

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

December 6, 2019

Committee
Report No. _____

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on November 19, 2019, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated May 13, 2019, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. B811500035-0003-01 OF MAX WOLFE."

The purpose of the proposed resolution is to authorize the Department to settle the claim.

The Department also transmitted a copy of the claim and documentation relating to damages associated with the claim.

Your Committee notes the claim alleges personal injuries sustained by Mr. Wolfe involving a Maui County fleet vehicle with a trailer, on January 11, 2018.

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.

By correspondence dated August 19, 2019, the Department of the Corporation Counsel transmitted a revised proposed resolution to authorize the Department to settle the claim. The revised proposed resolution incorporates a nonsubstantive revision correcting a street name.

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A Deputy Corporation Counsel provided a brief overview of the case. He said the incident occurred at the intersection of Mokuhau Road and Hanalei Place, Wailuku, Maui, Hawaii. The County vehicle was being driven by an employee of the Department of Parks and Recreation.

Because the case involves ongoing litigation, a Deputy Corporation Counsel requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee members Hokama and King were excused.

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. B811500035-0003-01 OF MAX WOLFE," be **ADOPTED**.

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



MICHAEL J. MOLINA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. B811500035-0003-01
OF MAX WOLFE

WHEREAS, Max Wolfe filed Claim No. B811500035-0003-01 on October 26, 2018, against the County of Maui for injuries he allegedly sustained at the intersection of Mokuhau Road and Hanalei Place, Wailuku, Maui, Hawaii, on January 11, 2018, involving a Maui County fleet vehicle with a trailer, being operated by a County employee; and

WHEREAS, the County of Maui and Max Wolfe, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this claim, under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; 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:

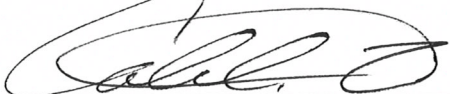
1. That it hereby approves settlement of Claim No. B811500035-0003-01 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

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2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Max Wolfe; and

3. That certified copies of this Resolution be transmitted to the Mayor; the Director of Finance; the Director of Parks and Recreation; and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read "Caleb P. Rowe", is written over a horizontal line.

CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
2018-0355

