

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 5, 2004

Committee
Report No. 04-190

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 September 1, 2004 and October 11, 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 August 23, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Michael T. Santos v. County of Maui, Case No. 7-02-01313. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MICHAEL T. SANTOS VS. COUNTY OF MAUI, CASE NO. 7-02-01313". 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 May 6, 2002.

At its meeting of September 1, 2004, your Committee met with a Deputy Corporation Counsel; and the Chief of Litigation, Department of the Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case, informing your Committee that the injuries allegedly occurred while Mr. Santos was using a sledgehammer.

Your Committee deferred the matter pending further discussion.

At its meeting of October 11, 2004, your Committee met with the Director of Public Works and Environmental Management; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

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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 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 MICHAEL T. SANTOS VS. COUNTY OF MAUI, CASE NO. 7-02-01313" be **ADOPTED**.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA **Member**

DAIN P. KANE **Vice-Chair**

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