

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 21, 2016

Committee
Report No. _____

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

Chair and Members:

Your Committee of the Whole, having met on October 7, 2016, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated September 13, 2016, the Department of the Corporation Counsel requested consideration of the possible settlement of a charge of discrimination filed with the Hawaii Civil Rights Commission and Federal Equal Employment Opportunity Commission on March 11, 2014. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON MARCH 11, 2014; FEDERAL EMPLOYMENT PRACTICES AGENCY NO. M-16340; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 37B-2011-00145." The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

A Deputy Corporation Counsel said the case involves a charge of disability discrimination filed by a former County employee, and that the Hawaii Civil Rights Commission is taking the lead on the case.

Because the case involves ongoing litigation and confidential information, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4),

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Hawaii Revised Statutes; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of the proposed resolution to authorize settlement of the case under the terms discussed in the executive meeting. Committee Chair Guzman and members Baisa, Carroll, Cochran, Couch, Hokama, and White voted "aye." Committee Vice-Chair Crivello and member Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON MARCH 11, 2014; FEDERAL EMPLOYMENT PRACTICES AGENCY NO. M-16340; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 37B-2011-00145," be ADOPTED.

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



DON S. GUZMAN, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON MARCH 11, 2014; FEDERAL EMPLOYMENT PRACTICES AGENCY NO. M-16340; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 37B-2011-00145

WHEREAS, a Charge of Discrimination was filed against the County of Maui on or about March 11, 2014, with the Hawaii Civil Rights Commission and the Equal Employment Opportunity Commission, designated as Fair Employment Practices Agency No. M-16340; Equal Employment Opportunity Commission No. 37B-2011-00145; and

WHEREAS, the Hawaii Civil Rights Commission issued a Notice of Finding on December 3, 2015, and an Amended Notice of Finding on June 6, 2016; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of a proposed settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement of the case under the terms and conditions proposed in an executive meeting before the Committee of the Whole; 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 Committee of the Whole; and

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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 to satisfy the 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 Personnel Services, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



CHRISTIE M. TRENHOLME
Deputy Corporation Counsel
County of Maui