

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 16, 2001

**Committee
Report No.**

01-13

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 January 30, 2001, makes reference to County Communication No. 99-17, from the Council Chair, relating to the matter of proposed contracts for special counsel.

Your Committee notes that County Communication No. 99-17 was referred to the prior Council's Committee of the Whole at the Council meeting of January 11, 1999.

At its meeting of November 14, 2000, the Committee recommended that County Communication No. 99-17 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

At its meeting of January 12, 2001, the Council referred County Communication No. 99-17 to your Committee of the Whole (County Communication No. 01-15).

Your Committee is in receipt of a letter dated January 22, 2001, from the Corporation Counsel, requesting consideration of a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE JOINT REPRESENTATION BY SPECIAL COUNSEL ROBBINS & RHODES IN THE MATTER OF O'CONNOR, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL NO. 94-0544 (1)". The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii for joint representation by special counsel, Robbins & Rhodes in the O'Connor, et al. v. County of Maui, State of Hawaii, et al.; Civil No. 94-0544 (1) case.

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Your Committee notes that the O'Connor case is a beach liability case.

At its meeting, your Committee met with the Corporation Counsel, the Director of Parks and Recreation and William Ota, Esq. of Robbins & Rhodes.

Your Committee voted to convene in executive session for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes.

Your Committee met in executive session with the Corporation Counsel, the Director of Parks and Recreation and William Ota, Esq. of Robbins & Rhodes.

Following the executive session, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend passage of the proposed bill.

Your Committee of the Whole **RECOMMENDS** that Bill No. _____ (2001), attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE JOINT REPRESENTATION BY SPECIAL COUNSEL ROBBINS & RHODES IN THE MATTER OF O'CONNOR, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL NO. 94-0544 (1)" **PASS FIRST READING** and **BE ORDERED TO PRINT**.

Adoption of this report is respectfully requested.

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