

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

November 18, 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 November 1, 2022, makes reference to the following:

1. County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.
2. Resolution 22-236, 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 22-236’s purpose is to authorize the Department  
to settle the claim filed on April 23, 2021.

By correspondence dated October 24, 2022, the County Clerk transmitted a letter dated October 11, 2022, from the Department of the Corporation Counsel, requesting consideration of Resolution 22-236, 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 noted she was ordered by the court to convey a settlement proposal to the Council, which she shared directly with Councilmembers via confidential transmittal.

The Corporation Counsel requested an executive meeting to discuss other 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 8-0 to recommend filing of Resolution 22-236. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member King was excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-236 be FILED.

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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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