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**COUNCIL OF THE COUNTY OF MAUI**

2016 AUG 16 PM 3: 57

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of August 23, 2016  
9:00 a.m.

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 STACY CRIVELLO
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MAYOR ELMER CRAVALHO"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of May 20, 2016  
Regular Meeting of June 3, 2016

H. COMMITTEE REPORTS:

NO. 16-126 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2017 Budget by increasing the grant for the Department of Environmental Management, Glass Recovery Program, by \$16,100; and
2. **FILING** of communication.

NO. 16-127 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by: 1) increasing estimated revenues for Charges for Current Services by \$148,585; 2) increasing estimated revenues for Interfund Transfers by \$400,000; 3) increasing estimated revenues for Carryover/Savings in the General Fund by \$400,000; 4) amending Section 3.B.3.f., Department of Environmental Management, by increasing the Environmental Protection and Sustainability Program – Solid Waste Management Fund, by \$548,585 under Category B – Operations, and adjusting the total accordingly; and 5) amending Section 3.B.4.f., Department of Finance, by increasing Countywide Costs, Supplemental Transfer to the Solid Waste Management Fund, by \$400,000 under Category B – Operations, and adjusting the total accordingly;
2. **FIRST READING** of bill to amend Appendix B of the Fiscal Year 2017 Budget, by adjusting fees charged by the Department of Environmental Management, Solid Waste Management Fund, Charges for Current Services, Fees - Refuse Disposal; and
3. **FILING** of communication.

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#### H. COMMITTEE REPORTS (continued):

##### NO. 16-128 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of Kobayashi Sugita & Goda, LLP as special counsel for Alan Arakawa, who has been identified as a Defendant in his individual capacity, in Harry Donenfeld v. County of Maui, et al., Civil 16-00381 DKW-KJM, for a total compensation not to exceed \$75,000.

*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; 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. 16-129 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to eliminate exemptions in the Electrical Code, Plumbing Code, and Building Code relating to lands within the Conservation District;
2. **FILING** of communication.

##### NO. 16-130 - PLANNING COMMITTEE:

Recommending the **FILING** of General Communications relating to annual compliance reports pursuant to Condition 19 of Ordinance 3559 (2008) granting A&B a Change in Zoning from Agricultural, M-2 Heavy Industrial, and R-1 Residential Districts to M-1 Light Industrial District (Conditional Zoning) for the Maui Business Park Phase II project.

#### I. COMMUNICATIONS:

##### 1. COUNTY COMMUNICATIONS:

NO. 16-174 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of June 30, 2016.

NO. 16-175 - DIRECTOR OF FINANCE, informing of the acquisition of Curb Ramp Easement R-1, Kehalani Mauka (Large-Lot) Subdivision No. 3-B, TMK: (2) 3-5-001:090.

I. COMMUNICATIONS (continued):

- NO. 16-176 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the purchase of Portable, Field Presumptive Gunshot Residue and Explosives Detection System in the amount of \$7,410.00.
- NO. 16-177 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a copy of the WIOA Bulletin No. 07-16 from the State of Hawaii, Workforce Development Council noting Program Year 2016 Workforce Innovation and Opportunity Act allocations in the amount of \$584,109.00.
- NO. 16-178 - MAYOR, informing of a vacancy on the Maui Planning Commission due to the passing of Jason Medeiros.
- NO. 16-179 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending July 2016.
- NO. 16-180 - CHAIR, COMMITTEE OF THE WHOLE, transmitting the following:
1. A proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF TORKILDSON KATZ MOORE HETHERINGTON & HARRIS AS SPECIAL COUNSEL IN THE MATTER OF THE INTEREST ARBITRATION BETWEEN BARGAINING UNIT 11, REPRESENTED BY THE HAWAII FIRE FIGHTERS ASSOCIATION, AND THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAII, COUNTY OF MAUI, AND COUNTY OF KAUAI"; and
  2. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU, AND COUNTY OF KAUAI FOR LEGAL SERVICES RELATING TO THE INTEREST ARBITRATION HEARING OF THE CONTESTED ARTICLES OF THE BARGAINING UNIT 11 (FIRE FIGHTERS) COLLECTIVE BARGAINING AGREEMENT, AND TO ENTER INTO AN EXPERT CONSULTING AND SUPPORT SERVICES AGREEMENT WITH THE STATE OF HAWAII, CITY AND COUNTY OF HONOLULU, COUNTY OF KAUAI, AND COUNTY OF HAWAII FOR CONSULTATION SERVICES RELATING TO THE INTEREST ARBITRATION HEARING OF THE CONTESTED ARTICLES OF THE BARGAINING UNIT 11 (FIRE FIGHTERS) COLLECTIVE BARGAINING AGREEMENT".
- NO. 16-181 - DIRECTOR OF FINANCE, transmitting a copy of the notice of grant approval from the State of Hawaii, Department of Transportation for the PMVI, CDL, Motor Vehicle Registration and State Identification Programs for the period of July 1, 2016 through June 30, 2017 in the amount of \$1,527,813.00.

I. COMMUNICATIONS (continued):

- NO. 16-182 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, ANIMAL MANAGEMENT REVOLVING FUND".
- NO. 16-183 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF POLICE, COUNTYWIDE, COUNTYWIDE POLICE FACILITIES".
- NO. 16-184 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 (STATE AND FEDERAL ASSETS FORFEITURE PROGRAM)".
- NO. 16-185 - COUNCILMEMBER COUCH, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS".
- NO. 16-186 - COUNCIL VICE-CHAIR GUZMAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS".
- NO. 16-187 - 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 ESTABLISHED".
- NO. 16-188 - COUNCIL CHAIR WHITE, relating to the West Maui Recycled Water Project - 1.0 million gallon tank, pipeline and reuse pump station upgrade.
- NO. 16-189 - EMERGENCY MANAGEMENT OFFICER, transmitting a proposed resolution entitled "APPROVING THE INSTALLATION OF SIRENS IN THE COUNTY OF MAUI RELATING TO THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM".

2. GENERAL COMMUNICATIONS:

NO. 16-8 - SHARON M. SUZUKI, MAUI ELECTRIC, transmitting the "SIXTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 77 (2016) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (ERS)"

BILL NO. 78 (2016) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT"

BILL NO. 79 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM - WATER FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 80 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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

BILL NO. 81 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF PUBLIC WORKS, GENERAL FUND, SPECIAL REVENUE/TRUST AND AGENCY FUNDS, SUBDIVISION CONSTRUCTION PLAN REVIEW FEES"

BILL NO. 82 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS"

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.**