

GET Committee

From: msch4@ccmaui.net
Sent: Friday, March 13, 2020 12:55 PM
To: Mike J. Molina
Cc: GET Committee
Subject: Testimony for GET meeting March 16, 2020 GET10-9 and GET10-10

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March 12, 2020

Mike Molina, Chair
 Committee members
 GET Committee

Dear Chair Molina:

On March 16, 2020 the GET Committee will consider several Charter amendments. I am writing to express my opinion on these proposed amendments.

GET 10-9 Lower number of votes needed to retain Special Counsel.

I oppose this proposal. I believe this proposal is being made as a result of some Council members displeasure with Maui County Corporation Counsel giving a legal opinion in the injection wells lawsuit that those same councilmembers disagreed with. This is clearly an attempt to overrule an opinion, hire outside counsel and go shopping for a legal opinion they like by lowering the vote required to a simple majority rather than the super majority (2/3rds vote) that is the current rule.

Corporation Counsel has 18 seasoned attorneys on staff. Nine attorneys are assigned to council committees to provide legal advice and help with drafting. Nine attorneys are in the litigation section, defending Maui County and its Council in court. The majority have been with the County for many years and are seasoned and experienced.

Special Counsel is very expensive. It would be very likely that this Council by simple majority would hire an \$850 an hour attorney like those at Earthjustice.

This same majority declined Earthjustice offer to reduce their fees by \$1 million dollars when it became public what they were charging the county (taxpayers).

Financial obligations of this magnitude should be made by the standard two thirds vote.

The Charter states there must be a “real necessity” to resort to Special Counsel. Not liking a legitimate Corporation Counsel opinion does not constitute a real necessity.

GET 10-10 Office of Council Services attorneys to represent as legal counsel to council and its members.

I oppose this amendment. Yet another proposal for more attorneys!! The attorneys in Office of Council Services are legislative and administrative experts.

Corporation Counsel have the litigation experts on their staff. What possible scenario would make this change a necessity? On what matters would they act as attorney? Who would they litigate against? Would this enable OCS attorneys to represent council members before the Board of Ethics? In a personal lawsuit? In campaign issues? Asking for a friend...

Councilmembers are indemnified and Corporation Counsel defends in the event of an action against the Council or an individual councilmember. Isn't that enough?

Finally, there appears to be fifteen amendments proposed to be on the ballot for the next election. Political scientists agree that the longer the ballot the less likely voters are to do anything but skip that portion of the ballot or just vote no.

Psychologists call the effect “decision fatigue,” which suggests that as people make several consecutive choices, the quality of their decisions deteriorates.

I urge the Council to keep this in mind as you move through the Charter amendment considerations.

Thank you for this opportunity to comment.

Madge Schaefer

cc: GET.committee@mauicounty.us