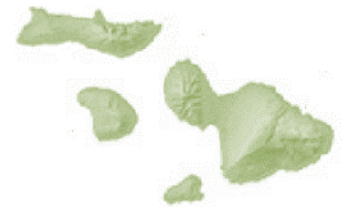


RICHARD T. BISSEN, JR.
Mayor

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
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TELEPHONE: (808)270-7740

January 31, 2024

Via email only at Great.Committee@mauicounty.us

Councilmember Nohe U'u-Hodgins, Chair
Government, Relations, Ethics, and Transparency Committee (GREAT)
County of Maui
Wailuku, Hawaii 96793

SUBJECT: AUTHORIZING SETTLEMENT OF VARIOUS 2023
WILDFIRE CLAIMS INVOLVING DEATH OR SERIOUS
BODILY INJURY (GREAT-11(36))

Dear Chair U'u-Hodgins and members of the GREAT committee:

Please find attached the revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF VARIOUS 2023 WILDFIRE CLAIMS INVOLVING DEATH OR SERIOUS BODILY INJURY." The purpose of the proposed resolution is to seek the Council's approval for settlement of various 2023 wildfire claims.

May I request that the proposed resolution be scheduled for discussion as soon as possible as time is of the essence.

It is anticipated that 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria J. Takayesu".

Victoria J. Takayesu
Corporation Counsel

Resolution

No. 23-242, CD1

AUTHORIZING SETTLEMENT OF VARIOUS 2023 WILDFIRE CLAIMS INVOLVING DEATH OR SERIOUS BODILY INJURY

WHEREAS, in August of 2023, several large wildfires devastated the island of Maui causing significant loss of life, immense damage to public and private property, and untold economic damage; and

WHEREAS, claims involving death or serious bodily injury are anticipated to be, or have been filed with the court (“Wildfire Claims”) by affected parties (“Claimants”); and

WHEREAS, the County of Maui, and Claimants, to avoid incurring expenses and the uncertainty of a judicial determination of the parties’ respective rights and liabilities, will attempt to reach resolution of these Wildfire Claims by way of negotiated settlements; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle these Wildfire Claims before the Government Relations, Ethics, and Transparency Committee; and

WHEREAS, having reviewed the facts and circumstances regarding these Wildfire Claims and being advised of attempts to reach resolution of these claims by way of negotiated settlements by the Department of the Corporation Counsel, the Council wishes to authorize these settlements; now, therefore,

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

1. That it approves settlement of various 2023 Wildfire Claims involving death or serious bodily injury in the amount of \$10,000,000;
2. That it authorizes the Mayor to execute Release and Settlement Agreements on behalf of the County in these Wildfire Claims, 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 these Wildfire Claims, under

Resolution No. 23-242, CD1

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 Director of Finance, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



VICTORIA J. TAKAYESU
Corporation Counsel
County of Maui

LF 2023-1405
2024-01-31 Reso Auth Settle of Claims Death or Injury