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**COUNCIL OF THE COUNTY OF MAUI**

**A G E N D A**

Regular Meeting of January 7, 2022  
9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

Meeting Site:

Online only via Blue Jeans link <https://maui.bluejeans.com/295235670>  
Courtesy Live Broadcast: Akaku: Maui Community Media, Channel 53

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 at <https://mauicounty.legistar.com>. Individuals may be disconnected from the meeting for breaking decorum.

Written testimony may be submitted by e-mail to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us), by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Suite 708, Wailuku, Hawaii, 96793. Written testimony 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.

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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCIL CHAIR ALICE L. LEE

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-1 "CONGRATULATING T. KOMODA STORE & BAKERY OF MAKAWAO, MAUI, HAWAI'I ON ITS 105TH ANNIVERSARY"

NO. 22-2 "CONGRATULATING MAUI COUNTY WINNERS AT THE 2021 HAWAI'I ACADEMY OF RECORDING ARTS' NĀ HÖKŪ HANO HANO AWARDS"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting of October 22, 2021

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NO. 22-1 - CHIEF OF POLICE, transmitting a copy of the Memorandum of Agreement with the Department of Health, Alcohol and Drug Abuse Division for the Prohibiting Tobacco Sales to Persons Under the Age of Twenty-One program in the amount of \$11,000.

NO. 22-2 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of grant award from the State Department of Transportation for the transportation planning portion of the Maui MPO FY2022 Unified Planning Work Program totaling \$200,000.

NO. 22-3 - MAYOR, informing of a vacancy on the Board of Water Supply due to the resignation of Joseph Aquino.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 22-4 - DIRECTOR OF FINANCE, transmitting 96 contracts/grants for the month of November 2021.

NO. 22-5 - DIRECTOR OF PUBLIC WORKS, informing of the re-organization of positions within the Department of Public Works, Highways Division.

J. COMMUNICATIONS (continued):

- NO. 22-6 - DIRECTOR OF FINANCE, informing of a grant award from the United States Department of Treasury from the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Fund, Non-Entitlement Units of Local Government in the anticipated total amount of \$17,523,295.
- NO. 22-7 - DIRECTOR OF FINANCE, transmitting a copy of the grant award terms and conditions from the United States Department of Treasury signed upon the County of Maui's application request for funding from the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Fund.
- NO. 22-8 - COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on December 10, 2021.
- NO. 22-9 - MAYOR, notifying of his veto of Bill No. 148 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI".
- 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. 22-10 - PLANNING DIRECTOR, transmitting the minutes of the Maui Planning Commission meeting held on September 28, 2021 relating to a moratorium on new transient accommodations.
- NO. 22-11 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2021 to June 30, 2022 as of September 30, 2021 and the Capital Improvement Project report as of September 30, 2021.
- NO. 22-12 - CHAIR, LIQUOR CONTROL COMMISSION, transmitting the performance evaluation of the Director of Liquor Control.
- NO. 22-13 - DIRECTOR OF PARKS AND RECREATION, transmitting the Department of Parks and Recreation's Beach Parks Vulnerability and Adaptation Study Phase I – Executive Summary November 2021 prepared by Tetra Tech, Inc.
- NO. 22-14 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending November 2021.
- NO. 22-15 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for October 2021 for all registered well reporters in the County of Maui.

K. COMMITTEE REPORTS:

NO. 22-1 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill No. 1 (2022) amending Ordinance 4295 granting Maui Dragon Fruit Farm LLC a Conditional Permit to operate a gift shop and conduct special events at 833 Punakea Loop in Lahaina, Maui, Hawai'i; and
2. **FILING** of communication.

L. RESOLUTIONS:

NO. 22-3 "AMENDING RESOLUTION 17-159 TO EXTEND THE DEADLINE TO COMMENCE CONSTRUCTION OF THE 100 PERCENT AFFORDABLE HANA AFFORDABLE HOUSING PROJECT"

NO. 22-4 "URGING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAI'I BOARD OF LAND AND NATURAL RESOURCES TO PROVIDE A LONG-TERM, RELIABLE, AND AFFORDABLE SOURCE OF WATER FOR COUNTY DOMESTIC AND AGRICULTURAL USE"

NO. 22-5 "URGING THE UNITED STATES NAVY TO PERMANENTLY REMOVE AND RELOCATE THE BULK FUEL STORAGE FACILITY UNDERGROUND STORAGE TANKS LOCATED AT KAPŪKAKĪ (RED HILL, O'AHU)"

NO. 22-6 "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL TO AMEND TITLE 19, MAUI COUNTY CODE, RELATING TO WIRELESS COMMUNICATIONS FACILITIES"

M. ORDINANCES:

BILL NO. 150 (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, EMERGENCY FUND (DEPARTMENT OF PUBLIC WORKS, DECEMBER SEVERE WEATHER EVENT)"

BILL NO. 151 (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 PUBLIC WORKS (DECEMBER SEVERE WEATHER EVENT)"

BILL NO. 152 (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, EMERGENCY FUND (DEPARTMENT OF PUBLIC WORKS, DECEMBER SEVERE WEATHER EVENT)"

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**M. ORDINANCES (continued):**

- BILL NO. 153 (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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (KE AO HALI'I)"
- BILL NO. 154 (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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (KE AO HALI'I)"
- BILL NO. 155 (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, SANITATION, BOND FUND, CENTRAL MAUI LANDFILL ENTRANCE FACILITY TRAFFIC IMPROVMENTS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 156 (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, CENTRAL MAUI LANDFILL ENTRANCE FACILITY TRAFFIC IMPROVEMENTS"
- BILL NO. 157 (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 ENVIRONMENTAL MANAGEMENT – CENTRAL MAUI LANDFILL ENTRANCE FACILITY TRAFFIC IMPROVEMENTS)"
- BILL NO. 158 (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 TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, CENTRAL MAUI TRANSIT HUB; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 159 (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 TRANSPORTATION, CENTRAL MAUI TRANSIT HUB"

M. ORDINANCES (continued):

BILL NO. 160 (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 TRANSPORTATION – CENTRAL MAUI TRANSIT HUB)"

BILL NO. 2 (2022) - "A BILL FOR AN ORDINANCE REPEALING SUBSECTION 3.48.305(C), MAUI COUNTY CODE, RELATING TO CLASSIFICATION OF REAL PROPERTY"

BILL NO. 3 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, GENERAL FUND, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 4 (2022) - "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 PARKS AND RECREATION, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS"

BILL NO. 5 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, GOVERNMENT FACILITIES, BOND FUND, COUNTYWIDE FACILITIES MAINTENANCE PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 6 (2022) - "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 PUBLIC WORKS, (COUNTYWIDE FACILITIES MAINTENANCE PROGRAM, COUNTYWIDE TRAFFIC AND SAFETY PROGRAM)"

BILL NO. 7 (2022) - "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 PUBLIC WORKS – COUNTYWIDE FACILITIES MAINTENANCE PROGRAM)"

M. ORDINANCES (continued):

BILL NO. 8 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND, HAIKU PARK RESTROOM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 9 (2022) - "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 PARKS AND RECREATION, HAIKU PARK RESTROOM"

BILL NO. 10 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5217, BILL NO. 46 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PARKS AND RECREATION - HAIKU PARK RESTROOM)"

BILL NO. 11 (2022) - "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 HOUSING AND HUMAN CONCERNS, (STATE OF HAWAII - HOMEOWNER ASSISTANCE FUND)"

BILL NO. 12 (2022) - "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 HOUSING AND HUMAN CONCERNS, (STATE OF HAWAII - HOMEOWNER ASSISTANCE FUND)"

BILL NO. 13 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.080, MAUI COUNTY CODE, TO AMEND CONDITIONS, AMENDMENTS, MODIFICATIONS OF CONDITIONAL PERMITS FOR THE ISLAND OF MOLOKA'I"

N. UNFINISHED BUSINESS:

NONE.

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**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 [HTTPS://MAUICOUNTY.LEGISTAR.COM](https://mauicounty.legistar.com).

THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. THE PROCLAMATION PARTIALLY SUSPENDS THE SUNSHINE LAW, AND MEETINGS CAN BE CONDUCTED WITHOUT IN-PERSON TESTIMONY. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER THE SUNSHINE LAW.

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 THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. 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.

IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.

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).