

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

August 1, 2003

**Committee  
Report No.**

03-69

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 July 21, 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 30, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Jon Rich v. County of Maui, Case No. 7-01-03299. Attached to the request was a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JON RICH VS. COUNTY OF MAUI, CASE NO. 7-01-03299". 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 sustained on August 24, 2001 by Jon Rich.

At its meeting, your Committee met with the Director of Water Supply, the First Deputy Corporation Counsel, and a Deputy Corporation Counsel.

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case, informing your Committee that an employee of the Department of Water Supply alleged that he twisted his knee when he lifted a heavy rolled plan from an upper shelf. 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 of Water Supply, the First Deputy Corporation Counsel, and a Deputy Corporation Counsel.

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

August 1, 2003  
Page 2

Committee  
Report No. 03-69

Following the executive meeting, your Committee reconvened in regular session.

Your Committee expressed concerns about the Executive Branch's policies and procedures in purporting to approve recommendations from the insurance adjuster for settlement authority in excess of \$3,000. Your Committee notes that the Council possesses exclusive authority for settlements in excess of \$3,000. Concerns over preserving the confidentiality of proposed settlements and the privacy rights of claimants were also discussed.

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 further voted to recommend that the matter of the Executive Branch's policies and procedures in "approving" recommendations for settlement authority in excess of \$3,000 be referred to your Government Relations Committee for further consideration.

Your Committee of the Whole RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JON RICH VS. COUNTY OF MAUI, CASE NO. 7-01-03299" be ADOPTED; and
2. That the matter of the Executive Branch's policies and procedures in "approving" recommendations for settlement authority in excess of \$3,000 be REFERRED to your Government Relations Committee.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

August 1, 2003  
Page 3

Committee  
Report No. 03-69

---

**ROBERT CARROLL** Chair

---

**MICHAEL J. MOLINA** Member

---

**DAIN P. KANE** Vice-Chair

---

**WAYNE K. NISHIKI** Member

---

**G. RIKI HOKAMA** Member

---

**JOSEPH PONTANILLA** Member

---

**JO ANNE JOHNSON** Member

---

**CHARMAINE TAVARES** Member

---

**DANNY A. MATEO** Member