

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

April 5, 2013

**Committee
Report No.** _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on March 15, 2013, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated March 5, 2013, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KELLY PAUOLE V. COUNTY OF MAUI, CASE NO. AB 2012-152 (M)". The claim alleges work-related injuries sustained on November 28, 2006. The purpose of the proposed resolution is to authorize settlement of the case.

Your Committee notes that Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

A Deputy Corporation Counsel explained that the case involves a workers' compensation claim brought by Kelly Pauole, an officer with the Department of Police. According to the Deputy, Mr. Pauole alleges that he suffers from post-traumatic stress disorder resulting from his lawful use of force against a suspect while on duty. Based on the recommendation of the Deputy, your Committee voted to convene an executive meeting, closed to the public, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes ("HRS"), to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee, and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Following the executive meeting, your Committee reconvened in regular session.

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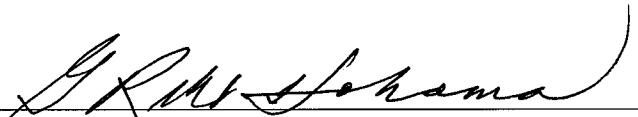
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Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Hokama and members Carroll, Cochran, Crivello, and Guzman voted "aye". Committee Vice-Chair Couch and members Baisa, Victorino, and White were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF KELLY PAUOLE V. COUNTY OF MAUI, CASE NO. AB 2012-152 (M)", 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 KELLY PAUOLE V.
COUNTY OF MAUI, CASE NO. AB 2012-152 (M)

WHEREAS, Claimant Kelly Pauole filed a Workers' Compensation Claim alleging work-related injuries sustained on November 28, 2006; 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 and Intergovernmental Affairs Committee; now, therefore,

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

1. That it hereby approves the settlement of Kelly Pauole v. County of Maui, Case No. AB 2012-152 (M), under the terms set forth in an executive meeting before the Policy and Intergovernmental Affairs Committee; and

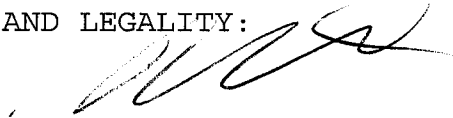
2. That the Mayor is authorized to execute a Stipulated Compromise and Release Agreement on behalf of the County in this case; and

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

Resolution No. _____

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

APPROVED AS TO FORM
AND LEGALITY:



RICHARD B. ROST
Deputy Corporation Counsel
County of Maui

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