

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

December 19, 2025

**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 December 3, 2025, makes reference to Resolution 25-201, entitled “AUTHORIZING SETTLEMENT OF COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT V. KOMAR MAUI PROPERTIES I LLC, CASE 1:24-CV-00203-KJM.”

Resolution 25-201’s purpose is to authorize the settlement of Case 1:24-cv-00203, under terms discussed in an executive meeting.

Your Committee notes that Komar Maui Properties seeks statutory damages under Section 101-27, Hawai‘i Revised Statutes, resulting from the County’s withdrawal of their eminent domain claim for property owned by Komar. The property is described as Tax Map Key (2) 3-8-003-020, located at Pulehu Road, Maui, Hawai‘i.

Your Committee notes that the County originally filed the eminent domain claim on April 30, 2024, in the Circuit Court of the Second Circuit, State of Hawai‘i, under Civil File 2CCV-24-0000375. The matter was subsequently removed to the United States District Court, District of Hawai‘i under Case 1:24-cv-00203.

By correspondence dated October 24, 2025, the Department of the Corporation Counsel requested consideration of Resolution 25-201, with copies of the claims.

Your Committee notes Subsection 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$25,000.

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A Deputy Corporation Counsel provided a brief overview of the claim in open session.

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

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), HRS.

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

Based on information received in the executive meeting and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of Resolution 25-201. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 25-201, attached, entitled “AUTHORIZING SETTLEMENT OF COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT V. KOMAR MAUI PROPERTIES I LLC, CASE 1:24-CV-00203-KJM,” be ADOPTED.

This report is submitted in accordance with Rule 3 of the Rules of the Council.



NOHELANI U‘U-HODGINS, Chair

Resolution

No. 25-201

AUTHORIZING SETTLEMENT OF COUNTY OF MAUI, DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT V. KOMAR MAUI PROPERTIES I LLC,
CASE 1:24-CV-00203-KJM

WHEREAS, the County of Maui, Department of Environmental Management filed a complaint on April 30, 2024, in the Circuit Court of the Second Circuit, State of Hawaii, Civil File 2CCV-24-0000375 against Komar Maui Properties I LLC ("Komar Properties") for eminent domain of the subject property identified as Tax Map Key (2) 3-8-003-020; and

WHEREAS, the above-referenced matter was removed to the United States District Court, District of Hawai'i on or about April 30, 2024, and assigned as Case 1:24-cv-00203; and

WHEREAS, the County withdrew the claims for eminent domain of the subject property on or about November 18, 2024; and

WHEREAS, Komar Properties is now seeking abandonment damages pursuant to section 101-27, Hawaii Revised Statutes; and

WHEREAS, the County, 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 claim by way of a negotiated settlement; and

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

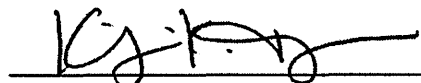
WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

Resolution No. 25-201

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

1. That under section 3.16.020, Maui County Code, it approves settlement of County of Maui, Department of Environmental Management v. Komar Maui Properties I LLC, Case 1:24-cv-00203-KJM, under the terms discussed in an executive meeting before its Government Relations, Ethics and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under the terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;
3. That it authorizes the Director of Finance to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel, consistent with the Council's settlement approval; and
4. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Environmental Management, and Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



KRISTIN K. TARNSTROM
Deputy Corporation Counsel
County of Maui
LIT-8150

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.