

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

December 7, 2001

**Committee  
Report No.**

01-237

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 November 13, 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 November 6, 2001, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "INDEMNIFYING J. KALANI ENGLISH, MICHAEL A. DAVIS, JOHN WAYNE ENRIQUES, AND DENNIS Y. NAKAMURA, IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL."

The purpose of the proposed resolution is to authorize indemnification of J. Kalani English, Michael A. Davis, John Wayne Enriques and Dennis Y. Nakamura in the Kaahumanu case.

2. A proposed resolution entitled "INDEMNIFYING G. RIKI HOKAMA IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL."

The purpose of the proposed resolution is to authorize indemnification of G. Riki Hokama in the Kaahumanu case.

3. A proposed resolution entitled "INDEMNIFYING DAIN P. KANE IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL."

The purpose of the proposed resolution is to authorize indemnification of Dain P. Kane in the Kaahumanu case.

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4. A proposed resolution entitled "INDEMNIFYING PATRICK S. KAWANO IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL."

The purpose of the proposed resolution is to authorize indemnification of Patrick S. Kawano in the Kaahumanu case.

5. A proposed resolution entitled "INDEMNIFYING WAYNE K. NISHIKI IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL."

The purpose of the proposed resolution is to authorize indemnification of Wayne K. Nishiki in the Kaahumanu case.

6. A proposed resolution entitled "INDEMNIFYING CHARMAINE TAVARES IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL."

The purpose of the proposed resolution is to authorize indemnification of Charmaine Tavares in the Kaahumanu case.

Your Committee notes that this case includes allegations of civil rights violations.

At its meeting, your Committee met with the Planning Director and two 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 Planning Director 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 proposed resolutions to authorize indemnification under the terms agreed to in the executive meeting.

Your Committee of the Whole RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING J. KALANI ENGLISH, MICHAEL A. DAVIS, JOHN WAYNE ENRIQUES, AND DENNIS Y. NAKAMURA, IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL." be ADOPTED;
2. That Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING G. RIKI HOKAMA IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL." be ADOPTED;
3. That Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING DAIN P. KANE IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL." be ADOPTED;
4. That Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING PATRICK S. KAWANO IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL." be ADOPTED;
5. That Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING WAYNE K. NISHIKI IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL." be ADOPTED; and

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6. That Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING CHARMAINE TAVARES IN CIVIL NO. CV-01-00689 ACK (LEK), LAKI KAAHUMANU, ET AL. VS. COUNTY OF MAUI, ET AL." be ADOPTED.

Adoption of this report is respectfully requested.

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**DAIN P. KANE** Chair

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**PATRICK S. KAWANO** Member

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**G. RIKI HOKAMA** Vice-Chair

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**MICHAEL J. MOLINA** Member

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**ALAN M. ARAKAWA** Member

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**WAYNE K. NISHIKI** Member

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**ROBERT CARROLL** Member

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**CHARMAINE TAVARES** Member

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**JO ANNE JOHNSON** Member