

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

March 2, 2007

Committee

Report No.

07-19

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

Chair and Members:

Your Policy Committee, having met on February 13, 2007, makes reference to County Communication No. 07-12, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated January 22, 2007, from the Department of the Corporation Counsel, requesting consideration of 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". The purpose of the proposed resolution is to authorize \$250,000 in additional compensation for Marr Hipp Jones & Wang as special counsel in the case for a total compensation of \$500,000.

Your Committee notes that this case includes allegations of violations of the Fair Labor Standards Act.

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

At its meeting, your Committee met with the Deputy Chief of Police; a Deputy Corporation Counsel; Steven M. Nakashima, Esq., Marr Hipp Jones & Wang; and Melanie Mito May, Esq., Marr Hipp Jones & Wang.

There was no public testimony. The Deputy Corporation Counsel provided an overview of the case and noted that of the 84 plaintiffs in the case, 17 have since withdrawn. She requested the opportunity to discuss the matter in an executive meeting.

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

March 2, 2007

Page 2

Committee

Report No.

07-19

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.

At its executive meeting, your Committee met with the Deputy Chief of Police; a Deputy Corporation Counsel; Steven M. Nakashima, Esq., Marr Hipp Jones & Wang; and Melanie Mito May, Esq., Marr Hipp Jones & Wang.

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.

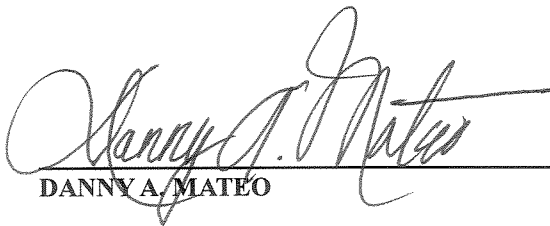
Your Policy Committee RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, HAWAII, CIVIL NO. CV05-00280 SPK BMK" be ADOPTED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

March 2, 2007
Page 3

Committee
Report No. 07-19



DANNY A. MATEO Chair

BILL KAUAKEA MEDEIROS Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

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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 Corporation Counsel has requested authorization to raise the compensation limit for the employment of special

Resolution No. _____

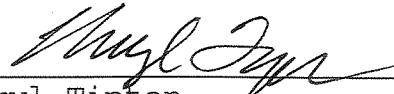
counsel by an additional \$250,000.00 for depositions, trial preparations, and trial; now therefore,

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 \$250,000.00 for a total of up to \$500,000.00; 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

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