

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE**

December 11, 2018

**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 November 13, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated February 7, 2018, the Department of the Corporation Counsel requested consideration of the following:

1. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL COX FRICKE LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL.; CIVIL NO. 18-1-0056(1)." The purpose of the proposed resolution is to authorize the employment of Cox Fricke LLP as special counsel to represent Alan Arakawa in his individual capacity in David Taylor v. Alan Arakawa, et al., Civil 18-1-0056(1), for a total compensation not to exceed \$75,000.

2. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI, SUGITA & GODA, LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL.; CIVIL NO. 18-1-0056(1)." The purpose of the proposed resolution is to authorize the employment of Kobayashi, Sugita & Goda, LLP as special counsel to represent the County of Maui and Alan Arakawa in his capacity as Mayor of the County of Maui in the case, for a total compensation not to exceed \$75,000.

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The Department also transmitted a copy of the Complaint filed on January 30, 2018 in the case. The Complaint alleges David Taylor was removed from his position as Director of Water Supply starting as early as November 15, 2017, in violation of the Revised Charter of the County of Maui (1983), as amended. The Complaint further alleges wrongful termination in violation of Mr. Taylor's due process rights under the Hawaii Constitution and misuse of his professional engineering license, among other things.

By correspondence dated February 23, 2018, the Department of the Corporation Counsel requested consideration of revised proposed resolutions entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL COX FRICKE LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)" and "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI, SUGITA & GODA, LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-0056(1)."

Your Committee notes it previously reported on this matter through Committee Report 18-102, which recommended that a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)," be adopted. At its meeting of July 6, 2018, the Council adopted the recommendation in Committee Report 18-102 (Resolution 18-115).

Your Committee notes Section 3-6(6) of the 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) further requires that any such employment specify the compensation, if any, to be paid for the services.

Your Committee noted that because the case has been settled, special counsel is no longer needed. Accordingly, your Committee recommended the correspondence transmitting requests for the employment of special counsel be filed.

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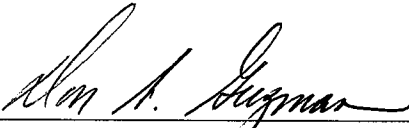
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Your Committee voted 7-0 to recommend filing of the correspondence. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Cochran, Hokama, and Sugimura voted "aye." Committee members Crivello and White were excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that the correspondence dated February 7, 2018, transmitting a proposed resolution, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL COX FRICKE LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL.; CIVIL NO. 18-1-0056(1)," and a proposed resolution, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI, SUGITA & GODA, LLP IN DAVID TAYLOR V. ALAN ARAKAWA, ET AL.; CIVIL NO. 18-1-0056(1)," be FILED.

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



DON S. GUZMAN, Chair