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**COUNCIL OF THE COUNTY OF MAUI**

2022 MAY 19 PM 5:39

**A G E N D A**

Regular Meeting of May 26, 2022  
9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

**Meeting Site:**

Online via BlueJeans link <https://maui.bluejeans.com/295235670>

**In Person Testimony and Viewing:**

Council Chamber, Kalana O Maui Building, 8<sup>th</sup> Floor, 200 South High Street, Wailuku, Hawai'i

**Courtesy Live Broadcast:**

Akakū – Maui Community Media, Channel 53

**website:** <http://co.maui.hi.us/Archive.aspx?AMID=226>

**e-mail:** [county.clerk@maucounty.us](mailto:county.clerk@maucounty.us)

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**OFFICIAL TESTIMONY LOCATIONS**

Members of the public may view the meeting and provide testimony in person at the following location:  
Council Chamber, Kalana O Maui Building, 8<sup>th</sup> Floor, 200 South High Street, Wailuku, Hawai'i.

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>.

Written testimony may be submitted by e-mail to [county.clerk@maucounty.us](mailto:county.clerk@maucounty.us), by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony must be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony must be received by 12:00 noon on the business day preceding the meeting.

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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**COURTESY TESTIMONY SITES – COUNCIL DISTRICT OFFICES**

East Maui  
Hāna Cultural Center & Museum  
4974 Uakea Road, Hāna  
(808) 248-7513

South Maui  
MEDB Building  
1305 North Holopono St., Ste. 9, Kihei  
(808) 793-0012

Moloka'i  
Moloka'i District Complex  
100 Ainoa Street, Kaunakakai  
(808) 553-3888

West Maui  
Old Lahaina Center  
845 Wainee Street, Ste. 205, Lahaina  
(808) 856-0123

Lāna'i  
Lāna'i Community Center  
8th Street, Lāna'i City  
(808) 565-7094

Makawao-Ha'ikū-Pā'ia  
Heritage Hall  
401 Baldwin Ave, Ste. 102, Pā'ia  
(808) 793-0099

Subject to change and staffing availability without notice. Visit [maucounty.us](http://maucounty.us) for more information.

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### TESTIMONY PROCEDURES

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.

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 [mauicounty.legistar.com](http://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.

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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. 22-134 "CONGRATULATING LINDA PUPPOLO FOR RECEIVING THE NATIONAL 2022 WORKFORCE PROFESSIONAL OF THE YEAR AWARD"

NO. 22-135 "RECOGNIZING MAY 20, 2022, AS ENDANGERED SPECIES DAY IN THE COUNTY OF MAUI"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

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**I. ACTION ON THE CONSENT CALENDAR****COUNTY COMMUNICATIONS:**

- NO. 22-113 - MAYOR, informing of the removal of Christopher Berquist as a member of the Maui County Arborist Committee.
- NO. 22-114 - MAYOR, informing of a vacancy on the Board of Variances and Appeals due to the resignation of Emmanuel Baltazar.
- NO. 22-115 - MAYOR, informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Ian Bassford.
- NO. 22-116 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Ernest Harold Rezens.
- NO. 22-117 - MAYOR, informing of the appointment of Jordan Molina, Walle Landenberger, and Allison Cleghorn to the Conservation Planning Committee.
- NO. 22-118 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Health, for the Strategic Prevention Framework – Partnerships for Success Grant in the amount of \$99,000.
- NO. 22-119 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 20-194 Modification Order No. 9 from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$243,279.
- NO. 22-120 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 20-251 Modification Order No. 5 from the State of Hawaii, Executive Office on Aging, for the Aging & Disability Resource Center in the amount of \$147,805.
- NO. 22-121 - DIRECTOR OF PARKS AND RECREATION, relating to the reallocation of a Pre-Audit Clerk I to Planner V in the Office of the Director Section of the Administration Program in the Department of Parks and Recreation.
- NO. 22-122 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement W-1, Haynes-Waiale Subdivision, TMK: (2) 3-4-003:054.
- NO. 22-123 - MAYOR, informing of the increase in the hourly wage of positions in the PALS Program.

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

- NO. 22-124 - DIRECTOR OF FINANCE, transmitting 50 contracts/grants for April 2022.
- NO. 22-125 - CHAIR, BUDGET, FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting a proposed amendment to Bill 69, CD1 (2022), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2022, TO JUNE 30, 2023".
- NO. 22-126 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2021 to June 30, 2022 as of March 31, 2022 and the Capital Improvement Project report as of March 31, 2022.
- NO. 22-127 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending April 2022.
- NO. 22-128 - COUNTY AUDITOR, transmitting the "Assessment of the Zoning Administration and Enforcement Division, Department of Planning".
- NO. 22-129 - PLANNING DIRECTOR, transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of March 31, 2022.

**K. COMMITTEE REPORTS:**

- NO. 22-42 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 69, CD1 (2022) to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2022, to June 30, 2023;
2. **FIRST READING** of Bill 70, CD1 (2022) to set forth the Capital Program for Fiscal Year 2023 through Fiscal Year 2028;
3. **FIRST READING** of Bill 71, CD1 (2022) to authorize the issuance of \$152,336,793 of general obligation bonds for various capital improvement projects;
4. **FIRST READING** of Bill 72 (2022) to reauthorize the use of \$3,543,207 in lapsed bond proceeds for the Department of Parks and Recreation, Hana Community Plan Area, Government Facilities, Old Hana School Improvements; and Wailuku-Kahului Community Plan Area, Parks and Recreation, War Memorial Gym Building Improvements;

K. COMMITTEE REPORTS (continued):

5. **FIRST READING** of Bill 73, CD1 (2022) to authorize the Mayor to enter into an intergovernmental agreement to finance the West Maui Recycled Water System Expansion and the Ma'alaea Regional Wastewater System, with funds not to exceed \$14,500,000;
6. **ADOPTION** of Resolution 22-80, CD1 relating to fuel tax rates for the County of Maui, effective July 1, 2022;
7. **FILING** of Resolution 22-96; and
8. **FILING** of County Communication 22-82.

*With reference to this agenda item, one or more executive meetings may be held in accordance with Section 92-5(a), Hawaii Revised Statutes ("HRS"):*

- (1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in Section 26-9, HRS, or both;*
- (2) to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;*
- (3) to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;*
- (4) 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;*
- (5) to investigate proceedings regarding criminal misconduct;*
- (6) to consider sensitive matters related to public safety or security;*
- (7) to consider matters relating to the solicitation and acceptance of private donations; and*
- (8) to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

L. RESOLUTIONS:

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| NO. <u>22-60</u>      | "APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI"               |
| NO. <u>22-81, CD1</u> | "ADOPTING THE WEIGHT TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JANUARY 1, 2023"                     |
| NO. <u>22-99</u>      | "APPOINTMENT OF KESHIA LEIANA ADOLPHO TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI" |

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**L. RESOLUTIONS (continued):**

- NO. 22-105 "APPOINTMENT OF TONI KAHEALANI RUST TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI"
- NO. 22-123 "SETTING THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES FOR THE REMAINDER OF THE 2021-2023 COUNCIL TERM"
- NO. 22-124 "SETTING THE SALARY FOR THE DEPUTY DIRECTOR OF COUNCIL SERVICES FOR THE REMAINDER OF THE 2021-2023 COUNCIL TERM"
- NO. 22-125 "SETTING THE SALARY OF THE COUNTY CLERK"
- NO. 22-126 "SETTING THE SALARY OF THE DEPUTY COUNTY CLERK"
- NO. 22-127 "RELATING TO THE APPOINTMENT OF RICKY AARON SANCHES TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI"
- NO. 22-128 "RELATING TO THE APPOINTMENT OF RANDON ALIKA SANCHES TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-129 "RELATING TO THE APPOINTMENT OF POERAVA U'ILANI TEHIVA TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-130 "APPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE"
- NO. 22-131 "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE"
- NO. 22-132 "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE"
- NO. 22-133 "AFFIRMING THE COUNTY OF MAUI'S ONGOING COMMITMENT TO THE GOALS OF THE PARIS CLIMATE AGREEMENT AND ENDORSEMENT OF THE FOSSIL FUEL NON-PROLIFERATION TREATY"
- NO. 22-136 "APPOINTMENT OF A MEMBER TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI"
- NO. 22-137 "APPOINTMENT OF A MEMBER TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI"

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**L. RESOLUTIONS (continued):**

- NO. 22-138 "APPOINTMENT OF A MEMBER TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-139 "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-140 "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-141 "APPOINTMENT OF A MEMBER TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-142 "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-143 "SUPPORTING THE DESIGNATION OF WAILUKU TOWN AS AN ARTS DISTRICT"
- NO. 22-144 "PROPOSING AN AMENDMENT TO SECTION 13-2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH THE MAUI COUNTY PLANNING COMMISSION, ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION"
- NO. 22-145 "APPROVING DISPOSITION OF NONEXCLUSIVE WATERLINE EASEMENT DUE TO RELOCATION OF WATERLINE IMPROVEMENTS IN THE SANDHILLS ESTATES SUBDIVISION"

**M. RESOLUTIONS - SECOND AND FINAL READING:**

NONE.

**N. BILLS:**

- NO. 89 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY"
- NO. 90 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE PAY RANGE FOR LEGISLATIVE ATTORNEYS IN THE OFFICE OF COUNCIL SERVICES"

N. BILLS (continued):

- NO. 91 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 18, 19, AND 20, MAUI COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION"
  
- NO. 92 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY CODE, RELATING TO A RESIDENCY REQUIREMENT FOR BOARD, COMMISSION, AND COMMITTEE MEMBERS"
  
- NO. 93 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.450 AND 3.48.466, MAUI COUNTY CODE, RELATING TO HOMEOWNER EXEMPTIONS"
  
- NO. 94 (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 (MAUI FOOD HUB)"
  
- NO. 95 (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 (MAUI FOOD HUB)"
  
- NO. 96 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

O. BILLS - SECOND AND FINAL READING:

- NO. 80 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS RELATED TO THE ACQUISITION OF A LICENSE FOR ACCESS, BUFFER, AND PARKING FOR THE UALAPU'E FIRE STATION, KAUNAKAKAI, HAWAII"
  
- NO. 85 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT"



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

NO. 86 (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 FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT"

NO. 87 (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, OPERATING BUDGET - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE"

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, STE. 708, WAILUKU, HAWAI'I. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.**

**ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.**

**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.**