

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

September 18, 2015

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on August 31, 2015, makes reference to County Communication 15-216, from the Director of Environmental Management, transmitting the following:

1. A proposed bill entitled "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."

The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States Department of the Interior, Fish and Wildlife Service, to negotiate a settlement of alleged violations under the Federal Migratory Bird Treaty Act regarding the take of endangered birds and migratory birds, nests, or eggs at the Wailuku-Kahului Wastewater Reclamation Facility.

2. A proposed bill entitled "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 LANAI WASTEWATER TREATMENT FACILITY."

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The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States Department of the Interior, Fish and Wildlife Service, to negotiate a settlement of alleged violations under the Federal Endangered Species Act and Migratory Bird Treaty Act regarding the take of endangered birds and migratory birds, nests, or eggs at the Lanai Wastewater Treatment Facility.

By correspondence dated August 10, 2015, the Department of the Corporation Counsel transmitted two revised proposed bills, approved as to form and legality, incorporating nonsubstantive revisions.

Your Committee notes, pursuant to Resolution 15-5, the Council's establishment of its standing committees, your Committee of the Whole is tasked with making recommendations to the Council relating to litigation matters, including special counsel, indemnifications, and settlements.

After briefly discussing the matter, your Committee noted consideration of the matter by your Committee of the Whole may be more appropriate because it is related to negotiation of settlements.

Your Committee voted 9-0 to recommend referral of the communication to your Committee of the Whole. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Hokama, and White voted "aye."

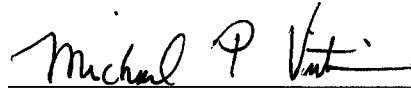
Your Policy and Intergovernmental Affairs Committee **RECOMMENDS** that County Communication 15-216 be **REFERRED** to the Committee of the Whole.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

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