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**COUNCIL OF THE COUNTY OF MAUI**

2015 OCT -9 PM 3: 10

**A G E N D A**

Regular Meeting of October 16, 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](mailto:county.clerk@mauicounty.us)

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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 from each of the Council district offices noted above. If the 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 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 ROBERT CARROLL
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of August 25, 2015.

H. COMMITTEE REPORTS:NO. 15-145 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 2014-2022-21 of Douglas Caldito for \$8,851.

*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. 15-146 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of special counsel to represent certain Defendants in Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC, with total compensation for the employment of all special counsel not to exceed \$75,000.

*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. 15-147 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to codify the ordinances relating to the exceptional tree list in order to place the list within the Maui County Code rather than in various ordinances; and
2. **FILING** of communication.

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**H. COMMITTEE REPORTS (continued):****NO. 15-148 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to provide comments on the draft Maui County Planting Plan, Third Edition; and
2. **FILING** of communications.

**NO. 15-149 - LAND USE COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving with modification the Kenolio Apartments Project, pursuant to Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving the Kenolio Apartments Project, pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Kenolio Apartments Project, pursuant to Section 201H-38, Hawaii Revised Statutes.

**NO. 15-150 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:**Recommending **ADOPTION** of resolution approving the appointment of Zachary Helm to the Liquor Control Adjudication Board for a term expiring March 31, 2016.**NO. 15-151 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:**Recommending **ADOPTION** of resolution approving the appointment of Annie Alvarado to the Cost of Government Commission for a term expiring March 31, 2019.**I. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

- NO. 15-256 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2015.**

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-257 - DEPUTY CORPORATION COUNSEL BRIAN A. BILBERRY, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL NO. 15-00384 LEK-KSC".

*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. 15-258 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES OFFICERS FOR FISCAL YEAR 2016".

- NO. 15-259 - DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4128, BILL NO. 32 (2014), AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR VARIOUS WATER PROJECTS, FISCAL YEAR 2015 BUDGET ORDINANCE" and a related document.

- NO. 15-260 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2015.

- NO. 15-261 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "ENCOURAGING THE DEVELOPMENT OF ENTITLED RESIDENTIAL-HOUSING PROJECTS".

- NO. 15-262 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF EASEMENTS FOR SEWERLINE PURPOSES TO HOSPICE MAUI, INC., PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

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K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 71 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY"

BILL NO. 72 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE LANAI WASTEWATER TREATMENT FACILITY"

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATIONS:

NO. 15-242 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "A RESOLUTION IN OPPOSITION TO THE PROPOSED CHANGE IN CONTROL IN THE MATTER OF THE APPLICATION BY HAWAIIAN ELECTRIC INDUSTRIES, INC. AND NEXTERA ENERGY, INC. IN DOCKET NO. 2015-0022 FILED ON 1/29/15".

NO. 15-244 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROHIBITING SMOKING IN MOTOR VEHICLES OCCUPIED BY MINORS".

NO. 15-245 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE TO \$15.00 PER HOUR IN 2019".

NO. 15-246 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY".

**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.**