

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

October 16, 2015

**Committee**  
**Report No.** \_\_\_\_\_

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

Chair and Members:

Your Committee of the Whole, having met on September 23, 2015, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated September 10, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Claim 2014-2022-21 of Douglas Caldito. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2022-21 OF DOUGLAS CALDITO," and a copy of the claim and related documents. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$8,851.

Your Committee notes the claim alleges damages to Douglas Caldito's rock wall resulting from a blocked County sewer line, which caused flooding on his property and created a sinkhole below the wall on or about August 27, 2013. The requested settlement amount of \$8,851 represents the lower of two estimates Mr. Caldito submitted for the repairs.

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

A Deputy Corporation Counsel provided a brief overview of the claim. She said the County's liability was based on its ownership and maintenance of the blocked pipe.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Guzman, Vice-Chair Crivello, and members

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Carroll, Hokama, and White voted "aye." Committee members Baisa, Cochran, Couch, and Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2022-21 OF DOUGLAS CALDITO," be ADOPTED.

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



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DON S. GUZMAN, Chair

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# Resolution

No. \_\_\_\_\_

## AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2022-21 OF DOUGLAS CALDITO

WHEREAS, Douglas Caldito filed Claim No. 2014-2022-21 against the County of Maui on June 16, 2014, alleging damages to his rock wall resulting from a blocked County sewer line, which caused flooding on his property and created a sink hole below the wall on or about August 27, 2013; and

WHEREAS, Douglas Caldito has alleged that the County of Maui is liable for the expenses paid by Douglas Caldito to repair his wall; and

WHEREAS, the County of Maui and Douglas Caldito, 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:

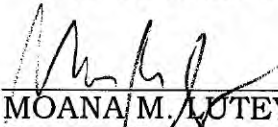
1. That it hereby approves settlement of Claim No. 2014-2022-21 in the amount of \$8,851; and

**Resolution No. \_\_\_\_\_**

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by Douglas Caldito; 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:

  
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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

RISK 2015-0129