

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 23, 2023

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on June 7, 2023, and reconvened on June 9, 2023, makes reference to Resolution 22-211, entitled “AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET NO.: 2022-CW-EO-11.”

Resolution 22-211’s purpose is to authorize settlement of the claim, filed on March 15, 2022. The claim alleges effluent violations at the Department of Water Supply’s ‘Īao Surface Water Treatment Plant at Wailuku, Maui, Hawai‘i, tax map key (2) 3-5-001:067.

By correspondence dated September 7, 2022, the Department of the Corporation Counsel provided a copy of the claim.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

A Deputy Corporation Counsel provided an overview of the claim and explained that the parties had reached a negotiated settlement in the amount of \$45,000, pending Council approval.

Based on information received and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of Resolution 22-211, CD1. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Johnson, Kama, Lee, Rawlins-Fernandez, and Sugimura voted “aye.” Committee members Cook and Sinenci were excused.

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Report No.** _____

Your Committee is in receipt of Resolution 22-211, CD1, entitled "AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII V. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET 2022-CW-EO-11," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-211, CD1, as revised herein and attached hereto, entitled "AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII V. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET 2022-CW-EO-11," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



NOHELANI U'U-HODGINS, Chair

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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.

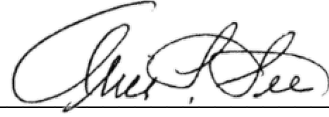
APPROVED AS TO FORM AND LEGALITY



Caleb P. Rowe
Deputy Corporation Counsel
County of Maui

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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