



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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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, October 30, 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 OCT 24 PM 1:24

RECEIVED

## AGENDA

### AUTHORIZING SECOND AMENDMENT TO MAUI INVITATIONAL BASKETBALL TOURNAMENT LICENSE AGREEMENT (PRL-42)

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

1. County Communication 18-318, from the Director of Parks and Recreation, transmitting a proposed resolution to authorize a second amendment to the existing license agreement with KemperSports Marketing, Inc., now known as KemperLesnik Communications, Inc., for use of the Lahaina Civic Center, Lahaina, Maui, Hawaii, for the Maui Invitational Basketball Tournament, to allow the facility to be used for the annual tournament in November for the years 2021 through 2028, for an annual rental fee of \$6,000, plus the cost of janitorial supplies, custodial and key deposit fees, and prorated electrical costs.
2. Correspondence dated October 23, 2018, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "AUTHORIZING THE SECOND AMENDMENT TO THE MAUI INVITATIONAL BASKETBALL TOURNAMENT LICENSE AGREEMENT, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE." The revised proposed resolution incorporates updated Maui County Code references and nonsubstantive revisions.

**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 County Communication 18-318 and other related action.

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County Communication 18-318

Correspondence from Corporation Counsel 10-23-2018

**WAIEHU MUNICIPAL GOLF COURSE OPERATIONS AND IMPROVEMENTS (PRL-30)**

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

1. Miscellaneous Communication, dated May 22, 2017, from the County Clerk, reporting that the Council referred the matter relating to the Waiehu Municipal Golf Course operations and improvements.
2. Miscellaneous Communication, dated February 2, 2018, from the County Clerk, transmitting Contract C6407 relating to the Waiehu Golf Course clubhouse feasibility study and master plan.
3. Correspondence dated October 19, 2018, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 13.16.040, MAUI COUNTY CODE, RELATING TO THE GOLF COURSE SPECIAL FUND." The purpose of the revised proposed bill is to repeal the golf course special fund and transfer all encumbrances and any balance remaining to the general fund.

**Status:** The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of the Miscellaneous Communications and other related action.

Miscellaneous Communication 05-22-2017

Miscellaneous Communication 02-02-2018

Correspondence from Corporation Counsel 10-19-2018

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ZITA MENDOZA MORALES; CLAIM 30154560286-0001) (PRL-1(48))**

**Description:** The Committee is in receipt of correspondence dated October 22, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30154560286-0001 OF ZITA MENDOZA MORALES." The purpose of the proposed resolution is to authorize settlement of the claim. The claim alleges bodily injuries sustained from a collision involving a Department of Police vehicle on Kaahumanu Avenue, Kahului, Maui, Hawaii, on August 8, 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

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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 10-22-2018

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

**Description:** The Committee is in receipt of correspondence dated October 18, 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. CIVIL NO. 17-00281 JAO-KJM," and transmitting a copy of the Complaint and Resolution 18-145. The purpose of the proposed resolution is to authorize settlement of the case. The Complaint alleges violations of Lesli Lyn Otani's constitutional rights made actionable pursuant to 42 United States Code Section 1983, among other violations, including constitutional invasion of privacy and employment retaliation in violation of public policy and under Section 378-62, Hawaii Revised Statutes, arising from Ms. 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 10-18-2018

**LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET 18-260, SUPREME COURT OF THE UNITED STATES (PRL-1(20))**

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

1. Correspondence dated October 4, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize an increase in compensation for special counsel for appellate work in the case, currently pending as Docket 18-260 before the Supreme Court of the United States. The First Amended

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Complaint in the case alleged violations of the Federal Water Pollution Control Act, also known as the "Clean Water Act," and other laws, arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility.

2. Correspondence dated October 10, 2018, from the Department of the Corporation Counsel, requesting consideration of a revised proposed resolution entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON ANDREWS KURTH LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 18-260, SUPREME COURT OF THE UNITED STATES." The purpose of the revised proposed resolution is to authorize \$500,000 in additional compensation for special counsel Hunton Andrews Kurth LLP, formerly known as Hunton & Williams LLP, for the appeal in Hawaii Wildlife Fund, et al. v. County of Maui, Docket 18-260, Supreme Court of the United States, for a total compensation not to exceed \$4,300,000 (designated Civil 12-00198 SOM-BMK before the United States District Court, District of Hawaii; and Docket 15-17447 before the United States Court of Appeals for the Ninth Circuit).

**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.

Correspondence from Corporation Counsel 10-04-2018

Correspondence from Corporation Counsel 10-10-2018

**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 [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.

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Agenda items are subject to cancellation.