

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

September 27, 2024

**Committee
Report No.** _____

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on September 10, 2024, makes reference to Resolution 24-81, entitled “AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048(2).”

Resolution 24-81’s purpose is to authorize settlement of Christopher Salem v. County of Maui, et al., Case 2CCV-21-0000048(2). The claims filed on February 18, 2021, and amended on November 9, 2021, allege breach of contract; specific performance; declaratory relief; promissory estoppel and detrimental reliance; negligent and intentional infliction of emotional distress; breach of the covenant of good faith and fair dealing; intentional and negligent misrepresentation; and protection under Chapter 378, Hawai’i Revised Statutes.

The Special Counsel provided an overview of the claims and explained the basis for the request for settlement, pending Council approval, and further requested an executive meeting to discuss confidential information related to the claims.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Sections 92-5(a)(4) and 92-5(a)(8), Hawai’i Revised Statutes.

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

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Based on information received in executive session and the recommendation of Special Counsel, your Committee voted 5-0 to recommend adoption of Resolution 24-81. Committee Chair U‘u-Hodgins and members Cook, Lee, Sinenci, and Sugimura voted “aye.” Committee Vice-Chair Paltin and members Johnson, Kama, and Rawlins-Fernandez were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 24-81, attached hereto, entitled “AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048(2),” be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



NOHELANI U‘U-HODGINS, Chair

Resolution

No. 24-81

AUTHORIZING SETTLEMENT OF
CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL.,
CIVIL NO. 2CCV-21-0000048(2)

WHEREAS, Plaintiff Christopher Salem filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on February 18, 2021, Civil No. 2CCV-21-0000048(2) (“Court”), and a First Amended Complaint on November 9, 2021, against the County of Maui, Michael P. Victorino, individually and in his official capacity, and Michele McLean, in her official capacity as Director of the Department of Planning, claiming breach of contract, tortious injury, and unlawful termination, and seeking special, general, and punitive damages, and declaratory and injunctive relief; and

WHEREAS, the Second Circuit Court, by order dated November 8, 2023 in Christopher Salem v. County of Maui, et al., substituted Richard T. Bissen, Jr. in his official capacity for Michael P. Victorino in his official capacity, and Kathleen Aoki in her official capacity as Director of the Department of Planning for Michelle C. McLean in her official capacity, and by order dated March 6, 2024 substituted Kate Blystone in her official capacity as Director of the Department of Planning for Kathleen Aoki; and

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WHEREAS the Second Circuit Court ordered a Court conducted settlement conference in Christopher Salem v. County of Maui, et al. that was ultimately scheduled for February 9, 2024; and

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

WHEREAS, the Council, at its December 1, 2023, meeting approved Resolution 23-227 that granted Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP, authority to settle Christopher Salem v. County of Maui, et al. under the terms set forth in a November 28, 2023 executive meeting of the Government Relations, Ethics, and Transparency Committee; and

WHEREAS, the County of Maui and Plaintiff Christopher Salem participated in the Second Circuit Court Settlement Conference on February 9, 2024, which was unsuccessful; and

WHEREAS, Plaintiff Christopher Salem sent Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP, a written settlement demand dated March 21, 2024; and

WHEREAS, the Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP has requested authority to settle this case under the

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terms set forth in an executive meeting before the Government Relations, Ethics, and Transparency Committee; and

WHEREAS, the County of Maui, to avoid incurring further 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, 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 Special Counsel for the County of Maui, Kobayashi, Sugita & Goda LLP, the Council wishes to authorize the settlement; now, therefore,

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 Government Relations, Ethics, and Transparency Committee; and

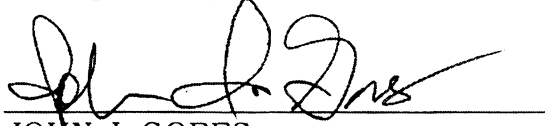
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case; and

3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case; and

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4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Corporation Counsel, and Kobayashi Sugita & Goda, LLP.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "John J. Gores", is written over a horizontal line.

JOHN J. GORES
Deputy Corporation Counsel
County of Maui

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Greg K. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.