

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

July 19, 2019

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 2, 2019, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated March 1, 2019, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 30181567461-0001 by Allstate Insurance Company, on behalf of its insured Adolfo Casanova Martinez. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181567461-0001 OF ALLSTATE INSURANCE COMPANY, ON BEHALF OF ADOLFO CASANOVA MARTINEZ." The purpose of the proposed resolution is to authorize the Department to settle the claim for \$11,381.38.

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 Adolfo Casanova Martinez's vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018.

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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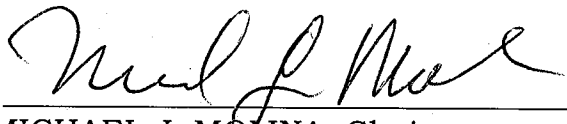
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A Deputy Corporation Counsel provided a brief overview of the case. He said the incident involved an officer of the Department of Police who was operating a County vehicle in emergency mode when he collided into Mr. Martinez's vehicle. The collision occurred at the intersection of Kahului Beach Road and Kanaloa Avenue in Kahului, Maui. The Deputy said the County has agreed to pay 50 percent of the claim for property damage, totaling \$11,381.38.

Your Committee voted 8-1 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member Hokama voted "no."

Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181567461-0001 OF ALLSTATE INSURANCE COMPANY, ON BEHALF OF ADOLFO CASANOVA MARTINEZ," 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. 30181567461-0001
OF ALLSTATE INSURANCE COMPANY, ON BEHALF OF
ADOLFO CASANOVA MARTINEZ

WHEREAS, Allstate Insurance Company, filed Claim No. 30181567461-0001 on December 5, 2018, against the County of Maui for damages to Adolfo Casanova Martinez's vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018; and

WHEREAS, Adolfo Casanova Martinez is insured for such damage by Allstate Insurance Company; and

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

WHEREAS, the County of Maui and Allstate 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. 30181567461-0001 in the amount of ELEVEN THOUSAND THREE HUNDRED EIGHTY-ONE AND 38/100 DOLLARS (\$11,381.38); and

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

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

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui
RISK 2018-0621