

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

October 18, 2013

**Committee
Report No.** _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 25, 2013, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated August 26, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim of Vincent Passetti and Michelle Passetti, Claim 2013-1056-10. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1056-10 OF VINCENT PASSETTI AND MICHELLE PASSETTI". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$7,826.39.

The claim alleges that on May 3, 2013, an officer with the Department of Police, County of Maui, was operating a County vehicle that collided with Ms. Passetti's parked car. The collision pushed Ms. Passetti's car into Mr. Passetti's parked truck, causing damage to both vehicles.

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

A Deputy Corporation Counsel explained the cost to repair Ms. Passetti's vehicle was between \$8,000 and \$9,000. However, if the case settles, the County will pay Ms. Passetti the replacement value of the vehicle, which is \$6,204.12. The County will also pay for the cost to repair Mr. Passetti's vehicle, which is \$1,272.27. Additionally, the County will pay for the Passettis' out-of-pocket expenses, including rental car fees, totaling \$350.

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

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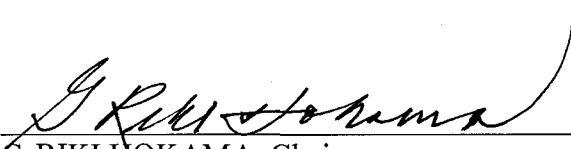
questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

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

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1056-10 OF VINCENT PASSETTI AND MICHELLE PASSETTI", be ADOPTED.

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



G. RIKI HOKAMA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO.
2013-1056-10 OF VINCENT PASSETTI AND MICHELLE PASSETTI

WHEREAS, Vincent Passetti and Michelle Passetti filed Claim No. 2013-1056-10 on May 21, 2013, against the County of Maui for damages to their parked vehicles at 1694 Kehakai Street, Kihei, Maui, on May 3, 2013, by a Maui County police car; and

WHEREAS, the County of Maui, Vincent Passetti, and Michelle Passetti, 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. 2013-1056-10 in the amount of SEVEN THOUSAND EIGHT HUNDRED TWENTY-SIX AND 39/100 DOLLARS (\$7,826.39);

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

Resolution No. _____

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

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui

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