

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

November 16, 2001

**Committee  
Report No.**

01-224

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on October 30, 2001, makes reference to County Communication No. 01-91, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated October 22, 2001, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL REGARDING LAND PURCHASES AND ASSOCIATED WATER IMPROVEMENTS" and transmitting other pertinent documents. The purpose of the proposed resolution is to authorize special counsel for the Board of Water Supply in negotiations for the acquisition of watershed lands in Waikapu, Iao, Waiehu and Waihee.

Your Committee notes that this matter concerns a land purchase agreement involving approximately 13,000 acres of land and associated water improvements.

By correspondence dated October 26, 2001, the Board of Water Supply submitted the resumes of various attorneys from the law firm of Alston Hunt Floyd & Ing.

At its meeting, your Committee met with the Deputy Director of Water Supply; the Fiscal Officer for the Department of Water Supply; the First Deputy Corporation Counsel; three Deputy Corporation Counsel; and William Tam, Esq. of Alston Hunt Floyd & Ing.

There being no public testimony, your Committee proceeded to discuss the matter in regular session. The First Deputy Corporation Counsel provided a brief overview of the matter.

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Your Committee discussed the sources of water on and beneath the subject properties. Your Committee noted that a portion of the Iao Aquifer exists beneath the subject properties and that surface water runs on the subject properties.

Your Committee briefly discussed financial matters related to the possible purchase of the subject properties.

Your Committee discussed the qualifications of Mr. Tam and the firm of Alston Hunt Floyd & Ing to provide legal services to the Board of Water Supply in negotiations for possible purchase of the subject properties.

Your Committee inquired as to the timeframe for the purchase of the subject properties. The Department of the Corporation Counsel as well as Mr. Tam were unable to provide a firm timeframe due to the number of outstanding issues regarding water rights and property values associated with the subject properties.

Your Committee acknowledged that a recommendation to adopt the proposed resolution would authorize employment of William Tam, Esq. and the firm of Alston Hunt Floyd & Ing to begin the process of analyzing the water rights involved, property value, and legal restrictions. This would be done in order to present options to the Board of Water Supply.

Your Committee briefly discussed the location of the subject property.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution to authorize the employment of William Tam, Esq. and the firm of Alston Hunt Floyd & Ing as special counsel for the Board of Water Supply in negotiations for the acquisition of watershed lands in Waikapu, Iao, Waiehu and Waihee.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, inserting William Tam, Esq. and the selected firm of Alston Hunt Floyd & Ing.

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Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL REGARDING LAND PURCHASES AND ASSOCIATED WATER IMPROVEMENTS" be ADOPTED.

Adoption of this report is respectfully requested.

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