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COUNCIL OF THE COUNTY OF MAUI

2014 MAR 18 PM 3:18

A G E N D A

Regular Meeting of March 25, 2014
1:30 p.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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING APRIL 8, 2014 AS EQUAL PAY DAY IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 14-42 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by (1) adding a \$150,000 appropriation to the Department of Parks and Recreation, Administration Program, for a grant entitled "Grant to Haiku Community Association for Kalakupua Playground"; and (2) deleting the Capital Improvement Project appropriation of \$150,000 for the Kalakupua Playground, Paia-Haiku Community Plan Area; and
2. **FILING** of communication.

NO. 14-43 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by (1) increasing the appropriation for the Aging and Disability Resource Center ("ADRC") Expansion grant by \$383,576, from \$436,650 to \$820,226; and (2) increasing the Limited Term Appointment equivalent personnel for the ADRC by 2.0, from 3.0 to 5.0; and
2. **FILING** of communication.

NO. 14-44 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:Recommending **ADOPTION** of resolution authorizing settlement of the Claim of Myrtle Bates, Claim 2013-1038-15, for \$9,000.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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), Hawaii Revised Statutes, 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.

H. COMMITTEE REPORTS (continued):NO. 14-45 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution relating to the appointment of members to the boards, committees, and commissions for the County of Maui:

1. **APPROVE** the appointment of the following members to the boards, committees, and commissions for the County of Maui (for terms beginning on April 1, 2014, and expiring on March 31, 2019, unless otherwise indicated):

- A. **COST OF GOVERNMENT COMMISSION**

1. Gabriel Hoeffken;
2. Kent Hiranaga;
3. John Watling; and
4. Stanford Lanias.

- B. **MAUI COUNTY CULTURAL RESOURCES COMMISSION**

1. Francis Skowronski (Reappointment); and
2. Arleen Ricalde-Garcia.

- C. **PUBLIC WORKS COMMISSION**

1. Charlene Shibuya;
2. Derek Ono;
3. June Davis;
4. Darren Okimoto, for a term expiring on March 31, 2018;
5. Cynthia Catugal, for a term expiring on March 31, 2018;
6. Steven Arce, for a term expiring on March 31, 2017;
7. Patrice Matsumoto, for a term expiring on March 31, 2017;
8. Alan Fernandez, for a term expiring on March 31, 2016; and
9. Gregg Nelson, for a term expiring on March 31, 2016.

ALTERNATE:

1. Harry Hecht, for a term expiring on March 31, 2016; and
2. Paul Mikolay, for a term expiring on March 31, 2016; and

2. **NEITHER APPROVE NOR DISAPPROVE** the reappointment of Calmentina Gomes to the Cost of Government Commission for a term beginning on April 1, 2014, and expiring on March 31, 2019.

H. COMMITTEE REPORTS (continued):

NO. 14-46 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the employment of Marr Jones & Wang A Limited Liability Law Partnership as special counsel in Neldon Mamud v. County of Maui, Civil CV14-00102 JMS BMK, because of a conflict of interest, for a total compensation not to exceed \$50,000.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 14-67 - DIRECTOR OF FINANCE, transmitting 52 contracts/grants for January 2014.

NO. 14-68 - MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Patrice Matsumoto.

NO. 14-69 - MAYOR, informing of a vacancy on the Liquor Control Adjudication Board due to the resignation of Edward Zwick.

NO. 14-70 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending February 2014.

NO. 14-71 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for January 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Hawaii Water Service Company, and Wailuku Water Company for the same period.

NO. 14-72 - COUNCILMEMBER WHITE, relating to Council Members' report on "NACo Technology-Innovations Summit: Is Your County an Innovation Hub?", an informational workshop that took place at the 2014 National Association of Counties' Legislative Conference.

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-73 - COUNCILMEMBER COUCH, relating to Council Members' report on "Legislative Update: Congressional Activity that Impacts Counties", an informational workshop that took place at the 2014 National Association of Counties' Legislative Conference.
- NO. 14-74 - COUNCILMEMBER COCHRAN, relating to Council Members' report on a meeting with United States Senator Mazie K. Hirono, which took place at the 2014 National Association of Counties' Legislative Conference.
- NO. 14-75 - COUNCILMEMBER COCHRAN, relating to Council Members' report on a meeting with United States Senator Brian Schatz, which took place at the 2014 National Association of Counties' Legislative Conference.
- NO. 14-76 - COUNCILMEMBER COCHRAN, relating to Council Members' report on a meeting with the staff of United States Representative Colleen Hanabusa, which took place at the 2014 National Association of Counties' Legislative Conference.
- NO. 14-77 - COUNCILMEMBER COCHRAN, relating to Council Members' report on a meeting with United States Representative Tulsi Gabbard, which took place at the 2014 National Association of Counties' Legislative Conference.
- NO. 14-78 - COUNCIL CHAIR BAISA, relating to an open data policy for the County of Maui.
- NO. 14-79 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.040, MAUI COUNTY CODE, RELATING TO STOP REQUIRED-THROUGH STREET INTERSECTING NON-THROUGH STREET".
- NO. 14-80 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.68.110, MAUI COUNTY CODE, RELATING TO PROHIBITING OR REGULATING THE USE OF ROADWAYS BY CERTAIN CLASSES OR KINDS OF TRAFFIC".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 20 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.81, MAUI COUNTY CODE, RELATING TO ADMINISTRATION OF THE ECONOMIC DEVELOPMENT REVOLVING FUND"

BILL NO. 21 (2014) - "A BILL FOR AN ORDINANCE TO EXTEND AND AMEND ORDINANCE NO. 3492 (2007), A CONDITIONAL PERMIT TO ALLOW THE CONTINUED OPERATION OF A YOUTH CENTER WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 4-6-012:005 (POR.), LAHAINA, MAUI, HAWAII"

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.