

ALAN M. ARAKAWA  
MAYOR



RECEIVED  
KEITH A. REGAN  
MANAGING DIRECTOR

2017 NOV 30 PM 3:17

**OFFICE OF THE MAYOR**

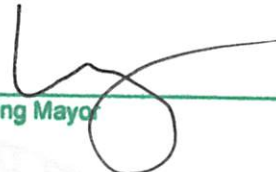
Ke'ena O Ka Meia  
COUNTY OF MAUI – Kalana O Maui

November 30, 2017

OFFICE OF THE  
COUNTY CLERK  
REFERENCE NO. BD-BA 18-40

Honorable Alan Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
\_\_\_\_\_  
Acting Mayor      11/30/17  
Date

For Transmittal to:

Honorable Michael White, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair White and Members:

**SUBJECT: EMERGENCY AMENDMENT TO THE FISCAL YEAR 2018  
BUDGET**

The Mayor's Office, in conjunction with the Department of Public Works, hereby transmits the attached proposed bill for the purpose of adding a \$1,000,000 emergency appropriation in the Fiscal Year 2018 Budget under the "Road, Bridge, and Drainage Maintenance Program – Highway Fund" for the removal of dead trees along Piiholo Road.

The \$1,000,000 emergency appropriation will be funded by increasing Carryover/Savings Highway Fund and Estimated Revenues in the amount of \$1,000,000. A Certification of Additional Revenue for Fiscal Year 2018 certifying the availability of Highway Fund Carryover/Savings is attached.

Yesterday, on November 29, 2017, Acting Mayor Keith Regan issued and transmitted to Council Services an emergency proclamation, declaring that the county needs to remove more than 400 dead eucalyptus trees in the county owned rights of way along Piiholo Road before any more falling trees cause property damage, injury or death this winter. As noted in the emergency proclamation, dead trees pose an imminent danger of death, injury, and property damage to our residents and visitors using Piiholo Road, warranting preemptive and protective action.

As safety of our community is a top priority, we request that this budget amendment be considered as soon as possible. Thank you in advance for considering our request for expeditious review, discussion and appropriate action on this critical matter.

**COUNTY COMMUNICATION NO. 17-486**

Honorable Michael White, Chair  
and Members of Maui County Council  
November 30, 2017  
Page 2

Should you have any questions, please do not hesitate to contact me at Ext. 7212.

Sincerely,



LYNN A.S. ARAKI-REGAN  
Budget Director

Attachments (3)

cc: Mark Walker, Director of Finance  
David Goode, Director of Public Works  
Ka'ala Buenconsejo, Director of Parks & Recreation

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF PUBLIC WORKS,  
ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM – HIGHWAY FUND;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

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

SECTION 1. Ordinance No. 4456, Bill No. 65 (2017), Draft 1, as amended, "Fiscal Year 2018 Budget", is hereby amended as it pertains to Section 2, Estimated Revenues, by increasing Carryover/Savings from the Highway Fund in the amount of \$1,000,000; and by increasing Total Estimated Revenues in the amount of \$1,000,000, to read as follows:

"ESTIMATED REVENUES"

FROM TAXES, FEES AND ASSESSMENTS:

|                              |             |
|------------------------------|-------------|
| Real Property Taxes          | 303,548,805 |
| Circuit Breaker Adjustment   | (373,138)   |
| Charges for Current Services | 142,393,137 |
| Transient Accommodations Tax | 21,204,000  |
| Public Service Company Tax   | 8,500,000   |
| Licenses/Permits/Others      | 38,694,419  |
| Fuel and Franchise Taxes     | 21,000,000  |
| Special Assessments          | 6,002,000   |
| Other Intergovernmental      | 36,450,000  |

FROM OTHER SOURCES:

|                             |                              |
|-----------------------------|------------------------------|
| Interfund Transfers         | 49,705,630                   |
| Bond                        | 45,705,000                   |
| Carryover/Savings:          |                              |
| General Fund                | 6,273,867                    |
| Sewer Fund                  | 5,023,222                    |
| Highway Fund                | [1,330,866] <u>2,330,866</u> |
| Solid Waste Management Fund | 298,920                      |
| Golf Fund                   | 363,433                      |
| Liquor Fund                 | 722,099                      |
| Bikeway Fund                | 47,276                       |
| Water Fund                  | <u>18,475,916</u>            |

TOTAL ESTIMATED REVENUES

[705,365,452] 706,365,452"

SECTION 2. Fiscal Year 2018 Budget is hereby amended as it pertains to Section 3.B.15.f., Department of Public Works, Road, Bridge, and Drainage Maintenance Program – Highway Fund, by increasing B – Operations and Total appropriation by \$1,000,000, to read as follows:

|  | <u>A - Salaries</u> | <u>B - Operations</u> | <u>C - Equipment</u> | <u>Total</u> |
|--|---------------------|-----------------------|----------------------|--------------|
| “15. Department of Public Works  |                     |                       |                      |              |
| a. Administration Program – General Fund   | 538,014             | 51,300                | 0                    | 589,314      |
| (1) Provided, that disbursement for salaries and premium pay is limited to 7.0 equivalent personnel.                 |                     |                       |                      |              |
| b. Engineering Program – General Fund  | 2,298,884           | 1,484,310             | 0                    | 3,783,194    |
| (1) Provided, that disbursement for salaries and premium pay is limited to 36.0 equivalent personnel.                |                     |                       |                      |              |
| c. Special Maintenance Program Program – General Fund  | 1,862,700           | 1,121,125             | 250,000              | 3,233,825    |
| (1) Provided, that disbursement for salaries and premium pay is limited to 35.0 equivalent personnel.                |                     |                       |                      |              |
| d. Development Services Administration Program – General Fund  | 2,177,336           | 167,117               | 0                    | 2,344,453    |
| (1) Provided, that disbursement for salaries and premium pay is limited to 37.0 equivalent personnel.                |                     |                       |                      |              |
| e. Highways Administration Program – Highway Fund  |                     |                       |                      |              |
| (1) General  | 753,965             | 89,600                | 50,000               | 893,565      |
| (i) Provided, that disbursement for salaries and premium pay is limited to 7.0 equivalent personnel.                 |                     |                       |                      |              |
| (2) Contribution to General Fund – Employees’ Retirement System (ERS) and Federal Insurance Contributions Act (FICA) | 0                   | 2,224,726             | 0                    | 2,224,726    |
| (3) Contribution to General Fund – Hawaii Employer-Union Health Benefits Trust Fund (EUTF)                           | 0                   | 1,408,873             | 0                    | 1,408,873    |
| (4) Contribution to General Fund – Other Post-Employment Benefits (OPEB)   | 0                   | 661,248               | 0                    | 661,248      |

|  | <u>A - Salaries</u> | <u>B - Operations</u>           | <u>C - Equipment</u> | <u>Total</u>                      |
|--|---------------------|---------------------------------|----------------------|-----------------------------------|
| (5) Contribution to General Fund for Engineering Program service                                       | 0                   | 1,023,886                       | 0                    | 1,023,886                         |
| (6) Debt Service   | 0                   | 5,271,441                       | 0                    | 5,271,441                         |
| (7) Administrative Overhead Charge   | 0                   | 4,636,722                       | 0                    | 4,636,722                         |
| f. Road, Bridge, and Drainage Maintenance Program – Highway Fund                                       | 6,148,204           | [6,153,028]<br><u>7,153,028</u> | 1,147,200            | [13,448,432]<br><u>14,448,432</u> |
| (1) Provided, that disbursement for salaries and premium pay is limited to 124.0 equivalent personnel. |                     |                                 |                      |                                   |
| g. Traffic Management Program – Highway Fund   | 830,512             | 649,857                         | 0                    | 1,480,369"                        |
| (1) Provided, that disbursement for salaries and premium pay is limited to 15.0 equivalent personnel.  |                     |                                 |                      |                                   |

SECTION 3. Fiscal Year 2018 Budget is hereby amended as it pertains to the Total Operating Appropriations to reflect a B – Operations and Total increase of \$1,000,000, to read as follows:

|                                 |             |                                     |           |                                      |
|---------------------------------|-------------|-------------------------------------|-----------|--------------------------------------|
| "TOTAL OPERATING APPROPRIATIONS | 177,286,835 | [379,074,216]<br><u>380,074,216</u> | 6,314,619 | [562,675,670]<br><u>563,675,670"</u> |
|---------------------------------|-------------|-------------------------------------|-----------|--------------------------------------|

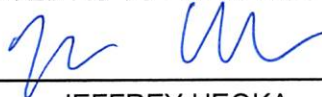
SECTION 4. Fiscal Year 2018 Budget is hereby amended as it pertains to the Total Appropriations (Operating and Capital Improvement Projects) to reflect an increase of \$1,000,000, to read as follows:

|  |               |                     |
|--|---------------|---------------------|
| "TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS) | [705,365,452] | <u>706,365,452"</u> |
|--|---------------|---------------------|

SECTION 5. Material to be repealed is bracketed. New material is underscored.

SECTION 6. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY



\_\_\_\_\_  
JEFFREY UEOKA  
Deputy Corporation Counsel

CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018

I, KEITH A. REGAN, Acting Mayor of the County of Maui, who is authorized to sign on behalf of ALAN M. ARAKAWA, Mayor of the County of Maui, State of Hawaii, and, pursuant to Section 9-9.1 of the Revised Charter of the County of Maui (1983), as amended, do hereby certify that there is available for appropriation revenue received from anticipated sources but in excess of the budget estimates for Fiscal Year 2018. The amount available for appropriation is:

From Carryover/Savings:

Highway Fund \$1,000,000.00

*[Handwritten Signature]*

KEITH A. REGAN  
Acting Mayor, County of Maui

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

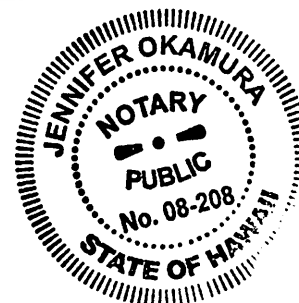
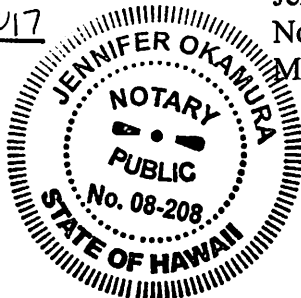
On this 30th day of November, 2017, before me appeared Keith A. Regan, to me personally known, who being by me duly sworn did say that he is the Acting Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui pursuant to Section 9-18 of the Charter of the County of Maui; and the said KEITH A. REGAN acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Doc. Date: Undated # Pages: 1  
Jennifer Okamura Second Circuit  
Doc. Description: Certification of Additional Revenues for Fiscal Year 2018  
Jennifer Okamura 11/30/2017  
Notary Signature Date

*[Handwritten Signature]*  
Jennifer Okamura

Notary Public, State of Hawaii  
My commission expires: June 29, 2020



NOTARY CERTIFICATION

**ALAN M. ARAKAWA**  
MAYOR



**KEITH A. REGAN**  
MANAGING DIRECTOR

## **OFFICE OF THE MAYOR**

*Ke'ena O Ka Meia*

COUNTY OF MAUI – Kalana O Maui

### **PROCLAMATION**

By the authority vested in me as Mayor by the Revised Charter of the County of Maui (1983), as amended, and the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, and pursuant to the authority granted to me by Mayor Alan M. Arakawa, by his letter dated November 22, 2017, to serve as Acting Mayor during Mayor Arakawa's absence from 12:41 p.m., Thursday, November 22, 2017, until his return, anticipated to be Monday, December 4, 2017, at approximately 4:39 p.m., I, KEITH A. REGAN, Acting Mayor of the County of Maui of the State of Hawaii, hereby determine, designate and proclaim as follows:

**WHEREAS**, Chapter 127A, Hawaii Revised Statutes ("HRS") empowers me, Keith A. Regan, as Acting Mayor of the County of Maui of the State of Hawaii, as the sole judge of the existence of imminent danger or threat of an emergency or disaster in any portion of the county; and

**WHEREAS**, the County owned rights of way in the Piiholo Road area on the island of Maui have in excess of 400 dead eucalyptus trees ranging from 70 – 100 feet in height, and there have been recent and numerous incidents of such trees falling onto Piiholo Road which endanger passing motorists or pedestrians and pose an imminent threat to life and property, and based on the fact that the County is entering the rainy season and the National Weather service forecasts a wetter than average season, and the fact that rain-softened soil combined with tall dead trees which have been consistently falling and are likely to fall more frequently, especially in the event of heavy winds, and based upon the expertise available to me, I have determined that the dead trees pose an imminent danger of death, injury, and property damage to residents of Maui County, and visitors using Piiholo Road, thereby endangering the health, safety, and welfare of the people, which warrants preemptive and protective action in order to provide for the health, safety, and welfare of the people; and

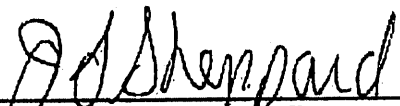
**WHEREAS**, there is need for the County government to provide immediate services to mitigate this hazardous situation before it causes property damage, injury or death;

NOW, THEREFORE, pursuant to Section 14(b), HRS Chapter 127A, I, KEITH A. REGAN, Acting Mayor of the County of Maui, do hereby determine that the County of Maui is in imminent danger and that there is the threat of an emergency or disaster for a portion of the county due to the imminent falling of dead trees from the County's right of way along Piiholo Road on the island of Maui, and I DO HEREBY PROCLAIM that a local state of emergency exists as of 4:20 p (time), this 29th day of November, 2017, which shall continue until terminated by any separate proclamation, or which shall automatically terminate sixty days after issuance of this PROCLAMATION, whichever occurs first. Pursuant to this Proclamation, I hereby exercise any and all powers listed in Sections 12 and 13 of Chapter 127A, HRS.

Done at the Kalana O Maui Building,  
This 29th day of November, 2017.

  
\_\_\_\_\_  
KEITH A. REGAN, Acting Mayor  
County of Maui

APPROVED:

  
\_\_\_\_\_  
JERRIE L. SHEPPARD  
Deputy Corporation Counsel  
County of Maui