

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of March 20, 2015
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

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier may be allowed to speak for three minutes on each item. If additional time is requested, the testifier may 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN

 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING MAUI CHEER ALLSTARS FOR WINNING THE 2015 NATIONAL TITLE AT THE AMERICAN MASTERPIECE CHEER NATIONAL CHAMPIONSHIPS"

NO. _____ - "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE STATE REPRESENTATIVE MELE CARROLL"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of February 6, 2015
Special Meeting of February 17, 2015

H. COMMITTEE REPORTS:

NO. 15-18 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget by adding a \$20,000 appropriation for the Office of the Mayor, to enable the County to receive a grant from the Hawaii State Energy Office for the 2015 Maui Energy Conference; and
2. **FILING** of communication.

NO. 15-19 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget by changing the grant name from Federal Highway Administration/Intermodal Surface Transportation Efficiency Act (ISTEA) Highway and other Transportation Grants to Federal Highway Administration, Federal-Aid and Other Transportation Grants, Department of Public Works; and by increasing the appropriation by \$2,925,550; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-20 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget by adding a \$101,000 appropriation for the Department of Public Works, to enable the County to receive a grant from the State of Hawaii Department of Transportation – Safe Routes to School Program Special Fund; and
2. **FILING** of communication.

NO. 15-21 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize: (1) the employment of Michael Shebelskie, Esq., of Hunton & Williams LLP, to represent the County in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK; and (2) raising the compensation limit for the employment of special counsel by an additional \$500,000 for trial preparation, motions, trial, and appeal, for a total compensation not exceeding \$1,750,000.

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.

NO. 15-22 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a license of County real property to Hitachi Advanced Clean Energy Corporation, in association with JUMPSmartMaui, for the installation, operation, and maintenance of electric vehicle quick chargers and local battery units at Haiku Community Center, Kihei Community Center, Lahaina Aquatic Center, and County offices at the Kalana Pakui Building in Wailuku; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-23 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State Department of Transportation for the implementation of County Federal-aid highway projects and programs, and to indemnify the State under certain limited circumstances; and
2. **FILING** of communication.

NO. 15-24 - 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, 2015, and expiring on March 31, 2020):
 - A. FIRE AND PUBLIC SAFETY COMMISSION
 1. Linda Fernandez (Lanai).
 - B. LANAI PLANNING COMMISSION
 1. Jarrod Barfield (Lanai).
 - C. LIQUOR CONTROL ADJUDICATION BOARD
 1. Candace Ariaga (Lanai).
 - D. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 1. Christy Kajiwarra-Gusman (Reappointment).
2. **DISAPPROVE** the appointment of the following members to the boards, committees, and commissions for the County of Maui:
 - A. FIRE AND PUBLIC SAFETY COMMISSION
 1. Elgin Keahi Meyer (Molokai).
 - B. LANAI PLANNING COMMISSION
 1. James Clemens (Lanai).

NO. 15-25 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of David Sereda to the Urban Design Review Board, for a term beginning on April 1, 2015, and expiring on March 31, 2020.

H. COMMITTEE REPORTS (continued):NO. 15-26 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of James Leary to the Kula Agricultural Park Committee, for a term expiring on March 31, 2018;
2. **ADOPTION** of resolution approving the appointment of Sara Gadarian to the Board of Ethics, for a term expiring on March 31, 2015; and
3. **ADOPTION** of resolution approving the appointment of Judy Egger to the Affirmative Action Advisory Council, for a term expiring on March 31, 2018.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 15-82 - DIRECTOR OF FINANCE, transmitting 30 contracts/grants for the month ending January 2015.

NO. 15-83 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending February 2015.

NO. 15-84 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MIKALA LEIKANANI ENFIELD TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION".

NO. 15-85 - COUNCIL CHAIR WHITE, relating to the Single Audit Report.

NO. 15-86 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 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)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-87 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".
- NO. 15-88 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".
- NO. 15-89 - DIRECTOR OF FINANCE, transmitting the Full Cost Allocation Plan as of February 26, 2014 and the OMB A-87 Compliant Cost Allocation Plan as of March 31, 2014, prepared by Matrix Consulting Group.
- NO. 15-90 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE COUNCIL FOR THE 2015-2017 TERM".
- NO. 15-91 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY CONSISTING OF TAX MAP KEY NUMBERS (2) 2-5-005:017 (POR.) AND (2) 2-6-001:001 (POR.), PAIA, MAUI, HAWAII, TO PAIA YOUTH COUNCIL, INC., PURSUANT TO CHAPTERS 3.36 AND 3.40, MAUI COUNTY CODE".
- NO. 15-92 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO LAE'ULA O KAI".

1. COUNTY COMMUNICATIONS (continued):

NO. 15-93 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDITS AND FORECLOSURES".

NO. 15-94 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "APPROVING A VARIATION FROM THE APPROVED PLANS AND SPECIFICATIONS FOR THE WAIKAPU GARDENS PHASE II 201H PROJECT IN RELATION TO THE REQUIRED WAIKO ROAD IMPROVEMENTS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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.