

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

October 21, 2005

**Committee**  
**Report No.**

05-142

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 October 4, 2005, makes reference to County Communication No. 05-25, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated September 26, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, CIVIL NO. CV05-00280 SPK BMK". The purpose of the proposed resolution is to authorize the employment of Marr Hipp Jones & Wang as special counsel in the referenced lawsuit for a total compensation of \$40,000.

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

At its meeting, your Committee met with an Assistant Chief from the Department of Police and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case. She noted that in this type of class action suit, plaintiffs must join individually, and if they do not join the suit individually, their right to bring an action at a later time is preserved.

Your Committee requested a comprehensive cost-benefit analysis of the possible settlement of the aforementioned case in comparison to litigating the case.

Your Committee inquired as to whether this case involves any collective bargaining issues. The Deputy Corporation Counsel indicated that this case does not involve collective bargaining issues.

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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 THE EMPLOYMENT OF SPECIAL COUNSEL, MARR HIPP JONES & WANG, IN TRINIDAD K. ALCONCEL, ET AL. VS. COUNTY OF MAUI, CIVIL NO. CV05-00280 SPK BMK" be ADOPTED.

Adoption of this report is respectfully requested.

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