

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

November 19, 2004

**Committee**  
**Report No.** 04-198

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 3, 2004, makes reference to County Communication No. 03-19, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated October 27, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Michael Kaho`ohanohano v. County of Maui, Civil No. CV02-00296 HG/BMK. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MICHAEL KAHO`OHANOHANO vs. COUNTY OF MAUI CIVIL NO. CV02-00296 HG/BMK". The purpose of the proposed resolution is to provide additional settlement authority to the Department of the Corporation Counsel to settle the case.

Your Committee notes that the complaint alleges violations of the Fair Labor Standards Act (FLSA). Your Committee also notes that the Department of the Corporation Counsel has advised that it has received an offer of settlement from plaintiffs.

In addition, your Committee notes that the Council provided initial settlement authority for this matter by Resolution No. 04-139, which was superseded by Resolution No. 04-149.

Your Committee further notes that Resolution No. 04-149 would be superseded by the adoption of this proposed resolution.

At its meeting, your Committee met with the Deputy Chief of Police; the Business Administrator, Department of Police; the Corporation Counsel; a Deputy Corporation Counsel; and Steven M. Nakashima, Esq., Marr, Hipp, Jones & Wang, the County's special counsel.

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There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the case. She requested the opportunity to discuss the matter in an executive meeting, during which she would report on the latest mediation and the offer of settlement made by plaintiffs.

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 Deputy Chief of Police; the Business Administrator, Department of Police; the Corporation Counsel; a Deputy Corporation Counsel; and Steven M. Nakashima, Esq., Marr, Hipp, Jones & Wang.

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 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 MICHAEL KAHO'OHANO vs. COUNTY OF MAUI CIVIL NO. CV02-00296 HG/BMK" be **ADOPTED**.

Adoption of this report is respectfully requested.

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