

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 27, 2025

**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 June 2, 2025, makes reference to Resolution 25-116, entitled “AUTHORIZING SETTLEMENT OF FIRST FIRE AND CASUALTY INSURANCE OF HAWAII, INC. v. COUNTY OF MAUI, ET AL.; CIVIL FILE: 2CCV-24-0001055.”

Resolution 25-116’s purpose is to authorize settlement of the claim filed on December 17, 2024, under terms discussed in an executive meeting.

By correspondence dated May 8, 2025, the Department of the Corporation Counsel requested consideration of Resolution 25-116, with a copy of the claim.

Your Committee notes Subsection 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$25,000.

A Deputy Corporation Counsel in open session provided a brief overview of the matter, which involves allegations of negligence and *respondeat superior* or vicarious liability. The claim pertains to an incident on December 19, 2022, when a fallen tree damaged real property located at 1695 Pi‘iholo Road, Makawao, Hawai‘i. Damages include dwelling repairs, loss of use, additional living expenses, and other costs related to the incident totaling \$117,629.82.

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Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Sections 92-5(a)(4) and 92-5(a)(8), Hawai‘i Revised Statutes.

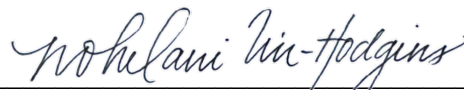
Following the executive meeting, your Committee reconvened in open session.

Based on the information received in the executive meeting and the recommendation of the Corporation Counsel, your Committee voted 8-0 to recommend adoption of Resolution 25-116. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.” Committee member Kama was excused.

Your Committee is in receipt of Resolution 25-116, CD1, entitled “AUTHORIZING SETTLEMENT OF *FIRST FIRE AND CASUALTY INSURANCE OF HAWAII, INC. V. COUNTY OF MAUI, ET AL.*; CIVIL FILE 2CCV-24-0001055,” approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 25-116, CD1, attached, entitled “AUTHORIZING SETTLEMENT OF *FIRST FIRE AND CASUALTY INSURANCE OF HAWAII, INC. V. COUNTY OF MAUI, ET AL.*; CIVIL FILE 2CCV-24-0001055,” be ADOPTED.

This report is submitted in accordance with Rule 3 of the Rules of the Council.



NOHELANI U‘U-HODGINS, Chair

Resolution

No. 25-116, CD1

AUTHORIZING SETTLEMENT OF *FIRST FIRE AND CASUALTY
INSURANCE OF HAWAII, INC. V. COUNTY OF MAUI, ET AL.*;
CIVIL FILE 2CCV-24-0001055

WHEREAS, Plaintiff First Fire and Casualty Insurance of Hawaii, Inc. filed a Complaint on December 17, 2024, in the Second Circuit Court, State of Hawai'i, Civil File 2CCV-24-0001055 against the County of Maui alleging claims of negligence, respondeat superior, and vicarious liability regarding an incident that occurred on December 19, 2022; 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 resolution by way of a negotiated settlement or Offer of Judgment 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:

1. That under Section 3.16.020, Maui County Code, it approves settlement of *First Fire and Casualty Insurance of Hawaii, Inc. v. County of Maui, et. al.*, Civil File 2CCV-24-0001055, under the terms discussed in an executive meeting before its Government Relations, Ethics, and Transparency Committee;
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

Resolution No. 25-116, CD1

by the Corporation Counsel consistent with the Council's settlement approval;

3. That it authorizes the Director of Finance to satisfy 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, Director of Finance, Director of Public Works, and Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



JOHN J. GORES
Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

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

Upon the request of the Mayor.