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COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of November 22, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 MIKE MOLINA

C. PLEDGE OF ALLEGIANCE

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

NO. _____ "CONGRATULATING THE MAUI HIGH SCHOOL SABER MARCHING BAND FOR WINNING THE 2019 WESTERN BAND ASSOCIATION'S CONQUISTADOR CLASSIC MARCHING COMPETITION"

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

Regular Meeting of September 6, 2019

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

- NO. 19-455 - DIRECTOR OF FINANCE, transmitting 93 contracts/grants for October 2019.
- NO. 19-456 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$21,765.
- NO. 19-457 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records grant in the amount of \$196,859.
- NO. 19-458 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement grant in the amount of \$95,606.49.
- NO. 19-459 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement grant in the amount of \$171,082.45.
- NO. 19-460 - PROSECUTING ATTORNEY, transmitting the notice of grant award from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Special Needs Advocacy Project in the total amount of \$813,350.
- NO. 19-461 - PROSECUTING ATTORNEY, transmitting the notice of grant award from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Domestic Violence Investigation Program in the total amount of \$73,283.
- NO. 19-462 - PROSECUTING ATTORNEY, transmitting a copy of Administrative Directive No. 19-01 from the State of Hawaii, Department of Budget and Finance authorizing the County of Maui to be reimbursed for allowable expenses incurred by witnesses and defendants in criminal proceedings.

H. COMMUNICATIONS (continued):

- NO. 19-463 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of September 30, 2019.
- NO. 19-464 - MAYOR, informing of the correction of expiration dates for members of the Committee on the Status of Women.
- NO. 19-465 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-8", Maui Lani Phase 6 Increment 4 Subdivision Portion of Lot 218-A ('Olina Street), TMK: (2) 3-8-099:109-124 por, 135-137 por, 215 por & 218 por.
- NO. 19-466 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-9", Maui Lani Phase 6 Increment 4 Subdivision Portion of Lot 225-B, TMK: (2) 3-8-099:142 por, 143 por, & 222 por.
- NO. 19-467 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-10", Maui Lani Phase 6 Increment 4 Subdivision Lot 223-A (Halina Street), TMK: (2) 3-8-099:221 por & 223.
- NO. 19-468 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-11", Maui Lani Phase 6 Increment 4 Subdivision Portion of Lot 221-A (Ka'ana Street), TMK: (2) 3-8-099:221 por.
- NO. 19-469 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-12", Maui Lani Phase 6 Increment 4 Subdivision Lot 208-A (Ka'ana Street), TMK: (2) 3-8-099:207 por, 208 por & 221 por.
- NO. 19-470 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-2R", Maui Lani Phase 6 Increment 4 Subdivision Portion of Lot 221-A (Ka'ana Street), TMK: (2) 3-8-099:221 por & 224.
- NO. 19-471 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resource Management water use reports for September 2019 for all registered well reporters in the County of Maui.
- NO. 19-472 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending October 2019.
- NO. 19-473 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of September 30, 2019 (Fiscal Year 2020 First Quarter).
- NO. 19-474 - BUDGET DIRECTOR, transmitting the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM (EAST MAUI ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS)".
- NO. 19-475 - BUDGET DIRECTOR, transmitting the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY (ADMINISTRATION PROGRAM AND OCEAN SAFETY PROGRAM)".

H. COMMUNICATIONS (continued):

NO. 19-476 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2020, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (HAIKU SUGAR EAST SUBDIVISION (LOT 6))"; and
2. A proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 48.774 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-7-007:005, SITUATED AT HAMAKUALOA, MAKAWAO, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS LOT 6, HAIKU SUGAR EAST SUBDIVISION, FOR AN AMOUNT NOT TO EXCEED \$1,700,000.00".

NO. 19-477 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2019 to June 30, 2020 as of September 30, 2019 and the Capital Improvement Project Report as of September 30, 2019.

NO. 19-478 - MAYOR, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS".

NO. 19-479 - COUNCILMEMBER MOLINA, relating to the West Maui Community Plan Advisory Committee.

NO. 19-480 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "APPROVING KE AO HALI'I'S LAND MANAGEMENT PLAN AND PROPERTY STEWARD FOR TAX MAP KEY (2) 1-4-010:004, MOKAE, MAUI, HAWAII".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 19-135 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part I, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Departments and Programs, Fiscal Year 2020 Budget, by adding a new appropriation under the Office of the Mayor entitled "State of Hawaii – Upcountry Maui Agricultural Park, Maui Water System Improvements" in the amount of \$3,500,000; and

I. COMMITTEE REPORTS (continued):

2. **FIRST READING** of bill to amend the Fiscal Year 2020 Budget, Appendix C, Capital Improvement Projects, by adding a section for the Office of the Mayor and a project and project description in the Makawao-Pukalani-Kula Community Plan Area entitled "Upcountry Maui Agricultural Park, Maui Water System Improvements," in the amount of \$3,500,000.

NO. 19-136 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2020 Budget to 1) adjust employee benefit contributions and administrative overhead charges for several County departments and recalculate the appropriate reimbursements to the General Fund; 2) adjust the supplemental transfers from the General Fund to the Environmental Protection and Sustainability Fund and the Solid Waste Management Fund; and 3) eliminate the need for a supplemental transfer from the General Fund to the Sewer Fund. The bill will reduce appropriations for the County by \$251,293; and
2. **FILING** of the communication.

NO. 19-137 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the retention of the Office of the Corporation Counsel, County of Hawaii, as special counsel to the Maui County Board of Ethics in the matter of Complaint 19-05, alleging violations of the Maui County Code of Ethics, by officers and employees of the County of Maui; and
2. **FILING** of communication.

NO. 19-138 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of a charge of discrimination filed with the Hawaii Civil Rights Commission and Federal Equal Employment Opportunity Commission on October 5, 2018 under Equal Employment Opportunity Commission 486-2018-00541.

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

I. COMMITTEE REPORTS (continued):NO. 19-139 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Robert G. Straub v. County of Maui and Teena Rasmussen, United States District Court, Civil 17-00516 JMS-RLP.

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 19-140 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Timothy C. Galbraith v. County of Maui; Disability Compensation Division Case 7-11-00877.

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 19-141 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement that will allow the Department of Water Supply to participate in the Hawaii Water Agency Response Network, providing mutual assistance during an emergency; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 58 (2019) - "A BILL FOR AN ORDINANCE RELATING TO TIERS OF REAL PROPERTY TAX RATES"

BILL NO. 59 (2019) - "A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX VALUATIONS"

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

- BILL NO. 60 (2019) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT WAHIKULI WAYSIDE PARK"
- BILL NO. 61 (2019) - "A BILL FOR AN ORDINANCE RELATING TO RENEWALS FOR BED AND BREAKFAST HOME AND SHORT-TERM RENTAL HOME PERMITS"
- BILL NO. 62 (2019) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.36.072, MAUI COUNTY CODE, RELATING TO THIRTY MILES PER HOUR - RESIDENTIAL DISTRICT EXCEPTION"

L. UNFINISHED BUSINESS:**ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 54 (2019) - "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106"
- BILL NO. 55 (2019) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106"

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.