

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

August 8, 2008

**Committee  
Report No.**

08-90

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

Chair and Members:

Your Policy Committee, having met on July 22, 2008, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated June 10, 2008, the Department of the Corporation Counsel requested consideration of the possible settlement of Wayne K. Yoshioka v. County of Maui, Department of Environmental Management, Case Nos. AB 2006-477 (M) and 7-04-01273. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WAYNE K. YOSHIOKA VS. COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CASE NOS. AB 2006-477 (M) AND 7-04-01273". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the cases.

Your Committee notes that the claims allege work-related injuries sustained on April 26, 2004.

At its meeting, your Committee met with a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the cases and requested the opportunity 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 (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 law or Federal law, pursuant to Section 92-5(a)(8), HRS.

At its executive meeting, your Committee met with a Deputy Corporation Counsel.

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

August 8, 2008  
Page 2

**Committee**  
**Report No.** 08-90

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 authorize the settlement of the matter under the terms proposed in the executive meeting.

Your Policy Committee RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF WAYNE K. YOSHIOKA VS. COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CASE NOS. AB 2006-477 (M) AND 7-04-01273", be ADOPTED.

Adoption of this report is respectfully requested.

pol:cr:08001(21)aa:knh

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

August 8, 2008  
Page 3

Committee  
Report No. 08-90

  
\_\_\_\_\_  
DANNY A. MATEO Chair

\_\_\_\_\_  
BILL KAUAKEA MEDEIROS Member

\_\_\_\_\_  
G. RIKI HOKAMA Vice-Chair

\_\_\_\_\_  
MICHAEL J. MOLINA Member

\_\_\_\_\_  
MICHELLE ANDERSON Member

\_\_\_\_\_  
JOSEPH PONTANILLA Member

\_\_\_\_\_  
GLADYS C. BAISA Member

\_\_\_\_\_  
MICHAEL P. VICTORINO Member

\_\_\_\_\_  
JO ANNE JOHNSON Member

# Resolution

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

AUTHORIZING SETTLEMENT OF  
WAYNE K. YOSHIOKA VS. COUNTY OF MAUI,  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,  
CASE NOS. AB 2006-477(M) AND 7-04-01273

WHEREAS, Wayne K. Yoshioka filed a Workers' Compensation Claim alleging work-related injuries sustained on April 26, 2004; 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 Policy Committee; now, therefore,

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

1. That it hereby approves the settlement of Wayne K. Yoshioka vs. County of Maui, Department of Environmental Management, Case Nos. AB 2006-477(M) and 7-04-01273 under the terms set forth in an executive meeting before the Policy Committee; and

2. That the Director of Finance is authorized to execute a Stipulation and Settlement Agreement on behalf of the County in this case; and

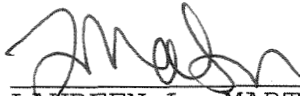
3. That payment is authorized to satisfy this settlement following approval of the Stipulation and Settlement Agreement by

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

the Department of Labor; and

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

APPROVED AS TO FORM  
AND LEGALITY:



---

LAUREEN L. MARTIN  
Deputy Corporation Counsel  
County of Maui

S:\ALL\LLM\wc appeals\Yoshioka\reso.wpd