

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

April 4, 2008

**Committee  
Report No.**

08-55

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

Chair and Members:

Your Policy Committee, having met on March 11, 2008, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated February 27, 2008, the Department of the Corporation Counsel requested consideration of the possible settlement of Hanohano, LLC v. County of Maui, et al., Civil No. 06-1-0148(1). Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF HANOHANO, LLC V. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0148(1)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

By correspondence dated February 27, 2008, the Department of the Corporation Counsel transmitted a copy of the complaint.

Your Committee notes that the complaint alleges declaratory, injunctive, and other relief stemming from a County zoning decision affecting lands comprising the Pukalani residential community, including two parcels of land owned by Plaintiff Hanohano, LLC, consisting of approximately 28.695 acres situated at Keahua, Kula, Maui, Hawaii.

At its meeting, your Committee met with a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

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At its executive meeting, your Committee met with a Deputy Corporation Counsel.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting.

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.

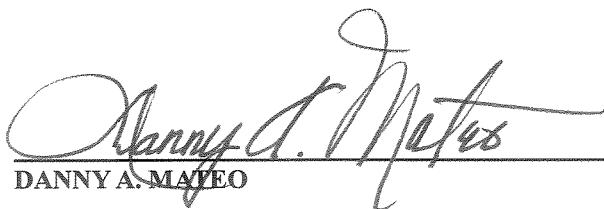
Your Policy Committee RECOMMENDS that Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING SETTLEMENT OF HANOHANO, LLC V. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0148(1)" be ADOPTED.

Adoption of this report is respectfully requested.

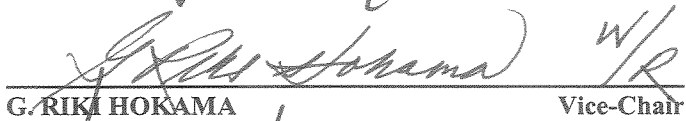
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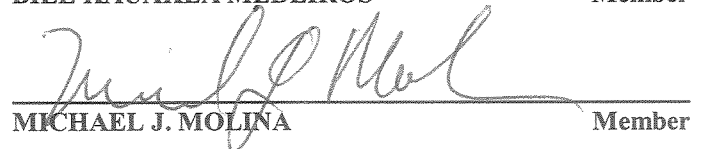
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BILL KAUAKEA MEDEIROS Member

  
G. RIKI HOKAMA Vice-Chair

  
MICHAEL J. MOLINA Member

  
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JO ANNE JOHNSON Member

# Resolution

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

AUTHORIZING SETTLEMENT OF  
TROY MATTOS, ET AL. V. DARREN AGARANO, ET AL.,  
CIVIL NO. 07-00220 DAE BMK

WHEREAS, Plaintiffs Troy Mattos and Jayzel Mattos filed a lawsuit in the United States District Court for the District of Hawaii on April 26, 2007, Civil No. 07-00220 DAE BMK, against Darren Agarano, Ryan Aikala, Stuart Kunioka, Halayudha MacKnight and Maui County, claiming general, special, punitive damages arising from an investigation of a potential domestic violence incident on or about August 23, 2006, in Wailuku, 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 Policy 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 negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

**Resolution No. \_\_\_\_\_**

BE IT RESOLVED by the Council of the County of Maui:

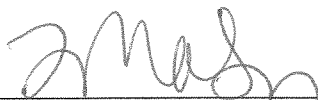
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Policy Committee; and

2. That it hereby authorizes the Director of Finance 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, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



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LAUREEN L. MARTIN  
Deputy Corporation Counsel  
County of Maui

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