

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of July 17, 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: county.clerk@mauicounty.us

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 JOSEPH PONTANILLA
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
 - E. CEREMONIAL RESOLUTIONS:
NONE.
 - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
 - G. MINUTES:
NONE.

H. COMMITTEE REPORTS:NO. 09-72 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill adding a grant of \$20,000 for the "50th Anniversary of Statehood Commission" to Appendix A, Part I, of the Fiscal Year 2010 Budget for the County of Maui, in the Office of the Mayor; and
2. **FILING** of communication.

NO. 09-73 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of two correspondence dated May 6, 2009 and May 27, 2009 from the Department of the Corporation Counsel, relating to a proposed resolution to indemnify three employees from the Department of Police in Tina Bass v. Maui County Police Department, et al.; Civil No. CV08-00280 HG BMK.

NO. 09-74 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to indemnify David I. Sakoda, a County employee, in Sandhills Gang Partners v. Malafu Contractors LLC, et al., Civil No. 08-1-0585(3).

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

NO. 09-75 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to indemnify Aaron Won, a former police officer, in Christopher Grindling v. Sgt. Roy Hirayama, et al., Civil No. CV05-00694 DAE BMK.

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

H. COMMITTEE REPORTS (continued):NO. 09-76 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Desiree Alvarado v. County of Maui, et al., Civil No. 05-1-0250(1).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 09-77 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 13.04, Maui County Code, prohibiting consumption of alcohol at Charley Young Park, Kihei; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 09-198 - DIRECTOR OF FINANCE, transmitting the report of short term investments for the quarter ended June 30, 2009.

NO. 09-199 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the State of Hawaii, Department of Budget and Finance for the Defendant/Witness Trial Program.

NO. 09-200 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$5,695.50 in Federal Forfeiture Funds to purchase a treadmill for the Lanai Police Station.

NO. 09-201 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal Justice Forfeiture Funds for the Employee Development Program.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-202 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2010, POST-EMPLOYMENT OBLIGATIONS FUND".

NO. 09-203 - DIRECTOR OF PARKS AND RECREATION, transmitting the following:

1. a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO LAHAINA RESTORATION FOUNDATION";
2. a copy of the proposed Grant Agreement for a Lease of County Real Property between the County of Maui and Lahaina Restoration Foundation, for approximately 0.3898 acres, located at 636 Luakini Street, Lahaina, Maui, Hawaii; and
3. a copy of the proposed Lease.

NO. 09-204 - COUNCILMEMBER JOHNSON, relating to the prohibition of alcohol at Kamaole I Beach Park.

NO. 09-205 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, PERTAINING TO CROSSWALKS ESTABLISHED".

NO. 09-206 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE HARRIMAN SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 09-207 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended June 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 55 (2009) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.415 AND 3.48.558, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX CHILD CARE FACILITIES EXEMPTIONS"

BILL NO. 56 (2009) - "A BILL FOR AN ORDINANCE TO ESTABLISH R-3 RESIDENTIAL DISTRICT ZONING FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

BILL NO. 57 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, RELATING TO WATER"

BILL NO. 58 (2009) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.305 AND 3.48.450, MAUI COUNTY CODE, PERTAINING TO COMMERCIALIZED RESIDENTIAL PROPERTY TAX CLASSIFICATION"

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.