

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001

**Committee
Report No.**

01-209

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 October 16, 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 October 1, 2001, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL ROBBINS & RHODES IN ATAHAN, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 95-0160(1), FOR A TOTAL COMPENSATION LIMIT OF \$200,000". The purpose of the proposed resolution is to authorize \$100,000 in additional compensation for Robbins & Rhodes as special counsel in the Atahan case.

Your Committee notes that this is a beach liability case.

Your Committee further notes that the prior Council authorized the employment of Robbins & Rhodes as special counsel in this matter by Resolution Nos. 98-101, 98-186 and 00-37.

At its meeting, your Committee met with a Deputy Corporation Counsel.

There being no public testimony, the 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.

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At its executive meeting, your Committee met with the Chief of Aquatics for the Department of Parks and Recreation, a Deputy Corporation Counsel, and William Ota, Esq. of Robbins & Rhodes.

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 authorizing additional compensation of \$100,000 for special counsel Robbins & Rhodes in the Atahan case.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL ROBBINS & RHODES IN ATAHAN, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 95-0160(1), FOR A TOTAL COMPENSATION LIMIT OF \$200,000" be ADOPTED.

Adoption of this report is respectfully requested.

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