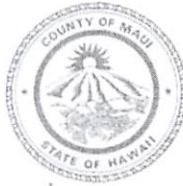


RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Acting Corporation
Counsel

SONYA TOMA
First Deputy

LYDIA A. TODA
Risk Management Officer



RECEIVED

2023 FEB -6 AM 9:34

OFFICE OF THE
COUNTY CLERK

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI

200 SOUTH HIGH STREET, 3RD FLOOR

WAILUKU, MAUI, HAWAII 96793

EMAIL: CORPCOUN@MAUICOUNTY.GOV

TELEPHONE: (808)270-7740

February 3, 2023

Via email only at county.clerk@mauicounty.us

Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawaii 96793

SUBJECT: Authorizing Settlement of Claim No. 4080380 of Hawaiian
Electric Company

Dear Chair Lee and Council Members:

Please find attached separately a proposed resolution entitled
"AUTHORIZING SETTLEMENT OF CLAIM NO. 4080380 of Hawaiian Electric
Company." The purpose of the proposed resolution is for settlement of a
general liability claim.

I request that the proposed resolution be scheduled for discussion and
action, or referral to the appropriate standing committee as soon as possible. I
have also attached the claim and supporting documents.

It is anticipated that an executive session may be necessary to discuss
questions and issues pertaining to the powers, duties, privileges, immunities,
and liabilities of the County, the Council, and/or the Committee.

Should you have any questions or concerns, please do not hesitate to
contact us. Thank you for your anticipated assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Sova".

Bradley J. Sova
Deputy Corporation Counsel

cc: Director, Department of Water Supply
Attachments

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

December 13, 2022

John Mullen & Company, Inc. (JMC)
Via email: claims@johnmullen.com

Attn: Unit Code 99

Respectfully transmitted is a copy of a claim against the County of Maui filed by Bernadette Lavalée, of Hawaiian Electric Company, Inc., Claims Dept. (AT11-ND), of P.O. Box 2750, Honolulu, which was received by our office on December 12, 2022.

Respectfully,

A handwritten signature in black ink that reads "Kathy L. Kaohu".

KATHY L. KAOHU
County Clerk

Attachment

cc: Mayor
Corporation Counsel
Council Chair

/djy

COUNTY OF MAUI

CLAIM FOR DAMAGE OR INJURY

RECEIVED

2022 DEC 12 PM 2:58

PLEASE PRINT CLEARLY

1. Claimant: Mr. ☐ Mrs. ☐ Ms. ☐ Hawaiian Electric Company, Inc. (POC: Bernadette Lavalley) OFFICE OF THE
COUNTY CLERK
2. Address: Claims Dept. (AT11-ND) PO Box 2750 Honolulu, HI 96840
3. Telephone No. 808-543-4667 Email: bernadette.lavallee@hawaiianelectric.com

4. Date of Accident: 1/13/21
5. Location of Accident: Baldwin Ave

6. Amount of Claim: Property Damage \$ TBD Personal Injury \$

7. Describe the accident in detail. Indicate all the facts, causes, persons involved, witnesses, extent of damage, etc., and why you think the County is responsible. Attach additional sheets as needed.

Per attached police report 21-001484: Gerlad Ponce was traveling North bound on Baldwin Avenue veered onto the East sidewalk area fronting 287 Baldwin Avenue, Paia, Colliding into utility pole 25.

8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.

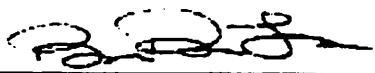
Policy No.

- A. Did you file a claim with your insurance company?

If yes, amount claimed \$ Deductible amount \$

- B. If a claim was filed with your insurance company, what action do they intend to take?

I HEREBY DECLARE THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.


(Signature of Claimant)

12/7/22
(Date)

COUNTY OF MAUI

**PLEASE READ THESE INSTRUCTIONS CAREFULLY
BEFORE FILLING OUT THE ATTACHED CLAIM FORM**

1. Claims for property damage or personal injury must be signed by the property owner or the injured person. The person signing must be over 18 years of age. If a duly authorized agent or representative signs on behalf of a claimant, evidence establishing the authority to act must be attached.
2. For property damage claims, three itemized, signed estimates of the repairs or replacement costs must be submitted. If payment has been made, the itemized, signed receipt must be submitted. If the claim includes loss-of-use of vehicle or car rental costs, documentation to that effect should also be submitted. For vehicle property damage, a copy of the certificate of ownership or vehicle registration must be attached when submitting your claim.
3. For personal injury claims, written documentation by the attending physician must be submitted. This would include any medical treatment or billing information, prescribed medications and the period of incapacitation, if relevant.
4. The claim form must be filled out completely, accurately, and legibly in order to process your claim. Submit your claim form bearing your original signature to:

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET, ROOM 708
WAILUKU, HAWAII 96793











Report Number: 21001484

This report is prepared for the State of Hawaii Department of Transportation federally mandated 23 USC 148, Highway Safety Improvement Program

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Page 2 of 7 DOT-1-174B (HWY-T) Rev. 8/18

Report Number: 21001484

(32) Unit No.		(33) No. of Occ.		UNIT INFORMATION			
1		1					
(34) Unit Class				(35) Race			
☐ Passenger Car (01) ☐ Passenger Van (02) ☒ Pickup Truck (03) ☐ SUV/MPVH (04) ☐ Cargo Van < 10,001 lbs (05) ☐ Other Truck < 10,001 lbs (06) ☐ Truck > 10,000 lbs (07) ☐ Transit Bus (08)		☐ School Bus (09) ☐ Other Bus (10) ☐ Motorcycle (11) ☐ Motor Scooter (12) ☐ Moped (13) ☐ Bicycle (14) ☐ Pedestrian (15) ☐ Maint./Construct. Equipment (16)		☐ Farm Vehicle/Equipment (17) ☐ Motor Coach (18) ☐ Motor Home (19) ☐ Recreational Vehicle (20) ☐ Other (21) ☐ Unknown (22)		☐ White (01) ☐ Black (02) ☐ American Indian (03) ☐ Chinese (04) ☐ Japanese (05) ☐ Korean (06) ☐ Puerto Rican (07)	
				☒ Hawaiian (08) ☐ Samoan (09) ☐ Tongan (10) ☐ Vietnamese (11) ☐ Filipino (12) ☐ Unknown (13) ☐ Other (14)			
(36) Last Name		(37) First Name		(38) MI	(39) Sex		(40) DOB
PONCE		GERALD		L	☒ M (01) ☐ F (02)		02/13/1964
(41) Street No.		(42) Street Name			(43) St./Pl./Blvd./Etc		(44) Apt./Suite Number
18		PONI			PL		A
(45) City		(46) State		(47) Zip Code		(48) Home Phone Number	
PAIA		HI		96779		(808) 663-3324	
(49) Occupation				(50) Employer/Company Name			
☐ Unemployed (00) ☐ Fed. Govt. Civ. (07) ☐ Student - H.S. (14) ☐ U.S. Army (01) ☐ State Govt. (08) ☐ Student - Col. (15) ☐ U.S. Navy (02) ☒ County Govt. (09) ☐ U.S. Tourist (16) ☐ U.S. Air Force (03) ☐ Foreign Govt./Civ. (10) ☐ Foreign Tourist (17) ☐ U.S. Marines (04) ☐ Retired (11) ☐ Police Officer (18) ☐ U.S. Coast Guard (05) ☐ Student - Elem. (12) ☐ Other (19) ☐ Other Military (06) ☐ Student - Inter. (13) ☐ Not Stated (20)				MAUI COUNTY WATER DEPT.			
(51) Work Phone Number				(52) Other Phone/Pager Number			
(808) 870-8346				(808) 633-3324			
(53) Driver's License #		(54) St./Juris		(55) Class	(56) Restrict	(57) Endorse.	
H00756222		HI		3	NONE	NONE	
(58) CDL Type				(59) Driver's License Status			
☒ Non-CDL (01) ☐ Non-CDL/Restricted (02) ☐ CDL (03)				☒ Valid (01) ☐ Expired (05) ☐ Permit (09) ☐ Not Licensed (02) ☐ Revoked (06) ☐ Disqualified (CDL) (10) ☐ Canceled (03) ☐ Suspended (07) ☐ Denied (04) ☐ Provisional (08)			
(85) SFST Given		(86) Suspected Impairment					
☒ No (01) ☐ Refused (03) ☐ Yes (02)		☐ Alcohol (01) ☐ Both (03) ☐ Drug (02) ☒ None (04)					
(87) Alcohol Test Results							
(87A) Status		(87B) Type		(87C) Results			
☒ None (00) ☐ Refused (01) ☐ Given (02)		☐ Blood (01) ☐ Breath (02) ☐ Other (03)		☐ Value (01) ☐ Pending (02)			
(88) Drug Test Results							
(88A) Status		(88B) Type		(88C) Results			
☒ None (00) ☐ Refused (01) ☐ Given (02)		☐ Blood (01) ☐ Urine (02) ☐ Other (03)		☐ Positive (01) ☐ Negative (02) ☐ Pending (03)			
(73) Vehicle Yr		(74) Veh. Color (Top/Btm)		(75) Vehicle Make		(76) Vehicle Model	(77) Lic. Plate No.
2012		WHITE		FORD (ALSO SEE ENGLISH, FRENCH)		F35	CM2577
(79) Lic. Plate St.		(78) Trailer Plate					
HI							
(80) Vehicle VIN Number				(81) Emer. Veh. In Use		(82) Vehicle Stolen	
1FDBF3B69GEB54774				☒ No (01) ☐ Yes (02)		☒ No (01) ☐ Yes (02)	
(83) Special Use				(84) Trailer/Cargo Type			
☐ None (00) ☐ Fire Truck (04) ☐ Police-Off Duty (08) ☐ U-Drive (12) ☐ Driver Trng. (01) ☐ Tow Truck (05) ☐ Military (09) ☐ School Bus (13) ☐ Construct./Maint. (02) ☐ Ambulance (06) ☒ Government (10) ☐ Other Bus (14) ☐ Taxi (03) ☐ Police-On Duty (07) ☐ Farm Use (11) ☐ Other (15)				☒ None (00) ☐ Livestock (04) ☐ Veh. Tow Veh. (08) ☐ Boat (01) ☐ House (05) ☐ Other (09) ☐ Flatbed (02) ☐ Van/Encl. Box (06) ☐ N/A (10) ☐ Horse (03) ☐ Dump (07)			

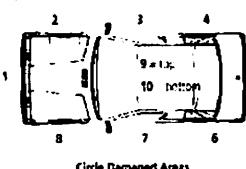
Officer's Initials:

Supervisor's Initials:

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Page 3 of 7 DOT-1-174C (HWY-T) Rev. 8/18

Report Number: 21001484

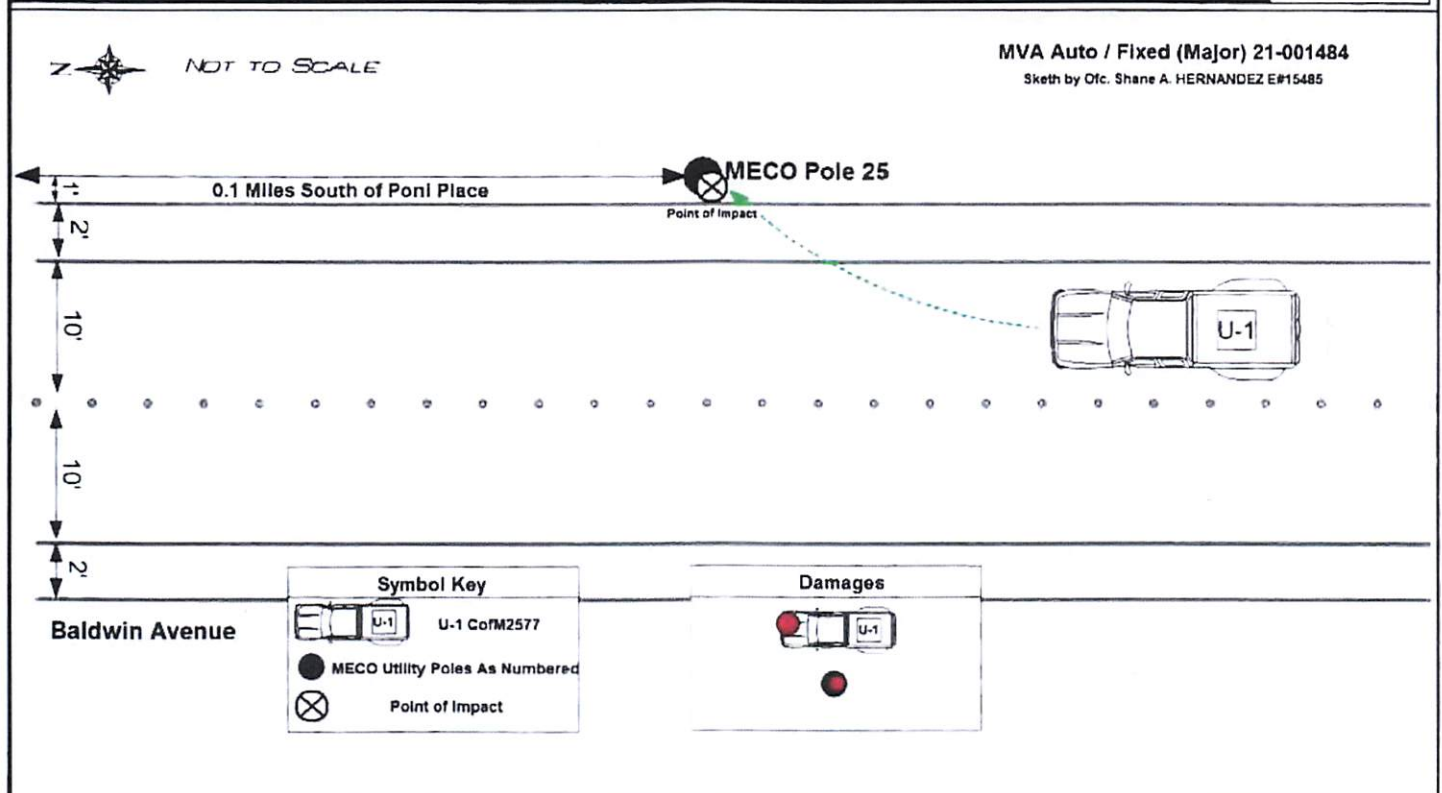
Unit No. 1		UNIT INFORMATION (Cont.)																																																									
(89) Citations		(90) Est. Damages		(91) Extent of Damage		(91A) Towed		(92) Is this a CMV or other QUALIFYING Vehicle?																																																			
Citation Number	Offense Code (HRS/RO Section #)	☒ \$3,000 or Greater (01) ☐ Less than \$3,000 (02)		☐ None (00) ☐ Minor (01) ☐ Functional (02) ☒ Disabling (03)		☐ No (01) ☒ Yes (02)		☒ No (01) ☐ Yes (02) If yes, go to CMV SUPPLEMENT																																																			
		(95A) Object 1 Struck/Damage Descript.				(96A) Object 2 Struck/Damage Descript.																																																					
		UTILITY POLE #25																																																									
(93) Using the Diagram to the Right, Indicate Initial Impact Point in block below: 		(95B) Object 1 Owner's Name		(96B) Object 2 Owner's Name		(95C) Object 1 Owner's Phone Number		(96C) Object 2 Owner's Phone Number																																																			
		MAUI ELECTRIC, ELECTRIC CO LTD.		(95D) Estimated Damages to Object 1		(96D) Estimated Damages to Object 2																																																					
		(808) 870-5203		(808) 870-5203		(808) 870-5203																																																					
(94) Direction From To 5 1		(95E) Estimated Damages to Object 1		(96E) Estimated Damages to Object 2		(95F) Estimated Damages to Object 1		(96F) Estimated Damages to Object 2																																																			
		☒ \$3,000 or Greater (01) ☐ Less than \$3,000 (02)		☐ \$3,000 or Greater (01) ☐ Less than \$3,000 (02)		☐ \$3,000 or Greater (01) ☐ Less than \$3,000 (02)		☐ \$3,000 or Greater (01) ☐ Less than \$3,000 (02)																																																			
(97) Motor Vehicle Maneuver/Action										(98) Reason for Maneuver										(99) Traffic Control Device Type																																							
☒ Straight Ahead (01) ☐ Parking (07) ☐ Turning Left (14) ☐ Changing Lanes (02) ☐ Parked (08) ☐ U-Turn (15) ☐ Merging (03) ☐ Start from Parked (09) ☐ Entering Traffic (16) ☐ Overtaking/Passing (04) ☐ Stopped in Traffic (10) ☐ Negotiating a Curve (17) ☐ Slowing/Stopping (05) ☐ Start in Traffic (11) ☐ Other (18) ☐ Backing (06) ☐ Right Turn on Red (12) ☐ Turning Right (13)										☒ Intended Maneuver (01) ☐ Avoid Pedestrian (05) ☐ Traffic Controls (02) ☐ Avoid Bicycle (06) ☐ Mechanical Failure (03) ☐ Avoid Obj. / Animal (07) ☐ Avoid Other Vehicle (04) ☐ Avoid Prior MVA (08) ☐ Other (09)										☒ No Controls (00) ☐ School Zone Sign/Device (07) ☐ Traffic Signal (01) ☐ Warning Sign (08) ☐ Stop Sign (02) ☐ Railway X-ing Device (09) ☐ Yield Sign (03) ☐ Flashing Red (04) ☐ Flashing Yellow (05) ☐ Other (10) ☐ Person (06)																																							
(100) Traffic Control Condition										(101) Guidance/Pavement Markings										(102) Delineator Present										(103) Bikeway																													
☒ Not Applicable (00) ☐ Yellow Malfunction (05) ☐ Functioning Properly (01) ☐ Green Malfunction (06) ☐ Knocked Down (02) ☐ Arrow Malfunction (07) ☐ Obscured (03) ☐ Lights Not Changing (08) ☐ Red Malfunction (04) ☐ Other Malfunction (09)										None (00) ☐ Lft ☐ Rgt Solid Yellow (01) ☐ No Passing, Yellow (06) ☐ Lft ☐ Rgt Skip-Dash Yellow (02) ☒ Curb/Median, Etc. (07) ☐ Lft ☐ Rgt Solid White (03) ☒ Bikeway Marking (08) ☐ Lft ☐ Rgt Skip-Dash White (04) ☐ Crosswalk Marking (09) ☐ Lft ☐ Rgt Solid Double Yellow (05) ☐ Turn Lane (10) ☐ Lft ☐ Rgt										☒ None (00) ☐ Right (01) ☐ Right (01) ☐ Left (02) ☐ Left (02) ☐ Both Sides (03)										☒ None (00) ☐ Bike Route (Signed) (01) ☐ Bike Route (Signed) (01) ☐ Bike Lane Stripe (02) ☐ Bike Lane Stripe (02) ☐ Separate Path/Lane (03)																													
(104) Vehicle Factors (Select Up to 2)										(105) Vision Obstruction (Select up to 3)										(106) Human Factors (Select up to 3)										(107) Driver Distracted By																													
☒ None (00) ☐ Suspension (08) ☐ Worn Tires (01) ☐ Wheels (09) ☐ Tire Failure (02) ☐ Power Train (10) ☐ Brakes (03) ☐ Window/Windshld. (11) ☐ Headlights (04) ☐ Mirrors (12) ☐ Taillights (05) ☐ Wipers (13) ☐ Signals (06) ☐ Trailer Coupling (14) ☐ Steering (07) ☐ Other (15)										☒ None (00) ☐ Glare (06) ☐ Trees/Brush/Fence (01) ☐ Weather Condition (07) ☐ Embankment (02) ☐ Pedestrian (08) ☐ Building (03) ☐ Animal(s) in Road (09) ☐ Moving Vehicle (04) ☐ Other (10) ☐ Parked/Stopped Vehicle (05)										☐ None (00) ☐ Illness (06) ☐ Inattention (01) ☐ Legal Meds. (07) ☐ Misjudgment (02) ☐ Emotional (08) ☒ Fatigue (03) ☐ Phys. Impaired (09) ☐ Alcohol (04) ☐ Other (10) ☐ Illegal Drugs (05)										☒ Not Distracted (00) ☐ Cellular Phone (01) ☐ Other Elect. Comm. Device (02) ☐ Other Electronic Device (03) ☐ Other Inside Vehicle (04) ☐ Other Outside Vehicle (05) ☐ Other Occupant (06)																													
(108) Other Factors (Select up to 4)										(109) Roadway Comp.										(110) Roadway Surface																																							
☐ No Improper Action (00) ☐ Failure to Yield (06) ☐ Improper Backing (13) ☐ Other Improper Action (18) ☐ Drove too Fast for Conditions (01) ☐ Wrong Side/Way (07) ☐ Followed too Closely (14) ☐ Illegally in Roadway (19) ☐ Exceed Posted Speed Limit (02) ☐ Crossed Centerline (08) ☐ Aggressive, Reckless Driving (15) ☐ Improper Crossing (20) ☐ Disregard Trfc. Signal (03) ☒ Ran Off Road (09) ☐ Swerved to Avoid Obstacle (16) ☐ Pedestrian Viol. (21) ☐ Disregard Red Light (04) ☐ Failure to Keep in Proper Lane (10) ☐ Inattention (Talking, Etc.) (22) ☐ Disregard Other Trfc. Ctrl. Dev. (05) ☐ Improper Turn (11) ☐ Bicycle Violation (23) ☐ Improper Passing (12) ☐ Over Correcting or Over Steering (17) ☐ Clothing not Visible (24)										☐ Concrete (01) ☒ Asphalt (02) ☐ Gravel (03) ☐ Dirt (04) ☐ Other (05)										☒ Dry (01) ☐ Slush (07) ☐ Wet (02) ☐ Ice/Frost (08) ☐ Mud, Dirt, Gravel (03) ☐ Water (09) ☐ Debris (04) ☐ Sand (10) ☐ Oil (05) ☐ Other (11) ☐ Snow (06)																																							
(111) Other Roadway Conditions (Select up to 3)										(112) Roadway Alignment (Horizontal)										(113) Roadway Alignment (Vertical)																																							
☒ None (00) ☐ Low Shoulder (03) ☐ Loose Material (06) ☐ Ruts, Holes, Etc. (01) ☐ Soft Shoulder (04) ☐ Worn, Polished (07) ☐ No Shoulder (02) ☐ High Shoulder (05) ☐ Other (08)										☒ Straight (01) ☐ Curve Left (02) ☐ Curve Right (03)										☐ Level (01) ☒ Downhill (04) ☐ Hillcrest (02) ☐ Sag (05) ☐ Uphill (03)																																							
Officer's Rank and Name										Officer's ID Number										Date/Time										Supervisor's Rank and Name										Supervisor's ID #										Date/Time									
(PO2) BURKETT, CRISTA J										15527																																																	

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Page 4 of 7 DOT-1-174D (HWY-T) Rev. 8/18

Report Number: 21001484

(114) Tire Skid Marks (feet)					DIAGRAM																																												
Wheel	Unit 1	Unit 2	Unit 3	Unit 4	(115) REFERENCE POINT																																												
Rgt-R					IS _____ (feet) _____ (direction) _____ (Object/Landmark)																																												
Lft-F					ALL OBJECTS ARE MEASURED FROM POINT OF REFERENCE																																												
Rgt-F					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Object</th> <th>N</th> <th>S</th> <th>E</th> <th>W</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>					Object	N	S	E	W																																			
Object	N	S	E	W																																													
Lft-R																																																	
(116) Intersection Related																																																	
☒ No (01) ☐ Yes (02)																																																	
(117) Main Road					(119) Indicate the Type of Intersection (Check one)																																												
(A) No. of Lanes		(B) Speed Limit			☒ Not at Intersection (01) ☐ "Y" Intersection (04) ☐ Roundabout (07)																																												
2		20MPH			☐ 4-Way Intersection (02) ☐ Part of Interchange (05) ☐ 5 (or more legs) Intersection (08)																																												
(118) Side Road					☐ "T" Intersection (03) ☐ Traffic Circle (06) ☐ Other (09)																																												
(A) No. of Lanes		(B) Speed Limit			Place an arrow in the above circle to indicate North.																																												
Draw Object, Directions, Etc. According to Current Practices.																																																	



Synopsis (Accident Description. Refer to units by #):					
Unit 1 traveling North bound on Baldwin Avenue veered onto the East sidewalk area fronting 287 Baldwin Avenue, Paia, colliding into utility pole 25. No injuries were observed or completed on. Damages are estimated over \$3,000. Refer to continuation.					
Officer's Rank and Name	Officer's ID Number	Date/Time	Supervisor's Rank and Name	Supervisor's ID #	Date/Time
(PO2) BURKETT, CRISTA J	15527				

Report Number: 21001484

[illegible]

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Page 6 of 7 DOT-1-174G (HWY-T) Rev. 8/18

Report Number: 21001484

Narrative

Officer Crista BURKETT
D1, Beat 30, Paia Sector
Wailuku Patrol Division

ASSIGNMENT/ARRIVAL:

On 01/13/2021 at about 0253 hours, I was assigned by Dispatch to the area of 287 Baldwin Avenue, Paia for a Motor Vehicle Collision type case. Dispatch advised that a single vehicle had struck a utility pole.

At about 0255 hours, I arrived at the above location and the following transpired.

OFFICER'S OBSERVATIONS/ACTIONS:

Upon arrival, I observed Unit 1 on the East sidewalk fronting 287 Baldwin Avenue, Paia with heavy front end damages and partially blocking the North bound lane. Pole 25 and its support pole were completely severed and being held up by telephone lines. The electric and telephone lines were intact. A male, later identified as Gerald PONCE (herein referred to as PONCE) was observed standing by the driver side door. I obtained the following statement.

UNIT 1 OPERATOR STATEMENT: Gerald PONCE

The following statement was obtained on 01/13/2021 at about 0257 hours on the roadway fronting 287 Baldwin Avenue, Paia.

PONCE stated he had just finished a late shift in Makawao and was traveling North bound on Baldwin Avenue when he fell asleep. PONCE woke up as he collided with Pole 25 on the East sidewalk fronting 287 Baldwin Avenue, Paia. PONCE stated he was not injured as a result of the collision.

PONCE advised his supervisor was arranging a tow and Campos would be responding shortly for his vehicle.

Nothing further to add.

UNIT 1 DAMAGES.

Unit 1 sustained heavy front end damages and a possible broken front axle as a result of this incident. Damages estimated over \$3,000.

OBJECT 1 DAMAGES:

Pole 25 and its support pole were completely severed. Damages are estimated over \$3,000.

TOW:

PONCE arranged his own tow for Unit 1 with Campos. On 01/13/21 at about 0335 hours, Campos responded and removed the vehicle.

SKETCH:

Refer to attached sketch.

DISPOSITION:

Closed/cleared.

Officer's Rank and Name	Officer's ID Number	Date/Time	Supervisor's Rank and Name	Supervisor's ID #	Date/Time
(PO2) BURKETT, CRISTA J	15527				

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Page 7 of 7 DOT-1-174G (HWY-T) Rev. 8/18

Report Number: 21001484

Narrative

Submitted by.

Officer Crista BURKETT 01/13/2021 @ 0440 hours

Officer's Rank and Name	Officer's ID Number	Date/Time	Supervisor's Rank and Name	Supervisor's ID #	Date/Time
(PO2) BURKETT, CRISTA J	15527				



December 13, 2022

County of Maui
200 S. High St.
Wailuku, HI 96793

From: Bernadette Lavallee
Department: Claims Department
Phone: (808) 543-4667
email: bernadette.lavallee@hawaiianelectric.com (preferred contact)

Please find demand below and support attached.

Expenses incurred by Maui Electric Company to repair a damaged pole on Baldwin Ave. Motor Vehicle Accident.
Police report #21-001484. Maui Electric Claim 20210113-16-1.

Date of occurrence: January 13, 2021
Driver: Gerald Ponce
John Mullen Claim No.: 4080380

CLAIM NO. 20210113-16-1
WORKORDER NO. 6053429
DATE OF LOSS 1/13/2021

LABOR	\$	2,483.78
OUTSIDE SERVICES		2,252.55
MATERIAL		1,270.27
OVERHEADS		4,325.35
SUBTOTAL		10,331.95
LESS DEPRECIATION CREDIT		(22.01)
TOTAL	\$	10,309.94

Please remit payment to:

Hawaiian Electric Company
Claims Department (AT11-ND)
PO BOX 2750
Honolulu, HI 96840

Also enclosed please find written documentation supporting our claim. Please note that certain information has been redacted, as the Companies are required to protect the confidentiality of unit cost and pricing information, because if the information is publicly disclosed it could cause competitive harm to the Companies or its third-party vendors and lead to increased costs for the Companies and its customers.

Hawaiian Electric



LABOR	HOURS		
EMPLOYEE	4		
EMPLOYEE	8		
EMPLOYEE	8		
EMPLOYEE	8		
EMPLOYEE	8		
EMPLOYEE	3		
TOTAL LABOR	39	\$	2,483.78

MATERIALS	QUANTITY	AMOUNT
INSULATOR_27KV_POST_12KV APL	3	
XARM_WD_2 STL PIN_3-3/4"X5-3/4"X 8'	1	
BARRIER_TERMITE_17"X8' SS MESH	1	
POLE_WD_40' CLASS 3	1	
TOTAL MATERIALS		\$ 1,270.27

OVERHEADS		
PAYROLL TAX	\$	211.71
NON-PRODUCTIVE WAGES		287.82
EMPLOYEE BENEFITS		882.18
CORP ADMIN		1,196.91
FLEET		708.24
ENERGY DELIVERY		564.19
ITS		371.67
STORES		102.63
TOTAL OVERHEADS	\$	4,325.35

Section 269-32, Hawaii Revised Statutes:

"Injury to Public Utility Property. Any person who injures or destroys through want of proper care, any necessary or useful facility, equipment or property of any public utility shall be liable to the public utility for all damages sustained thereby. The measure of damages to the facility, equipment or property injured or destroyed shall be the cost to repair or replace the property injured or destroyed including direct and allocated costs for labor, materials, supervision, supplies, tools, taxes, transportation, administrative and general expense and other indirect or overhead expenses, less credit, if any, for salvage. The specifying of the measure of damages for the facility, equipment or property shall not preclude the recovery of such other damages occasioned thereby as may be authorized by law."



'āinaexcavation

483 east uahi way wailuku, hi 96793
ph: 808.877.0155 fax: 808.242.0781
email: aina@ainaexcavation.com

invoice

invoice #: 020940

date: 3/26/2021

work order #: 6053429

start date: 3/26/2021

end date: 3/26/2021

bill to:

job # 0221-3

MAUI ELECTRIC CO., LTD.
P.O. BOX 2750
HONOLULU, HI 96840
Attention: ACCOUNTS PAYABLE

auth. / purchase order	requisitioner	location	project
4500078751		E25 BALDWIN AVE	DIG POLE HOLE
description			extrn.
PROVIDED EQUIPMENT AND LABOR TO DIG AND COVER FOR SAFETY ONE (1) 45' POLE HOLE.			1,794.22
thank you for your business.			
subtotal			\$1,794.22
sales tax 4.166...			\$0.00
total			\$1,794.22



Naa'auao Traffic Control LLC
P.O. Box 697
Wailuku, HI 96793

Invoice

Date	Invoice No.
01/18/21	6272

Bill To:

Hawaiian Electric Company
Attention: Accounts Payable
PO BOX 2750
Honolulu, HI 96840-0001

PO #

4500076495

Job Number		Date Of Service	
6053429		1/13/2021	
Location		Foreman	
Baldwin Ave			
Description	Qty	Rate	Amount
Traffic Control Set-Up and Break Down, Traffic Monitoring, Flag Man			220.00
Traffic Control Set-Up and Break Down, Traffic Monitoring, Flag Man			220.00
Crew:			
Called by Kekoa			
Sales Tax (4.167%)			\$18.33
Grand Total			\$458.33

City & County of Honolulu; SS

On this 10th day of January, 2023, before me appeared

Shani Leah Morales who is known to be the

person(s) names herein and who voluntarily executed this release.

Marcha C. H. Ono
Notary Signature

10/24/2023
Date Commission Expires

NOTARY CERTIFICATION

(Hawaii Administrative Rule § 5-11-8)

Document Identification or Description: Release of Property
Damage Claim

Date of Document: 01/10/23 No. of Pages: 02 First Circuit
(Jurisdiction of notarial act)

Marcha C. H. Ono
Signature of Notary

Marcha C. H. Ono
Type or Print Name of Notary

01/10/2023
Date of Notary Certificate

(Official Stamp or Seal)

RELEASE OF PROPERTY DAMAGE CLAIM

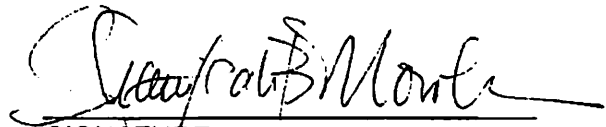
Maui Electric Company, their heirs, assigns and successors, thereby release and forever discharge the County of Maui, its officers, employees and agents, from all causes of action, and agree to withdraw, dismiss or refrain from filing any claim, complaint, charge or appeal against the County of Maui with any court, government board, agency, department or entity concerning the incidents, occurrences or losses involving your property, including but not limited to an electric pole and electrical lines located at 287 Baldwin Avenue, on January 13, 2021 in Paia, in the State of Hawaii.

In consideration of this release of property damage claim, County of Maui agrees to pay **ten thousand three hundred nine and 94/100 dollars (\$10,309.94)** as full and final release and satisfaction of the property damage claim brought by Maui Electric Company against the County of Maui.

It is hereby expressly understood and agreed that the payment or granting of the consideration described above is not an admission of liability or fault of any kind, but compromises and settles all property damage disputes between the parties for the purpose of avoiding further litigation or expense. Said payment is the final consideration of this Property Damage Release, and no other payment or consideration has been promised or will be paid for this property damage claim. This release is for property damage only.

This release is non-binding pending County of Maui approval. Each party to this agreement agrees to bear their own costs and attorney's fees.

Signed this 10 day of January 2023.


SIGNATURE

Shani Leah Monks
PRINTED NAME OF SIGNER & TITLE