

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 21, 2022

**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 31, 2022, makes reference to County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.

By correspondence dated September 21, 2021, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4067839 OF 21st CENTURY INSURANCE COMPANY ON BEHALF OF ITS INSURED ABDEN AND DELIA CORPUZ."

The purpose of the proposed resolution is to authorize the Department to settle the claim for \$11,667.66 under terms stated in the resolution.

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

Your Committee notes the claim, filed on March 29, 2021, alleges damages to the claimant's vehicle resulting from a collision involving a Maui County fleet vehicle on October 21, 2020.

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.

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A Deputy Corporation Counsel provided a brief overview of the claim. He said the incident occurred when the claimant's vehicle was inadvertently hit while a County employee was pulling out of a parking stall.

Based on the recommendation of the Department, your Committee voted 7-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and member Johnson were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision to correct the dollar amount to \$11,676.66.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4067839 OF 21st CENTURY INSURANCE COMPANY ON BEHALF OF ITS INSURED ABDEN AND DELIA CORPUZ," be ADOPTED.

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



MICHAEL J. MOLINA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 4067839
OF 21st CENTURY INSURANCE COMPANY ON BEHALF OF ITS INSURED
ABDEN AND DELIA CORPUZ

WHEREAS, 21st Century Insurance Company, filed Claim No. 4067839 on March 29, 2021, against the County of Maui for damages to their vehicle resulting from a collision involving a Maui County fleet vehicle on October 21, 2020; and

WHEREAS, Abden and Delia Corpuz are insured for such damage by 21st Century Insurance Company; and

WHEREAS, 21st Century Insurance Company, as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by 21st Century Insurance Company; and

WHEREAS, the County of Maui and 21st Century Insurance Company, 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. 4067839 in the amount of ELEVEN THOUSAND SIX HUNDRED SEVENTY-SIX AND 66/100 DOLLARS (\$11,676.66); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by 21st Century Insurance Company; and

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

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal dashed line.

CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK 2020-0271

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Sheri Lee". The signature is fluid and cursive, with the first name "Sheri" and last name "Lee" clearly distinguishable.

Upon the request of the Mayor.