

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of April 6, 2018

9:00 AM

### **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: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

email: [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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 DON S. GUZMAN

**C. PLEDGE OF ALLEGIANCE****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

[Reso](#) "CONGRATULATING THE CAST AND CREW OF 'KULEANA' FOR WINNING THE BEST OF FESTIVAL AWARD AT THE 7TH ANNUAL GUAM INTERNATIONAL FILM FESTIVAL"

[Reso](#) "EXTENDING CONDOLENCES TO THE 'OHANA OF THE LATE RICHARD KEALOHA HO'OPI'I, SR."

**F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****G. MINUTES:**

[M-171201](#) Regular Meeting of December 1, 2017

**H. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 18-120](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Notice of Grant Award from the Federal Corporation for National and Community Service for the Retired & Senior Volunteer Program in the amount of \$65,850.

[CC 18-121](#) DIRECTOR OF FINANCE, transmitting 56 contracts/grants for February 2018.

[CC 18-122](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easements S-1 & S-2, Papohaku Park Subdivision, Wailuku, identified as TMK: (2) 3-4-023:017 (Por).

[CC 18-123](#) DIRECTOR OF FINANCE, relating to annual inventory and disposal records and reports regarding County property for the period ending June 30, 2017.

[CC 18-124](#)

MAYOR, relating to the proposed Fiscal Year 2019 Budget including the following:

1. Mayor's Proposed Budget Program;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2019";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2019 BUDGET ORDINANCE";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2019 BUDGET ORDINANCE";
6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE HUNDRED TWENTY-SEVEN MILLION TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$127,235,000) 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";
7. A proposed 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";

8. A proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.26, MAUI COUNTY CODE, RELATING TO THE EMPLOYEE PARKING FEES FUND"; and

9. Mayor's Proposed Budget Program Synopsis.

[CC 18-125](#) MAYOR, informing that the Department of Parks and Recreation estimates a \$355,000 shortfall in golf fund revenue in FY 2018.

[CC 18-126](#) DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of February 28, 2018.

[CC 18-127](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.32.050, MAUI COUNTY CODE, RELATING TO MEETINGS OF THE COMMISSION ON PERSONS WITH DISABILITIES".

[CC 18-128](#) COUNCILMEMBER COCHRAN, relating to requesting an Anaergia Project status update.

[CC 18-129](#) COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "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".

[CC 18-130](#) CHAIR, PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT".

[CC 18-131](#) COUNCILMEMBER KING, relating to the appointment of community plan advisory members.

[CC 18-132](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "REAPPOINTING ROBERT A. STEPHENSON AND LORI L. BUCHANAN TO THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE".

[CC 18-133](#) COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "ESTABLISHMENT OF THE COUNTY OF MAUI KAHANA BAY SPECIAL IMPROVEMENT DISTRICT NO. 1".

[CC 18-134](#) PLANNING DIRECTOR, relating to the West Maui Community Plan Update.

[CC 18-135](#) COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPOINTING MARIA E. ZIELINSKI AS THE DIRECTOR OF COUNCIL SERVICES".

[CC 18-136](#) DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for January and February 2018 for all registered well reporters in the County of Maui.

## **2. GENERAL COMMUNICATIONS:**

NONE.

## **I. COMMITTEE REPORTS:**

### **Budget and Finance Committee**

[CR 18-53](#) Recommending the following:

1. **adoption** of resolution to authorize the Mayor to execute and file an application with U.S. Department of Housing and Urban Development for a grant of \$1,803,099 for the Community Development Block Grant Program Year 2018/Fiscal Year 2019, which is the period from July 1, 2018 to June 30, 2019; and
2. **Filing** of communication.

[CR 18-54](#) Recommending **first reading** of bill to amend Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs, Fiscal Year 2018 Budget, by adding a new grant for the Department of Fire and Public Safety, entitled "National Development and Research Institutes, Inc.," in the amount of \$40,000 for participation in the Evaluation of the National Fallen Firefighters Foundation's Behavioral Health Stress First Aid Intervention project.

[CR 18-55](#) Recommending **first reading** of bill to amend Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs, Fiscal Year 2018 Budget, by increasing the grant for the Department of Housing and Human Concerns, Healthy Aging Partnership - Empowering Elders, by \$30,376.

[CR 18-56](#) Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State Hawaii Housing Finance and Development Corporation (HHFDC), granting to the County of Maui funding for the HOME Investment Partnerships Program in the amount of \$2,883,961 for the Kaiwahine Village Phase I project, Kahoma Residential Subdivision project, and Maui Administration program; and
2. **FILING** of communication.

### **Housing, Human Services, and Transportation Committee**

[CR 18-57](#) Recommending **ADOPTION** of resolution authorizing repayment plan in settlement of Ka Hale A Ke Ola Homeless Resource Centers, Inc.'s outstanding debt related to the construction of the KHAKO Westside Facility.

### **Parks, Recreation, Energy, and Legal Affairs Committee**

[CR 18-58](#) Recommending **ADOPTION** of resolution to authorize settlement of Glen R. Cabatingan v. County of Maui, Disability Compensation Division Case 7-15-01528.

*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; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.*

### **Policy, Economic Development, and Agriculture Committee**

[CR 18-59](#) Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of the donation of a portable eco-counter mobile MULTI counting device to the Department of Public Works, pursuant to Chapter 3.56, Maui County Code; and
2. **FILING** of communication.

[CR 18-60](#) Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the Hawaii Interisland Bomb Squad; and
2. **FILING** of communication.

[CR 18-61](#) Recommending **ADOPTION** of resolution approving the appointment of RoseAnn "Loke" Gandeza to the Maui County Commission on Persons with Disabilities for a term expiring on March 31, 2019.

[CR 18-62](#) **FIRST READING** of bill establishing additional specific qualifications for the Planning Director, the Director of Finance, and the Director of Water Supply.

[CR 18-63](#) Recommending **ADOPTION** of resolution approving the appointment of Bonnie DeRose to the Cost of Government Commission for a term expiring on March 31, 2019.

[CR 18-64](#) Recommending **ADOPTION** of resolution approving the appointment of Christopher Williams to the Police Commission for a term expiring on March 31, 2022.

[CR 18-65](#) **FIRST READING** of bill establishing additional specific qualifications for the Corporation Counsel and the Prosecuting Attorney.

[CR 18-66](#) Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of real property from the State, identified for real property tax purposes as tax map key (2) 1-7-002:015, consisting of approximately 2.25 acres in Kaupo, Hana, Maui, Hawaii, for public purposes, including use as a community center and ancillary purposes, pursuant to Executive Order 4544;
2. **ADOPTION** of resolution authorizing a grant of a 55-year lease of real property, identified for real property tax purposes as tax map key (2) 1-7-002:015, consisting of approximately 2.25 acres in Kaupo, Hana, Maui, Hawaii, to the Kaupo Community Association, Inc., for use as a community resource center and emergency shelter, and other activities promoting services for the community; and
3. **FILING** of communication.

**J. RESOLUTIONS:**

**NONE.**

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

[Bill 27 \(2018\)](#) "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 POLICE (DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)"

[Bill 28 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PARKS AND RECREATION, RECREATION AND SUPPORT SERVICES PROGRAM"

[Bill 29 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM - SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

- [Bill 30 \(2018\)](#) "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, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, WAIKAPU COMMUNITY CENTER EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 31 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU COMMUNITY CENTER EXPANSION)"
- [Bill 32 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIKAPU COMMUNITY CENTER EXPANSION"
- [Bill 33 \(2018\)](#) "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, KIHEI-MAKENA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, PAVEMENT REHABILITATION AT VARIOUS LOCATIONS - SOUTH MAUI; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 34 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (PAVEMENT REHABILITATION AT VARIOUS LOCATIONS - SOUTH MAUI)"
- [Bill 35 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, PAVEMENT REHABILITATION AT VARIOUS LOCATIONS - SOUTH MAUI"
- [Bill 36 \(2018\)](#) "A BILL FOR AN ORDINANCE AMENDING THE ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, AND ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PARKS AND RECREATION AND THE DIRECTOR OF TRANSPORTATION"
- [Bill 37 \(2018\)](#) "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF HOUSING AND HUMAN CONCERNS"

**L. UNFINISHED BUSINESS:**

**NONE.**



**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.**