

REQUEST FOR LEGAL SERVICES

Date: June 13, 2023
From: Nohelani U'u-Hodgins, Chair
Government Relations, Ethics, and Transparency Committee

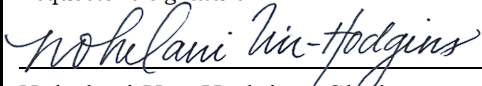
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb P. Rowe, Esq.

Subject: LITIGATION MATTERS (RESOLUTION 22-211, RELATING TO SETTLEMENT AUTHORIZATION: DEPARTMENT OF HEALTH, STATE OF HAWAII V. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET 2022-CW-EO-11) (GREAT-11(27))

Background Data: Please see attached resolution. Please submit your response to great.committee@mauicounty.us with a reference to GREAT-11(27).

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Chair	Contact Person <u>Kasie Apo Takayama or Richard E. Mitchell</u> (Telephone Extension: <u>7665 or 7662, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 14, 2023, by 4:30 p.m.
REASON: For posting on June 23, 2023, Council meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 6/14/23

By 

(Rev. 7/03)

great:ltr:011(27)acc01:kmat

Attachment

Resolution

No. 22-211, CD1

AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII V. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET 2022-CW-EO-11

WHEREAS, Complainant Department of Health, State of Hawaii filed a Notice of Violation and Order on March 15, 2022, Docket 2022-CW-EO-11, against the County of Maui, alleging effluent violations at Maui Department of Water Supply's Iao Surface Water Treatment Plant at Wailuku, Maui, TMK: (2) 3-5-001:067. Maui Department of Water Supply's National Pollution Discharge Elimination System permit for the Facility, Permit HI0021885 (Prior Permit), expired on November 30, 2021. Maui Department of Water Supply did not timely renew the Prior Permit; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That it approves settlement of the claim in the amount of Forty-five Thousand Dollars (\$45,000);
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;
3. That it authorizes the Director of Finance to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and
4. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Water Supply, and Corporation Counsel.

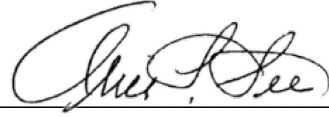
APPROVED AS TO FORM AND LEGALITY



Caleb P. Rowe
Deputy Corporation Counsel
County of Maui

great:misc:011(27)areso01:kmat

INTRODUCED BY:

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

ALICE L. LEE