



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/COW

Committee Chair
Don S. Guzman

Committee
Vice-Chair
Stacy Crivello

Voting Members:
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Riki Hokama
Michael P. Victorino
Mike White

COMMITTEE OF THE WHOLE

Tuesday, September 13, 2016

3:00 p.m.

MEETING SITE:

Council Chamber
Kalana O Maui Building, 8th Floor
200 South High Street
Wailuku, Hawaii

A G E N D A

LITIGATION MATTERS (STATUS: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2); OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 15-1-0435(1)) (COW-1(2))

Description: The Committee is in receipt of correspondence dated August 22, 2016, 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. County of Maui, et al., Civil 13-1-0848(2), and Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 15-1-0435(1), and transmitting copies of the Second Amended Complaint filed in Civil 13-1-0848(2) and the First Amended Complaint filed in Civil 15-1-0435(1). Collectively, the complaints filed in Civil 13-1-0848(2) and Civil 15-1-0435(1) allege 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 determination of the timeshare real property tax rates for the County for Fiscal Years 2014, 2015, 2016, and 2017.

Status: The Committee may receive a status update on the cases from the Department of the Corporation Counsel. The Committee may also consider other related action.

Note: With reference to this agenda item, one or more executive meetings are

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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.

[County Communication 15-6](#)

[Memo from Corporation Counsel, 08-22-16, transmitting Second Amended](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. LANAI WASTE REMOVAL, INC., ET AL.; CIVIL 15-1-0476(2)) (COW-1(39))

Description: The Committee is in receipt of correspondence dated April 29, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. LANAI WASTE REMOVAL, INC., ET AL., CIVIL NO. 15-1-0476(2),” and transmitting a copy of the complaint. The complaint alleges Defendants Lanai Waste Removal, Inc.; Lanai Trucking, Inc.; Charlene Amoral; and Manuel Amoral, Jr. have, as of the date of the filing of the complaint, accumulated \$321,019.22 in past-due tipping (commercial landfill disposal) fees owed to the County for the disposal of waste at the Lanai Landfill at Kaunapali Highway, Lanai, and are in breach of a Repayment Agreement previously entered into with the County. The purpose of the proposed resolution is to authorize settlement of the case.

Status: The Committee may 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.

[County Communication 15-6](#)

[Memo from Corporation Counsel, dated 04-29-2016](#)

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 Clarita Balala

TESTIMONY

For 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.