

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 18, 2003

**Committee
Report No.**

03-55

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 June 30, 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 May 21, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Cathryne J. Barnes's Claim No. 2002-084/1782315-0004. Attached to the request was a copy of the claim and related documents. Also attached to the request was a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-084/1782315-0004 OF CATHRYNE J. BARNES". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$19,000.

Your Committee notes that the claim alleges damages sustained when the claimant tripped and fell at the intersection of Front and Dickenson Streets on April 13, 2002.

At its meeting, your Committee met with the Deputy Director of Public Works and Environmental Management, a Civil Engineer 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 case, stating that the claimant alleges that she was walking down Front Street in Lahaina and was unable to see the distinction in the levels of a walkway that had been painted over, causing her to trip and fall. 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 the Deputy Director of Public Works and Environmental Management, a Civil Engineer from the Department of Public Works and Environmental Management, the First Deputy Corporation Counsel, and two 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 CLAIM NO. 2002-084/1782315-0004 OF CATHRYNE J. BARNES" be ADOPTED.

Adoption of this report is respectfully requested.

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