

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

January 6, 2004

Committee
Report No.

_____ 04-1

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 December 16, 2003, 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 November 17, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Charles Silva v. County of Maui, Case Nos. 7-02-02296 and 7-01-01302. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHARLES SILVA VS. COUNTY OF MAUI, CASE NOS. 7-02-02296 AND 7-01-01302". 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 November 23, 2001 and April 23, 2001 by Charles Silva.

At its meeting, your Committee met with the Deputy Director of Parks and Recreation; 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, stating that each of the claims arose as a result of falls by the Department of Parks and Recreation employee while on the job. 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.

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At its executive meeting, your Committee met with the Deputy Director of Parks and Recreation; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

Following the executive meeting, your Committee reconvened in regular session. Your Committee requested that a letter be sent to the Department of Personnel Services, inquiring about the number of employees who have part-time or full-time outside employment that has been approved by the County. Your Committee also requested that the Department of Finance be asked to update its reports concerning the dollar amount of claims and settlements approved, by department.

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 CHARLES SILVA VS. COUNTY OF MAUI, CASE NOS. 7-02-02296 AND 7-01-01302" be ADOPTED.

Adoption of this report is respectfully requested.

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