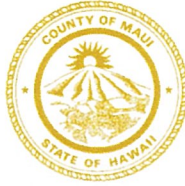


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Corporation Counsel

RICHELLE M. THOMSON
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
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April 29, 2021

MEMO TO: Mike Molina, Chair
Government Relations, Ethics, and Transparency Committee

FROM: Iwalani Mountcastle Gasmen, Deputy Corporation Counsel 

SUBJECT: Litigation Matters – Case Status GREAT-11;
AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN THE
MATTER OF ARBITRATIONS BETWEEN THE HAWAII
GOVERNMENT EMPLOYERS ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO AND THE COUNTY OF MAUI

Our Department respectfully requests the opportunity to present a resolution to the Government Relations, Ethics, and Transparency Committee to consider the employment of special counsel with regard to the above-referenced matter. We would like this matter heard as soon as possible.

A copy of the proposed resolution is attached.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

Thank you for your attention to this matter.

cc: Moana Lutey, Department of the Corporation Counsel

Resolution

No. _____

AUTHORIZING THE ASSISTANCE OF THE OFFICE OF
THE CORPORATION COUNSEL, COUNTY OF HAWAII, TO ACT AS SPECIAL
COUNSEL IN VARIOUS GRIEVANCES BROUGHT AGAINST THE
COUNTY BY A HGEA BARGAINING UNIT 13 EMPLOYEE
DUE TO CONFLICTS OF INTEREST

WHEREAS, the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote; and

WHEREAS, the Council finds that there is a necessity and a public purpose for requesting the assistance of an attorney from the Office of the Corporation Counsel, County of Hawaii, as special counsel to represent the County of Maui in various grievances before an arbitrator involving an HGEA Bargaining Unit 13 employee, due to conflicts of interest for the Department of the Corporation Counsel, County of Maui; and

WHEREAS, the Department of the Corporation Counsel, 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, 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; now, therefore,

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

1. That it hereby authorizes the assistance of an attorney from the

Resolution No. _____

Office of the Corporation Counsel, County of Hawaii, as special counsel to represent the County of Maui in various grievances before an arbitrator involving an HGEA Bargaining Unit 13 employee, due to conflicts of interest for the Department of the Corporation Counsel, County of Maui;

2. That total costs shall not exceed \$5,000.00;

3. That the compensable costs shall 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; and (e) per diem and necessary travel expenses;

4. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require Council approval; and

5. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel of the County of Maui, the Corporation Counsel of the County of Hawaii, and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:



IWALANI MOUNTCASTLE GASMEN
Deputy Corporation Counsel
County of Maui