

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

August 21, 2007

**Committee  
Report No.**

\_\_\_\_\_ 07-84

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

Chair and Members:

Your Policy Committee, having met on July 31, 2007, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated July 2, 2007, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Claim No. 2005-22. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-22 OF ROBERT JARRETT" and a copy of the claim. The purpose of the proposed resolution is to authorize settlement of the claim for \$10,000.

Your Committee notes that the claim alleges damages and injuries suffered as a result of a motor vehicle collision which occurred on September 11, 2004, at the intersection of Puunene Avenue and Kuihelani Highway, Kahului.

At its meeting, your Committee met with the Deputy Chief 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 a police officer responding to a domestic dispute entered an intersection where the vehicle occupied by the claimant had the right-of-way, with the police car's flashing lights on but without the siren, and struck the vehicle. She further explained that this is a negotiated settlement and would settle all of the issues related to this case.

The Deputy Chief of Police stated that the Department's policy dictates the use of lights and sirens for emergency responses. For non-emergency responses, such as domestic disputes, officers are required to exercise discretion on whether to use lights and/or sirens.

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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. 2005-22 OF  
ROBERT JARRETT", be ADOPTED.

Adoption of this report is respectfully requested.

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# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM NO. 2005-22 OF ROBERT JARRETT

WHEREAS, Robert Jarrett filed Claim No. 2005-22 on February 16, 2006, against the County of Maui for damages and injuries suffered as a result of the motor vehicle collision which occurred on September 11, 2004, at the intersection of Puunene Avenue and Kuihelani Highway, Kahului, Maui; and

WHEREAS, the County of Maui and Robert Jarrett, 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,

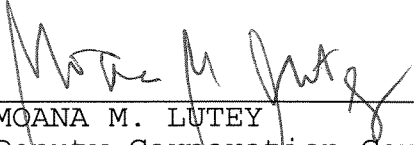
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of Claim No. 2005-22 in the amount of Ten Thousand and No/100 Dollars (\$10,000.00); and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Robert Jarrett; 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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