

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

November 2, 2007

Committee
Report No. 07-126

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on October 16, 2007, makes reference to County Communication No. 07-9, from the Council Chair, regarding indemnification authorization.

By correspondence dated October 3, 2007, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "INDEMNIFYING PLANNING DIRECTOR JEFF HUNT IN MAUI VACATION RENTAL ASSOCIATION, INC. V. THE COUNTY OF MAUI, ET AL., CIVIL NO. CV07-00495 JMS KSC". Attached to the request is a copy of the complaint, filed September 28, 2007. The purpose of the proposed resolution is to indemnify Planning Director Jeff Hunt in his individual capacity in the case.

Your Committee notes that this case alleges violations of the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution.

At its meeting, your Committee met with the Planning Director and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the case. She noted that the Plaintiffs have made no allegations of any intentional act on the part of the Planning Director outside of his scope of duty as an employee of the County of Maui and recommended that the Council indemnify the Planning Director.

Your Committee voted to recommend the adoption of the proposed resolution.

Your Policy Committee RECOMMENDS that Resolution No. _____, attached hereto, entitled "INDEMNIFYING PLANNING DIRECTOR JEFF HUNT IN MAUI VACATION RENTAL ASSOCIATION, INC. V. THE COUNTY OF MAUI, ET AL., CIVIL NO. CV07-00495 JMS KSC" be ADOPTED.

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Adoption of this report is respectfully requested.

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Resolution

No. _____

INDEMNIFYING PLANNING DIRECTOR JEFF HUNT IN
MAUI VACATION RENTAL ASSOCIATION, INC. V. THE COUNTY
OF MAUI, ET AL., CIVIL NO. CV07-00495 JMS KSC

WHEREAS, Planning Director Jeff Hunt, Department of Planning, County of Maui, has been named as a defendant in his individual capacity, in the case of Maui Vacation Rental Association, Inc. v. The County of Maui, et al., CV07-00495 JMS KSC, filed in the United States District Court for the District of Hawaii on September 28, 2007; and

WHEREAS, the complaint seeks attorneys' fees and costs, as well as non-monetary relief including injunctive relief and declaratory relief with respect to Transient Vacation Rentals in the County of Maui; and

WHEREAS, based upon an investigation of this matter, the Department of the Corporation Counsel believes there to be a good faith basis for indemnification and has recommended to the Council that the body act to indemnify Planning Director Jeff Hunt for any relief that may be assessed against him in the above-referenced lawsuit, including attorneys' fees and costs; and

WHEREAS, based upon the recommendation of the Department of the Corporation Counsel, it appears at this time that it would be in the best interest of the County of Maui to indemnify

Resolution No. _____

Planning Director Jeff Hunt in the above-referenced lawsuit; now, therefore,

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

1. That Planning Director Jeff Hunt is indemnified by the County of Maui for any relief, including any attorneys' fees and costs, that may be assessed against him in the above-referenced lawsuit; and

2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Planning Director and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:



JANE E. LOVELL
Deputy Corporation Counsel
County of Maui

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