

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

July 22, 2005

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

\_\_\_\_\_ 05-89 \_\_\_\_\_

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 June 28, 2005, makes reference to County Communication No. 05-23, from the Council Chair, regarding indemnification authorization.

Your Committee is in receipt of correspondence dated June 16, 2005, from the Department of the Corporation Counsel, requesting consideration of the following:

1. A proposed resolution entitled "INDEMNIFYING JAMES APANA, DAVID GOODE, GRANT CHUN, DENNIS SCHWIND, RON RISK, TRACY TAKAMINE, ALLEN SOUZA, AND JOHN KOSTRICK, IN CIVIL NO. CV05-00290 DAE LEK, DONALD KAULIA VS. COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT, ET AL."

The purpose of the proposed resolution is to indemnify James Apana, David Goode, Grant Chun, Dennis Schwind, Ron Riska, Tracy Takamine, Allen Souza, and John Kostrick, current and former County employees, for any damages that may be assessed against them in the referenced lawsuit.

2. A proposed resolution entitled "INDEMNIFYING JAMES APANA, DAVID GOODE, GRANT CHUN, DENNIS SCHWIND, RON RISK, TRACY TAKAMINE, AND ALLEN SOUZA, IN CIVIL NO. CV05-00290 DAE LEK, DONALD KAULIA VS. COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT, ET AL."

The purpose of the proposed resolution is to indemnify James Apana, David Goode, Grant Chun, Dennis Schwind, Ron Riska, Tracy Takamine, and Allen Souza, current and former County employees, for any damages that may be assessed against them in the referenced lawsuit.

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Your Committee notes that this case includes allegations of civil rights violations and employment discrimination.

At its meeting, your Committee met with the Director of Public Works and Environmental Management, the Wastewater Reclamation Division Chief from the Department of Public Works and Environmental Management, 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 Director of Public Works and Environmental Management, the Wastewater Reclamation Division Chief from the Department of Public Works and Environmental Management, and two Deputy Corporation Counsel.

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 James Apana, David Goode, Grant Chun, Dennis Schwind, Ron Riska, Tracy Takamine, Allen Souza, and John Kostrick as discussed in the executive meeting.

Your Committee of the Whole **RECOMMENDS** that Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING JAMES APANA, DAVID GOODE, GRANT CHUN, DENNIS SCHWIND, RON RISK, TRACY TAKAMINE, ALLEN SOUZA, AND JOHN KOSTRICK, IN CIVIL NO. CV05-00290 DAE LEK, DONALD KAULIA VS. COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT, ET AL." be **ADOPTED**.

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Adoption of this report is respectfully requested.

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**MICHAEL J. MOLINA** **Chair**

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**JO ANNE JOHNSON** **Member**

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**DAIN P. KANE** **Vice-Chair**

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**DANNY A. MATEO** **Member**

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**MICHELLE ANDERSON** **Member**

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**JOSEPH PONTANILLA** **Member**

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**ROBERT CARROLL** **Member**

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**CHARMAINE TAVARES** **Member**

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**G. RIKI HOKAMA** **Member**