

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of April 1, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: COUNCILMEMBER GLADYS C. BAISA
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

None.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of February 26, 2016.

H. COMMITTEE REPORTS:NO. 16-49 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the Mayor to execute and file an application with U.S. Department of Housing and Urban Development for a grant of \$1,711,591 for the Community Development Block Grant Program Year 2016/Fiscal Year 2017, which is the period from July 1, 2016 to June 30, 2017; and
2. **FILING** of communication.

NO. 16-50 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2016 Budget by increasing the appropriation for the Department of Public Works, Federal Highway Administration, Federal-Aid and Other Transportation Grants, by \$5,527,000 to incorporate revisions resulting from the passage of prior budget amendments for Fiscal Year 2016.

NO. 16-51 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2016 Budget, Highway Beautification and Disposal of Abandoned Vehicles Revolving Fund (Section 3.25.030, Maui County Code) by 1) increasing the appropriation for salaries and premium pay for the Environmental Protection and Sustainability Program by \$5,000, and the appropriation in the proviso for operations or services for the Environmental Protection and Sustainability Program by \$35,000, for Countywide illegal dump site clean-ups and towing of roadside abandoned vehicles; 2) increasing the grant to Community Work Day Program, dba Malama Maui Nui, by \$11,500 for an Operations Manager; and 3) amending the expenditure category limits in Appendix C to incorporate the changes.

H. COMMITTEE REPORTS (continued):NO. 16-52 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by 1) increasing Carryover/Savings from the General Fund by \$2,000,000; 2) increasing Department of Finance, Countywide Costs, Fringe Benefits, relating to the State of Hawaii Employees Retirement System and the State of Hawaii Employer-Union Health Benefits Trust Fund, by \$2,000,000; and 3) amending the expenditure category limits in Appendix C to incorporate the changes.

NO. 16-53 - 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 \$197,000; 2) increasing the appropriation to the Bond Fund, Countywide, Other Projects, Countywide Equipment, by \$197,000; and 3) increasing the appropriation by \$197,000 in the proviso for a pumper truck for the Pukoo Fire Station; and
2. **FIRST READING** of bill to amend the Fiscal Year 2016 Budget general obligation bond authorization ordinance by 1) increasing the appropriation under Countywide, Other Projects, Countywide Equipment, by \$197,000; and 2) increasing the appropriation by \$197,000 in the proviso for a pumper truck for the Pukoo Fire Station.

NO. 16-54 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by 1) increasing Interfund Transfers by \$383,000; 2) increasing Carryover/Savings from the Sewer Fund by \$383,000; 3) increasing Department of Environmental Management, Wastewater Administration Program – Sewer Fund, Debt Service, by \$383,000 to appropriate additional funds for repayment of State Revolving Fund Loans; 4) increasing Department of Finance, Countywide Costs, Bond Issuance and Debt Service, by \$383,000; and 5) amending Appendix C to incorporate the changes.

NO. 16-55 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to authorize settlement of Tremaine Balberdi v. County of Maui, Disability Compensation Division Case 5-14-00322;

H. COMMITTEE REPORTS (continued):

2. **ADOPTION** of resolution to authorize settlement of Kathleen Kern v. County of Maui, Disability Compensation Division Case 5-14-00330;
3. **ADOPTION** of resolution to authorize settlement of James A.Q. Giroux v. County of Maui, Disability Compensation Division Case 5-14-00345;
4. **ADOPTION** of resolution to authorize settlement of Mark A. King v. County of Maui, Disability Compensation Division Case 5-14-00348; and
5. **ADOPTION** of resolution to authorize settlement of Douglas Miller v. County of Maui, Disability Compensation Division Case 5-14-00526.

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

NO. 16-56 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a 35-year lease, for \$1 a year, of the facility known as the Paia Youth Center and adjacent area consisting of 0.918 acres in Paia, Maui, Hawaii, to Paia Youth Council, Inc., a nonprofit organization, for the purposes of providing a drop-in youth center, young adult mentoring program, life skills program, and skate park; and
2. **FILING** of communication.

NO. 16-57 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the University of Hawaii to transition the use of leased property adjacent to the University of Hawaii Maui College, in Kahului, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-8-007:117, from student housing to administrative, educational, and student and faculty housing purposes; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 16-56 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 29, 2016.
- NO. 16-57 - MAYOR, informing of the appointments of Mark Dobbertin and Christopher Reynolds to the Maui County Arborist Committee.
- NO. 16-58 - COUNCIL CHAIR, transmitting a report on the disposal of structures at Kapua'ulua (formerly known as Montana Beach) located in Paia, Maui, Hawaii, pursuant to Resolution 12-87.
- NO. 16-59 - DIRECTOR OF WATER SUPPLY, transmitting water use reports for December 2015 and January 2016 received from the State of Hawaii Commission on Water Resources Management for all registered well reporters for Maui County.
- NO. 16-60 - MAYOR, relating to the proposed Fiscal Year 2017 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, 2016 TO JUNE 30, 2017";
 3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2017";
 4. 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 2017 BUDGET ORDINANCE";
 5. 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 VARIOUS WATER PROJECTS, FISCAL YEAR 2017 BUDGET ORDINANCE";

I. COMMUNICATIONS (continued):

6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF FIFTY-EIGHT MILLION THREE HUNDRED NINETY-TWO THOUSAND DOLLARS (\$58,392,000) 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 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";
7. 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";
8. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY ARBORIST";
9. Mayor's Budget Proposal Synopsis; and
10. CD of the Fiscal Year 2017 Mayor's Budget Proposal.

NO. 16-61 - 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 CREDIT REQUIREMENTS AND DEED RESTRICTIONS".

NO. 16-62 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, RELATING TO PLASTIC BAG REDUCTION".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 29 (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, COUNTYWIDE COSTS; DEPARTMENT OF PARKS AND RECREATION, PARK MAINTENANCE PROGRAM, WAIIEHU GOLF COURSE PROGRAM – GOLF FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 30 (2016) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 13.04, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 13.04A, MAUI COUNTY CODE, RELATING TO PARKS AND RECREATIONAL FACILITIES, AND AMENDING SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS"

BILL NO. 31 (2016) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 3.34, MAUI COUNTY CODE, RELATING TO THE RENTAL HOUSING DEVELOPMENT REVOLVING FUND"

L. UNFINISHED BUSINESS

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.