

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

August 21, 2001

**Committee**  
**Report No.** 01-141

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 31, 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 correspondence dated July 16, 2001, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of the consolidated cases of Dereck H. Aveiro v. Maui Police Department, et al., Civil No. CV00-00300 DAE LEK and Guy P. Souza v. Maui Police Department, et al., Civil No. CV00-00301 DAE LEK. Attached to the request was a copy of the first amended complaint and a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CONSOLIDATED CASES CIVIL NO. CV00-00300 DAE LEK, DERECK H. AVEIRO V. MAUI POLICE DEPARTMENT, ET AL. AND CIVIL NO. CV00-00301 DAE LEK, GUY P. SOUZA V. MAUI POLICE DEPARTMENT, ET AL."

The purpose of the proposed resolution is to authorize additional settlement authority to the Department of the Corporation Counsel to include the settlement amounts of \$30,000 for Plaintiff Aveiro and \$30,000 for Plaintiff Souza in order to settle the claim.

Your Committee notes that the claims allege racial discrimination, constructive discharge, and harassment.

Your Committee further notes that the Council previously authorized initial settlement of the consolidated cases by Resolution No. 01-56.

Your Committee further notes that the adoption of the proposed resolution would supercede Resolution No. 01-56.

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

August 21, 2001  
Page 2

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**Report No.** 01-141

At its meeting, your Committee met with a Police Captain and two Deputy Corporation Counsel.

There being no public testimony, the Chair of your Committee provided a brief overview of the case and noted the Department of the Corporation Counsel's written request 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 a Police Captain 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 "APPROVING A PROPOSED SETTLEMENT OF CONSOLIDATED CASES CIVIL NO. CV00-00300 DAE LEK, DERECK H. AVEIRO V. MAUI POLICE DEPARTMENT, ET AL. AND CIVIL NO. CV00-00301 DAE LEK, GUY P. SOUZA V. MAUI POLICE DEPARTMENT, ET AL." be ADOPTED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

August 21, 2001  
Page 3

Committee  
Report No. 01-141

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