

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 21, 2016

Committee
Report No. _____

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 October 7, 2016, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated August 31, 2016, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 2014-2034-10-0001 of Karen Hunter. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2034-10-0001 OF KAREN HUNTER," and a copy of the claim. The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes the claim alleges Karen Hunter sustained injuries from a police vehicle being operated by a County employee on Kupaoa Street in Kula, Maui, Hawaii, on July 2, 2014.

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

A Deputy Corporation Counsel provided a brief overview of the case. She said a police vehicle operated by a police officer struck Ms. Hunter while she was in a crosswalk near Longs Drugs in Kula. The officer was executing a left-hand turn and did not see Ms. Hunter. Ms. Hunter sustained physical injuries as a result.

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

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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 7-0 to recommend adoption of the proposed resolution to authorize settlement of the case under the terms discussed in the executive meeting. Committee Chair Guzman and members Baisa, Carroll, Cochran, Couch, Hokama, and White voted "aye." Committee Vice-Chair Crivello and member Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2034-10-0001 OF KAREN HUNTER," be ADOPTED.

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



DON S. GUZMAN, Chair

cow:cr:16001(45)aa:cmn

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2034-10-0001 OF KAREN HUNTER

WHEREAS, Karen Hunter filed Claim No. 2014-2034-10-0001 on July 18, 2014, against the County of Maui for injuries she allegedly sustained at Kupaoa Street in Kula, Maui, Hawaii, on July 2, 2014, from a police vehicle being operated by a County employee; and

WHEREAS, the County of Maui and Karen Hunter, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of a negotiated settlement; 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 Committee of the Whole; and

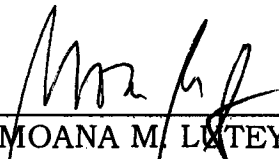
WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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

Resolution No. _____

1. That it hereby approves settlement of this claim under the terms set forth in an executive meeting before the Committee of the Whole; and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Karen Hunter; and
3. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui
RISK 2015-0281