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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 September 25, 2020
9:00 a.m.

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

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. 20-464 - PROSECUTING ATTORNEY, transmitting a copy of Administrative Directive No. 19-01 and Executive Memorandum No. 20-05 from the State of Hawaii, Department of Budget and Finance, authorizing the County of Maui to be reimbursed for allowable expenses incurred by the witnesses and defendants in criminal proceedings in the amount of \$25,000.
- NO. 20-465 - PROSECUTING ATTORNEY, transmitting a copy of the grant award from the Office of Justice Programs, U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$122,345.
- NO. 20-466 - PLANNING DIRECTOR, transmitting a copy of the intent to commit letter of the grant-in-aid award from the State of Hawaii Office of Planning for the Coastal Zone Management Grant in the amount of \$447,706.
- NO. 20-467 - DIRECTOR OF FINANCE, informing of the sale of \$74,420,000 of General Obligation Bonds Series 2020 on September 9, 2020.
- NO. 20-468 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 4-M, Makena Farms Subdivision, TMK: (2) 2-1-007:067 POR.
- NO. 20-469 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending August 2020.
- NO. 20-470 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for July 2020 for all registered well reporters in the County of Maui.
- NO. 20-471 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "RECOGNIZING OCTOBER 30, 2020, AS MAUI COUNTY TREE PLANTING DAY".

H. COMMUNICATIONS (continued):

- NO. 20-472 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF WILTON LEAUANAE AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- NO. 20-473 - PRESIDING OFFICER PRO TEMPORE KAMA, relating to the Hale O Pi'ikea Affordable Housing Project.
- NO. 20-474 - COUNCILMEMBER KING, relating to recycling, composting, and reducing waste to scale down greenhouse gases.
- NO. 20-475 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE ADMINISTRATION PROGRAM – SOLID WASTE MANAGEMENT FUND, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; DEPARTMENT OF POLICE, MOLOKAI POLICE STATION ROOF REPLACEMENT";
 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 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 FIRE AND PUBLIC SAFETY; DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE GRANT)";
 3. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION, COUNTYWIDE FEDERAL AID PROGRAM";
 4. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO SECTION 14 OF THE GENERAL BUDGET PROVISIONS"; and
 5. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 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, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM".
- NO. 20-476 - PROSECUTING ATTORNEY, 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 DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".

H. COMMUNICATIONS (continued):

- NO. 20-477 - COUNCILMEMBER MOLINA, relating to the County's records management system.
- NO. 20-478 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TOBACCO PRODUCTS".
- NO. 20-479 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE".
- NO. 20-480 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO CESSPOOLS".
- NO. 20-481 - COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO SUPPORT THE STATEWIDE AGRICULTURAL LAND USE BASELINE UPDATE".
- NO. 20-482 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.08.010, MAUI COUNTY CODE, RELATING TO ANIMALS AT LARGE".
- NO. 20-483 - COUNCILMEMBER HOKAMA, relating to La'akea Village.
- NO. 20-484 - PLANNING DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.64, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOMES";
and
 2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.65, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOMES".
- NO. 20-485 - COUNCILMEMBER PALTIN, relating to annual zoning conditions status reports for Kapalua Mauka (Ordinance 3358).
- NO. 20-486 - DIRECTOR OF WATER SUPPLY, transmitting a proposed resolution entitled "APPROVING DISPOSITION OF NONEXCLUSIVE ACCESS EASEMENT DUE TO RELOCATION OF ACCESS ROAD FOR THE KAMOLE WEIR WATER TREATMENT PLANT".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 20-117 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 2.28.070, Maui County Code, to add a requirement that at least one member of each planning commission, except the Lanai Planning Commission, and each advisory committee have a background in conservation, natural resources, or climate change; and
2. **FILING** of communication.

NO. 20-118 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending **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 2021 Budget, by increasing the appropriation for the Department of Housing and Human Concerns, Aging and Disability Resource Center (ADRC) Expansion, by \$92,000.

NO. 20-119 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of bill to amend Section 2.82.050, Maui County Code, to extend the deadline for the Conservation Planning Committee to adopt and submit the greenprint to the Council to December 31, 2022.

NO. 20-120 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving for inclusion in the 2021 Maui County Council Legislative Package a State bill to allow virtual meetings by interactive conference technology.

NO. 20-121 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Noriyoshi Makabe and Masami Makabe as co-conservators of Hayato Makabe, an incapacitated person v. Department of Parks and Recreation, et al.; Civil 18-1-0346(1).

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.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 88 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, POST-EMPLOYMENT OBLIGATIONS"
- BILL NO. 89 (2020) - "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"
- BILL NO. 90 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 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 HOUSING AND HUMAN CONCERNS, AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION"
- BILL NO. 91 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 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 WATER SUPPLY (STATE OF HAWAII, KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT)"
- BILL NO. 92 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, STATE OF HAWAII, KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT"
- BILL NO. 93 (2020) - "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO TRINA T. PINSKY TO ESTABLISH AND OPERATE THE HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS, VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO OPERATE A FOOD TRUCK ON APPROXIMATELY 2.53 ACRES OF LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16157 HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA, ISLAND OF MAUI, HAWAII"
- BILL NO. 94 (2020) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.97, MAUI COUNTY CODE, DECLARING A MORATORIUM ON TRANSIENT ACCOMMODATION PERMITS ON LANAI"
- BILL NO. 95 (2020) - "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS"

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.