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COUNCIL OF THE COUNTY OF MAUI 2021 OCT 15 PM 4: 01

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 22, 2021
9:00 a.m.

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

Please contact the Office of the County Clerk for more information.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and
livestreamed on <https://mauicounty.legistar.com>

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>
e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

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>.

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 on <https://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. 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.

If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCIL CHAIR ALICE LEE

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting of July 23, 2021
Regular Meeting of August 6, 2021
Public Hearing of August 10, 2021 (Lanai)
Public Hearing of August 10, 2021 (Molokai)
Public Hearing of August 10, 2021 (Maui)

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NO. 21-482 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending September 2021.

NO. 21-483 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Modification No. 11 from the State of Hawaii, Executive Office on Aging, for the Title III Program in the amount of \$3,317.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 21-484 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "SUPPORTING THE HUAMAKAHIKINA DECLARATION AND THE EFFORTS TO PROTECT AND ADVANCE THE PRACTICE OF HULA, AND TO PREVENT ITS CONTINUED ECONOMIC EXPLOITATION AND APPROPRIATION."

NO. 21-485 - BUDGET DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF 443.393 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178, AND (2) 3-8-007:179, SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS WAIALE SOUTH AND WAIALE NORTH, FOR AN AMOUNT NOT TO EXCEED \$10,500,000, AND ACCEPTING DONATION OF APPROXIMATELY 23.38 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-8-006:004-0002 AND (2) 3-8-102:009, SITUATED AT PUUNENE, WAILUKU, MAUI, HAWAII".

J. COMMUNICATIONS (continued):

- NO. 21-486 - COUNCIL CHAIR LEE, transmitting the following proposed resolutions entitled:
1. "APPROVING THE APPOINTMENT OF PAIGE GRECO AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and
 2. "APPROVING THE APPOINTMENT OF GERARDO 'JERRY' PAREDES, JR. AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- NO. 21-487 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO PROVIDE LIMITED LIABILITY FOR COUNTY LIFEGUARDS AND COUNTIES PROVIDING LIFEGUARD SERVICES ON BEACHES".
- NO. 21-488 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2020 to June 30, 2021 as of June 30, 2021 and the Capital Improvement Project report as of June 30, 2021.
- NO. 21-489 - 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 2022 Fund as of September 30, 2021.
- NO. 21-490 - MAYOR, transmitting a proposed resolution entitled "REMOVAL OF LEINAALA PERRY FROM THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI".
- NO. 21-491 - FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF TWO WINDOWS SURFACE GO AND TWO WINDOWS SURFACE PRO X TABLETS FROM SSFM INTERNATIONAL, INC. TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 21-492 - COUNCILMEMBER KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.050, MAUI COUNTY CODE, RELATING TO MEMBERS AND ALTERNATES TO THE ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".
- NO. 21-493 - COUNCILMEMBER SUGIMURA, relating to County of Maui purchase of the Kula Community Center.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:**NO. 21-94 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill amending Section 2.08.060(D), Maui County Code, to allow for annual step increases for Office of Council Services staff, except for legislative attorneys, if, after consultation with councilmembers, a satisfactory annual performance review has been issued by the Director of Council Services; and
2. **FILING** of communication.

NO. 21-95 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **FIRST READING** of bill amending Chapter 3.48, Real Property Tax, Maui County Code, to add a section relating to taxes on parcels dedicated as 'āina kupuna.

NO. 21-96 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2021 general obligation bond authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Other Projects, for a project entitled "Wai'ale Land Acquisition," in the amount of \$10,000,000, under the Department of Finance;
2. **FIRST READING** of bill amending the Fiscal Year 2022 Budget by: 1) increasing Bond/Lapsed Bond by \$500,000; 2) amending Section 4.B., Department of Finance, by adding Wailuku-Kahului Community Plan Area, Other Projects, Bond Fund, a project entitled "Wai'ale Land Acquisition" in the amount of \$500,000; and 3) adjusting the totals accordingly;
3. **FIRST READING** of bill amending the Fiscal Year 2022 Budget, Appendix C, Capital Improvement Projects, by adding Wailuku-Kahului Community Plan Area, a project entitled "Wai'ale Land Acquisition" and project description, under the Department of Finance, in the amount of \$500,000;
4. **FIRST READING** of bill amending the Fiscal Year 2022 general obligation bond authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Other Projects, a project entitled "Wai'ale Land Acquisition," in the amount of \$500,000, under the Department of Finance;
5. **ADOPTION** of resolution authorizing the acquisition of 443.393 acres located at Waikapū, Wailuku, Maui, Hawai'i, referred to as "Wai'ale South" and "Wai'ale North," for an amount not to exceed \$10,500,000;
6. **ADOPTION** of resolution authorizing the acceptance of a donation of 55.318 acres located at Waikapū, Wailuku, Maui, Hawai'i, in accordance with Condition Seven of Ordinance 3559; and
7. **FILING** of communication.

K. COMMITTEE REPORTS (continued):**NO. 21-97 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:**

Recommending **ADOPTION** of resolution to support the implementation of the Ho'omāhua Initiative and to urge the Mayor to also support the implementation of the Ho'omāhua Initiative.

NO. 21-98 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending **ADOPTION** of resolution referring to the planning commissions a proposed bill to establish a program for wetlands restoration and protection in Titles 2, 18, 19, and 20 of the Maui County Code.

NO. 21-99 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Scott Crawford to the Hana Advisory Committee, for a term expiring on March 31, 2022.

NO. 21-100 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Elaine Slavinsky to the Council on Aging, for a term expiring on March 31, 2023.

NO. 21-101 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Jason Hew to the Board of Water Supply, for a term expiring on March 31, 2024.

NO. 21-102 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Daniel O'Brien to the Cost of Government Commission, for a term expiring on March 31, 2024.

NO. 21-103 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the employment of Legal Aid Society of Hawaii as Special Counsel to provide legal services to qualified residents of the County of Maui; and
2. **FILING** of communication.

K. COMMITTEE REPORTS (continued):**NO. 21-104 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:**

Recommending **FIRST READING** of bill to name the baseball diamond located on the upper field of the New Kula Ballfield as the "Glenn H. Otani Baseball Field," and the scorebooth located at the Ichiro "Iron" Maehara Baseball Stadium as the "Glenn H. Otani Scorebooth".

NO. 21-105 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of communication relating to a request for a Community Plan Amendment from Agriculture to Public/Quasi-Public, State Land Use District Boundary Amendment from Agricultural to Rural, and Change in Zoning from Agricultural to P-1 Public/Quasi-Public for 1.9 acres located at Nahiku Road, Hana, Maui, Hawaii, tax map key (2) 1-2-002:023, to facilitate the development of the proposed Nahiku Community Center.

NO. 21-106 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to adopt the digital zoning map for the island of Moloka'i; and
2. **FILING** of communication.

NO. 21-107 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to limit Short-Term Rental Home permits to one person and one per property; expand notification requirements for Bed and Breakfast Home and Short-Term Rental Home permit applications; establish that family trusts may hold Bed and Breakfast Home and Short-Term Rental Home permits; and amend Chapters 19.64 and 19.65, Maui County Code, for clarity and consistency; and
2. **FILING** of communication.

NO. 21-108 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Title 19, Maui County Code, to establish zoning standards for properties within the Wailuku Redevelopment Area, and incorporate a process for variance procedures and standards; and
2. **FILING** of communication.

K. COMMITTEE REPORTS (continued):

NO. 21-109 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **PUBLIC HEARING** be **HELD** on bill to adopt the updated West Maui Community Plan;
2. **FIRST READING** be **SCHEDULED** following the public hearing on bill to adopt the updated West Maui Community Plan; and
3. **FILING** of communication.

L. RESOLUTIONS:

NONE.

M. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 106 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 16.16B.R401.2, MAUI COUNTY CODE, RELATING TO ENERGY CODE COMPLIANCE FOR LARGE RESIDENTIAL BUILDINGS"

BILL NO. 107 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; TRANSIENT ACCOMMODATIONS TAX, DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 108 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM"

BILL NO. 109 (2021) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEW PRESERVATION FUND, AFFORDABLE HOUSING FUND, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND"

BILL NO. 110 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, TRANSIENT ACCOMMODATIONS TAX"

M. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 111 (2021) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY"

BILL NO. 112 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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, (DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), EMERGENCY HOUSING VOUCHERS)"

BILL NO. 113 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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)"

BILL NO. 114 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (AMERICAN RESCUE PLAN ACT OF 2021 – EMERGENCY RENTAL ASSISTANCE PROGRAM #2)"

BILL NO. 115 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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 ENVIRONMENTAL MANAGEMENT (STATE OF HAWAII, ACT 88, SLH 2021, CENTRAL MAUI REGIONAL WWRF (WAIKAPU PROJECT))"

BILL NO. 116 (2021) - "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 ENVIRONMENTAL MANAGEMENT, CENTRAL MAUI REGIONAL WWRF (WAIKAPU) PROJECT"

BILL NO. 117 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.270, MAUI COUNTY CODE, REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES"

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, 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 ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. 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 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.