

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 22, 2024

**Committee
Report No.** _____

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on February 27, 2024, makes reference to Resolution 23-248, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RONALD T. OGOMORI, ATTORNEY AT LAW, A LAW CORPORATION, TO REPRESENT HERMAN ANDAYA IN AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260."

Resolution 23-248's purpose is to authorize the employment of Ronald T. Ogomori, Attorney at Law, a Law Corporation, as special counsel to represent Herman Andaya, in Amir Hossein Sheikhan, Etc., et al. v. Hawaiian Electric Industries, Etc., et al., Case 2CCV-23-0000260, for a total compensation amount not to exceed \$150,000.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

Your Committee further notes Mr. Andaya, who no longer works for the County of Maui, was employed as the Maui Emergency Management Administrator on August 8, 2023, the date of the wildfires on Maui Island.

The Corporation Counsel provided an overview of the claims and explained the basis for the request for authorization to employ Ronald T. Ogomori, Attorney at Law, a Law Corporation, as special counsel, pending Council approval, and further requested an executive meeting to discuss confidential information related to the claims.

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee
Report No.** _____

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Sections 92-5(a)(4) and 92-5(a)(8), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Based on information received in executive session and the recommendation of the Department, your Committee voted 6-1 to recommend adoption of Resolution 23-248. Committee Chair U'u-Hodgins and members Kama, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee member Johnson voted "no." Committee Vice-Chair Paltin and member Cook were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-248, attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RONALD T. OGOMORI, ATTORNEY AT LAW, A LAW CORPORATION, TO REPRESENT HERMAN ANDAYA IN AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

Resolution

No. 23-248

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RONALD T. OGOMORI, ATTORNEY AT LAW, A LAW CORPORATION, TO REPRESENT HERMAN ANDAYA IN AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260

WHEREAS, the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote; and

WHEREAS, the Council finds that there is necessity and a public purpose to retain the firm of Ronald T. Ogomori, Attorney at Law, a Law Corporation ("Firm"), as special counsel to represent Herman Andaya, who was the Emergency Management Administrator for the County of Maui on August 8, 2023 and has been named as a defendant in his individual capacity in AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260; and

WHEREAS, the Firm and the Department of the Corporation Counsel shall work as a team in this matter and take all possible steps to minimize the level of attorney's fees and costs; and

WHEREAS, the Firm's conduct in this matter shall reflect the Firm's understanding that the County of Maui is a public entity that has obligations, concerns, and interests that may extend beyond those of a similarly situated private litigant; now therefore,

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

1. That it hereby authorizes the employment of Ronald T. Ogomori, Attorney at Law, a Law Corporation, as special counsel to represent Herman Andaya, in AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260;
2. That total compensation for the employment of the Firm as special counsel shall not exceed \$150,000;
3. That partner Ronald T. Ogomori, Esq. shall provide the bulk of the legal services in this matter;
4. That the hourly rate for partners shall not exceed \$450;

Resolution No. 23-248

5. That the hourly rate for associates shall not exceed \$350;
6. That the hourly rate for paralegal staff shall not exceed \$100;
7. That the compensability of costs shall be in general accord with the intent of 28 U.S.C. § 1920;
8. That the compensable costs shall include: (a) fees for printing and witnesses; (b) fees of the clerk and marshal; (c) fees of the court reporter for necessary transcripts; (d) docket fees; and (e) compensation of court-appointed experts and interpreters;
9. That the non-compensable costs shall include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) investigative expenses; and (g) other costs reasonably considered part of a law firm's overhead;
10. That in instances of travel, both inter-island and out-of-state travel includes travel on regular coach economy fare and must be pre-approved by the Corporation Counsel;
11. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require Council approval; and
12. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, Ronald T. Ogomori, Esq., and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:



VICTORIA J. TAKAYESU
Corporation Counsel
County of Maui

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Peter Lee", written over a horizontal line.

Upon the request of the Mayor.