

**COUNCIL OF THE COUNTY OF MAUI**  
**PARKS, RECREATION, ENERGY, AND**  
**LEGAL AFFAIRS COMMITTEE**

April 7, 2017

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on March 21, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated February 27, 2017, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL ROBERT S. KATZ, ESQ., IN THE MATTER OF THE INTEREST ARBITRATION BETWEEN BARGAINING UNIT 11, REPRESENTED BY THE HAWAII FIRE FIGHTERS ASSOCIATION, AND THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAII, COUNTY OF MAUI AND COUNTY OF KAUAI." The purpose of the proposed resolution is to authorize \$25,000 in additional compensation for special counsel Torkildson Katz Moore Hetherington & Harris, with Robert S. Katz, Esq. serving as lead counsel, on matters related to the interest arbitration involving the Hawaii Fire Fighters Association.

Your Committee notes by Resolution 16-106, the Council authorized \$50,000 in compensation for special counsel in this matter as the County of Maui's share.

Your Committee further notes Section 3-6(6), Revised Charter of the County of Maui (1983), as amended, authorizes the Council to retain or employ, by a vote of two-thirds of its entire membership, special counsel for any special matter presenting a real necessity for such employment. Charter Section 3-6(6) also requires that the compensation, if any, to be paid for the services be specified.

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A Deputy Corporation Counsel provided a brief overview of the reasons for the increased compensation. He said issues arose during the course of negotiations in arbitration that required the employers to file and pursue a petition with the Hawaii Labor Relations Board.

Because the case involves ongoing arbitration, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of the proposed resolution. Committee Chair Guzman and members Atay, Carroll, Cochran, Crivello, Hokama, Sugimura, and White voted "aye." Committee Vice-Chair King was excused.

Your Committee is in receipt of a revised proposed resolution, entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL TORKILDSON KATZ MOORE HETHERINGTON & HARRIS, IN THE MATTER OF THE INTEREST ARBITRATION BETWEEN BARGAINING UNIT 11, REPRESENTED BY THE HAWAII FIRE FIGHTERS ASSOCIATION, AND THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAII, COUNTY OF MAUI AND COUNTY OF KAUAI," incorporating nonsubstantive revisions.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL TORKILDSON KATZ MOORE HETHERINGTON & HARRIS, IN THE MATTER OF THE INTEREST

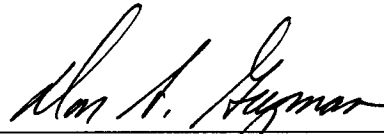
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ARBITRATION BETWEEN BARGAINING UNIT 11, REPRESENTED BY THE HAWAII FIRE FIGHTERS ASSOCIATION, AND THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAII, COUNTY OF MAUI AND COUNTY OF KAUAI," be ADOPTED.

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



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DON S. GUZMAN, Chair

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# Resolution

No. \_\_\_\_\_

AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE  
EMPLOYMENT OF SPECIAL COUNSEL TORKILDSON  
KATZ MOORE HETHERINGTON & HARRIS,  
IN THE MATTER OF THE INTEREST ARBITRATION  
BETWEEN BARGAINING UNIT 11, REPRESENTED BY  
THE HAWAII FIRE FIGHTERS ASSOCIATION, AND  
THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU,  
COUNTY OF HAWAII, COUNTY OF MAUI AND COUNTY OF KAUAI

WHEREAS, by Resolution No. 16-106, the Council of the County of Maui ("Council") authorized the employment of the law firm Torkildson Katz Moore Hetherington & Harris to serve as special counsel for the County of Maui, among other employers, in In the Matter of Hawaii Fire Fighters Association, IAFF, Local 1463, AFL-CIO, and David Y. Ige, et al., Case No. I-11-157; and

WHEREAS, Torkildson Katz Moore Hetherington & Harris was engaged as special counsel, with Robert S. Katz, Esq. serving as lead counsel, by the State of Hawaii, City and County of Honolulu, County of Maui and County of Kauai to be jointly represented and to equally share in the fees and costs for said special counsel; and

WHEREAS, the County of Hawaii initially declined to be represented by special counsel, but subsequently joined in retaining special counsel and contributed to their fees; and

WHEREAS, the Maui County FY 2017 Council Adopted Budget appropriates \$100,000 to assist the Department of Personnel Services with collective bargaining contract negotiations (Index Code 905020B); and

WHEREAS, the Council previously authorized the expenditure of \$50,000 as the County of Maui's pro rata share of special counsel's fees; and

**Resolution No. \_\_\_\_\_**

WHEREAS, the nature and complexity of the issues raised in the arbitration proceedings require the expenditure of additional special counsel fees; and

WHEREAS, the expenditure of additional special counsel fees is reasonable and necessary under the circumstances; and

WHEREAS, the expenditure of an additional \$25,000 for special counsel fees should be sufficient to complete this matter; now, therefore,

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

1. That the Council hereby approves and authorizes the expenditure of \$25,000 for legal services provided by Torkildson Katz Moore Hetherington & Harris, related to the arbitration of disputed articles of the Bargaining Unit 11 collective bargaining agreement in HLRB Case No. I-11-157; and

2. 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:

  
\_\_\_\_\_  
GARY Y. MURAL  
Deputy Corporation Counsel  
County of Maui

LIT-5632  
2017-03-20 reso.special.counsel