

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003

**Committee
Report No.**

03-72

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 July 21, 2003, 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 June 26, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Claim No. 2003-006 of Donald and Cynthia Roth and State Farm Insurance. Attached to the request was a copy of the claim and related documents. Also attached to the request was a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-006 OF DONALD AND CYNTHIA ROTH AND STATE FARM INSURANCE". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$3,488.11.

By correspondence dated July 11, 2003, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-006 OF CYNTHIA ROTH, DONALD ROTH, AND STATE FARM INSURANCE COMPANIES". The revised proposed resolution corrects the name of the insurer and further describes the insurer's subrogation claim.

Your Committee notes that the claim alleges damage to the Roths' automobile, caused by a collision with a County vehicle on Alamaha Street in Kahului, Maui, Hawaii, on July 17, 2002.

At its meeting, your Committee met with the Director of Finance, the First Deputy Corporation Counsel, and a Deputy Corporation Counsel.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003
Page 2

Committee
Report No. 03-72

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case. On July 17, 2002, a County employee driving a County vehicle failed to yield the right-of-way on Alamaha Street, colliding into the Roths' vehicle, which was declared a total loss. Your Committee was given a breakdown of the components of the proposed settlement amount.

The Director of Finance informed your Committee that the County employee has been counseled. Since this was the employee's first motor-vehicle accident, no further action was taken.

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 approve the settlement of the matter for \$3,488.11.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2003-006 OF CYNTHIA ROTH, DONALD ROTH, AND STATE FARM INSURANCE COMPANIES" be ADOPTED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003
Page 3

Committee
Report No. 03-72

ROBERT CARROLL Chair

MICHAEL J. MOLINA Member

DAIN P. KANE Vice-Chair

WAYNE K. NISHIKI Member

G. RIKI HOKAMA Member

JOSEPH PONTANILLA Member

JO ANNE JOHNSON Member

CHARMAINE TAVARES Member

DANNY A. MATEO Member