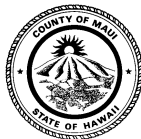


Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

May 20, 2021

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: LITIGATION MATTERS (SPECIAL COUNSEL
AUTHORIZATION: RETENTION OF THE OFFICE OF
THE CORPORATION COUNSEL, COUNTY OF
HAWAII, AS SPECIAL COUNSEL IN THE MATTER OF
ARBITRATIONS BETWEEN THE HAWAII
GOVERNMENT EMPLOYEES ASSOCIATION,
AFSCME, LOCAL 152, AFL-CIO AND THE COUNTY
OF MAUI) (GREAT-11(29))**

May I request the attached proposed resolution, entitled "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," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Molina".

MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:ltr:011(29)ach01:ske

Enclosure

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