

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

September 19, 2003

**Committee**  
**Report No.** 03-101

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 3, 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 May 30, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Robert L. Tam Ho v. County of Maui, Case No. 7-01-00177. Attached to the request was a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROBERT L. TAM HO. VS. COUNTY OF MAUI, CASE NO. 7-01-00177". 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 a work-related injury sustained on January 30, 2001 by Robert L. Tam Ho.

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

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case, stating that the claim arose from an arrest in which the suspect resisted arrest. The Deputy Corporation Counsel 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 Risk Manager, Department of Finance; the Deputy Chief of Police; the First Deputy Corporation Counsel; and a Deputy Corporation Counsel.

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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 ROBERT L. TAM HO. VS. COUNTY OF MAUI, CASE NO. 7-01-00177" be ADOPTED.

Adoption of this report is respectfully requested.

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**MICHAEL J. MOLINA** **Member**

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**DAIN P. KANE** **Vice-Chair**

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**WAYNE K. NISHIKI** **Member**

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**G. RIKI HOKAMA** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DANNY A. MATEO** **Member**