

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

August 25, 2015

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

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 4, 2015, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated February 2, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 1843115 of Eleanor Kondo. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 1843115 OF ELEANOR KONDO," and a copy of the claim. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$10,500.

Your Committee notes the claim alleges bodily injuries, vehicular damage, and rental car reimbursement costs as a result of a motor vehicle incident on Haleakala Highway on April 13, 2011, involving a County vehicle.

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

A Deputy Corporation Counsel provided a brief overview of the claim. She noted Eleanor Kondo was driving Upcountry on Haleakala Highway. At a sharp turn in the highway, a County vehicle was heading down, towing a trailer. Because of the sharpness of the turn, the driver of the County vehicle was not able to negotiate the turn without crossing into the other lane, and Ms. Kondo's vehicle was damaged by the trailer. The County has previously resolved the portion of the claim for damages to the vehicle and rental car reimbursement. The Department of the Corporation Counsel is seeking authorization of \$10,500 to settle the remaining portion

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of the claim, for bodily injuries allegedly sustained by Ms. Kondo as a result of the incident.

The Director of Public Works said the Department has made adjustments to the way trailers are transported as a result of the incident.

Because the claim involves ongoing litigation and confidential medical information, the Deputy requested the opportunity to convene an executive meeting.

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.

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 6-0 to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting. Committee Chair Guzman, Vice-Chair Crivello, and members Carroll, Cochran, Couch, and White voted "aye." Committee members Baisa, Hokama, and Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 1843115 OF ELEANOR KONDO," be ADOPTED.

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

  
\_\_\_\_\_  
DON S. GUZMAN, Chair

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# Resolution

No. \_\_\_\_\_

## AUTHORIZING SETTLEMENT OF CLAIM NO. 1843115 OF ELEANOR KONDO

WHEREAS, Eleanor Kondo filed Claim No. 1843115 for bodily injuries against the County of Maui as a result of a motor vehicle accident with a County vehicle on Haleakala Highway, on April 13, 2011; and

WHEREAS, the County of Maui and Eleanor Kondo, 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, 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 payment of Ten Thousand Five Hundred Dollars (\$10,500.00) is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Eleanor Kondo; and

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

2. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

  
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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui