

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 4, 2001

Committee
Report No. 01-183

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 29, 2001, from the Department of 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 ATAHAN, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL NO. 95-0160 (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, Kenneth S. Robbins, Esq. of Robbins & Rhodes in the Atahan case.

Your Committee notes that the Atahan case is a beach liability case.

At its meeting, your Committee met with the Corporation Counsel, a Deputy Corporation Counsel, the Chief of Aquatics for the Department of Parks and Recreation, and William Ota, Esq. of Robbins & Rhodes.

There being no public testimony, the 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.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 4, 2001
Page 2

Committee
Report No. 01-183

At its executive meeting, your Committee met with the Corporation Counsel, a Deputy Corporation Counsel, the Chief of Aquatics for the Department of Parks and Recreation, and William Ota, Esq. of Robbins & Rhodes.

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 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 ATAHAN, ET AL. VS. COUNTY OF MAUI, ET AL.; CIVIL NO. 95-0160 (1)" PASS FIRST READING and BE ORDERED TO PRINT.

Adoption of this report is respectfully requested.

cow:cr:0146(12)aa:rkk

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 4, 2001
Page 3

Committee
Report No. 01-183

DAIN P. KANE Chair

PATRICK S. KAWANO Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

ALAN M. ARAKAWA Member

WAYNE K. NISHIKI Member

ROBERT CARROLL Member

CHARMAINE TAVARES Member

JO ANNE JOHNSON Member