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COUNCIL OF THE COUNTY OF MAUI 2018 APR 13 PM 3:06

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of April 20, 2018  
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 shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 KELLY T. KING

C. PLEDGE OF ALLEGIANCE

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "CONGRATULATING THE BALDWIN HIGH SCHOOL BOYS SOCCER TEAM FOR BEING NAMED CO-STATE DIVISION I CHAMPIONS AT THE 2018 QUEEN'S MEDICAL CENTER/HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION BOYS STATE SOCCER CHAMPIONSHIP"

NO. \_\_\_\_\_ "CONGRATULATING SHALIA KAPUAU'IONĀLANI KIKUYO KAMAKAOKALANI FOR WINNING THE MISS ALOHA HULA COMPETITION AT THE 2018 MERRIE MONARCH FESTIVAL"

NO. \_\_\_\_\_ "CONGRATULATING KUMU HULA NĀPUA GREIG AND HĀLAU NĀ LEI KAUMAKA O UKA FOR WINNING THE OVERALL TITLE AT THE 2018 MERRIE MONARCH FESTIVAL"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 18-137 - DIRECTOR OF FINANCE, transmitting 63 contracts/grants for March 2018.

NO. 18-138 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting the notice of grant award from the Hawaii State Energy Office for the 2018 Maui Energy Conference in the amount of \$10,000.

NO. 18-139 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Roadway Lot 18 (Lo'i Pohaku Place), Lokahi Pacific Mokuahu Subdivision, Wailuku, TMK: (2) 3-4-033:098.

NO. 18-140 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the removal of Ellie Marshman Castillo.

NO. 18-141 - MAYOR, informing of the appointment of Jessica Crouse to the Committee on the Status of Women.

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**H. COMMUNICATIONS (continued):**

- NO. 18-142 - MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Carl Adolpho.
- NO. 18-143 - MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Xavier-Kaniaala Bicoy.
- NO. 18-144 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending March 2018.
- NO. 18-145 - DIRECTOR OF PERSONNEL SERVICES, transmitting a report of the reclassification of positions that were transferred from one compensation plan to another for the calendar year 2017.
- NO. 18-146 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN APPRAISAL OF FRONT STREET APARTMENTS' SIX BUILDINGS AT 1056 FRONT STREET, LAHAINA, MAUI, HAWAII".
- NO. 18-147 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, WAIHEHU 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 2018".
- NO. 18-148 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended March 31, 2018.
- NO. 18-149 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED".
- NO. 18-150 - DIRECTOR OF PUBLIC WORKS, transmitting the following proposed resolutions entitled:
1. "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU COUNTRY ESTATES SUBDIVISION SITUATED IN WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"; and
  2. "ACCEPTING THE GRANT OF NON-EXCLUSIVE EASEMENTS SITUATED IN WAILUKU, MAUI, HAWAII, OVER WAIHEE DITCH, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE)".

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#### H. COMMUNICATIONS (continued):

NO. 18-151 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO DISCONTINUE WORK ON THE KULANIHAKOI CULVERT/BYPASS PROJECT AS CURRENTLY CONFIGURED AND PRESENT TO THE SOUTH MAUI COMMUNITY AN ALTERNATIVE PLAN FOR A PREFABRICATED BRIDGE".

NO. 18-152 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES REPRESENTATIVE AND ALTERNATE FOR FISCAL YEAR 2019".

NO. 18-153 - CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, relating to County Communication 18-117, from the Prosecuting Attorney, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT 2103 WELLS STREET, WAILUKU, MAUI, HAWAII, AND APARTMENTS A, B AND C OF THE UEOKA BUILDING CONDOMINIUM".

#### 2. GENERAL COMMUNICATIONS:

NONE.

#### I. COMMITTEE REPORTS:

NO. 18-67 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the final report for the performance and fiscal audit of the Department of Fire and Public Safety.

NO. 18-68 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the report prepared by the County's designated independent auditor, N&K CPAs, Inc., on the Department of Water Supply's financial statements and supplementary information for the Fiscal Years Ended June 30, 2017 and 2016.

NO. 18-69 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the Single Audit Report, Management Advisory Report, and required communication letter for the County of Maui for the Fiscal Year Ended June 30, 2017, as prepared by the County's designated independent auditor, N&K CPAs, Inc.

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**I. COMMITTEE REPORTS (continued):****NO. 18-70 - BUDGET AND FINANCE COMMITTEE:**

Recommending **FILING** of communication relating to the Comprehensive Annual Financial Report for the County of Maui for the Fiscal Year ended June 30, 2017, as prepared by the County's designated independent auditor, N&K CPAs, Inc.

**NO. 18-71 - BUDGET AND FINANCE COMMITTEE:**

Recommending **FILING** of communication relating to the County of Maui Retiree Health Care Plan Actuarial Valuation Report as of July 1, 2017, prepared by GRS Retirement Consulting.

**NO. 18-72 - BUDGET AND FINANCE COMMITTEE:**

Recommending **FILING** of communication relating to the short-term investments for the quarter ended September 30, 2017 (Fiscal Year 2018 First Quarter).

**NO. 18-73 - BUDGET AND FINANCE COMMITTEE:**

Recommending **FILING** of communication relating to the Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of July 1, 2016.

**NO. 18-74 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of July 31, 2016;
2. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2016;
3. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2016;
4. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2016;
5. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2016;

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**I. COMMITTEE REPORTS (continued):**

6. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2016;
7. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of January 31, 2017;
8. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 28, 2017;
9. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of March 31, 2017;
10. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2017;
11. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of May 31, 2017;
12. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2017;
13. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of July 31, 2017;
14. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2017;
15. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2017;
16. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2017; and
17. **FILING** of communication relating to the transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2017.

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**I. COMMITTEE REPORTS (continued):****NO. 18-75 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **FILING** of communication relating to the Budget Implementation Report for Fiscal Year July 1, 2017 to June 30, 2018 (First Quarter ending September 30, 2017); and
2. **FILING** of communication relating to the Finance Director's Quarterly Report and Capital Improvement Projects Report for Fiscal Year July 1, 2017 to June 30, 2018 (First Quarter ending September 30, 2017).

**NO. 18-76 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to approve the expenditure of Fiscal Year 2018 funds in the amount of \$12,000 for improvements of access roads at the Ka`ehu Bay property identified as tax map key (2) 3-3-001:001; and
2. **FILING** of communications.

**NO. 18-77 - LAND USE COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill granting an amendment to Condition 5 of Ordinance 3554 (2008), to allow all or a portion of the required workforce housing units, including the units originally required to be constructed in the Kaonoulu Light Industrial Subdivision, to be located within the 670-acre site zoned Kihei-Makena Project District 9 (Wailea 670), located mauka of the intersection of Piilani Highway and Wailea Ike Drive and identified for real property tax purposes as tax map keys (2) 2-1-008:056 and (2) 2-1-008:071, Paeahu, Palauea, Keauhou, Maui, Hawaii;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

**NO. 18-78 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize settlement of Mollie M. Klingman v. The County of Maui, et al., Civil 16-00399 ACK-RLP.

*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.*

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**J. RESOLUTIONS:**

NONE.

**K. ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 38 (2018) - "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.108, MAUI COUNTY CODE, SUBSECTION 108.2.1 OF THE INTERNATIONAL BUILDING CODE, RELATING TO PLAN REVIEW FEES AND FUND"
- BILL NO. 39 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 (NATIONAL DEVELOPMENT AND RESEARCH INSTITUTES, INC.)"
- BILL NO. 40 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 (HEALTHY AGING PARTNERSHIP – EMPOWERING ELDER)"
- BILL NO. 41 (2018) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION"
- BILL NO. 42 (2018) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII INTERISLAND BOMB SQUAD"
- BILL NO. 43 (2018) - "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE PLANNING DIRECTOR, THE DIRECTOR OF FINANCE, AND THE DIRECTOR OF WATER SUPPLY"
- BILL NO. 44 (2018) - "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE CORPORATION COUNSEL AND PROSECUTING ATTORNEY"

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.**