

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

March 4, 2011

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on January 25, 2011, February 2, 2011, and February 16, 2011, makes reference to County Communication No. 11-1, from Council Chair Danny A. Mateo, relating to the confirmation of the Corporation Counsel.

Your Committee received correspondence dated January 11, 2011, from the Council Chair, transmitting the Mayor's correspondence dated January 4, 2011, notifying the Council of his appointment of Patrick K. Wong as the Corporation Counsel, and a proposed resolution entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL". The purpose of the proposed resolution is to approve the Mayor's appointment of Patrick K. Wong as the Corporation Counsel, pursuant to Sections 6-2(5) and 8-2.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter").

At your Committee Chair's request, the Department of the Corporation Counsel transmitted a proposed resolution entitled "DISAPPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL". The purpose of the proposed resolution is to ensure that the Council can disapprove the appointment if it so decides.

Your Committee notes that Section 8-2.2 of the Charter provides that the Corporation Counsel shall be appointed by the Mayor with the approval of the Council. Section 6-2(5) of the Charter provides that the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor, or the appointment shall be deemed to be confirmed. Accordingly, the deadline for the Council to confirm or deny the confirmation of Mr. Wong as the Corporation Counsel is March 4, 2011.

In advance of the meeting, your Committee Chair wrote to the Maui County Bar Association, requesting comments from its members on the appointment. Your Committee received written testimony from the Mayor and seven Maui attorneys in support of Mr. Wong's appointment. Your Committee also received written testimony in support of the appointment from Mr. Wong's former co-workers, the Maui Pop Warner

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Federation, Inc., and others in the community. Your Committee further received oral testimony supporting Mr. Wong's confirmation from nine testifiers. The testifiers noted Mr. Wong's character, professionalism, positive work ethic, integrity, commitment to the community, legal competence, and litigation experience in the private sector.

Your Committee received testimony from seven persons providing comments or opposing the appointment. These individuals cited concerns about potential conflicts of interest and Mr. Wong's lack of familiarity with the areas of law for which the Department of the Corporation Counsel bears direct responsibility.

Your Committee notes that the issue concerning conflicts of interest arose because Mr. Wong's spouse is an attorney employed by a law firm with ongoing litigation against the County. Mr. Wong assured your Committee that he had consulted with the Office of Disciplinary Counsel. He also confirmed that procedures had been created to preclude any knowledge or involvement on his part in cases involving his spouse's law firm. Your Committee was satisfied that adequate protections had been established to address this concern.

Mr. Wong described his philosophy of fostering collaboration and cross-training among the attorneys in the Department, and encouraging open evaluation and communication with the Department's clients, recognizing that those interests may not necessarily be in alignment. He indicated that his Department's responsibility is to fully defend its clients, even if advice previously given by the Department had not been followed.

Following rounds of questioning, your Committee acknowledged Mr. Wong's candor and demeanor; his responses in the areas of fiscal responsibility and accountability for his Department's performance; and his receptiveness to taking a fresh look at the Department's operations, including when retention of special counsel is appropriate and the propriety of having bond counsel approved by the Council. Your Committee remarked on the support of Mr. Wong's colleagues and the availability of experienced attorneys and staff.

Your Committee was satisfied that it had done its due diligence in considering Mr. Wong's suitability for the position. Accordingly, your Committee recommended that the appointment of Patrick K. Wong as the Corporation Counsel be confirmed.

Your Committee voted 9-0 to recommend adoption of the proposed resolution approving the appointment; filing of the proposed resolution disapproving the

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appointment; and filing of the communication. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Couch, Mateo, Pontanilla, Victorino, and White voted "aye".

Your Policy Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL", be ADOPTED;
2. That Resolution No. _____, attached hereto, entitled "DISAPPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL", be FILED; and
3. That County Communication No. 11-1 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

Resolution

No. _____

APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL

WHEREAS, by letter dated January 4, 2011, Mayor Alan Arakawa notified the Council that he appointed Patrick K. Wong as Corporation Counsel, pursuant to Sections 6-2(5) and 8-2.2 of the Revised Charter of the County of Maui (1983), as amended (“Charter”); and

WHEREAS, Charter Section 6-2 (5) requires the Council to confirm or deny the appointment within sixty (60) days after receiving notice of the appointment by the mayor; and

WHEREAS, Charter Section 8-2.2 states that “[t]he corporation counsel shall be appointed by the mayor with the approval of the council”; now, therefore,

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

1. That it hereby approves the appointment of Patrick K. Wong as the Corporation Counsel; and
2. That certified copies of this resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



First Deputy Corporation Counsel
County of Maui

Resolution

No. _____

DISAPPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL

WHEREAS, by correspondence dated January 4, 2011, Mayor Alan Arakawa notified the Council of the appointment of Patrick K. Wong as the Corporation Counsel, pursuant to Sections 6-2(5) and 8-2.2 of the Revised Charter of the County of Maui (1983), as amended (“Charter”); and

WHEREAS, Charter Section 8-2.2 provides that the corporation counsel shall be appointed by the mayor with the approval of the council; and

WHEREAS, Charter Section 6-2(5) provides that the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the mayor; now, therefore,

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

1. That it hereby disapproves the appointment of Patrick K. Wong as the Corporation Counsel; and
2. That certified copies of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

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