

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

August 5, 2022

**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 July 12, 2022, makes reference to the following:

1. County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.
2. Resolution 22-161, from the Department of the Corporation Counsel, entitled "AUTHORIZING SETTLEMENT OF RONDA SMYTHE AND LIANA P. KANNO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00056 LEK-RT AND ALISHA N.K. CONSTANTINO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00316 LEK-RT."

Resolution 22-161's purpose is to authorize the Department to settle the claim filed on May 3, 2021, under terms set forth in an executive meeting.

By correspondence dated July 5, 2022, the County Clerk transmitted a letter dated June 16, 2022, from the Department of the Corporation Counsel, requesting consideration of Resolution 22-161, a copy of the claim, and documentation relating to the claim.

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 provided an overview of the claim in regular session. The claim alleges various acts of misconduct committed by former Police Officer Brandon Saffeels and further brings claims against the County of Maui for an alleged failure to train and supervise former Officer Saffeels.

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 Section 92-5(a)(4), Hawaii Revised Statutes.

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

Based on the information received in executive session and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of Resolution 22-161. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Paltin, and Sinenci voted “aye.” Committee members Lee and Sugimura were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-161, attached hereto, entitled “AUTHORIZING SETTLEMENT OF RONDA SMYTHE AND LIANA P. KANNO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00056 LEK-RT AND ALISHA N.K. CONSTANTINO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00316 LEK-RT,” be ADOPTED.


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

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MICHAEL J. MOLINA, Chair

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Resolution

No. 22-161

AUTHORIZING SETTLEMENT OF RONDA SMYTHE AND LIANA P. KANNO V.
BRANDON SAFFEELS, ET AL., CASE CV 21-00056 LEK-RT AND
ALISHA N.K. CONSTANTINO V. BRANDON SAFFEELS, ET AL.,
CASE CV 21-00316 LEK-RT

WHEREAS, Plaintiffs Ronda Smythe and Liana P. Kanno filed a complaint in the Circuit Court of the Second Circuit for the State of Hawaii on August 6, 2020 and was removed to the United States District Court for the District of Hawaii, Civil No. 21-00056 LEK-RT;

WHEREAS, Plaintiff Alisha N.K. Constantino filed a complaint in the United States District Court for the District of Hawaii, Civil No. 21-00316 LEK-RT;

WHEREAS, the Plaintiffs, in their respective cases, allege various acts of misconduct committed by former police officer Brandon Saffeels and further brings claims against the County of Maui for an alleged failure to train and supervise former officer Saffeels;

WHEREAS, the above referenced cases are substantially similar and have been consolidated for the purposes of pretrial proceedings and discovery;

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities pursuant to the aforementioned lawsuit, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment;
and

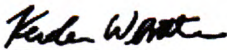
Resolution No. 22-161

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 the above identified cases;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case;
3. That it authorizes the Director of Finance to satisfy said settlement of this case; and
4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, and the Corporation Counsel.

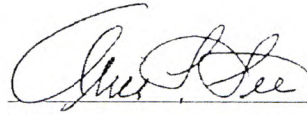
APPROVED AS TO FORM
AND LEGALITY:



KEOLA R. WHITTAKER
Deputy Corporation Counsel
County of Maui
LIT 6731
LIT 6204

Resolution No. 22-161

INTRODUCED BY:

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Upon the request of the Mayor.