

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 1, 2013

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 FRIDAY, FEBRUARY 1, 2013, BEGINNING AT 9:05 A.M., WITH CHAIR GLADYS C. BAISA PRESIDING.

CHAIR BAISA: Will the regular meeting of the Maui County Council please come to order.

Mr. Clerk.

ROLL CALL

PRESENT: COUNCILMEMBERS ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, DONALD S. GUZMAN, MICHAEL P. VICTORINO, MICHAEL B. WHITE, VICE-CHAIR ROBERT CARROLL, AND CHAIR GLADYS C. BAISA.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

(Councilmember Hokama was not present when the roll was called; however, he arrived at 9:21 a.m.)

CHAIR BAISA: Good morning everyone and thank you for being here. And let's launch into this meeting, which we hope I'll survive.

We are now going to have our opening remarks. And, Mr. Victorino.

OPENING REMARKS

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

CHAIR BAISA: Thank you very much, Member Victorino. We appreciate those kind thoughts and I certainly would like to note that today is the Go Red for Woman, Women Day. And you'll see many of us wearing little tokens of red. And some of us went overboard of course because this is a very important day and we do need to take care of our hearts, women, for many reasons. None of us want to be helping the statistics that are showing that women are dying earlier and younger. And one of the biggest killers is heart disease, which never use to be in the past.

So, Members and everyone, if you will join me in reciting the Pledge of Allegiance, please stand.

PLEDGE OF ALLEGIANCE

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

CHAIR BAISA: Thank you.

Mr. Clerk, if you'd proceed please.

DEPUTY COUNTY CLERK LANCE TAGUCHI: Madam Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, Molokai, to provide testimony from our District Offices. If individuals wish to testify from one of those locations, please sign up with the District Office staff at that location.

For individuals who will be testifying in the chamber, please sign up at the desk located in the eighth floor lobby, just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude. When testifying, please state your name and the name of any organization you are representing.

At this time, Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office. I have no one waiting to testify.

DEPUTY COUNTY CLERK: Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning. This is Denise Fernandez at the Lanai Office and we have no one waiting to testify.

DEPUTY COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: We will now call for testimony in the chamber. The first person to testify is Bobbie Patnode, testifying on County Communication 13-59.

CHAIR BAISA: Please proceed, Ms. Patnode.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. BOBBIE PATNODE, KULA COMMUNITY ASSOCIATION (testifying on County Communication No. 13-59):

Good morning, Council and Chair. My name is Bobbie Patnode. I am Vice-President of the Kula Community Association and I am here to urge your attention to the issue of bike and bike tour safety Upcountry.

In 2010, Maui County received the Maui County Downhill Bicycle Tour study, which this is a copy of it from the Kimura Association. They did, they were commissioned by the Council to do a study and I think we spent quite a lot of money on that, like I think it might have been \$250,000. And they came up with some recommendations for Maui County. The Council looked at the recommendations in the Fall of 2010 and then at the end of the year it was filed.

At the beginning of 2011, David Goode sent a letter to the Council asking that we look at this again. And we again testified about that. And I met with David Goode and I met with Ms. Cochran, who was Chair of the Infrastructure Committee. And we talked about the recommendations that were in the study that our association had agreed to with the Maui Bicycle Alliance and Jimmy Muschietti's association, I don't remember the name of his, plus Cruiser Phil's Downhill Tours. And we talked about the short-term recommendations that could be enacted relatively easily.

But we still haven't had anything happen. Mr. Goode's been busy, the legal people have been busy and it has not changed Upcountry. It is still a very dangerous situation. It gets more dangerous every time there is a ship in the harbor, and soon we will have more ships in the harbor. And I, I urge your action on this.

The Kula Community Association is ready to help in any way you need. We really need some help with this. We need our roads to be more safe for everyone. Thank you very much.

CHAIR BAISA: Thank you, Ms. Patnode. Members, any questions or clarifications for the testifier? Seeing none, Ms. Patnode, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify from the Council chambers is Shelley Maddigan, testifying on County Communication 13-59.

CHAIR BAISA: Good, good morning, Ms. Maddigan.

MS. SHELLEY MADDIGAN (testifying on County Communication No. 13-59):

Good morning, Madam Chair and Council. I'm President of the Kula Association and, but I'm testifying this morning as a personal resident of Crater Road. And I have lived up there for 12 years and I have dealt with ambulances, and crashes, and bicycle issues for 12 years. It hasn't gotten better.

There's been a lot of discussion as Bobbie just pointed out. A lot of money spent on studies that have been cast aside. We're begging you as citizens of an area that are plagued with issues regarding sharing the roads. It could possibly be handled as simply as looking at how to mark the roads so that cars, buses and bicycles can all travel safely. We are a State that depends on our tourism and we invite our tourists and our visitors to come here and put their lives in complete and total danger. None of our roads Upcountry are marked to share with bicycles.

The individual biking is becoming stronger. There are more businesses opening on Crater Road to encourage and service these people. And it is a growing business. I think it got cut back a few years ago from 25 companies down to eight or eleven. And it still is no less. We still have more bikes but we just don't have as many companies. So, now we've got 30 people going down the highway at one time. And then we've got another group of 25 or 30 people. It's dangerous.

Please, we beg of you, pay some attention to this issue. It's not only the residents who are having issues with this, it is our visitors on most of Maui's roads. We, if you look around, you guys drive all the time, you've got to see that you've got to share the road with bicyclers. People are now wanting to ride their bikes to work to get around on their bicycles. We have no bike trails anywhere. We have no safety nets set up to accommodate our, this industry for one. And it's a growing industry, even if it's not just the bicycles down the highway; it's individual bicyclers. There are companies who sponsor races up and down to crater and it's not safe.

And I just urge you to please research the complete streets, a way that these roads can be made safer for everyone traveling. Thank you very much.

CHAIR BAISA: Thank you, Ms. Maddigan. Members, any questions for the testifier?

COUNCILMEMBER COCHRAN: Chair.

CHAIR BAISA: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And I know this subject matter is near and dear to your heart also. And yes, I've been apprised of it from my first term in office and this new term have inquired with Public Works to follow up on the situation. At this point, what I've been told is Public Works is, there's some things working within Corporation Counsel at this point. They've been waiting on that aspect.

But, I will, you know, by all means keep on it and keep looking into it because I know I have to deal with it too in West Maui. Our narrow, windy road, lots of personal bikers, not so much of the downhill thing or companies but it's definitely affecting our end of the world too. So I think it could be a comprehensive look at how to address the biking on our highway situation. And I know it's been ongoing up in your district.

So, thank you folks for sharing. And just rest assured that it is not forgotten. So, thank you Chair for this opportunity.

CHAIR BAISA: Thank you very much, Ms.

COUNCILMEMBER COCHRAN: Thank you folks for testifying.

CHAIR BAISA: Thank you, Ms. Cochran. Any further questions for our testifier? Seeing none, Ms. Maddigan, thank you for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: Ms. Maddigan was the last person that signed up to testify. If there are anyone else in the gallery or at the District Offices who would like to testify, please identify yourself to the appropriate staff and proceed to the podium or the District Office phone at this time.

Hana Office, is there anyone else wishing to testify?

MS. LONO: I have no one waiting to testify.

DEPUTY COUNTY CLERK: Lanai Office, is there anyone else wishing to testify?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Molokai Office, is there anyone else wishing to testify?

MS. ALCON: There is no one here waiting to testify on Molokai.

DEPUTY COUNTY CLERK: Thank you. Madam Chair, there are no other individuals in the District Offices nor the Chambers who wish to testify.

(Councilmember Hokama arrived at the meeting at 9:21 a.m.)

CHAIR BAISA: Members, having no, no, no objections, because there's no one else wanting to testify, we will, testimony, we will close testimony portion of today's agenda.

MEMBERS VOICED NO OBJECTION.

CHAIR BAISA: Thank you very much.

Chair would also like to note the presence of Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair.

CHAIR BAISA: Good morning. Members, if you have no objections, the Council will now accept written testimony. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR BAISA: Is there any written testimony, Mr. Clerk?

DEPUTY COUNTY CLERK: There's no written testimony at this time.

CHAIR BAISA: Thank you. I was informed prior that there might be. So then no necessity to accept it if it's not there.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 13-48 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 10, 2013)

Transmitting 70 contracts/grants for November 2012.

CHAIR BAISA: Mr. White.

COUNCILMEMBER WHITE: Can we have a short recess?

CHAIR BAISA: Ah, yes. The meeting is now in recess for just a brief moment.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:22 A.M., AND WAS RECONVENED AT 9:24 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR BAISA: Will the meeting please come back to order.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Madam Chair, for that little break.

MADAM CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 13-48 WITH THE EXCEPTION OF CONTRACT C5178, THAT I WOULD LIKE TO HAVE REFERRED TO THE BUDGET AND FINANCE COMMITTEE.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR BAISA: We have a motion by Mr. White, seconded by Mr. Hokama. Any discussion? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries with nine "ayes".

Mr. Clerk.

NO. 13-49 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated January 18, 2013)

Transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii, for the Domestic Violence Investigations Project.

CHAIR BAISA: Mr. White.

COUNCILMEMBER WHITE:

MADAM CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 13-49.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR BAISA: We have a motion by Mr. White, seconded by Mr. Hokama, to file.

Mr. White.

COUNCILMEMBER WHITE: No discussion.

CHAIR BAISA: Members, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries. We'll mark it nine "ayes".

Mr. Clerk.

NO. 13-50 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated January 16, 2013)

Transmitting the annual report on new utility poles approved for installation by the Director of Public Works for calendar year 2012.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN:

CHAIR, YEAH, I MOVE TO FILE COUNTY COMMUNICATION.

CHAIR BAISA: We have a, we need a second.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER COCHRAN: Oh, thank you.

CHAIR BAISA: We have a motion by Ms. Cochran, seconded by Ms. Crivello.

Any discussion, Ms. Cochran?

COUNCILMEMBER COCHRAN: No discussion, Chair.

CHAIR BAISA: Any further discussion? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion is carried. We have nine "ayes".

Mr. Clerk.

NO. 13-51 - ALAN M. ARAKAWA, MAYOR,
(dated January 15, 2013)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Molokai Planning Commission due to the resignation of Nathaniel Bacon on January 14, 2013.

CHAIR BAISA: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair.

I MOVE THAT COUNTY COMMUNICATIONS 13-51 AND
13-52 BE FILED.

CHAIR BAISA: Mr. Clerk. Oh, I'm sorry, we need a second.

COUNCILMEMBER VICTORINO:

SECOND, MADAM CHAIR.

CHAIR BAISA: We have a motion by Mr. Hokama, seconded by Mr. Victorino.

Mr. Clerk, will you call up 13-52.

NO. 13-52 - KEITH A. REGAN, ACTING MAYOR,
(dated January 22, 2013)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Maui Redevelopment Agency due to the resignation of Mark Walker on January 18, 2013.

CHAIR BAISA: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, we just thank the services of Mr. Bacon and Mr. Walker to the County for their volunteer efforts. Thank you.

CHAIR BAISA: Any further discussion? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries. We have nine "ayes".

Mr. Clerk.

NO. 13-53 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 17, 2013)

In accordance with Section 3.16.020c, Maui County Code, transmitting two reports on settlement of claims as of December 31, 2012.

CHAIR BAISA: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I wish this to be referred to Committee please.

CHAIR BAISA: Do we need a motion, Mr. Clerk?

COUNCILMEMBER HOKAMA: Chair, with no objections, I think maybe we can do this when you take all the other communications at the end of the--

CHAIR BAISA: All right, thank you, Mr. Hokama.

(See pages 19 and 20 for discussion.)

CHAIR BAISA: Moving on, Mr. Clerk.

NO. 13-54 - ELLE COCHRAN, COUNCIL MEMBER,
(dated January 24, 2013)

Relating to Council Members' reports on the 2013 1st Annual Joint State Water Conference "Integrating Water Quantity and Quality to Protect our Water Resources" held on January 15, 2013.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. I, Act 177 (2012) relating to open government went into effect on July, 1 2012. In accordance with that Act, I submitted this communication for passing on the Council agenda for today. It is my understanding that the Members who attended the presentation need not report individually.

Council Chair Baisa, Member Crivello, Member Couch, and I attended the conference on January 15, 2013. The conference was sponsored by the State Department of Health and hosted by Maui County Department of Water Supply. The one-day conference was held at the King Kamehameha Golf Course. There was no charge to attend the event, and it was open to the public by reservation.

Conference attendees received presentations from: the Department of Water Supply relating to the Water Use and Development Plan; the State Commission on Water Resource Management relating to Maui's surface water; the State Department of Health Safe Water Drinking Branch relating to protecting water resources; and the United States Geological Survey or USGS relating to its groundwater resources program.

In the afternoon, there were several breakout sessions, including a forum relating to general water issues facing the County of Maui.

MADAM CHAIR, SO I MOVE TO FILE COUNTY
COMMUNICATION 13-54.

CHAIR BAISA: Second.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR BAISA: Thank you very much. Motion by Ms. Cochran, seconded by Mr. Hokama. Any further discussion on this report? Any comments from the other attendees? Any questions? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries. We'll mark it nine "ayes".

Mr. Clerk.

NO. 13-55 - MIKE WHITE, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated January 25, 2013)

Informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Budget and Finance Committee from further consideration of County Communication 13-11, 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, DEPARTMENT OF POLICE";
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;
3. A motion to PASS ON FIRST READING AND ORDER TO PRINT the proposed bill;
4. A motion to FILE County Communication 13-11; and
5. A motion to FILE this communication.

CHAIR BAISA: Mr. White.

COUNCILMEMBER WHITE: Thank you, Madam Chair.

I MOVE TO DISCHARGE THE BUDGET AND FINANCE
COMMITTEE FROM FURTHER CONSIDERATION OF
COUNTY COMMUNICATION 13-11.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR BAISA: We have a motion by Mr. White, seconded by Mr. Hokama, for discharge.
Any discussion?

Mr. White.

COUNCILMEMBER WHITE: Thank you, Madam Chair. Your Budget and Finance Committee met on this item at its Tuesday, January 29, meeting and noted that the grant award period for this grant ends Thursday, February 28, 2013, and therefore must be approved by the Council before that deadline.

I ask for your support to discharge this matter to meet that grant deadline. Thank you.

CHAIR BAISA: Any, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, while I am very supportive of our Committee Chair White on his motion to discharge, I find it, well for me, frustrating in that when you look at the documentation, this is a grant that is to be effective from December 1, 2012 to February 28, 2013. So, it looks like we're at the last period of this grant project. And yet, we are now only being asked to consider the acceptance of a grant amount that started in December 1.

So, I want to state that, seems like we're backwards in this whole process, you know. It appears that the department has spent the money to do this project, which I have no problem with. But they come to us at the ending of the period to approve and receive the grant. I find this type of communication very difficult in order to let our standing committees have the appropriate time if there was a concern, Madam Chair.

And also, if the public had concerns about this discharge today, Madam Chair, what would they really testify since what we've agendized in no way indicates exactly what

the grant is about? So, I received a call about the ability to give meaningful testimony and I just share that with you, Chair and my fellow Members because I think it has some merit with this discussion at this time. Thank you, Chair.

CHAIR BAISA: Thank you, Mr. Hokama. Further discussion? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries with nine "ayes".

Mr. White.

COUNCILMEMBER WHITE: Thank you Madam Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE
REFERRAL AND REPORT AS PROVIDED IN RULE 7(E) OF
THE RULES OF THE COUNCIL.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR BAISA: We have a motion by Mr. White, seconded by Mr. Hokama, to waive the requirement of Committee referral and report. Any discussion?

Mr. White.

COUNCILMEMBER WHITE: No further discussion.

CHAIR BAISA: Members? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries with seven *[sic]* "ayes".

Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair.

I MOVE THAT THE 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, DEPARTMENT OF POLICE", BE PASSED ON FIRST READING AND BE ORDERED TO PRINT; AND THAT COUNTY COMMUNICATION 13-11 AND 13-55 BE FILED.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR BAISA: We have a motion by Mr. White, seconded by Mr. Hokama, to pass on first reading and order to print, and to file the County Communications 13-11 and motion to file this communication.

Any further discussion, Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. The purpose of the proposed bill is to add an appropriation for a new grant entitled "State of Hawaii Juvenile Justice Information System", in the amount of \$24,596 to improve the delivery of juvenile offenders statistics and information on a timely and efficient manner. Enhanced data management will assist in managing future resources in the deployment of Law Enforcement Tactics.

I ask for your support of this amendment.

CHAIR BAISA: Any further discussion? Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, GUZMAN, HOKAMA, VICTORINO,
WHITE, VICE-CHAIR CARROLL, AND CHAIR BAISA.

CHAIR BAISA: Opposed "no".

NOES: NONE.

CHAIR BAISA: Motion carries, mark nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, the following County Communications are recommended for referral to the following Committees as noted:

NO. 13-56 - MIKE WHITE, COUNCIL MEMBER,
(dated January 23, 2013)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, ARTICLE XII, MAUI COUNTY CODE, BY REPEALING SECTION 3.48.780, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER CREDIT, AND ESTABLISHING A NEW ARTICLE XIII, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER CREDIT".

The recommended action is that County Communication No. 13-56 be referred to the Budget and Finance Committee.

NO. 13-57 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 25, 2013)

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 ESTIMATED REVENUES; PARK ASSESSMENT FUNDS, KIHEI-MAKENA COMMUNITY PLAN AREA, SOUTH MAUI COMMUNITY PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "AGREEMENT RELATING TO PARK ASSESSMENT FEES".

The recommended action is that County Communication No. 13-57 be referred to the Budget and Finance Committee.

NO. 13-58 - GLENN T. CORREA, DIRECTOR OF PARKS AND RECREATION,
(dated January 24, 2013)

Transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF A TYPE V USE PERMIT OF A DURATION OF GREATER THAN THREE DAYS FOR THE 2013 AND 2014 MAKANI CLASSIC, PURSUANT TO SECTION 13.04.130(B), MAUI COUNTY CODE".

The recommended action is that County Communication No. 13-58 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 13-59 - GLADYS C. BAISA, COUNCIL CHAIR,
(dated January 15, 2013)

Transmitting a letter from Bobbie Patnode, Vice President of the Kula Community Association relating to bike and bike tour safety on Maui roads.

The recommended action is that County Communication No. 13-59 be referred to the Infrastructure and Environmental Management Committee.

NO. 13-60 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated January 15, 2013)

Transmitting a copy of the "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, USEPA/DOH CONSENT DECREE, QUARTERLY PROGRESS REPORT #54, OCTOBER 2012 THROUGH DECEMBER 2012".

The recommended action is that County Communication No. 13-60 be referred to the Infrastructure and Environmental Management Committee.

NO. 13-61 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated January 16, 2013)

Relating to an application submitted by Dr. Roger Kehler, Kihei Veterinary Clinic, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS

DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII", and related documents.

The recommended action is that County Communication No. 13-61 be referred to the Land Use Committee.

NO. 13-53 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 17, 2013)

In accordance with Section 3.16.020c, Maui County Code, transmitting two reports on settlement of claims as of December 31, 2012.

The recommended action is that County Communication No. 13-53 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 13-62 - DONALD G. COUCH, JR., COUNCIL MEMBER,
(dated January 15, 2013)

Transmitting a proposed resolution entitled "URGING THE STATE OF HAWAII PUBLIC UTILITIES COMMISSION TO HOLD A PUBLIC HEARING IN SOUTH MAUI ON MAUI ELECTRIC COMPANY'S MAALAEA-KAMALII TRANSMISSION AND KAMALII SUBSTATION PROJECT".

The recommended action is that County Communication No. 13-62 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 13-63 - MICHAEL P. VICTORINO, COUNCIL MEMBER,
(dated January 22, 2013)

Transmitting a proposed resolution entitled "URGING THE HAWAII CONGRESSIONAL DELEGATION, THE MAUI COUNTY DELEGATION TO THE STATE LEGISLATURE, AND THE MAYOR OF THE COUNTY OF MAUI TO SUPPORT THE ACQUISITION OF LIPOA POINT AND LANDS SURROUNDING HONOLUA BAY".

The recommended action is that County Communication No. 13-63 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 13-64 - MICHAEL P. VICTORINO, COUNCIL MEMBER,
(dated January 22, 2013)

Transmitting a letter from Johanna Kamaunu of Hui Pono `Ike Kanawai, regarding their organization Hui Pono `Ike Kanawai.

The recommended action is that County Communication No. 13-64 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 13-65 - G. RIKI HOKAMA, COUNCIL MEMBER,
(dated January 25, 2013)

Relating to the operations of the Department of Fire and Public Safety and the Department of Police.

The recommended action is that County Communication No. 13-65 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR BAISA: Members, if there are no objections, these communications, including 13-53 to PA, PIA, will be referred to the Committees as noted by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR BAISA: Seeing none, then that's what will happen to these communications.

Mr. Clerk.

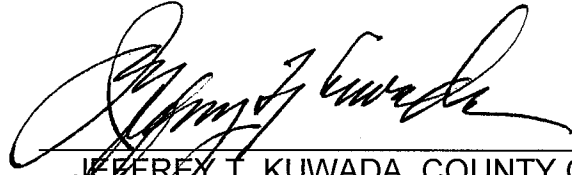
DEPUTY COUNTY CLERK: Madam Chair, nothing further is scheduled to come before the Council.

CHAIR BAISA: Well, Members, that being that there is no further business to come before the Council today, again, the Chair would certainly like to take the opportunity to thank all of you for your promptness and your participation today. I'd like to thank our staff and our Corporation Counsel for being here with us today, and for the public that came to participate. And wish you all a very wonderful weekend.

And let's keep the words of Mr. Victorino in mind as Valentine's Day approaches. The meeting is now adjourned.

ADJOURNMENT

The regular meeting of February 1, 2013 was adjourned by the Chair at 9:40 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