

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

March 23, 2005

**Committee  
Report No.**

05-41

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 March 9, 2005, makes reference to County Communication No. 05-24, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated February 4, 2005, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Anselm Yazaki v. County of Maui, Case No. 7-02-02298. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ANSELM YAZAKI V. COUNTY OF MAUI, CASE NO. 7-02-02298". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the case alleges work-related injuries sustained by Anselm Yazaki on July 29, 2002.

At its meeting, your Committee met with the Deputy Chief of Police, the Corporation Counsel, and two Deputy Corporation Counsel.

There was 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.

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 Chief of Police, the Corporation Counsel, and a Deputy Corporation Counsel.

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

March 23, 2005  
Page 2

Committee  
Report No. 05-41

Following the executive meeting, your Committee reconvened in regular session. Your Committee requested that the Department of the Corporation Counsel set forth the County's policy regarding third party claims.

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 ANSELM YAZAKI V. COUNTY OF MAUI, CASE NO. 7-02-02298" be ADOPTED.

Adoption of this report is respectfully requested.

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

March 23, 2005  
Page 3

Committee  
Report No. 05-41

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