

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

February 22, 2008

**Committee
Report No.**

08-33

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

Chair and Members:

Your Policy Committee, having met on February 5, 2008, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated December 20, 2007, the Department of the Corporation Counsel requested consideration of the possible settlement of Wilhelmina Derego v. County of Maui, Case No. 7-01-01397. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WILHELMINA DEREGO VS. COUNTY OF MAUI, CASE NO. 7-01-01397". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the claim alleges work-related injuries sustained on February 1, 2001.

At its meeting, your Committee met with the Chief of Police and two Deputy Corporation Counsel.

There was no public testimony.

A Deputy Corporation Counsel provided a brief overview of the case 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 Sections 92-5(a)(4) and 92-5(a)(8), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Chief of Police 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

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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 WILHELMINA DEREGO VS. COUNTY OF MAUI, CASE NO. 7-01-01397" be ADOPTED.

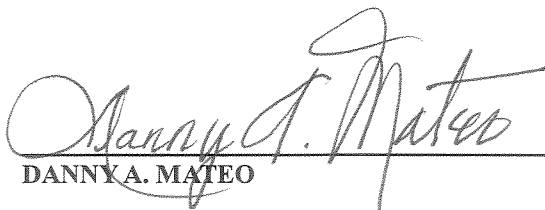
Adoption of this report is respectfully requested.

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JO ANNE JOHNSON Member

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
WILHELMINA DEREGO VS. COUNTY OF MAUI, CASE NO. 7-01-01397

WHEREAS, Wilhelmina Deregogo filed a Workers' Compensation Claim alleging work-related injuries sustained on February 1, 2001; 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 Wilhelmina Deregogo vs. County of Maui, Case No. 7-01-01397 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 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 Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



LAUREEN L. MARTIN
Deputy Corporation Counsel
County of Maui

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