

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 21, 2003

Committee
Report No. 03-16

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 5, 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 January 14, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Dawn Y. Danley v. County of Maui, Department of Police, Case No. 7-99-02804. Attached to the request was a copy of the proposed resolution entitled "AUTHORIZING SETTLEMENT OF DAWN Y. DANLEY VS. COUNTY OF MAUI, DEPARTMENT OF POLICE; CASE NO. 7-99-02804". 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 a dislocated ankle injury sustained on August 9, 1999 by Dawn Y. Danley, a County employee.

At its meeting, your Committee met with three Deputy Corporation Counsel.

There being no public testimony, a Deputy Corporation Counsel provided a brief overview of the case and 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 two 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 (Department), your Committee voted to recommend adoption of the proposed resolution to approve the settlement of the matter under the terms proposed in the executive meeting.

Your Committee discussed ways to improve pre-employment procedures to allow the County to make a determination of the prospective employee's physical condition. Your Committee also discussed the possibility of physical examinations designed to monitor a County employee's physical condition. The information would provide the Department a better basis for evaluating future proposed settlements.

Your Committee of the Whole **RECOMMENDS** that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF DAWN Y. DANLEY VS. COUNTY OF MAUI, DEPARTMENT OF POLICE; CASE NO. 7-99-02804" be **ADOPTED**.

Adoption of this report is respectfully requested.

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