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COUNCIL OF THE COUNTY OF MAUI

2021 SEP 24 PM 3: 32

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 1, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 TAMARA PALTIN

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

NO. _____ "HONORING THE LIFE OF THE LATE CHAD KĀLEPA BAYBAYAN"

F. SET THE CONSENT CALENDARG. PRESENTATION OF WRITTEN OR ORAL TESTIMONYH. MINUTES:

Regular Meeting of July 2, 2021

I. ACTION ON THE CONSENT CALENDARCOUNTY COMMUNICATIONS:

- NO. 21-458 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for July 2021 for all registered well reporters in the County of Maui.
- NO. 21-459 - ACTING CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the Positive Outreach Interventions grant, in the amount of \$85,263
- NO. 21-460 - ACTING CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the KALO Program in the amount of \$89,000.
- NO. 21-461 - ACTING CHIEF OF POLICE, informing of the receipt of \$11,929.63 in Forfeiture Funds from the State of Hawaii, Department of the Attorney General.
- NO. 21-462 - PROSECUTING ATTORNEY, informing of the receipt of \$11,929.63 in Forfeiture Funds from the State of Hawaii, Department of the Attorney General.
- NO. 21-463 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Modification No. 10 from the State of Hawaii, Executive Office on Aging, for Title III Programs in the amount of \$926,789.
- NO. 21-464 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, informing of the re-organization of positions within the Department of Environmental Management.

COUNTY COMMUNICATIONS (continued):

NO. 21-465 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2022 Fund as of August 31, 2021.

NO. 21-466 - MAYOR, informing of a vacancy on the Civil Service Commission due to the resignation of Blake Takayama.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 21-467 - DIRECTOR OF FINANCE, transmitting 52 contracts/grants for the month of August 2021.

NO. 21-468 - CHAIR, GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE SIZE THRESHOLD FOR HOMES THAT ARE CONSIDERED A 'DEVELOPMENT' UNDER THE COASTAL ZONE MANAGEMENT ACT";
2. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE";
3. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ASSESS A CLIMATE CHANGE MITIGATION IMPACT FEE FOR TOURISM-RELATED VEHICLES";
4. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH A GREEN FEE SURCHARGE ON TRANSIENT ACCOMMODATIONS"; and
5. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS".

NO. 21-469 - COUNCILMEMBER JOHNSON, transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE"; and
2. "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE".

J. COMMUNICATIONS (continued):

- NO. 21-470 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting proposed amendments to Bill 101 (2021).
- NO. 21-471 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting County Communication 21-435, from the 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".
- NO. 21-472 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting the Grant Evaluation Report for FY 2021 for the Office of Economic Development.
- NO. 21-473 - 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 ESTIMATED REVENUES; TRANSIENT ACCOMMODATIONS TAX, DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 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 FINANCE, ADMINISTRATION PROGRAM";
 3. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEW PRESERVATION FUND, AFFORDABLE HOUSING FUND, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND"; and
 4. "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, DEPARTMENT OF FINANCE, TRANSIENT ACCOMMODATIONS TAX".
- NO. 21-474 - COUNCILMEMBER MOLINA, relating to Alternate Appointments to Advisory Committees to the Maui Planning Commission.
- NO. 21-475 - MAYOR, transmitting a proposed resolution entitled "REMOVAL OF AGNES GROFF FROM THE COUNCIL ON AGING FOR THE COUNTY OF MAUI".

J. COMMUNICATIONS (continued):

- NO. 21-476 - MAYOR, transmitting a proposed resolution entitled "REMOVAL OF VIVIAN LINDSEY FROM COUNCIL ON AGING FOR THE COUNTY OF MAUI".

- NO. 21-477 - COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "URGING THE STATE TO IMPLEMENT THE HOMEOWNER ASSISTANCE FUND PROGRAM FOR MORTGAGE RELIEF AND ASSISTANCE TO MAUI COUNTY HOMEOWNERS IMPACTED BY THE COVID-19 PANDEMIC".

- NO. 21-478 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF A PERMIT FOR THE USE OF THE HANA BALL PARK/MULTIPURPOSE FIELD, OUTDOOR TENNIS AND BASKETBALL COURTS, HELENE HALL, AND THE HANA COMMUNITY CENTER FOR THE HANA FESTIVALS OF ALOHA IN ACCORDANCE WITH SECTION 13.04A.100, MAUI COUNTY CODE".

- NO. 21-479 - COUNCILMEMBER KING, relating to aircraft noise and flight paths over Mā'alaea and South Maui.

- NO. 21-480 - COUNCILMEMBER SUGIMURA, relating to Central Maui Regional Wastewater Reclamation Facility (Waikapu) Project.

- NO. 21-481 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT", and related documents.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

NO. 21-87 - AFFORDABLE HOUSING COMMITTEE:

Recommending **FIRST READING** of bill to establish a countywide workforce housing interest list and related policies for residents interested in workforce housing rental or ownership units.

NO. 21-88 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT 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 2022 Budget, by increasing the grant, entitled "Department of Housing and Urban Development (HUD), Emergency Housing Vouchers," under the Department of Housing and Human Concerns, in the amount of \$420,336.

K. COMMITTEE REPORTS (continued):NO. 21-89 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **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 2022 Budget, by adding a new grant under the Department of Housing and Human Concerns, entitled "American Rescue Plan Act of 2021 – Emergency Rental Assistance Program #2," in the amount of \$10,710,000, and adding 1.0 Limited Term Appointment equivalent personnel; and
2. **FIRST READING** of bill to amend Appendix D, Conditional Language, Fiscal Year 2022 Budget, by adding a condition for a new grant under the Department of Housing and Human Concerns, entitled "American Rescue Plan Act of 2021 – Emergency Rental Assistance Program #2," limiting disbursement for salaries and premium pay to 1.0 Limited Term Appointment equivalent personnel.

NO. 21-90 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **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 2022 Budget, by adding a new grant under the Department of Environmental Management, entitled "State of Hawaii, Act 88, SLH 2021, Central Maui Regional WWRF (Waikapu) Project," in the amount of \$3,500,000; and
2. **FIRST READING** of bill to amend Appendix C – Capital Improvement Projects, Fiscal Year 2022 Budget, by adding a project and project description under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, for the Central Maui Regional WWRF (Waikapu) Project in the amount of \$7,000,000.

NO. 21-91 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill requiring new one- or two-family residential buildings with 5,000 square feet or more of conditioned floor area to be verified zero net energy homes; and
2. **FILING** of communication.

K. COMMITTEE REPORTS (continued):

NO. 21-92 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Stacey Lee Vinoray to the Real Property Tax Review Board, for a term expiring on March 31, 2026.

NO. 21-93 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to repeal the mandatory minimum fine of \$150 for being in a park between 10:00 p.m. and 6:00 a.m. or when closed to the public; and
2. **FILING** of communication.

L. RESOLUTIONS:

NONE.

M. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 96 (2021) - "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 FINANCE, (AMERICAN RESCUE PLAN ACT OF 2021, NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))"

BILL NO. 97 (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, DEPARTMENT OF FINANCE, (AMERICAN RESCUE PLAN ACT OF 2021, NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))"

BILL NO. 98 (2021) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, ANIMAL MANAGEMENT REVOLVING FUND"

BILL NO. 99 (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, ANIMAL MANAGEMENT REVOLVING FUND"

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

BILL NO. 100 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT"

BILL NO. 101 (2021) - "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.47, MAUI COUNTY CODE, IMPLEMENTING A COUNTY TRANSIENT ACCOMMODATIONS TAX"

BILL NO. 102 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.52.090, MAUI COUNTY CODE, RELATING TO UNLAWFUL CONSUMPTION OF INTOXICATING LIQUOR AND OTHER MINOR UPDATES FOR HISTORIC DISTRICTS NUMBERS ONE AND TWO (LAHAINA)"

BILL NO. 103 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE CONDITIONAL PERMIT GRANTED BY ORDINANCE NO. 2101 (1992) AND AMENDED BY ORDINANCE NOS. 2360 (1994), 2800 (1999), AND 3201 (2004) TO ALEXANDER & BALDWIN SUGAR MUSEUM, TO ALLOW FOR AN EXPANSION OF THE MUSEUM USE AND FOR A TIME EXTENSION ON APPROXIMATELY 4.166 ACRES IN THE R-1 RESIDENTIAL DISTRICT AT 3957 HANSEN ROAD, TAX MAP KEY (2) 3-8-006:004 (POR.) PUUNENE, MAUI, HAWAII"

BILL NO. 104 (2021) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 3377, TO AMEND CONDITIONS, GRANT A TIME EXTENSION, AND TRANSFER A CONDITIONAL PERMIT TO HELAINA DIMARTINO FOR THE BANYAN TREE TRANSIENT VACATION RENTAL WITHIN THE RU-1 RURAL ZONING DISTRICT FOR PROPERTY SITUATED AT 3265 BALDWIN AVENUE, TAX MAP KEY (2) 2-4-002:002 HAMAKUAPOKO - MAKAWAO, MAUI, HAWAII"

BILL NO. 105 (2021) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT"

N. UNFINISHED BUSINESS:COMMITTEE REPORTS:

NO. 21-81 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Spencer Lau to the Cost of Government Commission, for a term expiring on March 31, 2024.

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.