

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

February 16, 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 January 30, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated April 4, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of Justin Dobbs v. County of Maui, et al., Civil 12-1-0812(2). Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)," and a copy of the complaint. The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes the complaint alleges, among other things, retaliation against Mr. Dobbs, a County employee, for reporting allegedly illegal behavior by employees of the Department of Liquor Control, constitutional violations, wrongful termination of employment, and damages.

By correspondence dated September 1, 2015, the Department of the Corporation Counsel transmitted another request for consideration of the possible settlement of the case, along with a revised proposed resolution.

Your Committee notes the Council's Policy and Intergovernmental Affairs Committee (2013-2015 Council term) met on April 12, 2013. Your Committee also notes the Council's Committee of the Whole (2015-2017 Council term) met on September 23, 2015.

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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.

By correspondence dated January 24, 2018, a Deputy Corporation Counsel informed your Committee the case had been dismissed when the Court granted the County's Motion for Summary Judgment on June 24, 2016. Mr. Dobbs appealed the Court's dismissal of the case and no decision has been rendered on the appeal. Because the Department is no longer seeking settlement authority, the Deputy said the Committee may recommend the matter be filed.

Your Committee voted 5-0 to recommend filing of the correspondence. Committee Chair Guzman and members Atay, Carroll, Crivello, and Sugimura voted "aye." Committee Vice-Chair King and members Cochran, Hokama, and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee **RECOMMENDS** that the correspondence dated April 4, 2013, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)," be FILED.

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



DON S. GUZMAN, Chair