

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

January 6, 2004

Committee
Report No.

04-3

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 December 16, 2003, makes reference to County Communication No. 03-19, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated October 24, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Jamie J. Becraft v. County of Maui, Case Nos. AB 2003-223 (M), 7-98-01964, 7-99-02271 and 8-01-00226. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMIE J. BECRAFT VS. COUNTY OF MAUI, CASE NOS. AB 2003-223 (M), 7-98-01964, 7-99-02271 AND 8-01-00226". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the cases.

Your Committee notes that the claims allege work-related injuries sustained on June 1, 1998, June 30, 1999, and December 13, 2000 by Jamie Becraft.

At its meeting, your Committee met with the Deputy Chief of Police; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case, stating that there are three work-related injuries at issue. Case No. AB 2003-223 (M) involves an appeal of one of the other three claims noted. One of the injuries arose from a motor vehicle accident, and the other two injuries arose while Mr. Becraft was attempting to arrest suspects. The Deputy Corporation Counsel requested the opportunity to discuss the matter in an executive meeting.

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Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Deputy Chief of Police; the Risk Manager, Department of Finance; and a Deputy Corporation Counsel.

Following the executive meeting, your Committee reconvened in regular session. Your Committee discussed concerns over conflicting information in reports provided to your Committee during executive session. Your Committee also discussed the importance of having the Risk Management Division work with the individual departments to evaluate measures to mitigate the risk of injury or re-injury in assigning tasks to employees. Your Committee suggested the possibility of having a workshop to consider risk management issues and how the different departments are integrated into risk management decisions.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JAMIE J. BECRAFT VS. COUNTY OF MAUI, CASE NOS. AB 2003-223 (M), 7-98-01964, 7-99-02271 AND 8-01-00226" be ADOPTED.

Adoption of this report is respectfully requested.

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