

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 19, 2003

Committee
Report No. 03-78

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 11, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Claim No. 2002-0050 of Hertz Corporation and State Farm Insurance Companies on behalf of Lori Brodeur. 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. 2002-0050 OF HERTZ CORPORATION AND STATE FARM INSURANCE COMPANIES ON BEHALF OF LORI BRODEUR". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$11,133.40.

Your Committee notes that the claim alleges damages related to an automobile accident on February 14, 2002, at the intersection of Akahele Street and Honoapiilani Highway in Lahaina.

At its meeting, your Committee met with the Director of Parks and Recreation, 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 at about 6:30 p.m. on February 14, 2002, a County vehicle was traveling near the intersection of Akahele Street and Honoapiilani Highway in Lahaina, when the driver was distracted and rear-ended the car in front of him, causing a collision with the next car in line. Your Committee was given a breakdown of the proposed settlement amount.

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The Director of Parks and Recreation informed your Committee that the employee involved in the incident is still employed by the Department. The incident has been noted in the employee's records. There is no plan to have the employee go through driver retraining.

The Deputy Corporation Counsel further informed your Committee that, under the County's self-insurance policy, the County bears responsibility for its vehicles and is assuming responsibility for the incident. The proposed settlement should conclude the property damage claim.

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 \$11,133.40.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2002-0050 OF HERTZ CORPORATION AND STATE FARM INSURANCE COMPANIES ON BEHALF OF LORI BRODEUR" be ADOPTED.

Adoption of this report is respectfully requested.

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