

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

December 6, 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 November 19, 2019, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated May 22, 2019, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30192322650-0001 OF JOHN LUKAS."

The purpose of the proposed resolution is to authorize the Department to settle the claim for \$9,577.45.

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 Mr. Lukas's fence, gate, and carport resulting from trees within the County right-of-way falling onto his property located at 1755 Olinda Road, Makawao, Maui, Hawaii, on February 10, 2019.

Your Committee notes the fallen trees blocked Mr. Lukas' driveway and required emergency tree removal services to gain ingress and egress to the property.

Your Committee further 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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By correspondence dated June 4, 2019, the Department of the Corporation Counsel transmitted a revised proposed resolution incorporating nonsubstantive revisions.

A Deputy Corporation Counsel provided a brief overview of the case. He said the County Arborist confirmed the trees, although not regularly maintained by the County, were located in the County's right-of-way and are the County's responsibility.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee members Hokama and King were excused.

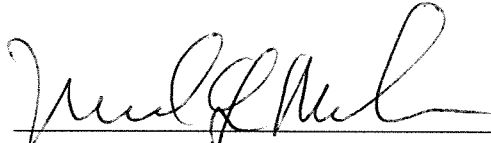
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30192322650-0001 OF JOHN LUKAS," be ADOPTED.

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



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MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF CLAIM NO. 30192322650-0001 OF  
JOHN LUKAS

WHEREAS, John Lukas filed Claim No. 30192322650-0001 on March 29, 2019, against the County of Maui for damage to his property located at 1755 Olinda Road, Makawao, Hawaii, resulting from large trees within the County right-of-way falling onto his property on February 10, 2019; and

WHEREAS, the County of Maui and John Lukas, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

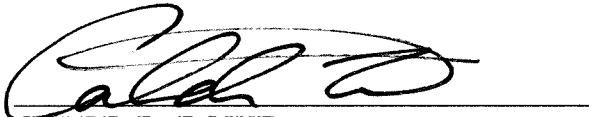
**Resolution No. \_\_\_\_\_**

1. That it hereby approves settlement of Claim No. 30192322650-0001 in the amount of NINE THOUSAND FIVE HUNDRED SEVENTY-SEVEN AND 45/100 DOLLARS (\$9,577.45); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the Release of Property Damage Claim by John Lukas; 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:



CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2019-0080