

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 the following:

1. Resolution 24-16, entitled "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL MCCORRISTON MILLER MUKAI MACKINNON, LLP IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI."

Resolution 24-16's purpose is to authorize additional compensation, in the amount of \$250,000, to McCorriston Miller Mukai MacKinnon, LLP, as special counsel to represent the County of Maui in current and anticipated litigation matters arising from the August 2023 wildfires on the island of Maui.

2. Resolution 24-17, entitled "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL MEYERS NAVE IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI."

Resolution 24-17's purpose is to authorize additional compensation, in the amount of \$250,000, to Meyers Nave, as special counsel to represent the County of Maui in current and anticipated litigation matters arising from the August 2023 wildfires on the island of Maui.

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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 the Council previously authorized the employment of Meyers Nave and McCorriston Miller Mukai MacKinnon, LLP, as special counsel, by Resolutions 23-223 and 23-225, respectively.

The Corporation Counsel provided an overview of the claims and explained the basis for the request for additional compensation, pending Council approval, and further requested an executive meeting to discuss confidential information related to the claims.

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 7-0 to recommend adoption of Resolutions 24-16 and 24-17. Committee Chair U'u-Hodgins and members Johnson, Kama, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Paltin and member Cook were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS the following:

1. That Resolution 24-16, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL MCCORRISTON MILLER MUKAI MACKINNON, LLP IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI," be ADOPTED; and

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2. That Resolution 24-17, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL MEYERS NAVE IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

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Resolution

No. 24-16

AUTHORIZING ADDITIONAL COMPENSATION RELATED
TO THE EMPLOYMENT OF SPECIAL COUNSEL MCCORRISTON MILLER
MUKAI MACKINNON, LLP IN LITIGATION MATTERS ARISING FROM THE
AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI

WHEREAS, by Resolution No. 23-225, the Council authorized the employment of special counsel McCorriston Miller Mukai MacKinnon, LLP ("special counsel") to represent the County of Maui as a defendant in current and anticipated legal actions relating to the August 2023 wildfires on the island of Maui; and

WHEREAS, the Department of the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$250,000 for a total compensation not exceeding \$500,000; now, therefore,

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

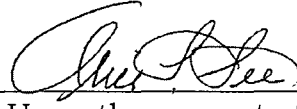
1. That the Council hereby approves and authorizes an increase in compensation for the employment of special counsel McCorriston Miller Mukai MacKinnon, LLP to represent the County of Maui as a defendant in current and anticipated legal actions relating to the August 2023 wildfires on the island of Maui by \$250,000 for a total compensation not exceeding \$500,000; and
2. That certified copies of this resolution be transmitted to the Corporation Counsel, the Director of Finance, and McCorriston Miller Mukai MacKinnon, LLP.

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 "John Lee", is written above a horizontal line.

Upon the request of the Mayor.

Resolution

No. 24-17

AUTHORIZING ADDITIONAL COMPENSATION RELATED
TO THE EMPLOYMENT OF SPECIAL COUNSEL MEYERS NAVE IN
LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES
ON THE ISLAND OF MAUI

WHEREAS, by Resolution No. 23-223, the Council authorized the employment of special counsel Meyers Nave ("special counsel") to represent the County of Maui as a defendant in current and anticipated legal actions relating to the August 2023 wildfires on the island of Maui; and

WHEREAS, the Department of the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$250,000 for a total compensation not exceeding \$500,000; now, therefore,

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

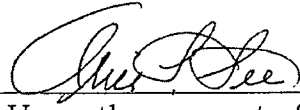
1. That the Council hereby approves and authorizes an increase in compensation for the employment of special counsel Meyers Nave to represent the County of Maui as a defendant in current and anticipated legal actions relating to the August 2023 wildfires on the island of Maui by \$250,000 for a total compensation not exceeding \$500,000; and
2. That certified copies of this resolution be transmitted to the Corporation Counsel, the Director of Finance, and McCorriston Miller Mukai MacKinnon, LLP.

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 "Chris Lee", written over a horizontal line.

Upon the request of the Mayor.