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COUNCIL OF THE COUNTY OF MAUI

2019 SEP 13 PM 4:23

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of September 20, 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "RECOGNIZING THE MONTH OF SEPTEMBER AS SUICIDE PREVENTION AWARENESS MONTH IN MAUI COUNTY"

NO. _____ "RECOGNIZING THE EFFORTS OF MAUI COUNTY RESIDENTS TO HIGHLIGHT CLIMATE CHANGE, ESPECIALLY THROUGH PARTICIPATION IN THE GLOBAL CLIMATE STRIKE ON SEPTEMBER 20, 2019"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Special Meeting of May 28, 2019
 Special Meeting of June 7, 2019
 Regular Meeting of June 7, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-377 - DIRECTOR OF PUBLIC WORKS, transmitting a copy of the Request for Project Authorization, Agreement, and/or Modification approving the federal funds to advertise for bids for the Kaupakalua Road Pavement Reconstruction, Phase 2, East Kuiaha Road to Hana Highway, Federal-Aid Project No. STP-0365(011).

NO. 19-378 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting the Office of Economic Development evaluation of grants for Fiscal Year 2019.

NO. 19-379 - DIRECTOR OF FINANCE, transmitting 116 contracts/grants for August 2019.

NO. 19-380 - DIRECTOR OF FINANCE, informing of the acceptance of a Quitclaim Deed for Kihei Greenway Phase 2 Project, Lot 1-B, TMK: (2) 2-2-002:089.

NO. 19-381 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for July 2019 for all registered well reporters in the County of Maui.

NO. 19-382 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending August 2019.

H. COMMUNICATIONS (continued):

- NO. 19-383 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENTS OF STEPHANIE MARIE CHEN AND JAMES BRAXTON FORREST AS LEGISLATIVE ATTORNEYS IN THE OFFICE OF COUNCIL SERVICES".
- NO. 19-384 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER SHANE M. SINENCI AS A MEMBER OF THE CONSERVATION PLANNING COMMITTEE".
- NO. 19-385 - MAYOR, informing of the major initiatives the Office of the Mayor is undertaking in order to advance our climate action, community resilience, and overall sustainability goals.
- NO. 19-386 - BUDGET DIRECTOR, transmitting the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF THE CORPORATION COUNSEL, COUNTY FACILITIES SECURITY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
 2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2020".
- NO. 19-387 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SEWER FUND; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE MANAGEMENT FUND; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; DEPARTMENT OF LIQUOR CONTROL; DEPARTMENT OF PUBLIC WORKS, HIGHWAY FUND TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".
- NO. 19-388 - MAYOR, informing of a vacancy on the Board of Water Supply due to the resignation of Michael Nakashima.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:NO. 19-112 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, U.S. Supreme Court Case 18-260.

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.

NO. 19-113 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to 1) increase the maximum amount for the initial civil fine and the daily civil fine for the operation of a Bed and Breakfast Home, Short-Term Rental Home, Transient Vacation Rental, or other transient accommodation without a necessary permit for the operation, to \$20,000 and \$10,000, respectively; and 2) allow County department directors who are unable to serve a person with a notice of violation and order by mail or personal delivery to either post the notice on the property where the violation is occurring or at the last known address of the violator, or publish a notice at least once a week for two consecutive weeks in a newspaper of general circulation in Maui County; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 43 (2019) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002), WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT DISTRICT 5, SINGLE-FAMILY, AND AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

BILL NO. 44 (2019) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO WAIKAPU COUNTRY TOWN DISTRICT SITUATED IN WAILUKU, MAUI, HAWAII"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 45 (2019) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

BILL NO. 47 (2019) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS (AGREEMENT FOR LICENSES FOR MAHINAHINA AND HONOKOWAI)"

BILL NO. 48 (2019) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO LONG-TERM DEDICATION FOR RESIDENTIAL WORKFORCE HOUSING RENTAL UNIT PROJECTS"

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 REQUIRE AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.