

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

December 7, 2007

**Committee
Report No.**

07-145

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

Chair and Members:

Your Policy Committee, having met on November 13, 2007, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated August 28, 2007, the Department of the Corporation Counsel requested consideration of the possible settlement of Nathan Furtado v. County of Maui, Case No. 7-04-02140. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF NATHAN FURTADO VS. COUNTY OF MAUI, CASE NO. 7-04-02140". 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 a work-related injury incurred on July 28, 2004.

At its meeting, your Committee met with the Deputy Director of Water Supply and a Deputy Corporation Counsel.

There was no public testimony.

The 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 and consideration of confidential information, pursuant to Sections 92-5(a)(4) and 92-5(a)(8), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Deputy Director of Water Supply and a Deputy Corporation Counsel.

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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 NATHAN FURTADO VS. COUNTY OF MAUI, CASE NO. 7-04-02140" be ADOPTED.


Adoption of this report is respectfully requested.

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF
NATHAN FURTADO VS. COUNTY OF MAUI, CASE NO. 7-04-02140

WHEREAS, Nathan Furtado filed a Workers' Compensation Claim alleging work-related injuries sustained on July 28, 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 Nathan Furtado vs. County of Maui, Case No. 7-04-02140 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

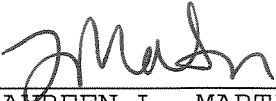
3. That payment is authorized to satisfy this settlement following approval of the Stipulated Compromise and Release Agreement by the Department of Labor; and

4. That certified copies of this Resolution be transmitted

Resolution No. _____

to the Mayor, the Director of Finance, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



LAUREEN L. MARTIN
Deputy Corporation Counsel
County of Maui

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