

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

September 27, 2022

Honorable Michael J. Molina, Chair
Government Relations, Ethics, and Transparency Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Molina:

Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of September 20, 2022:

RESOLUTION:

- No. 22-211 - "AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET NO.: 2022-CW-EO-11"
- No. 22-212 - "AUTHORIZING SETTLEMENT OF CLAIM NO. 4067712 OF PAULINE TIU"

BILL:

- No. 138 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION "

Also transmitted for your convenience are copies of communications received pertaining to Resolution Nos. 22-211 and 22-212.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/jym
Enclosures
cc: Director of Council Services

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2022 SEP 28 AM 10:18
OFFICE OF THE
COUNTY CLERK

Resolution

No. 22-211

AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI,
DOCKET NO.: 2022-CW-EO-11

WHEREAS, Complainant Department of Health, State of Hawaii filed a Notice of Violation and Order on March 15, 2022, Docket No.: 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 No. 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, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, Ethics, and Transparency Committee; 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

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negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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

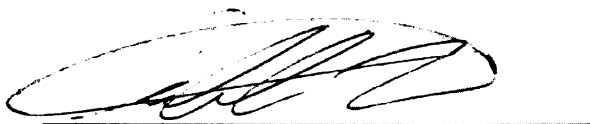
1. That it approves settlement of under the terms in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

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 of the County of Maui 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, the Director of Finance, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND
LEGALITY

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE
Deputy Corporation Counsel
Department of the Corporation
Counsel
County of Maui
2022-0420

Resolution No. 22-211

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.