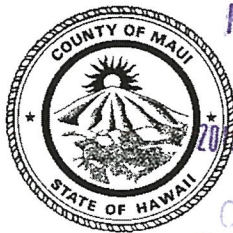


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer



RECEIVED

2019 AUG 28 PM 12:15

OFFICE OF THE
COUNTY COUNCIL

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI

200 SOUTH HIGH STREET, 3RD FLOOR

WAILUKU, MAUI, HAWAII 96793

EMAIL: CORPCOUN@MAUICOUNTY.GOV

TELEPHONE: (808) 270-7740

FACSIMILE: (808) 270-7152

August 28, 2019

MEMO TO: Michael Molina, Chair
Government, Ethics, and Transparency Committee

FROM: Kristin Tarnstrom, Deputy Corporation Counsel *KJ*

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits
(GET-11) AUTHORIZING SETTLEMENT OF CHARGE OF
DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS
COMMISSION AND FEDERAL EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION (EEOC) ON OCTOBER 5, 2018 AND
GIVEN EEOC NO. 486-2018-00541

Our Department respectfully requests the opportunity to present information to the Government, Ethics, and Transparency Committee and to discuss settlement options with regard to the above-referenced action.

A copy of the Resolution authorizing settlement is attached.

This matter is in litigation and will involve discussion of confidential communications and attorney work product information. As such, it is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities and liabilities of the County, the Council, and the Committee.

We request that a representative from the Department of Police be in attendance during discussion of this matter. Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

cc: Tivoli Faaumu, Chief of Police
Dean Rickard, Deputy Chief of Police

Resolution

No. _____

AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON OCTOBER 5, 2018 UNDER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 486-2018-00541

WHEREAS, a Charge of Discrimination was filed with the Hawai'i Civil Rights Commission and the Equal Employment Opportunity Commission (EEOC) on October 5, 2018, and given EEOC No. 486-2018-00541, against the County of Maui, that alleged discrimination; and

WHEREAS, the Complainant has indicated an intent to file a Complaint and initiate a lawsuit against the County of Maui, but seeks to resolve the action prior to any lawsuit; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of litigation 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 Government, 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

Resolution No. _____

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 hereby approves settlement of this case under the terms set forth in an executive meeting before the Government, Ethics, and Transparency Committee; and

2. That it hereby authorizes the Director of Finance to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. 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:



KRISTIN TARNSTROM
Deputy Corporation Counsel
County of Maui