

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 7, 2025

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on February 18, 2025, makes reference to Resolution 25-13, entitled "AUTHORIZING SETTLEMENT OF HAWAIIAN TELCOM, INC. V. COUNTY OF MAUI; ABRAHAM PARK, ET AL., CIVIL NO. 2CCV-23-0000401."

Resolution 25-13's purpose is to authorize settlement of the claim, filed on December 8, 2023, in the amount of \$111,127.45. The claim alleges that on December 14, 2021, a County of Maui employee negligently operated a County tractor trailer causing the load to hit and snag utility lines near mile post marker 48 on Hāna Highway, resulting in damage to the utility poles and lines.

By correspondence dated December 20, 2024, the Department of the Corporation Counsel requested consideration of Resolution 25-13, with a copy of the claim.

Your Committee notes Subsection 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$25,000.

A Deputy Corporation Counsel provided a brief overview of the claim in open session, which included references to the proposed settlement amount of \$111,127.45.

The Deputy Corporation Counsel requested an executive meeting to discuss confidential information related to the claim.

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Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Sections 92-5(a)(4) and 92-5(a)(8), Hawai‘i Revised Statutes.

Following the executive meeting, your Committee reconvened in open session.

Your Committee agreed to amend Resolution 25-13 to include the settlement amount of \$111,127.45, as indicated by the Deputy Corporation Counsel in open session.

Based on information received in the executive meeting and the recommendation of the Department, your Committee voted 9-0 to recommend adoption of Resolution 25-13, CD1. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

Your Committee is in receipt of Resolution 25-13, CD1, entitled “AUTHORIZING SETTLEMENT OF HAWAIIAN TELCOM, INC. V. COUNTY OF MAUI; ABRAHAM PARK, ET AL., CIVIL 2CCV-23-0000401,” approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that Resolution 25-13, CD1, attached, entitled “AUTHORIZING SETTLEMENT OF HAWAIIAN TELCOM, INC. V. COUNTY OF MAUI; ABRAHAM PARK, ET AL., CIVIL 2CCV-23-0000401,” be **ADOPTED**.

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This report is submitted in accordance with Rule 3 of the Rules of the Council.



NOHELANI U'U-HODGINS, Chair

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Resolution

No. 25-13, CD1

AUTHORIZING SETTLEMENT OF HAWAIIAN TELCOM, INC. V.
COUNTY OF MAUI; ABRAHAM PARK, ET AL., CIVIL 2CCV-23-0000401

WHEREAS, Plaintiff Hawaiian Telcom, Inc. filed a Complaint on December 8, 2023, in Second Circuit Court, State of Hawai'i, Civil 2CCV-23-0000401 against the County of Maui and Abraham Park, an employee with the County's Department of Public Works for property damage sustained on December 14, 2021; and

WHEREAS, Plaintiff alleges that on December 14, 2021, Abraham Park negligently operated a County truck causing his backhoe load to hit and snag utility lines strung from utility poles near mile post marker 48 on Hāna Highway, causing damage to the utility poles and utility lines; and

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

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, Ethics, and Transparency Committee; 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,

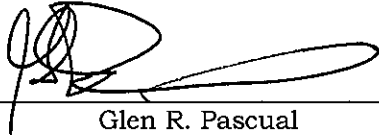
BE IT RESOLVED by the Council of the County of Maui:

1. That under Maui County Code Section 3.16.020, it approves settlement of Hawaiian Telcom, Inc. vs. County of Maui; Abraham Park, et al., in the amount of \$111,127.45;

Resolution No. 25-13, CD1

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under the terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;
3. That it authorizes the Director of Finance to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and
4. 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:

A handwritten signature in black ink, appearing to read 'Glen R. Pascual', is written over a horizontal line.

Glen R. Pascual
Deputy Corporation Counsel
County of Maui

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Peter Lee", is written above a horizontal line.

Upon the request of the Mayor.