

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 18, 2003

Committee
Report No. 03-60

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 June 2, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Cheryl Freitas-Antonio v. County of Maui, Case Nos. 7-93-03755, 7-99-01199, and 7-01-02585. Attached to the request was a copy of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHERYL FREITAS-ANTONIO VS. COUNTY OF MAUI, CASE NOS. 7-93-03755, 7-99-01199, AND 7-01-02585". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the cases.

By correspondence dated June 23, 2003, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CHERYL FREITAS-ANTONIO VS. COUNTY OF MAUI, CASE NOS. 7-95-00001, 7-99-01149, AND 7-01-02585". The revised proposed resolution corrects the case numbers for the first and second cases.

Your Committee notes that the claims allege work-related injuries sustained on January 4, 1995, April 20, 1999, and August 9, 2001, by Cheryl Freitas-Antonio.

At its meeting, your Committee met with the Deputy Director of Finance, the Treasurer from the Department of Finance, 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 and 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 Treasurer from the Department of Finance, 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 revised 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 CHERYL FREITAS-ANTONIO VS. COUNTY OF MAUI, CASE NOS. 7-95-00001, 7-99-01149, AND 7-01-02585" be ADOPTED.

Adoption of this report is respectfully requested.

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