

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

November 22, 2019

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

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on November 4, 2019, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated August 22, 2019, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TIMOTHY C. GALBRAITH V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-00877."

The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the workers' compensation claim.

Your Committee notes the claim alleges work-related injuries sustained by County employee Timothy C. Galbraith on May 2, 2011.

Your Committee further 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.

Because the case involves ongoing litigation, a Deputy Corporation Counsel requested the opportunity to convene an executive meeting.

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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 Vice-Chair Rawlins-Fernandez and members Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee Chair Molina and members Hokama and King were excused.

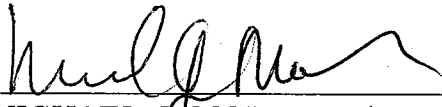
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF TIMOTHY C. GALBRAITH V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-00877," be ADOPTED.

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

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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# Resolution

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

AUTHORIZING SETTLEMENT OF  
TIMOTHY C. GALBRAITH V. COUNTY OF MAUI,  
DISABILITY COMPENSATION DIVISION  
CASE NO. 7-11-00877

WHEREAS, Claimant Timothy C. Galbraith filed a Workers' Compensation Claim alleging work-related injuries sustained on May 2, 2011; 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 Governance, Ethics, and Transparency Committee; now therefore,

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

1. That it hereby approves settlement of Timothy C. Galbraith v. County of Maui, Disability Compensation Division Case Nos. 7-11-00877 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

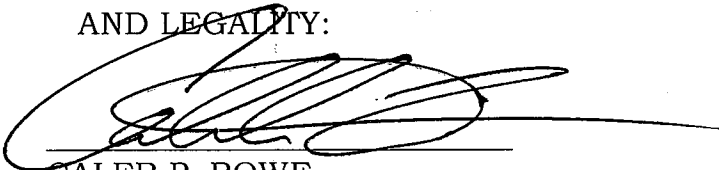
2. That it hereby authorizes the Mayor to execute a Stipulation and Settlement Agreement on behalf of the County in this case; and

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

3. That 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

4. That certified copies of this resolution be transmitted to the Mayor; the Director of Finance; the Director of Water Supply; 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  
RiskConvWC-146