

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 14, 2004

**Committee
Report No.**

04-215

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 December 1, 2004, makes reference to County Communication No. 03-19, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated October 8, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Earl Joseph v. County of Maui, Case No. 7-03-00735. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF EARL JOSEPH VS. COUNTY OF MAUI, CASE NO. 7-03-00735". 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 19, 2003.

At its meeting, your Committee met with the Director of Parks and Recreation; the East District Supervisor, Department of Parks and Recreation; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case, stating that the injuries allegedly occurred while Mr. Joseph was using a weed-trimming device, 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 Director of Parks and Recreation; the East District Supervisor, Department of Parks and Recreation; the Risk Manager, Department of Finance; 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 of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF EARL JOSEPH VS. COUNTY OF MAUI, CASE NO. 7-03-00735" be ADOPTED.

Adoption of this report is respectfully requested.

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