

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

March 11, 2005

**Committee  
Report No.**

05-23

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 February 15, 2005, makes reference to County Communication No. 05-24, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated February 7, 2005, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Martin Strain's Claim No. 2004-101. Attached to the request is a copy of the claim and related documents. Also attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-101 OF MARTIN STRAIN". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$6,155.00.

Your Committee notes that the claim alleges damages related to the claimant's vehicle in an automobile collision with a County vehicle on or about December 8, 2004.

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

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case. She indicated that the claimant was struck by a police vehicle while the police vehicle was in response mode with blue lights activated. The police officer was at fault in the collision, and the claimant's vehicle was rendered inoperable due to extensive damages to the passenger side of the vehicle. The Deputy Corporation Counsel indicated that the requested amount for settlement of the case has increased from \$6,155.00 to \$7,701.27 due to additional automobile rental costs. She provided a rental invoice for an additional \$1,546.27 and a revised proposed resolution approved as to form and legality, revising the settlement amount.

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Your Committee briefly discussed safe driving standards and why the County is responsible for automobile rental charges. The Deputy Corporation Counsel indicated that the County is responsible for rental charges because the police officer was at fault in the collision, and the claimant's vehicle is unsafe to drive due to the damages caused by the collision. She noted that the matter was not settled earlier because it exceeded the Department of the Corporation Counsel's statutory ability to settle the case.

Your Committee also noted the possibility of a separate claim for personal injuries.

Your Committee of the Whole **RECOMMENDS** that Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-101 OF MARTIN STRAIN" be **ADOPTED**.

Adoption of this report is respectfully requested.

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