

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 23, 2005

**Committee
Report No.**

05-44

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 9, 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 1, 2005, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Daniel Mills' Claim No. 2004-084. 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. 2004-084 OF DANIEL MILLS". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$3,757.67.

Your Committee notes that the claim alleges damages due to an automobile accident involving a County vehicle on Piihola Road, Makawao, Maui, on August 16, 2004.

At its meeting, your Committee met with the Administrative Officer of the Department of Water Supply, the Corporation Counsel, and two Deputy Corporation Counsel.

There was no public testimony. A Deputy Corporation Counsel provided a brief overview of the case.

Your Committee questioned whether the County employee was disciplined for crossing the center line of the road causing the employee to collide with a vehicle traveling in the opposite direction. The Administrative Officer of the Department of Water Supply indicated that the employee was not disciplined for his role in the automobile accident. A Deputy Corporation Counsel categorized the accident as a "mistake".

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Your Committee discussed the need for remedial driver education for County employees involved in accidents. The Deputy Corporation Counsel stated that the Department of Personnel Services does provide remedial driver education to employees who are involved in automobile accidents while working.

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 \$3,757.67.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-084 OF DANIEL MILLS " be ADOPTED.

Adoption of this report is respectfully requested.

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