

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

November 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 October 20, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated September 25, 2020, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF THERESA ANN COX v. COUNTY OF MAUI, ET AL. HCRC NO. RE-M-1165; HUD NO. 09-18-2683-8."

The purpose of the proposed resolution is to authorize the Department to settle the claim under terms set forth in an executive session.

The Department also transmitted a copy of the claim and documentation relating to the claim.

Your Committee notes the claimant alleges retaliation and discrimination based on race, sex, and disability, while the plaintiff was a resident at Hale Makana O' Waiale, Lahaina, Maui, Hawaii, between January 23, 2017, to January 2, 2019.

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.

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

Page 2

Committee
Report No. _____

A Deputy Corporation Counsel provided a brief overview of the claim. She said the incident involves the County's duty as a landowner and its actions after notice was provided of the alleged retaliation and discrimination.

The Deputy requested an executive meeting to discuss 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), 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 6-1 to recommend adoption of the proposed resolution. Committee Chair Molina and members Kama, King, Lee, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez voted "no." Committee member Paltin was recused. Committee member Hokama was excused.

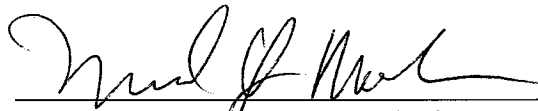
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF THERESA ANN COX v. COUNTY OF MAUI, ET AL. HCRC NO. RE-M-1165; HUD NO. 09-18-2683-8," be ADOPTED.

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

Page 3

**Committee
Report No. _____**

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

A handwritten signature in black ink, appearing to read "Michael J. Molina", written over a horizontal line.

MICHAEL J. MOLINA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF
THERESA ANN COX v. COUNTY OF MAUI, ET AL.
HCRC NO. RE-M-1165; HUD NO. 09-18-2683-8

WHEREAS, Plaintiff Theresa Ann Cox filed dual amended lawsuits with the Hawaii Civil Rights Commission on July 17, 2020, HCRC NO. RE-M-1165, and with the U.S. Department of Housing and Urban Development, HUD NO. 09-18-2683-8, against the County of Maui, claiming retaliation and discrimination based on race, sex, and disability; 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:

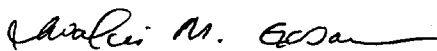
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

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

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of the Department of Housing and Human Concerns, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



IWALANI MOUNTCASTLE GASMEN
Deputy Corporation Counsel
County of Maui