

REQUEST FOR LEGAL SERVICES

Date: July 8, 2020
From: Mike Molina, Chair
Governance, Ethics, and Transparency Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Gary Murai, Esq.

Subject: SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. RICK MARKHAM, ET AL., CIVIL 17-1-0393(2) (GET-11(10))

Background Data: Please submit a revised resolution deleting "on June 23, 2020" in the third WHEREAS clause and first BE IT RESOLVED clause, and deleting "hereby" in the first three BE IT RESOLVED clauses.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature Mike Molina	Contact Person <u>James Forrest, Legislative Attorney</u> (Telephone Extension: <u>7137</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 15, 2020
REASON: To meet posting deadline for the July 24, 2020 Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

get:ltr:011(10)acc01:jbf

Attachment

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
COUNTY OF MAUI V. RICK MARKHAM, ET AL.,
CIVIL NO. 17-1-0393 (2)

WHEREAS, the COUNTY OF MAUI filed a lawsuit in the Second Circuit in the State of Hawaii on September 15, 2017, Case No. 17-1-0393 (2), against Rick Markham, claiming building code violations of his property located at 343 Hana Highway, Paia, Maui, Hawaii; 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 on June 23, 2020; and

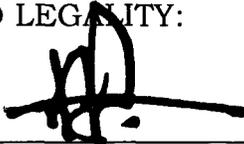
WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

Resolution No. _____

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 on June 23, 2020; 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 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 Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui
Lit 5730