

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

October 6, 2006

**Committee**  
**Report No.**

06-115

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 12, 2006, makes reference to County Communication No. 05-25, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated September 5, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ROBBINS & ASSOCIATES IN CONSTANCE C. DEANS, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0175(1)". The purpose of the proposed resolution is to authorize the employment of Robbins & Associates as special counsel in the case for a total compensation of \$100,000.

Your Committee notes that this case includes allegations that the death of Stuart R. Deans was caused by the negligent conduct of County lifeguards at the Lahaina Aquatic Center swimming pool.

At its meeting, your Committee met with the Aquatics Division Chief, Department of Parks and Recreation, and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case noting that the deceased was a 48-year-old male who is survived by a wife and three children. The Deputy Corporation Counsel 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 Aquatics Division Chief, Department of Parks and Recreation, and a Deputy Corporation Counsel.

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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.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ROBBINS & ASSOCIATES IN CONSTANCE C. DEANS, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0175(1)" be ADOPTED.

Adoption of this report is respectfully requested.

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