

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of June 7, 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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DON COUCH
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
 - E. CEREMONIAL RESOLUTIONS:

NONE
 - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of April 1, 2011

H. COMMITTEE REPORTS:

NO. 11-49 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2011 Budget, relating to the Affordable Housing Fund, by deleting the proviso for \$1,000,000 for the Kahoma Project; deleting the proviso for \$2,000,000 for the purchase of land to be used for affordable housing, subject to Chapter 3.35, MCC; and adding a proviso for \$3,865,000 for the purchase of three lots identified as TMK: 2-3-66:012, 013, and 014, situated at Kohoilo, Kula, Maui, Hawaii, collectively comprising approximately 4.179 acres;
2. **ADOPTION** of resolution to authorize the acquisition of three lots identified as TMK: 2-3-66:012, 013, and 014, situated at Kohoilo, Kula, Maui, Hawaii, collectively comprising approximately 4.179 acres; and
3. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 11-157 - COUNCILMEMBER WHITE, proposing amendments to Bill No. 33 (2011) entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2012".

NO. 11-158 - COUNCILMEMBER WHITE, proposing amendments to Bill No. 34 (2011) entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012".

NO. 11-159 - COUNCILMEMBER WHITE, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.450, MAUI COUNTY CODE, RELATING TO HOME EXEMPTION QUALIFICATION".

NO. 11-160 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO MAUI ECONOMIC OPPORTUNITY, INC."

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-161 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO BOYS & GIRLS CLUBS OF MAUI, INC."
- NO. 11-162 - COUNCILMEMBER COCHRAN, relating to Recommendations from the County of Maui Integrated Solid Waste Management Plan and from the Solid Waste Resource Advisory Committee.
- NO. 11-163 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a letter from John Stubbart, Lanai Water Company, Inc. in support of the County of Maui's Lanai Affordable Housing Project.
- NO. 11-164 - PLANNING DIRECTOR, pursuant to Chapter 2.80.B, Maui County Code, requesting that the Council initiate the appointment of members to the Molokai and Lanai Community Plan Advisory Committee.
- NO. 11-165 - COUNCIL CHAIR, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE PLANNING DIRECTOR".
- NO. 11-166 - COUNCIL CHAIR, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE DIRECTOR OF FINANCE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 24 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE MINIMUM REAL PROPERTY TAX"

K. ORDINANCES - SECOND AND FINAL READING (continued):

- BILL NO. 25 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE OLINDA WATER TREATMENT PLANT-RELINING OF THE 8.5 MG SEDIMENTATION BASIN, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE"
- BILL NO. 26 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE KAHULUI FORCE MAIN REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE"
- BILL NO. 27 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE WAILUKU FORCE MAIN REPLACEMENT (VALVE BOX TO WASTEWATER RECLAMATION FACILITY), WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE"
- BILL NO. 28 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE COUNTYWIDE PUMP STATION RENOVATIONS, FISCAL YEAR 2012 BUDGET ORDINANCE"
- BILL NO. 29 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE WAILUKU WELL - DEVELOPMENT PROJECT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE"
- BILL NO. 30 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE ULUNI ROAD AND EWA PLACE WATERLINE REPLACEMENT PROJECT, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 31 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTEEN MILLION FIVE HUNDRED FIFTY-FIVE THOUSAND FOUR HUNDRED NINETY-SEVEN DOLLARS (\$18,555,497) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS"

BILL NO. 32 (2011) - "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI"

BILL NO. 33 (2011) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2012"

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.

BILL NO. 34 (2011) - "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012"

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.

L. UNFINISHED BUSINESS:

ORDINANCE - SECOND AND FINAL READING:

BILL NO. 12 (2011) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS"

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.

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.