

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

June 4, 2004

Committee
Report No.

04-85

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 May 12, 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 April 15, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Joseph T. Wallon, Jr. v. County of Maui, Case Nos. 7-02-00493, 7-02-00953 and 7-02-01711. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSEPH T. WALLON, JR., VS. COUNTY OF MAUI, CASE NOS. 7-02-00493, 7-02-00953, 7-02-01711". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the cases.

Your Committee notes that the claims allege work-related injuries sustained on January 30, 2002, February 5, 2002, and May 20, 2002.

By correspondence dated May 4, 2004, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSEPH T. WALLON, JR., VS. COUNTY OF MAUI, CASE NOS. 7-02-00493, 7-02-00953, 7-02-01711". The revised proposed resolution conforms to the standard format followed by the Department.

At its meeting, your Committee met with a Captain of the Department of Police; 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 cases, informing your Committee that the injuries allegedly occurred while Mr. Wallon was participating in police recruit training. The Deputy Corporation Counsel requested the opportunity to discuss the matter in an executive meeting.

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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 a Captain of the Department of Police; the Risk Manager, Department of Finance; a Deputy Corporation Counsel; and the Chief of Litigation, Department of the 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 revised 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 JOSEPH T. WALLON, JR., VS. COUNTY OF MAUI, CASE NOS. 7-02-00493, 7-02-00953, 7-02-01711" be **ADOPTED**.

Adoption of this report is respectfully requested.

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