



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

Monday, December 10, 2018

9:00 a.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 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. 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

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“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 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 01-09-2015](#)

[Correspondence from Corporation Counsel 08-22-2016](#)

[Correspondence from Corporation Counsel 10-11-2018](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MOLLIE M. KLINGMAN V. THE COUNTY OF MAUI, ET AL.; CIVIL 16-00399 ACK-RLP) (PRL-1(35))

Description: The Committee is in receipt of correspondence dated November 2, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF MOLLIE M. KLINGMAN v. THE COUNTY OF MAUI, ET AL., CIVIL NO. 16-00399 ACK-RLP,” and transmitting a copy of the First Amended Complaint and Resolutions 18-78 and 18-101. The purpose of the proposed resolution is to authorize settlement of the case. The First Amended Complaint alleges gender discrimination and retaliatory acts and practices by the County’s Department of Police against Plaintiff Mollie Klingman.

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 11-02-2018](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY V. COUNTY OF MAUI, ET AL.; CIVIL 18-1-0234(2)) (PRL-1(50))

Description: The Committee is in receipt of correspondence dated November 15, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY v. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0234(2),” and transmitting a copy of the complaint. The purpose of the proposed resolution is to authorize settlement of the case. The complaint alleges negligence by the County and the State of Hawaii while Plaintiff Jacob Firth was in their custody during the period of February 21, 2018 to February 22, 2018, resulting in injuries and damages to Mr. Firth, as well as loss of companionship for Jacob Firth’s mother, Elva Marie Espinosa Brumblay.

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; 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 11-15-2018](#)

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. PEDRO TOLENTINO, JR., ET AL.; CIVIL 18-1-0124(1)) (PRL-1(51))

Description: The Committee is in receipt of correspondence dated December 3, 2018, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled “AUTHORIZING SETTLEMENT OF COUNTY OF MAUI vs. PEDRO TOLENTINO, JR., ET AL., CIVIL NO. 18-1-0124(1),” and transmitting a copy of the complaint. The purpose of the proposed resolution is to authorize settlement of the case. The complaint alleges violations of the Comprehensive Zoning Provisions in Title 19, Maui County Code, occurred on real property owned by one or both Defendants at 1017 Houston Street and 260 Ilima Place, Lanai City, Hawaii, and seeks an injunction to enforce compliance and payment of civil fines for the violations.

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

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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 12-03-2018](#)

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:

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

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/15/2018	CC 18-410	Director of Parks and Recreation, transmitting the Kanaha Beach Park Master Plan.

LEASE OF COUNTY REAL PROPERTY TO THE LAHAINA RESTORATION FOUNDATION (PRL-46)

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/15/2018	CC 18-411	Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO THE LAHAINA RESTORATION FOUNDATION."

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.

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.