

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

August 8, 2017

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 July 5, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated June 28, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of John S. Diaz v. County of Maui, Disability Compensation Division Case 7-04-01704. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOHN S. DIAZ V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-04-01704." 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 who, during the course and scope of employment, fell off a ten-foot stepladder from the seven-foot level, injuring both wrists and shattering his right heel. According to the proposed resolution, the injuries were sustained on June 14, 2004.

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

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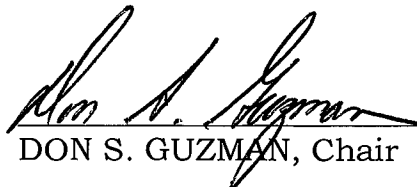
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Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon 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 6-0 to recommend adoption of the proposed resolution. Committee Chair Guzman and members Atay, Carroll, Crivello, Hokama, and Sugimura voted "aye." Committee Vice-Chair King and members Cochran and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JOHN S. DIAZ V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-04-01704," 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
JOHN S. DIAZ V. COUNTY OF MAUI,
DISABILITY COMPENSATION DIVISION CASE NO. 7-04-01704

WHEREAS, Claimant John S. Diaz filed a Workers' Compensation Claim alleging work-related injuries sustained on June 14, 2004; 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 John S. Diaz v. County of Maui, Disability Compensation Division Case No. 7-04-01704, 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 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 Environmental Management, 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