

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

March 25, 2014

Committee
Report No. _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on March 13, 2014, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated February 27, 2014, the Department of the Corporation Counsel requested consideration of the possible settlement of the Claim of Myrtle Bates, Claim 2013-1038-15, for \$9,000. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1038-15 OF MYRTLE BATES". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

Your Committee notes the claim alleges Ms. Bates sustained injuries arising out of a trip-and-fall incident that occurred on the sidewalk near the banyan tree in Lahaina, Maui, on December 2, 2012.

By correspondence dated March 5, 2014, the Department of the Corporation Counsel transmitted a revised proposed resolution incorporating nonsubstantive revisions.

A Deputy Corporation Counsel provided a brief overview of the case and explained how the proposed settlement amount had been derived. She noted Ms. Bates had accepted 50 per cent contributory liability for the incident.

The Chair of your Committee 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; and to deliberate or make a decision upon a matter that requires the consideration of

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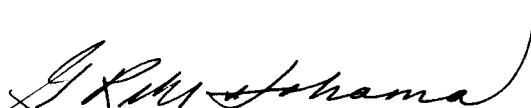
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information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

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 6-0 to recommend adoption of the revised proposed resolution to authorize the settlement of the claim for \$9,000. Committee Chair Hokama, Vice-Chair Couch, and members Crivello, Guzman, Victorino, and White voted "aye". Committee members Baisa, Carroll, and Cochran were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1038-15 OF MYRTLE BATES", be ADOPTED.

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



G. RIKI HOKAMA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
CLAIM NO. 2013-1038-15 OF MYRTLE BATES

WHEREAS, Myrtle Bates filed Claim No. 2013-1038-15 on March 6, 2013, against the County of Maui for injuries arising out of a trip and fall incident that occurred on the sidewalk near the banyan tree in Lahaina on December 2, 2012; and

WHEREAS, the County of Maui and Myrtle Bates, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; 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:

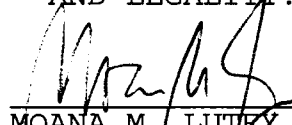
1. That it hereby approves settlement of Claim No. 2013-1038-15 in the amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Myrtle Bates; and

Resolution No. _____

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Parks and Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTTY
Deputy Corporation Counsel
County of Maui

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