

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

August 21, 2012

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, AUGUST 21, 2012, BEGINNING AT 9:06 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui regular meeting of August 21, 2012 will come to order.

Mr. Clerk, may we have the roll call please.

### ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL P. VICTORINO, MICHAEL B. WHITE, AND CHAIR DENNIS A. MATEO.

EXCUSED: COUNCILMEMBER ELEANORA COCHRAN AND VICE-CHAIR JOSEPH PONTANILLA.

DEPUTY COUNTY CLERK LANCE TAGUCHI: Chairman, there are seven Members present, two Members excused. A quorum is present to conduct the business of the Council.

CHAIR MATEO: Thank you. Members, this morning our colleague from the Wailuku area will be providing the opening remarks for us.

Mr. Victorino.

### OPENING REMARKS

The opening remarks were offered by Councilmember Michael P. Victorino.

CHAIR MATEO: No, Mr. Victorino. Thank you so much. The Chair really appreciates the warm wishes. We're going to, we're going to move, we're going to move on. Thank you very much for the warm wishes. Thank you, Ms. Baisa.

COUNCILMEMBER VICTORINO: I'll honor your wishes, Mr. Chair. Thank you very much.

CHAIR MATEO: Thank you, Mr. Victorino. Will everyone please rise and join us in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR MATEO: Thank you for your opening remarks, Mr. Victorino.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with presentation of testimony on agenda items. We have received two requests from individuals who wish to offer testimony on agenda items. Shall we proceed?

CHAIR MATEO: Prior to calling up the testifier, the Clerk would, the Chair would just like to set the parameters for anyone providing testimony to the Council this morning. We welcome anyone wanting to share your comments with the Council.

You will be allowed three minutes to speak on any of the items posted on today's agenda. When your name is called, please advance to the podium, state your name for the record. If you represent a group or organization, please so state the name of that group or organization as well.

A lighting system on the podium is there to assist you with your testimony. At the start of the comments, at your comments, the green light will be lit. At the two minute thirty second mark the yellow light will be lit. And at the three-minute mark the red light will be lit, letting you know you will need to conclude your remarks.

For those of us with cell phones or other noise-making devices, this would be a good time to please turn them off or set them on vibrate. Decorum in this chamber will be maintained at all times.

Mr. Clerk, please call up our first testifier.

DEPUTY COUNTY CLERK: The first person to testify is John Blumer-Buell, testifying on Committee Report 12-85, followed by George Rixey.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JOHN BLUMER-BUELL (testifying on Committee Report 12-85):

Aloha, Chairman Mateo and Councilmembers. My name is John Blumer-Buell. I come over today from Hana and I appreciate Councilmember Victorino's sentiments on safe driving. Every time I come over here from Hana, it's a, it's a dangerous drive every single time. I'm here to oppose the, revising the description of the appropriation from "Hana Community Association for Hana Dialysis" to "Hana Dialysis Home Program".

The information you received in Committee from the Administration was incomplete, inaccurate, and misleading. Therefore, I oppose the proposed bill and request the agenda item be referred back to the Policy Committee and Budget and Finance Committee for full disclosure and discussion. The residents of Hana and the taxpayers of Maui County deserve full accountability, transparency, and honesty.

As background, I collaboratively worked on and wrote County grants in support of the community dialysis home since late 2008 through the line item Budget of 2013 as a board member of both the Hana Community Association, the Hui Laulima O Hana Boards.

The Department of Housing and Human Concerns asked me to write the grant for inclusion in the Fiscal Year 2013 Budget. I suggested consideration of the grant being handled directly by the Hui Laulima O Hana Board as late as February 1, 2012. Director Ridao felt it was best for the Hana Community Association to continue to act in a fiduciary capacity. There were good reasons for her decision, including the fact that legality of the board was in dispute since January 2012 and is still in dispute today. That and other important legal considerations considered, I do not understand any justification for the current bill.

A competitive bid process was never publicly discussed necessary or called for until after the FY '13 Budget was passed by the Council and became law. Now, it appears Director Ridao and the Administration have flip-flopped and want to arbitrarily, very arbitrarily change the grant recipient in light of compelling and documented evidence that Hui Laulima O Hana has not been accountable or acted in good faith.

Director Ridao and the Administration is making, considering a recommendation considering the fact that Hui Laulima O Hana irresponsibly failed to report its financial activities to the Hana Community Association for the past six months of the Fiscal Year 2012 grant, January 1 through January 30.

CHAIR MATEO: One minute to conclude.

MR. BLUMER- BUELL: Thank you. The Hana Community Association was unable to make an informed, legal, honest grant report for that period. Most unfortunately, it appears as irresponsible behavior by an allegedly illegal Hui Laulima O Hana Board costs Hui Laulima O Hana inter-dialysis patients \$22,000 in operating expenses.

The situation raises numerous questions regarding transparency and accountability, including funds yet not accounted for in FY 2011. What is really going on? How were the shortfalls paid for? Does Hui Laulima O Hana actually need County assistance? Why are outside parties meddling in these matters?

For resolution of these matters, I request a complete audit and a performance audit of Hui Laulima O Hana from December 2011. In addition, I also request the audit include investigation of concerns expressed by three former Hui Laulima O Hana Board members in the Hana Side News in spring 2011 issue. And all that is included as part of my four-page testimony and eight-pages of documentation in support of my testimony.

CHAIR MATEO: Thank you.

MR. BLUMER-BUELL: Thank you very much.

CHAIR MATEO: Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Buell, Blumer-Buell. Thank you very much for your testimony. Members, we are in receipt of Mr. Blumer-Buell's written testimony to, to each of us. Thank you very much.

MR. BLUMER-BUELL: You're welcome.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: The last person that signed up to testify is George Rixey, testifying on Committee Report 12-90.

MR. GEORGE RIXEY (testifying on Committee Report 12-90):

Aloha. I'm here to testify about the lease with the VFW. And some of you may recall I testified earlier and I just wanted to let you know that we've met with the VFW. I'm, I represent the neighborhood adjacent to the VFW and we've met and we're good neighbors and we've come to a good resolution about how to create rules and processes for the use. But the reason why I want to address the issue today is because the biggest problem that the neighborhood has is, as I explained before, some events that get out of hand and create an extreme problem for our neighborhood.

And the way I see it, personally, is that the VFW, they provide a lot of necessary public service. They provide their facility for all kinds of uses; community uses, the church, Boy Scouts, all kinds of groups. And that's a really valuable resource to the community. And in large part, the VFW provides that at no cost. And so they have operating budget, it's somewhere in the low \$30,000 a year that they have to meet to break even to just even be able to stay in their facility. And so that's one reason why there's a need for them to have to sublet out this place and, because they have to meet that budget.

And so I'm just here to testify that I want to work with Sue Kiang who was the, from the Parks Department, she assisted in our last meeting. I want to work with her to try to find funding that is acceptable to the VFW; try to help them with that operating budget. Because if they had \$20,000 or even \$10,000, it would have a huge impact on the quality of life of our neighborhood and for the VFW to not have the stress of trying to pay for all that stuff every year and meet that funding.

So I just wanted to bring also, bring it to you that in the future I hope to work with you guys too in maybe finding ways that we can help assist the VFW if it's acceptable to them. Mahalo.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Rixey, for being here. Just to clarify, you are in support of this lease at this time?

MR. RIXEY: I'm in support of the lease. I'm in support of the rules that the VFW and our neighborhood agreed to--

COUNCILMEMBER COUCH: Okay.

MR. RIXEY: --in the operation. There, there, the way they're going to operate the facility there, yeah.

COUNCILMEMBER COUCH: Okay. Thank you.

MR. RIXEY: Yeah, and I'm definitely in support of the VFW having access to that facility. You know, I mean they started that thing years and years ago and it was low-key, it was low pressure. But as the years build, you know, you got to have permits. You got to have liability insurance. You got to pay your utilities. They got to pay maintenance. So there's way more costs that they have to meet now today than they had to meet before. But definitely, I'm in support of them having that facility, absolutely.

CHAIR MATEO: Thank you. Thank you very much, Mr. Rixey.

MR. RIXEY: Thank you.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, Mr. Rixey was the last person that signed up to testify.

CHAIR MATEO: The Chair will offer the opportunity for anyone in the gallery wanting to provide testimony to the Council this morning to please advance to the podium at this time. Members, no one's advancing to the podium. With no objections, we will close public testimony for the morning, for the day. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. So ordered. Members, we are also in receipt of written testimonies. With no objections, we will receive them into the record. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. John Blumer-Buell; and
2. Hugh R. Jones, Department of the Attorney General, State of Hawaii.

CHAIR MATEO: Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with minutes.

### MINUTES

The minutes of the Council of the County of Maui's regular meetings of July 24, 2012 and August 3, 2012 were presented at this time.

CHAIR MATEO: Thank you.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETINGS OF JULY 24, 2012 AND AUGUST 3, 2012.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR MATEO: It's been moved by Mr. White, second by Mr. Victorino, to approve the minutes of the regular meetings of July 24, 2012 and August 3, 2012. Any discussion, Mr. White?

COUNCILMEMBER WHITE: No discussion, Chair.

CHAIR MATEO: Thank you. Members, further discussion? All those in favor of the motion to approve the minutes of the regular meetings of July 24, 2012 and August 3, 2012, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, proceeding with committee reports.

## COMMITTEE REPORTS

COMMITTEE REPORT  
NO. 12-84 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 66 (2012), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 12-153, from the Budget Director, be FILED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, unless there's a request by a Member, I would also ask the Clerk to bring up Reports 12-85 and 12-86.

CHAIR MATEO: Thank you. Members, any objections in calling up these committee reports as well?



MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Hearing none, Mr. Clerk, call up Committee Report No. 12-85 and 12-86.

COMMITTEE REPORT  
NO. 12-85 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 67 (2012), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS PROGRAM", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 12-155, from the Budget Director, be FILED.

COMMITTEE REPORT  
NO. 12-86 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 68 (2012), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF WATER SUPPLY", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 12-154, from the Budget Director, be FILED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT COMMITTEE REPORTS 12-84, 85, AND 86,  
WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama and second by Mr. Couch to adopt the recommendations in Committee Report Nos. 12-84, 12-85, and 12-86.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR MATEO: Members, discussion?

COUNCILMEMBER CARROLL: Chair.

CHAIR MATEO: All those in favor of the motion to.

COUNCILMEMBER VICTORINO: Chair.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR MATEO: I'm sorry.

Mr. Carroll.

COUNCILMEMBER CARROLL: I know I'm hard to see over here. Thank you, Chair. In light of the testimony given, I'd just like to give a brief explanation. In the short term, the department would not be required to award funds to a named entity. Instead, the department would be able to procure dialysis services through competitive requests for the process, which would be Liberty in this case or any other company that would support our Hana Home Dialysis Center, and thus also providing additional oversight. Thank you.

CHAIR MATEO: Thank you, Mr. Carroll. Further discussion, Members? Seeing none, all those in favor of the motion to adopt the recommendations in Committee Report Nos. 12-84, 12-85, and 12-86, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried, seven "ayes"; two Members, excused, Mr. Pontanilla, excuse me, Vice-Chair Pontanilla and Member Cochran.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: For the record, BILL NOS. 66 (2012), 67 (2012), 68 (2012), respectively.

CHAIR MATEO: Thank you.

COMMITTEE REPORT

NO. 12-87 - POLICY COMMITTEE:

Recommending the following:

1. That Resolution 12-84 , entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES", be ADOPTED; and
2. That Resolution 12-85 , entitled "APPOINTMENT OF A MEMBER TO THE LANAI PLANNING COMMISSION", be ADOPTED.

*Approving the appointment of Kevin Souza (replacing Feliciano Sales) to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2014.*

*Approving the appointment of Priscilla Felipe (replacing Garrett Hera) to the Lanai Planning Commission, for a term expiring on March 31, 2017.*

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: With no objection, Chairman, I would ask the Clerk to bring up all committee reports from Policy Committee, including 12, up to 12-91.

CHAIR MATEO: Thank you. Members, any objections in calling up the rest of the committee reports for Policy Committee ending at Committee Report 12-91? Any objections?

COUNCILMEMBER COUCH: Short recess.

CHAIR MATEO: Members, we're going to take a, a very short recess. Please stay where you are. We are in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:28 A.M., AND WAS RECONVENED AT 9:36 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR PONTANILLA AND MEMBER COCHRAN, EXCUSED.)

CHAIR MATEO: Council of the County of Maui, regular meeting of August 21, 2012 will reconvene. Prior to the break, Mr. Hokama had requested to move up several committee reports. At this time, the Chair will recognize the Committee Report Nos. 12-87, 12-88, and 12-89 at this point.

Mr. Clerk.

COMMITTEE REPORT

NO. 12-88 - POLICY COMMITTEE:

Recommending that Resolution 12-86, entitled "APPOINTMENT OF A MEMBER TO THE COST OF GOVERNMENT COMMISSION", be ADOPTED.

*Approving the appointment of Rick Tanner (replacing Walter Baloaloe) to the Cost of Government Commission, for a term expiring on March 31, 2013.*

COMMITTEE REPORT

NO. 12-89 - POLICY COMMITTEE:

Recommending the following:

1. That Resolution 12-87, entitled "AUTHORIZING THE DISPOSAL OF STRUCTURES AT KAPUKA'ULUA (FORMERLY KNOWN AS MONTANA

BEACH) LOCATED IN PAIA, MAUI, HAWAII, PURSUANT TO SECTION 3.44.020, MAUI COUNTY CODE", be ADOPTED; and

2. That County Communication 12-45, from the Mayor, be FILED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE FOR THE ADOPTION OF THOSE COMMITTEE REPORTS WITH RECOMMENDATIONS.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama, second by Mr. Carroll, to adopt the recommendations in Committee Report Nos. 12-87, 12-88, and 12-89.

Mr. Hokama, discussion?

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR MATEO: Members, discussion? All those in favor of the motion to adopt the recommendations in Committee Report Nos. 12-87, 12-88, and 12-89, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, for the record, RESOLUTION NOS. 12-84, 12-85, 12-86, and 12-87, respectively.

CHAIR MATEO: Thank you. Proceed.

COMMITTEE REPORT  
NO. 12-90 - POLICY COMMITTEE:

Recommending the following:

1. That Resolution \_\_\_\_\_, entitled "AUTHORIZING A GRANT OF A LEASE TO THE VETERANS OF FOREIGN WARS OF THE UNITED STATES WILBERT WAH HUTOM POST 3850", be ADOPTED; and
2. That County Communication 12-122, from the Director of Parks and Recreation, be FILED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I WOULD MOVE THAT COMMITTEE REPORT 12-90 BE DEFERRED TO A TIME SET, SPECIFIC NEXT COUNCIL MEETING STATED FOR SEPTEMBER 7, 9:00 A.M. IN THIS CHAMBER.

CHAIR MATEO: Thank you.

Chair recognize, Mr. Couch.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: Yeah. Members, because there is certain issues that involves the pending lease with the Veterans agreement, Mr. Couch has cited some citations that we need to adjust.

Mr. Couch, would you like to?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Just, Members, for the record, paragraph "C." in the body of the lease where it refers to "Public Pedestrian Access Corridor", the spelling of the street is incorrect. So I just wanted to make sure that that is correct. It should be "U-L-U-N-I-U".

And then paragraph 23 of the "Covenants, Terms and Conditions", there are two words that don't make grammatical sense. We changed the first occurrence of the word "will" to "with", and the second occurrence of the word "if" to "in". And those are the changes that need to be made.

CHAIR MATEO: Thank you, Mr. Couch. Members, Mr. Hokama, the Chair of the Committee, had moved to defer Committee Report 12-90 to date certain September 7, 2012 Council meeting, 9:00 a.m. here in the chambers. It's been second by Mr. Couch. Any further discussion? All those in favor of the motion to defer committee, this committee report, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes".

Mr. Clerk, please proceed.

COMMITTEE REPORT  
NO. 12-91 - POLICY COMMITTEE:

Recommending that Bill 69, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGARDING THE CENTRAL MAUI LANDFILL", be PASSED ON FIRST READING and be ORDERED TO PRINT:

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 12-91,  
WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama, second by Mr. Carroll, to adopt the  
recommendations in Committee Report No. 12-91.

Mr. Hokama, discussion?

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR MATEO: Members, discussion? All those in favor of the motion to adopt the  
recommendations in Committee Report No. 12-91, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes". Thank you.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: For the record, BILL NO. 69 (2012).

Chairman, proceeding with County Communications.



## COUNTY COMMUNICATIONS

NO. 12-168 - JOHN D. KIM, PROSECUTING ATTORNEY,  
(dated July 26, 2012)

Transmitting a copy of a grant award letter from the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$48,717.00.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Members, if you have a request, I would like to make a, one motion to file all the way to County Communication 12-171. So, Mr. Chair, if the Clerk can bring up those following County Communications, please.

CHAIR MATEO: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Mr. Clerk, please call up the communications.

NO. 12-169 - GARY YABUTA, CHIEF OF POLICE,  
(dated August 8, 2012)

Informing of the receipt of \$4,974.66 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 12-170 - LANCE T. HIROMOTO, DIRECTOR OF PERSONNEL SERVICES,  
(dated July 31, 2012)

Informing of the abolishment of positions in various County departments.

NO. 12-171 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated July 30, 2012)

Transmitting 71 contracts/grants for June 2012.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I WOULD LIKE TO MAKE A MOTION TO FILE COUNTY  
COMMUNICATIONS 12-168, 169, 170, AND 171.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama and second by Mr. Carroll to file County  
Communication Nos. 12-168, 12-169, 12-170, and 12-171.

Mr. Hokama, discussion?

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR MATEO: Members, discussion? All those in favor of the motion to file County  
Communication Nos. 12-168, 12-169, 12-170, and 12-171, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes".

Mr. Clerk.

NO. 12-172 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated July 30, 2012)

Transmitting two reports on settlement of claims as of June 30, 2012.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from you and the Members, I would like to have this referred to the Policy Committee.

CHAIR MATEO: I'm sorry, Mr. Hokama. Can you restate?

COUNCILMEMBER HOKAMA: With no objections from the Members and yourself, Chairman, I would like to have this referred to Policy.

CHAIR MATEO: 12-172?

COUNCILMEMBER HOKAMA: That is correct, Chairman.

CHAIR MATEO: Thank you. Members, any objections in?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. So ordered.

Mr. Clerk.

NO. 12-173 - KEITH A. REGAN, ACTING MAYOR,  
(dated August 3, 2012)

Informing of a vacancy on the Lanai Planning Commission due to the resignation of Michael R. Lopez, Sr. on August 1, 2012.

CHAIR MATEO: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request the Clerk also bring up County Communication 12-174.

COUNCILMEMBER CARROLL: Second.

CHAIR MATEO: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Mr. Clerk, please call up County Communication 12-174.

NO. 12-174 - KEITH A. REGAN, ACTING MAYOR,  
(dated August 9, 2012)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Alexander Gat on August 9, 2012.

CHAIR MATEO: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE TO FILE COUNTY COMMUNICATIONS 12-173 AND  
12-174.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: Been moved by Mr. Hokama, second by Mr. Carroll, to file County Communication Nos. 12-173, 12-174.

Mr. Hokama, discussion?

COUNCILMEMBER HOKAMA: We just thank, the Council thanks Mr. Lopez and Mr. Gat for their willingness to serve the County of Maui and its people. Thank you.

CHAIR MATEO: Thank you. Members, further discussion? All those in favor of the motion to file County Communication Nos. 173 and 12-174, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes".

Mr. Clerk.

NO. 12-175 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,  
(dated August 2, 2012)

Transmitting copies of the Department of Water Supply's Monthly Source Report and  
Groundwater Use Report for the month ended July 2012.

CHAIR MATEO: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO FILE COMMITTEE REPORT *[sic]* 12-175.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Victorino, second by Mr. Hokama, to file County  
Communication No. 12-175.

Mr. Victorino.

COUNCILMEMBER VICTORINO: No, no further discussion.

CHAIR MATEO: Members, discussion? All those in favor of the motion to file County  
Communication No. 12-175, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,  
HOKAMA, VICTORINO, WHITE, AND  
CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR  
JOSEPH PONTANILLA.

CHAIR MATEO: Motion is carried with seven "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, the following County Communications are recommended for referral to the following committees as noted:

NO. 12-176 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated August 13, 2012)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR".

The recommended action is that County Communication No. 12-176 be referred to the Budget and Finance Committee.

NO. 12-177 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL  
MANAGEMENT,  
(dated August 1, 2012)

Transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE EPA CONSENT DECREE SEWER REHABILITATION PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 12-177 be referred to the Infrastructure Management Committee.

NO. 12-178 - WILLIAM SPENCE, PLANNING DIRECTOR,  
(dated August 1, 2012)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII", and related documents.

The recommended action is that County Communication No. 12-178 be referred to the Land Use Committee.

NO. 12-179 - DONALD G. COUCH, JR., COUNCILMEMBER,  
(dated August 13, 2012)

Transmitting a proposed resolution entitled, "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024".

The recommended action is that County Communication No. 12-179 be referred to the Land Use Committee.

NO. 12-180 - DANNY A. MATEO, COUNCIL CHAIR,  
(dated July 31, 2012)

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 in Haliimaile, Maui, Hawaii. (Haliimaile Subdivision)

The recommended action is that County Communication No. 12-180 be referred to the Planning Committee.

NO. 12-181 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,  
(dated August 7, 2012)

Transmitting copies of the following:

1. Senate Resolution No. 17 S.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY"; and
2. Senate Concurrent Resolution No. 49 S.D.1, H.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE".

The recommended action is that County Communication No. 12-181 be referred to the Policy Committee.

CHAIR MATEO: Thank you. Members, is there a request for consideration at this time? Hearing none, with no objections, each of the communications will be referred to the respective committees as recognized by the Clerk. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with unfinished business.

## UNFINISHED BUSINESS

### ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 63 (2012)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE  
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT



TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT)  
FOR PROPERTY SITUATED AT 1550 KOKOMO ROAD,  
HAIKU, MAUI, HAWAII, FOR THE MAKAWAO CONGREGATION OF  
JEHOVAH'S WITNESSES INC.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 64 (2012)

A BILL FOR AN ORDINANCE TO ESTABLISH P-1  
PUBLIC/QUASI-PUBLIC DISTRICT ZONING FOR PROPERTY  
SITUATED AT 1550 KOKOMO ROAD, HAIKU, MAUI, HAWAII,  
FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES INC.

DEPUTY COUNTY CLERK: Chairman, the Office of the County Clerk has not received the recorded unilateral agreement from the Bureau of Conveyances to be attached to Bill No. 63.

CHAIR MATEO: Thank you. Members, hearing that we are not in receipt of the unilateral agreements at this point, with no objections, we will postpone these bills to date certain, September 7, 9:00 a.m., which is our, in the, in the Council chambers, and the seventh is our next Council meeting. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, proceed.

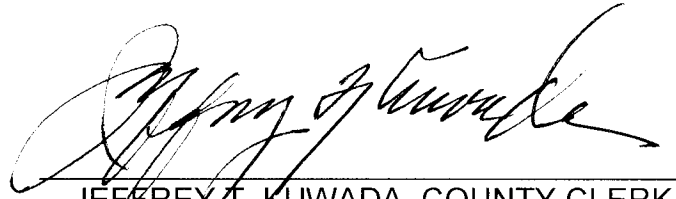
DEPUTY COUNTY CLERK: Chairman, nothing further is scheduled to come before the Council.

CHAIR MATEO: Members, we have concluded our business for the day. The Chair would like to acknowledge those individuals that continue to provide support to the Council: Mr. Pat Wong, our Corporation Counsel; Mr. Lance Taguchi, the Deputy County Clerk; Mr. Ken Fukuoka, the Director of Council Services; and our support staff, both Joyce Murashige and Theresa Valdez.

Members, thank you very much for your work this morning. The regular meeting of the Council of the County of Maui for August 21, 2012 is adjourned.

ADJOURNMENT

The regular meeting of August 21, 2012 was adjourned by the Chair at 9:51 a.m.

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada", written in a cursive style. The signature is positioned above a horizontal line.

JEFFREY T. KUWADA, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII