

COUNCIL OF THE COUNTY OF MAUI
**GOVERNMENT RELATIONS, ETHICS,
AND TRANSPARENCY COMMITTEE**

February 19, 2021

**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 January 26, 2021, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated November 9, 2020, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM 4066910 BY MALUHIA MAUI SCOTT."

The purpose of the proposed resolution is to authorize the Department to settle the claim under terms set forth in an executive session.

The Department also transmitted a copy of the claim and documentation relating to the claim.

Your Committee notes that the Council's Governance, Ethics, and Transparency Committee (2019-2021 Council term) met on December 1, 2020, and December 9, 2020 (reconvened).

Your Committee notes claimant Maluhia Maui Scott alleges excessive use of force, police misconduct, and civil rights violations from the use of a Taser stun gun by the Department of Police at Honokalani Road, Hana, Maui, Hawaii, on May 24, 2020.

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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.

The Corporation Counsel provided a brief overview of the claim. She 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 Section 92-5(a)(4), Hawaii Revised Statutes.

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

Based on the information received and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, Lee, Paltin, and Sinenci voted "aye." Committee members King and Sugimura were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM 4066910 BY MALUHIA MAUI SCOTT," be ADOPTED.

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



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM 4066910
BY MALUHIA MAUI SCOTT

WHEREAS, Maluhia Maui Scott filed Claim 4066910 on October 14, 2020 against the County of Maui alleging excessive use of force, police misconduct, and violation of his civil rights on Honokalani Road, Hana, on Sunday, May 24, 2020 at about 9:50 p.m., resulting from a taser gun used by Maui Police Department; 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; 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:

Resolution No. _____

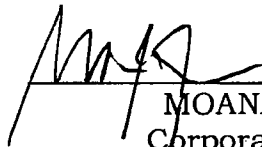
1. That it approves settlement of CLAIM 4066910 BY MALUHIA MAUI SCOTT under the terms in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

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

APPROVED AS TO FORM AND
LEGALITY



MOANA M. LUTEY
Corporation Counsel
Department of the Corporation Counsel
County of Maui
LIT-6143 GREAT-11(48 Revised Reso Authorizing
Settlement of Claim