

COUNCIL OF THE COUNTY OF MAUI

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

July 10, 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 16, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated May 15, 2020, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING SETTLEMENT OF AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI, CIVIL NO. 19-CV-00373."

The purpose of the proposed resolution is to authorize the settlement of Avid Amiri, Individually and as Trustee of the Deutsche International Trust II v. County of Maui, Case 19-CV-00373, United States District Court for the District of Hawaii.

The complaint, filed on July 11, 2019, alleges negligence with the construction, inspection, maintenance, and repair of the culvert and roadway providing access to 372 Puu Way, Haiku, Maui, Hawaii, resulting in property damage.

Your Committee was briefed on the status of the case in regular session. A Deputy Corporation Counsel informed your committee that the claims relate to damage to a road that occurred during Tropical Storm Lane in 2018.

The Deputy requested an executive meeting to discuss confidential information related to the case.

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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.

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

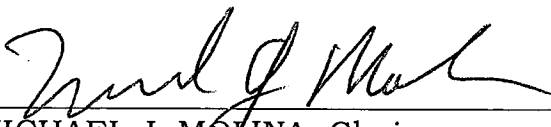
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI, CIVIL NO. 19-CV-00373," be ADOPTED.

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Committee
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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
AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE
DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI,
CIVIL NO. 19-CV-00373

WHEREAS, Plaintiff Avid Amiri filed a lawsuit in the United States District in the State of Hawaii on July 11, 2019, Case No. 19-cv-00373, against the County of Maui, claiming negligence with the construction, inspection, maintenance and repair of the culvert and roadway providing access to the 372 Puu Way, Haiku, 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 on June 2, 2020; 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

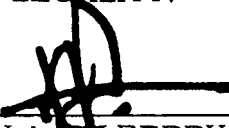
Resolution No. _____

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 on June 2, 2020; 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 of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui
Lit 6017