

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

June 19, 2020

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on June 2, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated April 24, 2020, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING SETTLEMENT OF HAWAII PACIFIC TRENCHLESS, INC. VS. GOODFELLOW BROTHERS, LLC, ET AL., CIVIL NO. 2CC181000436(2)." The claim alleges the following damages: (1) unjust enrichment; (2) negligent misrepresentation; and (3) promissory estoppel regarding its performance as a subcontractor on the Kihei Force Main 16 Project (C6177), a construction project at Kihei, Maui, Hawaii.

The purpose of the proposed resolution is to authorize the settlement of Hawaii Pacific Trenchless, Inc. vs. Goodfellow Brothers, LLC, et al., Civil 2CC181000436(2).

Your Committee was briefed on the status of the case in regular session.

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.

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Based on the information received and the recommendation of the Department, your Committee voted 9-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF HAWAII PACIFIC TRENCHLESS, INC. VS. GOODFELLOW BROTHERS, LLC, ET AL., CIVIL NO. 2CC181000436(2)," be ADOPTED.

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

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF  
HAWAII PACIFIC TRENCHLESS, INC. VS.  
GOODFELLOW BROTHERS, LLC, ET AL.,  
CIVIL NO. 2CC181000436 (2)

WHEREAS, Plaintiff Hawaii Pacific Trenchless, Inc. filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on November 5, 2018, Civil No. 2CC181000436 (2), against the County of Maui, claiming damages for (1) unjust enrichment; (2) negligent misrepresentation; and (3) promissory estoppel regarding its performance as a subcontractor on the Kihei Force Main No. 16 Project (C6177), a construction project at Kihei, Maui, Hawaii; 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, 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 Governance, Ethics, and Transparency Committee; and
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case; and
3. That it hereby 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 Director the Department of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



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THOMAS KOLBE  
Deputy Corporation Counsel  
County of Maui  
Lit 5918