

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

October 5, 2007

**Committee
Report No.**

07-108

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

Chair and Members:

Your Policy Committee, having met on September 18, 2007, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated August 15, 2007, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING SETTLEMENT OF GEORGE GOMES VS. COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, CASE NO. 7-99-03478". The purpose of the proposed resolution is to authorize settlement of the case.

Your Committee notes that the claim alleges work-related injuries sustained on October 18, 1999.

At its meeting, your Committee met with the Director of Parks and Recreation 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 Section 92-5(a)(4) and Section 92-5(a)(8), Hawaii Revised Statutes.

At its executive meeting, your Committee met with 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 Corporation Counsel, your Committee voted to recommend adoption of the proposed

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

October 5, 2007

Page 2

Committee

Report No. 07-108

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 GEORGE GOMES VS. COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, CASE NO. 7-99-03478", be ADOPTED.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

October 5, 2007

Page 3

Committee

Report No.

07-108



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Member

JO ANNE JOHNSON

Member

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
GEORGE GOMES VS. COUNTY OF MAUI, DEPARTMENT OF PARKS AND
RECREATION, CASE NO. 7-99-03478

WHEREAS, George Gomes filed a Workers' Compensation Claim alleging work-related injuries sustained on October 18, 1999; 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 George Gomes vs. County of Maui, Department of Parks and Recreation, Case No. 7-99-03478 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 to the Mayor, the Director of Finance, the Director of Parks and

Resolution No. _____

Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



LAUREEN L. MARTIN
Deputy Corporation Counsel
County of Maui

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