

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

April 11, 2023

**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 March 21, 2023, and reconvened on March 30, 2023, makes reference to Resolution 23-83, from the Department of the Corporation Counsel, entitled "AUTHORIZING SETTLEMENT OF GEOFFREY E. WITTMER, ET AL. v. COUNTY OF MAUI, ET AL., CIVIL 19-1-0198(1)."

Resolution 23-83's purpose is to authorize the Department to settle the claim filed on April 9, 2020, under terms discussed in an executive meeting.

By correspondence dated February 14, 2023, the Department of the Corporation Counsel requested consideration of Resolution 23-83, with a copy of 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.

A Deputy Corporation Counsel provided a brief overview of the claim in regular session. The claim alleges negligence by the County while Eric G. Wittmer was in its custody on or about June 12, 2017, resulting in Mr. Wittmer's death.

The Deputy Corporation Counsel requested an executive meeting to discuss confidential information related to the claim.

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Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Sections 92-5(a)(4) and 92-5(a)(8), Hawaii Revised Statutes.

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

Based on information received in executive session and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of Resolution 23-83. Committee Chair U'u-Hodgins and members Cook, Johnson, Kama, Lee, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Paltin and member Rawlins-Fernandez were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-83, attached hereto, entitled "AUTHORIZING SETTLEMENT OF GEOFFREY E. WITTMER, ET AL. v. COUNTY OF MAUI, ET AL., CIVIL 19-1-0198(1)," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

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Resolution

No. 23-83

AUTHORIZING SETTLEMENT OF GEOFFREY E. WITTMER, ET AL.
v. COUNTY OF MAUI, ET AL., CIVIL 19-1-0198 (1)

WHEREAS, Geoffrey E. Wittmer, as the Special Administrator for the Estate of Eric G. Wittmer, filed a lawsuit in the Second Circuit Court of the State of Hawaii on April 9, 2020, Civil 19-1-0198 (1), against the County of Maui and County of Maui Police Department, for alleged Wrongful Death; 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 or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance 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 or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

Resolution No. 23-83

BE IT RESOLVED by the Council of the County of Maui:

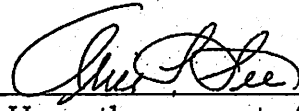
1. That it approves settlement of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case;
3. That it authorizes the Director 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, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui
LIT-6066

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written above a horizontal line.

Upon the request of the Mayor.