

ORDINANCE NO. _____

BILL NO. 80 (2019)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII,
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII
OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF
ALLEGED VIOLATIONS AT THE KAHULUI, KIHEI, AND LAHAINA
WASTEWATER RECLAMATION FACILITIES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division ("HIOSH"), alleged violations of the Hawaii Occupational Safety and Health Standards at the Kahului Wastewater Reclamation Facility, Kihei Wastewater Reclamation Facility, and Lahaina Wastewater Reclamation Facility regarding the handling and recordkeeping of chlorine gas, during inspections held in August 2018 ("Alleged Violations"), as described in the respective Citation(s) and Notification of Penalty, attached as Exhibits "1" through "3."

The County and HIOSH, to avoid incurring expenses and the uncertainty of an administrative and judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of the Alleged Violations by way of negotiated settlements, the terms, conditions, ramifications, and consequences which will be discussed in an executive meeting before the Governance, Ethics, and Transparency Committee.

In accordance with Section 2.20.020, Maui County Code, unless authorized by ordinance, the Mayor must not enter into any intergovernmental

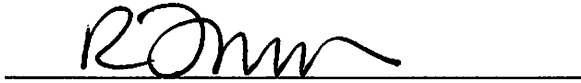
agreement or any amendment which places a financial obligation on the county or any department or agency.

In accordance with Section 3.16.020(B), Maui County Code, any settlement in excess of \$7,500 requires Council authorization. The Department of the Corporation Counsel has requested authority to settle the Alleged Violations under the terms presented in executive session as described above.

SECTION 2. Authorization. The Council approves settlement of the Alleged Violations under the terms discussed in an executive meeting before the Governance, Ethics, and Transparency Committee. The Council authorizes the Mayor to execute agreements reflecting those terms, all other necessary documents relating to the agreements, and any amendments imposed, and agreed to, by the Corporation Counsel. The Council further authorizes the Director of Finance to satisfy the settlement in these matters.

SECTION 3. Effective date. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

get:misc:011(26)abill01

DIGEST

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WASTEWATER RECLAMATION FACILITIES

This bill proposes to authorize the Mayor to enter into intergovernmental agreements with the State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, for the settlement of alleged violations at the Kahului, Kihei, and Lahaina Wastewater Reclamation Facilities.

I, JOSIAH K. NISHITA, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 80 (2019) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 20th day of December, 2019,
by the following vote:

AYES: Councilmembers G. Riki Hokama, Natalie A. Kama, Alice L. Lee,
Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci,
Yuki Lei K. Sugimura, Vice-Chair Keani N. W. Rawlins-Fernandez,
and Chair Kelly T. King.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 23rd of December, 2019.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.