

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

December 6, 2019

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 November 19, 2019, 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 requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181069017-0001 OF FARMERS INSURANCE HAWAII, INC., ON BEHALF OF MARIE CHESTER."

The purpose of the proposed resolution is to authorize the Department to settle the claim for \$8,001.99.

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 Marie Chester's vehicle resulting from a collision involving a Maui County fleet vehicle on August 8, 2018.

Your Committee 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.

By correspondence dated August 19, 2019, the Department of the Corporation Counsel transmitted a revised proposed resolution incorporating nonsubstantive revisions.

COUNCIL OF THE COUNTY OF MAUI

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee
Report No. _____**

A Deputy Corporation Counsel provided a brief overview of the case. He said the incident involved a collision on West Kamehameha Avenue, Kahului, Maui, Hawaii. Ms. Chester's vehicle was declared a total loss. No bodily injury claim has been made. The County vehicle was being driven by an employee of the Department of Parks and Recreation.

A representative from the Department of Parks and Recreation said that, because there was no personal injury sustained, tests for drugs and alcohol for the County employee were not performed. However, corrective action was taken, including the County employee being required to attend a defensive driving course.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee members Hokama and King were excused.

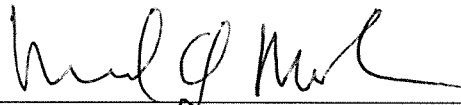
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181069017-0001 OF FARMERS INSURANCE HAWAII, INC., ON BEHALF OF MARIE CHESTER," be ADOPTED.

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.



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 30181069017-0001
OF FARMERS INSURANCE HAWAII, INC., ON BEHALF OF
MARIE CHESTER

WHEREAS, Farmers Insurance Hawaii, Inc. filed Claim No. 30181069017-0001 on September 25, 2018, against the County of Maui for damages to Marie Chester's vehicle resulting from a collision involving a Maui County fleet vehicle on August 8, 2018; and

WHEREAS, Marie Chester is insured for such damage by Farmers Insurance Hawaii, Inc.; and

WHEREAS, Farmers Insurance Hawaii, Inc., as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by Farmers Insurance Hawaii, Inc.; and

WHEREAS, the County of Maui and Farmers Insurance Hawaii, Inc., 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:

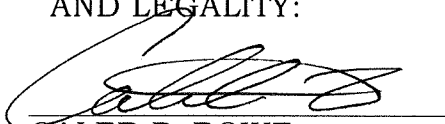
Resolution No. _____

1. That it hereby approves settlement of Claim No. 30181069017-0001 in the amount of EIGHT THOUSAND ONE AND 99/100 DOLLARS (\$8,001.99); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Farmers Insurance Hawaii, Inc.; and

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

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
2018-0549