

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

May 18, 2001

**Committee
Report No.**

01-82

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.

By memorandum dated October 25, 2000, the Committee Chair requested that the Corporation Counsel address the possible settlement of O'Connor, et al. v. County of Maui, et al., Civil No. 94-0544 (1).

Your Committee notes that the prior Council provided initial settlement authority for the case by adopting Resolution No. 00-15, entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 94-0544 (1) BRYAN O'CONNOR, ET AL. vs. COUNTY OF MAUI, ET AL.", at its meeting of February 18, 2000, pursuant to the recommendation of the Committee of the Whole in Committee Report No. 00-22. At its meeting of October 31, 2000, the Committee met with the Corporation Counsel and five Deputy Corporation Counsel.

The 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.

The Committee met in an executive meeting with the Corporation Counsel and five Deputy Corporation Counsel.

Following the executive meeting, the Committee reconvened in regular session and deferred action pending further discussion of the possible settlement of the case.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

May 18, 2001
Page 2

Committee
Report No. 01-82

At its meeting of November 14, 2000, the Committee recommended that Corporation Counsel's memo dated October 25, 2000 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 Corporation Counsel's memo dated October 25, 2000 to your Committee of the Whole (County Communication No. 01-15).

By letter dated April 23, 2001, the Corporation Counsel requested consideration of the possible settlement of Bryan O'Connor, et al. v. County of Maui, et al., Civil No. 94-0544 (1). Attached to the request was a copy of the complaint and a proposed resolution entitled, "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 94-0544 (1), BRYAN O'CONNOR, ET AL. 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 personal injury due to a beach accident and loss of consortium.

At its meeting, your Committee met with the Corporation Counsel; two Deputy Corporation Counsel; and William Ota, Esq. of Robbins & Rhodes.

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.

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 Corporation Counsel; a Deputy Corporation Counsel; and William Ota, Esq. of Robbins & Rhodes. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted on the matter.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

May 18, 2001
Page 3

Committee
Report No. 01-82

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 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. _____, entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 94-0544 (1), BRYAN O'CONNOR, ET AL. vs. COUNTY OF MAUI, ET AL." be ADOPTED.

Adoption of this report is respectfully requested.

cow:cr:0111(6)aa:rkk

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

May 18, 2001
Page 4

Committee
Report No. 01-82

DAIN P. KANE **Chair**

PATRICK S. KAWANO **Member**

G. RIKI HOKAMA **Vice-Chair**

MICHAEL J. MOLINA **Member**

ALAN M. ARAKAWA **Member**

WAYNE K. NISHIKI **Member**

ROBERT CARROLL **Member**

CHARMAINE TAVARES **Member**

JO ANNE JOHNSON **Member**