

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of May 22, 2007
10:00 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@co.maui.hi.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 GLADYS C. BAISA

 - C. PLEDGE OF ALLEGIANCE

 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING LISA DALY ELEMENTARY ECONOMICS TEACHER OF THE YEAR FOR 2007"

NO. _____ - "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE GEORGE TSUTOMU ITO"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular Meeting of April 10, 2007
2. Public Hearing of April 12, 2007

H. COMMITTEE REPORTS:

NO. 07-50 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution adopting the fuel tax rates for the County of Maui;
2. **FIRST READING** of bill amending Section 2.68.060, Maui County Code, pertaining to voter registration computer tapes;
3. **FIRST READING** of bill amending Section 18.20.250, Maui County Code, pertaining to subdivision inspection fees;
4. **FIRST READING** of bill amending Section 16.20A.200, Maui County Code, pertaining to miscellaneous plumbing installation inspections;
5. **FIRST READING** of bill amending Title 3, Maui County Code, to establish a Post-Employment Obligations Fund;
6. **FIRST READING** of bill amending Section 3.30.020, Maui County Code, pertaining to the First-Time Home Buyers' Revolving Fund;
7. **FIRST READING** of bill amending Section 16.20A.130, Maui County Code, pertaining to the plumbing code;
8. **FIRST READING** of bill amending Section 6.16.080, Maui County Code, pertaining to redemption of impounded animals;
9. **FIRST READING** of bill amending Chapter 13.16, Maui County Code, relating to Waiehu Municipal Golf Course;

H. COMMITTEE REPORT (continued):

10. **FIRST READING** of bill amending Section 2.44.015, Maui County Code, relating to salaries of deputies corporation counsel and deputies prosecuting attorney;
11. **FIRST READING** of bill amending Section 2.08.060, Maui County Code, relating to salaries of personnel in the Office of Council Services and other Council Staff;
12. **FIRST READING** of bill amending Section 3.48, Maui County Code, pertaining to the real property tax exemptions for deployed active-duty military personnel;
13. **FIRST READING** of bond authorization bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF THIRTY SEVEN MILLION FIFTY THOUSAND DOLLARS (\$37,050,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";
14. **FIRST READING** of lapsed bond bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";
15. **FIRST READING** of Capital Improvement Program bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2008";
16. **FIRST READING** of bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008"; and
17. **FILING** of communications. (C.C. Nos. 07-29, 07-87, and 07-109)

H. COMMITTEE REPORT (continued):

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a), Hawaii Revised Statutes, may be held:

- (3) to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;*
- (4) to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and*
- (8) to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 07-149 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General for the Special Needs Advocacy Project.
- NO. 07-150 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Joel Whitley.
- NO. 07-151 - MAYOR, informing of a vacancy on the Commission on Naming Streets, Parks, and Facilities due to the resignation of Bonnie Baxter.
- NO. 07-152 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Alexander Yray.
- NO. 07-153 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Diane Fujii.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-154 - CHAIR, POLICY COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy Committee from further consideration of the proposed HSAC slate of officers, the nominations to the NACo Board of Directors, and the nominations to the WIR Board of Directors for FY 2007 - 2008;
2. A motion to WAIVE the requirement of committee referral and recommendation;
3. A motion to APPROVE the proposed HSAC slate of officers: Councilmember Mel Rapozo (County of Kauai) as President, Councilmember Bob Jacobson (County of Hawaii) as Vice President, Councilmember Romy M. Cachola (City and County of Honolulu) as Secretary, and Councilmember Joseph Pontanilla (County of Maui) as Treasurer for Fiscal Year 2007 - 2008;
4. A motion to APPROVE the nominations of Councilmember Donovan M. Dela Cruz (City and County of Honolulu), Councilmember G. Riki Hokama (County of Maui), and Councilmember Shaylene Iseri-Carvalho (County of Kauai) to the NACo Board of Directors for FY 2007 - 2008;
5. A motion to APPROVE the nominations of Councilmember Bob Jacobson (County of Hawaii), and Councilmember Mel Rapozo (County of Kauai) to the WIR Board of Directors for FY 2007 - 2008;
6. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
7. A motion to FILE this communication.

NO. 07-155 - COUNCIL CHAIR, transmitting a report from the State Department of Accounting and General Services regarding certain State appropriations for capital improvement projects involving the County for period ended March 31, 2007.

NO. 07-156 - DIRECTOR OF FINANCE, transmitting 28 contracts for April 2007.

NO. 07-157 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2006 to June 30, 2007 as of March 31, 2007, and a copy of the Capital Improvement Project Report as of March 31, 2007.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-158 - CHAIR, COST OF GOVERNMENT COMMISSION, transmitting a copy of the Cost of Government Commission's "Report of Findings and Recommendations for Commission Term April 1, 2006 to March 31, 2007".
- NO. 07-159 - MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 1, NON-SUPERVISORY BLUE COLLAR EMPLOYEES".
- NO. 07-160 - MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR NON-SUPERVISORY BLUE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 1".
- NO. 07-161 - CHAIR, SALARY COMMISSION, informing of an increase in the salary of the Mayor of the County of Maui.
- NO. 07-162 - CHAIR, SALARY COMMISSION, informing of the setting of the salary of the Director and Deputy Director of the new Department of Environmental Management.
- NO. 07-163 - BUDGET DIRECTOR, transmitting the Capital Improvement Projects Implementation Report for Fiscal Year 2007, Third Quarter, as of March 31, 2007.
- NO. 07-164 - BUDGET DIRECTOR, transmitting the following:
1. A proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A GRANT OF FUNDS FROM THE STATE OF HAWAII, DEPARTMENT OF BUDGET AND FINANCE AND HAWAII PUBLIC HOUSING AUTHORITY, RELATING TO THE TEMPORARY EMERGENCY HOUSING AND SUPPORTIVE SERVICES PROGRAM"; and
 2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS".

1. COUNTY COMMUNICATIONS (continued):

NO. 07-165 - DIRECTOR OF PLANNING, transmitting pertinent documents and three proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM OPEN SPACE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII";
2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII";
and
3. "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII".

NO. 07-166 - DIRECTOR OF PARKS AND RECREATION, in accordance with Section 13.04.060 of the Maui County Code, informing of the closure of a portion of Kanaha Beach Park from May 16, 2007 through May 18, 2007.

NO. 07-167 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A SEWER EASEMENT OVER, UNDER, ACROSS AND THROUGH, PROPERTY IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:013 (PORTION), PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 07-168 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATIONS AND PARKING AREAS REQUIREMENTS, IN THE WAIOLANI MAUKA SUBDIVISION, WAIKAPU, WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

NO. 07-169 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended April 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE

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.