

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

January 20, 2006

Committee
Report No.

_____ 06-5

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 3, 2006, makes reference to County Communication No. 05-23, from the Council Chair, regarding indemnification authorization.

Your Committee is in receipt of correspondence dated December 20, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING ALICE LEE, IN CIVIL NO. CV05-00683 SOM LEK, VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, ET AL.". Attached to the request is a copy of the complaint, filed on October 27, 2005. The purpose of the proposed resolution is to indemnify Alice Lee, a County employee, in the referenced lawsuit.

Your Committee notes that this case includes allegations of Hawaii Whistleblowers' Protection Act violations, first amendment rights violations, civil rights violations, and the intentional infliction of emotional distress.

At its meeting, your Committee met with a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case. She indicated that matters such as these are normally private but have been made public as a result of the lawsuit. She noted that this lawsuit is unusual in that it involves three plaintiffs, two of which have claims unrelated to the sexual harassment claims made by the original plaintiff.

The Deputy Corporation Counsel stated that concerns raised regarding the County's compliance with the guidelines of the U.S. Housing and Urban Development (HUD) will be investigated by HUD, and that HUD regularly monitors the County and shares any concerns it has with the County so that they may be addressed.

She further stated that activities performed by Alice Lee were in connection with her work as a County employee, and according to the Department of the Corporation

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Counsel's observations, the allegations are generally without merit and do not include allegations of criminal misconduct.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "INDEMNIFYING ALICE LEE, IN CIVIL NO. CV05-00683 SOM LEK, VERANIO S. TONGSON, ET AL. VS. COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, ET AL." be ADOPTED.

Adoption of this report is respectfully requested.

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