

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

November 3, 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 October 17, 2023, makes reference to Resolution 23-110, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4076201 OF DAVID WILLIAMS."

Resolution 23-110's purpose is to authorize settlement of the claim, filed on April 4, 2022, in the amount of \$29,046.04. The claim alleges damages to the claimant's property located at 3274 Waileia Place, Kihei, Maui, Hawai'i, resulting from flooding due to blockage of a drainage gulch.

By correspondence dated March 13, 2023, 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 8-0 to recommend adoption of Resolution 23-110. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Lee, Rawlins-Fernandez, and Sinenci voted "aye." Committee member Sugimura was excused.

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

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Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-110, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4076201 OF DAVID WILLIAMS," 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. 23-110

AUTHORIZING SETTLEMENT OF CLAIM NO. 4076201 OF DAVID WILLIAMS

WHEREAS, David Williams filed Claim No. 4076201 on April 4, 2022 against the County of Maui for damages to his property located at 3274 Waileia Place, Kihei, Maui, Hawaii 96753, resulting from flooding due the drainage gulch being blocked by debris; and

WHEREAS, the County of Maui and David Williams, 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. 4076201 in the amount of TWENTY-NINE THOUSAND FORTY-SIX AND 04/100 DOLLARS (\$29,046.04); and

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

Resolution No. 23-110

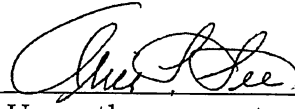
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'B. Sova', is written over a horizontal line.

BRADLEY J. SOVA
Deputy Corporation Counsel
County of Maui
RISK - 2021-0664

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris R. Lee", written in black ink.

Upon the request of the Mayor.