

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 16, 2001

**Committee
Report No.**

01-49

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 February 27, 2001, makes reference to County Communication No. 99-17, from the Council Chair, relating to the matter of proposed contracts for special counsel.

Your Committee notes that County Communication No. 99-17 was referred to the prior Council's Committee of the Whole at the Council meeting of January 11, 1999.

At its meeting of November 14, 2000, the Committee recommended that County Communication No. 99-17 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

At its meeting of January 12, 2001, the Council referred County Communication No. 99-17 to your Committee of the Whole (County Communication No. 01-15).

Your Committee is in receipt of a memorandum dated February 6, 2001, from the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL TORKILDSON, KATZ, FONSECA, JAFFE, MOORE & HETHERINGTON IN BURKE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 98-00184, FOR A TOTAL COMPENSATION LIMIT OF \$300,000". The purpose of the proposed resolution is to authorize \$8,000 in additional compensation for Torkildson Katz Fonseca Jaffe Moore & Hetherington as special counsel in the Bonnie K. Burke, et al. v. County of Maui, et al. case.

At its meeting, your Committee met with an Assistant Chief of Police, the Corporation Counsel, a Deputy Corporation Counsel and Richard Rand, Esq. of Torkildson Katz Fonseca Jaffe Moore & Hetherington via telephone.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 16, 2001
Page 2

Committee
Report No. 01-49

There being no public testimony, Mr. Rand provided an update on the case by informing your Committee that the County prevailed at trial and the Plaintiff has appealed. The additional compensation will pay for the briefs written in the appeal as well as any oral arguments that need to be made.

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 authorizing an additional compensation amount of \$8,000 for the special counsel.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL TORKILDSON, KATZ, FONSECA, JAFFE, MOORE & HETHERINGTON IN BURKE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO.98-00184, FOR A TOTAL COMPENSATION LIMIT OF \$300,000" be ADOPTED.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 16, 2001
Page 3

Committee
Report No. 01-49

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