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COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

COUNCIL OF THE
COUNTY CLERK

Regular Meeting of December 6, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 CHAIR KELLY KING

C. **PLEDGE OF ALLEGIANCE**

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. 19-481 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a copy of WIOA Bulletin No. 28-19 from the State of Hawaii, Workforce Development Council, with the allocations for Program Year 19 for the Youth, Adult, Dislocated Worker and Local Administration Programs.

NO. 19-482 - DIRECTOR OF FINANCE, transmitting a summary of the temporary transfers/loans that have occurred from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund, as of October 31, 2019.

NO. 19-483 - MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Scott Innes.

NO. 19-484 - MAYOR, informing of the appointment of Makale`a Ane to the Conservation Planning Committee.

NO. 19-485 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for a Road Widening Lot, Lot d-2, Kaimana Subdivision, TMK: (2) 2-7-002:042 POR.

NO. 19-486 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easements "W-1" & "W-2", Jordan Santos Subdivision, TMK: (2) 2-4-002:010 POR.

NO. 19-487 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement, portion of Sewerline Easement 15, Mahinahina Ventures, Lot 90, TMK: (2) 4-3-009:028 POR.

NO. 19-488 - PRESIDING OFFICER PRO TEMPORE, relating to Councilmembers' report on Community Meeting on Real Property Tax Changes.

H. COMMUNICATIONS (continued):

- NO. 19-489 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF RICHARD E. MITCHELL AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".
- NO. 19-490 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF ANGELA LUCERO AS A MEMBER OF THE WEST MAUI COMMUNITY PLAN ADVISORY COMMITTEE".
- NO. 19-491 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".
- NO. 19-492 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE MAUI COUNTY COUNCIL IN THE CASE OF MCKELVEY V. VICTORINO."
- NO. 19-493 - MANAGING DIRECTOR, transmitting the Fiscal Year 2020 1st Quarter CIP Reports.
- NO. 19-494 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE MAYOR TO GRANT OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATIONS FUNDS TO KE AO HALI'I TO PURCHASE PROPERTY IN MOKAE, HANA, HAWAII".
- NO. 19-495 - PLANNING DIRECTOR, transmitting a letter from the West Maui Community Plan Advisory Committee requesting a time extension to review the Draft West Maui Community Plan.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

- NO. 19-142 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2020 Budget, Appendix C, Capital Improvement Projects, by revising the project description for the Hannibal Tavares Community Center Improvements project to include design and construction of improvements to the lower-level office space of the community center; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 19-143 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending **FIRST READING** 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 increasing the grant appropriation for the Department of Police, High Intensity Drug Trafficking Areas (HIDTA), by \$68,000.

NO. 19-144 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/ Special Funds for the Fiscal Year 2020 Budget, by adding a proviso under the Affordable Housing Fund for \$6,382,000 for the Kaiaulu O Kupuohi Apartments Project; and
2. **FILING** of communication.

NO. 19-145 - ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the State Legislature to establish impact fees for tourists; and
2. **ADOPTION** of resolution urging the State Legislature to require tour, airline, and cruise operators to show visitors an informational video about safe and sustainable tourism prior to entering the State.

NO. 19-146 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30192322650-0001 of John Lukas.

NO. 19-147 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30181069017-0001 of Farmers Insurance Hawaii, Inc., on behalf of its insured Marie Chester.

NO. 19-148 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim B811500035-0003-01 of Max Wolfe.

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.

I. COMMITTEE REPORTS (continued):

NO. 19-149 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30181417769-0001 of Krist Baybayan.

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.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 63 (2019) - "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)"

BILL NO. 64 (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 MAYOR (STATE OF HAWAII – UPCOUNTRY MAUI AGRICULTURAL PARK, MAUI WATER SYSTEM IMPROVEMENTS)"

BILL NO. 65 (2019) - "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, OFFICE OF THE MAYOR (STATE OF HAWAII – UPCOUNTRY MAUI AGRICULTURAL PARK, MAUI WATER SYSTEM IMPROVEMENTS)"

BILL NO. 66 (2019) - "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)"

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.