

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

August 18, 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 July 14, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated November 8, 2019, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30166871707-0003 OF ALYSSA TOTTH."

The purpose of the proposed resolution is to authorize the Department to settle the claim.

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

Your Committee notes the claim alleges injuries Ms. Toth sustained and damages to her vehicle involving a Maui County fleet vehicle at the intersection of Kula Highway and Copp Road, Kula, Maui, Hawaii, on October 21, 2016.

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.

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A Deputy Corporation Counsel provided a brief overview of the case. He said a police vehicle was traveling on Kula Highway and rear-ended a van. The driver of the police vehicle was cited for failure to yield and inattentive driving. The County of Maui and Alyssa Toth, 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.

The Deputy requested an executive meeting to discuss confidential information related to the case.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Based on the information received and the recommendation of the Department, your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30166871707-0003 OF ALYSSA TOTH," be ADOPTED.

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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. 30166871707-0003
OF ALYSSA TOTH

WHEREAS, Alyssa Toth, filed Claim No. 30166871707-0003 on November 16, 2016, against the County of Maui for injuries and damages to her vehicle she allegedly sustained at the intersection of Kula Highway and Copp Road, Kula, Maui, Hawaii on October 21, 2016 involving a Maui County fleet vehicle being operated by a County employee; and

WHEREAS, Alyssa Toth filed a Complaint with the Second Circuit on October 19, 2018 in order to preserve the statute of limitations on her claim;

WHEREAS, the County of Maui and Alyssa Toth, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement, and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; 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,

Resolution No. _____

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

1. That it approves settlement of Claim No. 30166871707-0003 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Alyssa Toth; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Police Chief, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK 2016-0852