

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

April 2, 2004

**Committee
Report No.**

04-68

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 March 15, 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 February 4, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Alan Akana v. County of Maui, Case No. 7-02-03691. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ALAN AKANA VS. COUNTY OF MAUI, CASE NO. 7-02-03691". 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 to Alan Akana's right knee on November 15, 2002.

At its meeting, your Committee met with 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 injuries allegedly occurred while Mr. Akana was pushing a jet ski into the water. The case involves the Department of Parks and Recreation. 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 and Deputy Director of Parks and Recreation; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

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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 ALAN AKANA VS. COUNTY OF MAUI, CASE NO. 7-02-03691" be ADOPTED.

Adoption of this report is respectfully requested.

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