

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

October 5, 2007

Committee

Report No. 07-107

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

Chair and Members:

Your Policy Committee, having met on September 18, 2007, makes reference to County Communication No. 07-12, from the Council Chair, regarding proposed contracts for special counsel.

By correspondence dated August 29, 2007, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPPI JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00280 SPK BMK" (Alconcel case). The purpose of the proposed resolution is to authorize \$25,000 in additional compensation for Marr Hipp Jones & Wang as special counsel in the case for a total compensation of \$525,000.

By correspondence dated August 29, 2007, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPPI JONES & WANG, IN JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00278 DAE LEK" (Williams case). The purpose of the proposed resolution is to authorize \$25,000 in additional compensation for Marr Hipp Jones & Wang as special counsel in the case for a total compensation of \$525,000.

Your Committee notes that these cases include allegations of violations of the Fair Labor Standards Act.

Your Committee further notes that in the Alconcel case, the Council authorized initial compensation of \$40,000 by Resolution No. 05-147, additional compensation of \$85,000 by Resolution No. 06-87, further additional compensation of \$125,000 by Resolution No. 06-108, and further additional compensation of \$250,000 by Resolution No. 07-29.

Your Committee further notes that in the Williams case, the Council authorized initial compensation of \$40,000 by Resolution No. 05-148, additional compensation of

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\$85,000 by Resolution No. 06-86, further additional compensation of \$125,000 by Resolution No. 06-109, and further additional compensation of \$250,000 by Resolution No. 07-30.

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

There was no public testimony.

The Deputy Corporation Counsel explained that the cases are progressing in the settlement process; however, obtaining the 200 signatures required on the settlement agreements was taking longer than expected. The Department of the Corporation Counsel is requesting authorization for additional funds to complete the settlement process and consult with special counsel regarding directives to the Department of Police and the Department of Fire and Public Safety to ensure that this type of case does not recur.

Your Committee voted to recommend adoption of the proposed resolutions.

Your Policy Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00280 SPK BMK", be ADOPTED; and
2. That Resolution No. _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00278 DAE LEK", be ADOPTED.

Adoption of this report is respectfully requested.

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DANNY A. MATEG Chair

BILL KAUAKEA MEDEIROS Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

MICHELLE ANDERSON Member

JOSEPH PONTANILLA Member

GLADYS C. BAISA Member

MICHAEL P. VICTORINO Member

JO ANNE JOHNSON Member

Resolution

No. _____

AUTHORIZING ADDITIONAL COMPENSATION FOR
SPECIAL COUNSEL, MARR HIPPI JONES & WANG, IN
TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI,
HAWAII, CIVIL NO. CV05-00280 SPK BMK

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 Marr Hipp Jones & Wang as special counsel to represent the County of Maui in TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00280 SPK BMK, because of the complexity of litigation issues; and

WHEREAS, the Council has by Resolution No.05-147, authorized the employment of special counsel Marr Hipp Jones & Wang ("special counsel") for \$ 40,000.00; and

WHEREAS, the Council has by Resolution No. 06-87, authorized Corporation Counsel to raise the compensation limit for the employment of special counsel by an additional \$85,000.00 for trial; and

WHEREAS, the Council has by Resolution No. 06-108, authorized Corporation Counsel to raise the compensation limit for the employment of special counsel by an additional \$125,000.00 for depositions and trial preparations; and

WHEREAS, the Council has by Resolution No. 07-29, authorized Corporation Counsel to raise the compensation limit for the

Resolution No. _____

employment of special counsel by an additional \$250,000.00 for depositions, trial preparations, and trial; and

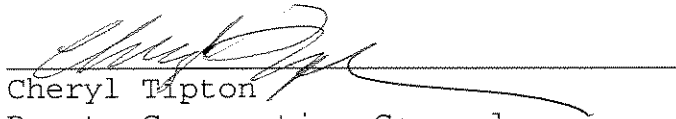
WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$25,000.00 for the court hearing to approve settlement and for other work to complete the case; now therefore,

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 \$25,000.00 for a total of up to \$525,000.00; and

2. Certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Finance, and Marr Hipp Jones & Wang.

APPROVED AS TO FORM AND LEGALITY:


Cheryl Tipton
Deputy Corporation Counsel
County of Maui

Resolution

No. _____

AUTHORIZING ADDITIONAL COMPENSATION FOR
SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN
JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI,
HAWAII, CIVIL NO. CV05-00278 DAE LEK

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 Marr Hipp Jones & Wang as special counsel to represent the County of Maui in JACK HENRY WILLIAMS, JR., ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00278 DAE LEK, because of the complexity of litigation issues; and

WHEREAS, the Council has by Resolution No. 05-148, authorized the employment of special counsel Marr Hipp Jones & Wang ("special counsel") for \$ 40,000.00; and

WHEREAS, the Council has by Resolution No. 06-86, authorized Corporation Counsel to raise the compensation limit for the employment of special counsel by an additional \$85,000.00 for trial; and

WHEREAS, the Council has by Resolution No. 06-109, authorized Corporation Counsel to raise the compensation limit for the employment of special counsel by additional \$125,000.00 for depositions and trial preparations; and

WHEREAS, the Council has by Resolution No. 07-30, authorized Corporation Counsel to raise the compensation limit for the

Resolution No. _____

employment of special counsel by an additional \$250,000.00 for depositions, trial preparations, and trial; and

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$25,000.00 for the court hearing to approve settlement and for other work to complete the case; now, therefore,

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