

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND  
LEGAL AFFAIRS COMMITTEE**

April 6, 2018

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on March 13, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated January 24, 2018, the Department of the Corporation Counsel requested consideration of the possible settlement of Glen R. Cabatingan v. County of Maui, Disability Compensation Division Case 7-15-01528. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF GLEN R. CABATINGAN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-15-01528." The purpose of the proposed resolution is to authorize the Department 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 said the workers' compensation claim involves an employee of the Department of Public Works who injured his lower back during the course and scope of his employment with the County. At the time of the injury, Mr. Cabatingan was making repairs on a refuse truck. The part needing repair was in a tight location and Mr. Cabatingan was working in an awkward position for a prolonged period of time to make the repair. According to the proposed resolution, the injuries were sustained on August 14, 2015.

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The Deputy said he had received a settlement proposal from Mr. Cabatingan's attorney. The proposed settlement would require Council approval.

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 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. Based on the information received and the recommendation of the Department, your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Guzman and members Carroll, Cochran, Crivello, and Sugimura voted "aye." Committee Vice-Chair King and members Atay, Hokama, and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee **RECOMMENDS** that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF GLEN R. CABATINGAN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-15-01528," be **ADOPTED**.

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

  
\_\_\_\_\_  
DON S. GUZMAN, Chair

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# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF  
GLEN R. CABATINGAN V. COUNTY OF MAUI,  
DISABILITY COMPENSATION DIVISION CASE NO. 7-15-01528

WHEREAS, Claimant Glen R. Cabatingan filed a Workers' Compensation Claim alleging work-related injuries sustained on August 14, 2015; 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 Parks, Recreation, Energy, and Legal Affairs Committee; now therefore,

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

1. That it hereby approves settlement of Glen R. Cabatingan v. County of Maui, Disability Compensation Division Case No. 7-15-01528, under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal 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

**Resolution No. \_\_\_\_\_**

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 Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2015-0352