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**COUNCIL OF THE COUNTY OF MAUI** 2021 MAY 28 PM 4:01

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of June 4, 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](mailto:county.clerk@mauicounty.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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. 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.

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A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCILMEMBER YUKI LEI SUGIMURA

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C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "HONORING THE LEGACY OF THE NISEI SOLDIERS FOR THEIR SELFLESS LOYALTY TO THE UNITED STATES AND CONGRATULATING THEM AND THEIR FAMILIES ON THE UNVEILING OF THE 'GO FOR BROKE SOLDIERS' COMMEMORATIVE STAMP"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of March 31, 2021

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 21-251 - ACTING CHIEF OF POLICE, informing of the receipt of \$5,148.13 in Forfeiture Funds from the Department of Attorney General, State of Hawaii.

NO. 21-252 - PROSECUTING ATTORNEY, informing of the receipt of \$5,148.13 in Forfeiture Funds from the Department of Attorney General, State of Hawaii.

NO. 21-253 - MAYOR, informing of a vacancy on the Molokai Planning Commission due to the passing of John Sprinzel.

NO. 21-254 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, 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 APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAIALE LAND ACQUISITION".

NO. 21-255 - CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE ASSISTANCE OF THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII, TO ACT AS SPECIAL COUNSEL IN VARIOUS GRIEVANCES BROUGHT AGAINST THE COUNTY BY A HGEA BARGAINING UNIT 13 EMPLOYEE DUE TO CONFLICTS OF INTEREST".

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**H. COMMUNICATIONS (continued):**

- NO. 21-256 - CHAIR, INFRASTRUCTURE AND TRANSPORTATION COMMITTEE, transmitting correspondence dated April 26, 2021, from the Director of Public Works, 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 U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE RELATED TO THE LAHAINA WATERSHED FLOOD PROTECTION PROJECT".
- NO. 21-257 - COUNCILMEMBER MOLINA, relating to proposed amendments to the Fiscal Year 2022 Budget, Bill 46 (2021), Special Purpose Revenues – Schedule of Revolving/Special Funds, relating to the Hamakualoa Open Space Preserve.
- NO. 21-258 - COUNCILMEMBER PALTIN, relating to a proposed amendment to Bill 46 (2021), relating to the Department of Finance, Countywide Costs, Insurance Programs and Self Insurance.
- NO. 21-259 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to a proposed amendment to Bill 46 (2021), relating to the General Budget Provisions, Section 16.
- NO. 21-260 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to a proposed amendment to Bill 46 (2021), relating to the Affordable Housing Fund.
- NO. 21-261 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to proposed amendments to Bill 46 (2021), Bill 47 (2021), and Bill 48 (2021), relating to the Department of Fire and Public Safety, Molokai Community Plan Area.
- NO. 21-262 - COUNCILMEMBER SUGIMURA, relating to a proposed amendment to Bill 54 (2021), relating to Home Acquisition and Ownership Programs Revolving Fund.
- NO. 21-263 - 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 April 30, 2021.
- NO. 21-264 - FIRE CHIEF, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 21-265 - ACTING CHIEF OF POLICE, transmitting a copy of a proposed revision to the Maui County Code, Chapter 9.28, Air Guns and Replica Gun Regulations.

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**H. COMMUNICATIONS (continued):**

- NO. 21-266 - CHAIR, COST OF GOVERNMENT COMMISSION, transmitting the Cost of Government Commission's Report on Strengthening the County of Maui's Technological Infrastructure, dated May 2021.
- NO. 21-267 - COUNCILMEMBER RAWLINS-FERNANDEZ, relating to relocation of the Puko'o Fire Station.
- NO. 21-268 - COUNCILMEMBER SUGIMURA, relating to airport shuttles.
- NO. 21-269 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL RELATING TO CONDITIONAL PERMIT AMENDMENTS".

**I. COMMITTEE REPORTS:**

- NO. 21-30 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:  
Recommending **FILING** of communication relating to the Department of Water Supply's Monthly Source Report and Groundwater Use Report for December 2020.
- NO. 21-31 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:  
Recommending the following:
1. **ADOPTION** of resolution to approve canceling an easement held by the County to allow access to the Kamole Weir Water Treatment Plant in Hamakuapoko, Makawao, Maui, Hawaii; and
  2. **FILING** of communication.
- NO. 21-32 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:  
Recommending the following:
1. **FIRST READING** of bill to amend Section 20.08.031, Maui County Code, relating to the exclusion for grading and grubbing permits for trenching for underground utilities; and
  2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 21-33 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Debra Kelly to the Molokai Planning Commission, for a term expiring on March 31, 2024.

NO. 21-34 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of James Apana to the Real Property Tax Review Board, for a term expiring on March 31, 2024.

NO. 21-35 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution amending the Rules of the Council to add a Consent Calendar; and
2. **FILING** of communication.

NO. 21-36 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 2.31, Maui County Code, relating to the Commission on Healing Solutions for Homelessness; and
2. **FILING** of communication.

NO. 21-37 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant a sewerline easement to A0703 West Maui, L.P., a Hawaii limited partnership, to allow connection of its affordable housing project, Kaiāulu O Kūku'ia, to the County's sewer system in Kapunakea Street, Lāhainā; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

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**K. ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 45 (2021) - "REQUIRING MOLOKAI AND EAST MAUI MEMBERSHIP ON THE BOARD OF WATER SUPPLY"
- BILL NO. 46 (2021) - "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022"
- BILL NO. 47 (2021) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2022"
- BILL NO. 48 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTY-FIVE MILLION, FIVE HUNDRED EIGHTY THOUSAND, NINE HUNDRED DOLLARS (\$85,580,900) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS"
- BILL NO. 49 (2021) - "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI"
- BILL NO. 50 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2022 BUDGET ORDINANCE"

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

BILL NO. 51 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2022 BUDGET ORDINANCE"

BILL NO. 52 (2021) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.81, MAUI COUNTY CODE, RELATING TO ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND"

BILL NO. 53 (2021) - "A BILL FOR AN ORDINANCE RELATING TO THE REAL PROPERTY TAX LONG-TERM RENTAL CLASSIFICATION"

BILL NO. 54 (2021) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY CODE, RELATING TO THE HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND"

BILL NO. 55 (2021) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.08, MAUI COUNTY CODE, TO ESTABLISH A DEPUTY DIRECTOR OF COUNCIL SERVICES AND REVISING PAY RANGES FOR COUNCIL SERVICES STAFF"

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.**

**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.**