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COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of November 19, 2010
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

OFFICE OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER JOSEPH PONTANILLA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE MOLOKAI HIGH SCHOOL GIRLS VOLLEYBALL TEAM ON WINNING THE NEW CITY NISSAN/HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION (HHSAA) GIRLS VOLLEYBALL DIVISION II STATE CHAMPIONSHIP"

NO. _____ - "CONGRATULATING LENA MERRILL FOR BEING CROWNED MISS HAWAII'S OUTSTANDING TEEN 2010"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 10-127 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of the following proposals for inclusion in the 2011 Hawaii State Association of Counties (HSAC) Legislative Package:
 - a. A proposed State bill and a corresponding justification sheet to increase the penalty for use of a replica gun in a robbery or terroristic threatening case to a felony;
 - b. A proposed State bill and a corresponding justification sheet to require that candidates for elective County office include with their nomination papers a sworn certification that the candidate has complied with provisions of the relevant county charter and ordinances pertaining to elected officials, or the nomination papers shall be void and not accepted for filing by the county clerk;
 - c. A proposed State bill and a corresponding justification sheet to improve the regulation of aquarium aquatic life collecting to protect aquatic life and the marine environment;
 - d. A proposed State bill and a corresponding justification sheet to add a trustee to the board of trustees of the Employer-Union Health Benefits Trust Fund to represent the interests of the counties;
 - e. A proposed State bill and a corresponding justification sheet to add a trustee to the board of trustees of the Employee's Retirement System to represent the interests of the counties;
 - f. A proposed State bill and a corresponding justification sheet to increase the penalties for a person convicted of assault against a firefighter or water safety officer;
 - g. A proposed State bill and a corresponding justification sheet to allow a legislative body an extension from 45 days to 60 days to approve, approve with modifications, or disapprove an affordable housing project, upon the approval of the Hawaii Housing Finance and Development Corporation;
 - h. A proposed House resolution entitled "URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX";

H. COMMITTEE REPORTS (continued):

- i. A proposed House concurrent resolution entitled "URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX";
 - j. A proposed Senate resolution entitled "URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX"; and
 - k. A proposed Senate concurrent resolution entitled "URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX".
2. **TRANSMITTAL** of copy of committee report to the HSAC Executive Committee.

NO. 10-128 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Richard Certo, et al. v. County of Maui, et al.; Civil No. 09-1-0438(1).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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. 10-129 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Linda Vaikeli, et al. v. County of Maui, et al.; Civil No. 08-1-0464(1).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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), HRS, 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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 10-255 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the State of Hawaii, Department of the Attorney General for the Domestic Violence Investigations program in the amount of \$35,564.00.

NO. 10-256 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2010.

NO. 10-257 - MAYOR, informing of a vacancy on the *Traffic Safety Council* due to the resignation of Valene Devlin.

NO. 10-258 - 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 County Communication No. 10-14, transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE MUNICIPALITY OF BADO, PROVINCE OF ILOCOS NORTE, REPUBLIC OF THE PHILIPPINES";
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 FILE County Communication No. 10-14; and
5. A motion to FILE this communication.

NO. 10-259 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL OF THE COUNTY OF MAUI TO PASS THE UPDATE OF THE WATER USE AND DEVELOPMENT PLAN" and informing of his intention to offer the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 6(F) of the Rules of the Council;
2. A motion to ADOPT the proposed resolution; and
3. A motion to FILE this communication.

NO. 10-260 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF TRANSPORTATION".

1. COUNTY COMMUNICATIONS (continued):

NO. 10-261 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2010 to June 30, 2011 as of September 30, 2010, and the Capital Improvement Project Report as of September 30, 2010.

NO. 10-262 - COUNCIL CHAIR MATEO, transmitting a letter from Grant Chun, Vice President, A&B Properties, Inc., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning, for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision).

NO. 10-263 - 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 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 82 (2010) - "A BILL FOR AN ORDINANCE EXTENDING A CONDITIONAL PERMIT FOR THE OPERATION OF A TRANSIENT VACATION RENTAL BUSINESS KNOWN AS HALE ALANA WITHIN THE COUNTY RURAL DISTRICT, AND AMENDING THE PERMIT HOLDER FROM KATHLEEN GILDRED AND SEAN BRUNWIN TO KATHLEEN GILDRED AND MARC AND ANE TAKAHA, FOR PROPERTY SITUATED AT 3378 KEHA DRIVE, 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.