

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

November 17, 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 September 5, 2017, September 19, 2017, and October 31, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated August 21, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 30177967397-0001. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30177967397-0001 OF THE HERTZ CORPORATION," 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 \$19,823.10.

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.

According to the proposed resolution, the claim against the County arose from damages caused when a Department of Liquor Control employee operating a County vehicle collided into a vehicle owned by The Hertz Corporation in Wailuku, Maui, Hawaii, on March 10, 2017.

A Deputy Corporation Counsel provided a brief overview of the case. She said the incident occurred when the employee of the Department of Liquor Control was driving on Honoapiilani Highway in the Waikapu area, got distracted, and rear-ended the vehicle in front of him. She said four vehicles were involved in the incident, including the County's vehicle. The

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claim before your Committee involves property damage to The Hertz Corporation's vehicle only. Property damage claims involving the other two vehicles were resolved within the Department of the Corporation Counsel's discretionary authority.

Your Committee asked about the Department's policy concerning employees involved in driver-related incidents like this one.

The Deputy said after the incident, the Department was provided a refresher class on defensive driving.

Your Committee voted 5-0 to recommend adoption of the proposed resolution to authorize settlement of the claim. Committee Chair Guzman and members Atay, Carroll, Crivello, and Hokama voted "aye." Committee Vice-Chair King and members Cochran, Sugimura, and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30177967397-0001 OF THE HERTZ CORPORATION," 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. 30177967397-0001 OF THE HERTZ CORPORATION

WHEREAS, The Hertz Corporation filed Claim No. 30177967397-0001 on May 30, 2017, against the County of Maui for damages caused when a Department of Liquor Control employee operating a County vehicle collided into their automobile in Wailuku, Maui, Hawaii, on March 10, 2017; and

WHEREAS, the County of Maui and The Hertz Corporation, 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:

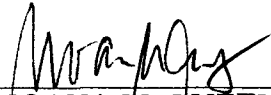
1. That it hereby approves settlement of Claim No. 30177967397-0001 in the amount of NINETEEN THOUSAND EIGHT HUNDRED TWENTY THREE AND 10/100 (\$19,823.10); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by The Hertz Corporation; and

Resolution No. _____

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

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui
RISK - 2017-0138