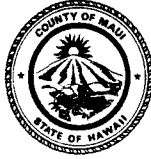


DANNY A. MATEO  
County Clerk



**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.mauicounty.gov/county/clerk

JOSIAH K. NISHITA  
Deputy County Clerk

OFFICE OF THE  
COUNTY COUNCIL

2017 DEC 18 PM 12:08

RECEIVED

December 18, 2017

Honorable Riki Hokama, Chair  
Budget and Finance Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Hokama:

Respectfully transmitted is a copy of COUNTY COMMUNICATION NO. 17-486, from the Budget Director, that was referred to your Committee by the Council of the County of Maui at its meeting of December 15, 2017. Also attached is written testimony received from the Director of Public Works, which was submitted at the meeting and was also referred to your Committee

Respectfully,

A handwritten signature in black ink that reads "Danny A. Mateo". The signature is written in a cursive style with a long horizontal stroke at the end.

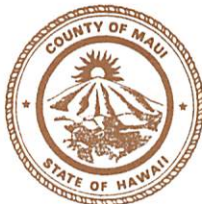
DANNY A. MATEO  
County Clerk

/jym

Enclosure

cc: Director of Council Services

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] <u>7,153,028</u>	1,147,200	[13,448,432] <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] <u>380,074,216</u>	6,314,619	[562,675,670] <u>563,675,670"</u>
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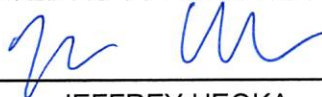
SECTION 4. Fiscal Year 2018 Budget is hereby amended as it pertains to the Total Appropriations (Operating and Capital Improvement Projects) to reflect an increase of \$1,000,000, to read as follows:

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

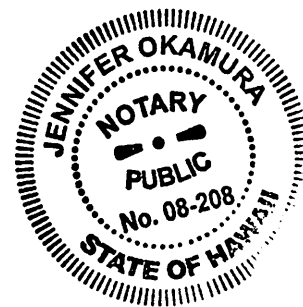
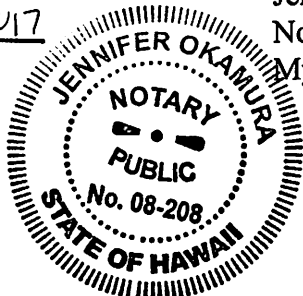
On this 30th day of November, 2017, before me appeared Keith A. Regan, to me personally known, who being by me duly sworn did say that he is the Acting Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal 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;

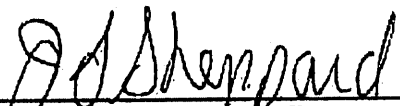


NOW, THEREFORE, pursuant to Section 14(b), HRS Chapter 127A, I, KEITH A. REGAN, Acting Mayor of the County of Maui, do hereby determine that the County of Maui is in imminent danger and that there is the threat of an emergency or disaster for a portion of the county due to the imminent falling of dead 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

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director

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



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

CARY YAMASHITA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

RECEIVED

2017 DEC 14 AM 10:33

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


December 14, 2017

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

For Transmittal to:

Honorable Mike White, Council Chair  
Maui County Council  
200 South High Street  
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
Mayor  
12/14/17  
Date

Dear Chair White:

**SUBJECT: COUNTY COMMUNICATION 17-486 RELATING TO  
EMERGENCY REMOVAL OF DEAD TREES ON PIIHOLO ROAD**

The purpose of this letter is to provide an update on the bids received for the proposed subject project. The Department of Public Works was asked to execute this project should funding be approved, and we have put together a scope of work and yesterday received bids.

We determined that there are 60 trees within the County right-of-way (from the Piiholo zipline entrance down to the end of the grove of dead Eucalyptus trees) which we numbered with white paint. Attempts to number the trees within Piiholo Ranch's property was abandoned due to the proximity of the adjacent gulch, but a visual count estimated about 300, all located within 35 feet of the edge of pavement. Piiholo Ranch has agreed in principle, to allowing us to use their property to lay down the County trees and their trees so as to reduce hauling costs to the landfill. Accordingly, we bid the project in two alternatives:

- Bid Alternate A: Removal of 60 Eucalyptus trees located along Piiholo Road in the vicinity of TMK: (2) 2-4-012:080, within the County right-of-way. Trees

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2017 DEC 14 AM 11:49  
OFFICE OF THE  
COUNTY CLERK

Honorable Alan M. Arakawa  
For Transmittal to:  
Honorable Mike White, Council Chair  
December 14, 2017  
Page 2

are to be cut to one to two feet (1-2') stumps. Trees to be removed are numbered with white paint or are identified by marking on the pavement. Remove all green waste each day to the Central Maui Landfill.

- Bid Alternate B: Cutting down approximately 360 Eucalyptus trees located along Piiholo Road in the vicinity of TMK: (2) 2-4-012:080, within 35 feet of the edge of pavement. Trees are to be cut to one to two feet (1-2') stumps. All green waste and fallen trees are to remain on the property identified by TMK: 2-4-012:080.

Alternate A's low bid was \$342,420 and Alternate B's low bid was \$448,818, both low bids were from C. Hayes Excavation.

In the last six to eight (6-8) weeks, our Makawao Baseyard has responded to eight (8) trees falling in this grove of dead trees, and another Eucalyptus tree fell near Mile Marker 3 (above the grove area). The cost to the Highway Fund to remove and dispose of the trees averaged \$2,000 per tree, depending on the size of the tree, number of branches, and whether it entangled with utility lines. While our crews are quick to respond, we must acknowledge that they are working in typically very dangerous conditions where more trees can fall at any time. In fact, during one of the callouts, another tree did fall and the crew was essentially sandwiched between the two fallen trees. Motorists waiting for our crews, as well as MPD are also potentially in harm's way while they wait for the tree to be removed.

The proposed work will also cause Piiholo Road to be closed from approximately 8:00 a.m. to 3:30 p.m., with the bid specs requiring all work to be done within 60 days. Alternative B is anticipated to have fewer road closure days, or possibly more single-lane closures, as trees will be mostly felled away from the roadway.

Honorable Alan M. Arakawa  
For Transmittal to:  
Honorable Mike White, Council Chair  
December 14, 2017  
Page 3


Here are some photos of the recently fallen trees on Piiholo Road and the dead trees:



Honorable Alan M. Arakawa  
For Transmittal to:  
Honorable Mike White, Council Chair  
December 14, 2017  
Page 4

Rowena Dagdag-Andaya will be available for your December 15, 2017 Full Council meeting and potentially some key staff members. We appreciate the Council's immediate consideration of this item.

Sincerely,



DAVID C. GOODE  
Director of Public Works

DCG:jso

xc: Keith A. Regan, Managing Director  
Kaala Buenconsejo, Director of Parks and Recreation  
Rowena M. Dagdag-Andaya, Deputy Director of Public Works  
John R. Smith, Highways Division Chief  
Kristilee Ono, Engineer  
s:\david2\transmittals\mike white\_emergency removal of dead trees on piholo road