

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 6, 2001

**Committee
Report No.**

01-113

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 June 12, 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 24, 2001, from Deputy Corporation Counsel Robert D. Rivera, requesting consideration of the possible settlement of Rachel Sialana, et al. vs. County of Maui, et al., Civil No. 00-1-0574 (1). Attached to the request was a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RACHEL SIALANA, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 00-1-0574 (1)". 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 negligence on the part of the County to design or maintain a roadway intersection in a reasonably safe condition.

At its meeting, your Committee met with the Director of Public Works and Waste Management and two Deputy Corporation Counsel.

There being no public testimony, Deputy Corporation Counsel Robert D. Rivera 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 the Director of Public Works and Waste Management, the Corporation Counsel, and two Deputy Corporation Counsel.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted 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 "AUTHORIZING SETTLEMENT OF RACHEL SIALANA, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 00-1-0574 (1)" be **ADOPTED**.

Adoption of this report is respectfully requested.

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