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Vice-Chair  
Keani N.W. Rawlins-Fernandez

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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 11, 2019

Director of Council Services  
Traci N. T. Fujita, Esq.

RECEIVED

2019 OCT 11 AM 10:40

OFFICE OF THE  
COUNTY CLERK

The Honorable Kelly T. King  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair King:

**SUBJECT: RETENTION AND TERMINATION OF SPECIAL  
COUNSEL (PAF 19-331)**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE RELATING TO THE RETENTION AND TERMINATION OF SPECIAL COUNSEL," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Keani N.W. Rawlins-Fernandez".

KEANI N.W. RAWLINS-FERNANDEZ  
Council Vice-Chair

paf:dmr:19-331b

Attachment

COUNTY COMMUNICATION NO. 19-419

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE RELATING TO THE RETENTION AND  
TERMINATION OF SPECIAL COUNSEL

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 3, Maui County Code, is amended to add a new chapter  
to be appropriately designated and to read as follows:

**“Chapter 3.15**

**RETENTION AND TERMINATION OF SPECIAL COUNSEL**

Sections:

- 3.15.010 Retention of special counsel.
- 3.15.020 Termination of special counsel.

**3.15.010 Retention of special counsel.** A. In accordance with section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended, the council may retain special counsel by adoption of a resolution by a two-thirds vote.

B. Unless the retention resolution specifies otherwise, the special counsel’s client is the council.

C. Special counsel must regularly report to the council chair or the chair of a relevant council committee on the progress of the special counsel’s work.

D. Compensation to the special counsel may only be provided upon approval by the council chair after review of a request for compensation that includes a detailed description of the special counsel’s work.

E. Special counsel may be retained to provide advice, to provide representation, or both. For purposes of this chapter, “representation” means appearing or preparing to appear before any court or tribunal or engaging in settlement negotiations in a case or matter on behalf of the County, a County agency, a County officer, or a County employee.

**3.15.020 Termination of special counsel.** A. Special counsel may be terminated in accordance with: (1) the council's adoption of a termination resolution by a majority vote; (2) the terms specified in the retention resolution; or (3) subsection B.

B. If special counsel is retained to provide representation, the special counsel shall be automatically terminated at the close of the following business day when the council adopts a resolution authorizing settlement of the case or matter, unless the settlement resolution specifies otherwise. The corporation counsel shall provide any further representation needed in the case or matter, including the execution of the settlement agreement and the submission of any necessary motions."

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:dmr:19-331a