

Resolution

No. 25-110

AUTHORIZING SETTLEMENT OF JMC CLAIM 4088770, COUNTY OF MAUI
FILE RISK 2024-0068 OF MERC COIMBRA AND ALISA COIMBRA

WHEREAS, on March 18, 2024, MERC COIMBRA filed a Claim with the Clerk of the County of Maui, County of Maui Risk file RISK 2024-0068, against the County of Maui for property damage sustained on February 8, 2024, alleging a water main break flooded the claimant's home located at 276 Kaiola Place #101 in Kihei, HI 96758, which he owns with his wife, co-claimant ALISA COIMBRA; and

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

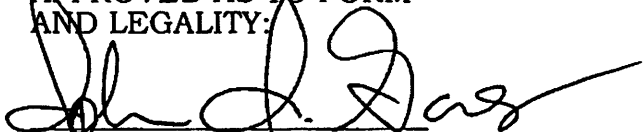
WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach a resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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

Resolution No. 25-110

1. That under Maui County Code Section 3.16.20, it approves settlement of the claim of Merc Coimbra, filed with the County Clerk of the County of Maui on February 8, 2024, County of Maui Risk file RISK 2024-0068; and
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 the settlement of this case, under 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, the Director of the Department of Water Supply, and the Department of the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read "John J. Gores", is written over a horizontal line.

JOHN J. GORES
Deputy Corporation Counsel
County of Maui
RISK 2024-0068

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Sheri Lee", is written over a horizontal line.

Upon the request of the Mayor.