

# COUNCIL OF THE COUNTY OF MAUI

## **A G E N D A**

Special Meeting of January 29, 2009  
9:00 a.m.  
Council Chamber  
8th Floor, Kalana O Maui Building  
200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.  
e-mail: <mailto:county.clerk@mauicounty.us>

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### ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

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- A. ROLL CALL
  - B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
  - E. CEREMONIAL RESOLUTIONS:  
NONE
  - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
  - G. MINUTES:  
NONE

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H. COMMITTEE REPORTS:

NONE

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 09-1 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General for the Domestic Violence Investigations Program.
- NO. 09-2 - CHIEF OF POLICE, informing of the receipt of \$1,499.31 in Federal Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 09-3 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2008.
- NO. 09-4 - MAYOR, informing of the following vacancies:
1. Outdoor Lighting Standards Committee due to the resignation of Kaiulani Piper; and
  2. Commission on Culture and the Arts due to the resignation of Randi Pack.
- NO. 09-5 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the resignation of Kenyavani Gilman.
- NO. 09-6 - COUNCIL CHAIR, informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and recommendation;
  2. A motion to APPROVE the proposed Hawaii State Association of Counties slate of officers: Councilmember Nestor Garcia (City and County of Honolulu) as President, Councilmember Derek S. K. Kawakami (Kauai County) as Vice-President, Councilmember Joseph Pontanilla (Maui County) as Treasurer, and Councilmember Dennis "Fresh" Onishi (Hawaii County) as Secretary, for the remainder of the 2009 Fiscal Year;
  3. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
  4. A motion to FILE this communication.

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1. COUNTY COMMUNICATIONS (continued):

- NO. 09-7 - COUNCIL CHAIR, informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and recommendation;
  2. A motion to APPROVE the designation of Councilmember Joseph Pontanilla as the National Association of Counties representative for Maui County for the remainder of the 2009 Fiscal Year;
  3. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
  4. A motion to FILE this communication.
- NO. 09-8 - COUNCILMEMBER JOHNSON, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AUTHORIZE PARKS SECURITY OFFICERS TO ENFORCE CHAPTER 13.04, MAUI COUNTY CODE" and informing of her intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and recommendation of the proposed bill;
  2. A motion to PASS ON FIRST READING and ORDER TO PRINT the proposed bill;
  3. A motion to FILE this communication; and
  4. A motion to FILE County Communication No. 08-269.
- NO. 09-9 - COUNCIL CHAIR, relating to referral of matters from the 2007-2009 Council term that were referred to the Council Chair for the 2009-2011 term at the Council meetings of December 5, 2008 and December 19, 2008.
- NO. 09-10 - COUNCIL CHAIR, relating to referral of various matters pending at the end of the 2007-2009 Council term that were referred to the Council Chair for the 2009-2011 term.
- NO. 09-11 - COUNCIL CHAIR, relating to referral of various matters that were referred to the Council Chair for the 2009-2011 term pursuant to committee reports adopted on December 19, 2008.
- NO. 09-12 - CHAIR, BUDGET AND FINANCE COMMITTEE, relating to the Community Development Block Grant Program.
- NO. 09-13 - COUNCILMEMBER VICTORINO, relating to the Maui Economic Recovery Package.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-14 - CHAIR, COMMITTEE OF THE WHOLE, relating to litigation matters.
- NO. 09-15 - CHAIR, COMMITTEE OF THE WHOLE, relating to nominations to boards, committees, and commissions.
- NO. 09-16 - CHAIR, COMMITTEE OF THE WHOLE, relating to the Maui County Legislative Package.
- NO. 09-17 - CHAIR, COMMITTEE OF THE WHOLE, relating to matters pertaining to the Hawaii State Association of Counties.
- NO. 09-18 - COUNCIL CHAIR, transmitting a draft resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO ENTER INTO A CONTRACT FOR THE SERVICES OF A LEGISLATIVE LIAISON FOR THE 2009 STATE LEGISLATURE".
- NO. 09-19 - COUNCILMEMBER NISHIKI, relating to the matter of a coordinated economic stimulus plan.
- NO. 09-20 - MAYOR, informing of the nomination of Lorraine Sablas to the *Maui Planning Commission*; Stephen West to the *Salary Commission*; and Ryder Swatek to the *Subdivision Engineering Standards Committee*.
- NO. 09-21 - DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "AUTHORIZING THE SALE OF STRUCTURES AT KAPUKA'ULUA (FORMALLY KNOWN AS MONTANA BEACH) LOCATED IN PAIA, MAUI, HAWAII, PURSUANT TO SECTION 3.44.020, MAUI COUNTY CODE".
- NO. 09-22 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, relating to the County of Maui's Integrated Solid Waste Management Plan.
- NO. 09-23 - COUNCILMEMBER BAISA, relating to an orientation workshop to be conducted by the Department of Planning.
- NO. 09-24 - COUNCIL CHAIR, relating to appeals to the Residential Workforce Housing Policy.
- NO. 09-25 - COUNCIL CHAIR, relating to amendments to the Residential Workforce Housing Policy.
- NO. 09-26 - COUNCIL CHAIR, relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes.

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1. COUNTY COMMUNICATIONS (continued):

- NO. 09-27 - DIRECTOR OF TRANSPORTATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADDING A NEW TITLE TO THE MAUI COUNTY CODE, ENTITLED PUBLIC TRANSIT".
- NO. 09-28 - DIRECTOR OF PLANNING, transmitting comments and recommendations of the Maui, Molokai and Lanai Planning Commissions relating to Resolution No. 08-55 entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.530.030, MAUI COUNTY CODE, PERTAINING TO ADMINISTRATIVE ENFORCEMENT".
- NO. 09-29 - COUNCIL CHAIR, relating to amendments to the Rules of the Council.
- NO. 09-30 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF THE MAUNALOA COMMUNITY CENTER FROM MOLOKAI PROPERTIES LIMITED, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 09-31 - COUNCILMEMBER JOHNSON, relating to the economic stabilization of Maui County.
- NO. 09-32 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY/STATE DEPARTMENT OF HEALTH CONSENT DECREE QUARTERLY PROGRESS REPORT #38, OCTOBER 2008 THROUGH DECEMBER 2008".
- NO. 09-33 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, relating to `Aha Kukui O Molokai, transmitting the following:
1. A proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO `AHA KUKUI O MOLOKAI";
  2. A copy of the proposed document entitled "LEASE"; and
  3. A copy of the proposed document entitled "GRANT AGREEMENT FOR A LEASE OF COUNTY REAL PROPERTY".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

NONE.

M. ANNOUNCEMENTS

**NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.**

**INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.**