



RESOLUTION

TO AUTHORIZE THE CORPORATION COUNSEL, THE DIRECTOR OF FINANCE AND THE DIRECTOR OF PERSONNEL TO SETTLE CERTAIN CASES RELATING TO DISPUTES OVER REAL PROPERTY TAXES AND WORKERS' COMPENSATION BENEFITS.

WHEREAS, Section 2-3.4(a) Revised Ordinances of Honolulu 1990, as amended (ROH), mandates that no claim shall be adjusted, settled or compromised without prior Council approval; and

WHEREAS, in Fasi v. Gill, Civil No. 93-4615-11, the Mayor, the Director of Finance, the Chief Budget Officer, and the Corporation Counsel challenged the validity of Section 2-3.4, ROH, in the Circuit Court of the First Circuit, State of Hawaii; and

WHEREAS, the Honorable Kevin S.C. Chang, Judge of the Circuit Court of the First Circuit entered judgment in favor of the Council, upholding the validity of the ordinance and further denying the plaintiffs' motion for a stay pending appeal; and

WHEREAS, the plaintiffs have filed an appeal to the Supreme Court of the State of Hawaii from Judge Chang's order and judgment, which Court also has denied plaintiffs' motion for a stay pending appeal; and

WHEREAS, the Corporation Counsel is of the opinion that the compromise and settlement of (1) real property tax appeals and (2) disputes over workers' compensation benefits require prior Council approval; and

WHEREAS, pending the ultimate determination of the validity of the ordinance by the Hawaii Supreme Court, the Corporation Counsel wishes Council authorization to settle outstanding real property tax disputes filed with the Tax Appeal Court, State of Hawaii, and disputes over workers' compensation benefits filed with the Labor and Industrial Relations Appeals Board, State of Hawaii; and

WHEREAS, pending the ultimate determination of the validity of the ordinance by the Hawaii Supreme Court, the Director of Finance wishes Council authorization to settle outstanding real property tax appeals filed with the Board of Review of the City, and the Director of Personnel wishes Council authorization to settle outstanding disputes as to the compensability of an injury and the amount of workers' compensation benefits awarded to an employee of the City; and

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WHEREAS, a list of all outstanding real property tax appeals filed with the Tax Appeal Court, State of Hawaii, as of July 29, 1994, is set forth in the attached Exhibits A through H, and a list of the outstanding workers' compensation appeals filed by employees of the City with the State of Hawaii, Labor and Industrial Relations Appeals Board, as of July 29, 1994, is set forth in the attached Exhibit I; and

WHEREAS, a list of all of the outstanding real property tax appeals filed with the Board of Review of the City, as of August 1, 1994, is set forth in the attached Exhibit J; and

WHEREAS, a list of all of the outstanding workers' compensation disputes filed by employees of the City with the State of Hawaii, Department of Labor and Industrial Relations, Disability Compensation Division, as of July 31, 1994, is set forth in the attached Exhibit K; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Corporation Counsel be and is authorized to adjust, settle, or compromise all outstanding real property tax appeals filed with the Tax Appeal Court, State of Hawaii, which are set forth in the attached Exhibits A through H, and is authorized to adjust, settle or compromise all outstanding workers' compensation disputes filed with the State of Hawaii, Labor and Industrial Relations Appeals Board, which are set forth in the attached Exhibit I; and

BE IT FURTHER RESOLVED that the Director of Finance be and is authorized to adjust, settle or compromise all outstanding real property tax appeals filed with the Board of Review of the City, which are set forth in the attached Exhibit J; and

BE IT FURTHER RESOLVED that the Director of Personnel be and is authorized to adjust, settle or compromise all outstanding workers' compensation disputes filed with the State of Hawaii, Department of Labor and Industrial Relations, Disability Compensation Division, which are set forth in the attached Exhibit K; and

RESOLUTION

BE IT FINALLY RESOLVED that the Clerk be and is directed to transmit copies of this resolution to the Corporation Counsel, the Director of Finance and the Director of Personnel.

INTRODUCED BY:

Paul Mansho ER

Councilmembers

DATE OF INTRODUCTION:

SEP 09 1994

Honolulu, Hawaii

(OCS/083094/ct)

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CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:

Raymond K. Pua
RAYMOND K. PUA
CITY CLERK

John DeSoto
JOHN DESOTO
CHAIR AND PRESIDING OFFICER

Dated 9/21/94

ADOPTED MEETING HELD			
9/21/94			
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ANDRADE			
DOO			
FELIX			
HIDANO			
HOLMES			
KIM			
MANSHO			
MIRIKITANI			
DeSOTO			
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Reference

Report No. CW-497

Resolution No.

94-254

--- EXHIBIT(S) ON FILE WITH THE CITY CLERK'S OFFICE ---