

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

December 19, 2014

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 December 8, 2014, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated October 23, 2014, the Department of the Corporation Counsel requested consideration of the possible settlement of James P. Nelson v. County of Maui, Disability Compensation Division Case 7-11-00780. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMES P. NELSON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-00780". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes Section 3.16.020(A), Maui County Code, requires Council authorization for any settlement of a workers' compensation claim in excess of the authority granted by that provision.

A Deputy Corporation Counsel explained the case involves a workers' compensation claim brought by James P. Nelson, a lifeguard who injured his lower back during work-related training exercises on April 16, 2011. Because the case involves ongoing litigation and confidential medical information, the Deputy requested the opportunity to convene an executive meeting.

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; and 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, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

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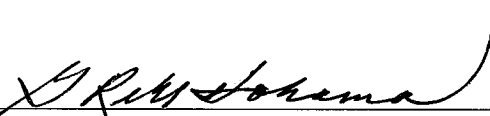
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Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted 6-0 to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting. Committee Chair Hokama, Vice-Chair Couch, and members Carroll, Cochran, Crivello, and White voted "aye". Committee members Baisa, Guzman, and Victorino were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JAMES P. NELSON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-00780", be ADOPTED.

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



G. RIKI HOKAMA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF JAMES P. NELSON V. COUNTY OF MAUI,
DISABILITY COMPENSATION DIVISION CASE NO. 7-11-00780

WHEREAS, Claimant James P. Nelson filed a Workers' Compensation Claim alleging work-related injuries sustained on April 16, 2011; 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 James P. Nelson v. County of Maui, Disability Compensation Division Case No. 7-11-00780, 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 Stipulation and Settlement 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

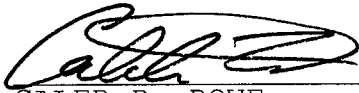
Resolution No. _____

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 Stipulation and Settlement Agreement by the Department of Labor and Industrial Relations; and

5. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Parks and Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui