

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 July 15, 2021, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOHN MULLEN CLAIM NO. 4070387 OF SANDY FAROWICH."

The purpose of the proposed resolution is to authorize the Department to settle the claim for \$11,935.47 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 19, 2021, alleges damages to the Farowich's property located at 2250 Kanakanui Road, Kihei, Maui, Hawaii, on May 5, 2021, resulting from a broken water main.

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 water main broke and flooded the property.

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Based on the information received and the recommendation of the Department, your Committee voted 6-0 to recommend adoption of the proposed resolution. Committee Vice-Chair Rawlins-Fernandez and members Johnson, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee Chair Molina and members Kama and King were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JOHN MULLEN CLAIM NO. 4070387 OF SANDY FAROWICH," be ADOPTED.

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 JOHN MULLEN CLAIM NO. 4070387 OF SANDY FAROWICH

WHEREAS, Sandy Farowich filed Claim No. 4070387 on May 19, 2021, against the County of Maui for damages to his property located at 2250 Kanakanui Road, Kihei, Maui, Hawaii 96753, resulting from a broken water main; and

WHEREAS, the County of Maui and Sandy Farowich, 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:

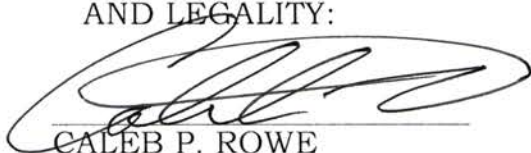
1. That it approves settlement of Claim No. 4070387 in the amount of \$ 11,935.47; and

Resolution No. _____

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Sandy Farowich; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Water Supply, 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 - 2021-0386