

**COUNCIL OF THE COUNTY OF MAUI**

# **GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE**

September 27, 2024

**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 September 12, 2024, makes reference to Resolution 24-119, entitled "AUTHORIZING SETTLEMENT OF JMC CLAIM NO. 4084192, COUNTY OF MAUI FILE NO. RISK 2023-1035 OF RINZAI ZEN MISSION."

Resolution 24-119's purpose is to authorize settlement of the claim, filed on July 13, 2023, in the amount of \$31,233.37. The claim alleges property damage sustained on December 20, 2022, when an ironwood tree from Baldwin Beach Park fell on the Rinzai Zen Mission temple building located at 120 Alawai Road, Pā'ia, Maui, Hawai'i.

By correspondence dated June 24, 2024, the Department of the Corporation Counsel provided 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 provided an overview of the claim and explained that the parties had reached a negotiated settlement, pending Council approval.

Your Committee voted 7-0 to recommend adoption of Resolution 24-119. Committee Chair U'u-Hodgins and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Paltin and member Kama were excused.

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee  
Report No. \_\_\_\_\_**

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 24-119, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JMC CLAIM NO. 4084192, COUNTY OF MAUI FILE NO. RISK 2023-1035 OF RINZAI ZEN MISSION," be ADOPTED.

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

  
\_\_\_\_\_  
NOHELANI U'U-HODGINS, Chair

great:cr:24011(46)aa:mkm

# Resolution

No. 24-119

AUTHORIZING SETTLEMENT OF JMC CLAIM NO. 4084192, COUNTY OF MAUI FILE NO. RISK 2023-1035 OF RINZAI ZEN MISSION

WHEREAS, on July 13, 2023, Rinzai Zen Mission, by its President, Alan Nago, filed a Claim with the Clerk of the County of Maui, JMC Claim No. 4084192, County of Maui Risk file No. RISK 2023-1035, against the County of Maui for property damage sustained on December 20, 2022 when an ironwood tree fell on the Rinzai Zen Mission temple building at 120 Alawai Road, Paia, HI 96779; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a resolution of this claim by way of a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement 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 it hereby approves settlement of JMC Claim No. 4084192, County of Maui Risk file No. RISK 2023-1035 by Rinzai Zen Mission in the

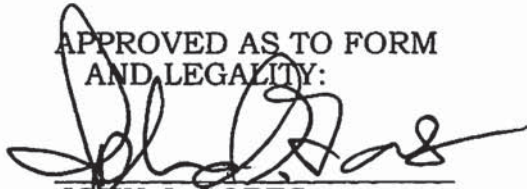
**Resolution No. 24-119**

amount of Thirty-One Thousand Two Hundred Thirty-Three and 37/100 Dollars (\$31,233.37); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" of Rinzai Zen Mission by Alan Nago, its President; and

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

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'John J. Gores', is written over a horizontal line.

JOHN J. GORES  
Deputy Corporation Counsel  
County of Maui  
RISK 2023-1035

INTRODUCED BY:

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

Upon the request of the Mayor.