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**COUNCIL OF THE COUNTY OF MAUI**

2021 NOV 26 PM 3: 52

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of December 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.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 GABE JOHNSON

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

NO. \_\_\_\_\_ "HONORING PONO AKIONA FOR WINNING 6<sup>TH</sup> PLACE IN THE INTERNATIONAL 2021 GRAND BEATBOX BATTLE, TAG TEAM DIVISION"

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

Regular Meeting of September 17, 2021

I. ACTION ON THE CONSENT CALENDARCOUNTY COMMUNICATIONS:

NO. 21-535 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for September 2021 for all registered well reporters in the County of Maui.

NO. 21-536 - DIRECTOR OF FINANCE, requesting a one-month time extension to submit the Finance Director's Quarterly Report and the Capital Improvement Project Report as of September 30, 2021 (Fiscal Year 2022 First Quarter).

NO. 21-537 - ACTING CHIEF OF POLICE, informing of the Department's intent to expend \$5,364.98 in Federal Forfeiture Funds to cover travel costs related to K9 selection and trainer recertification.

NO. 21-538 - ACTING CHIEF OF POLICE, informing of the receipt of \$2,794 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 21-539 - MAYOR, informing of a vacancy on the Public Works Commission due to the resignation of John Blanchard.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 21-540 - DIRECTOR OF FINANCE, transmitting 64 contracts/grants for the month of October 2021.
  
- NO. 21-541 - COUNCILMEMBER SINENCI, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN".
  
- NO. 21-542 - CHAIR, PLANNING AND SUSTAINABLE USE COMMITTEE, transmitting proposed amendments to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN".
  
- NO. 21-543 - COUNCILMEMBER SUGIMURA, transmitting a proposed amendment to Bill 148 (2021) entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI".
  
- NO. 21-544 - 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 October 31, 2021.
  
- NO. 21-545 - 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 HALE PILINA FAMILY AFFORDABLE HOUSING PROJECT".
  
- NO. 21-546 - COUNCILMEMBER KING, relating to seabird and biodiversity protection.
  
- NO. 21-547 - COUNCILMEMBER KING, relating to Maui County environmental grants.
  
- NO. 21-548 - COUNCILMEMBER MOLINA, relating to Recent and Potential Future Court Rulings Affecting Council Practices.
  
- NO. 21-549 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES".
  
- NO. 21-550 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "PROPOSING THE YOUTH COUNCIL".
  
- NO. 21-551 - COUNCILMEMBER PALTIN, relating to managed retreat in the context of infrastructure and transportation.

J. COMMUNICATIONS (continued):

NO. 21-552 - COUNCILMEMBER SUGIMURA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.98, MAUI COUNTY CODE, ALLOWING STREETS, PARKS, AND FACILITIES TO BE NAMED AFTER FAMILIES".

NO. 21-553 - PLANNING DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109"; and
3. Related documents.

NO. 21-554 - COUNCILMEMBER PALTIN, relating to managed retreat in the context of planning and land use.

NO. 21-555 - COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL RELATING TO FARM DWELLINGS".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

NONE.

L. RESOLUTIONS:

NONE.

M. ORDINANCES:

1. ORDINANCES - FIRST READING:

BILL NO. \_\_\_\_\_(2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN"

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2. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 140 (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 POLICE, (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))"
- BILL NO. 141 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI COUNTY CODE, EXEMPTING DEVELOPMENT BY THE DEPARTMENT OF HAWAIIAN HOME LANDS UNDER THE HAWAIIAN HOMES COMMISSION ACT FROM THE WATER AVAILABILITY POLICY"
- BILL NO. 142 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WATER SUPPLY, BOND FUND, ACQUISITION OF 1888 WILI PA LOOP BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 143 (2021) - "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 WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ACQUISITION OF 1888 WILI PA LOOP BUILDING AND PROPERTY"
- BILL NO. 144 (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 WATER SUPPLY – ACQUISITION OF 1888 WILI PA LOOP BUILDING AND PROPERTY)"
- BILL NO. 145 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, SEWER FUND, KAHULUI AND WAIEHU BEACH ROAD SEWER LINE UPGRADE; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 146 (2021) - "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 ENVIRONMENTAL MANAGEMENT, KAHULUI AND WAIIEHU BEACH ROAD SEWER LINE UPGRADE"

BILL NO. 147 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"

BILL NO. 148 (2021) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI"

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](http://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.**

**ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR [COUNTY.CLERK@MAUICOUNTY.US](mailto:COUNTY.CLERK@MAUICOUNTY.US).**