

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

December 17, 2010

**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 December 2, 2010, makes reference to County Communication No. 09-14, from Michael J. Molina, Chair of your Committee, regarding litigation matters submitted by the Department of the Corporation Counsel.

By correspondence dated November 8, 2010, the Department of the Corporation Counsel requested consideration of the possible settlement of Brandi-Lee Gouveia v. County of Maui, Case No. 7-07-03325. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF BRANDI-LEE GOUVEIA VS. COUNTY OF MAUI, CASE NO. 7-07-03325". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the worker's compensation claim.

Your Committee notes that the claim alleges that Ms. Gouveia sustained injuries as a result of a fall at work on December 3, 2007.

A Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting, closed to the public.

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 ("HRS"); and 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, pursuant to Section 92-5(a)(8), HRS.

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 7-0 to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting. Committee Chair Molina, Vice-Chair Mateo, and members Baisa,

COUNCIL OF THE COUNTY OF MAUI  
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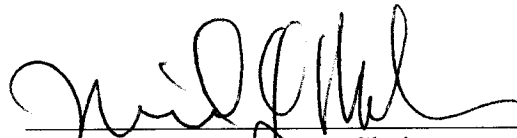
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Kaho`ohalahala, Medeiros, Nishiki, and Victorino voted "aye". Committee members Johnson and Pontanilla were excused.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF BRANDI-LEE GOUVEIA VS. COUNTY OF MAUI, CASE NO. 7-07-03325" be ADOPTED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF BRANDI-LEE GOUVEIA VS.  
COUNTY OF MAUI, CASE NO. 7-07-03325

WHEREAS, Brandi-Lee Gouveia filed a Workers' Compensation Claim alleging work-related injuries sustained on December 3, 2007; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of the proposed settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement of the Workers' Compensation Claim under the terms and conditions as proposed in an executive meeting before the Committee of the Whole; now, therefore,

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

1. That it hereby approves the settlement of Brandi-Lee Gouveia vs. County of Maui, Case No. 7-07-03325 under the terms set forth in an executive meeting before the Committee of the Whole; and

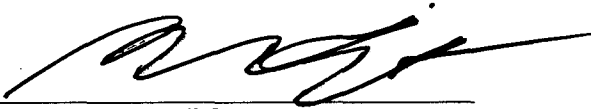
2. That the Mayor is authorized to execute a Stipulated Compromise and Release Agreement on behalf of the County in this case; and

3. That payment is authorized to satisfy this settlement following approval of the Stipulated Compromise and Release Agreement by the Department of Labor; and

**Resolution No. \_\_\_\_\_**

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of the Planning Department, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



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RICHARD B. ROST  
Deputy Corporation Counsel  
County of Maui

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