

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 5, 2004

**Committee
Report No.**

04-189

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 September 1, 2004, September 29, 2004, and October 11, 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 August 10, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Rowan Chong v. County of Maui, Case Nos. 7-00-02950 and 7-02-02432. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROWAN CHONG VS. COUNTY OF MAUI, CASE NOS. 7-00-02950 AND 7-02-02432". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the cases.

Your Committee notes that the claims allege work-related injuries sustained on July 24, 2000 and August 12, 2002.

At its meeting of September 1, 2004, your Committee met with the Chief of Police; the Risk Manager, Department of Finance; a Deputy Corporation Counsel; and the Chief of Litigation, Department of the Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case, informing your Committee that the July 24, 2000 injuries allegedly occurred while Rowan Chong was investigating a case in a building which was under construction, and the August 12, 2002 injuries allegedly occurred as a result of a motor vehicle accident.

Your Committee deferred the matter pending further discussion.

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At its meeting of September 29, 2004, your Committee met with the Deputy Chief of Police; the Risk Manager, Department of Finance; two Deputy Corporation Counsel; and the Chief of Litigation, Department of the Corporation Counsel.

There was no public testimony. Your Committee deferred the matter pending further discussion.

At its meeting of October 11, 2004, your Committee met with the Deputy Chief of Police; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

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 Risk Manager, Department of Finance; 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 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 ROWAN CHONG VS. COUNTY OF MAUI, CASE NOS. 7-00-02950 AND 7-02-02432" be **ADOPTED**.

Adoption of this report is respectfully requested.

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ROBERT CARROLL **Chair**

MICHAEL J. MOLINA **Member**

DAIN P. KANE **Vice-Chair**

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DANNY A. MATEO **Member**