

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND  
LEGAL AFFAIRS COMMITTEE**

December 11, 2018

**Committee  
Report No. \_\_\_\_\_**

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

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on November 13, 2018, makes reference to County Communication 15-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated November 10, 2016, the Department of the Corporation Counsel requested consideration of a proposed resolution to authorize settlement in County of Maui v. Kehalani Holdings Company, Inc., et al., Civil 11-1-0311(3). Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL., CIVIL NO. 11-1-0311(3)," and a copy of the complaint.

Your Committee notes the Council's Committee of the Whole (2015-2017 Council term) met on November 18, 2016.

Your Committee further notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of the authority granted by that provision.

By correspondence dated October 25, 2018, the Department of the Corporation Counsel informed your Committee a stipulated judgment has been filed in this case. The period for Kehalani Holdings Company, Inc. to file an appeal has expired, and the case is concluded. Therefore, settlement authority is no longer needed.

COUNCIL OF THE COUNTY OF MAUI  
**PARKS, RECREATION, ENERGY, AND  
LEGAL AFFAIRS COMMITTEE**

Page 2

**Committee  
Report No. \_\_\_\_\_**

Your Committee voted 7-0 to recommend filing of the correspondence. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Cochran, Hokama, and Sugimura voted "aye." Committee members Crivello and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that the correspondence dated November 10, 2016, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL., CIVIL NO. 11-1-0311(3)," be FILED.

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

  
\_\_\_\_\_  
DON S. GUZMAN, Chair