

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

September 7, 2001

Committee
Report No. 01-155

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 August 14, 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 August 7, 2001, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Malia C. Chun vs. County of Maui, Richard T. Bissen, Jr., et al., Civil No. CV00-00556 SOM/BMK. Attached to the request was a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MALIA C. CHUN VS. COUNTY OF MAUI, RICHARD T. BISSEN, JR., ET AL., CIVIL NO. CV00-00556 SOM/BMK, ALLEGING VIOLATIONS OF HER CONSTITUTIONAL RIGHTS AND/OR RELATED STATE CLAIMS". 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 includes allegations of civil rights violations, mental and emotional distress, violations of equal protection, and breach of employment agreement.

At its meeting, your Committee met with the Prosecuting Attorney; the Corporation Counsel; a Deputy Corporation Counsel; and Richard Rand, Esq. of Torkildson, Katz, Fonseca, Jaffe, Moore & Hetherington.

There being no public testimony, the Corporation Counsel 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.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

September 7, 2001
Page 2

Committee
Report No. 01-155

At its executive meeting, your Committee met with the Prosecuting Attorney; the Corporation Counsel; a Deputy Corporation Counsel; and Richard Rand, Esq. of Torkildson, Katz, Fonseca, Jaffe, Moore & Hetherington.

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 MALIA C. CHUN VS. COUNTY OF MAUI, RICHARD T. BISSEN, JR., ET AL., CIVIL NO. CV00-00556 SOM/BMK, ALLEGING VIOLATIONS OF HER CONSTITUTIONAL RIGHTS AND/OR RELATED STATE CLAIMS" be **ADOPTED**.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

September 7, 2001
Page 3

Committee
Report No. 01-155

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