

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

September 6, 2013

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on August 12, 2013 and August 14, 2013 (reconvene), makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated July 1, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim of James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc., Claim No. 2012-1000-15. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-1000-15, JAMES J. STONE, ATTORNEY AT LAW, ON BEHALF OF WAIEHU GOLF SHOP, INC.". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$30,000.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

Your Committee further notes the claim alleges the County overcharged Waiehu Golf Shop, Inc. for electricity and related matters while it operated a concession at the Waiehu Golf Course.

Upon the recommendation of a Deputy Corporation Counsel, your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes. Following the executive meeting, your Committee reconvened in regular session.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

Page 2

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Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-1000-15, JAMES J. STONE, ATTORNEY AT LAW, ON BEHALF OF WAIEHU GOLF SHOP, INC.", be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-1000-15,
JAMES J. STONE, ATTORNEY AT LAW,
ON BEHALF OF WAIEHU GOLF SHOP, INC.

WHEREAS, James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc., filed Claim No. 2012-1000-15 on June 6, 2012, against the County of Maui for overcharge of electricity and other related matters while it operated a concession at the Waiehu Golf Course, Maui, Hawaii; and

WHEREAS, the County of Maui and James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc., to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this claim for THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00); and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

Resolution No. _____


BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of Claim No. 2012-1000-15 for THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Mutual Release, Indemnification and Settlement Agreement" by James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc.; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Parks and Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY JEOKA
Deputy Corporation Counsel
County of Maui

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