

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 18, 2003

Committee
Report No. 03-61

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 July 2, 2003, makes reference to County Communication No. 03-20, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated May 28, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR, HIPPIE, JONES & PEPPER, IN MICHAEL KAHO`OHANOVS. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK". The purpose of the proposed resolution is to authorize \$60,000 in additional compensation for Marr Hipp Jones & Pepper as special counsel in Michael Kaho`ohanov. County of Maui, Civil No. 02-00296 HG/BMK, for a total compensation of \$120,000.

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

Your Committee further notes that the prior Council authorized \$10,000 in initial compensation for this matter by Resolution No. 02-136. By Resolution No. 02-176, the prior Council subsequently authorized additional compensation of \$50,000, for a total compensation of \$60,000.

At its meeting, your Committee met with the First Deputy Corporation Counsel; a Deputy Corporation Counsel; and Steven Nakashima, Esq. of Marr Hipp Jones & Pepper.

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

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Mr. Nakashima provided a status report, noting the broadening of the case into a class action. Notices will be sent by the plaintiff's counsel to certain current and former County employees informing them of the nature of the case and asking whether they would like to join as plaintiffs.

Your Committee further discussed the possibility that the additional \$60,000 would provide compensation for special counsel through, at minimum, a Court determination of additional plaintiffs. Your Committee briefly discussed parallel actions brought against the other counties in the State of Hawaii, and urged counsel to work with the other counties.

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 Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL MARR, HIPP, JONES & PEPPER, IN MICHAEL KAHO`OHANO HANO VS. COUNTY OF MAUI, CIVIL NO. 02-00296 HG/BMK" be ADOPTED.

Adoption of this report is respectfully requested.

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