

COUNCIL OF THE COUNTY OF MAUI
PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE

December 15, 2017

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on November 28, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated November 6, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 301547579300001 of Barbara Cabalo. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 301547579300001 OF BARBARA CABALO," and a copy of the claim and related documents. The purpose of the proposed resolution is to authorize the Department to settle the claim for \$25,399.08.

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.

According to the proposed resolution, the claim against the County arose from damages to Barbara Cabalo's property at 877 Maikai Street, Makawao, Maui, Hawaii, resulting from a water main break on July 16, 2015.

A Deputy Corporation Counsel provided a brief overview of the case. The Deputy said the break in the water main resulted from normal wear and tear. It took about three hours for the water to be shut off, and by then, muddy water had entered Ms. Cabalo's garage and home. The Department provided a list of costs incurred by Ms. Cabalo.

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Your Committee voted 8-0 to recommend adoption of the proposed resolution to authorize settlement of the claim for \$25,399.08. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Crivello, Hokama, Sugimura, and White voted "aye." Committee member Cochran was excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 301547579300001 OF BARBARA CABALO," be ADOPTED.

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



DON S. GUZMAN, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 301547579300001
OF BARBARA CABALO

WHEREAS, Barbara Cabalo, filed Claim No. 301547579300001 on October 16, 2015, against the County of Maui for damage to her property located at 877 Maikai Street, Makawao, Maui, Hawaii, resulting from a water main break on July 16, 2015; and

WHEREAS, the County of Maui and Barbara Cabalo, 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. 301547579300001 in the amount of \$25,399.08; and

2. That payment is authorized to satisfy settlement of this claim following the execution of the Release of Property Damage Claim by Barbara Cabalo; and

Resolution No. _____

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:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui

RISK - 2015-0425