

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of June 17, 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](mailto:county.clerk@mauicounty.us)

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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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:

NO. \_\_\_\_\_ "CONGRATULATING BALDWIN HIGH SCHOOL'S GOLD MEDAL WINNERS AT THE 2016 STATE TRACK AND FIELD CHAMPIONSHIPS"

NO. \_\_\_\_\_ "CONGRATULATING BALDWIN HIGH SCHOOL FOR WINNING THE WALLY YONAMINE FOUNDATION DIVISION I STATE BASEBALL CHAMPIONSHIP"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 16-96 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of In the Matter of the Grievance Arbitration Between the State of Hawaii Organization of Police Officers, on Behalf of Clinton Gouveia and County of Maui, Maui Police Department, SHOPO Case M-2014-009.

*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. 16-97 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to indemnify Kyle K. Ginoza, former Director of Environmental Management, who has been named in his individual capacity as a defendant in Tracy N. Takamine v. County of Maui, et al., Civil 14-00335 JMS-KSC; and
2. **ADOPTION** of resolution to authorize settlement of Tracy N. Takamine v. County of Maui, et al., Civil 14-00335 JMS-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.*

H. COMMITTEE REPORTS (continued):NO. 16-98 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communications relating to semiannual reports regarding park dedications for the period covering October 1, 2014 through March 31, 2016.

NO. 16-99 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Planning Director on behalf of the Weymouth Kamakana Revocable Trust dated November 15, 2007; William H. Grambusch; Nanette Grambusch; and Piliialoha Napoleon-Grambusch, for a Change in Zoning from Interim District to R-3 Residential District (Conditional Zoning) for 14.59 acres at Kawela, Molokai, Hawaii;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

NO. 16-100 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Zoltan Milaskey to the Board of Water Supply, for a term expiring on March 31, 2021.

NO. 16-101 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of Resolution 14-70 relating to a proposed Charter amendment clarifying the role of the Cost of Government Commission.

NO. 16-102 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Charter Sections 8-7.2 and 8-16.1 should be amended to rename the Civil Defense Agency to the Maui County Emergency Management Agency and the Civil Defense Administrator to the Maui County Emergency Management Administrator.

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I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 16-104 - DIRECTOR OF FINANCE, informing of acquired Waterline Easements in the Maui Lani Phase 6 Subdivision identified by Tax Map key Numbers (2) 3-8-099:182, 183, 184, 185, 186, 187 and 188.

NO. 16-105 - DEPUTY CORPORATION COUNSEL, relating to a bill for an ordinance amending Section 2.80B.070, Maui County Code, to adopt the updated Lanai Community Plan.

*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. 16-106 - MAYOR, informing of a vacancy on the Civil Service Commission due to the resignation of Ivy Waller.

NO. 16-107 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Gabriel Johnson.

NO. 16-108 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "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 (SECTION 8 HOUSING PROGRAM)".

NO. 16-109 - CHAIR, PLANNING COMMITTEE, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".

NO. 16-110 - COUNCILMEMBER HOKAMA, relating to amendments to the Fiscal Year 2017 Budget.

NO. 16-111 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2015.

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I. COMMUNICATIONS (continued):

- NO. 16-112 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of January 31, 2016.
- NO. 16-113 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2016.
- NO. 16-114 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a status update of affordable housing projects in the County of Maui.
- NO. 16-115 - DIRECTOR OF PUBLIC WORKS, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS".

2. GENERAL COMMUNICATIONS:

- NO. 16-3 - DEPUTY DIRECTOR, COMMISSION ON WATER RESOURCE MANAGEMENT, transmitting an official complaint from Hearthstone Kehalani 217-Maui LLC regarding Wailuku Shaft 33 Water Use Permits.
- NO. 16-4 - GRANT CHUN, A&B PROPERTIES, INC., submitting the 2016 annual report in accordance with Condition No. 19 of Ordinance No. 3559, relating to Maui Business Park Phase II – Change in Zoning.

J. RESOLUTIONS – SECOND AND FINAL READING:

- NO. 16-82 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE"
- NO. 16-83 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE, REGARDING THE TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES"

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K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 63 (2016) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR SETTLEMENT OF ALLEGED VIOLATIONS AT MAUI RACEWAY PARK"
- BILL NO. 64 (2016) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK"
- BILL NO. 65 (2016) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, BOARD OF LAND AND NATURAL RESOURCES, RELATIVE TO THE OPERATION, USE AND MAINTENANCE OF THE CENTRAL MAUI REGIONAL SPORTS COMPLEX"
- BILL NO. 66 (2016) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDIT REQUIREMENTS AND DEED RESTRICTIONS"
- BILL NO. 67 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED LANAI COMMUNITY PLAN"
- 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.*
- BILL NO. 68 (2016) - "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"
- BILL NO. 69 (2016) - "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)"

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

BILL NO. 70 (2016) - "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"

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.**