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**COUNCIL OF THE COUNTY OF MAUI**

2019 MAY 10 PM 4: 41

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of May 17, 2019  
9:00 a.m.

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: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: [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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR KEANI RAWLINS-FERNANDEZ

C. PLEDGE OF ALLEGIANCE

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 19-199 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Cybercrime Unit Enhancement grant in the amount of \$84,980.
- NO. 19-200 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of March 31, 2019.
- NO. 19-201 - DIRECTOR OF FINANCE, transmitting 67 contracts for April 2019.
- NO. 19-202 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Walter James O'Brien.
- NO. 19-203 - MAYOR, informing of a vacancy on the Board of Variances and Appeals due to the resignation of Sandra Duvauchelle.
- NO. 19-204 - MAYOR, informing of the appointment of Patrick Ornellas to the Kula Agricultural Park Committee.
- NO. 19-205 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot, Lot 3-E, Richard Antone Subdivision, TMK: (2) 2-7-002:078 POR.
- NO. 19-206 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lots, Lots 11B & B, Kihei Farm Subdivision, Kalama Commercial Project, TMK: (2) 3-9-003:045 POR & 072 POR.
- NO. 19-207 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for two Road Widening Lots, Lots 39C-1-B & 39C-1-C, Kuiaha-Kaupakalua Homesteads, TMK: (2) 2-7-013:097 POR.

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**H. COMMUNICATIONS (continued):**

- NO. 19-208 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for two Road Widening Lots, Lots 166-B & 166-C, Peahi Hui Lands Partition, TMK: (2) 2-8-005:088 POR.
- NO. 19-209 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending April 2019.
- NO. 19-210 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for March 2019 for all registered well reporters in the County of Maui.
- NO. 19-211 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 01, NON-SUPERVISORY, BLUE COLLAR EMPLOYEES".
- NO. 19-212 - CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting a proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2019".
- NO. 19-213 - VICE-CHAIR RAWLINS-FERNANDEZ, relating to an amendment to the proposed Fuel Tax Resolution.
- NO. 19-214 - CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A FISCAL AND PERFORMANCE AUDIT OF THE MAUI REDEVELOPMENT AGENCY".
- NO. 19-215 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS, AND NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARDS OF DIRECTORS FOR FISCAL YEAR 2020".
- NO. 19-216 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF WILLIAM CAMBRA TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI".
- NO. 19-217 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting the following proposed resolutions entitled:
1. "RELATING TO THE APPOINTMENT OF STACY OTOMO TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI"; and
  2. "RELATING TO THE APPOINTMENT OF JOHN BLANCHARD TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI".

H. COMMUNICATIONS (continued):

- NO. 19-218 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF ALEXANDRIA DOMINGO TO THE COMMISSION ON CHILDREN AND YOUTH".
- NO. 19-219 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting the following proposed resolutions entitled:
1. "APPOINTMENT OF A MEMBER TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"; and
  2. "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION".
- NO. 19-220 - CHAIR, HEALTHY FAMILIES AND COMMUNITIES COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF A PERMIT WITH GREATER DURATION THAN FIVE CONSECUTIVE DAYS FOR USE OF THE WAR MEMORIAL COMPLEX FOR THE 2019 MAUI AGRICULTURAL FESTIVAL AND 4-H LIVESTOCK FAIR PURSUANT TO SECTION 13.04A.100(D), MAUI COUNTY CODE".
- NO. 19-221 - DIRECTOR OF FINANCE, transmitting a report on short-term investments for the quarter ended March 31, 2019.
- NO. 19-222 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2018 to June 30, 2019 as of March 31, 2019 and the Capital Improvement Projects Report as of March 31, 2019.
- NO. 19-223 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "JOINING THE COUNTY CLIMATE COALITION AND AFFIRMING THE COUNTY OF MAUI'S COMMITMENT TO THE PARIS CLIMATE AGREEMENT".
- NO. 19-224 - COUNCIL CHAIR KING, relating to County Communication 19-178, from Council Chair Kelly King, transmitting a proposed resolution entitled "REQUIRING SETTLEMENT OFFERS IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT, TO BE TRANSMITTED TO THE COUNCIL FOR APPROVAL OR DISAPPROVAL".
- NO. 19-225 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING SETTLEMENT OF HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT".

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**H. COMMUNICATIONS (continued):**

- NO. 19-226 - COUNCILMEMBER SUGIMURA, relating to Walkability Action Institute.
- NO. 19-227 - COUNCILMEMBER SUGIMURA, relating to parking near the Kalana O Maui campus.
- NO. 19-228 - COUNCILMEMBER PALTIN, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO EXISTING STREETS".

**2. GENERAL COMMUNICATIONS:**

NONE.

**I. COMMITTEE REPORTS:**

- NO. 19-48 - AFFORDABLE HOUSING COMMITTEE:

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 under Section 2.20.020, Maui County Code, regarding the construction of emergency housing at the University of Hawaii, Maui College, Dorm Site; and
2. **FILING** of County Communication 19-179.

- NO. 19-49 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish the Experimental and Demonstration Housing Projects Fund;
2. **FIRST READING** of bill amending Title 3, Maui County Code, to establish a cost-recovery policy for the Department of Planning;
3. **FIRST READING** of bill amending Section 2.44.015, Maui County Code, relating to salaries of Deputies Corporation Counsel and Deputies Prosecuting Attorney, effective retroactive to January 1, 2019;
4. **FIRST READING** of bill to amend Section 2.08.060, Maui County Code, to adjust the pay ranges for employees of the Legislative Branch, effective July 1, 2019;

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**I. COMMITTEE REPORTS (continued):**

5. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the West Maui Recycled Water System Expansion project, with funds not to exceed \$9,578,290;
6. **FIRST READING** of bill to authorize the issuance of \$50,939,000 of general obligation bonds for various capital improvement projects;
7. **FIRST READING** of bill to reauthorize the use of \$382,411 in lapsed bond proceeds for the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, New County Service Center project;
8. **FIRST READING** of bill to set forth the Capital Program for Fiscal Year 2020 through Fiscal Year 2025;
9. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2019 to June 30, 2020;
10. **ADOPTION** of resolution to urge public-employee unions and public employers throughout the State of Hawai'i to execute collective bargaining agreements that reflect the principle of pay equity;
11. **ADOPTION** of resolution to authorize the Council Chair to contract for a performance audit of the County's overtime controls;
12. **ADOPTION** of resolution to approve the pay ranges and pay levels for Office of Council Services staff;
13. **REFERRAL** of matter relating to experimental and demonstration housing projects to the Affordable Housing Committee;
14. **REFERRAL** of matter relating to swapping outstanding real property taxes in arrears and penalties owed by State Department of Hawaiian Home Lands beneficiaries on existing homestead lands for a lease of Hawaiian home lands for the creation of an affordable housing subdivision, to the Affordable Housing Committee;
15. **REFERRAL** of matter relating to the creation of a County housing authority, including a feasibility study, to the Affordable Housing Committee;
16. **REFERRAL** of matter relating to conflicts between Chapter 2.96, Maui County Code, relating to the Residential Workforce Housing Policy, and Chapter 3.35, Maui County Code, relating to the Affordable Housing Fund, to the Affordable Housing Committee;

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**I. COMMITTEE REPORTS (continued):**

17. **REFERRAL** of matter relating to the proposed Kai Mauka Ike Nui Apartments project in West Maui (for acquisition and predevelopment site costs to produce 84 total rental units, 59 units rented at or below 60 percent of the area median income, 24 rental units rented at market rate, and one unit reserved for an onsite property manager), to the Affordable Housing Committee;
18. **REFERRAL** of matter relating to the establishment and operation of an Individual Development Account home ownership program to the Affordable Housing Committee;
19. **REFERRAL** of matter relating to highway improvement fees for electric vehicles and hybrid vehicles to the Economic Development and Budget Committee;
20. **REFERRAL** of matter relating to tax reform, including the possibility of forming a temporary investigative group to investigate the matter pursuant to Section 92-2.5(b), Hawaii Revised Statutes, to the Economic Development and Budget Committee;
21. **REFERRAL** of matter relating to an increase in the home exemption for real property tax to the Economic Development and Budget Committee;
22. **REFERRAL** of matter relating to overtime controls for premium pay to the Economic Development and Budget Committee;
23. **REFERRAL** of matter relating to countywide cultural and education grant funding, including the selection process for grantees, to the Economic Development and Budget Committee;
24. **REFERRAL** of matter relating to a cultural designation for Hanakao`o Beach Park to the Environmental, Agricultural, and Cultural Preservation Committee;
25. **REFERRAL** of matter of assigning and affixing Hawaiian place names to bus stops and shelters to the Environmental, Agricultural, and Cultural Preservation Committee;
26. **REFERRAL** of matter relating to the Department of Management's coordination of affordable housing developments among the Department of Housing and Human Concerns, Department of Planning, and Department of Parks and Recreation, to the Governance, Ethics, and Transparency Committee;
27. **REFERRAL** of matter of relocating the Molokai Police Station, including land acquisition, planning, and design, to the Governance, Ethics, and Transparency Committee;
28. **REFERRAL** of matter relating to security measures at the Kalana O Maui campus to the Governance, Ethics, and Transparency Committee;

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**I. COMMITTEE REPORTS (continued):**

29. **REFERRAL** of matter relating to adding personnel in the Department of Management, Information and Technology Services Program, to the Governance, Ethics, and Transparency Committee;
30. **REFERRAL** of matter relating to the progress of CBS-1209, War Memorial Complex Paving Improvements, to the Healthy Families and Communities Committee;
31. **REFERRAL** of matter relating to a status update on the Fiscal Year 2019 grants under the Department of Parks and Recreation, Administration Program, to Lo`iloa for the repair and construction of a traditional Hawaiian hale and to Bahay Kubo Heritage Foundation for the repair and construction of a traditional Filipino hut at the Kepaniwai Heritage Gardens, Wailuku, Maui, Hawaii, to the Healthy Families and Communities Committee;
32. **REFERRAL** of matter relating to camping permit fees and ordinances relating to camping permits and camping fees (including Sections 13.04A.210 and 13.04A.220, Maui County Code) to the Healthy Families and Communities Committee;
33. **REFERRAL** of matter relating to the motor vehicle weight tax, including the tax for (1) passenger vehicles, and trucks and noncommercial vehicles not exceeding 6,500 pounds; (2) per pound of net weight for all other motor vehicles; (3) minimum tax for any motor vehicle; and (4) penalties for delinquent tax for passenger and other vehicles, and funding for road repairs, to the Multimodal Transportation Committee;
34. **REFERRAL** of matter relating to increasing the permit fee for advertising inside County transit buses to the Multimodal Transportation Committee;
35. **REFERRAL** of matter relating to establishing a Kihei advisory committee to the Maui Planning Commission (similar to the Hana Advisory Committee authorized by Section 2.28.060, Maui County Code), to the Planning and Sustainable Land Use Committee;
36. **REFERRAL** of matter relating to a water conservation pilot project to the Water and Infrastructure Committee;
37. **REFERRAL** of matter relating to the results of an engineering feasibility study to increase drought resiliency using storm water to the Water and Infrastructure Committee;
38. **REFERRAL** of matter relating to the Kihei-Makena Sewer Expansion project to the Water and Infrastructure Committee;
39. **REFERRAL** of matter relating to the Central Maui Landfill Land Purchase project (CBS-3567) to the Water and Infrastructure Committee;



I. COMMITTEE REPORTS (continued):

- 40. **REFERRAL** of matter relating to a County facility maintenance manager to coordinate capital improvement projects on County facilities to the Water and Infrastructure Committee;
- 41. **FILING** of County Communication 19-61; and
- 42. **FILING** of County Communication 19-158.

NO. 19-50 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

- 1. **ADOPTION** of resolution approving the Mayor's appointment of Eric Nakagawa for Director of Environmental Management; and
- 2. **FILING** of resolution disapproving the Mayor's appointment of Eric Nakagawa for Director of Environmental Management.

NO. 19-51 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

- 1. **ADOPTION** of resolution approving the Mayor's appointment of Rowena M. Dagdag-Andaya for Director of Public Works; and
- 2. **FILING** of resolution disapproving the Mayor's appointment of Rowena M. Dagdag-Andaya for Director of Public Works.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

NONE.

**NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.**

**ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.**

**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.**