

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 17, 2006

**Committee
Report No.**

_____ 06-19

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 31, 2006, makes reference to County Communication No. 05-23, from the Council Chair, regarding indemnification authorization.

Your Committee is in receipt of correspondence dated January 23, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING CARLTON HELM, RONALD SAGARIO, CHRISTINA WILLIAMS, KELLY PAUOLE, JAMIE WINFREY, HAROLD MANAOIS, AND KAENA BROWN IN BARBARA KALANIKIEKIE KAAPUNI, ET AL. V. CARLTON HELM, ET AL., CIVIL NO. CV 04-00449 SOM LEK". Attached to the request is a copy of the complaint filed on August 11, 2004. The purpose of the proposed resolution is to indemnify Carlton Helm, Ronald Sagario, Christina Williams, Kelly (Arlos) Pauole, Jamie Winfrey, Harold Manaois, and Kaena Brown, present or former County employees, in the referenced lawsuit.

Your Committee notes that this case includes allegations of violations of plaintiffs' rights under 42 U.S.C. § 1983 and the 4th Amendment to the U.S. Constitution.

At its meeting, your Committee met with the Chief of Police and two Deputy Corporation Counsel.

There was no public testimony. A 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.

At its executive meeting, your Committee met with the Chief of Police and two Deputy Corporation Counsel.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 14, 2006
Page 2

Committee
Report No. 06-19

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 resolution to authorize the indemnification of Carlton Helm, Ronald Sagario, Christina Williams, Kelly (Arlos) Pauole, Jamie Winfrey, Harold Manaois, and Kaena Brown.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "INDEMNIFYING CARLTON HELM, RONALD SAGARIO, CHRISTINA WILLIAMS, KELLY PAUOLE, JAMIE WINFREY, HAROLD MANAOIS, AND KAENA BROWN IN BARBARA KALANIKIEKIE KAAPUNI, ET AL. V. CARLTON HELM, ET AL., CIVIL NO. CV 04-00449 SOM LEK" be ADOPTED.

Adoption of this report is respectfully requested.

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