

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

September 19, 2014

**Committee
Report No.** _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 9, 2014, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated August 18, 2014, the Department of the Corporation Counsel requested consideration of the possible settlement of the Claim of Maui Electric Company, Ltd., Claim 2014-1138-16. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-1138-16 OF MAUI ELECTRIC COMPANY, LTD.", and a copy of the claim. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$11,363.44.

Your Committee notes the claim alleges property damage caused to the primary underground cable at the intersection of Liloa Street and Waipuilani Street, Kihei, Hawaii, by the County of Maui, Department of Public Works, Highways Division, while installing new guardrails on June 17, 2013.

Your Committee also notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

The Department of the Corporation Counsel transmitted a revised proposed resolution, approved as to form and legality, correcting the spelling of Waipuilani Street, where the incident occurred.

A Deputy Corporation Counsel provided a brief overview of the case.

The Director of Public Works noted steps had been taken to prevent this type of incident from occurring in the future.

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Your Committee voted 9-0 to recommend adoption of the revised proposed resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

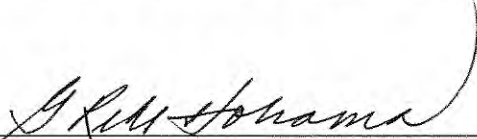
Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-1138-16 OF MAUI ELECTRIC COMPANY, LTD.", be ADOPTED.

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



G. RIKI HOKAMA, Chair

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM
NO. 2014-1138-16 OF MAUI ELECTRIC COMPANY, LTD.

WHEREAS, Maui Electric Company, Ltd. filed Claim No. 2014-1138-16 on April 16, 2014, against the County of Maui for damages caused to the primary underground cable at the intersection of Liloa Street and Waipuilani Street, Kihei, Hawaii, by the County of Maui, Department of Public Works, Highways Division, while installing new guardrails on June 17, 2013; and

WHEREAS, the County of Maui and Maui Electric Company, Ltd., 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, the Department of the Corporation Counsel has requested authority to settle this claim for the total amount of Eleven Thousand Three Hundred Sixty-Three and 44/100 Dollars (\$11,363.44); 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:

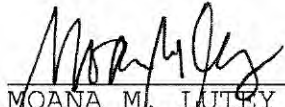
Resolution No. _____

1. That it hereby approves settlement of Claim No. 2014-1138-16 in the total amount of Eleven Thousand Three Hundred Sixty-Three and 44/100 Dollars (\$11,363.44); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Maui Electric Company, Ltd.; and

3. 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:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui