

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 7, 2006

Committee
Report No.

_____ 06-75

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 June 20, 2006, makes reference to County Communication No. 05-25, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated May 25, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled “AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL JOHN M. VAN DYKE, ATTORNEY AT LAW, TO REPRESENT THE DEPARTMENT OF WATER SUPPLY BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT IN COMBINED CONTESTED CASE HEARING CONCERNING WATER USE PERMIT APPLICATIONS FOR MAUI DEPARTMENT OF WATER SUPPLY, HAWAIIAN COMMERCIAL AND SUGAR, AND WAILUKU WATER COMPANY, LLC, IAO GROUND WATER MANAGEMENT AREA, MAUI AND PETITIONS TO AMEND THE INTERIM INSTREAM FLOW STANDARDS FOR IAO, WAIIEHU, WAIHEE, & WAIKAPU STREAMS (DOCKET NO. CCH-MA-06-01) AND IN CONTESTED CASE HEARING CONCERNING COMPLAINT C-04-31 FROM EARTHJUSTICE (EJ), ON BEHALF OF HUI O NA WAI EHA AND MAUI TOMORROW FOUNDATION, INC. REGARDING WASTE OF SURFACE WATER FROM DITCHES OF WAILUKU WATER COMPANY, LLC, WAILUKU, MAUI (DOCKET NO. CCH-MA-06-02)”. The purpose of the proposed resolution is to authorize the employment of Jon M. Van Dyke as special counsel in the referenced lawsuit for a total compensation of up to \$100,000.

Your Committee notes that these cases involve issues related to the County of Maui’s public water supply.

At its meeting, your Committee met with a Deputy Corporation Counsel.

There was no public testimony.

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The Deputy Corporation Counsel provided a brief overview of the matter, noting that special counsel is being requested because the cases are extremely complex and are highly scientific. The cases involve water use permits and a citizen's complaint regarding waste of surface water.

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.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, correcting a typographical error.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL JON M. VAN DYKE, ATTORNEY AT LAW, TO REPRESENT THE DEPARTMENT OF WATER SUPPLY BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT IN COMBINED CONTESTED CASE HEARING CONCERNING WATER USE PERMIT APPLICATIONS FOR MAUI DEPARTMENT OF WATER SUPPLY, HAWAIIAN COMMERCIAL AND SUGAR, AND WAILUKU WATER COMPANY, LLC, IAO GROUND WATER MANAGEMENT AREA, MAUI AND PETITIONS TO AMEND THE INTERIM INSTREAM FLOW STANDARDS FOR IAO, WAIEHU, WAIHEE, & WAIKAPU STREAMS (DOCKET NO. CCH-MA-06-01) AND IN CONTESTED CASE HEARING CONCERNING COMPLAINT C-04-31 FROM EARTHJUSTICE (EJ), ON BEHALF OF HUI O NA WAI EHA AND MAUI TOMORROW FOUNDATION, INC. REGARDING WASTE OF SURFACE WATER FROM DITCHES OF WAILUKU WATER COMPANY, LLC, WAILUKU, MAUI (DOCKET NO. CCH-MA-06-02)" be ADOPTED.

Adoption of this report is respectfully requested.

