

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

January 24, 2020

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on January 7, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated May 13, 2019, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01 OF GORDON AND RAMONA COCKETT."

The purpose of the proposed resolution is to authorize the Department to settle the claim for \$9,134.90.

The Department also transmitted a copy of the claim and documentation relating to damages associated with the claim.

Your Committee notes the claim alleges damages to Gordon and Ramona Cockett's vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018.

Your Committee further notes the Hartford Underwriters Insurance Company, as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by The Hartford Insurance Company.

Your Committee also notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

COUNCIL OF THE COUNTY OF MAUI  
**GOVERNANCE, ETHICS, AND  
TRANSPARENCY COMMITTEE**

Page 2

**Committee  
Report No. \_\_\_\_\_**

By correspondence dated August 19, 2019, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01 OF THE HARTFORD UNDERWRITERS INSURANCE COMPANY, ON BEHALF OF GORDON AND RAMONA COCKETT," incorporating nonsubstantive revisions.

A Deputy Corporation Counsel provided a brief overview of the case. The Deputy said a police vehicle was responding to an emergency and disregarded a red signal traffic light and collided with a car. The police vehicle was using its emergency lights, but the driver of the other car did not notice the police vehicle approaching the intersection. The County of Maui and Gordon and Ramona Cockett, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement.

Your Committee voted 8-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member King was excused.

Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01 OF THE HARTFORD UNDERWRITERS INSURANCE COMPANY, ON BEHALF OF GORDON AND RAMONA COCKETT," be ADOPTED.

COUNCIL OF THE COUNTY OF MAUI  
**GOVERNANCE, ETHICS, AND  
TRANSPARENCY COMMITTEE**

Page 3

**Committee  
Report No.** \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.



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MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01  
OF THE HARTFORD UNDERWRITERS INSURANCE COMPANY, ON BEHALF  
OF GORDON AND RAMONA COCKETT

WHEREAS, The Hartford Underwriters Insurance Company filed Claim No. B811500564-0004-01 on April 8, 2019, against the County of Maui for damages to Gordon and Ramona Cockett's vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018; and

WHEREAS, Gordon and Ramona Cockett are insured for such damage by The Hartford Underwriters Insurance Company; and

Whereas, The Hartford Underwriters Insurance Company, as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by The Hartford Insurance Company; and

WHEREAS, the County of Maui and Gordon and Ramona Cockett, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

**Resolution No. \_\_\_\_\_**

1. That it hereby approves settlement of Claim No. B811500564-0004-01 in the amount of NINE THOUSAND ONE HUNDRED THIRTY-FOUR AND 90/100 DOLLARS (\$9,134.90); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by Gordon and Ramona Cockett; and

3. That certified copies of this Resolution be transmitted to the Mayor; the Director of Finance; the Chief of Police; and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2019-0098