

RECEIVED

**COUNCIL OF THE COUNTY OF MAUI**

2013 MAY 30 PM 2:17

**A G E N D A**

Regular Meeting of June 6, 2013  
9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii  
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii  
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.  
e-mail: [county.clerk@mauicounty.us](mailto: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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 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.

- 
- A. ROLL CALL
- B. OPENING REMARKS: COUNCILMEMBER STACY CRIVELLO
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING MAUI CHEER BABES FOR CAPTURING ALL YOUTH CHEER LEVEL 1 HONORS AT THE 2013 JAMFEST CHEER NATIONALS IN LONG BEACH, CALIFORNIA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of May 7, 2013

H. COMMITTEE REPORTS:NO. 13-63 - PLANNING COMMITTEE:

Recommending **FILING** of communications relating to annual compliance reports for the 670-acre Kihei-Makena Project District 9 located at Paeahu, Palauea, Keauhou, Hawaii (Honua`ula).

NO. 13-64 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill amending Section 19.510.040, Maui County Code, relating to change of zoning protests.

NO. 13-65 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 19.04.040, Maui County Code, and Chapter 19.31, Maui County Code, relating to Public/Quasi-Public Districts; and
2. **FILING** of communication.

NO. 13-66 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.04, Maui County Code, relating to comprehensive zoning provisions, and Chapter 19.30A, Maui County Code, relating to utility walls in the Agricultural District; and
2. **FILING** of communication.

---

H. COMMITTEE REPORTS (continued):

NO. 13-67 - PLANNING COMMITTEE:

Recommending **REFERRAL** of communication relating to roadside stands and farmer's markets in the Agricultural District to the Economic Development, Energy, Agriculture and Recreation Committee.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-176 - DIRECTOR OF PERSONNEL SERVICES, transmitting a report of the reclassification of positions that were transferred from one compensation plan to another for the calendar year 2012.

NO. 13-177 - COUNCILMEMBER CARROLL, transmitting a proposed resolution entitled "APPOINTING THE PRESIDING OFFICER PRO TEMPORE OF THE COUNCIL"; and requesting that the following motions be offered:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

NO. 13-178 - CHAIR, BUDGET AND FINANCE COMMITTEE, 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 13-73;
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 ADOPT the revised proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE MANAGEMENT FUND, FISCAL YEAR 2013 BUDGET";
4. A motion to FILE County Communication 13-73; and
5. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 13-179 - CHAIR, BUDGET AND FINANCE COMMITTEE, 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 13-110, 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 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER OPERATIONS PROGRAM – SEWER FUND; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, ALAMAHA WASTEWATER PUMP STATION MODIFICATIONS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS";
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 13-110; and
5. A motion to FILE this communication.

NO. 13-180 - CHAIR, BUDGET AND FINANCE COMMITTEE, proposing an amendment to Bill No. 43 (2013) entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014".

NO. 13-181 - FIRE CHIEF, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE HAWAII STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO".

NO. 13-182 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PRESERVE THE CURRENT TAX-EXEMPT STATUS OF MUNICIPAL BONDS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

---

**K. ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 33 (2013) - "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 WEST MAUI RECYCLED WATER SYSTEM EXPANSION, PHASE 1B, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"
- BILL NO. 34 (2013) - "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 KIHEI WASTEWATER PUMP STATION NO. 10 FORCE MAIN REPLACEMENT PROJECT, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"
- BILL NO. 35 (2013) - "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 OLINDA WATER TREATMENT FACILITY - ORGANIC CARBON REDUCTION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"
- BILL NO. 36 (2013) - "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 WAIKAMOI FLUME REPAIR/REPLACEMENT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"
- BILL NO. 37 (2013) - "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 WAILUKU WELL #2 EXPLORATORY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"
- BILL NO. 38 (2013) - "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 PHASE 6 BOOSTER PUMP UPGRADES, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"

---

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

- BILL NO. 39 (2013) - "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 KULA 200 #1 TANK REPLACEMENT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE"
- BILL NO. 40 (2013) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF THIRTY MILLION EIGHT HUNDRED NINETY-ONE THOUSAND DOLLARS (\$30,891,000) 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. 41 (2013) - "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. 42 (2013) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2014"
- BILL NO. 43 (2013) - "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014"

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

BILL NO. 44 (2013) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN (CONDITIONAL BOUNDARY AMENDMENT) FOR TAX MAP KEY NUMBER (2) 4-9-002:001 (POR.), LANAI, MAUI, HAWAII"

BILL NO. 45 (2013) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-2 HEAVY INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR TAX MAP KEY NUMBER (2) 4-9-002:001 (POR.), LANAI, MAUI, HAWAII"

BILL NO. 46 (2013) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, SPECIAL MAINTENANCE PROGRAM – GENERAL FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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.**