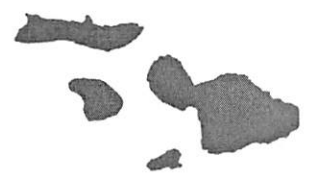
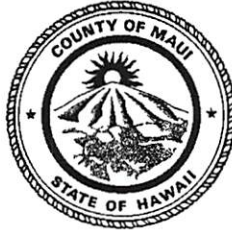


MICHAEL P. VICTORINO
Mayor

Moana M. Lutey
Corporation Counsel

EDWARD S. KUSHI, Jr.
First Deputy

LYDIA A. TODA
Risk Management Officer



BOARD OF ETHICS
C/O DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
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MEMO TO: Honorable Michael P. Victorino
Mayor, County of Maui

APPROVED FOR TRANSMITTAL

FOR TRANSMITTAL TO:

Honorable Kelly T. King, Chair
And Members of the Council

Michael P. Victorino

Mayor Date

FROM: Matthew Macario, Chair, Board of Ethics
Gary Y. Murai, Deputy Corporation Counsel *GM*

DATE: September 26, 2019

SUBJECT: **RETENTION OF THE OFFICE OF THE CORPORATION
COUNSEL, COUNTY OF HAWAII, TO ADVISE AS SPECIAL
COUNSEL TO MAUI COUNTY BOARD OF ETHICS**

Pursuant to Section 3-6.6, of the Revised Charter of the County of Maui (1983), as amended (the "Charter"), we hereby transmit a proposed resolution entitled "AUTHORIZING THE RETENTION OF SPECIAL COUNSEL FROM THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII TO ADVISE THE MAUI COUNTY BOARD OF ETHICS IN THE MATTER OF COMPLAINT NO. 19-05 ALLEGING VIOLATIONS OF THE MAUI COUNTY CHARTER, CODE OF ETHICS, BY OFFICERS AND EMPLOYEES OF THE COUNTY OF MAUI."

We respectfully request that the attached proposed resolution be referred to the appropriate standing committee for discussion and action. Thank you for your consideration.

COUNTY COMMUNICATION NO. 19-397

Honorable Michael P. Victorino
Mayor, County of Maui

For Transmittal To:
Honorable Kelley T. King, Chair
And Members of the Council
September 26, 2019
Page 2

Should you have any questions or require clarification, please do not hesitate to contact Board secretary, Cory Lynn Vicens, at 808-270-7583 or email at Cory-Lynn.Vicens@co.maui.hawaii.us.

MM:GYM:cmv
Enclosures

cc: Moana M. Lutey, Corporation Counsel
Joseph K. Kamelamela, Corporation Counsel County of Hawaii
Sananda K. Baz, Managing Director
Edward. S. Kushi, Jr., First Deputy Corporation Counsel
Traci Fujita, Council Services Director

Resolution

No. _____

AUTHORIZING THE RETENTION OF SPECIAL COUNSEL FROM THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII TO ADVISE THE MAUI COUNTY BOARD OF ETHICS IN THE MATTER OF COMPLAINT NO. 19-05 ALLEGING VIOLATIONS OF THE MAUI COUNTY CODE OF ETHICS, BY OFFICERS AND EMPLOYEES OF THE COUNTY OF MAUI

WHEREAS, the Council of the County of Maui (“Council”) alone is authorized to hire and retain special counsel or outside attorneys upon a resolution passed by two-thirds vote; and

WHEREAS, Complaint No. 19-05 has been filed with the Maui County Board of Ethics (“Board”), alleging that the Corporation Counsel and two Deputies Corporation Counsel, among other Maui County officers, violated the Maui County Code of Ethics; and

WHEREAS, the Board is advised by the Department of the Corporation Counsel (“Department”), through an assigned Deputy Corporation Counsel; and

WHEREAS, the Department, consistent with the Hawaii Rules of Professional Conduct, Rules 1.7 and 1.11, is required to seek the assistance of special counsel in order to avoid potential conflicts of interest; and

WHEREAS, the Department, consistent with the Code of Professional Conduct, shall provide necessary support services in this matter and take all possible steps to minimize costs; and

WHEREAS the Office of the Corporation Counsel, County of Hawaii has agreed to serve as special counsel to the Board without compensation, provided that it is reimbursed for its expenses; and

WHEREAS, the Office of the Corporation Counsel, County of Hawaii has the requisite skill and experience to serve as special counsel to the Board; and

Resolution No. _____

WHEREAS, Special Counsel's conduct in this matter shall 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; and

WHEREAS, the Council finds there is a real necessity to retain the Office of the Corporation Counsel, County of Hawaii to advise the Board in the matter of Complaint No. 19-05 filed against officers and employees of the County of Maui, including the Corporation Counsel and two Deputies Corporation Counsel; now therefore,

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

1. That the Council hereby authorizes the retention of an attorney from the Office of the Corporation Counsel, County of Hawaii, to serve as special counsel to advise the Board on matters related to Complaint No. 19-05; and
2. That total costs shall not exceed \$1,000.00; and
3. The compensable costs shall include: (1) necessary air and ground transportation to attend meetings; and (2) fees for special counsel per diem; and
4. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel of the County of Maui, the Corporation Counsel for the County of Hawaii, the Maui County Board of Ethics, and the Director of Finance County of Maui.

Resolution No. _____

APPROVED AS TO FORM AND LEGALITY:



GARY Y. MURAI
Deputy Corporation Counsel
County of Maui
2014-2819