

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

October 9, 2020

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on September 22, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated September 14, 2020, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4065961 OF MAUI ELECTRIC COMPANY, LIMITED."

The purpose of the proposed resolution is to authorize the Department to settle the claim in the amount of \$12,420.84.

The Department also transmitted a copy of the claim and documentation relating to the property damage.

Your Committee notes the claimant alleges damages to, and replacement of, an electrical pole located at 2694 Ohina Street, Kihei, Maui, Hawaii, resulting from a collision involving a Maui County fleet vehicle on September 7, 2018.

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. He said the incident occurred when a County of Maui refuse truck damaged a utility pole when the vehicle came into contact with a telecommunication line. The vehicle allegedly pulled down the pole, breaking it at its base.

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Based on the information received and the recommendation of the Department, your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."


Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4065961 OF MAUI ELECTRIC COMPANY, LIMITED," be ADOPTED.

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



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 4065961 OF MAUI ELECTRIC COMPANY, LIMITED

WHEREAS, MAUI ELECTRIC COMPANY, LIMITED filed Claim No. 4065961 on August 11, 2020, against the County of Maui for damage to their property on September 7, 2018; and

WHEREAS, the County of Maui and Maui Electric Company, Limited, 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, having reviewed the facts and circumstances regarding this claim 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 the settlement; now, therefore,

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

1. That it hereby approves settlement of Claim No. 4065961 in the amount of \$12,420.84; and

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2. That payment is authorized to satisfy settlement of this claim following the execution of the Release of Property Damage Claim by a representative of Maui Electric Company, Limited; and

3. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of Environmental Management 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 2020-0178