

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of May 10, 2011
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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COUNCIL OF THE
COUNTY OF MAUI

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING CHRISTOPHER KIM, 2011 AIO HAWAII STATE SPELLING BEE CHAMPION, AND EXTENDING BEST WISHES FOR THE 2011 SCRIPPS NATIONAL SPELLING BEE"

NO. _____ - "CONGRATULATING JACQUELYN DAVIS FOR BEING NAMED HAWAII'S 2011 STATE ASSISTANT PRINCIPAL OF THE YEAR"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 11-40 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Mark Walker (replacing Robert Horcajo) to the Maui Redevelopment Agency, for a term expiring on March 31, 2015; and
2. **ADOPTION** of resolution approving the appointment of Robert Bowlus (replacing Gary Brauner) to the Urban Design Review Board, for a term expiring on March 31, 2012.

NO. 11-41 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of the following members to the boards, committees, and commissions for the County of Maui (for terms expiring on March 31, 2016, unless otherwise indicated):
 - A. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 1. Yolanda Mau; and
 2. Charlotte Smith.
 - B. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 1. James Spence; and
 2. Lee Aldridge; and
2. **ADOPTION** of resolution approving the appointment of the following members to the boards, committees, and commissions for the County of Maui (for terms expiring on March 31, 2016, unless otherwise indicated):
 - A. BOARD OF CODE APPEALS
 1. Thomas Godfrey (replacing Gary Marshall), for a term expiring on March 31, 2015.
 - B. BOARD OF ETHICS
 1. Gene Viglione.

H. COMMITTEE REPORTS (continued):

C. BOARD OF WATER SUPPLY

1. James Rust.

D. COMMISSION ON CULTURE AND THE ARTS

1. Evalina "Nani" Watanabe, for a term expiring on March 31, 2015.

E. LIQUOR CONTROL ADJUDICATION BOARD

1. Dana Souza.

NO. 11-42 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Michael Magliato, Individually and as Special Administrator of the Estate of Keone Anthony Magliato v. Forrest Taniguchi, et al., Civil No. 09-1-0043(3).

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.

NO. 11-43 - POLICY COMMITTEE:

Recommending **FILING** of correspondence dated April 4, 2011, from the Department of the Corporation Counsel, transmitting a resolution authorizing settlement of Stacey Pounder v. County of Maui, et al., Civil No. 09-1-0202(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.

NO. 11-44 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Cheryl Cabebe and Joseph Cabebe, et al. v. New Sand Hills, LLC, et al., Civil No. 09-1-0245(1); and Karen Goo, et al. v. Mayor Charmaine Tavares, et al., ICA No. 30142.

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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 11-122 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2011-2012 certification of the net taxable real property value within the County of Maui.
- NO. 11-123 - DIRECTOR OF FINANCE, transmitting 57 contracts/grants for March 2011.
- NO. 11-124 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended March 31, 2011.
- NO. 11-125 - CHIEF OF POLICE, informing of the receipt of \$9,299.68 in Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Agency.
- NO. 11-126 - MAYOR, informing of a vacancy on the *Commission on Persons with Disabilities* due to the resignation of Elsie Santos.
- NO. 11-127 - MAYOR, informing of a vacancy on the *Traffic Safety Council* due to the resignation of Nathan Rapoza.
- NO. 11-128 - MAYOR, informing of a vacancy on the *Salary Commission* due to the resignation of Maureen Ross.
- NO. 11-129 - MAYOR, informing of the appointment of Cynthia Catugal to the *Traffic Safety Council*.
- NO. 11-130 - MAYOR, informing of the appointment of Lawrence Winer and Stacey Yamashita to the *Traffic Safety Council*.
- NO. 11-131 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of March 31, 2011.
- NO. 11-132 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S JUNE 3, 2011 MEETING TO JUNE 7, 2011, AND THE COUNCIL'S JULY 15, 2011 MEETING TO JULY 22, 2011" and informing of his intention to entertain the following motions:
 - 1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
 - 2. A motion to ADOPT the proposed resolution; and
 - 3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 11-133 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF THE MAUI COUNTY COUNCIL'S REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO SERVE AS OFFICERS ON THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE FOR FISCAL YEAR 2012" and informing of his intention to entertain the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
2. A motion to ADOPT the proposed resolution;
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. 11-134 - COUNCILMEMBER PONTANILLA, transmitting a proposed resolution entitled "APPROVING THE FISCAL YEAR 2012 PROPOSED ANNUAL OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES" 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 7(E) of the Rules of the Council;
2. A motion to ADOPT the proposed resolution;
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. 11-135 - CHAIR, POLICY COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy Committee from further consideration of a correspondence dated April 12, 2011, relating to the Council's opportunity to nominate and approve the appointment of an individual to fill a vacancy on the Maui County Commission on Persons with Disabilities, due to the death of Tracy Souza on February 9, 2011; and
2. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 11-136 - COUNCILMEMBER WHITE, transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF RAMODA ANAND TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES" 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 7(E) of the Rules of the Council;
2. A motion to ADOPT the proposed resolution; and
3. A motion to FILE this communication

NO. 11-137 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND, PAUKUKALO COASTAL WETLANDS"; and
2. A proposed resolution entitled "AUTHORIZING THE PURCHASE OF OCEANFRONT LAND SITUATED AT KA'EHU BAY, DISTRICT OF WAILUKU, ISLAND AND COUNTY OF MAUI PURSUANT TO CHAPTERS 3.44 AND 3.88, MAUI COUNTY CODE".

NO. 11-138 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF PLAYGROUND EQUIPMENT FROM THE STATE OF HAWAII TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

NO. 11-139 - DIRECTOR OF PUBLIC WORKS, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO THE BUILDING CODE"; and
2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, RELATING TO SUBDIVISION IMPROVEMENTS".

