

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 20, 2004

**Committee  
Report No.**

04-33

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 Richard Clayton v. County of Maui, Case No. 7-03-01020. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RICHARD CLAYTON VS. COUNTY OF MAUI, CASE NO. 7-03-01020". 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 April 20, 2003 by Richard Clayton.

At its meeting, your Committee met with the Fire Chief; 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 Mr. Clayton was participating in physical training. 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 Fire Chief; 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.** 04-33

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 RICHARD CLAYTON VS. COUNTY OF MAUI, CASE NO. 7-03-01020" be ADOPTED.

Adoption of this report is respectfully requested.

cow:cr:0401(1)fa:cmn

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 20, 2004  
Page 3

Committee  
Report No. 04-33

---

**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