

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE**

October 20, 2017

**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 October 3, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated September 21, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of Lesli Lyn Otani v. County of Maui, et al., Civil 17-00281 DKW-KJM. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LESLI LYN OTANI V. COUNTY OF MAUI, ET AL., CIVIL NO. 17-00281 DKW-KJM." The purpose of the proposed resolution is to authorize the Department to settle the case.

By correspondence dated September 26, 2017, the Department also transmitted a copy of the Complaint filed in the case on June 13, 2017. The Complaint alleges violations of the First Amendment to the United States Constitution, the Constitutional right to privacy, public policy, the Constitutional right to due process, and Hawaii's Whistleblower Statute, arising from Lesli Lyn Otani's non-retention as Chief of Field Operations and Maintenance for the Department of Public Works at the expiration of her probationary appointment to the position.

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.

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A Deputy Corporation Counsel said a scheduling conference was held in the case on September 11, 2017. He said the trial has been set for September 24, 2018, with an early settlement conference available on November 15, 2017. He also said the plaintiff's attorney has presented a written settlement demand and asked for the opportunity to present the demand for consideration.

Because the case involves ongoing litigation, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to 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 filing of the correspondence transmitting the proposed resolution. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Hokama, Sugimura, and White voted "aye." Committee members Cochran and Crivello were excused.

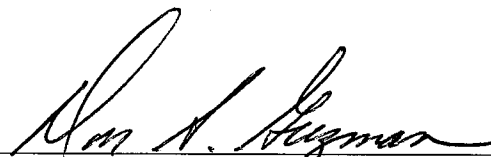
Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that the correspondence dated September 21, 2017, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF LESLI LYN OTANI V. COUNTY OF MAUI, ET AL., CIVIL NO. 17-00281 DKW-KJM," be FILED.

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



DON S. GUZMAN, Chair

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