

COUNCIL OF THE COUNTY OF MAUI

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2022 JAN 28 PM 4: 26

A G E N D A

Regular Meeting of February 4, 2022
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site:

Online only via BlueJeans 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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, 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: COUNCILMEMBER TASHA KAMA
 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Public Hearing of November 18, 2021

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

- NO. 22-28 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for November 2021 for all registered well reporters in the County of Maui.
- NO. 22-29 - DIRECTOR OF PARKS AND RECREATION, relating to the reallocation of a Park Security Officer I to Park Security Officer II in the Permits and Enforcement Section in the Department of Parks and Recreation.
- NO. 22-30 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from Matson Navigation Company, Inc., in the amount of \$1,000.
- NO. 22-31 - EMERGENCY MANAGEMENT ADMINISTRATOR, notifying of the receipt of FEMA Public Assistance reimbursements from the State of Hawaii, Hawaii Emergency Management Agency.
- NO. 22-32 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Nutrition Services Incentive Program in the amount of \$29,795.
- NO. 22-33 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a copy of WIOA Bulletin No. 002-21 from the State of Hawaii Workforce Development Division, with allocations for the Youth, Adult, Dislocated Worker and Local Administration Programs.
- NO. 22-34 - MAYOR, informing of the appointment of JoAnn Inamasu to the Conservation Planning Committee.
- NO. 22-35 - MAYOR, informing of a vacancy on the Civil Service Commission due to the resignation of Marcus Merchasin.

J. COMMUNICATIONS:**1. COUNTY COMMUNICATIONS:**

- NO. 22-36 - DIRECTOR OF FINANCE, transmitting 162 contracts/grants for the month of December 2021.
- NO. 22-37 - BUDGET DIRECTOR, transmitting a certification of additional revenues for Fiscal Year 2022 from the General Fund for \$175,000.
- NO. 22-38 - 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 2023 Fund, as of December 31, 2021.
- NO. 22-39 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of December 31, 2021.
- NO. 22-40 - MANAGING DIRECTOR, transmitting the Fiscal Year 2022 2nd Quarter CIP Reports.
- NO. 22-41 - DIRECTOR OF FINANCE, transmitting the Short-Term Investment Reports as of December 31, 2021 (Fiscal Year 2022 Second Quarter).
- NO. 22-42 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of December 31, 2021 (Fiscal Year 2022 Second Quarter).

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

- NO. 22-9 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of Resolution 22-17 to remove Leinaala Perry from the Board of Water Supply;
2. **ADOPTION** of Resolution 22-18 to remove Eric Cuomo from the Cost of Government Commission; and
3. **FILING** of communications.

K. COMMITTEE REPORTS (continued):NO. 22-10 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 25 (2022) to grant a Community Plan Amendment from SF-Single Family to P-1 Public/Quasi-Public for the Jewish Congregation of Maui, Inc. property, identified for real property tax purposes as tax map key (2) 3-9-48:109;
2. **FIRST READING** of Bill 26 (2022) to grant a Change in Zoning from R--2 Residential District to P-1 Public/Quasi-Public District (Conditional Zoning) for the Jewish Congregation of Maui, Inc. property, identified for real property tax purposes as tax map key (2) 3-9-48:109;
3. **RECORDATION** of the Unilateral Agreement; and
4. **FILING** of communication.

L. RESOLUTIONS:

- NO. 22-19 "APPROVING THE APPOINTMENT OF STACEY VINORAY AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES"
- NO. 22-20 "APPROVING THE APPOINTMENT OF JOCELYN MONIZ AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES"
- NO. 22-21 "APPROVING THE REAPPOINTMENT OF SAMUEL AKOI IV AS A MEMBER TO THE CONSERVATION PLANNING COMMITTEE FOR THE COUNTY OF MAUI"
- NO. 22-22 "APPROVING THE REAPPOINTMENT OF ZHANTELL LINDO AS A MEMBER TO THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS FOR THE COUNTY OF MAUI"
- NO. 22-23 "AUTHORIZING THE DISPOSITION BY SEALED BID COUNTY OWNED SANDHILLS ESTATES LOTS 22, 74 AND 76, IDENTIFIED AS TAX MAP KEY NOS. (2) 3-8-089:022, 074 AND 076, SITUATED IN WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 3.44.030, MAUI COUNTY CODE"
- NO. 22-24 "AUTHORIZING SETTLEMENT OF JESSICA HARRIS vs. HALEAKALA BIKE COMPANY, INCORPORATED; PARADISE VACATION ADVENTURES, LLC; STATE OF HAWAII; COUNTY OF MAUI, ET AL., CIVIL 18-1-0202 (1)"
- NO. 22-25 "PROPOSING ALTERNATIVE AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE 2021-2022 MAUI COUNTY CHARTER COMMISSION FINAL REPORT"

L. RESOLUTIONS (continued):

- NO. 22-26 "NOMINATION OF SAUL K. KAHIIKOLO, JR. TO THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS FOR THE COUNTY OF MAUI"
- NO. 22-27 "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI"
- NO. 22-28 "APPOINTMENT OF MEMBERS TO THE ANIMAL CONTROL BOARD FOR THE COUNTY OF MAUI"
- NO. 22-29 "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI"
- NO. 22-30 "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI"
- NO. 22-31 "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"
- NO. 22-32 "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-33 "APPOINTMENT OF MEMBERS TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI"
- NO. 22-34 "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI"
- NO. 22-35 "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-36 "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-37 "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI"
- NO. 22-38 "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-39 "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES"

L. RESOLUTIONS (continued):

- NO. 22-40 "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION"
- NO. 22-41 "APPOINTMENT OF MEMBERS TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-42 "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-43 "APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-44 "APPOINTMENT OF MEMBERS TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-45 "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI"
- NO. 22-46 "APPOINTMENT OF A MEMBER TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-47 "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM-KJM, U.S. SUPREME COURT CASE NO. 18-260"
- NO. 22-48 "AMENDING THE RULES OF THE COUNCIL"
- NO. 22-49 "RESCINDING THE COUNCIL'S SUPPORT FOR HOUSE BILL 1450 (2022) AND SENATE BILL 2053 (2022), RELATING TO THE COUNTY TRANSIENT ACCOMMODATIONS TAX, AS PART OF THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES' LEGISLATIVE PACKAGE, UNLESS AMENDED TO RETAIN THE DIRECTOR OF FINANCE'S AUTHORITY"

M. ORDINANCES:

- BILL NO. 14 (2022) - "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI"
- BILL NO. 15 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES"

M. ORDINANCES (continued):

- BILL NO. 27 (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 PUBLIC WORKS, PRIVATE DONATIONS"
- BILL NO. 28 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FINANCE; COUNTYWIDE COSTS, DEPARTMENT OF TRANSPORTATION, ADMINISTRATION PROGRAM – GENERAL FUND, PARK MAUI PROGRAM – GENERAL FUND"
- BILL NO. 29 (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 TRANSPORTATION, (ADMINISTRATION PROGRAM – GENERAL FUND)"
- BILL NO. 30 (2022) - "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, AFFORDABLE HOUSING FUND (KILOHANA MAKAI PROJECT (WELA STREET EXTENSION))"
- BILL NO. 31 (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, EXECUTIVE OFFICE ON AGING – SENIOR CENTER SERVICES)"
- BILL NO. 32 (2022) - "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, POLYNESIAN VOYAGING SOCIETY COMMEMORATIVE LICENSE PLATES"
- BILL NO. 33 (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 POLICE, MOLOKAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, MOLOKAI POLICE STATION ROOF REPLACEMENT; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

M. ORDINANCES (continued):

- BILL NO. 34 (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 POLICE, MOLOKAI COMMUNITY PLAN AREA, MOLOKAI POLICE STATION ROOF REPLACEMENT"
- BILL NO. 35 (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 MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, 60 SOUTH CHURCH STREET BUILDING RENOVATIONS"
- BILL NO. 36 (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 MANAGEMENT - 60 SOUTH CHURCH STREET BUILDING RENOVATIONS)"
- BILL NO. 37 (2022) - "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. 38 (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 MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, 60 SOUTH CHURCH STREET BUILDING RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 39 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING"
- BILL NO. 40 (2022) - "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, ELECTRIC GUN DEALER LICENSE"

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 [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.