

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 6, 2001

**Committee
Report No.**

01-114

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 memorandum dated May 24, 2001, from Deputy Corporation Counsel Gregory J. Garneau, requesting consideration of the possible partial settlement of Diane Garrett v. Reid S. Nakamura, et al., Civil No. 01-1-0163 (3). Attached to the request was a copy of the complaint and a proposed resolution entitled "APPROVING A PROPOSED PARTIAL SETTLEMENT RELATING TO THE PROPERTY CLAIM PORTION OF DIANE GARRETT V. REID S. NAKAMURA, ET AL., CIVIL NO. 01-1-0163 (3)". The purpose of the proposed resolution is to authorize partial settlement authority to the Department of the Corporation Counsel.

Your Committee notes that the claim alleges a motor vehicle accident caused by County police officers.

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

There being no public testimony, Deputy Corporation Counsel Gregory J. Garneau 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 Chief of Police, the Corporation Counsel, and a Deputy Corporation Counsel.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 6, 2001
Page 2

Committee
Report No. 01-114

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 partial 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 PARTIAL SETTLEMENT RELATING TO THE PROPERTY CLAIM PORTION OF DIANE GARRETT V. REID S. NAKAMURA, ET AL., CIVIL NO. 01-1-0163 (3)" be ADOPTED.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 6, 2001
Page 3

Committee
Report No. 01-114

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