

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

December 19, 2006

**Committee**  
**Report No.**

06-163

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 November 28, 2006, makes reference to County Communication No. 05-24, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated November 8, 2006, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of the claim by Revitalize Wailuku, LLC, Claim No. 1808669-0251. Attached to the request is a copy of the claim and related documents. Also attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 1808669-0251 BY REVITALIZE WAILUKU, LLC". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the claim alleges damages due to a sewage line blockage on or about December 8, 2005 in Wailuku, Maui.

Your Committee is in receipt of correspondence dated November 24, 2006, transmitting a revised proposed resolution from the Department of the Corporation Counsel entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 1808669-0251 BY REVITALIZE WAILUKU, LLC". The revised proposed resolution corrects the second "WHEREAS" clause to indicate that the County of Maui will attempt to reach resolution of the claim by way of a negotiated settlement, rather than indicate that settlement had been reached.

At its meeting, your Committee met with the Wastewater Reclamation Division Chief, Department of Public Works and Environmental Management; and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case noting that flooding of raw sewage occurred on or about December 8, 2005, at 2005 Mokuhan Road in Wailuku, due to a collapsed sewer line. She requested the opportunity to discuss the matter in an executive meeting.

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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 the Wastewater Reclamation Division Chief, Department of Public Works and Environmental Management; and a 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 revised proposed resolution to authorize 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 CLAIM NO. 1808669-0251 BY REVITALIZE WAILUKU, LLC" be ADOPTED.

Adoption of this report is respectfully requested.

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