

Resolution

No. 26-61

PROPOSING AN AMENDMENT TO THE CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATED TO THE PROCESSING OF CLAIMS

WHEREAS, the Risk Management Division of the Department of the Corporation Counsel is responsible for processing claims made by the public against the County of Maui for personal injury or property damage; and

WHEREAS, Section 13-6 of the Charter of the County of Maui (1983), as amended, provides that claims are initially filed with the County Clerk; and

WHEREAS, while the Clerk's Office expeditiously transmits claims to the Corporation Counsel, the current procedure adds an unnecessary administrative step, is inefficient, and does not provide the public with clear information on which department is responsible for processing their claims, resulting in confusion; and

WHEREAS, Council finds that filing claims directly with the department responsible for their processing provides the public with clarity and eliminates administrative inefficiencies; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, in accordance with Charter Section 14-1(1), it proposes that the following sections of the Charter of the County of Maui (1983), as amended, be amended to read as set forth as follows, with deleted material in brackets and new material underscored:

“Section 13-6. Claims. No action shall be maintained for the recovery of damages for any injury to person or property by reason of negligence of any officer or employee of the County unless a written statement stating fully when, where, and how the injuries occurred; the extent of the injuries; and the

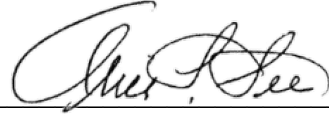
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amount claimed, has been filed with the [county clerk] corporation counsel within the time period as provided by law.”

2. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next General Election;
3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election;
4. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next General Election ballot:

“Shall the Charter be amended, effective January 1, 2027, to streamline the process for filing claims for personal injury or property damage by requiring that claims are filed directly with the corporation counsel?”
5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;
6. That the amendments proposed in this Resolution take effect on approval by a majority of the voters voting on the proposed amendment and on official certification of the result;
7. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and
8. That certified copies of this Resolution be transmitted to the Mayor and the County Clerk.

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

ALICE L. LEE