

Resolution

No. 06-79

PROPOSING AN AMENDMENT TO THE REVISED CHARTER
OF THE COUNTY OF MAUI (1983), AS AMENDED,
AMENDING SECTION 13-6, RELATING TO CLAIMS

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

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Section 13-6 of the Charter, pertaining to claims, be amended to read as follows:

"Section 13-6. Claims. No action shall be maintained for the recovery of damages for any injury to person or property by reason of negligence of any officer or employee of the county unless a written statement stating fully when, where and how the injuries occurred, the extent thereof and the amount claimed therefor, has been filed with the county clerk within [two (2) years after the date the injury was sustained] the time period as provided by law."

and

2. That material to be repealed is bracketed, and new material is underscored; and

3. That, pursuant to Section 14-2(1) of the Charter, this Resolution be submitted to the voters of the County of Maui at the next general election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the 2006 General Election; and

5. That the ballot question relating to the amendment be set forth as follows:

Should the Charter provision relating to the filing of personal injury and property damage

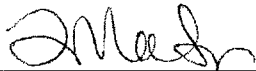
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claims against the County of Maui be changed so as to require that notices of claims be filed "within the time period as provided by law" instead of within two years after the date of injury, to conform to controlling State law, which currently provides for a period of six months?

6. That, upon approval by the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein take effect; and

7. That certified copies of this Resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



LAUREEN L. MARTIN
Deputy Corporation Counsel
County of Maui

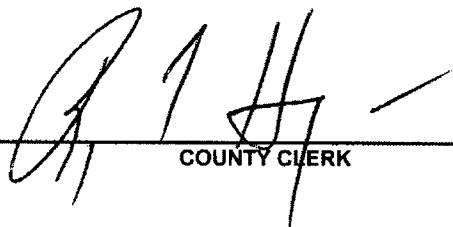
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 06-79 was adopted by the Council of the County of Maui, State of Hawaii, on the 22nd day of August, 2006, by the following vote:

MEMBERS	G. Riki HOKAMA Chair	Robert CARROLL Vice-Chair	Michelle ANDERSON	Jo Anne JOHNSON	Dain P. KANE	Dennis A. MATEO	Michael J. MOLINA	Joseph PONTANILLA	Charmaine TAVARES
ROLL CALL	Aye	Aye	No	Aye	Excused	Excused	Aye	Aye	Aye



COUNTY CLERK

Passed First Reading on August 14, 2006