

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

April 11, 2023

**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 March 21, 2023, and reconvened on March 30, 2023, makes reference to Resolution 23-85, from the Department of the Corporation Counsel, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 4070761 OF PAUL CLEVELAND.”

Resolution 23-85’s purpose is to authorize the Department to settle the claim filed on May 25, 2021, in the amount of \$13,593.87.

By correspondence dated February 3, 2023, the Department of the Corporation Counsel requested consideration of Resolution 23-85, with a copy of the claim.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

A Deputy Corporation Counsel provided an overview of the claim. He said the claim alleges damages to Mr. Cleveland’s real property, located at 404 Auhana Road, Kihei, Maui, Hawaii, resulting from a water main break.

Based on information received and the recommendation of the Department, your Committee voted 9-0 to recommend adoption of Resolution 23-85. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

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 23-85, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4070761 OF PAUL CLEVELAND," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

great:cr:23011(12)aa:rem

Resolution

No. 23-85

AUTHORIZING SETTLEMENT OF CLAIM NO. 4070761 OF PAUL CLEVELAND

WHEREAS, Paul Cleveland, filed Claim No. 4070761 on May 25, 2021, against the County of Maui for damages to his property located at 404 Auhana Road, Kihei, Maui, Hawaii 96753, resulting from a water main break; and

WHEREAS, the County of Maui and DB Insurance Company as subrogee of Paul Cleveland, 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 hereby approves settlement of Claim No. 4070761 in the amount of THIRTEEN THOUSAND FIVE HUNDRED NINETY-THREE AND 87/100 DOLLARS (\$13,593.87); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Property Damage Release" by DB Insurance Company as subrogee of Paul Cleveland; and

Resolution No. 23-85

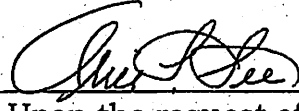
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



BRADLEY J. SOVA
Deputy Corporation Counsel
County of Maui
RISK - 2021-0399

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "The Mayor", is written above a horizontal line.

Upon the request of the Mayor.