

Resolution

No. 25-141

AUTHORIZING SETTLEMENT OF JMC CLAIM 4086753, COUNTY OF MAUI,
RISK FILE 2023-1128 OF JEFFREY NAVARES

WHEREAS, on November 13, 2023, JEFFREY NAVARES filed a Claim with the Clerk of the County of Maui, JMC Claim 4086753, County of Maui Risk file 2023-1128, against the County of Maui, for property damage to Claimant's home located at 139 Meheu Circle, Kahului, Hawai'i 96732 claiming negligence against the County from an alleged misdirected water sprinkler occurring on or about October 27, 2023. Claimant initially claimed Forty Thousand 00/100 Dollars (\$40,000) in damages; however, three estimates for repairs came in between Sixty-Two Thousand Nine Hundred Eighty-Six 66/100 Dollars (\$62,986.66); and Eighty-One Thousand Nine Hundred Six 35/100 Dollars (\$81,906.35).

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 a 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 3.16.20, it approves settlement of the claim of JEFFREY NAVARES, filed with the County Clerk of the County of Maui on November 13, 2023, County of Maui Risk file 2023-1128, under the terms discussed in an executive

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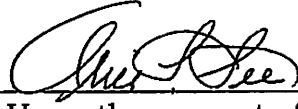
meeting before its Government Relations, Ethics, and Transparency Committee in the amount of Sixty-Two Thousand Nine Hundred Eighty-Six 66/100 Dollars (\$62,986.66).

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 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;
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of the Department of Parks and Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:


SUSAN M. LEEDER
Deputy Corporation Counsel
County of Maui
Risk 2023-1128

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.