

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 9, 2003

**Committee
Report No.**

03-152

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 November 5, 2003 and November 19, 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 October 7, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Ronald Davis v. County of Maui, Case No. 7-99-02989. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF RONALD DAVIS VS. COUNTY OF MAUI, CASE NO. 7-99-02989". 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 September 5, 1999 by Ronald Davis.

At its meeting of November 5, 2003, your Committee met with the First Deputy Corporation Counsel.

There was no public testimony. Your Committee deferred discussion on the matter.

At its meeting of November 19, 2003, your Committee met with the Fire Chief; the Risk Manager, Department of Finance; 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, stating that the claim involved work-related injuries that occurred while rescuing stranded hikers. The Deputy Corporation Counsel requested the opportunity to discuss the matter in an executive meeting.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 9, 2003
Page 2

Committee
Report No. 03-152

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 Fire Chief; the Risk Manager, Department of Finance; the First Deputy Corporation Counsel; and a Deputy Corporation Counsel.

Following the executive meeting, your Committee reconvened in regular session. Your Committee suggested that the Administration consider possible means of recapturing rescue-related workers' compensation costs.

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 RONALD DAVIS VS. COUNTY OF MAUI, CASE NO. 7-99-02989" be **ADOPTED**.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 9, 2003
Page 3

Committee
Report No. 03-152

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DAIN P. KANE **Vice-Chair**

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