

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

September 7, 2001

**Committee  
Report No.**

01-157

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 August 14, 2001, makes reference to County Communication No. 01-91, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated July 11, 2001, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN GENE V. WILLIAMS; CASE NOS. 7-99-02488 AND 7-99-04066; DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, LABOR APPEALS BOARD". The purpose of the proposed resolution is to authorize the employment of the firm of Kessner Duca Umabayashi Bain & Matsunaga (Kessner) as special counsel in the Williams case.

Your Committee notes that the Department of the Corporation Counsel asserts a need for special counsel due to the complexity of legal issues in this case. Your Committee further notes that the case involves the death of Mr. Williams, a Police Officer, while he was on a special off-duty assignment for Kiewit Pacific Company (Kiewit).

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

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case and distributed documents regarding Kessner and a Department of Labor and Industrial Relations decision regarding the Williams case.

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

September 7, 2001  
Page 2

**Committee**  
**Report No.** 01-157

The Deputy Corporation Counsel noted that special counsel is needed in order to appeal the decision of the Department of Labor and Industrial Relations. The Department of Labor and Industrial Relations found that Kiewit, the company who hired Mr. Williams for the special off-duty assignment, was not the liable employer.

Your Committee discussed the procedures used to assign police officers to special off-duty assignments. The Deputy Chief of Police indicated that the current procedures are being modified in order to avoid a similar situation in the future.

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 employment of Kessner as special counsel in the Williams case.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN GENE V. WILLIAMS; CASE NOS. 7-99-02488 AND 7-99-04066; DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, LABOR APPEALS BOARD" be ADOPTED.

Adoption of this report is respectfully requested.

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

September 7, 2001  
Page 3

Committee  
Report No. 01-157

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