

# COUNCIL OF THE COUNTY OF MAUI

## **A G E N D A**

Regular Meeting of June 17, 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](mailto: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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER G. RIKI HOKAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING MAIKI TIHADA VIELA FOR BEING NAMED TO THE PARADE ALL-AMERICA HIGH SCHOOL GIRLS BASKETBALL TEAM AND FOR BEING INDUCTED INTO THE HAWAII HIGH SCHOOL ATHLETIC HALL OF HONOR"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of April 15, 2011  
Special Meeting of April 20, 2011

H. COMMITTEE REPORTS:

NONE.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 11-167 - CHIEF OF POLICE, informing of the receipt of \$41,473.28 in Forfeiture Funds from the U.S. Department of Justice, Federal Bureau of Investigation.
- NO. 11-168 - CHIEF OF POLICE, informing of the receipt of \$12,278.04 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 11-169 - DIRECTOR OF FINANCE, transmitting 29 contracts/grants for April 2011.
- NO. 11-170 - MAYOR, informing of a vacancy on the *Commission on Persons with Disabilities* due to the resignation of Charlotte Seales.
- NO. 11-171 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended May 2011.
- NO. 11-172 - 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 June 16, 2010, from the Department of the Corporation Counsel, relating to litigation matters in Colin Derek Gardner v. Samuel Ah Loo, et al., Civil No. 10-00283 ACK RLP;
  2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;

1. COUNTY COMMUNICATIONS (continued):

- 3. A motion to CONVENE an executive meeting pursuant to Section 92-5(a)(4), Hawaii Revised Statues, 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;
- 4. A motion to ADOPT the proposed resolution entitled "AUTHORIZING SETTLEMENT OF COLIN DEREK GARDNER VS. SAMUEL AH LOO, ET AL., CIVIL NO. 10-00283 ACK RLP";
- 5. A motion to ADOPT the proposed resolution entitled "INDEMNIFYING SAMUEL AH LOO IN COLIN DEREK GARDNER VS. SAMUEL AH LOO, ET AL., CIVIL NO. 10-00283 ACK RLP";;
- 6. A motion to FILE the correspondence dated June 16, 2010; and
- 7. A motion to FILE this communication.

NO. 11-173 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, TO PROHIBIT MOPEDS ON BICYCLE PATHS".

NO. 11-174 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.095, MAUI COUNTY CODE, TO ESTABLISH PARKING AT THE COUNTY PARKING LOT ON BALDWIN AVENUE IN PAIA, MAUI, HAWAII".

NO. 11-175 - COUNCIL CHAIR, transmitting a letter from Johan Stubbart, Director of Utilities, Castle & Cooke Resorts, LLC, providing the First Quarterly Report of 2011 in compliance with Ordinance No. 3137, amending the State Land Use District Classification from Rural to Urban for property situated at Manele, Lanai, Hawaii. (The Terraces at Manele)

NO. 11-176 - ECONOMIC DEVELOPMENT COORDINATOR, requesting that Councilmember Mike White serve as an Ex Officio member of the Workforce Investment Board.

NO. 11-177 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "APPROVING THE KULA RIDGE AFFORDABLE HOUSING SUBDIVISION RESIDENTIAL WORKFORCE HOUSING AGREEMENT".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 35 (2011) - "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, AFFORDABLE HOUSING FUND, KAHOMA PROJECT, PURCHASE OF LAND TO BE USED FOR AFFORDABLE HOUSING, AND KULAMALU COMMERCIAL SUBDIVISION"

L. UNFINISHED BUSINESS:

NONE.

**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.**