

Resolution

No. 25-218

AUTHORIZING THE DESIGNATION OF SPECIAL COUNSEL
FROM THE COUNTY OF HAWAI'I OFFICE OF THE CORPORATION COUNSEL,
IN THE MATTER OF THE ARBITRATION BETWEEN STATE OF HAWAI'I
ORGANIZATION OF POLICE OFFICERS AND COUNTY OF MAUI POLICE
DEPARTMENT, SHOPO CASE M-2022-021; IA/PSO IA 22-0011

WHEREAS, the Council alone is authorized to retain, employ, or designate special counsel by resolution adopted by a two-thirds vote under Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, the Council finds that, to avoid the presence or appearance of a conflict of interest, and to the extent consistent with the Hawai'i Rules of Professional Conduct, there is a necessity and it would be in the best interest of the County of Maui to designate the County of Hawai'i Office of the Corporation Counsel, as special counsel to represent the Maui Police Department, County of Maui In The Matter of the Arbitration Between State of Hawai'i Organization of Police Officers and County of Maui Police Department, SHOPO Case M-2022-021; IA/PSO 22-0011; and

WHEREAS, the County of Hawai'i Office of the Corporation Counsel as special counsel must take all possible steps to minimize the level of costs; and

WHEREAS, the County of Hawai'i Office of the Corporation Counsel's conduct in this matter must reflect the 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 designation of Deputy Corporation Counsel Lerisa Heroldt of the County of Hawai'i Office of the Corporation Counsel, or other deputies as assigned by the County of Hawai'i Corporation Counsel and agreed to by the County of Maui Corporation Counsel, as special counsel to represent the Maui Police Department In The Matter of the Arbitration Between State of Hawai'i Organization of Police

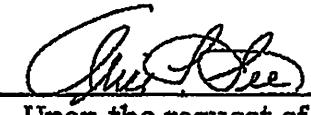
**Officers and County of Maui Police Department, SHOPO Case
M-2022-021; IA/PSO 22-0011;**

2. That Deputy Corporation Counsel Lerisa Heroldt, as special counsel, must not seek fees associated with her or her office's representation;
3. That the compensability of costs must be in general accord with the intent of 28 U.S.C. § 1920;
4. That compensable costs include: (a) fees for printing and witnesses; (b) fees of the clerk and marshal; (c) fees of the court reporter for necessary transcripts; (d) docket fees; (e) compensation of court-appointed experts and interpreters; and (f) travel related expenses when pre-approved by the Department of the Corporation Counsel;
5. That non-compensable costs include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) travel related expenses not pre-approved by the Department of the Corporation Counsel; (g) investigative expenses; and (h) all other costs reasonably considered part of the County of Hawai'i Office of the Corporation Counsel's overhead;
6. That in instances of travel, both inter-island and out-of-state travel includes travel on regular coach economy fare and must be pre-approved by the Department of the Corporation Counsel;
7. That the expenditures of additional funds or substantial changes to the responsibilities of the parties require Council approval;
8. That the expenditures of additional funds or substantial changes to staff assigned to this matter in accordance with this Resolution require prior Council approval; and
9. That certified copies of this Resolution be transmitted to the Mayor, Corporation Counsel, Director of Finance, Chief of Police, and the County of Hawai'i Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:


Kristin K. Tarnstrom
Deputy Corporation Counsel
County of Maui

INTRODUCED BY:


Chet Lee
Upon the request of the Mayor.