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**COUNCIL OF THE COUNTY OF MAUI** 2021 FEB 26 PM 3:32

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of March 5, 2021  
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://maucounty.legistar.com>

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>  
e-mail: [county.clerk@maucounty.us](mailto:county.clerk@maucounty.us)

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**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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. They will be able to view the remainder of the meeting on Akaku Channel 53 or on <https://maucounty.legistar.com/>. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference 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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GABE JOHNSON

C. PLEDGE OF ALLEGIANCED. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of January 15, 2021

H. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 21-126 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for December 2020 for all registered well reporters in the County of Maui.

NO. 21-127 - BUDGET DIRECTOR, transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2021, through December 31, 2020.

NO. 21-128 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Combating Domestic Violence and Sexual Assault in Maui County grant for the period of January 1, 2021 to May 31, 2021 in the amount of \$110,452, which includes \$27,613 in matching funds.

NO. 21-129 - DIRECTOR OF FINANCE, transmitting a summary and detailed report of the Special Management Area (SMA) Revolving Fund as of December 31, 2020.

NO. 21-130 - DIRECTOR OF FINANCE, transmitting the Hawaiian Cultural Restoration Revolving Fund annual revenues and expenditures report.

NO. 21-131 - MAYOR, informing of the appointments of Donna Joyce Kawakami and George Kaimiola to the Commission on Healing Solutions for Homelessness.

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H. COMMUNICATIONS (continued):

- NO. 21-132 - COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on January 29, 2021.
- NO. 21-133 - CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF ASHLEY AWAKEA LINDSEY TO THE MAUI PLANNING COMMISSION".
- NO. 21-134 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of January 31, 2021.
- NO. 21-135 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT".
- NO. 21-136 - PRESIDING OFFICER PRO TEMPORE KAMA, relating to remote offices for Councilmembers.
- NO. 21-137 - COUNCILMEMBER SINENCI, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO REPEAL THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES".
- NO. 21-138 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO RENEW AND EXTEND WATER AND SEWER CREDITS TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR HOMESTEAD AND AGRICULTURAL LOTS IN LAHAINA, MAUI, HAWAII".
- NO. 21-139 - COUNCILMEMBER KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO PUBLIC INFRASTRUCTURE IN SEA LEVEL RISE EXPOSURE AREAS".
- NO. 21-140 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.35, 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO ACCESSORY DWELLING, BED AND BREAKFAST HOME, AND SHORT-TERM RENTAL HOME PERMITS", and related documents.

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**I. COMMITTEE REPORTS:****NO. 21-9 - AFFORDABLE HOUSING COMMITTEE:**

Recommending **FIRST READING** of bill amending the Residential Workforce Housing Policy relating to an exemption for Department of Hawaiian Home Lands.

**NO. 21-10 - AFFORDABLE HOUSING COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution authorizing the grant of real property located at 244 Komo Mai Street, Lahaina, Maui, Hawaii, to Housing and Land Enterprise of Maui, dba Na Hale O Maui; and
2. **FILING** of communication.

**NO. 21-11 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget to increase the appropriation from the General Fund by \$229,147 and add an appropriation from the Park Assessment Fund in the amount of \$392,334 for the Ha'ikū Park Restroom project; and to increase the appropriation from the General Fund for the Kepaniwai Heritage Gardens Improvements project by \$294,519; and
2. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C, Capital Improvement Projects, for the Department of Parks and Recreation, Pā'ia-Ha'ikū Community Plan Area, to increase the appropriation for the Ha'ikū Park Restroom project in the amount of \$621,481; and to increase the appropriation for the Wailuku-Kahului Community Plan Area, Kepaniwai Heritage Gardens Improvements project in the amount of \$294,519.

**NO. 21-12 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **FILING** of Committee Report 20-71, relating to Avid Amiri, Individually and as Trustee of the Deutsche International Trust II v. County of Maui, Civil 19-CV-00373.

*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. 21-13 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Judy Egger to the Affirmative Action Advisory Council for a term beginning on April 1, 2021, and expiring on March 31, 2026;
2. **ADOPTION** of resolution approving the appointments of Scott Parker (Reappoint) and Steven Sturdevant to the Board of Ethics for terms beginning on April 1, 2021, and expiring on March 31, 2026;
3. **ADOPTION** of resolution approving the appointment of Charlene Shibuya to the Board of Variances and Appeals for a term beginning on April 1, 2021, and expiring on March 31, 2026, and disapproving the appointment of Luigi Manera;
4. **ADOPTION** of resolution disapproving the appointments of Christy Kajiwarra-Gusman and Karalyn Tukuafu to the Board of Water Supply;
5. **ADOPTION** of resolution approving the appointment of Megan Moniz to the Civil Service Commission for a term beginning on April 1, 2021, and expiring on March 31, 2026;
6. **ADOPTION** of resolution approving the appointments of Nirvana Dillingham and Alexandria Domingo (Reappoint) to the Commission on Children and Youth for terms beginning on April 1, 2021, and expiring on March 31, 2026;
7. **ADOPTION** of resolution approving the appointments of James Diegel, Teana Kaho'ohanohano, Leonardo Sequeira (Reappoint), Laura Vo, and Dorothy Yoza, to the Council on Aging for terms beginning on April 1, 2021, and expiring on March 31, 2026;
8. **ADOPTION** of resolution approving the appointment of Nohelani U'u- Hodgins to the Fire and Public Safety Commission for a term beginning on April 1, 2021, and expiring on March 31, 2026, and disapproving the appointment of Dylan Payne;
9. **ADOPTION** of resolution approving the appointments of Mary Ann Kahana and Becky Lind to the Hana Advisory Committee for terms beginning on April 1, 2021, and expiring on March 31, 2026;
10. **ADOPTION** of resolution approving the appointment of Elisabeth Ann Grove to the Lanai Planning Commission for a term beginning on April 1, 2021, and expiring on March 31, 2026;

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I. COMMITTEE REPORTS (continued):

11. **ADOPTION** of resolution approving the appointment of Janice Kalanihuia to the Liquor Control Adjudication Board for a term beginning on April 1, 2021, and expiring on March 31, 2026, and disapproving the appointment of Naomi Kusachi;
12. **ADOPTION** of resolution approving the appointment of Sylvia Ho to the Liquor Control Commission for a term beginning on April 1, 2021, and expiring on March 31, 2026, and disapproving the appointment of Rick Nava;
13. **ADOPTION** of resolution approving the appointments of Sarah Collins and Susan Lussier to the Maui County Commission on Persons with Disabilities for terms beginning on April 1, 2021, and expiring on March 31, 2026;
14. **ADOPTION** of resolution disapproving the appointment of Leonora Espaniola to the Maui County Cultural Resources Commission;
15. **ADOPTION** of resolution approving the appointment of Ashley Lindsey to the Maui Planning Commission for a term beginning on April 1, 2021, and expiring on March 31, 2026, and disapproving the appointment of Sherrilee Dodson;
16. **ADOPTION** of resolution approving the appointments of Louella Albino and Colette Machado to the Molokai Planning Commission for terms beginning on April 1, 2021, and expiring on March 31, 2026;
17. **ADOPTION** of resolution approving the appointments of Travis Tancayo and Jeffrey Ueoka to the Police Commission for terms beginning on April 1, 2021, and expiring on March 31, 2026;
18. **ADOPTION** of resolution approving the appointments of Joshua Berlien (Engineer), Alberta de Jetley, Pelenatita Namoa-Hanusa, and Derek Ono (Engineer) to the Public Works Commission for terms beginning on April 1, 2021, and expiring on March 31, 2026;
19. **ADOPTION** of resolution approving the appointment of Russell Johnson (Reappoint) to the Real Property Tax Review Board for a term beginning on April 1, 2021, and expiring on March 31, 2026; and
20. **ADOPTION** of resolution approving the appointments of Andrew Ho and Grant Nakama to the Salary Commission for terms beginning on April 1, 2021, and expiring on March 31, 2026.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 6 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; MOLOKAI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"
- BILL NO. 7 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HOUSING PROGRAM, FIRST-TIME HOMEBUYERS PROGRAM"
- BILL NO. 8 (2021) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND"
- BILL NO. 9 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE EMERGENCY MANAGEMENT AGENCY (HANA EMERGENCY PREPAREDNESS TEAM)"
- BILL NO. 10 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES"
- BILL NO. 11 (2021) - "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 THE PROSECUTING ATTORNEY, NATIONAL INSTANT CRIMINAL BACKGROUND CHECK (NICS) ACT RECORD IMPROVEMENT PROGRAM (NARIP) 2020 GRANT"

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

BILL NO. 12 (2021) - "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 PUBLIC WORKS, FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS"

BILL NO. 13 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND, COUNTYWIDE FEDERAL AID PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 14 (2021) - "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 (COUNTYWIDE FEDERAL AID PROGRAM)"

BILL NO. 15 (2021) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – COUNTYWIDE FEDERAL AID PROGRAM)"

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATIONS:

NO. 21-89 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting the following:

1. County Communication 21-26, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00";
2. Correspondence dated January 26, 2021, from the Director of Finance, transmitting a revised proposed resolution, entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00", and an appraisal report dated October 16, 2020, prepared by Fukuda Valuation and Consulting LLC;



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**L. UNFINISHED BUSINESS (continued):**

3. Correspondence dated January 25, 2021, from the 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 ESTIMATED REVENUES; DEPARTMENT OF FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
  2. "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 FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY"; and
  3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".

**RESOLUTIONS:**

- NO. \_\_\_\_\_ - "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000".

**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.**