

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

November 3, 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 October 17, 2023, makes reference to Resolution 23-111, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4080968 OF MATTHEW SMITH."

Resolution 23-111's purpose is to authorize settlement of the claim, filed on January 13, 2023, in the amount of \$25,000. The claim alleges erroneous billing for sewer fees at the claimant's property located at 4002 Mahinahina Street, Lāhainā, Maui, Hawai'i, which was not connected to the County sewer system.

By correspondence dated March 13, 2023, the Department of the Corporation Counsel provided 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 and explained that the parties had reached a negotiated settlement, pending Council approval.

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

Your Committee voted to convene an executive session, 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 and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of Resolution 23-111. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Lee, Rawlins-Fernandez, and Sinenci voted "aye." Committee member Sugimura was excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-111, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4080968 OF MATTHEW SMITH," 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. 23-111

## AUTHORIZING SETTLEMENT OF CLAIM NO. 4080968 OF MATTHEW SMITH

WHEREAS, Matthew Smith filed Claim No. 4080968 on January 13, 2023, against the County of Maui for error for billing the claimant for sewer fees at his property located at 4002 Mahinahina Street, Lahaina, Maui, Hawaii 96761, that was not hooked up to the County sewer; and

WHEREAS, the County of Maui and Matthew Smith, 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. 4080968 in the amount of TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000); and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Settlement Agreement" by; and

**Resolution No. 23-111**

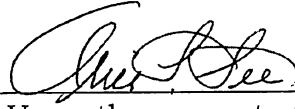
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



BRADLEY J. SOVA  
Deputy Corporation Counsel  
County of Maui  
RISK - 2023-0893

INTRODUCED BY:

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

Upon the request of the Mayor.