

**COUNCIL OF THE COUNTY OF MAUI**

# **GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE**

June 27, 2025

**Committee  
Report No. \_\_\_\_\_**

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on June 2, 2025, makes reference to Resolution 25-121, entitled “AUTHORIZING THE EMPLOYMENT OF BEVERIDGE & DIAMOND PC AS SPECIAL COUNSEL TO ASSIST AND REPRESENT THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI, WITH THE PERMITTING PROCESS AND ANY LEGAL CHALLENGES ARISING OUT OF THE ISSUANCE OF A NPDES PERMIT FOR THE LAHAINA WASTEWATER FACILITY (NPDES PERMIT NO. HI 0021848).”

Resolution 25-121’s purpose is to authorize the retention of Beveridge & Diamond PC as special counsel to assist and represent the Department of Environmental Management, County of Maui, with the permitting process and any legal challenges arising out of the issuance of a National Pollutant Discharge Elimination System permit for the Lahaina Wastewater Facility, not to exceed \$250,000.

By correspondence dated May 14, 2025, the Department of the Corporation Counsel transmitted copies of the Notice of Public Comment Period and Public Hearing on Proposed Revised Water Pollution Control Permit For Lahaina Wastewater Reclamation Facility NPDES Permit No. HI 0021848, Docket No. HI 0021848, and Permit No. HI 0021848.

Your Committee notes that the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote in accordance with Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended.

**COUNCIL OF THE COUNTY OF MAUI**

# **GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE**

Page 2

**Committee  
Report No. \_\_\_\_\_**

The Corporation Counsel provided an overview of the matter in open session and explained the necessity for special counsel appointment.

The Corporation Counsel further requested an executive meeting to discuss confidential information related to the matter.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel under Section 92-5(a)(4), Hawai‘i Revised Statutes, and to deliberate upon a matter that requires the consideration of confidential information under Section 92-5(a)(8), Hawai‘i Revised Statutes.

Following the executive meeting, your Committee reconvened in open session.

Based on the information received in the executive meeting and the recommendation of the Corporation Counsel, your Committee voted 8-0 to recommend adoption of Resolution 25-121. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.” Committee member Kama was excused.

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that Resolution 25-121, attached, entitled “AUTHORIZING THE EMPLOYMENT OF BEVERIDGE & DIAMOND PC AS SPECIAL COUNSEL TO ASSIST AND REPRESENT THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI, WITH THE PERMITTING PROCESS AND ANY LEGAL CHALLENGES ARISING OUT OF THE ISSUANCE OF A NPDES PERMIT FOR THE LAHAINA WASTEWATER FACILITY (NPDES PERMIT NO. HI 0021848),” be **ADOPTED**.

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 3

**Committee  
Report No.** \_\_\_\_\_

This report is submitted in accordance with Rule 3 of the Rules of the Council.

  
\_\_\_\_\_  
NOHELANI U'U-HODGINS, Chair

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# Resolution

No. 25-121

AUTHORIZING THE EMPLOYMENT OF BEVERIDGE & DIAMOND PC AS SPECIAL COUNSEL TO ASSIST AND REPRESENT THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI, WITH THE PERMITTING PROCESS AND ANY LEGAL CHALLENGES ARISING OUT OF THE ISSUANCE OF A NPDES PERMIT FOR THE LAHAINA WASTEWATER FACILITY  
(NPDES PERMIT NO. HI 0021848)

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

WHEREAS, the Council finds that there is necessity and a public purpose to retain the firm of Beveridge & Diamond PC as special counsel to assist and represent the Department of Environmental Management, County of Maui, with the permitting process and any legal challenges arising out of the issuance of a NPDES permit for the Lahaina Wastewater Facility (NPDES PERMIT NO. HI 0021848); and

WHEREAS, the firm and the Department of the Corporation Counsel shall work as a team in this matter and take all possible steps to minimize the level of attorney's fees and costs; and

WHEREAS, the firm's conduct in this matter shall reflect the firm's 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 employment of the firm Beveridge & Diamond PC as special counsel to assist and represent the Department of Environmental Management, County of Maui, with the permitting process and any legal challenges arising out of the issuance of a NPDES permit for the Lahaina Wastewater Facility (NPDES PERMIT NO. HI 0021848);
2. That total compensation for the employment of the firm Beveridge & Diamond PC as special counsel shall not exceed \$250,000.00;

3. That Principal Andrew C. Sifton, Esq. shall provide the bulk of the legal services in this matter;
4. That the hourly rate for partners shall not exceed \$688.00;
5. That the hourly rate for associates shall not exceed \$591.00;
6. That the hourly rate for paralegal staff shall not exceed \$276.00;
7. That the compensability of costs shall be in general accord with the intent of 28 U.S.C. § 1920;
8. 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) compensation of court-appointed experts and interpreters;
9. That the non-compensable costs shall include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) investigative expenses; and (g) other costs reasonably considered part of a law firm's overhead;
10. That in instances of travel, both inter-island and out-of-state travel includes travel on regular coach economy fare and must be pre-approved by the Corporation Counsel;
11. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require Council approval; and
12. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Finance and Beveridge & Diamond PC.

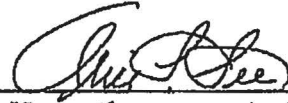
APPROVED AS TO FORM AND LEGALITY:



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THOMAS KOLBE  
Deputy Corporation Counsel  
County of Maui

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Gus P. Lee", is written over a horizontal line.

Upon the request of the Mayor.