

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

May 18, 2001

**Committee  
Report No.**

01-81

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 23, 2001, from Deputy Corporation Counsel Victoria J. Takayesu, requesting consideration of the possible settlement of Walter J. Whitten vs. County of Maui, et al., Civil No. CV00-00628 HG BMK. Attached to the request was a copy of the complaint and a proposed resolution entitled, "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. CV00-00628 HG BMK WALTER J. WHITTEN VS. COUNTY OF MAUI, 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 claim alleges racial discrimination, constructive discharge and harassment.

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

There being no public testimony, Deputy Corporation Counsel Victoria J. Takayesu 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 an Assistant Chief of Police, the Corporation Counsel, and two Deputy Corporation Counsel. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee agreed to revise the proposed resolution to correct the name Clarence Kenui to Clarence Kenui, Jr. and 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 a revised proposed resolution to approve 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, incorporating your Committee's suggested revisions and making two nonsubstantive typographical corrections.

Your Committee of the Whole **RECOMMENDS** that Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. CV00-00628 HG BMK WALTER J. WHITTEN VS. COUNTY OF MAUI, ET AL." be **ADOPTED**.

Adoption of this report is respectfully requested.

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**DAIN P. KANE** **Chair**

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**PATRICK S. KAWANO** **Member**

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**MICHAEL J. MOLINA** **Member**

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**ALAN M. ARAKAWA** **Member**

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**WAYNE K. NISHIKI** **Member**

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**ROBERT CARROLL** **Member**

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**CHARMAINE TAVARES** **Member**

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**JO ANNE JOHNSON** **Member**