

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

September 27, 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 September 10, 2024, makes reference to Resolution 24-71, entitled "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP, IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048."

Resolution 24-71's purpose is to authorize additional compensation, in the amount of \$325,000, for a total compensation not to exceed \$450,000, to Kobayashi Sugita & Goda, LLP, as special counsel to represent the County of Maui, Richard T. Bissen Jr. in his official capacity, and Kate Blystone, as successor to Kathleen Aoki, in her official capacity, in Christopher Salem v. County of Maui, et al., Case 2CCV-21-0000048.

Your Committee notes that the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote in accordance with Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended.

By correspondence dated March 25, 2024, the Department of the Corporation Counsel transmitted a copy of the First Amended Complaint filed on November 9, 2021, which alleges breach of contract; specific performance; declaratory relief; promissory estoppel and detrimental reliance; negligent and intentional infliction of emotional distress; breach of the covenant of good faith and fair dealing; intentional and negligent misrepresentation; protection under Chapter 378, Hawai'i Revised Statutes; and unlawful termination in contravention of public policy.

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The Special Counsel provided an overview of the claims and explained the basis for the request for additional compensation, pending Council approval.

Your Committee voted 5-0 to recommend adoption of Resolution 24-71. Committee Chair U‘u-Hodgins and members Cook, Lee, Sinenci, and Sugimura voted “aye.” Committee Vice-Chair Paltin and members Johnson, Kama, and Rawlins-Fernandez were excused.

Your Committee is in receipt of Resolution 24-71, CD1, approved as to form and legality by the Department of the Corporation Counsel, to include Kate Blystone in her official capacity as Planning Director, replacing Kathleen Aoki, and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 24-71, CD1, as revised herein and attached hereto, entitled “AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP, IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048,” be ADOPTED.

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



NOHELANI U‘U-HODGINS, Chair

Resolution

No. 24-71, CD1

AUTHORIZING ADDITIONAL COMPENSATION RELATED
TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA &
GODA, LLP, IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL.,
CIVIL NO. 2CCV-21-0000048

WHEREAS, by Resolution No. 23-187, the Council authorized the employment of special counsel Kobayashi Sugita & Goda, LLP ("special counsel") to represent the County of Maui, and Michael P. Victorino and Michelle C. McLean in their official capacities in Christopher Salem v. County of Maui, et al.

WHEREAS, the Second Circuit Court, by order dated November 8, 2023 in Christopher Salem v. County of Maui, et al., substituted Richard T. Bissen, Jr. in his official capacity for Michael P. Victorino in his official capacity, and Kathleen Aoki in her official capacity as Director of the Department of Planning for Michelle C. McLean in her official capacity, and by order dated March 6, 2024 substituted Kate Blystone in her official capacity as Director of the Department of Planning for Kathleen Aoki; and

WHEREAS, the Department of the Corporation Counsel previously requested authorization to raise the compensation limit for the employment of special counsel by an additional \$75,000 for a total compensation not exceeding \$125,000 for motions, responses, other Court filings and Court requirements, and trial preparation;

WHEREAS, the Department of the Corporation Counsel has now requested to raise the compensation limit for the employment of special counsel by an additional \$325,000 for a total compensation not exceeding \$450,000 for motions, responses, other Court filings and Court requirements, trial preparation, and trial, with the anticipation of no additional requests to raise the compensation limits through trial; therefore,

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

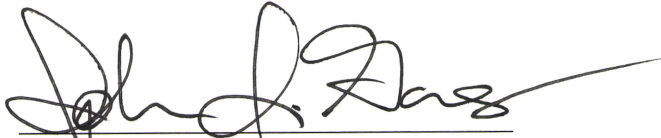
1. That the Council hereby approves and authorizes an increase in compensation for the employment of special counsel Kobayashi Sugita & Goda, LLP for the representation of the

Resolution No. 24-71, CD1

County of Maui, Richard T. Bissen, Jr. in his official capacity, and Kate Blystone in her official capacity in this case by \$325,000 for a total compensation not exceeding \$450,000; and

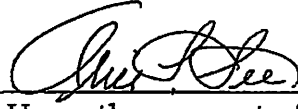
2. That certified copies of this resolution be transmitted to the Corporation Counsel, the Director of Finance, and Kobayashi Sugita & Goda, LLP.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "John J. Gores", written over a horizontal line.

JOHN J. GORES
Deputy Corporation Counsel
County of Maui
LIT 6247

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John Lee", written over a horizontal line.

Upon the request of the Mayor.