

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 6, 2015

Committee
Report No. _____

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 October 16, 2015, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated September 4, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Judson K. McCandless v. County of Maui, Disability Compensation Division Case 7-12-00096. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JUDSON K. McCANDLESS V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-12-00096." 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 provided a brief overview of the case. He noted Judson K. McCandless was a County firefighter from February 2008 to December 2012. While Mr. McCandless was on duty in January 2012, he participated in a basketball game as part of his training program and injured his ankle. Mr. McCandless voluntarily left County employment, but the County remains liable for his medical expenses.

The Fire Chief confirmed basketball is one of the Department of Fire and Public Safety's sanctioned training activities for aerobic exercise.

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Because the case involves ongoing litigation and confidential medical information, the Deputy Corporation Counsel 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.

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

Your Committee of the Whole RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JUDSON K. McCANDLESS V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-12-00096," be ADOPTED.

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



DON S. GUZMAN, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
JUDSON K. McCANDLESS V. COUNTY OF MAUI,
DISABILITY COMPENSATION DIVISION CASE NO. 7-12-00096

WHEREAS, Claimant Judson K. McCandless filed a Workers' Compensation Claim alleging work-related injuries sustained on January 1, 2012; 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 proposed in an executive meeting before the Committee of the Whole; now therefore,

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

1. That it hereby approves settlement of Judson K. McCandless v. County of Maui, Disability Compensation Division Case No. 7-12-00096, under the terms set forth in an executive meeting before the Committee of the Whole; and

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

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

5. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Fire Chief, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui