

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

April 4, 2003

**Committee
Report No.**

03-32

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 20, 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 March 3, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Raymond F. Burns v. County of Maui, Case Nos. 7-00-03893, 7-01-02109, and 7-02-03136. Attached to the request was a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RAYMOND F. BURNS VS. COUNTY OF MAUI, CASE NOS. 7-00-03893, 7-01-02109, AND 7-02-03136". 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 September 18, 2000, May 23, 2001, and August 21, 2002, by Raymond F. Burns, a former employee of the Department of Public Works and Waste Management.

At its meeting, your Committee met with the Director of Public Works and Environmental Management, the Public Works Construction and Maintenance Superintendent from the Department of Public Works and Environmental Management, the First Deputy Corporation Counsel, and two Deputy Corporation Counsel.

There being no public testimony, a Deputy Corporation Counsel provided a brief overview of the cases 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.

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At its executive meeting, your Committee met with the Director of Public Works and Environmental Management, the Public Works Construction and Maintenance Superintendent from the Department of Public Works and Environmental Management, the First Deputy Corporation Counsel, and a Deputy 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 proposed resolution to approve 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 RAYMOND F. BURNS VS. COUNTY OF MAUI, CASE NOS. 7-00-03893, 7-01-02109, AND 7-02-03136" be ADOPTED.

Adoption of this report is respectfully requested.

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ROBERT CARROLL **Chair**

MICHAEL J. MOLINA **Member**

DAIN P. KANE **Vice-Chair**

WAYNE K. NISHIKI **Member**

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JOSEPH PONTANILLA **Member**

JO ANNE JOHNSON **Member**

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DANNY A. MATEO **Member**