

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of June 3, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 BOB CARROLL

 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 16-85 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Nadja Vitavec nka Nadja Neidhart v. County of Maui, et al., Civil 15-1-0181(1).

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. 16-86 - COMMITTEE OF THE WHOLE:

Recommending **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the United States Environmental Protection Agency to settle alleged violations of the Safe Drinking Water Act relating to a large capacity cesspool at the Maui Raceway Park, now known as the Maui Motor Sports Park, on a parcel identified for real property tax purposes as tax map key (2) 3-8-008:037.

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. 16-87 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to update and improve policies for the Kula Agricultural Park; and
2. **FILING** of communication.

NO. 16-88 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State Board of Land and Natural Resources for the operation, maintenance, and use of the completed portions of the Central Maui Regional Sports Complex in Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 16-89 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 2.96, Maui County Code, relating to the Residential Workforce Housing Policy Credit Requirements and Deed Restrictions; and
2. **FILING** of communication.

NO. 16-90 - LAND USE COMMITTEE:

Recommending the following:

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

H. COMMITTEE REPORTS (continued):NO. 16-91 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to adopt the updated Lanai Community Plan; and
2. **FILING** of communication.

NO. 16-92 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with Cowlitz 2 Fire and Rescue Department in Kelso, Washington, to establish a joint training program with the County's Department of Fire and Public Safety; and
2. **FILING** of communication.

NO. 16-93 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 11-5 of the Revised Charter of the County of Maui (1983), as amended, should be amended to require an individual wishing to withdraw their signature from a supplemental petition to do so within three days of the receipt of the supplementary signatures by the County Clerk; and
2. **FILING** of communication.

NO. 16-94 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 11-5 of the Revised Charter of the County of Maui (1983), as amended, should be amended to allow the County Clerk 20 days, instead of 10 days, to review a supplemental initiative petition; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 16-95 - SPECIAL COMMITTEE ON COUNTY GOVERNANCE:

Recommending the following:

1. **FIRST READING** of resolution to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended to change the form of governance in the County of Maui from a Mayor-Council form of government to a County Manager form of government; and
2. **FILING** of correspondence from the Chair of the Special Committee, dated December 17, 2015.

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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 16-99 - DIRECTOR OF WATER SUPPLY, transmitting water use reports for February and March 2016 received from the State of Hawaii Commission on Water Resources Management for all registered well reporters for Maui County.

NO. 16-100 - COUNCILMEMBER HOKAMA, transmitting the following proposed bills entitled:

1. "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, WATER SUPPLY, IAO WATER TREATMENT FACILITY REPLACEMENT PROJECT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4227, BILL NO. 34 (2015), 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 THE IAO WATER TREATMENT FACILITY REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2016 BUDGET ORDINANCE".

I. COMMUNICATIONS (continued):

- NO. 16-101 - CHAIR, PLANNING COMMITTEE, transmitting a proposed amendment to the bill to update the Lana`i Community Plan.
- NO. 16-102 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO TEACH DEVELOPMENT LLC".
- NO. 16-103 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY CONSISTING OF TAX MAP KEY NUMBERS (2) 2-5-004:014 AND (2) 2-5-004:053, TO TEACH DEVELOPMENT, LLC, PURSUANT TO CHAPTERS 3.36 AND 3.40, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 44 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; HANA COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, NAHIKU COMMUNITY CENTER; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 45 (2016) - "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 (NAHIKU COMMUNITY CENTER)"
- BILL NO. 46 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS, HIGHWAYS ADMINISTRATION PROGRAM - HIGHWAY FUND, ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM - HIGHWAY FUND"

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

- BILL NO. 47 (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; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 48 (2016) - "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"
- BILL NO. 49 (2016) - "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"
- BILL NO. 50 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 18.24.010, MAUI COUNTY CODE, TO ELIMINATE THE CONSTRUCTION PLAN REVIEW REVOLVING FUND"
- BILL NO. 51 (2016) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, RELATING TO THE AFFORDABLE HOUSING FUND"
- BILL NO. 52 (2016) - "A BILL FOR AN ORDINANCE TO REPEAL CHAPTER 14.29, MAUI COUNTY CODE, RELATING TO PUMPING OF CESSPOOLS AND SEPTIC TANKS"
- BILL NO. 53 (2016) - "A BILL FOR AN ORDINANCE RELATING TO THE HIGHWAY BEAUTIFICATION AND DISPOSAL OF ABANDONED VEHICLES REVOLVING FUND AND THE LITTER CONTROL REVOLVING FUND"
- BILL NO. 54 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.81.050, MAUI COUNTY CODE, TO EXTEND THE ECONOMIC DEVELOPMENT REVOLVING FUND"
- BILL NO. 55 (2016) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 3.97, MAUI COUNTY CODE, RELATING TO THE POST-EMPLOYMENT OBLIGATIONS FUND"

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

- BILL NO. 56 (2016) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE REAL PROPERTY TAX APPLICABLE TO REMNANT PARCELS"
- BILL NO. 57 (2016) - "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, TO ESTABLISH A FIREWORKS AUDITOR FUND"
- BILL NO. 58 (2016) - "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13.16, MAUI COUNTY CODE, RELATING TO THE WAIIEHU MUNICIPAL GOLF COURSE"
- BILL NO. 59 (2016) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF TWENTY-NINE MILLION SEVEN HUNDRED FIFTY-THREE THOUSAND DOLLARS (\$29,753,000) 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"
- BILL NO. 60 (2016) - "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"
- BILL NO. 61 (2016) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2017"
- BILL NO. 62 (2016) - "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"

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.