

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

December 2, 2005

Committee

Report No. 05-167

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on November 15, 2005, makes reference to County Communication No. 05-305, from the former Budget Director transmitting the following:

1. A proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A GRANT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOR THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE LAHAINA WATERSHED FLOOD CONTROL PROJECT IN THE COUNTY OF MAUI".

The purpose of the proposed resolution is to authorize acceptance of a \$3,400,000 grant from the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), for the construction and construction management of the Lahaina Watershed Flood Control Project.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2006 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT".

The purpose of the proposed bill is to amend Appendix A, Part I, of the Fiscal Year 2006 Budget, relating to grant revenues, as it pertains to the Department of Public Works and Environmental Management, by appropriating \$3,400,000 for the construction and construction management of the Lahaina Watershed Flood Control Project.

At its meeting, your Committee met with the Budget Director, the Deputy Director of Public Works and Environmental Management, an Engineer from the

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Engineering Division of the Department of Public Works and Environmental Management, and the First Deputy Corporation Counsel.

There was no public testimony.

The Budget Director submitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2006 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT". The purpose of the revised proposed bill is the same as the bill transmitted by County Communication No. 05-305; however, the revised proposed bill deletes the "State of Hawaii – County Road Improvements Grant" in the amount of \$2,000,000 because the Council has not approved the resolution authorizing acceptance of the grant, nor passed a proposed bill to amend Appendix A, Part I of the Fiscal Year 2006 Budget.

The Budget Director explained that passage of the proposed resolution and revised proposed bill is necessary to consummate a project agreement with the NRCS that was executed on September 23, 2004.

The Civil Engineer stated that the NRCS grant will fund channel improvements, and County funds will pay for the relocation of utilities, construction of roads and culverts, and land acquisition. He said that the Department anticipates the project to be comprised of five phases, and expects the work to be completed in five or six years. The Civil Engineer further stated that bids were solicited in June 2005 for the project's first phase. The project's design has been revised because construction bids exceeded original estimates.

Your Committee voted to recommend adoption of the proposed resolution, passage of the revised proposed bill on first reading, and filing of the communication.

Your Committee is in receipt of a revised proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A GRANT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOR THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE LAHAINA WATERSHED FLOOD CONTROL PROJECT IN THE COUNTY OF MAUI", from the Department of the Corporation Counsel, containing a nonsubstantive revision.

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Your Budget and Finance Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING THE ACCEPTANCE OF A GRANT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOR THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE LAHAINA WATERSHED FLOOD CONTROL PROJECT IN THE COUNTY OF MAUI", be ADOPTED;

2. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2006 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

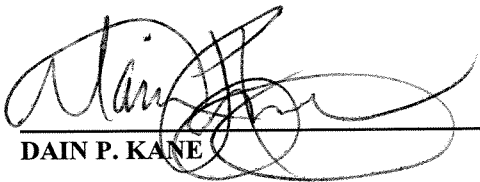
3. That County Communication No. 05-305 be FILED.

Adoption of this report is respectfully requested.

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DAIN P. KANE Chair

DANNY A. MATEO Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

MICHELLE ANDERSON Member

JOSEPH PONTANILLA Member

ROBERT CARROLL Member

CHARMAINE TAVARES Member

JO ANNE JOHNSON Member

Resolution

No. _____

AUTHORIZING THE ACCEPTANCE OF A GRANT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOR THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE LAHAINA WATERSHED FLOOD CONTROL PROJECT IN THE COUNTY OF MAUI

WHEREAS, the UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE ("NRCS") has approved grant funds in a total amount of \$3,400,000 to the County of Maui, Department of Public Works and Environmental Management, for the Construction and Construction Management of the Lahaina Watershed Flood Control Project in the County of Maui ("Project"), as further described in Amendment No. 3 to Project Agreement, attached hereto as Exhibit "1"; and

WHEREAS, the Department of Public Works and Environmental Management desires to accept grant funds from the NRCS for the Project; and

WHEREAS, Section 12 of Ordinance No. 3289, Bill No. 45 (2005), Draft 1, as amended ("Fiscal Year 2006 Budget"), provides that, whenever the County is notified that grant funds are available from federal or state sources for programs other than those identified in Part 1 of Appendix A of the Fiscal Year 2006 Budget, the Council may pass a resolution authorizing the application for and acceptance of such funds; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby authorize the Mayor of the County of Maui, or his duly authorized representative, to accept

Resolution No. _____

grant funds on behalf of the County of Maui in the amount of THREE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,400,000) from the NRCS for the Project; and

2. That the Mayor or his authorized representative is hereby authorized to execute any and all documents necessary to process and accept such funds, including any amendments thereto; and

3. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Public Works and Environmental Management, and Budget Director.

APPROVED AS TO FORM
AND LEGALITY:



TRACI FUJITA VILLAROSA
First Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2005)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2006 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT
OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:


SECTION 1. Ordinance No. 3289, Bill No. 45 (2005), Draft 1, as amended, ("Fiscal Year 2006 Budget"), Appendix A, Part I, "Grant Revenues - Schedule of Grants by Departments and Programs for Fiscal Year 2006", is hereby amended as it pertains to the Department of Public Works and Environmental Management by adding a new grant called United States Department of Agriculture, Natural Resources Conservation Service Grant in the amount of \$3,400,000, to read as follows:

<u>"REQUEST DEPARTMENT/PROGRAM"</u>	<u>APPROPRIATION</u>
10. Department of Public Works and Environmental Management	
a. Federal Highway Administration/Intermodal Surface Transportation Efficiency Act (ISTEA) Highway and other Transportation Grants	\$8,120,000
b. Used Oil Recovery Program	\$83,226
(1) Provided, that disbursement for salaries and premium pay is limited to 0.1 equivalent personnel.	
c. Glass Recovery Program	\$316,665
(1) Provided, that disbursement for salaries and premium pay is limited to 0.3 equivalent personnel.	
d. Solid Waste Grants	\$600,000
e. Tire Disposal Fund	\$100,000
f. Deposit Beverage Container Program	\$750,000
(1) Provided, that disbursement for salaries and premium pay is limited to 2.0 equivalent personnel.	
g. <u>United States Department of Agriculture, Natural Resources Conservation Service Grant"</u>	<u>\$3,400,000</u>

SECTION 2. New material is underscored. In printing this ordinance, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



TRACI FUJITA VILLAROSA
First Deputy Corporation Counsel

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