

Council of the County of Maui

A G E N D A

Regular Meeting of January 27, 2023

9:00 AM

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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, 8th Floor,
200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast: Akaku - Maui Community Media, Channel 53

website: www.co.maui.hi.us/Archive.aspx?AMID=226

e-mail: 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, 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

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

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

Subject to change and staffing availability without notice. Visit 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 prior to Council's deliberation of each item. Each testifier shall be allowed to speak for up to two minutes on each 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:

NONE.

C. PLEDGE OF ALLEGIANCE

D. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

E. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDAR

NONE.

G. MINUTES:

NONE.

H. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NONE.

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

[CC 23-1](#) MAYOR VICTORINO, notifying of his veto of Bill No. 103, CD1, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.060, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTIONS AND RESALE".

With reference to this agenda item, the Council may reconsider the vote upon the bill and may override the Mayor's veto as provided for in Subsection 4-3.1 of the Revised Charter of the County of Maui (1983), as amended.

[CC 23-2](#) MAYOR VICTORINO, notifying of his veto of Bill No. 154, CD1, FD2 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 16, 18, 19, AND 20, MAUI COUNTY CODE, TO ESTABLISH CULTURAL OVERLAY MAP AND CULTURAL SENSITIVITY DESIGNATIONS".

With reference to this agenda item, the Council may reconsider the vote upon the bill and may override the Mayor's veto as provided for in Subsection 4-3.1 of the Revised Charter of the County of Maui (1983), as amended.

[CC 23-3](#) COUNCILMEMBER SINENCI, transmitting a proposed amendment to Resolution 23-11, entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE BOARD REPRESENTATIVE AND ALTERNATE".

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:

NONE.

K. RESOLUTIONS:

[Reso 23-15](#) "APPROVING THE APPOINTMENT OF RICHELLE K. KAWASAKI AS LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES"

[Reso 23-16](#) "ELECTING THE CHAIR OF THE COUNCIL"

[Reso 23-17](#) "ESTABLISHING THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE (BFED) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"

[Reso 23-18](#) "ESTABLISHING THE DISASTER, RESILIENCE, INTERNATIONAL AFFAIRS, PLANNING, AND LAND USE COMMITTEE (DRIPLU) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"

- [Reso 23-19](#) "ESTABLISHING THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE (GREAT) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"
- [Reso 23-20](#) "ESTABLISHING THE HUMAN CONCERNS, 'ŌIWI RESOURCES, AND PARKS COMMITTEE (HCORP) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"
- [Reso 23-21](#) "ESTABLISHING THE AFFORDABLE HOUSING COMMITTEE (AH) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"
- [Reso 23-22](#) "ESTABLISHING THE PERSONNEL, ENVIRONMENT, AND AGRICULTURE COMMITTEE (PEA) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"
- [Reso 23-23](#) "ESTABLISHING THE MULTIMODAL TRANSPORTATION AND INFRASTRUCTURE COMMITTEE (MT) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"
- [Reso 23-24](#) "ESTABLISHING THE WATER AND WASTEWATER COMMITTEE (WW) OF THE COUNCIL, DEFINING ITS DUTIES, AND APPOINTING ITS MEMBERS"

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

NONE.

N. BILLS - SECOND AND FINAL READING:

- [Bill 207 \(2022\)](#) "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 (AMERICAN RESCUE PLAN ACT OF 2021 - EMERGENCY RENTAL ASSISTANCE PROGRAM #2)"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by adding a new grant entitled "American Rescue Plan of 2021 - Emergency Rental Assistance Program #2" for \$5,000,000 and 1.0 equivalent personnel.

[Bill 97, CD1, FD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.08, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS"

The purpose of this bill is to clarify Code provisions regarding yards and setbacks, define terms that are subject to misinterpretation, increase housing options and sustainability, and codify practices regarding Residential Zoning Districts.

[Bill 160, CD1, FD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK PHASE I EXPANSION AREA"

The purpose of this bill is to implement organic standards and regulations to the Kula Agricultural Park that will allow local farmers increased access to labor and land resources to support production, processing, distribution, and consumption of local food to comply with the Organic Foods Production Act.

[Bill 206 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.090, MAUI COUNTY CODE, RELATING TO EXTENSIONS FOR CONDITIONAL PERMITS"

The purpose of this bill is to allow a grace period to temporarily extend a Conditional Permit while an application for the permit's extension is being processed.

O. UNFINISHED BUSINESS:

[Reso 23-2](#) "ELECTING THE VICE-CHAIR OF THE COUNCIL"

[Reso 23-3](#) "APPOINTING THE PRESIDING OFFICER PRO TEMPORE OF THE COUNCIL"

[Reso 23-4](#) "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS"

The Council may consider the creation of standing committees to assist in organizing the review of Council business, which may include the following: Budget, Finance, and Economic Development Committee; Disaster, Resilience, International Affairs, and Planning Committee; Government Relations, Ethics, and Transparency Committee; Human Concerns, 'Oiwi Resources, and Parks Committee; Land Use and Housing Committee; Transportation, Environment, and Agriculture Committee; and Water and Infrastructure Committee.

[Reso 23-11](#) "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE BOARD REPRESENTATIVE AND ALTERNATE"

The Council may consider appointing Councilmember Tamara Paltin to be the Hawai'i State Association of Counties representative and Councilmember Yuki Lei K. Sugimura to be the alternate Hawai'i State Association of Counties representative.

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.

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.