

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 14, 2006

**Committee
Report No.**

_____ 06-84

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

Chair and Members:

Your Committee of the Whole, having met on July 18, 2006, makes reference to County Communication No. 05-24, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated May 31, 2006, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of James Lonczak v. County of Maui, et al., Civil No. 05-1-0004(1). Attached to the request is a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMES LONCZAK VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0004(1)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the complaint alleges damages due to injuries sustained at the Waiehu Golf Course.

At its meeting, your Committee met with the Golf Course Superintendent, Department of Parks and Recreation; the Aquatics Division Chief, Department of Parks and Recreation; 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, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Golf Course Superintendent, Department of Parks and Recreation; the Aquatics Division Chief, Department of Parks and Recreation; 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 Committee is in receipt of a revised proposed resolution incorporating a nonsubstantive revision.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING SETTLEMENT OF JAMES LONCZAK VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0004(1)" be ADOPTED.

Adoption of this report is respectfully requested.

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