

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 February 27, 2019, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 30191690556-0002 by First Insurance Company of Hawaii, Ltd., on behalf of its insured Dean Bowman. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30191690556-0002 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AS SUBROGEE OF DEAN BOWMAN." The purpose of the proposed resolution is to authorize the Department to settle the claim for \$21,027.24.

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 Dean Bowman's vehicle resulting from a collision involving a Maui County fleet vehicle on April 7, 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.

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

Page 2

Committee
Report No. _____

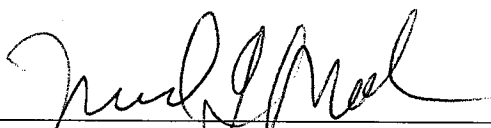
A Deputy Corporation Counsel provided a brief overview of the case. He said the incident involved a collision on South Kihei Road, Kihei, Maui. Mr. Bowman's vehicle was declared a total loss. No bodily injury claim has been made. The County vehicle was being driven by an employee of the Department of Environmental Management, Wastewater Division.

Your Committee requested the Department of the Corporation Counsel provide a statistical overview of the last three years of settlements involving County vehicles being operated by County employees. Your Committee also requested general information concerning defensive driving courses offered to County employees. Your Committee further requested the Department of Environmental Management provide information concerning the Department's policy for employee training after collisions involving County vehicles occur.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30191690556-0002 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AS SUBROGEE OF DEAN BOWMAN," 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. 30191690556-0002
OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AS SUBROGEE
OF DEAN BOWMAN

WHEREAS, First Insurance Company of Hawaii, Ltd., filed Claim No. 30191690556-0002 on November 14, 2018, against the County of Maui for damages to Dean Bowman's vehicle resulting from a collision involving a Maui County fleet vehicle on April 7, 2018; and

WHEREAS, Dean Bowman is insured for such damage 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 expenses paid by First Insurance Company of Hawaii, Ltd.; 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 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. 30191690556-0002 in the amount of TWENTY-ONE THOUSAND TWENTY-SEVEN AND 24/100 DOLLARS (\$21,027.24); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of 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 Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui
2018-0626