

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 23, 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 June 7, 2023, and reconvened on June 9, 2023, makes reference to Resolution 22-250, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4072812 OF HALE MAHAOLU."

Resolution 22-250's purpose is to authorize settlement of the claim, filed on October 12, 2021, in the amount of \$208,185.57. The claim alleges damages to the claimant's property located at 200 Hina Avenue, Kahului, Maui, Hawai'i, resulting from flooding due to the failure of a drainage basin within Kahului Community Center Park.

By correspondence dated October 19, 2022, the Department of the Corporation Counsel provided 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 that the parties had reached a negotiated settlement, pending Council approval.

Based on information received and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of Resolution 22-250. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Johnson, Kama, Lee, Rawlins-Fernandez, and Sugimura voted "aye." Committee members Cook and Sinenci were excused.

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Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-250, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4072812 OF HALE MAHAOLU," 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. 22-250

AUTHORIZING SETTLEMENT OF CLAIM NO. 4072812 OF HALE MAHAOLU

WHEREAS, Hale Mahaolu, filed Claim No. 4072812 on October 12, 2021, against the County of Maui for damages to their property located at 200 Hina Avenue, Kahului, Maui, Hawaii 96732, resulting from flooding due to a heavy rain event and failure of a drainage basin within Kahului Community Center Park; and

WHEREAS, the County of Maui and Hale Mahaolu, 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 hereby approves settlement of Claim No. 40721812 in the amount of TWO HUNDRED EIGHT THOUSAND ONE HUNDRED EIGHTY FIVE AND 57/100 Dollars (\$208,185.57); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Property Damage Release" by Hale Mahaolu; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK - 2021-0500

Resolution No. 22-250

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.