

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 4, 2001

Committee
Report No. 01-182

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 18, 2001, makes reference to County Communication No. 01-91, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated August 16, 2001, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING RANDY LUAT, JOHN KOSTRICK, JOHN OKA AND RON RISKKA IN CIVIL NO. 01-00159 SPK-KSC WILLIAM D. ANDERSON VS. CITY AND COUNTY OF MAUI, PUBLIC WORKS WASTE WATER DIVISION; ET AL.". The purpose of the proposed resolution is to authorize indemnification of the individual defendants identified in the proposed resolution in the Anderson case.

Your Committee notes that this case includes allegations of racial discrimination.

At its meeting, your Committee met with the Director of Public Works and Waste Management, the Corporation Counsel, and a Deputy Corporation Counsel.

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

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

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At its executive meeting, your Committee met with the Director of Public Works and Waste Management, the Corporation Counsel, and a Deputy Corporation Counsel.

Following the executive meeting, 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 adoption of the revised proposed resolution to authorize indemnification under the terms agreed to in the executive meeting.

Your Committee is in receipt of a revised proposed resolution entitled "INDEMNIFYING JOHN KOSTRICK, JOHN OKA AND RON RISKA IN CIVIL NO. 01-00159 SPK-KSC WILLIAM D. ANDERSON VS. CITY AND COUNTY OF MAUI, PUBLIC WORKS WASTE WATER DIVISION; ET AL.", approved as to form and legality.

Your Committee of the Whole **RECOMMENDS** that Resolution No. _____, as revised herein and attached hereto, entitled "INDEMNIFYING JOHN KOSTRICK, JOHN OKA AND RON RISKA IN CIVIL NO. 01-00159 SPK-KSC WILLIAM D. ANDERSON VS. CITY AND COUNTY OF MAUI, PUBLIC WORKS WASTE WATER DIVISION; ET AL." be **ADOPTED**.

Adoption of this report is respectfully requested.

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