

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of January 22, 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.maui.hi.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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR DON S. GUZMAN
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of December 4, 2015.
Regular Meeting of December 18, 2015.

H. COMMITTEE REPORTS:NO. 16-5 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by (1) increasing Bond/Lapsed Bond revenues by \$1,381,750; and (2) adding a \$1,381,750 appropriation from the Bond Fund, Makawao-Pukalani-Kula Community Plan Area, Road Improvements, for the Old Haleakala Highway Reconstruction project;
2. **FIRST READING** of bill to amend the Fiscal Year 2016 general obligation bond authorization ordinance by adding \$1,381,750 for the Makawao-Pukalani-Kula Community Plan Area, Road Improvements, Old Haleakala Highway Reconstruction project; and
3. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2016 Budget by increasing the appropriation of grant revenue to the Department of Public Works, Federal Highway Administration, Federal-Aid and Other Transportation Grants by \$5,527,000.

NO. 16-6 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Dukie J. Racadio v. County of Maui, et al., Civil 14-1-0451(2).

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 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, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

H. COMMITTEE REPORTS (continued):NO. 16-7 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of correspondence dated October 23, 2015, from the Department of the Corporation Counsel, relating to the possible settlement of Claim 30153984350-0001 of Farmers Insurance Hawaii, Inc., on behalf of its insured, Veronica Gray.

NO. 16-8 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize \$300,000 in additional compensation for special counsel Hunton & Williams LLP for the appeal in Hawaii Wildlife Fund, et al. v. County of Maui, Docket 15-17447, United States Court of Appeals for the Ninth Circuit, for a total compensation not to exceed \$3,050,000.

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. 16-9 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of special counsel to provide independent legal advice and representation to the Council on certain matters for the 2015-2017 Council term, for a total compensation not to exceed \$75,000 per fiscal year.

NO. 16-10 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Wiliama Akutagawa to the Molokai Planning Commission for a term expiring on March 31, 2018.

NO. 16-11 - WATER RESOURCES COMMITTEE:

Recommending **FILING** of communication relating to the repeal of the Water Availability Policy.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 16-9 - DIRECTOR OF PUBLIC WORKS, transmitting the annual report on new utility poles approved for installation by the Director of Public Works in calendar year 2015.

NO. 16-10 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2015.

NO. 16-11 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF SHELLY K. ESPELETA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

NO. 16-12 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.

NO. 16-13 - COUNCIL CHAIR WHITE, relating to a performance audit of the Solid Waste Division, Department of Environmental Management and its impact on the annual budget.

NO. 16-14 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE TO PROHIBIT THE SALE AND TRADE OF IVORY AND RHINOCEROS HORN IN HAWAII".

NO. 16-15 - COUNCILMEMBER BAISA, relating to the County's Water Availability Policy.

2. GENERAL COMMUNICATIONS:

NO. 16-1 - MARK ALEXANDER ROY, MUNEKIYO HIRAGA, submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 6, 2016" in accordance with Condition 22 of Ordinance No. 3613.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 1 (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, CIVIL DEFENSE AGENCY (STATE HOMELAND SECURITY GRANT (SHSG) PROGRAM)"
- BILL NO. 2 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FINANCE, COUNTYWIDE COSTS"
- BILL NO. 3 (2016) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, 2015 HAWAII HOUSING PLANNING STUDY"

L. UNFINISHED BUSINESS:**ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 89 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI TREATMENT PLANT UPGRADES; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 90 (2015) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228, BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAILUKU-KAHULUI TREATMENT PLANT UPGRADES)"

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.