

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

September 18, 2015

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

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

Chair and Members:

Your Committee of the Whole, having met on August 25, 2015, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated June 23, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 2013-1079-10 of Reginald Yap. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1079-10 OF REGINALD YAP," and a copy of the claim. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$10,000.

Your Committee notes the claim alleges property damage and injuries arising out of a motor vehicle incident on Makawao Avenue, Makawao, Hawaii, involving a Department of Police vehicle on August 15, 2013.

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

The Department of the Corporation Counsel transmitted a revised proposed resolution incorporating nonsubstantive revisions.

A Deputy Corporation Counsel provided a brief overview of the claim. She said Reginald Yap allegedly sustained bodily injuries when a patrol vehicle two cars behind his vehicle failed to stop in time and rear-ended the vehicle behind Mr. Yap, causing a chain reaction.

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

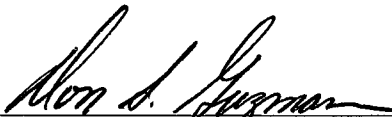
Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

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 9-0 to recommend adoption of the revised proposed resolution to authorize the settlement of the matter for \$10,000. Committee Chair Guzman, Vice-Chair Crivello, and members Baisa, Carroll, Cochran, Couch, Hokama, Victorino, and White voted "aye."

Your Committee requested the Department of Police explain why remedial training of officers involved in avoidable driving incidents is no longer required. Your Committee also requested the Department provide statistics on driving accidents involving the Department.

Your Committee of the Whole RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2013-1079-10 OF REGINALD YAP," 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 CLAIM NO. 2013-1079-10 OF REGINALD YAP

WHEREAS, Reginald Yap filed Claim No. 2013-1079-10 on October 3, 2013, against the County of Maui for injuries arising out of a motor vehicle accident involving a Department of Police fleet vehicle on August 15, 2013; and

WHEREAS, the County of Maui and Reginald Yap, 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,

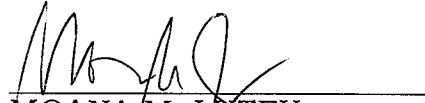
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of Claim No. 2013-1079-10 in the amount of \$10,000.00; and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Reginald Yap; 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:



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MOANA M. LOTY  
Deputy Corporation Counsel  
County of Maui

RISK - 2015-0110