

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 23, 2005

**Committee
Report No.**

05-49
As Amended

NOTE: This committee report was amended by the Council at its meeting on March 23, 2005, by deleting the bracketed material and underscoring the new material. This committee report was then adopted as amended.

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on March 9, 2005, makes reference to County Communication No. 01-193, from former Councilmember Alan M. Arakawa, requesting consideration of the matter of the development of single-family homes near Baldwin Beach in Paia, Maui.

Your Committee notes that the subject development is known as the Montana Beach Condominium Project.

By correspondence dated February 4, 2005, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled, "AUTHORIZING SETTLEMENT OF ALL CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII". The purpose of the proposed resolution is to settle all cases relating to the Montana Beach Condominium Project in Paia, Maui.

Your Committee notes that it previously reported on this matter through Committee Report No. 05-25, which recommended that a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, THE LAW OFFICES OF ASHFORD AND WRISTON, FOR THE INTERLOCUTORY APPEALS IN HOLLAND, ET AL. V. JAMES H. APANA, ET AL., CV03-00296 HG/BMK AND DENNIS P. HOLLAND, ETC., ET AL. V. COUNTY OF MAUI, ET AL., CV02-00071 HG/BMK" be adopted. At its meeting of March 11, [2003] 2005, the Council adopted Committee Report No. 05-25 (Resolution No. 05-40).

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By correspondence dated March 2, 2005, the Chair of your Committee requested that the Department of Planning provide coastal erosion rates and coastal erosion maps for Baldwin Beach Park in Paia, Maui.

At its meeting, your Committee met with the Corporation Counsel; two Deputy Corporation Counsel; and Charles W. Crumpton, Esq., Stanton Clay Chapman Crumpton & Iwamura.

A Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Corporation Counsel; two Deputy Corporation Counsel; and Charles W. Crumpton, Esq., Stanton Clay Chapman Crumpton & Iwamura.

Following the executive meeting, your Committee reconvened in regular session.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution to authorize settlement of the matter under the terms proposed in the executive meeting.

Your Committee of the Whole **RECOMMENDS** that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF ALL CASES RELATING TO THE MONTANA BEACH CONDOMINIUM PROJECT, PAIA, MAUI, HAWAII" be **ADOPTED**.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA **Chair**

JO ANNE JOHNSON **Member**

DAIN P. KANE **Vice-Chair**

DANNY A. MATEO **Member**

MICHELLE ANDERSON **Member**

JOSEPH PONTANILLA **Member**

ROBERT CARROLL **Member**

CHARMAINE TAVARES **Member**

G. RIKI HOKAMA **Member**