

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of April 18, 2008
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.
e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. The Council shall receive oral testimony first from persons whose testimony forms are submitted prior to the convening of the meeting. Initially, three (3) minutes will be granted on each item, and at the discretion of the Council Chair, an additional minute may be granted to conclude the testimony; or an additional three (3) minutes on each item will be granted to those who are unable to conclude their testimony, after all others desiring to speak have been heard.

Thereafter, persons whose testimony forms are submitted after the meeting convenes, but before the testimony portion ends, will be allowed to present oral testimony for three minutes on each item. The Chair may grant an additional minute to conclude the testimony.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), please submit at least 24 hours before the meeting so that copies can be provided to Council Members in a timely manner.

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- A. ROLL CALL
 - B. OPENING REMARKS: COUNCILMEMBER MICHELLE ANDERSON
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING APRIL 22, 2008 AS EARTH DAY"

NO. _____ - "CONGRATULATING MAUI ATTORNEYS FOR OUTSTANDING SERVICE TO VOLUNTEER LEGAL SERVICES HAWAII"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:

NONE

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 08-96 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in State Forfeiture Funds for its Employee Development Program.

NO. 08-97 - PROSECUTING ATTORNEY, informing of the Department of the Prosecuting Attorney's intent to expend approximately \$15,000 in Forfeiture Funds to purchase scanning equipment.

NO. 08-98 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 29, 2008.

1. COUNTY COMMUNICATIONS (continued):

NO. 08-99 - CHAIR, POLICY COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy Committee from further consideration of a correspondence from Councilmember Pontanilla, relating to the Hawaii State Association of Counties (HSAC) annual operating budget for FY 2008 – 2009; the appointment of Councilmember Joseph Pontanilla as the Maui County Council representative, and Councilmember Bill Kauakea Medeiros as his alternate, to the HSAC Executive Committee for FY 2008 – 2009; and the appointment of Councilmember Joseph Pontanilla as the Maui County Council representative to the National Association of Counties (NACo) Board of Directors for FY 2008 - 2009;
2. A motion to WAIVE the requirement of committee referral and recommendation;
3. A motion to APPROVE the HSAC annual operating budget for FY 2008 - 2009;
4. A motion to APPROVE the appointment of Councilmember Joseph Pontanilla as the Maui County Council representative to the HSAC Executive Committee for FY 2008 - 2009;
5. A motion to APPROVE the appointment of Councilmember Bill Kauakea Medeiros as the alternate to the Maui County Council representative to the HSAC Executive Committee for FY 2008 - 2009;
6. A motion to APPROVE the appointment of Councilmember Joseph Pontanilla as the Maui County Council representative to the National Association of Counties (NACo) Board of Directors for FY 2008 – 2009;
7. A motion to FILE the correspondence dated April 7, 2008;
8. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
9. A motion to FILE this communication.

NO. 08-100 - COUNCIL CHAIR, recommending an adjustment to the Council meeting schedule for 2008, and requesting that the following motions be made:

1. A motion to WAIVE Committee referral and recommendation of this communication;
2. A motion to RESCHEDULE the Monday, May 19, 2008 Council meeting to Friday, May 16, 2008; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-101 - COUNCILMEMBER BAISA, transmitting a proposed resolution entitled "URGING THE GOVERNOR TO RELEASE FUNDS APPROPRIATED FOR THE MAUI ECONOMIC OPPORTUNITY 'BEING EMPOWERED AND SAFE TOGETHER' REINTEGRATION PROGRAM" and informing of her intention to offer the following motions:
1. A motion to ADOPT the proposed resolution; and
 2. A motion to FILE this communication.
- NO. 08-102 - PRO TEMPORE CHAIR, COST OF GOVERNMENT COMMISSION, transmitting the "COST OF GOVERNMENT COMMISSION, COUNTY OF MAUI, REPORT OF FINDINGS AND RECOMMENDATIONS FOR COMMISSION TERM APRIL 1, 2007 TO MARCH 31, 2008".
- NO. 08-103 - DIRECTOR OF PUBLIC WORKS, transmitting the "Other Departmental Support" second quarter report of Fiscal Year 2008 for work provided by the Department of Public Works to the Department of Environmental Management.
- NO. 08-104 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AMENDING RESOLUTION NO. 07-44 TO CLARIFY THE MOLOKA'I COMMUNITY SERVICE COUNCIL, INC. PROJECT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".
- NO. 08-105 - COUNCIL CHAIR, relating to the contracting of a certified public accountant or firm of certified public accountants to perform the County's independent annual financial audit pursuant to Section 9-13 of the Charter of the County of Maui.
- NO. 08-106 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE AND APPENDIX A, PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2008, POST-EMPLOYMENT OBLIGATIONS FUND".
- NO. 08-107 - PLANNING DIRECTOR, transmitting the "HAWAI'I 2050 SUSTAINABILITY PLAN".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-108 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A 1996 JEEP GRAND CHEROKEE FROM MARK AND ANNA RAMSEY TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, KAUNOA SENIOR SERVICES, COUNTY OF MAUI, PURSUANT TO SECTION 3.56, MAUI COUNTY CODE".
- NO. 08-109 - DIRECTOR OF PARKS AND RECREATION, informing that the Kanaha Beach Park Campground, located at Amala Place, Kahului, will be closed from April 16, 2008 through June 3, 2008.
- NO. 08-110 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 2041 (1991), PERTAINING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI".
- NO. 08-111 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended March 2008.
- NO. 08-112 - CHAIR, POLICY COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF HANOHANO, LLC V. COUNTY OF MAUI, ET AL., CIVIL NO. 06-1-0148(1)" and informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Policy Committee from further consideration of the proposed resolution;
 2. A motion to WAIVE the requirement of committee referral and recommendation;
 3. A motion to ADOPT the proposed resolution;
 4. A motion to CONVENE an executive meeting 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;
 5. A motion to FILE this communication.

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.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 37 (2008) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2008, FOR APPROPRIATION FROM THE EMERGENCY FUND FOR DECEMBER 2007 STORM DAMAGES"

BILL NO. 38 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, TOTAL OPERATING APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 39 (2008) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL, M-2 HEAVY INDUSTRIAL, AND R-1 RESIDENTIAL DISTRICTS TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR THE MAUI BUSINESS PARK PHASE II PROJECT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII"

BILL NO. 40 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR THE WATER FUND"

BILL NO. 41 (2008) - "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO PUBLIC SERVICES BY ADDING A NEW CHAPTER ENTITLED WATER RATES AND FEES"

L. UNFINISHED BUSINESS:

NONE

M. ANNOUNCEMENTS

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.