

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY

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

SECTION 1. Purpose. The U.S. Department of the Interior, Fish and Wildlife Service ("FWS") alleged violations regarding the take of endangered birds and migratory birds, nests, or eggs in violation of the federal Migratory Bird Treaty Act at the Wailuku-Kahului Wastewater Reclamation Facility during September 2014 ("Alleged Violations"). The County and FWS, to avoid incurring expenses and the uncertainty of an administrative or judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this matter by way of a negotiated settlement.

Section 2.20.020, Maui County Code ("MCC"), provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof.

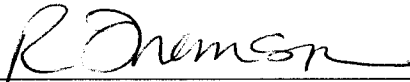
Section 3.16.020(B), MCC, provides that any settlement in excess of \$7,500 shall require Council authorization. The Department of the Corporation Counsel has requested authority to settle this matter under the terms set forth in an executive meeting before the Policy and Intergovernmental Affairs Committee.

SECTION 2. Authorization. The Council approves attempts to reach resolution of the Alleged Violations. The Council hereby approves settlement of this matter under the terms set forth in an executive meeting before the Policy and

Intergovernmental Affairs Committee. The Council hereby authorizes the Mayor to execute the Agreement, all other necessary documents relating to the Agreement, and any amendments thereto as may be imposed, and agreed to, by the Corporation Counsel.

SECTION 3. Effective date. This ordinance shall take effect upon its approval. Certified copies of this ordinance shall be transmitted to the Mayor, the Director of Finance, the Director of the Department of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



RICHELLE M. THOMSON
Deputy Corporation Counsel
County of Maui

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

SECTION 1. Purpose. The U.S. Department of the Interior, Fish and Wildlife Service ("FWS") alleged violations regarding the take of endangered birds and migratory birds, nests, or eggs in violation of the federal Endangered Species Act and Migratory Bird Treaty Act at the Lanai Wastewater Treatment Facility during February 2012 and September 2014 to January 2015 ("Alleged Violations"). The County and FWS, to avoid incurring expenses and the uncertainty of an administrative or judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this matter by way of a negotiated settlement.

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