

Resolution

No. 23-224

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL
BARON & BUDD, P.C., IN LITIGATION MATTERS ARISING
FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI

WHEREAS, in August of 2023, several large wildfires (“Wildfires”) devastated the island of Maui causing significant loss of life, immense damage to public and private property, and untold economic damage; and

WHEREAS, under Section 3-6 of the Revised Charter of the County of Maui (1983), as amended (“Charter”), the Maui County Council alone is authorized to retain or employ special counsel as legal representation for any matter presenting a real necessity for such employment upon a resolution adopted by two-thirds vote; and

WHEREAS, through his Third Emergency Proclamation Relating to Wildfires dated August 15, 2023 (“Third Proclamation”), the Mayor suspended Section 3-6(6) of the Charter, eliminating the prerequisite Council approval prior to retaining special counsel; and

WHEREAS, through his Fourth Emergency Proclamation Relating to Wildfires dated September 8, 2023, the Mayor lifted the suspension of Section 3-6(6) of the Charter, reinstating the requirement for Council approval for retention of special counsel; and

WHEREAS, the Council finds that there is a necessity and a public purpose to retain the firm of Baron & Budd, P.C., ("Firm") as special counsel to represent the County of Maui as the plaintiff in legal action(s) against Maui Electric Company, Limited, Hawaiian Electric Company, Inc., and any other potentially liable third parties for damages arising from the Wildfires because of the complexity of the litigation; and

WHEREAS, the Firms' conduct in this matter shall reflect the Firms' 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 retention of Baron & Budd, P.C., as special counsel to represent the County of Maui in litigation as described in this resolution, on a contingency fee basis under the terms set forth in an executive meeting of the Government Relations, Ethics, and Transparency Committee;
2. That partner John Fiske, Esq. of Baron & Budd, P.C. shall provide the bulk of the legal services in this matter;
3. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:



VICTORIA J. TAKAYESU
Corporation Counsel
County of Maui

LF 2023-1307

2023-10-20 Reso Auth Special Counsel Baron & Budd.docx

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", positioned above a horizontal line.

ALICE L. LEE

Upon the request of the Mayor.