

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 6, 2023

**Committee
Report No.** _____

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on May 22, 2023, makes reference to Resolution 22-95, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4073176 OF FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA."

Resolution 22-95's purpose is to authorize settlement of the claim, filed on November 1, 2021, in the amount of \$11,739.62. The claim alleges damages to the claimant's vehicle resulting from a collision involving a County fleet vehicle at the intersection of Lahainaluna Road and Mill Street, Lāhainā, Hawai'i, on July 21, 2021.

By correspondence dated March 24, 2022, the Department of the Corporation Counsel provided a copy of the claim.

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.

A Deputy Corporation Counsel provided an overview of the claim and explained the parties had reached a negotiated settlement, pending Council approval.

Based on information received and the recommendation of the Department, your Committee voted 6-0 to recommend adoption of Resolution 22-95. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, and Sugimura voted "aye." Committee members Johnson, Rawlins-Fernandez, and Sinenci were excused.

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**Committee
Report No.** _____

Your Committee is in receipt of Resolution 22-95, CD1, entitled "AUTHORIZING SETTLEMENT OF CLAIM 4073176 OF FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-95, CD1, as revised herein and attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM 4073176 OF FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

Resolution

No. 22-95, CD1

AUTHORIZING SETTLEMENT OF CLAIM 4073176
OF FIRST INSURANCE COMPANY OF HAWAII, LTD.
ON BEHALF OF ITS INSURED ANITA MOSUELA

WHEREAS, First Insurance Company of Hawaii, Ltd., filed Claim 4073176 on November 1, 2021, against the County of Maui for damages to Anita Mosuela's vehicle resulting from a collision involving a County of Maui fleet vehicle at the intersection of Lahainaluna Road and Mill Street, Lahaina, Hawaii on July 21, 2021; and

WHEREAS, Anita Mosuela was insured by First Insurance Company of Hawaii, Ltd.; and

WHEREAS, First Insurance Company of Hawaii, Ltd., as subrogee of this claim, has alleged that the County of Maui is liable for the expense it has incurred as a result of the collision; and

WHEREAS, the County of Maui and First Insurance Company of Hawaii, Ltd., 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 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 approves settlement of Claim 4073176 of First Insurance Company of Hawaii, Ltd. in the amount of \$11,739.62;
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by First Insurance Company of Hawaii, Ltd.; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



Victoria J. Takayesu
Corporation Counsel
County of Maui

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.