

REQUEST FOR LEGAL SERVICES

D a t e: May 26, 2023
F r o m: Nohelani U'u-Hodgins, Chair
Government Relations, Ethics, and Transparency Committee

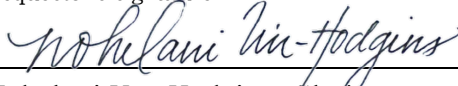
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Bradley Sova, Esq.

Subject: LITIGATION MATTERS (RESOLUTION 22-98, RELATING TO SETTLEMENT AUTHORIZATION: DAVID GARDINER; CLAIM 4070286) (PROPERTY DAMAGE)
(GREAT-11(19))

Background Data: Please see attached resolution. Please submit your response to great.committee@mauicounty.us with a reference to GREAT-11(19).

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Chair	Contact Person <u>Kasie Apo Takayama or David Raatz</u> (Telephone Extension: <u>7665 or 7664, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): May 30, 2023, at 9:00 a.m.
REASON: For posting on June 6, 2023, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

great:ltr:011(19)acc01:kmat

Attachment

Resolution

No. 22-98, CD1

AUTHORIZING SETTLEMENT OF CLAIM 4070286 OF DAVID GARDINER

WHEREAS, David Gardiner filed Claim 4070286 on May 12, 2021, against the County of Maui, for damage to his property located at 36 Kuli Pu'u Street, Kihei, Hawaii, resulting from a broken water main; and

WHEREAS, the County of Maui and David Gardiner, 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 approves settlement of Claim 4070286 in the amount of \$68,882.11;
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by David Gardiner; and

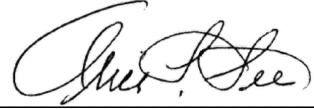
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

Victoria J. Takayesu
Corporation Counsel
County of Maui

great:misc:011(19)areso01:dr

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.