

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

June 1, 2001

**Committee
Report No.**

01-94

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 15, 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 May 4, 2001, from First Deputy Corporation Counsel Howard M. Fukushima, requesting consideration of the possible settlement of Max and Martha Ferris's Claim No. 2000-006. Attached to the request was a copy of the claim and related documents. Also attached to the request was a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM OF MAX AND MARTHA FERRIS, CLAIM NO. 2000-006". The purpose of the proposed resolution is to authorize additional settlement authority to the Department of the Corporation Counsel to settle the claim.

Your Committee notes that the claim alleges damages due to the location of an underground sewer line beneath the claimants' property.

Your Committee further notes that the prior Council authorized initial settlement of this matter by Resolution No. 00-159.

At its meeting, your Committee met with the First Deputy Corporation Counsel and two Deputy Corporation Counsel.

Your Committee received oral testimony from the claimant who submitted a written request for a total of \$27,724.18, comprised of a \$5,000 increase from the initial settlement amount of \$15,000 and an additional \$7,724.18 in attorney's fees.

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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 First Deputy 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 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. _____, attached hereto, entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM OF MAX AND MARTHA FERRIS, CLAIM NO. 2000-006", be **ADOPTED**.

Adoption of this report is respectfully requested.

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