

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

December 4, 2023


Honorable Nohelani U'u-Hodgins, Chair
Government Relations, Ethics,
and Transparency Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair U'u-Hodgins:

As requested at its meeting of December 1, 2023, the Council discharged the Government Relations, Ethics, and Transparency Committee from further consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048(2)".

Please be informed that following this action, the Council waived the requirement of committee report, and the resolution was then adopted. A copy of Resolution No. 23-227 is enclosed for your information.

Respectfully,


MOANA M. LUTEY
County Clerk

/lks

Enclosure

cc: Director of Council Services

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2023 DEC -4 PM 5:11
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COUNTY CLERK

Resolution

No. 23-227

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

WHEREAS, 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) ("Case"), 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

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

WHEREAS, the Court has scheduled a Settlement Conference in the Case for January 19, 2024; and

WHEREAS, special counsel employed to represent the County in the Case, Kobayashi Sugita & Goda, LLP, has requested settlement authority under the terms established in an executive meeting of the Council; and

Resolution No. 23-227

WHEREAS, having reviewed the facts and circumstances regarding the Case, and being advised of attempts to reach resolution by way of a negotiated settlement or Offer of Judgment by special counsel Kobayashi Sugita & Goda, LLP, the Council wishes to authorize settlement; now, therefore,

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

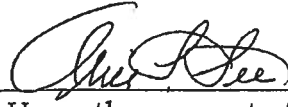
1. That it approves settlement of Christopher Salem vs. County of Maui, et. al., Civil No. 2CCV-21-0000048(2), under the terms established in an executive meeting of the Council;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County;
3. That it authorizes the Director of Finance of the County of Maui, following receipt of the fully executed Release and Settlement Agreement, to pay the negotiated settlement amount; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



CRAIG K. SHIKUMA
STEPHEN G.K. KANESHIRO
KOBAYASHI SUGITA & GODA, LLP
Special Counsel for the County of Maui

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 23-227 was adopted by the Council of the County of Maui, State of Hawaii, on the 1st day of December, 2023, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK