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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

April 10, 2019

Mr. Eric Nakagawa, Acting Director  
Department of Environmental Management  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Nakagawa:

**SUBJECT: INTERGOVERNMENTAL AGREEMENTS WITH  
STATE DEPARTMENT OF HEALTH RELATING TO  
CONTRACTS FOR GLASS RECYCLING AND  
E-WASTE (PAF 19-166)**

At its meeting of April 5, 2019, the Council postponed consideration of Environmental, Agricultural, and Cultural Preservation Committee Report 19-41 until April 23, 2019.

The Committee Report references County Communication 19-85, from the Acting Director of Environmental Management, transmitting a proposed bill, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE."

The purpose of the proposed bill is to authorize the Mayor to enter into intergovernmental agreements with the State Department of Health relating to contracts for glass recycling and electronic device recycling, pursuant to Section 2.20.020, Maui County Code. The contracts allow the County to receive revenue from the State totaling \$275,390 (\$160,000 from the Electronic Device Recycling Program and \$115,390 from the Advance Glass Disposal Fee). As a contractual condition, the State is requiring indemnification from the County, which is why intergovernmental agreements are needed.

May I please request your attendance at the **Tuesday, April 23, 2019** Council Meeting to answer questions.

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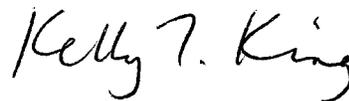
May I further request your written response to the following:

1. How much of the \$275,390 has already been received?
2. Does the benefit of receiving \$275,390 exceed the County's liability risk arising from its indemnification of the State?
3. If the Council does not pass the bill, would the Department have other available funding to allow for glass recycling and electronic device recycling to proceed without interruption? Would the Department need to come to the Council for a Budget amendment?
4. How has the Department used the money in the EP&S Fund thus far? Please explain.
5. Would the Department be willing to negotiate with the State with regard to the following points?
  - a. The County should not be treated as a private, for-profit vendor.
  - b. Council approval should be required for any contract extensions beyond June 30, 2019.

I would appreciate receiving your response by **Monday, April 22, 2019**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or Legislative Analyst Kasie Apo Takayama at ext. 7665.

Sincerely,



KELLY T. KING  
Council Chair

paf:kmat:19-166a

cc: Moana Lutey, Acting Corporation Counsel  
Richelle Thomson, Deputy Corporation Counsel