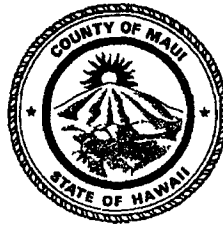ALAN M. ARAKAWA
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MEMO TO: Robert Carroll, Chair
            Land Use Committee

FROM: Jeffrey Ueoka
            Deputy Corporation Counsel

DATE: October 24, 2017

SUBJECT: **BILL 67 (2017), RELATING TO AMENDING THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII** (LU-35)

We are in receipt of your memorandum dated October 20, 2017 requesting advice on the following:
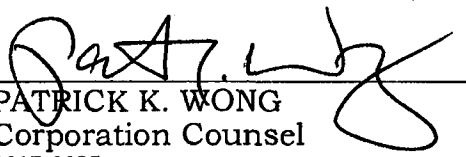
1.   Whether the Council and its Land Use Committee may schedule Bill 67 (2017) for discussion despite the pendency of a lawsuit?

2.   Whether the lawsuit impacts the Council's ability to make a decision on whether to pass Bill 67 (2017) on second and final reading?

Upon proper service of any complaint and summons our office will review said summons and complaint and advise the necessary County agencies accordingly. At this time the County has not been formally served with the complaint and summons attached to your memorandum, and we are not aware of any legal bar to the Council and its Land Use Committee scheduling Bill 67 (2017) for discussion or the Council making a decision on whether to pass Bill 67 (2017) on second and final reading. In the event a court of competent jurisdiction issues an order, we will advise the Council on how to comply, however at this time we simply have a complaint and summons which has not

been properly served on the County, so nothing prohibits the County from taking action on Bill 67 (2017).

APPROVED FOR TRANSMITTAL:

PATRICK K. WONG
Corporation Counsel
2017-0095
LU-35 2017-10-24 Memo to Chair