

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

September 7, 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 August 21, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated July 31, 2018, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 30180290038-0001 of Cassandra Martin. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30180290038-0001 OF CASSANDRA MARTIN," 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 \$8,309.07.

Your Committee notes the claim alleges damage to Cassandra Martin's vehicle caused by the discharge of sulfuric acid from an exhaust fan at the Department of Environmental Management's Wastewater Reclamation Facility lab building in Kihei between March 19, 2018 and March 23, 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.

A Deputy Corporation Counsel provided a brief overview of the case. She said three estimates for repair work were obtained, and the \$8,309.07 was the lowest. She also said the Department of Environmental Management has moved employee parking from the area to prevent damage to vehicles.

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Your Committee voted 6-0 to recommend adoption of the proposed resolution. Committee Chair Guzman, Vice-Chair King, and members Atay, Cochran, Crivello, and Sugimura voted "aye." Committee members Carroll, Hokama, and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30180290038-0001 OF CASSANDRA MARTIN," 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. 30180290038-0001
OF CASSANDRA MARTIN

WHEREAS, Cassandra Martin filed Claim No. 30180290038-0001 against the County of Maui on May 29, 2018, for damages to her vehicle resulting from sulfuric acid being discharged from an exhaust fan at the Department of Environmental Management's Wastewater Reclamation Facility lab building in Kihei between March 19, 2018 and March 23, 2018; and

WHEREAS, Cassandra Martin has alleged that the County of Maui is liable for the damage caused to her property; and

WHEREAS, the County of Maui, 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. 30180290038-0001 in the amount of EIGHT THOUSAND THREE HUNDRED NINE AND 07/100 DOLLARS (\$8,309.07); and

Resolution No. _____

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Cassandra Martin; 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
2018-0450