

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

September 3, 2021

**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 August 18, 2021, makes reference to County Communication 21-46, from Council Chair Alice L. Lee, relating to litigation matters.

By correspondence dated February 8, 2021, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 4064010 OF ANTHONY NUNEZ."

The purpose of the proposed resolution is to authorize the Department to settle the claim in the amount of \$12,806.63 under terms stated in the resolution.

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

Your Committee notes the claim, filed on May 26, 2020, alleges damages to Mr. Nunez's vehicle resulting from a collision with a Maui County fleet vehicle on Kilou Street, Waiehu, Maui, Hawaii, on January 6, 2020.

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.

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A Deputy Corporation Counsel provided a brief overview of the claim. He said the incident occurred when a County of Maui refuse truck inadvertently reversed into a parked car.

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

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled “AUTHORIZING SETTLEMENT OF CLAIM NO. 4064010 OF ANTHONY NUNEZ,” be ADOPTED.

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



MICHAEL J. MOLINA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 4064010 OF ANTHONY NUNEZ

WHEREAS, Claimant Anthony Nunez filed Claim No. 4064010 on May 26, 2020 against the County of Maui, alleging damage to his vehicle resulting from a collision with a Maui County fleet vehicle being operated by a County Employee on January 6, 2020; 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 for a settlement of \$12,806.63; 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 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 Claim No. 4064010 of Anthony Nunez in the amount of \$12,806.63;
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

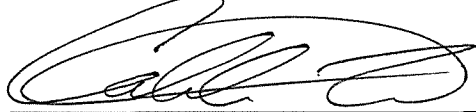
Resolution No. _____

may be imposed by the Corporation Counsel consistent with the Council's settlement approval;

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

4. 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 2020-0114