

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of November 20, 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

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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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER MICHAEL P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "HONORING ANTHONY T. KAHO'OHANO AS A RECIPIENT OF THE MEDAL OF HONOR"

NO. _____ - "CONGRATULATING THE KAHULUI JODO MISSION ON ITS 100TH ANNIVERSARY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 09-133 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Sections 3.48.175 and 3.48.190, Maui County Code, to reflect the \$150 minimum tax for real property that was established during the Fiscal Year 2010 Budget; and
2. **FILING** of communication.

NO. 09-134 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 3.48.305, Maui County Code, to clarify that when a parcel is subdivided into condominium units, each unit shall be deemed a separate parcel and assessed accordingly for real property tax purposes; and
2. **FILING** of communication.

NO. 09-135 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 3.48.655, Maui County Code, to allow for the delivery of appeals of real property assessments by personal delivery, private delivery service, or the United States Postal Service, and require the notice of appeal to be completed in accordance with the Board of Review's administrative rules; and
2. **FILING** of communication.

NO. 09-136 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of a correction to the expiration date of Allan Almeida's term on the *Animal Control Board* from March 31, 2014 to March 31, 2012; and
2. **TRANSMITTAL** of copy of committee report to the Mayor.

H. COMMITTEE REPORTS (continued):NO. 09-137 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of the following proposals with their corresponding justification sheets for inclusion in the 2010 HSAC Legislative Package:
 - a. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO TAXATION"; and
 - b. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES".
2. **TRANSMITTAL** of copy of committee report to the HSAC Executive Committee.

NO. 09-138 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize additional compensation for Ortiz & Katano, A Law Corporation, as special counsel in the Matter of the Grievance Arbitration between the State of Hawaii Organization of Police Officers on behalf of Martell Irish and Derek Kaaukai, Grievants, and County of Maui, Employer; SHOPO NOS. M-2005-008 and M-2005-009.

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.

NO. 09-139 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of Ortiz & Katano, A Law Corporation, as special counsel in Michael Magliato, Individually and as Special Administrator of the Estate of Keone Anthony Magliato vs. Forrest Taniguchi a/k/a Forest Taniguchi, et al., Civil No. 09-1-0043(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; 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. 09-140 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of Ortiz & Katano, A Law Corporation, as special counsel in Caleb J. Sanders vs. County of Maui, et al., Civil No. 09-1-0287(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; 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. 09-141 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.12, Maui County Code, relating to exempting large lot subdivisions from the water availability policy requirements if water service is not required; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 09-319 - CHAIR, COMMITTEE OF THE WHOLE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Committee of the Whole from further consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KAMAOLE POINTE DEVELOPMENT LP, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-00447 DAE LEK";
2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 6(F) of the Rules of the Council;
3. A motion to ADOPT the proposed resolution;
4. A motion to CONVENE an executive meeting, if necessary, 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
5. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-320 - COUNCIL CHAIR, relating to the Council Services Clerk position.
- NO. 09-321 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2010 - FIRST QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of September 30, 2009.
- NO. 09-322 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2009 to June 30, 2010 as of September 30, 2009, and the Capital Improvement Projects Report as of September 30, 2000.
- NO. 09-323 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE GRANT OF A CONSERVATION EASEMENT FROM THE MOLOKA'I LAND TRUST PURSUANT TO SECTION 3.44, MAUI COUNTY CODE".
- NO. 09-324 - DIRECTOR OF PARKS AND RECREATION, transmitting copies of the semiannual report regarding park dedications for each community plan area for the period April 1, 2009 through September 30, 2009.
- NO. 09-325 - COUNCIL CHAIR, transmitting a letter from Ms. Quinn Gonzalez, relating to traffic safety measures in the area of Doris Todd Christian School.
- NO. 09-326 - COUNCILMEMBER JOHNSON, relating to the County's use of energy-efficient buses.
- NO. 09-327 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended October 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 86 (2009) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT/RURAL BUSINESS ENTERPRISE GRANT"

BILL NO. 87 (2009) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR GOLDEN BASEBALL LEAGUE"

BILL NO. 88 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE MOLOKAI, LANAI, AND HANA LANDFILLS"

BILL NO. 89 (2009) - "A BILL FOR AN ORDINANCE GRANTING THE ASSOCIATION OF APARTMENT OWNERS OF KAUAHALE MAKAI A CONDITIONAL PERMIT FOR THE OPERATION OF CONCIERGE SERVICES IN AN EXISTING LOBBY OF KAUAHALE MAKAI (VILLAGE BY THE SEA) CONDOMINIUM COMPLEX WITHIN THE COUNTY A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

L. UNFINISHED BUSINESS:

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.