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COUNCIL OF THE COUNTY OF MAUI

OFFICE OF THE
COUNTY CLERK

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 18, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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: COUNCILMEMBER RIKI HOKAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS**E. CEREMONIAL RESOLUTIONS:**

NO. _____ "RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE
AWARENESS MONTH IN MAUI COUNTY"

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

Regular Meeting/Public Hearing of July 19, 2019
Regular Meeting of August 9, 2019

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

- NO. 19-403 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$3,637 in State Forfeiture Funds to purchase a drone to use in the apprehension of fugitives.
- NO. 19-404 - DIRECTOR OF FINANCE, transmitting 52 contracts/grants for September 2019.
- NO. 19-405 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Helene Lei Sato.
- NO. 19-406 - MAYOR, informing of the appointment of Mahie McPherson to the Committee on the Status of Women.
- NO. 19-407 - DIRECTOR OF FINANCE, informing of the acceptance of Fire Hydrant Easement "W", Waikapu East (Large Lot) Subdivision No. 3, TMK: (2) 3-5-002:018 POR.
- NO. 19-408 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-1", Waikapu East (Large Lot) Subdivision No. 3, TMK: (2) 3-5-002:018 POR.
- NO. 19-409 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-4", Waikapu East (Large Lot) Subdivision No. 3, TMK: (2) 3-5-002:018 POR.
- NO. 19-410 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-5", Waikapu East (Large Lot) Subdivision No. 3, TMK: (2) 3-5-031:122 POR.

H. COMMUNICATIONS (continued):

- NO. 19-411 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-1", Maui Lani Elementary School Subdivision, TMK: (2) 3-8-007:157 POR.

- NO. 19-412 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 1-B, Haliimaile Road, Hokuula Agricultural Subdivision, TMK: (2) 2-5-003:027 POR.

- NO. 19-413 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 5-B, Haliimaile Road, Haliimaile Residential Large Lot Subdivision, TMK: (2) 2-5-003:032 POR.

- NO. 19-414 - DIRECTOR OF FINANCE, informing of the revision to Waterline Easement "D", Pulehunui Plains Subdivision, TMK: (2) 3-8-004:036 POR.

- NO. 19-415 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2019.

- NO. 19-416 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for August 2019 for all registered well reporters in the County of Maui.

- NO. 19-417 - COUNCIL CHAIR KING, transmitting the following proposed resolutions entitled:
 - 1. "APPROVING THE APPOINTMENT OF CHESTER CARSON AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES";
 - 2. "APPROVING THE APPOINTMENT OF LESLEY MILNER AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and
 - 3. "APPROVING THE APPOINTMENT OF ANA LILLIS AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

- NO. 19-418 - CHAIR, ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO PROVIDE COMMENTS ON A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE EAST MAUI WATER LEASE".

H. COMMUNICATIONS (continued):

- NO. 19-419 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE RETENTION AND TERMINATION OF SPECIAL COUNSEL".
- NO. 19-420 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL RELATED TO INTERPRETATION OF THE CHARTER OF THE COUNTY OF MAUI REGARDING LEGISLATIVE AND EXECUTIVE AUTHORITY".
- NO. 19-421 - 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 APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION (HANNIBAL TAVARES COMMUNITY CENTER IMPROVEMENTS)".
- NO. 19-422 - COUNCILMEMBER SUGIMURA, relating to airport shuttle services.
- NO. 19-423 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY, THE COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, AND THE COUNTY OF KAUAI, DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES (HAWAII WATER AGENCY RESPONSE NETWORK (HIWARN) INTRASTATE PROGRAM FOR MUTUAL AID AND ASSISTANCE)".

2. GENERAL COMMUNICATIONS:

- NO. 19-4 - RICARDO CEPIN, MGT OF AMERICA CONSULTING, LLC, transmitting a copy of the final report of the "FISCAL AUDIT PHASE I, MAUI COUNTY COUNCIL".

I. COMMITTEE REPORTS:

- NO. 19-121 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State of Hawaii for the Kahului Affordable Housing for Homeless Families Ohana Zone, a 12-unit rental housing project at the former college dormitory site at Wahinepio and Kaahumanu Avenues; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 19-122 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to amend the Rules of the Council by adding a Council Rule 27 relating to structural, permanent fixture, or other nonemergency modifications to the Council Chamber.

NO. 19-123 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to amend the Rules of the Council by adding a Council Rule 28 relating to the automatic posting of items or matters transmitted to the Council Chair or County Clerk for posting, referral, or consideration by the Council on the Council meeting agenda.

NO. 19-124 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30180343818-0001 of Garrison Property and Casualty Insurance Company, on behalf of its insured Alan Ditch.

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. 19-125 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a Community Plan Amendment from Single-Family to Public/Quasi-Public for property at Lower Main Street, Wailuku, Maui, Hawaii, comprising 0.3133 acre and identified for real property tax purposes as tax map key (2) 3-4-018:106, for St. Anthony Church and Schools;
2. **FIRST READING** of bill to grant a Change in Zoning from R-1 Residential District to P-2 Public/Quasi-Public for properties at Lower Main Street, Wailuku, Maui, Hawaii, comprising 14.317 acres and 0.3133 acre and identified for real property tax purposes as tax map keys (2) 3-4-019:003 and (2) 3-4-018:106, respectively, for St. Anthony Church and Schools;
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 19-126 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

- 1. **FIRST READING** of bill to adopt Digital Zoning Map (2) as the current official zoning map for the island of Maui; and
- 2. **FILING** of communication.

NO. 19-127 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

- 1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior, to continue the Cooperative Water-Resource Monitoring Program, in a joint funding agreement with the Department of Water Supply to monitor key drinking water sources in Maui County, for the time period October 1, 2019 to September 30, 2020, at a cost to the County of \$91,440; and
- 2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 50 (2019) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE COUNTY CLERK (STATE OF HAWAII, ACT 136, SLH 2019 – IMPLEMENTATION OF ELECTION BY MAIL SYSTEM)"

BILL NO. 51 (2019) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF MANAGEMENT (ART WORKS, NATIONAL ENDOWMENT FOR THE ARTS)"

BILL NO. 52 (2019) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII"

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATIONS:

NO. 19-402 - COUNCIL CHAIR KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".

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.