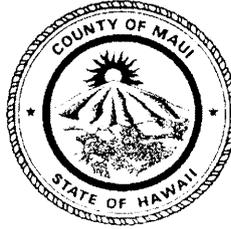


MICHAEL P. VICTORINO  
Mayor

MOANA M. LUTEY  
Corporation Counsel

EDWARD S. KUSHI, JR.  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761



RECEIVED

2019 JUL -8 PM 2:29

OFFICE OF THE  
COUNTY COUNCIL

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

July 8, 2019

MEMO TO: Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee

FROM: Thomas Kolbe, Deputy Corporation Counsel

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits (GET-11(16))  
Kelly Pauole v. County of Maui Police Department  
Civil No.: 18-1-0007 (2)

Please find attached the revised proposed resolution.

cc: Tivoli S. Faaumu, Chief of Police

# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF  
KELLY PAUOLE VS. COUNTY OF MAUI POLICE DEPARTMENT, ET AL.,  
CIVIL NO. 18-1-0007(2)

WHEREAS, Plaintiff Kelly Pauole filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on March 20, 2018, Civil No. 18-1-0007(2), against the County of Maui Police Department, claiming employment discrimination and seeking special and general damages; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

**Resolution No. \_\_\_\_\_**

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case; and
3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case; and
4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



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THOMAS KOLBE  
Deputy Corporation Counsel  
County of Maui  
Lit 5838