

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2022 FEB 25 PM 3: 20

A G E N D A

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCILMEMBER KELLY T. KING

C. **PLEDGE OF ALLEGIANCE**

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-72 "HONORING THE REMARKABLE AND LEGENDARY LIFE OF THE LATE BETTY MAE LEIS"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting of December 3, 2021

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NO. 22-52 - DIRECTOR OF FINANCE, requesting a time extension to submit the Finance Director's 2nd Quarterly Report and Capital Improvement Project Report on or before March 31, 2022.

NO. 22-53 - COUNTY AUDITOR, relating to the Operating Budget for the County of Maui for the Fiscal Year July 1, 2021 to June 30, 2022, Section 7 of the General Budget Provisions.

NO. 22-54 - ACTING MAYOR, informing of the appointments of Roger Alexander Jeffrey Clapp and Cody C. Clark to the Maui County Arborist Committee.

NO. 22-55 - ACTING MAYOR, informing of the appointments of George Manulani Kaimiola and Rochelle Kimiko Elima Tempo to the Commission on Healing Solutions for Homelessness.

NO. 22-56 - ACTING MAYOR, informing of the appointments of Alayna Davies-Smith, Leslie Ann Marie Vilorio Garo, and Kimberly Aiko Vares-Yonamine to the Committee on the Status of Women.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 22-57 - COUNCILMEMBER SUGIMURA, relating to a report by Councilmembers on discussion that took place at the Maui Metropolitan Planning Organization Policy Board Meeting on February 9, 2022.

NO. 22-58 - COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Kula Community Association meeting of February 23, 2022.

J. COUNTY COMMUNICATIONS (continued):

- NO. 22-59 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2021 to June 30, 2022 as of December 31, 2021 and the Capital Improvement Project report as of December 31, 2021.
- NO. 22-60 - 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 January 31, 2022.
- NO. 22-61 - PLANNING DIRECTOR, transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of December 31, 2021.

K. COMMITTEE REPORTS:

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

Recommending **ADOPTION** of Resolution 22-66 to authorize settlement of Jeanne M. Berry v. Kilohana Waena Corporation; Kilohana Waena Association, Inc.; County of Maui, et al., Civil 17-1-0175 (2).

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.

L. RESOLUTIONS:

- NO. 22-59 "APPOINTMENT OF A MEMBER TO THE CONSERVATION PLANNING COMMITTEE FOR THE COUNTY OF MAUI"
- NO. 22-60 "APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI"
- NO. 22-61 "RELATING TO THE APPOINTMENT OF EVAN PURCELL DUST TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-62 "RELATING TO THE APPOINTMENT OF DONNA DEAN STERLING TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"
- NO. 22-63 "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY"
- NO. 22-64 "AUTHORIZING SETTLEMENT OF GERALDINE CONSTANTINO VS. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-17-00763"
- NO. 22-65 "APPROVING COST ITEMS FOR BARGAINING UNIT 01, NON-SUPERVISORY, BLUE COLLAR EMPLOYEES"

L. RESOLUTIONS (continued):

- NO. 22-67 "APPROVING THE REAPPOINTMENT OF SCOTT CRAWFORD TO THE HĀNA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI"
- NO. 22-68 "GRANTING A TIME EXTENSION FOR THE COMPLETION OF THE 195 RENTAL RESIDENTIAL WORKFORCE HOUSING UNITS AND ALL RELATED INFRASTRUCTURE IN THE WAILUKU APARTMENT RENTAL HOUSING PROJECT"
- NO. 22-69 "AUTHORIZING THE GRANT AND DISPOSITION OF REAL PROPERTY TO HALE MAKUA HEALTH SERVICES"
- NO. 22-70 "REFERRING TO THE PLANNING COMMISSIONS AND ADVISORY COMMITTEES A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO TRANSIENT ACCOMMODATION CAPS"
- NO. 22-71 "URGING THE FEDERAL AVIATION ADMINISTRATION TO MORE EFFECTIVELY REGULATE HELICOPTER OPERATIONS IN MAUI COUNTY"
- NO. 22-73 "SUPPORTING THE DESIGNATION OF THE LAHAINA AQUIFER SECTOR AS SURFACE WATER AND GROUND WATER MANAGEMENT AREA"
- NO. 22-74 "URGING THE STATE CONGRESSIONAL DELEGATION TO URGE THE FEDERAL AVIATION ADMINISTRATION TO ESTABLISH A COMMUNITY ROUNDTABLE ON AIRCRAFT NOISE WITH THE STATE DEPARTMENT OF TRANSPORTATION AND THE MAYOR"

M. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

N. BILLS:

- BILL NO. 51 (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 DRAINLINE REPLACEMENT PROGRAM, COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION (OKOLANI CULVERT REPAIRS))"
- BILL NO. 52 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.21A.015, MAUI COUNTY CODE, RELATING TO PROHIBITED DISCHARGE STANDARDS"
- BILL NO. 53 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.85, MAUI COUNTY CODE, CREATING THE FERAL ANIMAL MANAGEMENT FUND"

N. BILLS (continued):

- BILL NO. 54 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE"
- BILL NO. 55 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.76, MAUI COUNTY CODE, RELATING TO ADMINISTRATIVE RULES FOR THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND"
- BILL NO. 56 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK"
- BILL NO. 57 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"
- BILL NO. 58 (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, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"
- BILL NO. 59 (2022) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.20B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.20C, MAUI COUNTY CODE, RELATING TO THE PLUMBING CODE"

O. BILLS - SECOND AND FINAL READING:

- BILL NO. 2, CD1 (2022) - "A BILL FOR AN ORDINANCE REPEALING SUBSECTION 3.48.305(C), MAUI COUNTY CODE, RELATING TO CLASSIFICATION OF REAL PROPERTY"
- BILL NO. 3, CD1 (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"

O. BILLS - SECOND AND FINAL READING (continued):

- BILL NO. 8, CD1 (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, CD1 (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, CD1 (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 PARKS AND RECREATION - HAIKU PARK RESTROOM)"
- BILL NO. 18, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 19 (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, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS"
- BILL NO. 20, CD1 (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 (OFFICE OF COUNTY COUNCIL - OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS)"
- BILL NO. 23, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE RELATING TO ENERGY AND WATER USE PERFORMANCE BENCHMARKING"

O. BILLS - SECOND AND FINAL READING (continued):

BILL NO. 41, FD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 43 (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, BIKEWAY FUND, ELECTRIC FOOT SCOOTER"

BILL NO. 44 (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, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND"

BILL NO. 45 (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, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND"

BILL NO. 47 (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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (ACQUISITION OF WEST MAUI PARK SITE)"

BILL NO. 48 (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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (ACQUISITION OF WEST MAUI PARK SITE)"

BILL NO. 50 (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, ALOHA HOUSE"

P. 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.