

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 18, 2003

**Committee
Report No.**

03-56

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 July 2, 2003, 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 June 18, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Richard Skaff v. County of Maui, Civil No. 03-00284 SOM KSC. Attached to the request was a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RICHARD SKAFF v. COUNTY OF MAUI, CIVIL NO. 03-00284 SOM KSC". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the complaint alleges that the restrooms in the County's Kalana O Maui building in Wailuku do not comply with Federal and State accessibility requirements under the Americans with Disabilities Act (ADA).

At its meeting, your Committee met with the ADA Coordinator, Department of Management; the Deputy Director of Public Works and Environmental Management; the First Deputy Corporation Counsel; and a Deputy Corporation Counsel.

Your Committee notes that the proposed settlement of a separate but related lawsuit was also discussed at this meeting.

Your Committee received testimony from four individuals. The first two individuals testified in support of making County facilities accessible to the disabled. One of these individuals also submitted written testimony. The third testifier supported access to public facilities for the wheelchair-bound. The final testifier was Paul Kiang, Maui Branch Administrator, Vocational Rehabilitation Division, State Department of Human Services, who also serves on the

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Commission for Persons with Disabilities. Mr. Kiang stated that he was testifying as a private person, and supported including the ADA guidelines into the Uniform Building Code. He further testified that Maui is ready for a full-time ADA coordinator.

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 ADA Coordinator, Department of Management; the Deputy Director of Public Works and Environmental Management; the First Deputy Corporation Counsel; 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 approve 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 RICHARD SKAFF v. COUNTY OF MAUI, CIVIL NO. 03-00284 SOM KSC" be ADOPTED.

Adoption of this report is respectfully requested.

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