

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## Meeting Agenda

August 30, 2005

9:00 a.m.

Council Chamber, 8<sup>th</sup> Floor

200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/COW/>

e-mail: [cow.committee@mauicounty.us](mailto:cow.committee@mauicounty.us)

### COMMITTEE MEMBERS

Michael J. Molina, Chair

Dain P. Kane, Vice-Chair

Michelle Anderson

Robert Carroll

G. Riki Hokama

Jo Anne Johnson

Danny A. Mateo

Joseph Pontanilla

Charmaine Tavares

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Richelle Kawasaki or Clarita Balala) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

*TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.*

### COW-4(4) INDEMNIFICATION AUTHORIZATION (ROSEMOND K. PETTIGREW, ET AL. V. LINDA LINGLE, ET AL., CIVIL NO. 05-00287 DAE/LEK)

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 16, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING RICHARD T. BISSEN, JR. IN CIVIL NO. CV05 00287 DAE LEK ROSEMOND K. PETTIGREW, ET AL. V. LINDA LINGLE, ET AL." and transmitting a copy of the complaint. The complaint in this matter alleges civil rights violations. The purpose of the proposed resolution is to indemnify Richard T. Bissen, Jr., in this case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

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**COW-5(6) SPECIAL COUNSEL AUTHORIZATION (MAUI COUNTY BOARD OF ETHICS ON THE MATTER OF ADVISORY OPINION NO. 05A-4, REGARDING CONFLICTS OF INTEREST)**

**DESCRIPTION:** The Committee is in receipt of correspondence dated August 18, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE RETENTION OF SPECIAL COUNSEL TO ADVISE THE MAUI COUNTY BOARD OF ETHICS ON THE MATTER OF ADVISORY OPINION NO. 05A-4, REQUESTED BY THE DEPARTMENT OF THE CORPORATION COUNSEL REGARDING CONFLICTS OF INTEREST". The purpose of the proposed resolution is to authorize the employment of special counsel from the Office of the Corporation Counsel, County of Hawaii, in the matter of Advisory Opinion No. 05A-4.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

**COW-31 LAWSUIT CHALLENGING RESIDENCY REQUIREMENT FOR PUBLIC EMPLOYMENT**

**DESCRIPTION:** The Committee is in receipt of County Communication No. 05-248, from Councilmember Tavares, transmitting an unofficial copy of a class-action lawsuit filed by Florida resident Kevin R. Walsh in the United States District Court, District of Hawaii, on June 9, 2005. The lawsuit challenges the residency requirement for public employment contained in Section 78-1, Hawaii Revised Statutes.

**STATUS:** The Committee may discuss the lawsuit. The Committee may also consider the filing of County Communication No. 05-248 and other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.