

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

October 7, 2022

**Committee
Report No. _____**

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee,
having met on September 13, 2022, makes reference to the following:

1. County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.
2. Resolution 22-104, from the Department of the Corporation Counsel entitled "AUTHORIZING SETTLEMENT OF JAMIE BECRAFT V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00849."

Resolution 22-104's purpose is to authorize the Department of the Corporation Counsel to settle the Workers' Compensation claim, under terms set forth in an executive meeting.

By correspondence dated April 25, 2022, the County Clerk transmitted a letter from the Department of the Corporation Counsel dated April 12, 2022, requesting consideration of Resolution 22-104.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

A Deputy Corporation Counsel provided a brief overview of the claim in regular session. The claim alleges work-related injuries Mr. Becraft sustained from being physically assaulted on April 4, 2009.

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The Deputy Corporation Counsel requested an executive meeting to discuss confidential information related to the claim.

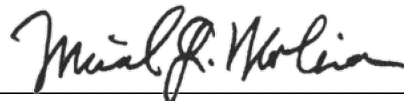
Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Based on the information received in executive session and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of Resolution 22-104. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Lee, and Sinenci voted “aye.” Committee members Paltin and Sugimura were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-104, attached hereto, entitled “AUTHORIZING SETTLEMENT OF JAMIE BECRAFT V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00849,” be ADOPTED.

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



MICHAEL J. MOLINA, Chair

Resolution

No. 22-104

AUTHORIZING SETTLEMENT OF
JAMIE BECRAFT V. COUNTY OF MAUI,
DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00849

WHEREAS, Claimant Jamie Becraft, filed a Workers' Compensation Claim alleging work related injuries sustained on April 4, 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 proposed in an executive meeting; now therefore,

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


1. That it hereby approves settlement of Jamie Becraft v. County of Maui, Disability Compensation Division Case No. 7-09-00849, under the terms set forth in an executive meeting; and
2. That it hereby authorizes the Mayor to execute a Stipulation and Settlement Agreement on behalf of the County in this case;
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

Resolution No. 22-104

4. That payment is authorized to satisfy this settlement following approval of the Stipulation and Settlement Agreement by the Department of the 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 Maui Police Department, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE
Deputy Corporation Counsel
County of Maui

Resolution No. 22-104

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John Lee", is written over a horizontal line.

Upon the request of the Mayor.