

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

August 23, 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 August 2, 2022, makes reference to the following:

1. County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.
2. Resolution 22-109, from the Department of the Corporation Counsel, entitled "AUTHORIZING SETTLEMENT OF DONALD S. GUZMAN V. COUNTY OF MAUI, ET AL., CIVIL NO. 21-00202 DKW-RT."

Resolution 22-109's purpose is to authorize the Department to settle the claim filed on April 23, 2021, under terms set forth in an executive meeting.

By correspondence dated May 9, 2022, the County Clerk transmitted a letter dated April 20, 2022, from the Department of the Corporation Counsel, requesting consideration of Resolution 22-109, 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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The Corporation Counsel provided a brief overview of the claim in regular session. The claim alleges the Plaintiff's rights to privacy and due process under the United States Constitution were violated in accordance with 42 U.S.C. § 1983. The claim further alleges the Plaintiff was discriminated against based on a disability in accordance with Hawaii Revised Statutes ("HRS") § 378-2(a)(1)(A).

The 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), HRS.

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

Based on the information received in executive session, your Committee voted 9-0 to recommend filing of Resolution 22-109. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-109 be FILED.

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



MICHAEL J. MOLINA, Chair