

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

December 7, 2007

**Committee  
Report No.**

07-146

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

Chair and Members:

Your Policy Committee, having met on November 13, 2007, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated September 17, 2007, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim of Shawni Mendoza, Claim No. 2006-088. Attached to the request is a copy of the claim and related documents. Also attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2006-088 OF SHAWNI MENDOZA". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$10,722.11.

Your Committee notes that the claim alleges damage to the claimant's vehicle as a result of a motor vehicle collision at the intersection of Hana Highway and Dairy Road on July 6, 2006.

At its meeting, your Committee met with a Captain from the Department of Fire and Public Safety and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the case. She explained that a County vehicle operated by an Acting Battalion Chief entered the intersection of Hana Highway and Dairy Road, while the traffic light was still red, in an attempt to assist a responding fire engine through the intersection. The claimant's vehicle struck the County vehicle.

Your Committee noted that the claimant was insured, and the insurance company, as a subrogee of the claim, has alleged that the County is liable for a share of the expenses paid by the company. The claimant is also requesting reimbursement for rental vehicle expenses and the deductible paid by her.

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Your Committee voted to recommend adoption of the proposed resolution.

Your Policy Committee RECOMMENDS that Resolution No. \_\_\_\_\_,  
attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2006-088  
OF SHAWNI MENDOZA" be ADOPTED.


Adoption of this report is respectfully requested.

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# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM NO. 2006-088 OF SHAWNI MENDOZA

WHEREAS, Shawni Mendoza filed Claim No. 2006-088 on October 6, 2006, against the County of Maui for damages incurred as a result of the motor vehicle collision at the intersection of Hana Highway and Dairy Road, on July 6, 2006; and

WHEREAS, Shawni Mendoza is insured for such damages by GEICO; and

WHEREAS, GEICO, as subrogee of this claim, has alleged that the County of Maui is liable for a share of the expenses paid by GEICO; and

WHEREAS, Shawni Mendoza has alleged that the County of Maui is liable for the rental vehicle expenses and deductible paid by her; and

WHEREAS, the County of Maui, Shawni Mendoza, and GEICO, 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,

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

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

1. That is hereby approves settlement of Claim No. 2006-088 in the amount of Ten Thousand Seven Hundred Twenty-Two and 11/100 Dollars (\$10,722.11); and

1. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Shawni Mendoza and an authorized representative from GEICO; and

2. 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:



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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

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