M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

January 20, 2017

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JANUARY 20, 2017, BEGINNING AT 9:02 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Will this meeting of the County of Maui Council please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

DEPUTY COUNTY CLERK JOSIAH NISHITA: Mr. Chair, there are eight Members present and one Member excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

We have opening remarks this morning from Vice-Chair Carroll.

OPENING REMARKS

The opening remarks were offered by Vice-Chair Robert Carroll.

CHAIR WHITE: Thank you very much for those thoughts, Mr. Carroll.

Members, will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And before we proceed, if everyone can please put their phones on silent mode.

Mr. Clerk, let's proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals there who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

When testifying, please state your name and the name of any organization you represent.

Currently we have no testifiers at our District Offices.

The first person to testify in the chamber is Jonathan Starr, testifying on County Communications 17-51. He will be followed by Helen Nielsen.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JONATHAN STARR (testifying on County Communication No. 17-51):

Good morning, Councilmembers and staff. I want to thank you for your service and express appreciation. My name is Jonathan Starr, I live in the beautiful and harmonious community of Kaupo, East Maui and also part-time in Wailuku, and I am a board member of the Wailuku Community Association.

It's really nice to be here, I see a room full of people who are really dedicated with good hearts, and willing to spend everything they have in their life to do good deeds. So I'm sure that really good things will happen this term and I thank you for your service.

I am here representing the Wailuku Community Association on County Communication 17-51. I know it's a little preliminary with this, but to a lot of us who are concerned about the safety and the usefulness of our roads and byways, that intersection by Pomaikai School on Maui Lani Parkway is a terrible example of a road that's unsafe, it's in proximity to a school and parks and every traffic transaction is an accident waiting to happen.

When it was first built, first Dan Burden and Mark Fenton, two grade experts on how to make roads safe for everyone came over. And I had the opportunity to bring them over there, they tend to stay with me and I get to get a free lesson in, in, in road technology and multimodal. And both of them felt that that's a perfect location for a roundabout. It would be safe, it would allow more traffic to flow cause although it, you know, it doesn't stop with a light, it flows slowly and steadily in a cross where people, children, bicycles cross in a very narrow portion where the traffic is moving slowly. They're really taken over in many places and that would be a perfect, a perfect opportunity to have a larger one to match the two smaller ones we have on Maui.

I was talking with the Kauai Mayor at the Leg. the other day, and he has become such a fan of roundabouts and the Kauai community is just demanding wherever they're suitable that they are put in. So please refer this to the right committee and look forward to a really good discussion on it and are built environment in the future and mahalo for being here. Thank you.

CHAIR WHITE: Thank you very much, Mr. Starr. And thank you for your interest in the project.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Jonathan, I know that you are such an avid biker also, so I'm just curious to see from that prospective, I know traffic-wise and for children's safety, I can see that, but what about biking for roundabouts, what is your experience?

MR. STARR: It's really much easier to get through a roundabout on a bicycle. You know, both people like me who, I'm not an avid sports bicyclist, I don't wear spandex, and I don't ride fast, but I do ride regularly. Where you have to cross a traffic lane you only crossing eight foot and it's at a point where you can see the cars and the cars can see you, so it's really safe, whereas, you know, signalized intersections are a lot hairier. It works good for bikes, it works good for pedestrians, it works good. I had a hip replacement a few years ago, I could barely get across a wide intersection or a fast intersection. I could get across roundabouts just fine.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Interesting. Any other need for clarification?

COUNCILMEMBER KING: I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yes. Thanks, Jonathan, I'm a big fan of roundabouts too, and I think I live in the only area that actually has a short roundabout and it's great.

My question was that have you brought this up with the MPO committees, the technical committee would be a good place to, I think insert this information and get support.

MR. STARR: I will. I lobbied very hard to bring the MPO here, I worked with Ford Fuchigami to try to expedite it and once they formed, I kind of dropped the ball and haven't been to a meeting, but I will.

COUNCILMEMBER KING: Just to bring that up and then also maybe look for ways that we might be able to do public/private partnership and lower the cost of that, of the insertion of, you know, a roundabout, cause I believe I was told it was about eight million dollars to put the one in Kihei in, so.

MR. STARR: Yeah, the one in Kihei is kind of a showpiece and first one, it was maybe a little bit overdone with the plantings, which are gorgeous.

COUNCILMEMBER KING: Right.

MR. STARR: But I know that the cost if you take a ten year, look at what the cost is, it's quite a bit less than a signalized intersection. Cause the maintenance is, you know, just a little bit of landscape maintenance and feed it a bit, add water.

COUNCILMEMBER KING: I think you're right, the problem is that there is already a light there, so we're not talking about, you know, instead of a light, we have to actually replace it. So that's, I just wanted to kind of put that bug in your ear and maybe start thinking about it in terms of how we can get the community behind it and to help out with that.

MR. STARR: Um.

COUNCILMEMBER KING: Cause we're so short on funds for the MPR.

MR. STARR: I can ask around, but I really do believe that it's, it's a cost saver if we're not looking at just an immediate expenditure, but taking the maintenance into account. But you know, maybe there's a way and I'll help look for it.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I'm not sure whether you are aware, and that's the question. That the, we actually, Public Works has proposed the roundabout. They did the analysis as to whether the roundabout versus the traffic signaling, what were comparable in terms of the budget financial situation and it was basically equal. So, they are moving forward with that, we've actually had meetings with Pomaikai School and their administration because some of the issues were, were the children be able to cross the roundabout, so that's on progressively, you know, getting started and moving forward. So uh, I'm not sure if you are aware of that. Were you aware of that?

MR. STARR: I, yes, I was watching it happening and I, it takes a shift. As Kauai Mayor expressed to me the other day in Honolulu, it's a learning curve and it's a cultural shift, you know, people slowly get used to it and then they have trouble, they realize how difficult it is dealing with signalized intersections with fast traffic flow. So um, you know, there is one place where the County is really moving in a good direction and we'll continue to support it.

COUNCILMEMBER ATAY: Chair?

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: Thank you. Thank you, Jonathan for bringing this to attention. I was just at the same intersection last evening. Aside from having a school right there, just up the road is also our new regional park with all of the sports activities, that's a main intersection that everyone, you know, so there's hundreds of cars when the sporting events come out, so I think I would agree with you, roundabout is necessary there.

MR. STARR: I just want to speak to that place because I chair the Maui Planning Commission when we heard the VMX the first time, well before it was built and the site inspections. And we were shown a beautifully landscaped wide pedestrian and bicycle and, you know, even a skateboard friendly kind of meandering pathway from the school side all the way up to the commercial.

COUNCILMEMBER ATAY: Right.

MR. STARR: Separate from the road. And on that basis, there were no bike lanes on the Maui Lani Parkway and there was not a sidewalk on the second side of the parkway, because the commitment was initially to build this path, that was going to be a major feature and that never happened. Part of it was the DOE refused to allow it to access directly into the school. You know, that was a time when DOE was feeling that schools need to be, you know, surrounded by chain link and barbwire and so kids can only go out where all the traffic is, which is dangerous. I mean that's where most of the accidents happen for children is right in front of schools. So, I don't know if that's still in the design to take the bicycle and pedestrian traffic away from the road or not, but it was there when we passed it and it was a condition of the original approval.

CHAIR WHITE: Thank you very much, Mr. Starr.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Helen Nielsen, testifying on County Communication 17-51. She is the last individual who signed up to testify.

MS. HELEN NIELSEN (testifying on County Communication No. 17-51):

Good morning, Chair. Good morning, Councilmembers. Happy New Year to you all. I'm also here to testify on behalf of the roundabout, although it may be moving along as Councilmember Guzman mentioned.

I just wanted to mention that the National Transportation Administration website talks about roundabouts, and they talk about both efficiency and safety. And that's exactly what this intersection needs, is efficiency for the cars and safety for the kids. It also talks about the challenges of introducing roundabouts to communities, because like Jonathan said, it's a cultural shift. People just don't know and a lot of people are adamantly against it, but that website also talks about how to educate the community about the safety features of roundabouts.

So I would like to encourage more, when I was a kid, I was hit by a car near an intersection at the age of three. I would not wish that on any child or any family, so this is a personal thing for me in a sense. That whole area is going to develop with so many more kids. Like Councilmember Atay had mentioned, that whole regional park will be there, there is a lot more homes going up and really, that's the only intersection right now to get through that area. So I really appreciate your forward thinking and thanks for your time this morning.

CHAIR WHITE: Thank you, Ms. Nielsen. Members any need for clarification. Seeing none, thank you for being here this morning.

MS. NIELSEN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins, testifying on County Communications 17-60, 17-37, 17-30, 31, and 32. She is the last individual who has signed up to testify in the County Chamber.

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 17-30, 17-31, 17-32, 17-37 and 17-60):

They are all related, don't worry. I'm hearing this about, in schools, and having been an educator for over fifty years, history going back here in Hawaii. We are now hearing about on the national level, people having guns in school to protect the kids in school. So, as time goes on, some of those are solutions that come about, some of those are additional problems. I probably couldn't hit the broad side of a barn with a gun, and to think I might be responsible for people in a classroom is pretty scary and I speak not only for myself on that one.

But today, starting out with County Communication No. 17-60. Okay, and this is a Memorandum of Agreement between the Board of Water Supply, Maui and

Department of Water, County on Kauai. And it says on here that although the migration of being just responsible ourselves and dealing with the Island of Oahu, City and County, this change was necessitated by actions of the Hawaii Board of Supply. But I got the material and read all through it and nowhere does it say what that behavior was on part of the Honolulu Board of Supply that would mean that we need to not to continue just with partnership with them, but to have a sole partnership with Kauai.

Kauai, remember about the deaths that they had up there seven years ago makes me hopeful that all of the paperwork from the spill wells has been cleared up. There were people found guilty and there were years and years of delay in rectifying those problems, so let's hope that would have been helpful to have us now be involved with an outfit that has been through the tough parts and want to get on with the better.

This ends up today with saying that the Department of Water Supply, right here on Maui, respectfully request that this matter be referred to the appropriate Council committee for expeditious review. It would be hopeful that today we will hear what committee here in Maui, that was before it got to the Council itself.

Okay and then over onto item 17-37 on today's agenda that's coming from the Budget Director. Still not here today, I hope he's okay. And it talks about the County Council budget that was referred by the Administration and is up to ultimately to yourselves in terms of putting that through and affirming that. I read, got the material, read through all of this and there is some conflicting, perhaps identification as to who the Water Director was, the one that we've known for years and the one that's now signing papers. I couldn't find anything that said when that came about, so I don't have that information, that may be helpful for people to hear from you folks too. In dealing with this one, it's like the rest of life, there's good news and bad news. I'd like to draw to our attention and the fact that we have so few people here today, like zero in the gallery right now, and eight of nine of our Councilmembers, that's good news for us, like I say, I hope that the missing person in the Council is okay.

The issues that are coming up on this are about acquiring Wailuku Water Company and the reasons for that happening are reasons that were brought up more than fifteen years ago, when a group of concerned citizens, all volunteers not on anybody's payroll, were responsive to articles in the Maui News saying that there needed to be an address of Upcountry water problems. People were getting sick, people have since died, but some of those at least stand a better than fifty percent chance of having survived, but not well and not through with their original, the actuarial statistics would have been for their life span.

So we need to make sure that those in the 17-30, 31 and 32 are in alignment with what was covered by the County recruited at that time, boil report, which said that the

Department of Water Supply was very fragmented. One division didn't know what the other division was doing, they were understaffed, are we not hearing that still now but only recently, but the good news is we are hearing it.

So the water testing results at that time, and we were working with the, keeping in mind now you've got Federal, State and County levels of government and we were working with U.S. Senator--

CHAIR WHITE: Ms. Robbins, could you wrap up your testimony on that item and move to the next item please.

MS. ROBBINS: I just did. I'm sorry. Talking about what was then, what's now and what's in the items that are on today's agenda, that we just spoke about, I just spoke about.

With Dan Inouye, may he rest in peace, and it was that there were problems brought up that were not addressed at the time. They have exacerbated, gotten worse and now we're ending up with being asked to fund an inquiry about spending $150,000 to see what's definitely just the tip of the iceberg. Cause when you go down those other numbers that we mentioned, the 17-30, 31, and 32, they are talking about problems that were identified all those years ago.

And including, we had the man global expert from Virginia Tech, talked to Marc Edwards. All those records are here somewhere, all of those Upcountry oversite advisory committee meetings were recorded. There are audio/video discs that exist somewhere here in the County, which is where we did our operations. So I am certainly aware that's the tip of the iceberg, but it's an iceberg too big to miss in terms of finding those records and in terms of addressing them. This might be a very good thing, dealing with the, what used to be--

DEPUTY COUNTY CLERK: Five minutes.

MS. ROBBINS: --sugar, and is now water. So let's make sure that we don't continue to perpetrate any of the problems that we do by way of omission or commission and move on. This is certainly not something that's ready for immediate resolution today after more than fifteen years. It's like that hurry up and wait thing you hear about sometimes.

So, thank you.

CHAIR WHITE: Thank you, Ms. Robbins. Members, any need for clarification?

COUNCILMEMBER ATAY: Chair.

COUNCILMEMBER KING: Yeah, I just, point of order. This is a communication that's being sent to committee, not a resolution that we are voting on today?

CHAIR WHITE: Correct. Everything is up for further review later

COUNCILMEMBER KING: Okay, just wanted to clarify that.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Ms. Robbins.

MS. ROBBINS: You're welcome.

COUNCILMEMBER ATAY: Can you clarify for me the name of the Virginia Tech Professor?

MS. ROBBINS: Yes, Dr. Marc Edwards. He was the one that just did all the exposure up in Flint. I mean he's globally known.

COUNCILMEMBER ATAY: Did you have a guesstimate year of when this study was shared?

MS. ROBBINS: Which one?

COUNCILMEMBER ATAY: We could probably go to the archives.

MS. ROBBINS: The one from here?

COUNCILMEMBER ATAY: Yeah.

MS. ROBBINS: Well it got blocked before all of the money. We got some money through Dan Inouye, from the Feds, and we never got a good explanation of where all that money was spent and now as we're reading through on what's going to be examined here, we're talking about renovating, collecting of stuff.

COUNCILMEMBER ATAY: Yeah, I just want to try to kind of get close to the year that you think this was, so that I can go back into the archives and check that out.

MS. ROBBINS: Thank you for your trust in doing that, yes, it was the early 2000's when we were meeting, so the problem was escalating prior to that.

COUNCILMEMBER ATAY: Okay. Thank you.

MS. ROBBINS: Uh-huh.

CHAIR WHITE: Anything further Members? Seeing none. Thank you for being here this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you very much. Members, we've received some written testimony, without objection, we'll receive it into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM AN INDIVIDUAL WAS MADE A PART OF THE RECORD OF THIS MEETING.

CHAIR WHITE: And without objection we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed. Mr. Clerk let's proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of December 2, 2016, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 2, 2016 BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Members, any need for discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", one "excused", and no "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATION

NO. 17-16 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated December 7, 2016)

Transmitting a copy of Contract Modification Order No. 4, from the State of Hawaii, Executive Office on Aging, notifying of additional funding received for the Title III program in the amount of $222,625.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

With no objections, may I request that County Communications 17-17 through 17-19 also be brought up at this time.

CHAIR WHITE: Any objections Members.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered, Mr. Clerk.

NO. 17-17 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated January 4, 2017)

Transmitting a copy of a Notice to Proceed from the State of Hawaii, Department of Health, for the State Prevention Framework Partnerships for Success in the amount of $220,000.

NO. 17-18 - TIVOLI S. FAAUMU, CHIEF OF POLICE (dated December 6, 2016)

Transmitting a copy of a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Services grant in the amount of $90,012.

NO. 17-19 - TIVOLI S. FAAUMU, CHIEF OF POLICE (dated December 6, 2016)

Transmitting a copy of the supplemental agreement from the State Department of the Attorney General for the MPD Body-Worn Camera Implementation Project to increase the budget by $37,500.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 17-16 THROUGH AND INCLUDING COUNTY COMMUNICATION 17-19.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I, I'd just like to add Mr. Chair, that our Budget Chair, Mr. Hokama, is representing the National Association of Councils organization at the newly, our new President Donald Trump's Inauguration. So, in response to Ms. Robbins' concern, he's fine, he's representing Hawaii at the Inauguration.

So, Mr. Chair, these are required notifications from various departments in receipt of grant revenue already recognized in the fiscal year budget.

Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. In regards to Communication 17-24, requesting certain contracts be referred to--

CHAIR WHITE: Actually, we're not quite there yet.

COUNCILMEMBER GUZMAN: Okay, sorry. I apologize.

CHAIR WHITE: We are just on the first four communications.

COUNCILMEMBER GUZMAN: Okay, thank you.

CHAIR WHITE: Anything else on these first four items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused", Mr. Hokama.

Mr. Clerk.

NO. 17-20 - TIVOLI S. FAAUMU, CHIEF OF POLICE
(dated December 23, 2016)

Informing of the intent to expend $12,311.86 in Forfeiture Funds to pay for a diesel light tower for the Lahaina Patrol.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

With no objections, may I request that County Communications 17-21 through 17-22 also be brought up at this time

CHAIR WHITE: Without objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

Mr. Clerk.

NO. 17-21 - TIVOLI S. FAAUMU, CHIEF OF POLICE
(dated December 28, 2016)

Informing of the intent to expend $12,311.86 in Forfeiture Funds to pay for a diesel light tower for the Wailuku Patrol.

NO. 17-22 - TIVOLI S. FAAUMU, CHIEF OF POLICE
(dated December 28, 2016)

Informing of the intent to expend $48,836.15 in Forfeiture Funds to pay for six message display units for all patrol districts.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. With no objections, may I request that County Communications 17-20 through 17-22, be referred to committee. The amount of forfeiture funds in these three notifications exceeds the amount recognized in the fiscal year budget, therefore, a budget amendment is needed.

VICE-CHAIR CARROLL: Second.

CHAIR WHITE: We have a motion from Ms. Crivello and a second by Mr. Carroll.

One second.

DEPUTY COUNTY CLERK: Excuse me, Mr. Chair, Councilmember Crivello just asked if, with no objections, no motion was made at that time.

COUNCILMEMBER CRIVELLO: I'm just asking to refer to Committee, Chair.

CHAIR WHITE: Okay, thank you.

Any objections, Members, to have these referred to Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: And, Mr. Chair, just for the record, that will be referred to the Budget and Finance Committee.

CHAIR WHITE: Right.

The recommended action is that County Communication Nos. 17-20 through 17-22 be referred to the Budget and Finance Committee.

NO. 17-23 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY
(dated December 23, 2016)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of Health, for the Department of Health – Wellhead Protection Program in the amount of $46,000.

CHAIR WHITE: Ms. Crivello

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 17-23.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second by Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Chair, this is a required notification of grant revenue already recognized in the fiscal year budget.

Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 17-24 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated December 15, 2016)

Transmitting 86 contracts/grants for November 2016.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 17-24, EXCLUDING THE FOLLOWING CONTRACTS: WC0734-5, RELATING TO KAMAOLE WATER TANK REPLACEMENT; AND WC0869-1, PROJECT MANAGER FOR DEPARTMENT OF WATER SUPPLY CUSTOMER SERVICE AND BILLING SYSTEM CONVERSION PROJECT. AND, IF ANY MEMBER HAS OTHER REQUESTS FOR REFERRAL TO COMMITTEE.

VICE-CHAIR CARROLL:

SECOND, CHAIR.

CHAIR WHITE: Ok, thank you. We have a motion from Ms. Crivello and a second from Mr. Carroll.

And I believe Mr. Guzman, you have a request.

COUNCILMEMBER GUZMAN: Yes, thank you, Chair.

REQUESTING CONTRACT C6110, C6142, C5250-5, C5740-4 *[SIC]*, G4346, AND G4373 TO THE PRL COMMITTEE.

CHAIR WHITE: Okay. Any objections, Members, to those items listed by both Ms. Crivello and Mr. Guzman?

COUNCILMEMBER GUZMAN: Did you want me to read the titles, Chair?

CHAIR WHITE: I think it would help, just to make sure.

COUNCILMEMBER GUZMAN: Okay. Okay.

C6110 is the Paia Community Center Playground Replacement Contract Construction; C6142 is the Kalama Park Basketball Court Improvement Construction Contract; C5250-5 is the South Maui Community Park Gymnasium Design Contract; and the C5740-4 *[sic]* is the Time Extension Kihei Greenway Phase II Construction Contract and Consultation Contract; G4346 is the Grant for the Sexual Assault Prevention Program for the Legal Affairs portion of the Committee; G4373 is the Holistic Legal Services for Maui County's Most Vulnerable, that's the grant.

Thank you.

CHAIR WHITE: Thank you. The only one that I heard that may, I don't know what's involved in the Greenway Project, but that might more appropriately be referred to IEM.

Do you have any details?

COUNCILMEMBER GUZMAN: The reason why I, I don't know because that's why I need to take a look at it.

CHAIR WHITE: Okay, without objections, Members, we will allow staff to take a look at the item and determine whether it should go to PRL or to IEM.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Any objections to the items. Yeah, Ms. Cochran.

COUNCILMEMBER COCHRAN: No, no objections to those items and fine if it needs to come to IEM, I'm more than happy to take the item up. But I also have a contract I'd like to pull.

CHAIR WHITE: Sure.

COUNCILMEMBER COCHRAN:

IT WOULD BE C5802-1, THIS ONE IS IN REFERENCE TO THE HANA LANDFILL WASTE REMOVAL.

CHAIR WHITE: To IEM?

COUNCILMEMBER COCHRAN:

INTO IEM

CHAIR WHITE: Right.

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: Okay, Members, you know which ones are going into BF, which ones are going to Mr. Guzman's Committee and one, and possibly two to Ms. Cochran's Committee.

Any objections, or any other recommendations to pull contracts? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Thank you very much.

The recommended action is as follows: Contract Nos. WC0734-5 and WC0869-1 were referred to the Budget and Finance Committee. Contract Nos. C6110, C6142, and C5250-5, and Grant Nos. G4346, and G4373 were referred to the Parks, Recreation, Energy, and Legal Affairs Committee. Contract Nos. C5802-1 and C5141-4 were referred to Infrastructure and Environmental Management Committee.

CHAIR WHITE: Mr. Clerk.

NO. 17-25 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated December 8, 2016)

Informing of the acquisition of Road Lot identified as Tax Map Key Number (2) 2-1-008:044 (Kilohana Drive).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, Chair, if you don't mind, may I have the Clerk pull up items 17-26 and also 17-27.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

Mr. Clerk.

NO. 17-26 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated December 8, 2016)

Informing of the acquisition of Road Lots identified as Tax Map Key Numbers (2) 3-9-037:073 (POR) & 075, and (2) 3-9-038:039 (POR) & 050, for the Kamaole Homesteads Lot 1, Lot 2, and Lot 4, and Kilohana Subdivision II Parts A, Lot 17, Lot 18, and Lot 21.

NO. 17-27 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated December 12, 2016)

Informing of the acquisition of road widening lot identified as Tax Map Key Number (2) 2-7-012:078 (POR), for Kuiaha-Kaupakalua Homesteads, West Kuiaha Road Widening Lot, Lot 25-C-4.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Clerk.

Chair, I'd like for all three of these referred to the IEM Committee.

CHAIR WHITE: Okay, Members, any objections to the referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So, that's fine. Thank you very much.

The recommended action is that County Communication Nos. 17-25 through 17-27 be referred to the Infrastructure and Environmental Management Committee.

CHAIR WHITE: Mr. Clerk.

NO. 17-28 - ALAN M. ARAKAWA, MAYOR
(dated January 9, 2017)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Annie M. Alvarado on January 9, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 17-28.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

In accordance with Section 2.41.040 of the Maui County Code, the Mayor is reporting the resignation of Annie M. Alvarado on the Cost of Government Commission, received

on January 9, 2017. And we would like to thank Ms. Alvarado for her service on the Commission and wish her well in her future endeavors.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 17-29 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated December 8, 2016)

Informing of the acquisition of Recreational Path Easement "D" identified as Tax Map Key Number (2) 3-8-001:071 (POR), for the Maui Country Club.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

Move to refer this to committee.

CHAIR WHITE: Actually, we can just do that without, unless there are objections?

COUNCILMEMBER GUZMAN: Yeah, without objections, referral to committee.

CHAIR WHITE: Members, any objections to the referral?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, so ordered.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Mr. Clerk.

DEPUTY COUNTY CLERK: Just for the record, that will be referred to the PRL Committee.

CHAIR WHITE: Right.

The recommended action is that County Communication No. 17-29 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-30 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY
(dated December 5, 2016)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending November 2016.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair.

With no objections, may I request that the County Communications 17-31 and 17-32 also be brought up at this time.

CHAIR WHITE: Objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered, Mr. Clerk.

NO. 17-31 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY
(dated January 5, 2017)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2016.

NO. 17-32 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY
(dated December 29, 2016)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for October and November 2016 for all registered well reporters in the County of Maui.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair.

With no objections, may I request that County Communications 17-30 through 17-32 be referred to the Water Resource Committee.

CHAIR WHITE: Are there any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Thank you, Mr. Atay.

The recommended action is that County Communication Nos. 17-30 through 17-32 be referred to the Water Resources Committee.

CHAIR WHITE: Mr. Clerk.

NO. 17-33 - MIKE WHITE, COUNCIL CHAIR
(dated January 13, 2017)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR THE TERM ENDING JUNE 30, 2017".

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I, hang on.

COUNCILMEMBER CRIVELLO: I think this is 33. Are you on 17-33?

CHAIR WHITE: 33, let's just take a quick recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:43 A.M., AND WAS RECONVENED AT 9:45 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: The meeting will please come back to order.

My apologies, I should have called on Ms. Crivello for that item.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT FOR COMMITTEE REFERRAL AND RECOMMENDATION, PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

This matter relates to a proposal from the Hawaii State Association of Counties Executive Committee, to fill time sensitive vacancies with the organizations representation on National Organizations.

CHAIR WHITE: Thank you. Members, any discussion?

COUNCILMEMBER KING: Just a request for a little more information on who we're, I mean there's no name in here so I'm assuming that we are trying to appoint somebody to this position?

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Yeah, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Ms. King. As we go further, first I'm asking to waive the requirement and then in the next proposed motion I will be specific as to who we are naming.

COUNCILMEMBER KING: Could you, could you just outline the exact, what we're waiving?

COUNCILMEMBER CRIVELLO: We're waiving the requirement for committee referral. I think if you will recall, when we were at the Hawaii State Association Committee meeting we need to have positions filled by the various County Councils, so that we can have representation on the National Board.

COUNCILMEMBER KING: Okay, thank you.

CHAIR WHITE: So, the vote is on the waiver.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION ENTITLED, "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR THE TERM ENDING JUNE 30, 2017", BE

ADOPTED, AND THAT COUNTY COMMUNICATION 17-33 BE FILED.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

Members, the proposed resolution approves HSAC's Board of Directors appointees for NACo and WIR and that is the Western Interstate Region Board of Directors, as well as the National Association of Counties. We have in nomination, Councilmember Arryl Kaneshiro of Kauai County was nominated to join Honolulu City Council's Ikaika Anderson on the NACo Board of Directors, together with NACo Immediate Past President Riki Hokama. Councilmember Dru Kanuha of Hawaii County was nominated to join Maui County's Mike White on the WIR Board of Directors.

Because it necessitates our process, all four Council's approval is required to fill the existing vacancies.

I respectfully request support for the motion.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion? Seeing none, oh, I'm sorry, Mr. Guzman

COUNCILMEMBER GUZMAN: Oh, thank you, Chair.

I just wanted to speak in support of this motion. I do know Dru and my question is, is, the vacancy was imposed because of a shuffling, or what was the vacancy?

CHAIR WHITE: No, Mr. Paleka, was from the Big Island--

COUNCILMEMBER GUZMAN: Oh.

CHAIR WHITE: --lost his bid for re-election.

COUNCILMEMBER GUZMAN: Oh, okay, okay, okay, I understand.

CHAIR WHITE: That created the vacancy.

COUNCILMEMBER GUZMAN: Yeah. Dru is a very good person and a fine, young generational leader, so, support. Thank you.

CHAIR WHITE: Thank you.

Any further questions or comments, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-12.

NO. 17-34 - MIKE WHITE, COUNCIL CHAIR
(dated January 12, 2017)

Transmitting Bill 1 (2017), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. With no objections, may I request that County Communications 17-34 through 17-36 be moved to immediately follow Bill 1 (2017) on today's agenda. These items are contingent on the passage on second reading and final reading of Bill 1 (2017).

CHAIR WHITE: Any objections Members? Okay, we will move those items to end of calendar or, yeah, right after Bill No. 1.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, just to call up those communications for the record.

NO. 17-35 - MIKE WHITE, COUNCIL CHAIR
(dated January 12, 2017)

Transmitting a proposed resolution entitled "SETTING THE SALARY OF THE DIRECTOR OF COUNCIL SERVICES".

NO. 17-36 - MIKE WHITE, COUNCIL CHAIR
(dated January 12, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF GREGORY J. GARNEAU AS THE SUPERVISING LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

(See pages 49 through 53 for discussion.)

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with County Communications for referral.

The following County Communications are recommended for referral to the following committees as noted.

NO. 17-37 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated December 14, 2016)

Transmitting the following:

1. A proposed bill entitled "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, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WATER SUPPLY, WAILUKU WATER COMPANY ACQUISITION; TOTAL CAPITAL IMPROVEMENT

PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. 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 WATER SUPPLY, CENTRAL MAUI COMMUNITY PLAN AREA, WAILUKU WATER COMPANY ACQUISITION";

3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017"; and

4. "ACQUISITION AGREEMENT BY AND BETWEEN WAILUKU WATER COMPANY LLC AND COUNTY OF MAUI".

The recommended action is that County Communication No. 17-37 be referred to the Budget and Finance Committee.

(See pages 42 and 43 for discussion.)

NO. 17-38 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS".

The recommended action is that County Communication No. 17-38 be referred to the Budget and Finance Committee.

NO. 17-39 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN

AREA, GOVERNMENT FACILITIES, COUNTY SERVICE CENTER; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (COUNTY SERVICE CENTER)"; and

3. "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 MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, COUNTY SERVICE CENTER".

The recommended action is that County Communication No. 17-39 be referred to the Budget and Finance Committee.

NO. 17-40 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, MOLOKAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, MOLOKAI BASEYARD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (MOLOKAI BASEYARD)"; and

3. "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 PUBLIC WORKS, MOLOKAI COMMUNITY PLAN AREA, MOLOKAI BASEYARD".

The recommended action is that County Communication No. 17-40 be referred to the Budget and Finance Committee.

NO. 17-41 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, DRAINAGE, SOUTH KIKEI ROAD CULVERT REPLACEMENT AT WAIAKOA; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (SOUTH KIHEI ROAD CULVERT REPLACEMENT AT WAIAKOA)"; and

3. "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 PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, SOUTH KIHEI ROAD CULVERT REPLACEMENT AT WAIAKOA".

The recommended action is that County Communication No. 17-41 be referred to the Budget and Finance Committee.

NO. 17-42 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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, COUNTYWIDE SEWER CAPITAL IMPROVEMENT RESERVE FUND".

The recommended action is that County Communication No. 17-42 be referred to the Budget and Finance Committee.

NO. 17-43 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 WATER SUPPLY (PRIVATE DONATIONS)".

The recommended action is that County Communication No. 17-43 be referred to the Budget and Finance Committee.

NO. 17-44 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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, EMERGENCY FUND".

The recommended action is that County Communication No. 17-44 be referred to the Budget and Finance Committee.

NO. 17-45 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 THE DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM (GRANT TO THE LAHAINA RESTORATION FOUNDATION FOR THE LAHAINA HARBOR FRONT IMPROVEMENT PROJECT, PHASE 2A – PARK ASSESSMENT FUND)".

The recommended action is that County Communication No. 17-45 be referred to the Budget and Finance Committee.

NO. 17-46 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 FIRE AND PUBLIC SAFETY (UNITED STATES DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM – OPERATIONS AND SAFETY PROGRAM)".

The recommended action is that County Communication No. 17-46 be referred to the Budget and Finance Committee.

NO. 17-47 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER OPERATIONS PROGRAM – SEWER FUND, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 17-47 be referred to the Budget and Finance Committee.

NO. 17-48 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

Transmitting the following:

1. A proposed bill entitled "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, COUNTYWIDE, WATER SUPPLY, COUNTYWIDE UPGRADES AND REPLACEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. 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 WATER SUPPLY, COUNTYWIDE, COUNTYWIDE UPGRADES AND REPLACEMENTS"; and

3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 17-48 be referred to the Budget and Finance Committee.

NO. 17-49 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, WAIEHU GOLF COURSE PROGRAM – GOLF FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 17-49 be referred to the Budget and Finance Committee.

NO. 17-50 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

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 ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PARKS PROGRAM, RECREATION AND SUPPORT SERVICES PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 17-50 be referred to the Budget and Finance Committee.

NO. 17-51 - LYNN ARAKI-REGAN, BUDGET DIRECTOR
(dated January 13, 2017)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, KAMEHAMEHA AVENUE AT MAUI LANI PARKWAY INTERSECTION IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. 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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, KAMEHAMEHA AVENUE AT MAUI LANI PARKWAY INTERSECTION IMPROVEMENTS";

3. 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 PUBLIC WORKS (PRIVATE CONTRIBUTIONS)"; and

4. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 17-51 be referred to the Budget and Finance Committee.

NO. 17-52 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated December 27, 2016)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2016.

The recommended action is that County Communication No. 17-52 be referred to the Budget and Finance Committee.

NO. 17-53 - LANCE T. TAGUCHI, COUNTY AUDITOR
(dated January 5, 2017)

Transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2016, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 17-53 be referred to the Budget and Finance Committee.

NO. 17-54 - LANCE T. TAGUCHI, COUNTY AUDITOR
(dated January 5, 2017)

Transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2016 and 2015, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 17-54 be referred to the Budget and Finance Committee.

NO. 17-55 - JAMES LIKES, VICE-CHAIR, SALARY COMMISSION
(dated January 4, 2017)

Relating to the salary increases for Mayor, Managing Director and Deputy Managing Director, and Department Directors and Deputies.

The recommended action is that County Communication No. 17-55 be referred to the Budget and Finance Committee.

NO. 17-56 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS
(dated December 15, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ELECTRICAL LINE PURPOSES TO RAGING BULL, LLC".

The recommended action is that County Communication No. 17-56 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-57 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS
(dated January 4, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.56A.010, MAUI COUNTY CODE, RELATING TO LOADING ZONES".

The recommended action is that County Communication No. 17-57 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-58 - WILLIAM SPENCE, PLANNING DIRECTOR
(dated December 15, 2016)

Relating to a Change in Zoning Application filed by JYS Brothers & Sisters, LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO SERVICE BUSINESS RESIDENTAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-004:083", and related documents.

The recommended action is that County Communication No. 17-58 be referred to the Land Use Committee.

NO. 17-59 - WILLIAM SPENCE, PLANNING DIRECTOR
(dated January 6, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.12A AND 16.13, MAUI COUNTY CODE, RELATING TO SIGNS IN THE LAHAINA HISTORIC DISTRICTS", and related documents.

The recommended action is that County Communication No. 17-59 be referred to the Planning Committee.

NO. 17-60 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY
(dated December 12, 2016)

Transmitting a copy of a Memorandum of Agreement defining the cost sharing arrangement between the Kauai Department of Water and the County of Maui

Department of Water Supply for various costs which include software licensing costs, annual software maintenance and support costs, project management, and technical support.

The recommended action is that County Communication No. 17-60 be referred to the Policy, Economic Development, and Agriculture Committee.

(COUNTY COMMUNICATION NO. 17-60 WAS LATER REFERRED TO THE WATER RESOURCES COMMITTEE. See page 41 for discussion.)

NO. 17-61 - TIVOLI S. FAAUMU, CHIEF OF POLICE
(dated December 20, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF TWO MORPHO TRAK LIVESCAN MACHINES FOR THE MOLOKAI AND LANAI DISTRICT STATIONS FROM THE HAWAII CRIMINAL JUSTICE DATA CENTER TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 17-61 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-62 - JEFFREY A. MURRAY, FIRE CHIEF
(dated December 16, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS".

The recommended action is that County Communication No. 17-62 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

DISCUSSION RELATING TO COUNTY COMMUNICATION NO. 17-60

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Would be requesting County Communications 17-60 to be referred to the Water Committee. This, this in particular item deals with operations of the Water Department. I would believe that Mr. Atay would benefit from at least knowing how these type of agreements move forward and how these, um, type of, uh, I guess, communications or various softwares and maintenance support and management programs and technical support work within the Water Department.

CHAIR WHITE: Yeah, the reason it's going to Ms. Sugimura's Committee is that it's an Intergovernmental Agreement. There's nothing that wouldn't allow Mr. Atay to have an item put in his Committee to discuss it as well.

COUNCILMEMBER GUZMAN: Uh, in the past I believe that, that particular, these type of memorandums would go to Water Committee. I still feel that it would be more beneficial to go to the Water Committee. Just because we've got a new Chair and he needs to get up to speed on various operations. This doesn't have to do with the capacity of either persons, but I just would feel that having this in the Water Committee would benefit the Committee as a whole. Just for discussion purposes. But that is up to Mr. Atay if he wants to accept that or not, I'm just putting this forth.

Thank you Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER ATAY: For the record, I'd gladly accept it.

CHAIR WHITE: Okay. Any objections to the recommendation.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered. That will be referred to the Water Department instead, Water Committee, I'm sorry.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 17-37

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER KING: I'm a little confused, cause I have two different versions of today's agenda, and they have one under 17-37 has four items and the one that was just read off has two items.

So which one are we looking at?

CHAIR WHITE: Mr. Clerk or Mr. Baz.

DEPUTY COUNTY CLERK: Well, Mr. Chair, I mean, on the agenda for 17-37 there's four items under that Communication.

COUNCILMEMBER KING: Okay. So what was posted has two items. So did you read off item 3 and not item 4 when you, because item 4 is acquisition agreement by and between Wailuku Water Company and County of Maui. And was that read off? Okay so, what, I mean I just saw this, this just came to me that what's posted has two items. Do you want to see?

CHAIR WHITE: We'll take a brief recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:05 A.M., AND WAS RECONVENED AT 10:08 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk.

DEPUTY COUNTY CLERK: Thank you, Mr. Chair. Um, the official agenda posted is correct, and following the meeting, we can correct that on our Granicus system for members of the public who are interested. However, the attachment there indicated on Granicus is correct and includes all the relevant attachments that was read and posted on our agenda. So if members of the public out there are wishing to look at those two items, they're able to on the attachments indicated on there. It's just not indicated in the title.

CHAIR WHITE: Okay, thank you very much.

COUNCILMEMBER KING: Okay, thank you.

And then I just, I wanted to bring up one item for maybe, discussion. I'm a little concerned personally that this acquisition agreement by and between Wailuku Water Company and County of Maui. And just would like to suggest if, again, if Mr. Atay is willing that this go to the Water Committee for discussion on the merits of it before we bring it to Budget. And I don't know, and I wasn't on Council before when this came up, so I'm just, I wanted to bring that up for discussion.

CHAIR WHITE: No, it hasn't come up to this Council before.

COUNCILMEMBER KING: Okay, so, yeah, so anyway, my suggestion would be to bring it up to discuss the merits of that before we bring it up for, to the Budget Committee.

CHAIR WHITE: I believe the purpose of this particular budget amendment is for the Council to establish a criteria for the, for the appraisal to determine whether, to determine at what cost. And once again, Mr. Atay is more that welcome to bring up the issue in his Committee. But this particular issue needs to go to Budget and Finance--

COUNCILMEMBER KING: Okay, no, I accept that. It's just that, it's hard when you don't have the Budget Committee Chair here to explain some of these issues.

CHAIR WHITE: Sure. No problem.

Okay. Any further discussion, Members on the items recommended for referral? Seeing none, we'll move ahead with those referrals.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with General Communications.

GENERAL COMMUNICATIONS

NO. 17-1 - ERIN MUKAI , MUNEKIYO HIRAGA,
(dated January 6, 2017)

Submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 5, 2017" in accordance with Condition 22 of Ordinance No. 3613.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE COMMUNICATION 17-1.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

This is an annual report that is given every year. It is available, it is on our laptops and it also can be printed out, if staff, if anybody wishes to review it further.

Thank you.

CHAIR WHITE: Thank you.

Any further discussion on this item, Members? Seeing none, all those in favor--

COUNCILMEMBER KING: Point of clarification.

CHAIR WHITE: Sorry.

COUNCILMEMBER KING: Point of clarification. So, we're just accepting the annual report, by filing this?

CHAIR WHITE: It, we're accepting the annual reports, but it's also available for review and if anyone would like to bring it up, they can have it come up in committee if--

COUNCILMEMBER KING: Okay.

CHAIR WHITE: --they so choose.

All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___122___(2016)

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,
CIVIL DEFENSE AGENCY
(STATE HOMELAND SECURITY GRANT (SHSG) PROGRAM)

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

May I request that the Clerk also bring up Bills 123 through 125?

CHAIR WHITE: Any objections, Members? Seeing none.

Please do so, Mr. Clerk.

ORDINANCE NO._____
BILL NO.___123___(2016)

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 HOUSING AND HUMAN CONCERNS
(KAISER FOUNDATION HEALTH PLAN)

ORDINANCE NO._____
BILL NO.___124___(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 PUBLIC WORKS,
WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES,
2154 KAOHU STREET BUILDING IMPROVEMENTS;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___125___(2016)

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 PUBLIC WORKS,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
2154 KAOHU STREET BUILDING IMPROVEMENTS

COUNTY CLERK: Ms. Crivello.

COUNCILMEMBER CRIVELLO:

I MOVE TO PASS BILL NOS. 122, 123, 124, AND 125 ON SECOND AND FINAL READING.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

Bill 122 amends the Fiscal Year 2017 Budget, Appendix A, Part I, Grant Revenue by increasing the grant for the Civil Defense Agency, State Homeland Security Grant (SHSG) Program by $90,000. The grant award is from the State of Hawaii, Department of Defense for a total amount of $589,800. These funds may be used to fund the following core capabilities and investments: (1) cybersecurity; (2) community resilience; (3) threat and hazards identification; (4) environmental response for health and safety; (5) mass search and rescue; and (6) responder health and safety.

Bill 123 amends the Fiscal Year 2017 Budget, Appendix A, Part I, Grant Revenue by adding a new grant for the Department of Housing and Human Concerns, entitled Kaiser Foundation Health Plan, in the amount of $7,500. The funds supported the 15th Annual Maui Family Caregivers Conference held on November 18, 2016.

Bills 124 and 125 amend the Fiscal Year 2017 Budget as it relates to building renovations for 2154 Kaohu Street. Bill 124 adds an appropriation of $50,000 for air conditioning, electrical improvements and related permitting cost for one of two buildings on the property. The building will be occupied by the MPO staff, CDBG staff, and others if space allows.

Bill 125 amends Appendix C of the Fiscal Year 2017 Budget by adding the appropriation and a description of the project.

Members, I respectfully ask for your support of all of these Bills. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___126___(2016)

A BILL FOR AN ORDINANCE TO ESTABLISH THE HAWAIIAN CULTURAL RESTORATION REVOLVING FUND

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you.

MOVE TO PASS BILL 126 ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion Mr. Guzman and a second from Ms. King.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

The proposed bill establishes a fund for the deposit of all proceeds from the parking concession located on the property under the control and management of the County, on the area identified as Tax Map Key (2) 4-6-007:036 in Lahaina, Maui, Hawaii.

The fund shall be used for the preservation and restoration of Hawaiian historic and cultural artifacts and the sites in the County, including the Mokuhinia Ecosystem Restoration Project.

The restoration on the site has been ongoing since 2013. The Cultural Surveys Hawaii, Inc. is currently performing an archaeological inventory survey. The restoration work is planned to be accomplished in phases, with phase one commencing upon approval of the survey.

The fund is appropriated by the Council, could be a source of the project fund, of financing. It would be reviewed by the Council annually and the appropriated budget would be processed by the Budget Committee and passed by the Council.

I respectfully request the Council's approval and support of Bill 126 for second and final reading.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___1___(2017)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY

DEPUTY COUNTY CLERK: At this time the Council also has before it County Communications 17-34 through 17-36.

NO. 17-34 - MIKE WHITE, COUNCIL CHAIR
(dated January 12, 2017)

Transmitting Bill 1 (2017), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY".

NO. 17-35 - MIKE WHITE, COUNCIL CHAIR
(dated January 12, 2017)

Transmitting a proposed resolution entitled "SETTING THE SALARY OF THE DIRECTOR OF COUNCIL SERVICES".

NO. 17-36 - MIKE WHITE, COUNCIL CHAIR
(dated January 12, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF GREGORY J. GARNEAU AS THE SUPERVISING LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE REFERRAL AND RECOMMENDATION PURSUANT TO RULE 7(E), OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

Passage of Bill 1 (2017), Draft 1, requires the Council to set the salary of the Director of Council Services by resolution.

CHAIR WHITE: Thank you.

Members, any further discussion on the waiver?

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Yes, I speak against this waiver, due only to the fact that some of us on this Council were, have not been, were not aware of this. It creates a new position, and I think that hasn't been made obvious, or the reason for the new position. I'd like to be able to look at these decisions in light of the OCS budget, which I have not seen either. And so I'd like it to go back to Committee first, or go to Committee first, it hasn't gone to Committee yet. Thank you.

CHAIR WHITE: Yeah. The issue here is, by doing it this way, the Director of Council Services' salary will not be tied to the Prosecutor and the Corp. Counsel salaries.

COUNCILMEMBER KING: I understand the situation.

CHAIR WHITE: And therefore, by doing it this way we're also excusing that process from any actions by the Salary Commission as well.

So, anyway.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I just have a question as to why would we want to deviate from a Countywide policy or a formula that is set for the attorneys?

You could either go higher or lower than Prosecutors or Corp. Counsel and that would seem unfair to those attorneys in those departments. Or you, logically, just doesn't seem like it would be fair. And so I think we need to, a little bit, I mean we can bifurcate that particular item, but I would like to vet it through a little more as to what are the reasons why we would deviate from the countywide formula on salary for the attorneys.

CHAIR WHITE: Well, as you know, the position does not require an attorney and so it leaves us the flexibility to set it lower if we so choose or higher if we so choose.

COUNCILMEMBER GUZMAN: Oh, I apologize. I was referring to the, oh, the, I guess the new position for the, um, the attorney supervising, oh wait, the Supervising Legislative Attorney, yeah, yeah, that's what I'm speaking on --

CHAIR WHITE: Oh, I'm sorry, okay.

COUNCILMEMBER GUZMAN: -- but, I don't know about the other items because it was a motion that basically brought four items together. So, not sure how we are going to discuss these various items in one full motion. So, that's what I'm speaking on, is the item No. 17-36. I'm not sure what Ms. King was speaking on.

CHAIR WHITE: Yeah, I believe the order would be to vote on an amended version of Bill 1, initially. Then we would have a separate vote on setting the salary, and then a separate vote on approving the appointment of Gregory Garneau as the Supervising Legislative Attorney.

COUNCILMEMBER GUZMAN: Yeah, I realize that Chair. But the motion was all four put together on the waiver, so I don't know how you are going to distinguish the separate issues in each of them. Because, Mr. Carroll, motioned for all four items to be –

CHAIR WHITE: I believe the waiver was just on Bill 1. We don't, because the others are, the others are resolutions.

Let's take a brief recess.

COUNCILMEMBER GUZMAN: Alright. Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:22 A.M., AND WAS RECONVENED AT 10:33 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: Meeting shall please come back to order.

Members we have a, we have a simple vote on a waiver and if we vote to waive the rules, we need six Members. And with the waiver, we can act on these items today, without the waiver, then the Chair will recommend that we simply send it to the PEA Committee for further consideration.

So, again the vote is on the waiver. So is there any further discussion? Seeing none, all those in favor of the waiver, please signify by saying "aye".

AYES: COUNCILMEMBERS CRIVELLO, SUGIMURA, VICE-CHAIR CARROLL AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Okay, I think I heard enough "noes" that the waiver fails, so we will refer both these, we will commit Bill No. 1 to the PEA Committee along with the County Communications that are under consideration as well.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Okay, thank you very much. Thank you, Members for your attention this morning and your attendance.

And with that, we are adjourned.

ADJOURNMENT

The regular meeting of January 20, 2017 was adjourned by the Chair at 10:35 a.m.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

170120/dfy:jm

Regarding Bill 126

77coconuts@gmail.com on behalf of Kanaka Maoli <kanakafreedom@gmail.com>

Wed 1/18/2017 5:07 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Bill 126 would establish a Hawaiian Cultural Restoration Revolving Fund.
- Mike White's 3 Minutes

I am in full support of Bill 126 and would like more detailed information regarding this bill, as it comes up.

RECEIVED
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