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Director of Council Services  
Traci N. T. Fujita, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

May 15, 2019

David Henkin, Esq.  
Isaac Moriwake, Esq.  
Earthjustice Mid-Pacific Office  
850 Richards Street, Suite 400  
Honolulu, Hawaii 96813

Via email: [dhenkin@earthjustice.org](mailto:dhenkin@earthjustice.org), [imoriwake@earthjustice.org](mailto:imoriwake@earthjustice.org)

Dear Messrs. Henkin and Moriwake:

**SUBJECT: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM BMK, U.S. SUPREME COURT DOCKET 18-260 (GET-26)**

The Maui County Council's Governance, Ethics, and Transparency Committee is in receipt of the following:

1. A proposed resolution entitled "REQUIRING SETTLEMENT OFFERS IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT, TO BE TRANSMITTED TO THE COUNCIL FOR APPROVAL OR DISAPPROVAL"; and
2. A proposed resolution entitled "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK, U.S. SUPREME COURT DOCKET NO. 18-260."

I intend to schedule this matter for consideration at a GET Committee meeting on **Monday, May 20, 2019, at 9:00 a.m.**, in the Council Chamber, 200 South High Street, 8<sup>th</sup> floor, Wailuku, Maui, Hawaii. The Committee will receive an update on the history and impacts of the case and its present status, and consider the proposed resolutions. For your ease of reference, a copy of the meeting agenda is attached.

David Henkin, Esq.  
Isaac Moriwake, Esq.  
May 15, 2019  
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I would like to invite you to provide a presentation to the Committee on this matter. Here are the ground rules that will apply:

- One representative from Earthjustice will be allowed to make the presentation. Presentation time will be limited to 15 minutes.
- No expert panel will be convened. If you have written testimony you would like to submit, please email it to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us), and reference the relevant Committee item number (GET-26) in the subject line to ensure efficient processing.

I would appreciate your confirming whether you intend to attend the meeting and provide a presentation by **Friday, May 17, 2019, at 4:00 p.m.** If your presentation will be in electronic form, please provide it to the Committee email address along with your response.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at 808-270-7134, Carla Nakata at 808-270-7659, or Pauline Martins at 808-270-8039).

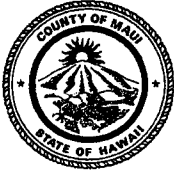
Sincerely,



MICHAEL J. MOLINA, Chair  
Governance, Ethics, and Transparency  
Committee

get:ltr:026a01:cmn

Attachment



# PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/GET](http://www.MauiCounty.us/GET)

Committee Chair  
Michael J. Molina

Committee  
Vice-Chair  
Keani N.W.  
Rawlins-Fernandez

Voting Members:  
Riki Hokama  
Tasha Kama  
Kelly T. King  
Alice L. Lee  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

## GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Monday, May 20, 2019

9:00 a.m.

MEETING SITE:

Council Chamber

Kalana O Maui Building, 8th Floor  
200 South High Street  
Wailuku, Hawaii

OFFICE OF THE  
COUNTY CLERK

2019 MAY 14 PM 1:07

RECEIVED

## AGENDA

**HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL  
12-00198 SOM BMK, U.S. SUPREME COURT DOCKET 18-260  
(GET-26)**

**Description:** The Committee is in receipt of the following:

1. County Communication 19-178, from Council Chair Kelly T. King, transmitting a proposed resolution entitled "REQUIRING SETTLEMENT OFFERS IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT, TO BE TRANSMITTED TO THE COUNCIL FOR APPROVAL OR DISAPPROVAL." The purpose of the proposed resolution is to direct the Department of the Corporation Counsel, consistent with Section 3.16.020, Maui County Code, to transmit all settlement offers in Hawaii Wildlife Fund, et al. v. County of Maui, United States Supreme Court Docket 18-260, to the Council for approval or disapproval.
2. Correspondence dated May 2, 2019, from the Department of the Corporation Counsel, notifying the Committee that a settlement proposal or revision has been received by the Department in the case, and transmitting a copy of the Settlement Agreement and Order re: Remedies filed in the District Court on September 24, 2015.
3. Correspondence dated May 10, 2019, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198

**MORE →**

SOM BMK, U.S. SUPREME COURT DOCKET NO. 18-260,” and attaching as exhibits proposed settlement communications dated April 26, 2019, and May 9, 2019, from plaintiffs’ attorneys. The purpose of the proposed resolution is to authorize settlement of the case.

**Status:** The Committee may consider whether to recommend adoption of the proposed resolutions, with or without revisions. The Committee may also consider the filing of County Communication 19-178 and other related action.

**Note:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

County Communication 19-178

Correspondence from Corporation Counsel 05-02-2019

Correspondence from Corporation Counsel 05-10-2019

REMOTE TESTIMONY SITES

Hana	Lanai	Molokai
Council District Office	Council District Office	Council District Office
Hana Community Center	Lanai Community Center	100 Ainoa Street
5091 Uakea Road	8th Street	Kaunakakai, Hawaii
Hana, Hawaii	Lanai City, Hawaii	

CONTACT INFORMATION

Office of Council Services	(808) 270-7838 (phone)	(808) 270-7686 (fax)
200 South High Street	(800) 272-0098 (toll-free from Lanai)	
Wailuku, Hawaii 96793	(800) 272-0026 (toll-free from Molokai)	

COMMITTEE STAFF

Shelly Espeleta and Pauline Martins

BOARD PACKETS

Board packets, as defined in Section 92-7.5 of the Hawaii Revised Statutes, are available for inspection at the Office of Council Services. Board packets are also available electronically as soon as practicable upon request.

TESTIMONY

Oral or written testimony on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. For more information on testifying please visit [www.MauiCounty.us/how-to-testify](http://www.MauiCounty.us/how-to-testify) or contact the Office of Council Services. If written testimony is submitted at the meeting site, 16 copies are requested. Email testimony to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us).

DISABILITY ACCESS

People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.

LIVE CABLECAST

Available on Akaku: Maui Community Media, Channel 53.