

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 5, 2021

**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 February 16, 2021, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated December 22, 2020, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI, CIVIL 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.

Your Committee notes that the Council's Governance, Ethics, and Transparency Committee (2019-2021 Council term) previously reported on this matter through Committee Report 20-71, which recommended 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," be ADOPTED. At its meeting of July 10, 2020, the Council recommitted Committee Report 20-71.

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Your Committee notes 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 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.

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.

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 8-0 to recommend filing of Committee Report 20-71. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Lee, Paltin, and Sinenci voted "aye." Committee member Sugimura was excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Committee Report 20-71 be FILED.

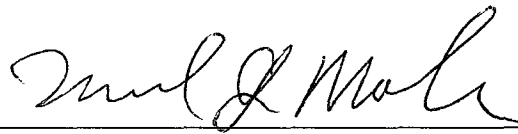
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This report is submitted in accordance with Rule 8 of the Rules of the Council.

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

MICHAEL J. MOLINA, Chair

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