

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of June 6, 2012
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

COUNCIL OF THE
COUNTY OF MAUI

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

NO. _____ - "CONGRATULATING THE HAWAII ALL STAR CHEER TEAM FOR WINNING THE NATIONAL "SMALL SENIOR LEVEL 4 TITLE" AND "OVERALL LEVEL 4 CHOREOGRAPHY CHAMPIONSHIP"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 12-57 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 1.14, Maui County Code, to require the County Clerk to compile, publish, and distribute the Maui County Charter following any general or special election on any proposed Charter, or amendments thereto, to include all amendments adopted; and
2. **FILING** of communication.

NO. 12-58 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing, for the development of the Kihei Police Station at TMK: (2) 2-2-02:070, Kihei, Maui, Hawaii, the acceptance of an R-1 waterline and related waterline easement from Monsanto Company; the cancellation of an existing access easement over TMK: (2) 2-2-02:069, Kihei, Maui, Hawaii, in favor of an access easement across TMK: (2) 2-2-02:070; the acceptance of an access, utilities, and landscaping easement from Monsanto Company; and the grant of an R-1 waterline easement to Haleakala Ranch Company, pursuant to Chapters 3.44 and 3.56, Maui County Code; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 12-106 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2012.

NO. 12-107 - MAYOR, informing of a vacancy on the *Salary Commission* due to the resignation of Pam English.

1. COUNTY COMMUNICATIONS (continued):

NO. 12-108 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FIRE AND PUBLIC SAFETY FISCAL YEAR 2012 BUDGET" 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 FILE the County Communication dated May 30, 2012, from the Budget Director; and
4. A motion to FILE this communication.

NO. 12-109 - BUDGET DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FIRE AND PUBLIC SAFETY FISCAL YEAR 2012 BUDGET".

NO. 12-110 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" 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 PASS ON FIRST READING and ORDER TO PRINT the proposed bill;
3. A motion to FILE the County Communication dated May 30, 2012, from the Budget Director; and
4. A motion to FILE this communication.

NO. 12-111 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-112 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO CAPITAL IMPROVEMENT PROJECTS, FROM THE HIGHWAY FUND".
- NO. 12-113 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2011 to June 30, 2012 as of March 31, 2012 and the Capital Improvement Project Report as of March 31, 2012.
- NO. 12-114 - COUNCILMEMBER VICTORINO, relating to the Maui Bus System Fee Structure.
- NO. 12-115 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF TWO (2) MODEL 'B' MAXI FLEX DIVING BOARDS FROM JOHN DEININGER TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 12-116 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE UAOA BRIDGE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 12-117 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PALAUEA SUBDIVISION, LAND COURT APPLICATION 1804, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 12-118 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO M-1 LIGHT INDUSTRIAL DISTRICT"; and summary comments and minutes of the Maui, Molokai, and Lanai Planning Commissions.
- NO. 12-119 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO M-2 HEAVY INDUSTRIAL DISTRICT"; and summary comments and minutes of the Maui, Molokai, and Lanai Planning Commissions.
- NO. 12-120 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO M-3 RESTRICTED INDUSTRIAL DISTRICT"; and summary comments and minutes of the Maui, Molokai, and Lanai Planning Commissions.

1. COUNTY COMMUNICATIONS (continued):

NO. 12-121 - DIRECTOR OF PUBLIC WORKS, relating to the Kapaakea Cemetery and Hoolehua Veterans Cemetery on the island of Molokai.

NO. 12-122 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE TO THE VETERANS OF FOREIGN WARS OF THE UNITED STATES WILBERT WAH HUTOM POST 3850".

NO. 12-123 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HANSEN ROAD, ISLAND OF MAUI, COUNTY OF MAUI, STATE OF HAWAII PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS - SECOND AND FINAL READING:

NO. 12-52 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO VACANCY IN OFFICE"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 38 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE PAIA-KUAU WATER SYSTEM IMPROVEMENTS PROJECT, PAIA-HAIKU COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"

BILL NO. 39 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE MAUI MEADOWS BOOSTER PUMP STATION #18 IMPROVEMENTS PROJECT, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 40 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE KAUNAKAKAI-KAWELA WELL SYSTEM NO. 2 PROJECT, MOLOKAI COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"
- BILL NO. 41 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE WAKIU WELL REPLACEMENT DEVELOPMENT PROJECT, HANA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"
- BILL NO. 42 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE PIIHOLO WATER TREATMENT PLANT IMPROVEMENTS-ORGANIC CARBON REDUCTION PROJECT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"
- BILL NO. 43 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE HALIIMAILE TANK REPLACEMENT PROJECT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"
- BILL NO. 44 (2012) - "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 LAHAINA WASTEWATER PUMP STATION NUMBER 2 MODIFICATIONS, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"

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

BILL NO. 45 (2012) - "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 SOUTH MAUI RECYCLED WATER DISTRIBUTION SYSTEM EXPANSION, SOUTH MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"

BILL NO. 46 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF TWENTY ONE MILLION SIX HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$21,685,000) 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. 47 (2012) - "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. 48 (2012) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2013"

BILL NO. 49 (2012) - "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013"

BILL NO. 50 (2012) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2012, PLAN REVIEW, PERMIT PROCESSING, AND INSPECTION REVOLVING FUND"

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

BILL NO. 51 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE MINIMUM REAL PROPERTY TAX"

BILL NO. 52 (2012) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.16.010, MAUI COUNTY CODE, RELATING TO THE WAIEHU MUNICIPAL GOLF COURSE"

BILL NO. 53 (2012) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 11.02.030 AND 11.02.040, MAUI COUNTY CODE, RELATING TO OPERATING REVENUES FOR THE COUNTY BUS SYSTEM"

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.