

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 24, 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 March 7, 2023, makes reference to Resolution 23-84, from the Department of the Corporation Counsel, entitled “AUTHORIZING SETTLEMENT OF ASHLEY HOOKS VS. COUNTY OF MAUI, ET AL., CIVIL NO.: 2CCV-21-0000034(2).”

Resolution 23-84’s purpose is to authorize the Department to settle the claim filed on February 5, 2021, under terms discussed in an executive meeting.

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 a brief overview of the claim in regular session. The claim alleges a violation of the Hawaii Whistle-Blower Protection Statute and Unlawful Termination.

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), Hawaii Revised Statutes.

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

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Based on information received in executive session and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of Resolution 23-84. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Sinenci, and Sugimura voted "aye." Committee members Kama and Rawlins-Fernandez were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-84, attached hereto, entitled "AUTHORIZING SETTLEMENT OF ASHLEY HOOKS VS. COUNTY OF MAUI, ET AL., CIVIL NO.: 2CCV-21-0000034(2)," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

Resolution

No. 23-84

AUTHORIZING SETTLEMENT OF ASHLEY HOOKS VS.
COUNTY OF MAUI, ET AL., CIVIL NO.: 2CCV-21-0000034(2)

WHEREAS, Plaintiff Ashley Hooks filed a complaint in Second Circuit Court, State of Hawaii, on February 5, 2021 as Civil No.: 2CCV-21-0000034(2), against the County of Maui, alleging a violation of Hawaii Whistle-Blower Protection Statute and Unlawful Termination; 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 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 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 approves settlement of ASHLEY HOOKS VS. COUNTY OF MAUI, ET AL. under the terms in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

Resolution No. 23-84

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under 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 of the County of Maui 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

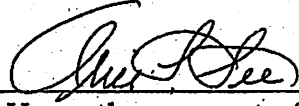
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui
LIT 6255

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Greg K. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.