

RECEIVED

**COUNCIL OF THE COUNTY OF MAUI**

2022 OCT 14 PM 3:57

**A G E N D A**

Regular Meeting of October 21, 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)

---

**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.

---

**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.

---

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.

---

### 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.

---

A. ROLL CALL

B. OPENING REMARKS: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ

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. 22-238 "CONGRATULATING THE MAUI COUNTY FILM OFFICE AND THE PRODUCERS OF 'THE WHITE LOTUS' FOR NATIONAL AND INTERNATIONAL RECOGNITION"

NO. 22-239 "RECOGNIZING OCTOBER 2022 AS DOMESTIC VIOLENCE AWARENESS MONTH"

F. SET THE CONSENT CALENDAR

G. MINUTES:

NONE.

---

## H. ACTION ON THE CONSENT CALENDAR

### COUNTY COMMUNICATIONS:

- NO. 22-254 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Judith Mikami.
- NO. 22-255 - MAYOR, informing of the appointment of Maxwell Min Tsai as an Alternate on the South Maui Advisory Committee.
- NO. 22-256 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Attorney General for the Edward Byrne Memorial Justice Assistance Grants, Statewide Multi-Jurisdictional Drug Task Force grant in the amount of \$54,927.
- NO. 22-257 - 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 Older Americans Act Title III Programs in the amount of \$3,709.
- NO. 22-258 - MAUI EMERGENCY MANAGEMENT ADMINISTRATOR, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Defense, for the Homeland Security Grant Program in the amount of \$680,000.
- NO. 22-259 - PROSECUTING ATTORNEY, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Transportation for the 2023 Impaired Driving Project in the amount of \$30,742.50.
- NO. 22-260 - PROSECUTING ATTORNEY, informing of the Department's intent to expend \$10,124 in state forfeiture funds for training and travel expenses.

### GENERAL COMMUNICATIONS:

NONE.

## I. COMMUNICATIONS:

### 1. COUNTY COMMUNICATIONS:

- NO. 22-261 - DIRECTOR OF FINANCE, transmitting 100 contracts/grants for September 2022.

1. COUNTY COMMUNICATIONS (continued):

- NO. 22-262 - COUNCILMEMBER PALTIN, transmitting a proposed amendment to Bill 102, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305.B, MAUI COUNTY CODE, PROHIBITING PROPERTIES WITH TRANSIENT VACATION RENTALS FROM RECEIVING THE HOME EXEMPTION".
- NO. 22-263 - COUNTY AUDITOR, transmitting the Office of the County Auditor's Financial Impact Analysis of Proposed Charter Amendments to the Maui County Charter on the 2022 General Election Ballot.
- NO. 22-264 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Business, Economic Development & Tourism, Hawaii Housing Finance & Development Corporation, for the HOME American Rescue Plan Program in the amount of \$1,977,568.
- NO. 22-265 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2022.
- NO. 22-266 - COUNCILMEMBER SINENCI, transmitting a proposed amendment to Bill 154 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 18, 19 AND 20, MAUI COUNTY CODE, TO ESTABLISH CULTURAL OVERLAY DISTRICTS".

2. GENERAL COMMUNICATIONS:

- NO. 22-6 - MUNEKIYO HIRAGA, transmitting the Annual Status Report for the Hale Pilina Family Affordable Rental Housing Project in accordance with Chapter 2.97 of the Maui County Code.

J. COMMITTEE REPORTS:

- NO. 22-105 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of Resolution 22-187 to approve cost items for Police Officers included within Bargaining Unit 12 represented by the State of Hawaii Organization of Police Officers for Fiscal Years 2022 to 2025; and
2. **ADOPTION** of Resolution 22-188 to approve cost items for Police Officers excluded from Bargaining Unit 12 represented by the State of Hawaii Organization of Police Officers for Fiscal Years 2022 to 2025.

J. COMMITTEE REPORTS (continued):

NO. 22-106 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **FIRST READING** of Bill 68, CD1 (2022), to establish Chapter 3.97, Maui County Code, to create a Managed Retreat Revolving Fund to fund shoreline safety improvements; remove or relocate structures; pay for studies, programs or permitting; and leverage funds provided by Federal, State, nonprofit, or for-profit organizations, and other non-County entities in order to optimize opportunities for shifting coastal development inland through the physical movement of existing structures.

NO. 22-107 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **FIRST READING** of Bill 102, CD1 (2022), to amend Section 3.48.305.B, Maui County Code, to prohibit properties with transient vacation rentals from receiving the home exemption.

NO. 22-108 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-87 authorizing settlement of Claim 4063291 of Lori Donaldson.

*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; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.*

NO. 22-109 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to Amendment 1 to Contract C6654, between the County of Maui and Norrie Construction, LLC, for the Hanakao'o Beach Park Parking Improvements; and
2. **FILING** of communication relating to Amendment 2 to Contract C6654, between the County of Maui and Norrie Construction, LLC, for the Hanakao'o Beach Park Parking Improvements.

---

**K. RESOLUTIONS:**

- NO. 22-236 "AUTHORIZING SETTLEMENT OF DONALD S. GUZMAN V. COUNTY OF MAUI, ET AL., CIVIL NO. 21-00202 DKW-RT"
- NO. 22-237 "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF POLICE, FISCAL YEAR 2023 BUDGET"
- NO. 22-240 "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL TO AMEND CHAPTER 19.08, MAUI COUNTY CODE, RELATING TO NUISANCE IN THE RESIDENTIAL DISTRICTS"
- NO. 22-241 "URGING THE COUNTY OF MAUI'S SUPPORT FOR KAISER PERMANENTE TO RESOLVE MENTAL HEALTH CLINICIAN DISPUTE"
- NO. 22-242 "AUTHORIZING A WAIVER OF CERTAIN PROVISIONS OF CHAPTER 2.96, MAUI COUNTY CODE, FOR THE WAIKAPŪ COUNTRY TOWN PROJECT"
- NO. 22-243 "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 12.49 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-102:001 (POR) SITUATED AT KAHULUI, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$17,413,152.00"

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

- NO. 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAII FOR PRESERVATION"

**M. BILLS:**

- NO. 154 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLES 18, 19 AND 20, MAUI COUNTY CODE, TO ESTABLISH CULTURAL OVERLAY DISTRICTS"
- NO. 155 (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 TRANSPORTATION FOR A GRANT UNDER THE HIGHWAY SAFETY REIMBURSEMENT PROJECT NO. AL23-M-09, ENTITLED 'MAUI COUNTY PROSECUTOR'S OFFICE – 2023 IMPAIRED DRIVING'"
- NO. 156 (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 CAREER CRIMINAL PROSECUTION PROGRAM GRANT 23-CCP-01"

M. BILLS (continued):

- NO. 157 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, WEST MAUI COMMUNITY PLAN AREA, WATER SUPPLY, WATER FUND – RESTRICTED, WATER FUND – UNRESTRICTED WEST MAUI RELIABLE CAPACITY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
  
- NO. 158 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, WEST MAUI COMMUNITY PLAN AREA, WEST MAUI RELIABLE CAPACITY"
  
- NO. 159 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO TRANSIENT ACCOMMODATION CAPS"
  
- NO. 160 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK PHASE I EXPANSION AREA"
  
- NO. 161 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, TO REVISE POSITION TITLES IN THE OFFICE OF COUNCIL SERVICES"
  
- NO. 162 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.286 AND 3.35.040, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX FORGIVENESS FOR TAXPAYERS BETWEEN VERY LOW INCOME AND GAP INCOME"
  
- NO. 163 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
  
- NO. 164 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM, REGARDING ENVIRONMENTALLY SENSITIVE AREAS AND NATURE BASED SOLUTIONS ATLAS FOR MAUI COUNTY"

---

M. BILLS (continued):

- NO. 165 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, LAPSED BOND FUND, TRANSPORTATION BASEYARD; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- NO. 166 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, TRANSPORTATION BASEYARD"
- NO. 167 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394, BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF TRANSPORTATION)"
- NO. 168 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5395, BILL NO. 72 (2022), RELATING TO 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"

N. BILLS - SECOND AND FINAL READING:

- 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. 119, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO CONVEYANCE OF EASEMENTS TO THE COUNTY OF MAUI"
- 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"



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

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. 145, FD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 5.22, MAUI COUNTY CODE, RELATING TO BICYCLE TOUR BUSINESSES"

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)"

O. 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, 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).**