

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 23, 2005

**Committee
Report No.**

05-46

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 March 2, 2005, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Gerardo and Helen Garcia's Claim No. 2004-067. 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. 2004-067 BY GERARDO AND HELEN GARCIA". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$5,311.28.

Your Committee notes that the claim alleges damages to a hollow tile wall caused by a County vehicle in Kahului, Maui, on August 30, 2004.

At its meeting, your Committee met with the Deputy Chief of Police, 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 discussed whether the police officer was in pursuit of a suspect or responding to a call at the time of the accident. The Deputy Chief of Police indicated that the officer was not in response mode at the time of the accident.

Your Committee discussed the location of the accident. The Deputy Chief of Police stated that the accident occurred on a relatively straight road and did not occur at an intersection.

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Your Committee also discussed why the claimants waited five months to file their claim. A Deputy Corporation Counsel indicated that the claimants attempted to file an insurance claim, but were instructed by their insurance company to file a claim against the County.

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 \$5,311.28.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2004-067 BY GERARDO AND HELEN GARCIA" be ADOPTED.

Adoption of this report is respectfully requested.

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