

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

July 6, 2012

Committee
Report No. _____

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

Chair and Members:

Your Policy Committee, having met on June 26, 2012, makes reference to County Communication 11-30, from Council Chair Danny A. Mateo, regarding litigation matters.

By correspondence dated June 14, 2012, the Department of the Corporation Counsel requested consideration of the possible settlement of the Claim of Shannon Ferreira, Claim 2012-002. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-002 OF SHANNON FERREIRA". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$12,385.33.

Your Committee notes that the claim alleges damages arising out of an automobile accident involving a County vehicle at the intersection of Piilani Highway and Ohukai Road, Kihei, Maui, Hawaii, on November 10, 2011.

A Deputy Corporation Counsel provided a brief overview of the case. She noted that the collision involved a Department of Fire and Public Safety truck being operated by a Department employee. The truck struck Ms. Ferreira's vehicle, which was declared a total loss. The requested settlement amount is for property damages and incidental towing and storage expenses incurred as a result of the accident. The Deputy Corporation Counsel requested the opportunity to discuss the matter in an executive meeting, closed to the public.

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 ("HRS"); and 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, pursuant to Section 92-5(a)(8), HRS.

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 8-0 to recommend adoption of the proposed

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

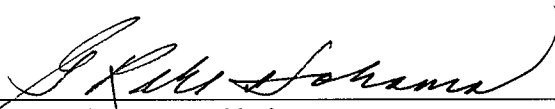
July 6, 2012
Page 2

Committee
Report No. _____

resolution to authorize the settlement of the matter for \$12,385.33. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Couch, Mateo, Pontanilla, and Victorino voted "aye". Committee member White was excused.

Your Policy Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-002 OF SHANNON FERREIRA" be ADOPTED.

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



G. RIKI HOKAMA, Chair

pol:cr:12001(25)aa:cmn

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-002 OF SHANNON FERREIRA

WHEREAS, Shannon Ferreira filed Claim No. 2012-002 on January 12, 2012, against the County of Maui for damages arising out of an automobile accident at the intersection of Piilani Highway and Ohukai Road, on November 10, 2011; and

WHEREAS, the County of Maui and Shannon Ferreira, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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


1. That it hereby approves settlement of Claim No. 2012-002 in the amount of TWELVE THOUSAND THREE HUNDRED EIGHTY-FIVE AND 33/100 DOLLARS (\$12,385.33); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Shannon Ferreira; and

Resolution No. _____

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Fire Chief, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui

S:\ALL\MML\Claims\2012 Claims\Ferreira\reso.wpd