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COUNCIL OF THE COUNTY OF MAUI

2016 MAR 11 PM 2:12

A G E N D A

Regular Meeting of March 18, 2016

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://co.mauhi.us/Archive.aspx?AMID=226>

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 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 DON COUCH
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING THE SEABURY HALL MIXED PADDLING TEAM ON WINNING THE 2016 STATE TITLE"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of February 5, 2016.

H. COMMITTEE REPORTS:

NO. 16-37 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by 1) increasing Interfund Transfers by \$15,020; 2) increasing Department of Finance, Countywide Costs, Supplemental Transfer to the Golf Fund, by \$15,020; 3) decreasing Department of Parks and Recreation, Park Maintenance Program, by \$15,020; and 4) increasing Department of Parks and Recreation, Waiehu Golf Course Program - Golf Fund, General, by \$15,020 for additional funds for a greens roller, utility cart, fuel tanks, and a pumping system.

NO. 16-38 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to authorize \$75,000 in additional compensation for Kobayashi Sugita & Goda, LLP, as special counsel for Defendants Alan Arakawa, Patrick Wong, Keith Regan, David Goode, Milton Arakawa, William Spence, John Min, and Jeffrey Hunt, who have been identified as Defendants in their individual capacities, in Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC, for a total compensation not to exceed \$125,000; and
2. **FILING** of communications.

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.

H. COMMITTEE REPORTS (continued):NO. 16-39 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of U.S. Equal Employment Opportunity Commission v. County of Maui Police Department, et al., Civil 13-00698 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. 16-40 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30154560286-0001 of First Insurance Company of Hawaii, Ltd., on behalf of its insured, Zita Mendoza Morales, for \$21,250.05.

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. 16-41 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to indemnify Myrna Sabas-Ryder, Anselm Yazaki, and Aly Miyashiro in Jason Griego and James Sanchez v. County of Maui, et al., Civil 15-00122 SOM BMK.

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. 16-42 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to urge passage of State legislation to assist farmers and ranchers on Molokai in complying with FDA Food Safety Modernization Act, which Congress passed in 2010 and was signed into law by President Barack Obama on January 4, 2011; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 16-43 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve a Park Assessment Agreement for the Kamalani Subdivision in Kihei; and
2. **FILING** of communication.

NO. 16-44 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the Tom Morrow Equestrian Arena, a nonprofit organization, to lease a portion of the Fourth Marine Division Memorial Park in Haiku, Maui, Hawaii, for the operation of a community horseback-riding facility for a nominal annual rental fee of \$1 through June 30, 2035; and
2. **FILING** of communication.

NO. 16-45 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the acquisition of the Waiakoa Gym, located at 4600 Lower Kula Road, Kula, Maui, Hawaii, from Maui Federal Credit Union for \$1,200,000; and
2. **FILING** of communication.

NO. 16-46 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to revise provisions dealing with the regulation and management of County parks and recreational facilities; and
2. **FILING** of communication.

NO. 16-47 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to repeal Chapter 3.34, Maui County Code, eliminating the Rental Housing Development Revolving Fund, and transfer the Fund balance to the Affordable Housing Fund; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 16-48 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointments of Joaquin Freitas and Travis Tancayo to the Fire and Public Safety Commission for terms beginning April 1, 2016, and expiring March 31, 2021;
2. **ADOPTION** of resolution approving the appointments of Linda Clark and Jade Smith to the Hana Advisory Committee for terms beginning April 1, 2016, and expiring March 31, 2021;
3. **ADOPTION** of resolution approving the appointments of Faraz Azizoltani (reappointment) and Cranston Kapoi to the Maui County Commission on Persons with Disabilities for terms beginning April 1, 2016, and expiring March 31, 2021;
4. **ADOPTION** of resolution approving the appointments of Michael Drew and Robert Stephenson to the Molokai Planning Commission for terms beginning April 1, 2016, and expiring March 31, 2021;
5. **ADOPTION** of resolution approving the appointments of May Fujiwara and Eugene Santiago to the Police Commission for terms beginning April 1, 2016, and expiring March 31, 2021;
6. **ADOPTION** of resolution approving the appointment of Scott Innes to the Real Property Tax Review Board for a term beginning April 1, 2016, and expiring March 31, 2021;
7. **ADOPTION** of resolution approving the appointment of Kirstin Hamman to the Commission on Children and Youth for a term beginning April 1, 2016, and expiring March 31, 2021;
8. **ADOPTION** of resolution approving the appointment of Lucy Feinberg to the Commission on Children and Youth for a term beginning April 1, 2016, and expiring March 31, 2021;
9. **ADOPTION** of resolution approving the appointment of Shay Chan Hodges to the Board of Water Supply for a term beginning April 1, 2016, and expiring March 31, 2021; and
10. **ADOPTION** of resolution approving the appointment of Antoinette Lucienne de Naie to the Board of Water Supply for a term beginning April 1, 2016, and expiring March 31, 2021.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 16-44 - DIRECTOR OF FINANCE, transmitting 21 contracts/grants for the month ending January 2016.
- NO. 16-45 - CHIEF OF POLICE, informing of the receipt of \$24,547.53 in Forfeiture Funds from the Department of the Attorney General.
- NO. 16-46 - CHIEF OF POLICE, informing of the receipt of \$20,379.80 from the U.S. Marshals Service.
- NO. 16-47 - CHIEF OF POLICE, informing of the receipt of \$5,480.50 in Forfeiture Funds from the Department of the Attorney General.
- NO. 16-48 - 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 2016.
- NO. 16-49 - COUNTY AUDITOR, transmitting the Single Audit Report, Management Advisory Report, and the required communications letter for the Fiscal Year Ended June 30, 2015, submitted by N&K CPAs, Inc.
- NO. 16-50 - MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 14, OCEAN SAFETY OFFICERS".
- NO. 16-51 - 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 2015.
- NO. 16-52 - COUNCIL CHAIR, relating to improvements at Baldwin Beach Park, Paia.
- NO. 16-53 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.34.090 AND 14.35.080 RELATING TO THE EXEMPTIONS FOR THE WASTEWATER ASSESSMENT FEES FOR FACILITY EXPANSION AND COLLECTION/TRANSMISSION SYSTEM UPGRADE".
- NO. 16-54 - FIRE CHIEF, transmitting copies of the Maui Fire Department Master Strategic Plan (2016-2020).
- NO. 16-55 - PRESIDING OFFICER PRO TEMPORE VICTORINO, relating to the notification of Council's opportunity to nominate an individual to the Cost of Government Commission.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 25 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 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 POLICE (HAWAIIAN COMMERCIAL & SUGAR COMPANY (HC&S) COMMUNITY INITIATIVE GRANT PROGRAM)"

BILL NO. 26 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION/MAINTENANCE PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 27 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, ACCOUNTS PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 28 (2016) - "A BILL FOR AN ORDINANCE TO AUTHORIZE AGRICULTURAL WATER RATES FOR PROPERTIES OWNED, OPERATED, OR MANAGED BY THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES"

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.