

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 7, 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 February 18, 2025, makes reference to Resolution 25-43, entitled “AUTHORIZING SETTLEMENT OF KOMAR MAUI PROPERTIES I LLC V. COUNTY OF MAUI, ET AL., CIVIL NO. 1:24-CV-00178.”

Resolution 25-43’s purpose is to authorize settlement of the consolidated action relating to claims filed on April 17, 2024, and April 30, 2024, under terms discussed in an executive meeting.

By correspondence dated January 30, 2025, the Department of the Corporation Counsel requested consideration of Resolution 25-43, 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.

A Deputy Corporation Counsel provided a brief overview of the claims in open session. The claims involve an eminent domain action brought by the County against property owned by Komar Properties. Komar Properties filed a claim against the County alleging the County failed to supplement an Environmental Impact Statement for the subject property.

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

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee
Report No.** _____

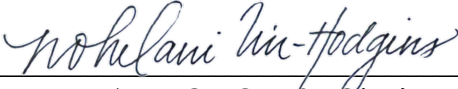
Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Sections 92-5(a)(4) and 92-5(a)(8), Hawai‘i Revised Statutes.

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 25-43. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.” Committee member Kama was excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 25-43, attached, entitled “AUTHORIZING SETTLEMENT OF KOMAR MAUI PROPERTIES I LLC V. COUNTY OF MAUI, ET AL.,” CIVIL NO. 1:24-CV-00178,” be ADOPTED.

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



NOHELANI U‘U-HODGINS, Chair

great:cr:25011(2)aa:pah

Resolution

No. 25-43

AUTHORIZING SETTLEMENT OF KOMAR MAUI PROPERTIES I LLC V.
COUNTY OF MAUI, ET AL., CIVIL NO. 1:24-CV-00178

WHEREAS, the County of Maui, Department of Environmental Management ("County") filed a complaint on April 30, 2024 in the Circuit Court of the Second Circuit, State of Hawaii, Civil No. 2CCV-24-0000375 against Komar Maui Properties I LLC ("Komar Properties") for eminent domain of real property identified as Tax Map Key No. (2) 3-8-3-20 ("subject property"); 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 Civil No. 1:24-cv-00203; and

WHEREAS, Komar Properties filed a complaint on April 17, 2024 in the United States District Court, District of Hawai'i, Civil No. 1:24-cv-00178 against the County for declaratory and injunctive relief; and

WHEREAS, the two matters were consolidated in the United States District Court, District of Hawai'i on October 24, 2024 under Komar Maui Properties I LLC vs. County of Maui, County of Maui of Environmental Management, Civil No. 1:24-cv-00178; and

WHEREAS, in the consolidated action, the County brought an action in eminent domain against Komar Properties for the subject property, and Komar Properties alleges that the County failed to supplement an Environmental Impact Statement for the subject property in accordance with Chapter 343, Hawaii Revised Statutes; 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 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,

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

1. That under Maui County Code section 3.16.020, it approves settlement of Komar Maui Properties I LLC vs. County of Maui, et al., 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 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 Public Works and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui
LIT-8150

INTRODUCED BY:

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

Upon the request of the Mayor.