

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 14, 2004

**Committee
Report No.**

04-216

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 5, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Estefania Acoba v. County of Maui, Case Nos. AB 2003-229 (M) and 8-98-03944. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ESTEFANIA ACOBA VS. COUNTY OF MAUI, CASE NOS. AB 2003-229 (M) AND 8-98-03944". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim and related appeal.

Your Committee notes that the claim alleges work-related injuries sustained on November 16, 1998. Your Committee further notes that Estefania Acoba filed an appeal arising from that claim on May 14, 2003.

At its meeting, your Committee met with the Director of Public Works and Environmental Management; 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 claim, stating the injuries allegedly arose while the claimant was lifting trash, 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.

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At its executive meeting, your Committee met with the Director of Public Works and Environmental Management; the Risk Manager, Department of Finance; and a 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 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 ESTEFANIA ACOBA VS. COUNTY OF MAUI, CASE NOS. AB 2003-229 (M) AND 8-98-03944" be ADOPTED.

Adoption of this report is respectfully requested.

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