

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

November 2, 2007

**Committee**

**Report No.**

07-125

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

Chair and Members:

Your Policy Committee, having met on October 16, 2007, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated August 29, 2007, the Department of the Corporation Counsel requested consideration of the possible settlement of the Claim of Theodore Miyashiro, Claim No. 2005-019. Attached to the request is a copy of the claim and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-019 OF THEODORE MIYASHIRO". The purpose of the proposed resolution is to authorize settlement of the case for \$8,000.

Your Committee notes that the claim alleges damages and injuries related to an automobile accident at the intersection of Makawao Avenue and Maha Road on January 7, 2005.

At its meeting, your Committee met with two Deputy Corporation Counsel.

There was no public testimony.

A Deputy Corporation Counsel provided a brief overview of the case. She explained that a Department of Water Supply employee accidentally struck a pedestrian while driving a County vehicle. She further explained that this is a negotiated settlement and would settle all of the issues related to this case.

Your Committee discussed the increase in vehicular accidents and claims County-wide and expressed concern about whether County employees receive proper driver's training.

Your Committee requested that the Department of Water Supply provide information regarding any measures the Department takes to train its employees on safe driving.

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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. 2005-019  
OF THEODORE MIYASHIRO" be ADOPTED.


Adoption of this report is respectfully requested.

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# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-019 OF THEODORE MIYASHIRO

WHEREAS, Theodore Miyashiro filed Claim No. 2005-019 on February 5, 2005, against the County of Maui for damages and injuries related to an automobile accident at the intersection of Makawao Avenue and Maha Road, on January 7, 2005; and

WHEREAS, the County of Maui and Theodore Miyashiro, 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:

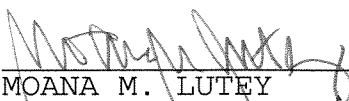
1. That it hereby approves settlement of Claim No. 2005-019 in the amount of Eight Thousand and no/100 (\$8,000.00).

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

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

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

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

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