

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

May 18, 2001

**Committee  
Report No.**

01-79

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 May 1, 2001, makes reference to County Communication No. 01-90, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of a letter dated April 20, 2001, from Deputy Corporation Counsel Judith M. E. Williams, requesting consideration of the possible settlement of Margaret Toba's Damage Claim No. 2001-030. Attached to the request was a copy of the claim and a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2001-030; MARGARET TOBA". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

Your Committee notes that the claim alleges damages to Ms. Toba's home due to flooding caused by a sewer-line obstruction.

Your Committee received a revised proposed resolution on April 23, 2001, entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2001-030, CLAIM OF MARGARET TOBA". The revised proposed resolution contained a nonsubstantive change to the title of the resolution as well as a correction to the body of the document where the claim number had been omitted.

At its meeting, your Committee met with the Director of Finance; the Risk Manager, Department of Finance; the Corporation Counsel; and two Deputy Corporation Counsel.

There being no public testimony, the Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

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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.

At its executive meeting, your Committee met with the Director of Public Works and Waste Management, the Director of Finance, the Corporation Counsel, and a Deputy Corporation Counsel. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted on the matter.

Following the executive meeting, your Committee reconvened in regular session and announced the result of the vote taken in the executive meeting. Your Committee announced that it had agreed to recommend adoption of the revised proposed resolution to approve the settlement of the matter under the terms proposed in the executive meeting.

Your Committee of the Whole **RECOMMENDS** that Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 2001-030; CLAIM OF MARGARET TOBA" be **ADOPTED**.

Adoption of this report is respectfully requested.

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