

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 21, 2022

**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 May 31, 2022, makes reference to the following:

1. County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.
2. Resolution 22-52, from the Department of the Corporation Counsel, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4064548 OF TYRON DELLA."

Resolution 22-52's purpose is to authorize the Department to settle the claim filed on July 6, 2020, under terms set forth in an executive meeting.

By correspondence dated February 18, 2022, the County Clerk transmitted a letter dated February 4, 2022, from the Department of the Corporation Counsel, requesting consideration of Resolution 22-52, a copy of the claim, and documentation relating to 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 a brief overview of the claim in regular session. The claim alleges personal injuries and damages to the claimant and the claimant's vehicle as a result of a motor vehicle accident at the intersection of Kaahumanu Avenue and Wahine Pio Avenue, Kahului, Maui, Hawai'i on February 25, 2020, involving a Maui County fleet vehicle operated by a County employee.

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The Deputy Corporation Counsel requested an executive meeting to discuss confidential information related to the claim.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Based on the information received in executive session and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of Resolution 22-52. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted “aye.” Committee member Johnson was excused.

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that Resolution 22-52, attached hereto, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 4064548 OF TYRON DELLA,” be **ADOPTED**.

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



MICHAEL J. MOLINA, Chair

Resolution

No. 22-52

AUTHORIZING SETTLEMENT OF CLAIM NO. 4064548 OF TYRON DELLA

WHEREAS, Tyron Della, filed Claim No. 4064548 on July 6, 2020, against the County of Maui for injuries and damages to his vehicle he allegedly sustained at the intersection of Kaahumanu Avenue and Wahine Pio Avenue, Kahului, Maui, Hawaii on February 25, 2020 involving a Maui County fleet vehicle being operated by a County employee; and

WHEREAS, the County of Maui and Tyron Della, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement, and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Government Relations, Ethics, and Transparency Committee; and

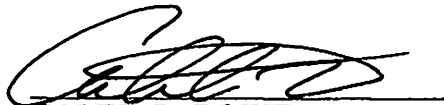
WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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

Resolution No. 22-52

1. That it hereby approves settlement of Claim No. 4064548 under the terms set forth in an executive meeting before the Government Relations, Ethics, and Transparency Committee; and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnification Agreement" by Tyron Della; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Police Chief, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK 2020-0153

Resolution No. 22-52

INTRODUCED BY:

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

Upon the request of the Mayor.