

RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

RECEIVED
2025 APR 15 PM 1:08

OFFICE OF THE
COUNTY CLERK

April 11, 2025

Via email only at county.clerk@mauicounty.us

Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawai'i 96793

SUBJECT: Settlement Authorization - AUTHORIZING SETTLEMENT OF THE
CLAIM OF DONNA WATERS AGAINST THE COUNTY OF MAUI,
COUNTY OF MAUI RISK FILE 2024-0168

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled "AUTHORIZING SETTLEMENT OF THE CLAIM OF DONNA WATERS AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI RISK FILE 2024-0168." The purpose of the proposed resolution is to discuss settlement authority with regards to the above-referenced claim filed with the County Clerk for the County of Maui.

I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee. For further information, I have also attached the Claim for Damage or Injury Ms. Donna Waters filed with the County Clerk of the County of Maui on July 25, 2024.

An Executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities and liabilities of the County, the Council, and/or the Committee

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

Honorable Alice L. Lee, Chair
April 11, 2025
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Sincerely,

A handwritten signature in black ink, appearing to read 'John J. Gores', with a long horizontal flourish extending to the right.

JOHN J. GORES
Deputy Corporation Counsel

cc: Managing Director Josiah Nishita
Director of the Department of Public Works Jordan Molina

Attachments:

- (1) Proposed Resolution: "AUTHORIZING SETTLEMENT OF THE CLAIM OF DONNA WATERS AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI RISK FILE 2024-0168;"
- (2) Claim for Damage or Injury filed July 25, 2024

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

July 25, 2024

John Mullen & Company, Inc. (JMC)
Via email: claims@johnmullen.com

Attn: Unit Code 99

Respectfully transmitted is a copy of a claim against the County of Maui filed by Donna Waters, of 200 Alanuilili Place, Kula, which was received by our office on July 25, 2024.

Respectfully,


MOANA M. LUTEY
County Clerk

Attachment

cc: Mayor
Corporation Counsel
Council Chair

/djy

RECEIVED

COUNTY OF MAUI
CLAIM FOR DAMAGE OR INJURY

2024 JUL 25 PM 2:49

PLEASE PRINT CLEARLY

OFFICE OF THE
COUNTY CLERK

1. Claimant: Mr. ☐ Mrs. ☐ Ms. ☒ DONNA WATERS
2. Address: 200 ALANUILILI PL. KULA HI. 96790
3. Telephone No. 808-268-3027 Email: HANADONNA@gmail.com
4. Date of Accident: AUGUST 08, 2023
5. Location of Accident: ALANUILILI PLACE, KULA, HI.
6. Amount of Claim: Property Damage \$ 69,778 Personal Injury \$ 0
7. Describe the accident in detail. Indicate all the facts, causes, persons involved, witnesses, extent of damage, etc., and why you think the County is responsible. Attach additional sheets as needed.
ON AUGUST 8, 2023 THREE PROPERTY OWNERS HOMES
BURNED DOWN ON ALANUILILI PL. KULA. USACE SEVERELY
DAMAGED OUR ROAD IN THE DEBRIS REMOVAL PROCESS.
Heavy equipment, CRANES, BULLDOZERS, DUMPSTERS, DOZERS
OF GOVERNMENT CARS ETC WERE UP + DOWN THIS
ROAD FOR MONTHS. THIS IS A 1 LANE PRIVATE ROAD
DESIGNED TO SERVE 11 HOMES. IT IS NOT DESIGNED
8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.

N/A

Policy No. _____

A. Did you file a claim with your insurance company? NO

If yes, amount claimed \$ _____ Deductible amount \$ _____

B. If a claim was filed with your insurance company, what action do they intend to take?

I HEREBY DECLARE THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Donna Waters
 (Signature of Claimant)

7-19-24
 (Date)

TO HANDLE TONS OF WRIGHT. The SURFACE OF THE ROAD IS CRACKED, There ARE numerous potholes, the sides of the ROAD ARE BROKEN.

Now A year AFTER the FIRE, USACE is CHIMING NO RESPONSIBILITY BECAUSE 3 homeowners signed A R.O.E. + THAT they were Acting under the Direction of Maui County.

The 8 homeowners who's Homes Did NOT BURN DOWN ARE now expected to pay FOR the DAMAGES!

Witnesses / Donna Waters
JUDGE Shackley LaFette
Ruth + Faith MORI
+ The rest of the neighborhood

Bids Attaching A Bid FROM Pacific Asphalt + Maintenance. - DATED JANUARY 2024
A Second Bid forthcoming FROM Sonny Vic.

NO OTHER CONTACTED PAVERS RESPONDED
(GRACE PACIFIC - MAUI PAVING)

PROPOSAL

Pacific Asphalt & Maintenance, Inc.

C32564

618 South Alu Road, Wailuku, HI 96793 Phone (808) 244-4555

office@pacificasphaltmaui.com

Jan 30, 2024

Customer: Donna Waters
 Contact Address: 200 Alanuilili Pl
 Kula, Hawaii
 Job Name: Fire Damaged Road
 Location: 200 Alanuilili Pl
 Attention: Donna Waters
 Phone: 808-268-3027
 QUOTE NO.: M10845
 Email: hanadonna@gmail.com

We hereby propose to furnish material and labor - complete in accordance with the specifications below, for the sum of:

Sixty Nine Thousand Seven Hundred Seventy Eight and 09/100— dollars \$69,778.09

With payments scheduled as follows:

2 payments: 50% deposit upon acceptance for materials and mobilization, 50% upon completion

We hereby submit specifications and estimates for:

1.5 inch Asphalt Overlay over existing asphalt.

Asphalt Overlay

Price Includes: Clean and prep surface, Apply CSS1H Tackoil, Install 1.5 inches asphalt hot mix and compact to State specifications

13,390 sqft	\$ 4.79 unit price	\$ 64,138.10
	Mobilization of Equipment	\$ 2,500.00
	Sub Total	\$ 66,638.10
	4.712% Tax	\$ 3,139.99
	Total	\$ 69,778.09

Time Frame: 2 day, limited access
 Traffic Control: included
 Scheduling: work to be scheduled upon acceptance and receipt of 50% deposit
 Mobilization: work to be performed with one mobilization. Owner / contractor to provide site as ready
 Quotation Excludes: permits
 lab and density testing

Payment to be made by the measured and stated square footage. Any alterations to or deviations from the above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate.

All work to be completed in a workmanlike manner according to standard practices. Owner to carry Fire and other necessary insurances. Pacific Asphalt & Maintenance to provide Worker's Compensation and General Contractors Liability on the above mentioned work.

** Please note: this proposal subject to withdrawl if not accepted within 30 days

Accepted by: _____ Date: _____

Print name: _____ Title: _____

From: Office Sonny Vicks office@sonnyvicks.com
Subject: Budget for Alanuilili remove and replace paving
Date: July 22, 2024 at 1:03 PM
To: hanadonna@gmail.com



Hello Donna,
We came up with a rough budget of around \$70,000.00 to remove and replace about 12,000 square feet at 2 inches thick of asphalt for Alanuilili Place.
Please keep in touch with us with what you and neighbors are thinking or if you have any questions.

Thank you,
Nancy Schleining
Sonny Vick's Paving, Inc
P.O. Box 1070
Puunene, Hawaii 96784
Phone: (808) 877-7110
Fax: (808) 871-4610
E-mail: office@sonnyvicks.com
Website: sonnyvicks.com