



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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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, November 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 NOV -7 PM 3:50

RECEIVED

AGENDA

LITIGATION MATTERS (STATUS AND SPECIAL COUNSEL AUTHORIZATION: LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS) (PRL-1(46))

Description: The Committee is in receipt of the following:

1. Correspondence dated September 4, 2018, from the Department of the Corporation Counsel, requesting the matter relating to potential litigation against opioid manufacturers and distributors be scheduled for discussion.
2. Correspondence dated November 7, 2018, from the Department of the Corporation Counsel, transmitting the following:
 - a. A proposed resolution entitled "AUTHORIZING SELECTION OF SPECIAL COUNSEL TO REPRESENT THE COUNTY OF MAUI IN LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS." The purpose of the proposed resolution is to authorize the employment of the law firms of Auto Accident Law Center, dba Hawai'i Accident Law Center, and Napoli Shkolnik, PLLC, as special counsel to provide legal services related to litigation against opioid manufacturers and distributors on behalf of the County of Maui, the City and County of Honolulu, County of Hawaii, and County of Kauai on a contingency fee basis.
 - b. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

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WITH THE CITY AND COUNTY OF HONOLULU, HAWAII COUNTY, AND COUNTY OF KAUAI FOR LEGAL SERVICES RELATING TO POTENTIAL LITIGATION AGAINST MANUFACTURERS, DISTRIBUTORS, AND MARKETERS FOR PRESCRIPTION OPIOID MEDICATIONS.” The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement, pursuant to Section 2.20.020, Maui County Code, with the City and County of Honolulu, County of Hawaii, and County of Kauai, for legal services relating to an action against the manufacturers, distributors, and marketers for prescription opioid medications.

Status: The Committee may consider whether to recommend adoption of the proposed resolution and passage of the proposed bill on first reading, 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 09-04-2018

Correspondence from Corporation Counsel 11-07-2018

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 correspondence dated February 7, 2018, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A 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 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, 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

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other things.

2. A 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 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.

Status: The Committee may consider whether to recommend the filing of the correspondence transmitting the proposed resolutions noted above, disposing of all requests for the employment of special counsel in this case, because the case has concluded.

Correspondence from Corporation Counsel 02-07-2018

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL.; CIVIL 11-1-0311(3)) (PRL-1(49))

Description: The Committee is in receipt of the following:

1. Correspondence dated November 10, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL., CIVIL NO. 11-1-0311(3)," and transmitting a copy of the complaint.
2. Correspondence dated October 25, 2018, from the Department of the Corporation Counsel, informing the Committee that a stipulated judgment has been filed in this case, the period for Kehalani Holdings Company, Inc. to file an appeal has expired, and the case is concluded; therefore, settlement authority is no longer needed.

Status: The Committee may consider whether to recommend the filing of the correspondence dated November 10, 2016, and other related action.

Correspondence from Corporation Counsel 11-10-2016

Correspondence from Corporation Counsel 10-25-2018

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 October 11, 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 10-11-2018

NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2019, PURSUANT TO RULE 23 OF THE RULES OF THE COUNCIL.

Items:

HAWAII STATE ENERGY CONSERVATION CODE (PRL-12)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/22/2017	GC 17-10	David Cohan, U.S. Department of Energy, relating to the adoption of the Hawaii State Energy Conservation Code.

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AUTHORIZING LEASE FOR MALIKO BAY FROM ALEXANDER AND BALDWIN, LLC (PRL-15)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/09/2018	CC 18-95	Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING THE LEASE FOR MALIKO BAY, TAX MAP KEY NOS. (2) 2-7-004:007 (POR.) AND (2) 2-7-004:027 FROM ALEXANDER & BALDWIN, LLC.

KANAHA BEACH PARK MASTER PLAN IMPLEMENTATION PROJECT (CBS-4583) (PRL-18)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/18/2018	MISC	County Clerk, reporting that on 05/18/2018, the Council referred the matter relating to the Kanaha Beach Park Master Plan Implementation project (CBS-4583).

WAR MEMORIAL GYM BUILDING IMPROVEMENTS PROJECT (CBS-4616) (PRL-19)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/18/2018	MISC	County Clerk, reporting that on 05/18/2018, the Council referred the matter relating to the War Memorial Gym Building Improvements project (CBS-4616).

HAWAIIAN CULTURAL RESTORATION (PRL-26)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/10/2017	CC 17-135	Councilmember Guzman, referring the matter relating to Hawaiian Cultural Restoration.

USE OF COUNTY OPEN SPACE PARK RESERVE PROPERTIES IN HAIKU SUGAR EAST SUBDIVISION AT HAMAKUALOA (PRL-27)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/10/2017	CC 17-136	Councilmember Guzman, referring the matter relating to Use of County Open Space Park Reserve Properties in Haiku Sugar East Subdivision at Hamakualoa.

NEW KAHULUI COMMUNITY CENTER FACILITY (PRL-32)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/06/2017	CC 17-398	Councilmember Guzman, referring the matter relating to the new Kahului Community Center

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Facility, tax map key (2) 3-8-007:101, Lot 12 -A-1-F).

WELLS PARK MASTER PLAN (WAILUKU) (PRL-33)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/20/2017	CC 17-417	Director of Parks and Recreation, transmitting a copy of the Wells Park master plan.

URGING THE GOVERNOR OF THE STATE OF HAWAII AND THE HAWAII STATE LEGISLATURE TO HAVE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THROUGH ITS STATE HISTORIC PRESERVATION DIVISION AND DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, PROACTIVELY ADMINISTER AND ENFORCE CHAPTER 6E, HAWAII REVISED STATUTES, RELATING TO PRESERVATION OF HISTORIC PROPERTIES AND NATIVE HAWAIIAN BURIALS (PRL-39)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
12/01/2017	CC 17-480	Councilmember Sugimura, transmitting a proposed resolution entitled "URGING THE GOVERNOR OF THE STATE OF HAWAII AND THE HAWAII STATE LEGISLATURE TO HAVE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THROUGH ITS STATE HISTORIC PRESERVATION DIVISION AND DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, PROACTIVELY ADMINISTER AND ENFORCE CHAPTER 6E, HAWAII REVISED STATUTES, RELATING TO PRESERVATION OF HISTORIC PROPERTIES AND NATIVE HAWAIIAN BURIALS."

ENERGY EFFICIENCY AND RELATED COSTS AT THE KIHEI WASTEWATER TREATMENT PLANT (PRL-40)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/18/2018	MISC	County Clerk, reporting that on 05/18/2018, the Council referred the matter relating to energy efficiency and related costs at the Kihei Wastewater Treatment Plant.

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

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<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/07/2018	CC 18-318	Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING THE SECOND AMENDMENT TO THE MAUI INVITATIONAL BASKETBALL TOURNAMENT LICENSE AGREEMENT, PURSUANT TO SECTION 3.36.090, MAUI COUNTY CODE."

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.

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.