

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

August 21, 2001

**Committee**  
**Report No.** 01-142

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 31, 2001, makes reference to County Communication No. 01-90, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated July 18, 2001, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Palavilala Fifita v. County of Maui, et al., Civil No. 01-1-0044 (2). Attached to the request was a copy of the complaint and a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 01-1-0044 (2) PALAVILALA FIFITA VS. COUNTY OF MAUI, ET AL.". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

Your Committee notes that the claim alleges personal injury due to a fall from a coconut tree breaking off at its base.

At its meeting, your Committee met with the Chief of Planning and Development for the Department of Parks and Recreation and two Deputy Corporation Counsel.

There being no public testimony, the Chair of your Committee provided a brief overview of the case and noted the Department of the Corporation Counsel's written request 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.

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

August 21, 2001  
Page 2

**Committee**  
**Report No.** 01-142

At its executive meeting, your Committee met with the Chief of Planning and Development for the Department of Parks and Recreation and two 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 "APPROVING A PROPOSED SETTLEMENT OF CIVIL NO. 01-1-0044 (2) PALAVILALA FIFITA VS. COUNTY OF MAUI, ET AL." be ADOPTED.

Adoption of this report is respectfully requested.

cow:cr:0111(10)ab:rkk

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

August 21, 2001  
Page 3

Committee  
Report No. 01-142

---

**DAIN P. KANE** Chair

---

**PATRICK S. KAWANO** Member

---

**G. RIKI HOKAMA** Vice-Chair

---

**MICHAEL J. MOLINA** Member

---

**ALAN M. ARAKAWA** Member

---

**WAYNE K. NISHIKI** Member

---

**ROBERT CARROLL** Member

---

**CHARMAINE TAVARES** Member

---

**JO ANNE JOHNSON** Member