

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 employ 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:



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.