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COUNCIL OF THE COUNTY OF MAUI 2021 APR 30 PM 4: 08

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of May 7, 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://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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 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. Individuals wanting to view the remainder of the meeting may do so on Akaku Channel 53 or on <https://mauicounty.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.

A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCILMEMBER SHANE SINENCI

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING ST. ANTHONY CHURCH ON ITS 175TH ANNIVERSARY AND RECOGNIZING DEPARTING MARIANISTS ON 45 YEARS OF SERVICE"

NO. _____ "RECOGNIZING AFFORDABLE HOUSING DEVELOPER DOUGLAS BIGLEY AND IKAIKA OHANA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of February 19, 2021
Regular Meeting of March 5, 2021

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 21-193 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for February 2021 for all registered well reporters in the County of Maui.

NO. 21-194 - DIRECTOR OF FINANCE, transmitting 75 contracts/grants for the month of March 2021.

NO. 21-195 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the Notice of Grant Award from the Corporation for National and Community Service for the Retired and Senior Volunteer Program in the amount of \$73,350.

NO. 21-196 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Modification Order No. 9 from the State of Hawaii, Executive Office on Aging for the Title III Program in the amount of \$589,291.

NO. 21-197 - BUDGET DIRECTOR, transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2021, through March 31, 2021.

H. COMMUNICATIONS (continued):

- NO. 21-198 - MANAGING DIRECTOR, transmitting the Fiscal Year 2021 3RD Quarter CIP Reports.
- NO. 21-199 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Susan Lussier.
- NO. 21-200 - MAYOR, informing of a vacancy on the Liquor Control Adjudication Board due to the resignation of Herman Nascimento.
- NO. 21-201 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Hannah Werth.
- NO. 21-202 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Carolyn Franklin.
- NO. 21-203 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Dorothy Yoza.
- NO. 21-204 - MAYOR, informing of the appointments of Leonora Espaniola and Kelli Pili Aloha Nahooikaika to the Committee on the Status of Women.
- NO. 21-205 - MAYOR, informing of the appointment of Joseph Imhoff to the Maui County Arborist Committee.
- NO. 21-206 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of October 1, 2020 through March 31, 2021.
- NO. 21-207 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement W-2, Wailele Ridge Condominium Project, Mailepai Hui Partition – Hui Road C, TMK: (2) 4-3-001:001 POR.
- NO. 21-208 - DIRECTOR OF FINANCE, informing of the acceptance of Use of Easement Agreement W-2, Wailele Ridge Condominium Project, Mailepai Hui Partition – Hui Road C, TMK: (2) 4-3-001:001 POR & 033.
- NO. 21-209 - DIRECTOR OF FINANCE, informing of the acceptance of Fire Hydrant Easement FH-2, Valley Isle Fellowship, TMK: (2) 3-5-002:018.

H. COMMUNICATIONS (continued):

NO. 21-210 - MAYOR, notifying of his veto of Bill No. 10 (2021), Draft 1, entitled "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".

With reference to this agenda item, the Council may reconsider the vote upon the bill and may override the Mayor's veto as provided for in Subsection 4-3.1 of the Revised Charter of the County of Maui (1983), as amended.

NO. 21-211 - CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF COOP DERENNE TO THE LANAI PLANNING COMMISSION".

NO. 21-212 - CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting the following proposed resolutions entitled:

1. "APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI";
2. "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI";
3. "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI";
4. "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI";
5. "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION";
6. "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI";
7. "APPOINTMENT OF A MEMBER TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI"; and
8. "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI".

NO. 21-213 - CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY".

H. COMMUNICATIONS (continued):

- NO. 21-214 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL TO ADD A CONSENT CALENDAR".
- NO. 21-215 - DIRECTOR OF FINANCE, transmitting the Short-Term Investment Reports as of March 31, 2021 (Fiscal Year 2021 Third Quarter).
- NO. 21-216 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2021-2022 certification of the net taxable real property valuation for the County of Maui.
- NO. 21-217 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of March 31, 2021.
- NO. 21-218 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of March 31, 2021 (Fiscal Year 2021 Third Quarter).
- NO. 21-219 - 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 March 31, 2021.
- NO. 21-220 - BUDGET DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PUBLIC WORKS, FISCAL YEAR 2021 BUDGET".
- NO. 21-221 - COUNCILMEMBER SUGIMURA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.41, MAUI COUNTY CODE, CREATING THE KULA AGRICULTURAL PARK REVOLVING FUND".
- NO. 21-222 - RESILIENCE OFFICER, transmitting a proposed resolution entitled "AUTHORIZING THE USE OF OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUNDS BY GRANT TO KE AO HALI'I TO BE USED TO PURCHASE PROPERTY IN HANA, MAUI, HAWAII, AND AUTHORIZING THE COUNTY TO RECEIVE A PERPETUAL CONSERVATION EASEMENT".
- NO. 21-223 - COUNCIL CHAIR LEE, relating to the Break Free from Plastic Pollution Act.
- NO. 21-224 - COUNCILMEMBER KING, relating to Maui County's participation in Local Governments for Sustainability's Circle City Scan Pilot Project.

H. COMMUNICATIONS (continued):

- NO. 21-225 - COUNCIL CHAIR LEE, relating to a downloadable application for reporting illegal fireworks.

- NO. 21-226 - COUNCILMEMBER MOLINA, relating to Establishing Customer Service as a Goal and Measure for County Departments.

- NO. 21-227 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "AUTHORIZING THE RETENTION OF SHERRY BRODER AS SPECIAL COUNSEL FOR THE CHARTER COMMISSION".

- NO. 21-228 - COUNCILMEMBER MOLINA, relating to appointments to the South Maui Advisory Committee.

- NO. 21-229 - COUNCILMEMBER MOLINA, relating to appointments to the Paia-Haiku Advisory Committee.

- NO. 21-230 - COUNCIL CHAIR LEE, relating to bicycle facilities at County parks.

- NO. 21-231 - COUNCIL CHAIR LEE, relating to Moku'ula and Mokuhinia.

- NO. 21-232 - COUNCILMEMBER KING, transmitting a proposed bill entitled "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS".

I. COMMITTEE REPORTS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 40 (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 HOUSING AND HUMAN CONCERNS, AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION, NATIONAL HOUSING TRUST FUND, TITLE III PROGRAMS"

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

BILL NO. 41 (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, OFFICE OF THE COUNTY CLERK, (STATE OF HAWAII, STATE ELECTION CARES-HAVA)"

BILL NO. 42 (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, EMERGENCY FUND (MARCH 2021 FLOOD EVENT)"

BILL NO. 43 (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 (2021 FLOODING EVENT, ROAD AND DRAINAGE INFRASTRUCTURE DAMAGES)"

BILL NO. 44 (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, (RENEWABLE ENERGY PROGRAMS GRANT; EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; HAIKU-PAIA-MAKAWAO ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS)"

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATIONS:

NO. 21-191 - COUNCILMEMBER KING, transmitting a proposed bill entitled "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR HOTELS".

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.

THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.