

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

January 6, 2012

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on December 14, 2011, makes reference to County Communication 11-30, from Council Chair Danny A. Mateo, regarding litigation matters.

By correspondence dated December 6, 2011, the Department of the Corporation Counsel requested consideration of the possible settlement of Jon DeCambra v. County of Maui, Case 7-09-01570. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JON DECAMBRA VS. COUNTY OF MAUI, CASE NO. 7-09-01570". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the workers' compensation claim under different terms than were previously authorized.

Your Committee notes that the claim alleges work-related injuries sustained on July 20, 2009. Your Committee further notes that the Council previously authorized settlement of the workers' compensation claim by Resolution 11-90.

A Deputy Corporation Counsel provided a brief overview of the case. He stated that the claim involved a County employee, Jon DeCambra, who sustained a work-related injury. He further advised that Mr. DeCambra had declined the proposed settlement authorized by Resolution 11-90, asking that one of the terms of settlement be removed. The Deputy Corporation Counsel requested the opportunity to discuss the matter in an executive meeting, closed to the public.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes ("HRS"); and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential under a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), HRS.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the

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Corporation Counsel, your Committee voted 7-0 to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting. Committee Chair Hokama, Vice-Chair Carroll, and members Cochran, Couch, Mateo, Victorino, and White voted "aye". Committee members Baisa and Pontanilla were excused.

Your Policy Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JON DECAMBRA VS. COUNTY OF MAUI, CASE NO. 7-09-01570", be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF JON DECAMBRA VS.
COUNTY OF MAUI, CASE NO. 7-09-01570

WHEREAS, Claimant Jon DeCambra filed a Workers' Compensation Claim alleging work-related injuries sustained on July 20, 2009; and

WHEREAS, the Council previously authorized settlement in this matter pursuant to Resolution No. 11-90, but the Claimant rejected the authorized offer; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of the proposed settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement of the Workers' Compensation Claim under the terms and conditions as proposed in an executive meeting before the Policy Committee; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the settlement of Jon DeCambra vs. County of Maui, Case No. 7-09-01570 under the terms set forth in an executive meeting before the Policy Committee; and

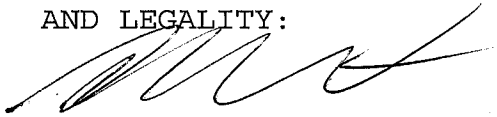
2. That the Mayor is authorized to execute a Stipulated Compromise and Release Agreement on behalf of the County in this case; and

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3. That payment is authorized to satisfy this settlement following approval of the Stipulated Compromise and Release Agreement by the Department of Labor; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



RICHARD B. ROST
Deputy Corporation Counsel
County of Maui