

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

August 19, 2003

**Committee  
Report No.**

03-77

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 30, 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 July 10, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Claim No. 2002-080 of First Insurance Company of Hawaii, Ltd., and Lois A. Labang. 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. 2002-080 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AND LOIS A. LABANG". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$9,245.25.

Your Committee notes that the claim alleges damages to Ms. Labang's motor vehicle for an accident occurring on May 24, 2002, on Kula Highway.

At its meeting, your Committee met with an Assistant Chief of Police, the First Deputy Corporation Counsel, and a Deputy Corporation Counsel.

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case. The Deputy Corporation Counsel stated that a police officer was traveling in emergency mode, with his lights and siren on, but failed to see a vehicle stopped in front of a truck as he approached an intersection, and struck the vehicle when he executed a turn. Your Committee was given a breakdown of the proposed settlement amount.

The Assistant Chief of Police informed your Committee that an Administrative Review Board hearing had been held. The officer was found to be negligent of various rules of the Department and was disciplined for the incident.

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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 \$9,245.25.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-080 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AND LOIS A. LABANG" be ADOPTED.

Adoption of this report is respectfully requested.

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