

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

April 2, 2004

**Committee  
Report No.**

04-67

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 March 15, 2004, makes reference to County Communication No. 03-19, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated February 27, 2004, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Claim No. 2003-091/1789793-0197 of State Farm Insurance Companies on Behalf of Its Insured, Hisao Yoshizu. Attached to the request is a copy of the claim by State Farm Insurance Companies and related documents. Also attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-091/1789793-0197 OF STATE FARM INSURANCE COMPANIES ON BEHALF OF ITS INSURED, HISAO YOSHIZU". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$7,154.49.

Your Committee notes that the claim alleges damages relating to an August 5, 2003 collision on Wili Pa Loop between Mr. Yoshizu's parked vehicle and the Kihei Fire Station truck.

At its meeting, your Committee met with the Deputy Fire Chief and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case, informing your Committee that this claim is purely for property damage, and involves a Kihei Fire Station truck that reversed into a parked vehicle at 1733 Wili Pa Loop, damaging its left rear bumper and quarter panel.

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The Deputy Fire Chief informed your Committee that the Department of Fire and Public Safety's employees had been attending computer classes at Maui Community College, and had gone to the site of the incident during their lunch break. The employee driving the fire truck thought he had shifted the vehicle into drive, but it was still in reverse.

A Committee member requested the opportunity to discuss the matter in an executive meeting.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Deputy Fire Chief and a Deputy Corporation Counsel.

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 to recommend adoption of the proposed resolution to authorize the settlement of the matter for \$7,154.49.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-091/1789793-0197 OF STATE FARM INSURANCE COMPANIES ON BEHALF OF ITS INSURED, HISAO YOSHIZU" be ADOPTED.

Adoption of this report is respectfully requested.

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**ROBERT CARROLL** **Chair**

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**MICHAEL J. MOLINA** **Member**

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**DAIN P. KANE** **Vice-Chair**

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**WAYNE K. NISHIKI** **Member**

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**G. RIKI HOKAMA** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DANNY A. MATEO** **Member**