

Council Chair
Kelly T. King



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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 9, 2019

Handwritten signature/initials

The Honorable Scott S. Harris
Clerk of the Supreme Court of the United States
One First Street, NE
Washington, DC 20543

**SUBJECT: NO. 18-260, COUNTY OF MAUI VS. HAWAIIAN
WILDLIFE FUND, ET AL.**

Dear Mr. Harris:

I am aware that you received correspondence from EarthJustice, representing the Hawai'i Wildlife Fund, et al., in Case No. 18-260 previously scheduled for oral argument on November 6, 2019. I write to confirm that on September 20, 2019, the Maui County Council settled the case by adopting Resolution 19-158 authorizing settlement and the withdrawal of the case from the US Supreme Court.

I believe you received my letter to the Corporation Counsel requesting they direct Special Counsel to withdraw the appeal, because we settled the case. Corporation Counsel refused. They have now adopted the unsubstantiated position that the County Council does not have the authority to settle the case without the Mayor's agreement. While Section 3-6.7 of the revised Charter of the County of Maui, 2019 Edition, gives authority to Councilmembers to "designate attorneys within the office of council services to serve as legal advisors", the Charter does not provide for our own attorneys in the Office of Council Services to represent the Council in court. Hence, Corporation Counsel's refusal to represent and take client-direction from the Maui County Council in this matter has created a "crisis of the Charter".

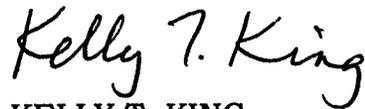
While the Maui County Administration and the Council disagree on the interpretation of the Charter, **Section 2-2. Exercise of Powers** makes it clear that the Council may ultimately resolve any questionable issues: "All powers of the county shall be carried into execution as provided by this charter, or, if the

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charter makes no provisions, as provided by ordinance or resolution of the county council." A resolution to appoint special counsel to represent the Maui County Council will be considered next week.

I respectfully request the U.S. Supreme Court dismiss Case No. 18-260, or, at the very least, postpone the hearing until Maui County can resolve our Charter crisis by determination of the Council's authority in court within the State of Hawai'i or otherwise.

Sincerely,

A handwritten signature in black ink that reads "Kelly T. King". The signature is written in a cursive style with a large, prominent "K" and "K" at the end.

KELLY T. KING
Council Chair