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COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of May 6, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 TESTIMONY

G. MINUTES:

Regular Meeting of March 4, 2016
Public Hearing of March 12, 2016
Special Meeting of March 12, 2016

H. COMMITTEE REPORTS:

NO. 16-73 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Lisa L. Haupu v. County of Maui, Disability Compensation Division Case 7-09-00326.

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.

NO. 16-74 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize \$350,000 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 \$3,400,000 (designated Civil 12-00198 SOM-BMK before the United States District Court, District of Hawaii).

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. 16-75 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Ivan Lay to the Maui County Cultural Resources Commission, for a term expiring March 31, 2020.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 16-71 - CHAIR, SALARY COMMISSION, relating to the salary increase for 1st Deputy for the Office of the Prosecuting Attorney.
- NO. 16-72 - CHAIR, SALARY COMMISSION, relating to the salary increase for 1st Deputy Corporation Counsel.
- NO. 16-73 - DIRECTOR OF FINANCE, transmitting 29 contracts/grants for March 2016.
- NO. 16-74 - CHIEF OF POLICE, informing of the receipt of \$88,792.71 from the U.S. Marshals Service.
- NO. 16-75 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2016-2017 certification of the net taxable real property valuation for the County of Maui.
- NO. 16-76 - COUNCILMEMBER COCHRAN, relating to Councilmembers' report on the Lanai 201H Affordable Housing Project presentation, held on April 8, 2016, at the Lanai Senior Center.
- NO. 16-77 - ACTING MAYOR, informing of the vacancy on the Board of Water Supply due to the resignation of Antoinette Lucienne de Naie.
- NO. 16-78 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending March 2016.
- NO. 16-79 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of March 2016.
- NO. 16-80 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended March 31, 2016.
- NO. 16-81 - FIRE CHIEF, transmitting 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 JOINT TRAINING AGREEMENT BETWEEN COWLITZ 2 FIRE AND RESCUE OF THE STATE OF WASHINGTON AND THE COUNTY OF MAUI'S DEPARTMENT OF FIRE AND PUBLIC SAFETY".

I. COMMUNICATIONS (continued):

- NO. 16-82 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of March 31, 2016 (Fiscal Year 2016 Third Quarter).
- NO. 16-83 - COUNCIL VICE-CHAIR GUZMAN, transmitting a proposed resolution entitled "A BILL FOR AN ORDINANCE TO ESTABLISH THE HAWAIIAN CULTURAL RESTORATION FUND".
- NO. 16-84 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of October 1, 2015 through March 31, 2016.
- NO. 16-85 - COUNCILMEMBER COUCH, relating to the Community Plan Update Process.
- NO. 16-86 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF THREE MORPHO TRAK LIVESCAN MACHINES FOR THE WAILUKU DISTRICT RECEIVING DESK AND THE LAHAINA DISTRICT PRISONER PROCESSING AREA FROM THE HAWAII CRIMINAL JUSTICE DATA CENTER TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 16-87 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO PROHIBIT THE CORPORATION COUNSEL, PROSECUTING ATTORNEY, AND THEIR DEPUTIES FROM SUPPORTING, ADVOCATING, OR AIDING IN THE ELECTION OR DEFEAT OF ANY CANDIDATE FOR COUNTY PUBLIC OFFICE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 38 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

K. ORDINANCES - SECOND AND FINAL READING (continued):

- BILL NO. 39 (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 (PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT ACT)"
- BILL NO. 40 (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 WATER SUPPLY (STATE OF HAWAII - WELLHEAD PROTECTION PROGRAM)"
- BILL NO. 41 (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 HOUSING AND HUMAN CONCERNS (STRATEGIC PREVENTION FRAMEWORK PARTNERSHIPS FOR SUCCESS)"
- BILL NO. 42 (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 PARKS AND RECREATION (STATE OF HAWAII - MOLOKAI ATHLETIC COMPLEX)"
- BILL NO. 43 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES"

L. UNFINISHED BUSINESS

NONE.

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.