

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

December 15, 2017

Committee
Report No. _____

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

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on November 28, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated November 8, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 30178022844-0001 of Enterprise Rent-A-Car. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30178022844-0001 OF ENTERPRISE RENT-A-CAR," and a copy of the claim and related documents. The purpose of the proposed resolution is to authorize the Department to settle the claim for \$13,714.20.

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.

The claim alleges damages to Enterprise Rent-A-Car's vehicle arising from its operation by an employee of the County's Department of Fire and Public Safety while in Hilo, Hawaii, on May 10, 2017.

A Deputy Corporation Counsel provided a brief overview of the case. The Deputy said the fire fighter was on the Big Island for a work-related conference, was driving the rental vehicle from his brother's house to the conference hotel, and collided into a guardrail, mailbox, residential sign, and fence. The proposed settlement amount is the cost of repairs to the vehicle.

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The Deputy said the property owners submitted a separate claim which was settled by the Department within its discretionary authority. No other claims are outstanding.

Your Committee questioned whether any coverage is available from the rental car company or the credit card company associated with the County's rental of the vehicle. The Deputy said the County typically waives collision damage coverage at the time the vehicle is rented, but that the availability of any benefits to assist with the type of damages incurred in the subject claim would be explored.

Your Committee voted 8-0 to recommend adoption of the proposed resolution to authorize settlement of the claim for \$13,714.20. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Crivello, Hokama, Sugimura, and White voted "aye." Committee member Cochran was excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30178022844-0001 OF ENTERPRISE RENT-A-CAR," be ADOPTED.

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



DON S. GUZMAN, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 30178022844-0001 OF ENTERPRISE RENT-A-CAR

WHEREAS, Enterprise Rent-A-Car filed Claim No. 30178022844-0001 against the County of Maui on June 8, 2017, for damages to their property caused by a motor vehicle accident involving an employee of the Department of Fire and Public Safety that occurred in Hilo, Hawaii, on May 10, 2017; and

WHEREAS, the County of Maui and Enterprise Rent-A-Car, 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,

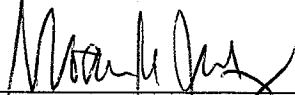
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of Enterprise Rent-A-Car's Claim No. 30178022844-0001 in the amount of \$13,714.20; and
2. That payment is authorized to satisfy settlement of this claim following the execution of a Release of Property Damage Claim by Enterprise Rent-A-Car; and

Resolution No. _____

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

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui
RISK - 2017-0143