

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

April 6, 2001

**Committee
Report No.**

01-65

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 March 13, 2001, makes reference to County Communication No. 99-18, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee notes that County Communication No. 99-18 was referred to the prior Council's Committee of the Whole at the Council meeting of January 11, 1999.

By memorandum dated February 25, 1999, the Committee Chair requested that the Department of the Corporation Counsel's future requests for the settlement of claims and lawsuits be accompanied by the appropriate documents and that a brief summary of the status and factual background be provided for each settlement-authority request prior to entering into executive session.

By memorandum dated November 18, 1999, the Committee Chair informed the Department of the Corporation Counsel of procedural matters.

By letter dated November 24, 1999, the Committee Chair requested that Ms. Louise Renne, a San Francisco City Attorney, provide information relating to the City's settlement of police-related litigation.

At its meeting of November 14, 2000, the Committee recommended that County Communication No. 99-18 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

At its meeting of January 12, 2001, the Council referred County Communication No. 99-18 to your Committee of the Whole (County Communication No. 01-15).

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Your Committee is in receipt of a letter dated February 27, 2001, from Deputy Corporation Counsel Victoria J. Takayesu, requesting consideration of a settlement proposal of the consolidated cases of Dereck H. Aveiro v. Maui Police Department, et al., Civil No. CV00-00300 DAE LEK and Guy P. Souza v. Maui Police Department, et al., Civil No. CV00-00301 DAE LEK. Attached to the request was a copy of the complaint and a proposed resolution entitled, "APPROVING A PROPOSED SETTLEMENT OF CONSOLIDATED CASES CIVIL NO. CV00-00300 DAE LEK, DERECK H. AVEIRO V. MAUI POLICE DEPARTMENT, ET AL. AND CIVIL NO. CV00-00301 DAE LEK, GUY P. SOUZA V. MAUI POLICE DEPARTMENT, ET AL." The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

Your Committee notes that the claims allege racial discrimination, constructive discharge, and harassment.

At its meeting, your Committee met with the Corporation Counsel and the Chief of Police.

There being no public testimony, the Corporation Counsel provided a brief overview of the case and requested settlement authority in the amount of \$10,000 for Plaintiff Aveiro and \$20,000 for Plaintiff Souza.

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

Your Committee met in executive session with the Corporation Counsel and the Chief of Police.

Following the executive session, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee agreed to revise the proposed resolution entitled, "APPROVING A PROPOSED SETTLEMENT OF CONSOLIDATED CASES CIVIL NO. CV00-00300 DAE LEK, DERECK H. AVEIRO V. MAUI POLICE DEPARTMENT, ET AL. AND CIVIL

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NO. CV00-00301DAE LEK, GUY P. SOUZA V. MAUI POLICE DEPARTMENT, ET AL.” to include the settlement amounts of \$10,000 for Plaintiff Aveiro and \$20,000 for Plaintiff Souza. Your Committee voted to recommend that the revised proposed resolution be adopted and that the communication be filed.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, incorporating your Committee’s suggested revisions.

Your Committee of the Whole RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled “APPROVING A PROPOSED SETTLEMENT OF CONSOLIDATED CASES CIVIL NO. CV00-00300 DAE LEK, DERECK H. AVEIRO V. MAUI POLICE DEPARTMENT, ET AL. AND CIVIL NO. CV00-00301DAE LEK, GUY P. SOUZA V. MAUI POLICE DEPARTMENT, ET AL.”, be ADOPTED; and
2. That County Communication No. 99-18 be FILED.

Adoption of this report is respectfully requested.

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DAIN P. KANE **Chair**

PATRICK S. KAWANO **Member**

G. RIKI HOKAMA **Vice-Chair**

MICHAEL J. MOLINA **Member**

ALAN M. ARAKAWA **Member**

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