

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

July 20, 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 July 3, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated June 21, 2018, the Department of the Corporation Counsel requested consideration of the possible settlement of Donna Takitani v. County of Maui, Disability Compensation Division Cases 7-15-01931 and 7-16-00277. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DONNA TAKITANI V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NOS. 7-15-01931 AND 7-16-00277." The purpose of the proposed resolution is to authorize the Department to settle the cases.

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 workers' compensation claims. He said Ms. Takitani was a maintenance supervisor with the Department of Parks and Recreation who has since retired. The first injury occurred on November 9, 2015, when Ms. Takitani was trying to move a maintenance cart that was locked in first gear. When she attempted to shift the cart into reverse, the cart jerked forward and she braked suddenly, causing a whiplash-like injury.

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The second injury occurred on January 14, 2016, when Ms. Takitani was helping another employee of the Department of Parks and Recreation spray yellow jacket nests around the dugout officials' booth near the Eddie Tam baseball and softball fields. While she was spraying, the yellow jackets began to fly in her direction. She tried to avoid them and fell backwards, injuring her buttocks, back, hip, neck, and shoulder.

Because the cases involve 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 of the Corporation Counsel, your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Vice-Chair King and members Atay, Crivello, Sugimura, and White voted "aye." Committee Chair Guzman and members Carroll, Cochran, and Hokama were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF DONNA TAKITANI V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NOS. 7-15-01931 AND 7-16-00277," 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  
DONNA TAKITANI V. COUNTY OF MAUI,  
DISABILITY COMPENSATION DIVISION  
CASE NOS. 7-15-01931 AND 7-16-00277

WHEREAS, Claimant Donna Takitani filed a Workers' Compensation Claim alleging work-related injuries sustained on November 9, 2015 and on January 14, 2016; 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 Donna Takitani v. County of Maui, Disability Compensation Division Case Nos. 7-15-01931 and 7-16-00277, 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

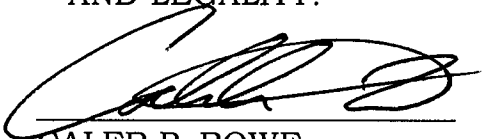
**Resolution No. \_\_\_\_\_**

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 Parks and Recreation, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

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

CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2015-0439 and RISK 2016-0517