

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 7, 2003

Committee
Report No. 03-136

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 October 13, 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 July 10, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Joseph Duarte v. County of Maui, Case No. 7-99-02997. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSEPH DUARTE VS. COUNTY OF MAUI, CASE NO. 7-99-02997". 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 26, 1999 by Joseph Duarte.

At its meeting, your Committee met with 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 injury allegedly occurred while Mr. Duarte was using a sledgehammer to destroy a wall. 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.

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At its executive meeting, your Committee met with the Director of Water Supply; 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. 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 JOSEPH DUARTE VS. COUNTY OF MAUI, CASE NO. 7-99-02997" be ADOPTED.

Adoption of this report is respectfully requested.

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