

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 6, 2023

**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 May 22, 2023, makes reference to Resolution 23-82, entitled "AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048(2)."

Resolution 23-82's purpose is to authorize settlement of the claim, filed on February 18, 2021, and amended on November 9, 2021. The claim alleges breach of contract, tortious injury, and whistleblower protection, and seeks special, general, and punitive damages.

By correspondence dated February 3, 2023, the Department of the Corporation Counsel requested consideration of Resolution 23-82.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

A Deputy Corporation Counsel provided an overview of the claim. She noted the plaintiff was employed in the Office of the Mayor from 2019 to 2021, when he was terminated for insubordination. The plaintiff alleges that the termination was illegal retaliation for "whistleblowing," or calling attention to governmental misconduct. Other than the whistleblowing claim, all of the plaintiff's claims have been dismissed. The Deputy Corporation Counsel noted a settlement conference is scheduled for June 2023.

The Deputy Corporation Counsel requested an executive meeting to discuss confidential information related to the claim.

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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), Hawaii Revised Statutes.

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

Based on information received in executive session and the recommendation of the Department, your Committee voted 6-0 to recommend adoption of Resolution 23-82. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, and Sugimura voted “aye.” Committee members Johnson, Rawlins-Fernandez, and Sinenci were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-82, 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

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Resolution

No. 23-82

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), 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 whistleblower protection, asking for seeking special, general, and punitive 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,

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:



KRISTIN K. TARNSTROM
Deputy Corporation Counsel
County of Maui
Lit 6247

INTRODUCED BY:

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

Upon the request of the Mayor.