

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 24, 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 7, 2023, makes reference to Resolution 23-81, from the Department of the Corporation Counsel, entitled “AUTHORIZING SETTLEMENT OF CHRISTINE M. LACHANCE V. COUNTY OF MAUI, CIVIL 17-1-0428(1).”

Resolution 23-81’s purpose is to authorize the Department to settle the claim filed on October 5, 2017, under terms set forth in an executive meeting.

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 Ms. LaChance sustained, due to a protruding signpost base on a public sidewalk near the intersection of South Kihei Road and Auhana Road, Kihei, Maui, Hawaii, while jogging on July 30, 2016.

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 Sections 92-5(a)(4) and 92-5(a)(8), Hawaii Revised Statutes.

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

Based on information received in executive session and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of Resolution 23-81. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.” Committee member Kama was excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-81, attached hereto, entitled “AUTHORIZING SETTLEMENT OF CHRISTINE M. LACHANCE V. COUNTY OF MAUI, CIVIL 17-1-0428(1),” be ADOPTED.

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



NOHELANI U‘U-HODGINS, Chair

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Resolution

No. 23-81

AUTHORIZING SETTLEMENT OF
CHRISTINE M. LACHANCE V. COUNTY OF MAUI, CIVIL 17-1-0428(1)

WHEREAS, Plaintiff Christine M. LaChance filed a complaint in Second Circuit Court, State of Hawaii, on November 21, 2017, Civil 17-1-0428(1), against County of Maui and Third Reef, Inc., alleging personal injury from an incident that occurred while she was jogging where she struck the base of a signpost that was protruding 3 ½ inches out of the middle of the sidewalk near the intersection of South Kihei Road and Auhana Road, Kihei, Maui, Hawaii, on July 30, 2016; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

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

Resolution No. 23-81

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 approves settlement of Christine M. LaChance v. County of Maui, et al. under the terms discussed in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement authority;

3. That it authorizes the Director of Finance to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement authority;
and

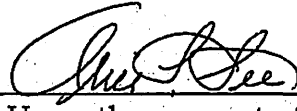
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Glen R. Pascual', is written over a horizontal line.

GLEN R. PASCUAL
Deputy Corporation Counsel
County of Maui
LIT-6115

INTRODUCED BY:

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

Upon the request of the Mayor.