

REQUEST FOR LEGAL SERVICES

Date: August 7, 2026
From: Tom Cook, Chair
Water and Infrastructure Committee

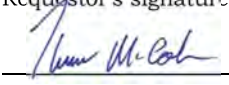
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: RESOLUTION 26-123, AUTHORIZING A WAIVER UNDER SECTION 2.50.060, MAUI COUNTY CODE, FROM THE REQUIREMENTS OF CODE SECTION 2.50.040, TO ALLOW FOR THE USE OF CERTAIN TYPES OF HERBICIDES IN VARIOUS LOCATIONS ON COUNTY PROPERTY (WAI-25)

Background Data: Please see proposed CD1 version of Resolution 26-123. Please submit your response to wai.committee@mauicounty.us with a reference to WAI-25.

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

Requestor's signature  Tom Cook, Chair	Contact Person <u>Keone J. Hurdle or Carla M. Nakata</u> (Telephone Extension: <u>7659 or 5519, 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): August 11, 2026, 12 p.m.
REASON: For posting on the August 17, 2026, WAI Committee agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MJH	ASSIGNMENT NO. 2025-0173	BY: jap
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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 08/10/2026

By MJH

(Rev. 7/03)

Resolution

No. 26-123, CD1

AUTHORIZING A WAIVER UNDER SECTION 2.50.060,
MAUI COUNTY CODE, FROM THE REQUIREMENTS OF CODE
SECTION 2.50.040, TO ALLOW THE USE OF CERTAIN TYPES OF
HERBICIDES IN VARIOUS LOCATIONS ON COUNTY PROPERTY

WHEREAS, Section 2.50.040, Maui County Code, prohibits the use of certain pesticides and fertilizers on County property that are not listed in title 7 Code of Federal Regulations 205.601, 205.603, 205.605, and 205.606, and that are not subject to any exceptions listed in that section; and

WHEREAS, Code Section 2.50.060 allows agencies to apply for a waiver from Code Section 2.50.040; and

WHEREAS, any application for a waiver must include the information listed in Code Subsection 2.50.060(B); and

WHEREAS, the Department of Public Works has applied for a waiver from Code Section 2.50.040, by way of a proposed Vegetation Management Plan, attached as Exhibit “1”; and

WHEREAS, the Vegetation Management Plan contains the information required by Code Subsection 2.50.060(B), including proposed locations for herbicide use, history of past management practices, cost estimates, and information on how the threat to public health and safety will be minimized; now, therefore,

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

1. That it authorizes a waiver under Section 2.50.060, Maui County Code, from the requirements of Code Section 2.50.040, to allow the use of certain types of herbicides in various locations on County property, as described in the Vegetation Management Plan attached as Exhibit “1”;
2. That under Subsection 2.50.060(C), Maui County Code, it finds:

Resolution No. 26-123, CD1

- a. A situation exists that threatens the public's health and safety;
 - b. Alternative control methods and allowed substances have been evaluated and determined to be insufficient; and
 - c. The application of otherwise prohibited substances will, to the greatest extent practical, minimize the impact of the application on abutting properties;
3. That the waiver is approved for the locations identified in the application, as long as the Department of Public Works abides by the Vegetation Management Plan;
4. That the waiver is effective for a period of two years from the date of adoption, and any extension request must be submitted at least 90 days before expiration under Code Section 2.50.060; and
5. That certified copies of this Resolution be transmitted to the Mayor and Director of Public Works.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

wai:misc:025areso01:kjh

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.

WAI Committee

From: Melody A. Andrion <Melody.Andrion@co.maui.hi.us>
Sent: Tuesday, August 11, 2026 9:03 AM
To: WAI Committee
Cc: Keone J. Hurdle; Carla M. Nakata; Caleb P. Rowe; michael.hopper@co.maui.hi.us
Subject: WAI-25 Resolution 26-123 CD1 Authorizing A Waiver Under Section 2.50.060
Attachments: 2026-08-10 WAI-25 RAFL Closing Resolution 26-123 CD1.pdf

Importance: High

See attached closing of RFLS received on 08/10/2026 e-signed by Deputy, Michael Hopper regarding Resolution No. 26-123, CD1 Authorizing A Waiver Under Section 2.50.060, Maui County Code, from the Requirements of Code Section 2.50.040, to Allow the Use of Certain Types of Herbicides in Various Locations on County Property.

Please confirm receipt of this e-mail. Thanks!

For posting the on the August 17, 2026, WAI Committee agenda.

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.