

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

November 20, 2009

**Committee  
Report No.** \_\_\_\_\_

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 November 3, 2009, makes reference to County Communication No. 09-14, from Michael J. Molina, Chair of your Committee, regarding litigation matters submitted by the Department of the Corporation Counsel.

By correspondence dated September 21, 2009, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL ORTIZ & KATANO, A LAW CORPORATION, IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ON BEHALF OF MARTELL IRISH AND DEREK KAAUKAI, GRIEVANTS, AND COUNTY OF MAUI, EMPLOYER; SHOPO NOS. M-2005-008 and M-2005-009". The purpose of the proposed resolution is to authorize \$1,743.72 in additional compensation for Ortiz & Katano, A Law Corporation (Ortiz & Katano), as special counsel in the case, for a total compensation of \$26,743.72.

The Deputy Corporation Counsel explained that this is an arbitration matter involving grievances filed by Martell Irish and Derek Kaaukai, challenging their terminations from the Department of Police.

Your Committee notes that by Resolution No. 08-109, the Council authorized the employment of Ortiz & Katano as special counsel in the case, for a total compensation of \$25,000. The Deputy Corporation Counsel explained that since Ortiz & Katano is a law corporation located on Oahu, the additional \$1,743.72 is requested to cover expenses for accommodations and travel to Maui, during the course of arbitration. She noted these costs were unaccounted for in the Council's initial authorization of \$25,000. The Deputy Corporation Counsel assured your Committee that the arbitration has been completed, and that Ortiz & Katano will not incur any further expenses.

Your Committee voted 6-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Mateo, and members Johnson, Medeiros, Nishiki,

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and Pontanilla voted “aye”. Committee members Baisa, Kaho‘ohalahala, and Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled “AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL ORTIZ & KATANO, A LAW CORPORATION, IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ON BEHALF OF MARTELL IRISH AND DEREK KAAUKAI, GRIEVANTS, AND COUNTY OF MAUI, EMPLOYER; SHOPO NOS. M-2005-008 and M-2005-009” be ADOPTED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

# Resolution

No. \_\_\_\_\_

AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL ORTIZ & KATANO, A LAW CORPORATION, IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ON BEHALF OF MARTELL IRISH AND DEREK KAAUKAI, GRIEVANTS, AND COUNTY OF MAUI, EMPLOYER; SHOPO NOS. M-2005-008 and M-2005-009

WHEREAS, the Council alone is authorized to retain or employ special counsel upon a resolution passed by two-thirds vote; and

WHEREAS, the Council finds that there is a real necessity to retain the firm of Ortiz & Katano, a Law Corporation, as special counsel to represent the County of Maui in the Matter of the Grievance Arbitration between the State of Hawaii Organization of Police Officers on behalf of Martell Irish and Derek Kaaukai, Grievants, and County of Maui, Employer, SHOPO Nos. M-2005-008 and M-2005-009, because of the complexity of litigation issues; and

WHEREAS, the Council has by Resolution No. 08-109, authorized the employment of special counsel Ortiz & Katano, a Law Corporation ("special counsel") for \$ 25,000.00; and

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$1,743.72; now, therefore,

BE IT RESOLVED by the Council of the County of Maui that:

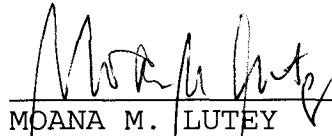
1. The Council hereby approves and authorizes the increase of compensation for the employment of special counsel by \$1,743.72

**Resolution No. \_\_\_\_\_**

for a total of up to \$26,743.72; and

2. Certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Finance, and Ortiz & Katano, a Law Corporation.

APPROVED AS TO FORM AND LEGALITY:

  
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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

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