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

March 22, 2018

RECEIVED  
2018 MAR 23 PM 1:05  
OFFICE OF THE  
COUNTY CLERK

The Honorable Mike White  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: **AUTHORIZING AN INCREASE IN FUNDING FOR  
SPECIAL COUNSEL IN HAWAII WILDLIFE FUND, ET  
AL. V. COUNTY OF MAUI, DOCKET 15-17447**  
(PRL-1(20))

May I request the attached proposed resolution, entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Don S. Guzman".

DON S. GUZMAN, Chair  
Parks, Recreation, Energy, and Legal  
Affairs Committee

prl:ltr:001(20)ach01:cmn

Enclosure

COUNTY COMMUNICATION NO. 18-130

# Resolution

No. \_\_\_\_\_

AUTHORIZING AN INCREASE IN FUNDING RELATED TO  
THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP,  
IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI,  
DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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; and

WHEREAS, by Resolution Nos. 14-52, 14-99, 14-137, 15-35, 15-74, 15-101, 16-3, 16-69, and 17-133, the Council authorized increases in total compensation for trial preparation, motions, appeal and, if necessary, trial, for a total compensation of \$3,550,000; and

WHEREAS, on February 1, 2018, a three-judge panel of the United States Court of Appeals for the Ninth Circuit, entered judgment against the County in Docket No. 15-17447, upholding the Hawaii District Court's judgment in Civil No. 1:12-CV-00198 SOM-BMK; and

WHEREAS, on March 1, 2018, the County filed its Petition for En Banc Rehearing in the United States Court of Appeals for the Ninth Circuit, Docket No. 15-17447; and

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$250,000 for appeal, for a total compensation not exceeding \$3,800,000; 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 \$250,000, for a total compensation not exceeding \$3,800,000; 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:



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RICHELLE M. THOMSON  
Deputy Corporation Counsel  
County of Maui  
LIT-4996