land. The land is in the State Agricultural District and it's zoned Agricultural under the Maui County Code and it's community planned Agriculture. Mr. Honig testified at deposition that he specifically went looking for ag land when he purchased in '94 and he financed that property with, I think, about \$150,000 that he got from his

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parents. In any event, just to cut through the chase over the next approximate 15 to 20 years or so, Mr. Honig ran what was essentially a commercial wedding business on the property. He was advertising. We subpoenaed the Marriage Licensing Division of the Department of Health. They gave us records reflecting somewhere in the neighborhood of 550 tourist destination weddings that occurred on the property from couples coming from every state in US and 13 different countries. At some point after this lucrative business was underway, again, I'd say about 15 to 20 years, Mr. Honig's neighbors apparently were getting upset because of increased traffic, noise from wedding receptions. There were complaints about alcohol being consumed at the party. And I don't know if anybody here is familiar with Haumana Road, but apparently it's a pretty narrow, substandard road, even for agricultural land. And there were limousines and buses and increased traffic servicing this commercial wedding enterprise at the end of the road. His property is at the very end of Haumana Road. So, I think, I don't know the exact details and this component of the history, but at some point Mr. Honig realized that he had to get a special use permit to be operating this commercial enterprise that he had been operating for some 15 to 20 years prior to applying for the permits. And I suspect it had to do with the fact that his neighbors were at some point voicing complaints about this. So, he applied for the permits. A month before he applied for the permits he formed the new nonprofit, Spirit of Aloha Temple, designated the uses that he wanted to get the special use permit for as church uses, and then submitted his application. In addition to the wedding business that was being operated on the property, there were also yoga classes, and other specific types of things that were catering to the Maui visitors, tourists. After some rather lengthy public hearings where the neighbors showed up and complained and there were comments received from various State agencies and County agencies as to conditions for approval of the application and/or objections to the application, the Planning Commission denied the application. Let me add the caveat that the Planning Department had been working with Mr. Honig pretty extensively and recommended approval of the application, if Mr. Honig was willing to comply with a number of conditions, which he said he would do. Apparently the Planning Commission did not feel that the uses that he was asking for were appropriate in the Agricultural District and Agricultural zone and for property that was community planned Agriculture. And they were concerned that, I think, in the first order about the increased traffic because the neighbors showed up and said our children play on the street. It's a curvy, windy [sic]...it's a windy [sic] road with a lot of blind curves. There's noise coming from the property. Again, there were concerns about people who were consuming alcohol on the property, who weren't from Hawaii, and driving up and down this road on a weekly basis to attend weddings and receptions, and there were a significant volume of them over the years apparently. And so, again, the Planning Commission denied Mr. Honig's permit. They expressed concerns about traffic safety. There were also issues with the fact that there was not potable water on the property for catering to public that would be coming to a commercial enterprise. There is limited wastewater capacity. The Department of Health had concerns about both of those...State Department of Health. So, in any event, the Planning Commission denied the application. Mr. Honig asked for

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reconsideration. They denied it again. He submitted a second application a couple years later, around 2012, I believe, not much had changed except that Mr. Honig had apparently continued his operations despite not having the special use permit and despite knowing at this juncture that the Planning Commission was aware of this. The second application was denied. Mr. Honig subsequently sued the County, alleged constitutional violations, alleged, again, claims under the RLUIPA statute, the Religious Land Use and Institutionalized Persons Act statute, and claimed that he was being discriminated against based on his religion. That lawsuit was filed in Federal Court. Judge Susan Mollway sent Mr. Honig and his lawyers back to State Court because they did not appeal the Planning Commission's denial of the application to the State Court, which they are required to do. They went straight to Federal Court. She stayed the Federal claims, waited for State Court Judge Rhonda Loo to rule as to whether the Planning Commission's denial of the application was proper. The State Court judge said that the denial was proper. There was no abuse of discretion. The denial was not arbitrated capricious and that there was evidence supporting the Planning Commission's denial of the permit. So, we are now back in State [sic] Court where the Federal Court judge, Susan Mollway, is taking up the Federal claims. We had a trial scheduled for, I think, it was set for July. That got continued as the parties tried to negotiate a solution to this. The trial was then continued to September 25th, which is currently the...when we're set to go. The parties filed cross-motions for summary judgment. Judge denied everything and said well implicitly, you know, says we're going to trial, January or September 25th, with the caveat that, and I won't get into all the procedural legal weeds, because it's just, it's just a little complicated, and I'm still trying to wrap my own head around it. But the Planning Commission when it did its assessment of the property to determine whether the permit should issue or not did that under State statute. Because the State Land Use District does not specifically permit church use you have to apply for a Land Use Commission special use permit, which is under the State statute. And the Land Use Commission will allow the County's Planning Commission to do the assessment and grant that or deny that permit. And the County Code provides that if the Land Use Commission special use permit is required that will meet the County requirements. So, effectively what the plaintiffs have said in their religious discrimination case is that some statute and they haven't identified with any real level of specificity whether they were talking about the County Code or the State statute is discriminatory on its face. And then they said the Planning Commission's decision to deny their permit was based on Mr. Honig's professed religion and discriminatory. The Federal Court judge has recognized that because the claim that a either a County code or Federal law is unconstitutional is actually a claim that the State statute is unconstitutional that the plaintiffs and their lawyers need to put the State AG on notice that they are claiming a State statute is unconstitutional, so that they can have an opportunity to appear in this case and defend their statute because they weren't originally named as a defendant. So, I don't believe the January...or the September 25th trial is going to go forward because the State AG is now going to need to be notified, be given an opportunity to appear, get up to speed, and basically defend the State statute. In the interim, we had been having settlement discussions with the plaintiff and his lawyers and the basic framework of

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that was is that he could resubmit his application and see if the Planning Commission might be willing to approve it based on recommendations from the Planning Department and Mr. Honig's commitment to meeting certain conditions, and implicitly the imprimatur of our Department because the matter is in litigation. So, that was one component of the settlement. Obviously, we cannot guarantee the Planning Commission will grant it and we can't tell them to grant it. So, that was the one component and they were willing to assume that risk. The other component then is the litigation because that doesn't resolve the claims that he's made of religious discrimination for the past denial of the permit. We ran into a little bit of a snag because the plaintiffs had insisted that if the case settled that they would be the prevailing party and be entitled to move for attorney's fees, which I've never heard of before. If you settle a case, you're compromising and settling a case. It's not that one party gets to be the prevailing party and move for attorney's fees. So, that was a snag we hit and settlement has fallen apart. Well, I shouldn't say it's fallen apart. There's still an opportunity to have discussion with them and maybe prevail upon them and I had a suggestion on how to deal with the litigation component of that to them. I will wait until we go into executive session to discuss that with you. But that's basically in a nutshell and I know there's a lot there. And I'm happy to answer questions here. We also have Clayton Yoshida and Kurt Wollenhaupt from Planning Department if anybody has any questions regarding...

CHAIR GUZMAN: Yes, why don't you...why don't we have the representatives from the Department come forward just in case there's some questions that they may be able to answer in open session?

MR. BILBERRY: But otherwise, this is really by way of update and I'll discuss the settlement proposal in a little more detail in executive session.

CHAIR GUZMAN: Okay. Does either one of you, either, Mr. Yoshida, do you want to say an opening comment before I open the floor for questions?

MR. YOSHIDA: Clayton Yoshida, Administrator, Current Division, Planning Department. With me I have Kurt Wollenhaupt, Staff Planner.

CHAIR GUZMAN: Did you want to say opening comments?

MR. BILBERRY: If I may, real quickly?

CHAIR GUZMAN: Yes, Mr. Bilberry?

MR. BILBERRY: Mr. Wollenhaupt is the planner who worked very extensively and closely with Mr. Honig to try to get his cooperation and compliance, so he has a pretty intimate and detailed knowledge about the underlying application process in this matter.

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CHAIR GUZMAN: Okay. Mr. Wollenhaupt, do you have an opening statement that you would like to present before the questions? Okay, seeing none, Members, do you have any questions that you may pose to Deputy Corporation Counsel or the Department in open session? Seeing none, so there has been a request to go into executive session. The Chair will entertain a motion to convene executive meeting pursuant to Section 92-5(a)(4) for the HRS to consult with legal counsel on questions pertaining powers, duties, privileges, and immunities, and liabilities of this County, this Council, and this Committee.

VICE-CHAIR KING: So moved.

COUNCILMEMBER WHITE: Second.

CHAIR GUZMAN: Moved by Ms. King, seconded by Mr. White. Any further discussion? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no." We have nine "ayes" and zero "noes." Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair King,
 Councilmembers Atay, Carroll, Cochran,
 Crivello, Hokama, Sugimura, and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: APPROVE; RECESS open meeting and CONVENE
 executive meeting.**

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CHAIR GUZMAN: Okay. We'll take a brief recess to set the Chambers at the call of the Chair. Thank you. . . .*(gavel)*. . .

RECESS: 2:26 p.m.

RECONVENE: 4:10 p.m.

CHAIR GUZMAN: . . .*(gavel)*. . . PRL Committee shall now reconvene in open session.

PRL-1(40) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: SIMONE BOSCO V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-16-01543) (CC 17-6)

CHAIR GUZMAN: After deliberations with our Corporation Counsel regarding PRL-1(40), Litigation Matters Simone Bosco. The Chair will entertain a motion to recommend adoption of the proposed resolution entitled "AUTHORIZING SETTLEMENT OF SIMONE BOSCO V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-16-01543."

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER WHITE: Second.

CHAIR GUZMAN: Moved by Ms. Sugimura, seconded by Mr. White. Any further discussion? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no." We have eight "ayes."

VICE-CHAIR KING: Recused, Chair.

CHAIR GUZMAN: One recused. Motion carries.

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**VOTE: AYES: Chair Guzman, Councilmembers Atay, Carroll,
 Cochran, Crivello, Hokama, Sugimura and
 White.**

NOES: None.

ABSTAIN: Vice-Chair King.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

CHAIR GUZMAN: Thank you.

**PRL-1(19) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LESLI LYN OTANI
V. COUNTY OF MAUI, ET AL.; CIVIL 17-00281 DKW-KJM) (CC 17-6)**

CHAIR GUZMAN: Moving on to the next item PRL-1(19), this is the Lesli Otani case. The Chair will entertain a motion to recommend adoption of the proposed resolution entitled "AUTHORIZING SETTLEMENT OF LESLI LYN OTANI vs. COUNTY OF MAUI, ET AL., USDC CIVIL NO. 17-00281 DKW-KJM."

VICE-CHAIR KING: So moved.

COUNCILMEMBER WHITE: Second.

CHAIR GUZMAN: Moved by Ms. King, seconded by Mr. White. Any further discussion? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no." We have nine "ayes," zero "noes." The motion carries.

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**VOTE: AYES: Chair Guzman, Vice-Chair King,
Councilmembers Atay, Carroll, Cochran,
Crivello, Hokama, Sugimura and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

CHAIR GUZMAN: Thank you.

**PRL-1(33) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION AND STATUS:
SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL
CV 14-00535 SOM-RLP) (CC 15-6)**

CHAIR GUZMAN: Moving on to the last item, Members, we have PRL-1(33). This is the Spirit of Aloha Temple. The Chair will entertain a motion to recommend filing of the revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF THE SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 14-00535 SOM-RLP."

VICE-CHAIR KING: So moved.

MS. NAKATA: Excuse me, Mr. Chair. If the intention is to take the matter off the Committee's master agenda, could we recommend filing of the earlier correspondence instead?

CHAIR GUZMAN: Oh, yes. The . . .

MS. NAKATA: The correspondence dated January 26, 2016.

CHAIR GUZMAN: Yeah, which the reso, the settlement offer is attached, yes. That would be . . .

COUNCILMEMBER ATAY: Six twenty-six.

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CHAIR GUZMAN: Yes, Ms. King?

VICE-CHAIR KING: Do we need to file PRL-1(5)?

CHAIR GUZMAN: PRL-1(5)?

MS. NAKATA: Excuse me, Mr. Chair. The Felicia Provencal matter was resolved in the open meeting earlier.

CHAIR GUZMAN: Yes, I did motion to --

VICE-CHAIR KING: Oh, we did file it?

CHAIR GUZMAN: --file that when we were in the open session meeting.

VICE-CHAIR KING: Okay. I forgot that. Thank you.

CHAIR GUZMAN: So, we're completed.

VICE-CHAIR KING: Good.

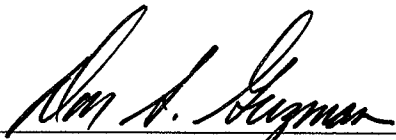
CHAIR GUZMAN: So, thank you very much, Members. Very, very productive.

VICE-CHAIR KING: Okay.

CHAIR GUZMAN: Adjourned. . . . (*gavel*) . . .

ADJOURN: 4:14 p.m.

APPROVED BY:



DON S. GUZMAN, Chair
Parks, Recreation, Energy, and Legal
Affairs Committee

prl:min:180724:df

Transcribed by: Delfey Fernandez

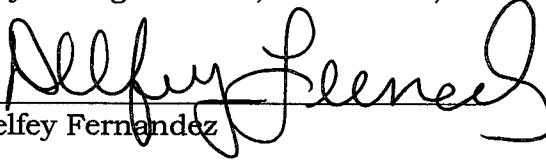
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CERTIFICATE

I, Delfey Fernandez, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 14th day of August 2018, in Wailuku, Hawaii.


Delfey Fernandez