

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

July 20, 2018

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 July 3, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated May 11, 2018, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 30178459821-0001 by Island Insurance Company, Limited, on behalf of its insured, George and Donna Brown. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30178459821-0001 OF ISLAND INSURANCE COMPANY, LTD., ON BEHALF OF GEORGE AND DONNA BROWN." The purpose of the proposed resolution is to authorize the Department to settle the case for \$8,603.10.

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

Your Committee notes the claim alleges damages to George and Donna Brown's vehicle resulting from a collision involving a County of Maui fire truck on May 10, 2017, in Lahaina, Hawaii.

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 a brief overview of the case. She said the fire truck was traveling on Front Street in Lahaina and made a turn onto Market Street for a medical emergency. As the truck made the

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

Page 2

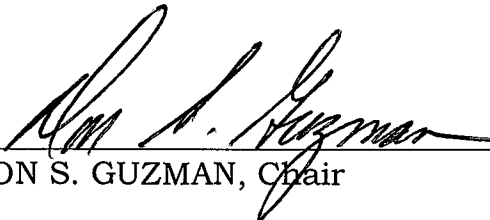
Committee
Report No. _____

turn, the back end of the truck hit the driver side of the Browns' vehicle. The vehicle was declared a total loss by the Browns' insurer, Island Insurance Company, Limited, with a settlement value of \$8,603.10. The Browns have been paid on their claim by their insurer, who is seeking reimbursement by the County.

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

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30178459821-0001 OF ISLAND INSURANCE COMPANY, LTD., ON BEHALF OF GEORGE AND DONNA BROWN," 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. 30178459821-0001
OF ISLAND INSURANCE COMPANY, LTD., ON BEHALF OF GEORGE AND
DONNA BROWN

WHEREAS, Island Insurance Company, Ltd., filed Claim No. 30178459821-0001 on August 17, 2017, against the County of Maui for damages to George and Donna Brown's vehicle resulting from a collision involving a Maui County fire truck on May 10, 2017; and

WHEREAS, George and Donna Brown are insured for such damage by Island Insurance Company, Ltd.; and

WHEREAS, Island Insurance Company, Ltd., as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by Island Insurance Company, Ltd.; and

WHEREAS, the County of Maui and Island Insurance Company, 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 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. 30178459821-0001 in the amount of EIGHT THOUSAND SIX HUNDRED THREE AND 10/100 DOLLARS (\$8,603.10); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Island Insurance Company, Ltd.; and

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
2017-0217