

COUNCIL OF THE COUNTY OF MAUI

**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

January 10, 2014

**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 December 16, 2013, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated December 2, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of the Claim of Bridget Nakama, Claim 2011-059. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2011-059 OF BRIDGET NAKAMA". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

Your Committee notes the claim alleges on September 4, 2011, Ms. Nakama sustained injuries when she was hit by a police vehicle while walking in a crosswalk at the War Memorial Stadium in Wailuku, Maui, Hawaii.

Your Committee also notes on May 7, 2013, the Council adopted Resolution 13-56, authorizing the employment of Ortiz & Katano, A Law Corporation, as special counsel to represent the County in this claim because of a conflict of interest.

A Deputy Corporation Counsel provided a brief overview of the case, noted the presence of special counsel Jonathan Ortiz, and requested the opportunity to discuss the matter in an executive meeting, closed to the public.

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; and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

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

Page 2

**Committee  
Report No.** \_\_\_\_\_

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 8-0 to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting. Committee Chair Hokama, Vice-Chair Couch, and members Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye". Committee member Baisa was excused.

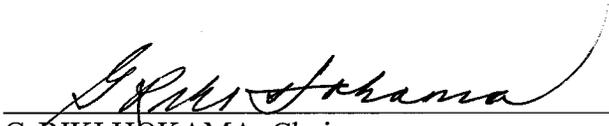
Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2011-059 OF BRIDGET NAKAMA", be ADOPTED.

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

Page 3

Committee  
Report No. \_\_\_\_\_

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. 2011-059 OF BRIDGET NAKAMA

WHEREAS, Bridget Nakama filed Claim No. 2011-059 on October 13, 2011, against the County of Maui for injuries arising out of a motor vehicle accident at War Memorial Stadium parking lot, on September 4, 2011; and

WHEREAS, the County of Maui and Bridget Nakama, 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 an amount disclosed in executive session; 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,

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

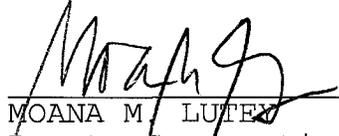
1. That it hereby approves settlement of Claim No. 2011-059 under the terms set forth in an executive meeting before the Policy and Intergovernmental Affairs Committee; and

**Resolution No. \_\_\_\_\_**

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Bridget Nakama; and

3. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

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