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COUNCIL OF THE COUNTY OF MAUI 2021 AUG 27 PM 3: 30

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of September 3, 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.mauhi.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 YUKI LEI SUGIMURA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "RECOGNIZING SEPTEMBER 2021 AS CHILDHOOD CANCER AWARENESS MONTH"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

NONE.

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

- NO. 21-423 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for June 2021 for all registered well reporters in the County of Maui.
- NO. 21-424 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the U.S. Department of Housing and Urban Development, for the Emergency Housing Vouchers program in the amount of \$420,336.
- NO. 21-425 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the receipt of dues paid from the State Department of Transportation for the transportation planning portion of the Maui MPO FY2021 and FY2022 Unified Planning Work Program totaling \$100,000.
- NO. 21-426 - MAYOR, informing of a vacancy on the Board of Water Supply due to the resignation of Johanna Amarin.
- NO. 21-427 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Patrick D. O'Neil, PhD.
- NO. 21-428 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Katherine Kama'ema'e Smith.
- NO. 21-429 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting an extension request for the OED grant summaries for FY2021.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 21-430 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting correspondence dated July 30, 2021, from the Budget Director, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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 (STATE OF HAWAII MAKENA LIFEGUARD SERVICES)"; and
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, DEPARTMENT OF FIRE AND PUBLIC SAFETY (STATE OF HAWAII MAKENA LIFEGUARD SERVICES)".

NO. 21-431 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FIRE AND PUBLIC SAFETY, COUNTYWIDE, COUNTYWIDE FIRE FACILITIES".

NO. 21-432 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM; AND AFFORDABLE HOUSING FUND".

NO. 21-433 - 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 SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII".

NO. 21-434 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of July 1, 2021.

NO. 21-435 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE, THE KAIĀULU O HALELE'A APARTMENTS AFFORDABLE HOUSING PROJECT".

J. COMMUNICATIONS (continued):

NO. 21-436 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO COUNCIL SERVICES STAFF SALARIES".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

NO. 21-69 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modifications the independent development of the Hōkūao Housing Project in Lānaʻi City, Lānaʻi, Hawaiʻi, under Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving the independent development of the Hōkūao 201H Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the independent development of the Hōkūao 201H Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes.

NO. 21-70 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to obtain Council approval on the Liloa Hale Senior Rental Housing Project using certain financing structure components relating to funds received under Chapter 3.35, Maui County Code;
2. **FIRST READING** of bill to amend the Fiscal Year 2022 Budget, Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds, by adding an appropriation under the Affordable Housing Fund for the Liloa Hale Senior Rental Housing Project in the amount of \$4,300,000; and
3. **FILING** of communications.

K. COMMITTEE REPORTS (continued):

NO. 21-71 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2022 Budget, Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds, by amending the appropriation for Hale O Piikea II, under the Affordable Housing Fund, for the Hawaiian Community Development Board, by: 1) allowing funds to be used for construction instead of land acquisition; 2) revising the number of units from 96 to 97; 3) adjusting the unit counts per category; and 4) adding one unit for an on-site property manager; and
2. **FILING** of communication.

NO. 21-72 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Andrea Rodgers to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2025.

NO. 21-73 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the nominations of Vernon Kalanikau (Aha Moku) for a term expiring on March 31, 2022, Michelle Gould (University of Hawaii Maui College) for a term expiring on March 31, 2023, and Dale Bonar (Land Trust) for a term expiring on March 31, 2024, to the Conservation Planning Committee.

NO. 21-74 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 4063974 of Kristen Sato.

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.

K. COMMITTEE REPORTS (continued):**NO. 21-75 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize settlement of Claim 4064010 of Anthony Nunez.

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. 21-76 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 4066522 of Polina Goldberg.

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. 21-77 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 4070387 of Sandy Farowich.

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. 21-78 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.64, Maui County Code, to establish the number of Bed and Breakfast permits on Lānaʻi;
2. **FIRST READING** of bill amending Chapter 19.65, Maui County Code, to establish the number of Short-Term Rental Home permits on Lānaʻi; and
3. **FILING** of communication.

L. RESOLUTIONS:

NONE.

M. ORDINANCES - FIRST READING:

BILL NO. _____(2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B, MAUI COUNTY CODE, TO ADD 'MITIGATE CLIMATE CHANGE AND WORK TOWARD RESILIENCE' AS A GOAL OF THE COUNTYWIDE POLICY PLAN"

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 73 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS AND ANIMAL MANAGEMENT PROGRAMS; OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM; AND DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM"

BILL NO. 74 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE"

BILL NO. 75 (2021) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FIRE AND PUBLIC SAFETY – PUKO'O FIRE STATION)"

BILL NO. 76 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B REVENUES – FEES, RATES, ASSESSMENTS AND TAXES"

BILL NO. 77 (2021) - "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. 78 (2021) - "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. 79 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 20.08.031, MAUI COUNTY CODE, REGARDING LIMITED EXCLUSIONS FOR GRADING AND GRUBBING PERMITS AND AMENDING THE CATEGORICAL EXCLUSION FOR TRENCHING FOR UNDERGROUND UTILITIES"

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

BILL NO. 80 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)"

BILL NO. 81 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (STUDY TO ASSESS GROUNDWATER AVAILABILITY UNDER SCENARIO-BASED RECHARGE CHANGES ON THE ISLAND OF MAUI)"

BILL NO. 82 (2021) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO KULEANA TAX EXEMPTIONS"

BILL NO. 83 (2021) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTIES SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEYS (2) 3-8-007:050, (2) 3-8-007:095, AND (2) 3-8-007:096"

BILL NO. 84 (2021) - "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM PARK AND MULTI-FAMILY TO PUBLIC/QUASI PUBLIC FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097"

BILL NO. 85 (2021) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097"

N. 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.