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COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of April 28, 2023
9:00 a.m.

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:

Akakū – Maui Community Media, Channel 53

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

e-mail: county.clerk@mauicounty.us

PURSUANT TO SECTION 92-3.7, HAWAII REVISED STATUTES, THE MEETING WILL BE CONDUCTED AS A REMOTE MEETING BY INTERACTIVE CONFERENCE TECHNOLOGY.

OFFICIAL TESTIMONY LOCATION

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

If audiovisual connection with the Council Chamber is lost, 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.

TESTIMONY PROCEDURES

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>.

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Each testifier shall be allowed to speak for up to three minutes on each item. The time limits for testimony 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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.

If a testifier wishes to testify anonymously, please indicate that request in the Bluejeans chat or with staff at the sign-up desk outside the Council Chamber. Anonymous testifiers will be assigned a number.

DECORUM

Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of the Council meeting may, at the discretion of the presiding officer or a majority of present Councilmembers, be removed from the Council Chamber or, if participating remotely, muted or dropped from the meeting. Disruptive behavior includes, but is not limited to: heckling, shouting, use of profanity, and threatening remarks made to any member of the Council, staff, or general public.

WRITTEN TESTIMONY

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 should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted.

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.

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER KEANI RAWLINS-FERNANDEZ

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

[Reso 23-134](#) "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE KUMU MERRIWELL KELI'I TAU'Ā"

F. SET THE CONSENT CALENDAR**G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****H. MINUTES:**

NONE.

I. ACTION ON THE CONSENT CALENDAR

NONE.

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

[CC 23-10](#) COUNCIL VICE-CHAIR SUGIMURA, relating to Councilmembers' report on discussion at the Ka Ipu Kukui Legacy Dinner on April 1, 2023, at the King Kamehameha Golf Course.

[CC 23-11](#) COUNTY AUDITOR, transmitting the County of Maui Comprehensive Annual Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022, submitted by N&K CPAs, Inc.

[CC 23-12](#) COUNTY AUDITOR, transmitting the following reports relating to financial data schedules for Section 8 and Family Self-Sufficiency Programs from N&K CPAs, Inc., entitled:

1. "COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT AUDITOR'S REPORT ON SUPPLEMENTARY INFORMATION, Fiscal Year Ended June 30, 2022"; and
2. "COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES, Fiscal Year Ended June 30, 2022".

[CC 23-13](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 127 (2022), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

NONE.

L. RESOLUTIONS:

[Reso 23-131](#) "URGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO CREATE AND IMPLEMENT A PILOT 'OHANA ASSISTANCE PROGRAM UNDER CHAPTER 3.34, MAUI COUNTY CODE"

[Reso 23-135](#) "AFFIRMING THE COUNCIL'S COMMITMENT TO WORKING WITH GOVERNMENT AND PRIVATE STAKEHOLDERS TO ENSURE KĀNAKA MAOLI WOMEN AND GIRLS RECEIVE SERVICES AND SUPPORT TO PROTECT THEM FROM ABUSE AND EXPLOITATION"

[Reso 23-136](#) "APPROVING THE FISCAL YEAR 2024 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES"

[Reso 23-137](#) "RELATING TO THE APPOINTMENT OF ZHANTELL KUULEI MIEKO LINDO TO THE MOLOKAI PLANNING COMMISSION"

[Reso 23-138](#) "EXPRESSING SUPPORT FOR PUBLICLY FUNDED STATE AND LOCAL ELECTIONS"

M. ORDINANCES:

[Bill 127 \(2022\)](#) "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES"

The purpose of this bill is to authorize the reclassification of certain land situated at Wailuku, Maui, Hawaii, identified for real property tax purposes by Tax Map Key No. (2) 3-5-002:003 (por.) from the agricultural district to the urban district (Conditional Boundary Amendment).

[Bill 19 \(2023\)](#) "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 WATER SUPPLY"

The purpose of this bill is to amend Appendix A, Part I, of the Fiscal Year 2023 Budget by increasing the appropriation for the grant entitled "State Department of Land and Natural Resources (DLNR) Upcountry Maui Well" by \$50,000.

[Bill 39 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII, FOR THE LOW-INCOME HOME WATER ASSISTANCE PROGRAM"

The purpose of this bill is to authorize the Mayor of the County of Maui to enter into an intergovernmental agreement with the Department of Human Services, State of Hawaii, for the Low-Income Home Water Assistance Program.

[Bill 40 \(2023\)](#) "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 WATER SUPPLY (STATE OF HAWAII, ACT 248, SLH 2022 - KANAHA BEACH PARK GRAYWATER REUSE PROJECT)"

The purpose of this bill is to amend the Fiscal Year 2023 Budget by adding a new grant entitled "State of Hawaii, Act 248, SLH 2022 - Kanaha Beach Park Graywater Reuse Project for \$1,250,000.

[Bill 41 \(2023\)](#) "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, COUNTYWIDE, COUNTYWIDE FACILITY IMPROVEMENTS"

The purpose of this bill is to amend Appendix C of the Fiscal Year 2023 Budget by amending the project description to include the Kanaha Beach Park Graywater Reuse Project and increasing the appropriation by \$1,250,000.

[Bill 42 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE RELATING TO HISTORIC PROPERTY"

The purpose of this bill is to support the creation of separate lots to further the preservation of historic property defined in Chapter 6E, "Historic Preservation," Hawai'i Revised Statutes.

ORDINANCES - SECOND AND FINAL READING:

[Bill 197 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.050, MAUI COUNTY CODE, RELATING TO GREENPRINT"

The purpose of this bill is to extend the deadline for the Conservation Planning Committee to adopt and submit the greenprint to the Council by December 31, 2024.

[Bill 1, CD1
\(2023\)](#)

"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 FINANCE (LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND (LATCF))"

The purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs by adding a new grant under the Department of Finance, entitled "Local Assistance and Tribal Consistency Fund (LATCF)", in the amount of \$50,000.

[Bill 14, CD1,
FD1 \(2023\)](#)

"A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 16.25, MAUI COUNTY CODE, RELATING TO THE ADMINISTRATIVE AND SUPPLEMENTAL PROVISIONS OF THE BUILDING CODE"

The purpose of this bill is to establish a new Chapter 16.25, Maui County Code, relating to administrative and supplemental provisions of the Building Code.

[Bill 15, CD1,
FD1 \(2023\)](#)

"A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.26B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.26C, MAUI COUNTY CODE, RELATING TO THE BUILDING CODE"

The purpose of this bill is to repeal Chapter 16.26B, Maui County Code, establish Chapter 16.26C, Maui County Code, and incorporate the International Building Code, 2018 Edition, as copyrighted and published by the International Code Council, Incorporated.

[Bill 30 \(2023\)](#)

"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, LANAI COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND, LANAI YOUTH CENTER AND SKATE PARK; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to amend the Fiscal Year 2023 Budget by 1) increasing Estimated Revenues, Bond/Lapsed Bond in the amount of \$4,000,000; 2) amending Section 4.E.4.a.(2).(i)., Department of Parks and Recreation, Lanai Community Plan Area, Parks and Recreation, Bond Fund by increasing the appropriation for the Lanai Youth Center and Skate Park by \$4,000,000; and 3) adjusting the totals accordingly.

[Bill 31 \(2023\)](#) “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 PARKS AND RECREATION, LANAI COMMUNITY PLAN AREA, LANAI YOUTH CENTER AND SKATE PARK”

The purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix C, Capital Improvement Projects, Department of Parks and Recreation, Lanai Community Plan Area, Lanai Youth Center and Skate Park by increasing the appropriation by \$4,000,000.

[Bill 32 \(2023\)](#) “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 PARKS AND RECREATION)”

The purpose of this bill is to amend Ordinance No. 5394 (2022), relating to the issuance of General Obligation Bonds of the County of Maui, by increasing the Department of Parks and Recreation, Lanai Community Plan Area, Lanai Youth Center and Skate Park by \$4,000,000 for a total bond principal amount not to exceed \$169,208,740.

[Bill 33 \(2023\)](#) “A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)”

The purpose of this bill is to amend the Fiscal Year 2023 Budget by 1) increasing Estimated Revenues, Carryover/Savings from the General Fund in the amount of \$7,000,000; 2) amending Section 3.B.5.g.(6)., Insurance Programs and Self Insurance by increasing the appropriation for Category B - Operations & Equipment and Total by \$27,000,000, and by adding conditional language; 3) amending Section 3.B.5.g.(10), Temporary Hazard Pay related to COVID-19 Grievances, by deleting the appropriation under Category A - Salaries and Total by \$20,000,000; and 4) adjusting the totals accordingly.

[Bill 34 \(2023\)](#) “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 FIRE AND PUBLIC SAFETY (STATE OF HAWAII, MAKENA LIFEGUARD SERVICES)”

The purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2023, as it pertains to the Department of Fire and Public Safety, by increasing the appropriation for the grant entitled “State of Hawaii, Makena Lifeguard Services” by \$100,000.

N. 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.

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.