

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 6, 2023

**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 May 22, 2023, makes reference to Resolution 22-98, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4070286 OF DAVID GARDINER."

Resolution 22-98's purpose is to authorize settlement of the claim, filed on May 12, 2021, in the amount of \$68,882.11. The claim alleges damages to the claimant's property located at 36 Kuli Pu'u Street, Kihei, Maui, Hawai'i, resulting from a water main break.

By correspondence dated March 28, 2022, the Department of the Corporation Counsel requested consideration of Resolution 22-98, with a copy of the claim.

Your Committee 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.

A Deputy Corporation Counsel provided an overview of the claim and explained the parties had reached a negotiated settlement, pending Council approval.

Based on information received and the recommendation of the Department, your Committee voted 6-0 to recommend adoption of Resolution 22-98. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, and Sugimura voted "aye." Committee members Johnson, Rawlins-Fernandez, and Sinenci were excused.

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**Committee  
Report No.** \_\_\_\_\_

Your Committee is in receipt of Resolution 22-98, CD1, entitled "AUTHORIZING SETTLEMENT OF CLAIM 4070286 OF DAVID GARDINER," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-98, CD1, as revised herein and attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM 4070286 OF DAVID GARDINER," be ADOPTED.

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

  
\_\_\_\_\_  
NOHELANI U'U-HODGINS, Chair

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# Resolution

No. 22-98, CD1

## AUTHORIZING SETTLEMENT OF CLAIM 4070286 OF DAVID GARDINER

WHEREAS, David Gardiner filed Claim 4070286 on May 12, 2021, against the County of Maui, for damage to his property located at 36 Kuli Pu'u Street, Kihei, Hawaii, resulting from a broken water main; and

WHEREAS, the County of Maui and David Gardiner, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

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

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

1. That it approves settlement of Claim 4070286 in the amount of \$68,882.11;
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by David Gardiner; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

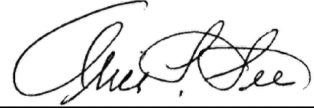


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Victoria J. Takayesu  
Corporation Counsel  
County of Maui

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

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ALICE L. LEE

Upon the request of the Mayor.