

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001

**Committee
Report No.**

01-211

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 9, 2001, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN MAALAEA KAI ENTERPRISES, INC., ET AL.. VS. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 98-0630 (3); KEVIN M. HOGAN, ET AL., VS. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 99-0132 (3)". The purpose of the proposed resolution is to authorize the employment of special counsel in the consolidated cases.

Your Committee notes that the consolidated claims include allegations of negligence, nuisance, trespass, civil conspiracy, pollution, and punitive damages.

Your Committee recessed its meeting to October 17, 2001 with no discussion.

At its reconvened meeting of October 17, 2001, your Committee met with the Corporation Counsel, a Deputy Corporation Counsel, and Robert Takamatsu, Esq. of Watanabe Ing & Kawashima.

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the consolidated cases and the Corporation Counsel 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.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 2

Committee
Report No. 01-211

At its executive meeting, your Committee met with the Deputy Planning Director, the Corporation Counsel, and Robert Takamatsu, Esq. of Watanabe Ing & Kawashima.

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 revised proposed resolution that would make reference to the firm of Watanabe Ing & Kawashima as special counsel; decrease the limit of the total amount of compensation from \$100,000 to \$45,000; increase the hourly rate for paralegals from \$85 to \$90; and allow for compensation for computerized legal research.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, incorporating your Committee's suggested revisions.

Your Committee of the Whole **RECOMMENDS** that Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN MAALAEA KAI ENTERPRISES, INC., ET AL.. VS. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 98-0630 (3); KEVIN M. HOGAN, ET AL., VS. OAHU CONSTRUCTION COMPANY, LTD., ET AL., CIVIL NO. 99-0132 (3)" be **ADOPTED**.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 3

Committee
Report No. 01-211

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