

COUNCIL OF THE COUNTY OF MAUI RECEIVED

2015 MAR 31 PM 3:37

A G E N D A

Regular Meeting of April 7, 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 approved by the presiding officer and announced prior to any oral testimony being taken, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DONALD G. COUCH, JR.

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 15-27 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the transfer, within the Fiscal Year 2015 Budget for the Department of Finance, of the following unencumbered appropriations: (1) \$115,000 from Countywide Costs, Fringe Benefits, to Countywide Costs, General Costs, for shortfalls in postage, telephone system, and rentals and facilities; and (2) \$65,000 from Countywide Costs, Fringe Benefits, to Accounts Program for shortfalls in premium pay and professional services; and
2. **FILING** of communication.

NO. 15-28 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to require separated married persons who wish to qualify for homeowner status in different residences to provide a copy of a separation decree and to each file separate income tax returns as a resident of the State of Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-29 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the title of the Molokai Baseyard capital improvement project in the FY 2015 Budget ordinance to read "Molokai Baseyard Design and Construction";
2. **FIRST READING** of bill to amend the title of the Molokai Baseyard capital improvement project in the General Obligation Bond ordinance for FY 2015 to read "Molokai Baseyard Design and Construction";
3. **FIRST READING** of bill to amend the title of the Molokai Baseyard capital improvement project in the Lapsed Bond Proceeds ordinance for FY 2015 to read "Molokai Baseyard Design and Construction"; and
4. **FILING** of communication.

NO. 15-30 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a utility easement for power and communication lines to Maui Electric Company, Limited, and Hawaiian Telcom, Inc., on portions of County real property located in Waiehu, Maui, Hawaii, identified as TMK: (2) 3-3-001:001, consisting collectively of approximately 574 square feet; and
2. **FILING** of communication.

NO. 15-31 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution (1) declaring the disposition by negotiation of Hui Road "G", containing 16,990 square feet, located adjacent to the Napili Kai Beach Resort at 5900 Lower Honoapiilani Highway, Napili, Maui, Hawaii, to be in the public interest; (2) declaring Hui Road "G" to be vacated, closed and discontinued as a County public highway; and (3) authorizing the disposition of Hui Road "G" to Napili Kai, Ltd. For \$22,500 plus closing costs; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-32 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting Curtis A. Burr, Trustee of the Warmenhoven Spirit Trust, a non-exclusive easement through a portion of Keoneio-Makena Road, comprising 3,289 square feet, for a private sewerline to serve 4538 Makena Road, Kihei, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-33 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Carlson Kukona III to the Public Works Commission, for a term expiring March 31, 2019.

NO. 15-34 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to execute an intergovernmental agreement with the Hawaii Housing Finance and Development Corporation to receive a grant of \$2,414,309, from the United States Department of Housing and Urban Development HOME Investment Partnerships Program, for development of a portion of the Kulamalu Affordable Housing Project located in Pukalani, Maui; and
2. **FILING** of communication.

NO. 15-35 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the State Board on Geographic Names to rename Iao Stream to Wailuku River; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 15-36 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the Administration to execute an agreement with the Hawaii Government Employees Association to compensate eligible ocean safety officers for using personal watercraft in rescues and other operations; and
2. **FILING** of communication.

NO. 15-37 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill adopting, with amendments, the updated Hawaii State Fire Code, effective August 15, 2014, as the updated Maui County Fire Code; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 15-95 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Kent Hiranaga.

NO. 15-96 - MAYOR, informing of a vacancy on the Board of Water Supply due to the resignation of Kula Gaughen-Haili.

NO. 15-97 - COUNCIL VICE-CHAIR GUZMAN, transmitting Councilmembers' Report on Educational Conference: "2015 Maui Energy Conference".

NO. 15-98 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for January 2015, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Wailuku Water Company and East Maui Irrigation Company, Ltd. for the same period.

1. COUNTY COMMUNICATIONS (continued):

NO. 15-99 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF GREG GARNEAU AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

NO. 15-100 - COUNCILMEMBER CRIVELLO, transmitting a proposed resolution entitled "URGING THE MAYOR TO PROPOSE AN AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CONTINUED OPERATION OF THE MOLOKAI FERRY".

NO. 15-101 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE".

NO. 15-102 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE AND GOVERNOR TO SUPPORT LEGISLATION FACILITATING PUBLIC-PRIVATE COLLABORATION FOR THE MAUI COUNTY'S PUBLIC HOSPITALS AND HEALTH CARE".

NO. 15-103 - MAYOR, relating to the proposed Fiscal Year 2016 Budget including the following:

1. Mayor's Budget Proposal;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2016";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTY MILLION EIGHT HUNDRED EIGHT THOUSAND TWO HUNDRED FIFTY DOLLARS (\$80,808,250) 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

1. COUNTY COMMUNICATIONS (continued):

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";

5. A proposed bill entitled "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";
6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2016 BUDGET ORDINANCE";
7. A proposed bill entitled "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 IAO WATER TREATMENT FACILITY REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2016 BUDGET ORDINANCE";
8. Mayor's Budget Proposal Synopsis; and
9. CD of the Fiscal Year 2016 Mayor's Budget Proposal.

NO. 15-104 - COUNTY AUDITOR, transmitting the Single Audit Reports and the required communications letter for the Fiscal Year Ended June 30, 2014, submitted by N&K CPAs, Inc.

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-105 - 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 APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, SOLID WASTE MANAGEMENT FUND, CHARGES FOR CURRENT SERVICES, FEES – REFUSE COLLECTION".
- NO. 15-106 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.20.420, MAUI COUNTY CODE, RELATING TO VEHICLE WINDSHIELD REQUIREMENTS".
- NO. 15-107 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.44, MAUI COUNTY CODE, RELATING TO SPECIAL STOPS."
- NO. 15-108 - PLANNING DIRECTOR, transmitting a proposed Change in Zoning application filed by Chris Hart & Partners, Inc., transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII".
- NO. 15-109 - PRESIDING OFFICER PRO TEMPORE VICTORINO, relating to the procedures regarding DNA test results by the Department of Police and Department of the Prosecuting Attorney.
- NO. 15-110 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed resolution entitled "APPROVING THE FISCAL YEAR 2016 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES".
- NO. 15-111 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 5 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 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 (HAWAII STATE ENERGY OFFICE)"
- BILL NO. 6 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 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 PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)"
- BILL NO. 7 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 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 PUBLIC WORKS (STATE OF HAWAII DEPARTMENT OF TRANSPORTATION – SAFE ROUTES TO SCHOOL PROGRAM SPECIAL FUND)"
- BILL NO. 8 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE IMPLEMENTATION OF COUNTY FEDERAL-AID HIGHWAY PROJECTS AND PROGRAMS, AND TO INDEMNIFY THE STATE OF HAWAII UNDER CERTAIN LIMITED CIRCUMSTANCES"

L. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

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.

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.