

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

October 18, 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 September 25, 2013, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated September 5, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of Taataai Ioane v. County of Maui, Case 7-08-00877. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TAATAAI IOANE V. COUNTY OF MAUI, CASE NO. 7-08-00877". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

The claim alleges that on March 24, 2008, Mr. Ioane suffered a work-related injury to his right knee while he was employed and on duty with the Department of Water Supply.

Your Committee notes Section 3.16.020(A), Maui County Code, provides the authority for settlement of workers' compensation claims.

A Deputy Corporation Counsel gave a brief overview of the case and recommended your Committee consider the matter in an executive meeting. Your Committee voted to convene an executive meeting, closed to the public, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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), Hawaii Revised Statutes, 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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Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF TAATAAI IOANE V. COUNTY OF MAUI, CASE NO. 7-08-00877", be ADOPTED.

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



GRIKI HOKAMA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF TAATAAI IOANE V.
COUNTY OF MAUI, CASE NO. 7-08-00877

WHEREAS, Claimant Taataai Ioane filed a Workers' Compensation Claim alleging work-related injuries sustained on March 24, 2008; 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 TAATAAI IOANE v. County of Maui, Case No. 7-08-00877, under the terms set forth in an executive meeting before the Policy and Intergovernmental Affairs Committee; and

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

3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case, under such

Resolution No. _____

terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

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

5. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of the Department of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui

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