

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director

Telephone: (808) 270-7845  
Fax: (808) 270-7955



COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM NO. 434  
WAILUKU, MAUI, HAWAII 96793

June 14, 2016

GLEN A. UENO, P.E., P.L.S.  
Development Services Administration

CARY YAMASHITA, P.E.  
Engineering Division

LESLI L. OTANI, P.E., L.S.  
Highways Division

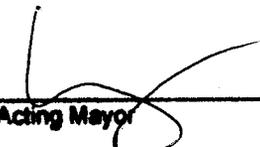
OFFICE OF THE  
COUNTY CLERK  
JUN 15 2016

RECEIVED

Mr. Sananda K. Baz   
Budget Director, County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

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

APPROVED FOR TRANSMITTAL

  
Acting Mayor 6/14/16  
Date

For Transmittal to:

Honorable G. Riki Hokama  
Chair, Budget and Finance Committee  
Maui County Council  
200 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Chair Hokama:

**SUBJECT: FISCAL YEAR ("FY") QUARTERLY REPORTS (FISCAL  
YEAR 2016 (JULY 1, 2015 TO JUNE 30, 2016) (BF-4(3))**

Thank you for your letter dated June 3, 2016 regarding the status of a grant to the Department of Public Works in the amount of \$715,000. It might help to gain an understanding of what the grant was originally intended for, which would provide an explanation as to why the funds have not been expended to date.

The Maui County Council passed Resolution No. 14-133 on December 19, 2014 authorizing acceptance of a \$715,000 contribution from the Hyatt Ka'anapali (Maui Timeshare Venture) to the County of Maui. See Attachment "A". This contribution was made to fulfill Condition Nos. 22 and 28 of a Special Management Area Permit (SM1 2006/0001) that was approved on April 10, 2008.

Mr. Sananda K. Baz  
Honorable Alan M. Arakawa  
For Transmittal to:  
Honorable G. Riki Hokama  
June 14, 2015  
Page 2

I am unsure why the monies are marked specifically for the Lower Honoapi'ilani MTV Grant, as documented in the report attached to your June 3, 2016 letter. The Special Management Area Permit conditions stipulate that a voluntary contribution be made for any applicable traffic and roadway improvements in the West Maui Area, but did not specify a particular project for which the funds would be applied. To clarify further, the funds were received on February 17, 2015 during Fiscal Year (FY) 2015, and not FY 1995 as stated in your letter.

It is quite possible that these funds can be used toward the reconstruction of Lower Honoapi'ilani Road, when Federal-Aid monies are available. Construction funding from Federal-Aid resources for a section of Lower Honoapi'ilani Road from Ho'ohui Road to Napili Hau Street is not anticipated until Federal Fiscal Year (FFY) 2019 (October 1, 2018 to September 30, 2019), based on the updated Hawaii Department of Transportation Statewide Transportation Improvement Program (STIP), dated April 28, 2016.

It is important to note, however, that FFY 2019 is considered a "future illustrative year" on the STIP, and is only used for information purposes only. At this time, these monies identified for the reconstruction of Lower Honoapi'ilani Road have not been officially approved by the Federal Highway Administration, but will be reviewed again when the next STIP cycle begins.

Prior to the development of the new STIP, the Department of Public Works intends to work closely with the Maui Metropolitan Planning Organization and with the Maui County Council to determine the best use of the subject grant for roadway improvements within the West Maui Community Plan Region.

Should you have any additional questions, please do not hesitate to contact me at Ext. 7845.

Sincerely,  
  
DAVID C. GOODE  
Director of Public Works

DCG:RMDA:jso  
Attachments  
s:\david2\transmittals\grhokama\_fy quarterly report bf\_4.3

# Resolution

No. \_\_\_\_\_

AUTHORIZING ACCEPTANCE OF A DONATION FROM  
HYATT KA'ANAPALI TO THE DEPARTMENT OF PUBLIC  
WORKS, COUNTY OF MAUI, PURSUANT TO SECTION 13-8, REVISED  
CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED,  
AND CHAPTER 3.56, MAUI COUNTY CODE

WHEREAS, Hyatt Ka'anapali is required to contribute \$715,000 to the Department of Public Works, County of Maui, for the traffic impact fees to fulfill Conditions No. 22 and 28 in that certain Special Management Area Permit approval dated April 10, 2008 (SM1 2006/0001), as further described in Exhibit "A", attached hereto and incorporated herein; and

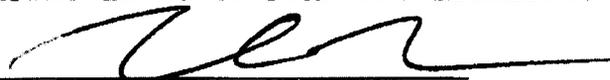
WHEREAS, Section 13-8, Revised Charter of the County of Maui (1983), as amended, and Chapter 3.56, Maui County Code, authorize, among other things, the Council to accept gifts or donations of money, securities or other personal property on behalf of the County of Maui; now, therefore,

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

1. That the Council herein accepts the aforesaid cash donation of \$715,000.00 for the traffic impact fees on behalf of the County of Maui; and

2. That certified copies of this Resolution be transmitted to the Mayor, the Budget Director, the Director of Finance, the Director of Public Works, and Hyatt Ka'anapali.

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

ATTACHMENT "A"

**Maui Timeshare Venture, LLC.**

October 2, 2014

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

**SUBJECT:** Contribution to the County of Maui in support of and in compliance with the Special Management Area Use Permit for the Proposed Hyatt Regency Maui Addition, located in Lahaina, Maui, Hawaii.  
(SM1 2006/000)

Dear Mayor Arakawa:

Pursuant to the approval of the above referenced Special Management Area (SMA) Use Permit application by the Maui Planning Commission on March 25, 2008, it is our intention to convey a \$715,000.00 voluntary contribution for traffic impacts paid pursuant to the project's Traffic Demand Management (TDM) plan, for traffic and roadway improvements in the West Maui area.

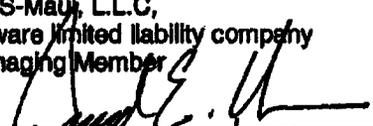
We note that the contribution of these funds were also specified by Condition No. 28, and supported by Condition No. 22 of the SMA Permit approval for the above referenced project.

We have been in communication with the Department of Public Works, who in cooperation with the Department of Corporation Counsel has proceeded to draft a Council Resolution to accept the contribution.

It is our intent to have these funds prepared to be disbursed in a timely manner. Upon approval of the resolution by the Council Maui Timeshare Venture, LLC., is prepared to deposit the entire \$715,000.00 into an escrow account or other mechanism as decided upon by the Department of Public Works, for use by the County.

Thank you for your consideration. Should you have any questions, please feel free to contact me at (240) 744-5316 or our planning consultants, Chris Hart & Partners, Inc., at 242-1955.

Sincerely,  
Maui Timeshare Venture, LLC,  
A Delaware limited liability company  
By: HTS-Mau, L.L.C,  
a Delaware limited liability company  
Its: Managing Member

By:   
Name: GERALD E. HABERMAN  
Title: Vice President

Co:  
Mr. David Goode, Department of Public Works  
Gary Siracusa, Cumming  
Jordan E. Hart, Chris Hart & Partners, Inc.

ORDINANCE NO. 4179

BILL NO. 87 (2014)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2015 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 PUBLIC WORKS  
(MAUI TIMESHARE VENTURE, LLC)

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

SECTION 1. Ordinance No. 4133, Bill No. 37 (2014), as amended, "Fiscal Year 2015 Budget", Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs for Fiscal Year 2015, is hereby amended as it pertains to the Department of Public Works, by adding a new grant entitled, Maui Timeshare Venture, LLC (SMI 2006/0001), in the amount of \$715,000, to read as follows:

"12. Department of Public Works

- |  |                 |
|--|-----------------|
| a. Federal Highway Administration/Intermodal Surface Transportation Efficiency Act (ISTEA) Highway and other Transportation Grants                       | 18,401,000      |
| b. United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Grant   | 7,000,000       |
| c. <u>Maui Timeshare Venture, LLC (SMI 2006/0001)</u><br><u>(1) Provided, that the funds are used for traffic and roadway improvements in West Maui.</u> | <u>715,000"</u> |

SECTION 2. Material to be repealed is bracketed. New material is underscored.

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

APPROVED AS TO FORM AND LEGALITY:



JEFFREY UEOKA  
Deputy Corporation Counsel

WE HEREBY CERTIFY that the foregoing BILL NO. 87 (2014)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 16th day of January, 2015, by the following vote:

Michael B. WHITE Chair	Donald S. GUZMAN Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	S. Stacy CRIVELLO	G. Riki HOKAMA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye

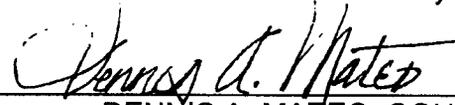
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 16th day of January, 2015.

DATED AT WAILUKU, MAUI, HAWAII, this 16th day of January, 2015.




---

MICHAEL B. WHITE, CHAIR  
Council of the County of Maui




---

DENNIS A. MATEO, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 16 DAY OF January, 2015.




---

ALAN M. ARAKAWA, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4179 of the County of Maui, State of Hawaii.




---

DENNIS A. MATEO, COUNTY CLERK  
County of Maui

Passed First Reading on December 19, 2014.  
Effective date of Ordinance January 16, 2015

**RECEIVED**  
2015 JAN 16 PM 4:09  
OFFICE OF THE  
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4179, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

\_\_\_\_\_  
County Clerk, County of Maui