

# COUNCIL OF THE COUNTY OF MAUI

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## A G E N D A

Regular Meeting of October 7, 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@mauicounty.us](mailto:county.clerk@mauicounty.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, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

If audiovisual connection is lost at the official location for in-person testimony and viewing, the Council will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9:00 a.m., using the same official location for in-person testimony and viewing, unless the Council announces a different date, time, and location.

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@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, 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 RESIDENCY AREA 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  
814 Fraser Avenue  
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 [mauicounty.us](http://mauicounty.us) for more information.

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Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from there.

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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.

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. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

Testimony will be taken before each agenda section unless extenuating circumstances require otherwise, subject to approval by a majority of the Council.

E. CEREMONIAL RESOLUTIONS:

NO. 22-224 "CONGRATULATING THE PUKALANI STEM IMAGINEERS ROBOTICS TEAM ON OUTSTANDING ACHIEVEMENT AT THE 2022 HAWAII VEX IQ ROBOTICS MIDDLE SCHOOL STATE CHAMPIONSHIP AND QUALIFYING FOR THE 2022 VEX ROBOTICS WORLD CHAMPIONSHIP"

F. SET THE CONSENT CALENDAR

G. MINUTES:

NONE.

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

- NO. 22-236 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Budget and Finance, for the Emergency Rental Assistance Program in the amount of \$72,300.37.
- NO. 22-237 - 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 \$514.
- NO. 22-238 - CHIEF OF POLICE, transmitting a copy of the notice of grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas grant in the amount of \$420,300.
- NO. 22-239 - DIRECTOR OF FINANCE, informing of the transfer of \$6,127 from Countywide Costs – Salary Adjustments to the Department of Environmental Management – Administration Program.
- NO. 22-240 - MAYOR, informing of the appointment of Rogerene "Kali" Arce to the Conservation Planning Committee.
- NO. 22-241 - MAYOR, informing of the appointment of Lisa-Ann Kehaunani Kahaleauki to the Commission on Healing Solutions for Homelessness.
- NO. 22-242 - PLANNING DIRECTOR, informing of South Maui Advisory Committee members' terms of service.
- NO. 22-243 - PLANNING DIRECTOR, informing of Paia-Haiku Advisory Committee members' terms of service.
- NO. 22-244 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement Lot 1-I, Omaopio Ehiku Subdivision, TMK: (2) 2-3-003:060.
- NO. 22-245 - DEPUTY PLANNING DIRECTOR, transmitting a summary and detailed report of the Special Management Area (SMA) Revolving Fund violations and amount of fines collected from July 1, 2019, to December 31, 2021.

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**I. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

NO. 22-246 - COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on August 15, 2022.

NO. 22-247 - BUDGET DIRECTOR, transmitting a proposed revised Bill 139 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (LĀHAINA CROSSROADS APARTMENTS)".

NO. 22-248 - BUDGET DIRECTOR, transmitting a proposed revised Resolution 22-208, entitled "ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN, LLC AND A&B PROPERTIES, HAWAII, LLC SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII, UNDER SECTION 3.44.015, MAUI COUNTY CODE".

NO. 22-249 - 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 Fund as of August 31, 2022.

NO. 22-250 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of July 1, 2022.

NO. 22-251 - DIRECTOR OF FINANCE, transmitting the Supplemental Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of September 7, 2022.

NO. 22-252 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2021, to June 30, 2022, as of June 30, 2022, and the Capital Improvement Project report as of June 30, 2022.

NO. 22-253 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for July 2022 for all registered well reporters in the County of Maui.

**2. GENERAL COMMUNICATIONS:**

NONE.

**J. COMMITTEE REPORTS:****NO. 22-97 - AFFORDABLE HOUSING COMMITTEE:**

Recommending the following:

1. **ADOPTION** of Resolution 22-193, CD1, approving with modifications the independent development of the Kuikahi Village Workforce Housing Project in Wailuku, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-5-002:003 (por.);
2. **FILING** of Resolution 22-192, approving the independent development of the Kuikahi Village Workforce Housing Project; and
3. **FILING** of Resolution 22-194, disapproving the independent development of the Kuikahi Village Workforce Housing Project.

**NO. 22-98 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:**

Recommending **FIRST READING** of Resolution 22-206 to authorize eminent domain proceedings for the acquisition of real property comprised of 257 acres, more or less, and identified as tax map key (2) 3-6-001:018 in Ma'alaea, Maui, Hawai'i, for preservation.

**NO. 22-99 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of Resolution 22-63, CD1, to approve the Mayor's nomination of Patrick David Kekoa Ihu to the Maui Redevelopment Agency, for a term expiring on March 31, 2027.

**NO. 22-100 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of Resolution 22-104, to authorize settlement of Jamie Becraft v. County of Maui, Disability Compensation Division Case 7-09-00849, under terms set forth in an executive meeting.

*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.*

**NO. 22-101 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending the following:

1. **FIRST READING** of Bill 145 (2022), to amend Chapter 5.22, Maui County Code, to establish limits and restrictions for commercial bicycle-tour businesses to address public safety, traffic, illegal parking, and related litigation concerns on Maui Island; and
2. **FILING** of communication.

J. COMMITTEE REPORTS (continued):NO. 22-102 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending **FIRST READING** of Bill 119, CD1 (2022) to amend the requirement for the Director of Public Works to review and approve metes and bounds descriptions for acquisitions or conveyances of real property, other than easements, with a property description stamped by a surveyor licensed by the State of Hawai'i.

NO. 22-103 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending **ADOPTION** of Resolution 22-207, CD1 to accept the dedication of various roadway lots for the Dairy Road parcels in Kahului, Maui, Hawai'i, from Alexander and Baldwin, LLC and A&B Properties, Hawaii, LLC.

NO. 22-104 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending **DISCHARGE** from further consideration of Resolution 22-208 to accept the dedication of seven parks located at various locations in Maui, Hawai'i, from Alexander and Baldwin, LLC and A&B Properties, Hawaii, LLC.

K. RESOLUTIONS:

NO. 22-190 "RELATING TO THE APPOINTMENT OF GERALD SHIZUO MATSUI TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI"

NO. 22-191 "RELATING TO THE APPOINTMENT OF ROD WADE ANTONE TO THE MAUI PLANNING COMMISSION"

NO. 22-204 "RELATING TO THE APPOINTMENT OF DAVID MARSHALL JORGENSEN TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"

NO. 22-225 "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI"

NO. 22-226 "REMOVAL OF ROBERT HALE PAHIA FROM THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI"

NO. 22-227 "APPROVING FOR INCLUSION IN THE 2023 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO PUBLIC TESTIMONY AT OPEN MEETINGS"

NO. 22-228 "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF THE PROSECUTING ATTORNEY, FISCAL YEAR 2023 BUDGET"

NO. 22-229 "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2023 BUDGET"

K. RESOLUTIONS (continued):

- NO. 22-230 "AMENDING THE RULES OF THE COUNCIL"
- NO. 22-231 "APPOINTMENT OF A MEMBER TO THE SOUTH MAUI ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-232 "URGING THE COUNTY OF MAUI AND ITS TOURISM INDUSTRY TO ADOPT SUSTAINABLE TOURISM PRACTICES AND CERTIFICATION"
- NO. 22-233 "REITERATING SUPPORT FOR THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS ON MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY NEWSPAPER"
- NO. 22-234 "AMENDING THE RULES OF THE COUNCIL IN RESPONSE TO ACT 264 (2022), AMENDING THE STATE SUNSHINE LAW"
- NO. 22-235 "AUTHORIZING THE PURCHASE OF LĀHAINA CROSSROADS APARTMENTS AT 767 LUAKINI STREET, LĀHAINA, MAUI HAWAI'I"

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

- NO. 118 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)"
- NO. 143 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII, FOR THE VICTIM-WITNESS ASSISTANCE PROGRAM GRANT 23-VW-01"
- NO. 144 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII, FOR A STOP VIOLENCE AGAINST WOMEN FORMULA GRANT"
- NO. 146 (2022) - "A BILL FOR AN ORDINANCE TO ESTABLISH A NEW CHAPTER 3.50, MAUI COUNTY CODE, CREATING AN IMMIGRANT SERVICES DIVISION UNITED STATES PASSPORT APPLICATION ACCEPTANCE FACILITY REVOLVING FUND"

**M. BILLS (continued):**

- NO. 147 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 5315, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY"
- NO. 148 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 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 (HOME AMERICAN RESCUE PLAN (HOME-ARP) PROGRAM)"
- NO. 149 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR OWNERS OF AFFORDABLE HOMES WITH DEED RESTRICTIONS"
- NO. 150 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A PARKING REVENUE FUND"
- NO. 151 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 10, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF A PARKING AMBASSADOR PROGRAM TO ENFORCE COUNTY AND STATE PARKING RULES AND LAWS, A PAID PARKING SYSTEM, AND PERMIT PARKING ZONES"
- NO. 152 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (PULELEHUA AFFORDABLE HOUSING PROJECT)"
- NO. 153 (2022) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16C, MAUI COUNTY CODE, RELATING TO THE ENERGY CODE"

**N. BILLS - SECOND AND FINAL READING:**

- NO. 21, CD2, FD2 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES"
- NO. 139 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (LĀHAINA CROSSROADS APARTMENTS)"



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

NO. 140 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND (MOLOKAI GLASS HOUSE AT MAPULEHU)"

NO. 141 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, HAWAIIAN CULTURAL RESTORATION REVOLVING FUND"

NO. 142 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 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 THE PROSECUTING ATTORNEY (HAWAII CAREER CRIMINAL PROSECUTION PROGRAM)"

O. 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, STE. 708, 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 MEETING IS BEING CONDUCTED IN ACCORDANCE WITH SECTION 92-3.7, HAWAII REVISED STATUTES. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER SECTION 92-3.7, HRS.**

**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).**