

**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 11, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Walter Havekorst v. County of Maui, Disability Compensation Division Case 7-09-01885. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF WALTER HAVEKORST V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-01885." 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 Walter Havekorst was employed as a land agent for the Department of Public Works. On September 8, 2009, Mr. Havekorst was seated at his desk while on the job and turned to pick up a file box. The box slipped and fell, and Mr. Havekorst attempted to pick it up again. When he did so he experienced pain in his back and his right leg. The pain later moved to his left leg.

Because the case involves ongoing litigation and confidential medical information, the Deputy Corporation Counsel requested the opportunity to convene an executive meeting.

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**Committee**  
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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.

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 to authorize the settlement of the matter under the terms proposed in the executive meeting. 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 WALTER HAVEKORST V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-01885," 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 WALTER HAVEKORST V.  
COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION  
CASE NO. 7-09-01885

WHEREAS, Claimant Walter Havekorst filed a Workers' Compensation Claim alleging work-related injuries sustained on September 8, 2009; 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 Committee of the Whole; now, therefore,

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

1. That it hereby approves the settlement of Walter Havekorst v. County of Maui, Disability Compensation Division Case No. 7-09-01885, under the terms set forth in an executive meeting before the Committee of the Whole; and

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

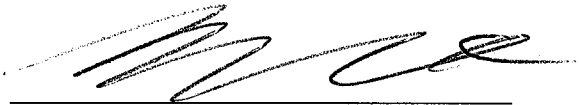
3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy the settlement of this case, under such terms and conditions as may be imposed and agreed to by the Corporation Counsel; and

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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 Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



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RICHARD B. ROST  
Deputy Corporation Counsel  
County of Maui