

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 20, 2004

**Committee
Report No.**

04-34

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 February 4, 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 January 12, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Alex Bode v. County of Maui, Case No. 7-00-03006. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ALEX BODE VS. COUNTY OF MAUI, CASE NO. 7-00-03006". 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 August 7, 2000 by Alex Bode.

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 case, informing your Committee that the injury occurred while the claimant was collecting refuse. The Deputy Corporation Counsel 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.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 20, 2004
Page 2

Committee
Report No. 04-34

Following the executive meeting, your Committee reconvened in regular session. The Deputy Corporation Counsel informed your Committee of a technical error in the proposed resolution, which incorrectly reflected the date of Mr. Bode's injury. Your Committee voted to revise the proposed resolution to change the date in the first paragraph to August 7, 2000.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the revised 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 approved as to form and legality, incorporating the technical revision.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF ALEX BODE VS. COUNTY OF MAUI, CASE NO. 7-00-03006" be ADOPTED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 20, 2004
Page 3

Committee
Report No. 04-34

ROBERT CARROLL **Chair**

MICHAEL J. MOLINA **Member**

DAIN P. KANE **Vice-Chair**

WAYNE K. NISHIKI **Member**

G. RIKI HOKAMA **Member**

JOSEPH PONTANILLA **Member**

JO ANNE JOHNSON **Member**

CHARMAINE TAVARES **Member**

DANNY A. MATEO **Member**