

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

December 19, 2014

**Committee
Report No.** _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on December 8, 2014, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters.

By correspondence dated November 17, 2014, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK".

The purpose of the proposed resolution is to authorize \$400,000 in additional compensation for the firm of Hunton & Williams LLP as special counsel to represent the County in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, for a total compensation not to exceed \$1,250,000. According to the proposed resolution, the additional compensation is for trial preparation, motions, appeal, and, if necessary, trial.

Your Committee received a copy of the complaint by correspondence dated January 18, 2013, from the Department of the Corporation Counsel. The complaint alleges violations of the Federal Clean Water Act arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility, Lahaina, Maui.

Your Committee notes Section 3-6, Revised Charter of the County of Maui (1983), as amended, authorizes the Council to retain or employ, by a vote of two-thirds of its entire membership, special counsel for any special matter presenting a real necessity for such employment.

Your Committee further notes by Resolution 12-127, as amended, the Council authorized the employment of Hunton & Williams LLP for a total compensation of

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\$250,000. By Resolution 14-52, the Council authorized an additional \$300,000 in compensation for trial preparation, motions, appeal, and, if necessary, trial, for a total compensation not to exceed \$550,000. Finally, by Resolution 14-99, the Council authorized an additional \$300,000 in compensation for trial preparation, motions, appeal, and, if necessary, trial, for a total compensation not to exceed \$850,000.

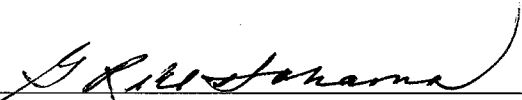
A Deputy Corporation Counsel provided an update on the status of the case.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Couch, and members Carroll, Cochran, and Crivello voted "aye". Committee members Baisa, Guzman, Victorino, and White were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK", be ADOPTED.

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



G. RIKI HOKAMA, Chair

Resolution

No. _____

AUTHORIZING ADDITIONAL COMPENSATION FOR
SPECIAL COUNSEL HUNTON & WILLIAMS LLP,
IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI,
CIVIL NO. 12-00198 SOM BMK

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

WHEREAS, by Resolution No. 12-127, the Council authorized the employment of special counsel HUNTON & WILLIAMS LLP ("special counsel") to represent the County of Maui in matters relating to Hawaii Wildlife Fund, et al. v. County of Maui, for a total compensation not to exceed \$250,000; and

WHEREAS, Resolution No. 12-127 provided that Colleen P. Doyle, Esq., of Hunton & Williams LLP, shall provide the majority of the legal services in this matter; and

WHEREAS, by Resolution No. 14-52, the Council authorized an increase in compensation by an additional \$300,000 for trial preparation, motions, appeal and, if necessary, trial, for a total compensation not to exceed \$550,000; and

WHEREAS, by Resolution No. 14-99, the Council authorized an increase in compensation by an additional \$300,000 for trial preparation, motions, appeal and, if necessary, trial, for a total compensation not to exceed \$850,000; and

Resolution No. _____

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$400,000 for trial preparation, motions, appeal and, if necessary, trial, for a total compensation not to exceed \$1,250,000; now, 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 by \$400,000, for a total compensation not exceeding \$1,250,000; and

2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, and the Director of Finance.

APPROVED AS TO FORM
AND LEGALITY:



RICHELLE M. THOMSON
Deputy Corporation Counsel
County of Maui