

Resolution

No. 25-95

*AUTHORIZING SETTLEMENT OF THE CLAIM OF MARK D. ROSS AGAINST THE
COUNTY OF MAUI, COUNTY OF MAUI RISK FILE 2024-0191*

WHEREAS, Mark D. Ross filed a claim with the County Clerk of the County of Maui on August 27, 2024 for property damage to the driveway located at 11 Kualono Place, Kula, Maui, Hawai'i 96790 occurring November, 2023 in the amount of \$31,245.01; 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 case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms presented 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 or Offer of Judgment 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 3.16.20, it approves settlement of the claim of Mark D. Ross filed with the County Clerk of the County of Maui on August 27, 2024, Risk File 2024-0191, under the terms discussed in an executive meeting before its Government Relations, Ethics, and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the

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Corporation Counsel consistent with the Council's settlement approval;

3. That it authorizes the Director of Finance of the County of Maui 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 Managing Director, the Director of Finance, the Director of the Department of Public Works, and the Department of Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "John J. Gores", written over a horizontal line.

JOHN J. GORES
Deputy Corporation Counsel
County of Maui
Risk 2024-0191

INTRODUCED BY:

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

Upon the request of the Mayor.