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COUNCIL OF THE COUNTY OF MAUI 2020 JUL -2 PM 3: 39

A G E N D A

Regular Meeting of July 10, 2020
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site: Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

Please contact the Office of the County Clerk for more information.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and
livestreamed on <https://mauicounty.legistar.com>

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

Individuals may provide oral testimony by phone or videoconference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by videoconference, use the following link: <https://maui.bluejeans.com/295235670>.

If the connection between any testifier and the videoconference 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 may contact the Office of the County Clerk (808-270-7748) prior to the meeting.

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 TASHA KAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. _____ "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE SCOTTY SCHAEFER"

NO. _____ "CONGRATULATING FORMER COUNCIL CHAIR GLADYS COELHO BAISA ON HER RETIREMENT"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting/Public Hearing of April 17, 2020

H. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 20-336 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a copy of WIOA Bulletin No. 31-19 from the State of Hawaii, Workforce Development Council, with the allocations for Program Year 18 & 19 for the Rapid Response Program in the amount of \$64,172.

NO. 20-337 - EMERGENCY MANAGEMENT ADMINISTRATOR, transmitting a notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency for the Emergency Management Performance Grant in the amount of \$125,000.

NO. 20-338 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a notice of grant award from the U.S. Department of Housing & Urban Development for Section 8 Housing Program Grants in the amount of \$25,600,000.

NO. 20-339 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of intended voluntary contributions for Fiscal Year 2021 received from senior program participants totaling \$308,500, with no Letter of Intent.

NO. 20-340 - MAYOR, informing of a vacancy on the Maui Planning Commission due to the resignation of Calmentina "Tina" Gomes.

H. COMMUNICATIONS (continued):

- NO. 20-341 - DIRECTOR OF FINANCE, informing of the acceptance of Fire Hydrant Easement FH-1, Omaopio Homesteads, affecting Lot 12-C-1, TMK: (2) 2-3-003:096 POR.
- NO. 20-342 - DIRECTOR OF FINANCE, informing of the acceptance of Drainage Easement No. 103, Land Court Application 1320, Map 10, Lot 680, TMK: (2) 2-3-055:022 POR.
- NO. 20-343 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to amendments to the Fiscal Year 2021 Budget to authorize transfers between categories of use within a program or department.
- NO. 20-344 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to amendments to Appendix A, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2021.
- NO. 20-345 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of May 31, 2020.
- NO. 20-346 - COUNTY AUDITOR, transmitting the plan of audits proposed to be conducted during Fiscal Year 2021.
- NO. 20-347 - DIRECTOR OF FINANCE, 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 OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 75".
- NO. 20-348 - CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CIRCUIT BREAKER TAX CREDIT, HOMEOWNER EXEMPTION, AND HOUSEHOLD INCOME".
- NO. 20-349 - COUNCILMEMBER KING, relating to adding Sustainable Agriculture and Climate Change Solutions to the Maui County General Plan objectives.
- NO. 20-350 - COUNCIL CHAIR LEE, relating to the impacts of chloramines on fish and the aquaponics industry.
- NO. 20-351 - COUNCIL CHAIR LEE, relating to organizing the County's composting efforts through government-funding opportunities.

H. COMMUNICATIONS (continued):

- NO. 20-352 - COUNCILMEMBER KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 1.08, MAUI COUNTY CODE, RELATING TO THE COUNTY SEAL".
- NO. 20-353 - COUNCIL CHAIR LEE, relating to the Public Utilities Commission and Young Brothers changing regulations and schedules to the detriment of farmers and ranchers.
- NO. 20-354 - COUNCIL CHAIR LEE, relating to the State Department of Health's regulations for coffee roasteries and the closure of coffee farms.
- NO. 20-355 - PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed resolution entitled "URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS".
- NO. 20-356 - COUNCIL CHAIR LEE, relating to County of Maui pool permits.
- NO. 20-357 - COUNCIL CHAIR LEE, relating to maintaining the health of Maui County's farmers so they can continue to supply agricultural products to Maui County's people.
- NO. 20-358 - PRESIDING OFFICER PRO TEMPORE KAMA, relating to the referral of Development Applications submitted under Maui County Code, Chapter 2.97, Residential Workforce Housing Policy Incentives and Exemptions.
- NO. 20-359 - COUNCIL CHAIR LEE, relating to defining "farm stay" for short-term rentals on agricultural lands to allow farmers to create agricultural tourism opportunities.
- NO. 20-360 - COUNCIL CHAIR LEE, relating to increasing housing on agricultural lands.
- NO. 20-361 - COUNCIL CHAIR LEE, relating to the Department of Water Supply's policy prohibiting farm property that is considered commercial from purchasing extra fixtures.
- NO. 20-362 - COUNCIL CHAIR LEE, relating to policies for payment of water bills.
- NO. 20-363 - COUNCIL CHAIR LEE, relating to water delivery systems.
- NO. 20-364 - COUNCIL CHAIR LEE, relating to the Upcountry reservoirs.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 20-67 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution supporting and recognizing the 2019-2020 update to the County of Maui Hazard Mitigation Plan and the County of Maui Hazard Mitigation Steering Committee; and
2. **FILING** of communication.

NO. 20-68 - ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution establishing the Mālama Maui County Pledge, encouraging visitor industries to have their guests sign the pledge, and encouraging the pledge be displayed in as many spaces throughout Maui County as possible; and
2. **FILING** of communication.

NO. 20-69 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Joshua Circle-Woodburn (Landscape Architect) (from alternate member to regular member), to the Urban Design Review Board, to continue his current term expiring on March 31, 2025.

NO. 20-70 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Carolyn Franklin to the Real Property Tax Review Board, for a term expiring on March 31, 2022.

NO. 20-71 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Avid Amiri, Individually and as Trustee of the Deutsche International Trust II v. County of Maui, Case 19-CV-00373, United States District Court for the District of Hawaii.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with 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. 20-72 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the employment of special counsel to file legal claims against Bank of America and other mortgage lenders for failure to fulfill loan commitments, fraudulent foreclosures, and similar unlawful conduct.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with 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. 20-73 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended, effective January 2, 2021, to establish stricter term limits for Councilmembers by limiting the number of terms a person may serve as a Councilmember to five full two-year terms.

NO. 20-74 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended, effective January 2, 2021, to establish standards for interpreting and complying with the Charter, including by requiring a viable judicial action to be filed within 30 days to seek clarity when a conflict in the interpretation of the Charter is identified.

NO. 20-75 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Articles 6 and 8 of the Revised Charter of the County of Maui (1983), as amended, should be amended, effective December 30, 2021, to require the Department of Housing and Human Concerns be divided to form two separate departments, a Department of Housing and a Department of Human Concerns.

NO. 20-76 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 14-3 of the Revised Charter of the County of Maui (1983), as amended, should be amended, effective January 2, 2021, to authorize the Council to appoint nine members and the Mayor to appoint two members of the 11-member Charter Commission, which is required to study and review the operation of the County government.

I. COMMITTEE REPORTS (continued):NO. 20-77 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 7-2 of the Revised Charter of the County of Maui (1983), as amended, should be amended, effective January 2, 2021, to establish stricter term limits for the Mayor by limiting the number of terms a person may serve as Mayor to two full four-year terms.

NO. 20-78 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Article 8 of the Revised Charter of the County of Maui (1983), as amended, should be amended, effective July 1, 2022, to establish a Department of Agriculture to develop a sustainable regional agricultural system for Maui County.

NO. 20-79 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of correspondence relating to a proposed amendment to Section 3-5 of the Revised Charter of the County of Maui (1983), as amended, to require the Council to meet at least 21 times each year, rather than at least twice each month.

NO. 20-80 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of correspondence relating to a proposed amendment to Sections 3-2 and 15-4 of the Revised Charter of the County of Maui (1983), as amended, to establish shorter lifetime term limits for Councilmembers from five two-year terms to two four-year terms.

NO. 20-81 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of correspondence relating to a proposed amendment to Section 3-6 of the Revised Charter of the County of Maui (1983), as amended, to authorize the Council to retain and terminate special counsel by a simple-majority vote of its members.

NO. 20-82 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of correspondence relating to a proposed amendment to Section 3-7 of the Revised Charter of the County of Maui (1983), as amended, to authorize the Council to appoint and remove a Director of Council Services and a Supervising Legislative Attorney, by resolution, and authorize the Director of Council Services to appoint and remove other necessary staff in the Office of Council Services.

I. COMMITTEE REPORTS (continued):

NO. 20-83 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a special event permit to Lokahi Pacific to use Hana Ball Park, Hana Bay Beach Park with pavilion, Helene Hall, Hana Community Center main hall with kitchen and restrooms, and Hana County parking lots 1-3 for eleven consecutive days, from October 16, 2020 through October 26, 2020, for the 2020 Festivals of Aloha; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 76 (2020) - "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 LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY"

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.