

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

August 22, 2008

**Committee
Report No.**

08-101

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

Chair and Members:

Your Policy Committee, having met on August 5, 2008, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated July 22, 2008, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim No. 2005-022 of Donald Gunn. Attached to the request is a copy of the claim, related documents, and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-022 OF DONALD GUNN". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$15,000.

Your Committee notes that the claim alleges injuries sustained during a car accident on September 11, 2004.

At its meeting, your Committee met with a Police Inspector from the Department of Police and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the case. She explained that on September 11, 2004, Mr. Gunn was operating his vehicle on Dairy Road heading west. As Mr. Gunn entered the intersection of Dairy Road and Puunene Avenue, a police officer traveling north on Puunene Avenue struck Mr. Gunn's vehicle. At the time of the accident, the police officer was responding to an emergency call and proceeded through the intersection on a red light. The vehicle's emergency lights were turned on, but not the siren. The Deputy Corporation Counsel stated that Mr. Gunn suffered injuries as a result of the accident.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution to authorize the settlement of the matter.

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Your Policy Committee RECOMMENDS that Resolution No. _____,
attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-022
OF DONALD GUNN", be ADOPTED.

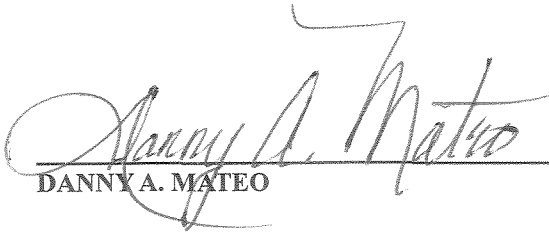
Adoption of this report is respectfully requested.

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-022 OF DONALD GUNN

WHEREAS, Noufer and Brown, Attorneys at Law, on behalf of Donald Gunn filed Claim No. 2005-022 on March 7, 2005, against the County of Maui for damages sustained during a car accident at the intersection of Kuihelani Highway and Puunene Avenue, on September 11, 2004; and

WHEREAS, the County of Maui and Donald Gunn, 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:

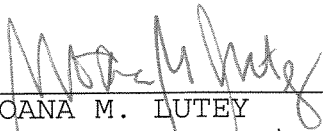
1. That it hereby approves settlement of Claim No. 2005-022 in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000); and

Resolution No. _____

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

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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