

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 20, 2001

**Committee
Report No.**

01-119

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 July 3, 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 June 22, 2001, from the Corporation Counsel, requesting consideration of the possible settlement of Charlton and Faye Wallace's Claim No. 96-102. Attached to the request was a copy of Resolution No. 00-7, entitled "APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 96-102; CHARLTON AND FAYE WALLACE", a Release and Indemnity Agreement and other related documents. Also attached to the request was a proposed resolution entitled "MODIFYING AND APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 96-102; CHARLTON AND FAYE WALLACE". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

Your Committee notes that the claimants allege flood damage that occurred on November 12, 1996.

Your Committee further notes that the prior Council authorized initial settlement of this matter by Resolution No. 00-7.

At its meeting, your Committee met with a Deputy Corporation Counsel.

There being no public testimony, Deputy Corporation Counsel Victoria Takayesu provided a brief overview of the claim. She recommended elimination of a clause contained in the Settlement Agreement that would prohibit future claims for flooding to be filed by the claimants. This modification to the Settlement Agreement is consistent with other flood claim agreements.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 20, 2001
Page 2

Committee
Report No. 01-119

After a very brief discussion, your Committee voted to recommend adoption of the proposed resolution to approve the settlement of the matter.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "MODIFYING AND APPROVING A PROPOSED SETTLEMENT OF CLAIM NO. 96-102; CHARLTON AND FAYE WALLACE" be ADOPTED.

Adoption of this report is respectfully requested.

cow:cr:0111(5)ac:rkk

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 20, 2001
Page 3

Committee
Report No. 01-119

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**