

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

April 7, 2017

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on March 21, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated March 13, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of Ruth Inouye v. County of Maui, et al., Civil 16-1-0016(2). Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF RUTH INOUE VS. COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0016(2)," and a copy of the complaint filed on January 12, 2016. The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes the complaint alleges on or about May 5, 2014, Ruth Inouye was injured on her property as the result of flooding from a broken water line owned, controlled, or maintained by the County.

Your Committee further notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

Your Committee is in receipt of a revised proposed resolution incorporating nonsubstantive revisions.

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A Deputy Corporation Counsel provided a brief overview of the case. He said the water main break occurred on Kuula Street, outside of Ms. Inouye's house, and water entered her carport. Ms. Inouye was injured when she went into the carport to turn her water off.

Because the case involves ongoing litigation and confidential information, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of the revised proposed resolution. Committee Chair Guzman and members Atay, Carroll, Cochran, Crivello, Hokama, Sugimura, and White voted "aye." Committee Vice-Chair King was excused.

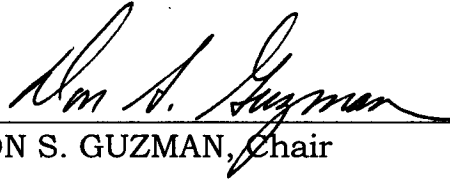
Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF RUTH INOUE VS. COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0016(2)," be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

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Resolution

AUTHORIZING SETTLEMENT OF
RUTH INOUE VS. COUNTY OF MAUI, ET AL.,
CIVIL NO. 16-1-0016 (2)

WHEREAS, Plaintiff Ruth Inouye filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on January 12, 2016, Civil No. 16-1-0016 (2), against the County of Maui, claiming a personal injury from a broken water line owned by the County of Maui that occurred on May 5, 2014; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

Resolution No. _____

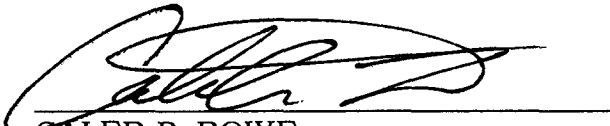
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of Water Supply and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui