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COUNCIL OF THE COUNTY OF MAUI

2022 JUN -1 PM 3: 30

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of June 8, 2022
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

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.

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 DISTRICT 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
Lāna'i Community Center
8th Street, 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 for more information.

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.

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 at 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.

- A. ROLL CALL
- B. OPENING REMARKS: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTIONS
- E. CEREMONIAL RESOLUTIONS:

NO. 22-146 "CONGRATULATING MANA'O RADIO IN HONOR OF ITS 20TH ANNIVERSARY"
- F. SET THE CONSENT CALENDAR
- G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
- H. MINUTES:

Regular Meeting of March 18, 2022

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

- NO. 22-130 - DIRECTOR OF WATER SUPPLY, relating to the review of Chapter 14.06A, Maui County Code, relating to water conservation and control of water usage during a water shortage.
- NO. 22-131 - CHAIR, SALARY COMMISSION, relating to the salaries for the Director and Deputy Director of the Department of Agriculture.
- NO. 22-132 - MAYOR, informing of a vacancy on the Molokai Planning Commission due to the passing of Colette Machado.
- NO. 22-133 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-7, 412 Pualani Street, TMK: (2) 3-5-009:031 POR.
- NO. 22-134 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-2, 754 Front Street, TMK: (2) 4-6-009:008 POR.

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

- NO. 22-135 - COUNCILMEMBER SUGIMURA, transmitting a proposed amendment to Bill 69, CD1, FD1 (2022), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023".
- NO. 22-136 - COUNCILMEMBER SUGIMURA, transmitting a proposed amendment to Bill 71, CD1, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-EIGHT MILLION ONE HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS (\$148,186,793) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS".
- NO. 22-137 - 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 2023 Fund as of April 30, 2022.

K. COMMITTEE REPORTS:**NO. 22-43 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:**

Recommending the following:

1. **FILING** of communication relating to Amendment 2 to Contract C6706, between the County of Maui and Fukumoto Engineering, Inc., for Ohukai Road Sidewalk Improvements; and
2. **FILING** of communication relating to Contract C7456, between the County of Maui and Bowers + Kubota Consulting, Inc., relating to South Kihei Road Pavement Rehabilitation.

NO. 22-44 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to Grant G5442, between the County of Maui and BioBamboo, Inc., dba Food Security, for the Maui Family Farmer Training Network for the Office of Economic Development, Ordinance 5217 (2022);
2. **FILING** of communication relating to Grant G5551, between the County of Maui and Living Pono Project, for the Community Foods Project to Reduce Greenhouse Gas Emissions from Imported Food and Promote Resilience, Ordinance 5217 (2022); and
3. **FILING** of communication relating to Grant G5556, between the County of Maui and The Permaculture Group, Inc., for the Increase Biochar Production to Regenerate Maui County's Soil, Ordinance 5217 (2022).

NO. 22-45 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending **FIRST READING** of Bill 74, CD1 (2022) to amend Section 10.48.040, Maui County Code, to prohibit parking on both sides of Uakea Road, beginning at Hau'oli Road through the southern end of Uakea Road in Hāna, Maui, Hawai'i.

NO. 22-46 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 100 (2022) to amend Chapter 2.98, Maui County Code, to: add a definition for "family"; amend the definition for "organization" to include a reference to a family; and list the information required to name a County park or facility after a family; and
2. **FILING** of communication.

L. RESOLUTIONS:

- NO. 22-147 "RELATING TO THE APPOINTMENT OF PATRICIA-HELEN KAHULUMEALANI LINDSEY MALUO-PEARSON TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION"
- NO. 22-148 "RELATING TO THE APPOINTMENT OF EDWARD JAMES RICKORD TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI"
- NO. 22-149 "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN LAND USE DESIGNATION TO MF MULTI-FAMILY AND OPEN SPACE AND CHANGE THE ZONING TO A-1 APARTMENT DISTRICT FOR REAL PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEYS (2) 2-1-023:004, (2) 2-1-023:005, AND (2) 2-1-023:006 (WAILEA POINT VILLAGE)"

M. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

N. BILLS:

- NO. 97 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.08, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS"
- NO. 98 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 68"
- NO. 99 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTION CLAIMS FOR COUNTY RESIDENTS"
- NO. 101 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.105, MAUI COUNTY CODE, RELATING TO FENCE HEIGHTS FOR AXIS DEER CONTROL"
- NO. 102 (2022) - "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. 103 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.060, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTIONS AND RESALE"

N. BILLS (continued):

- NO. 104 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.04.060, MAUI COUNTY CODE, RELATING TO NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS"
- NO. 105 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE"
- NO. 106 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING"

O. BILLS - SECOND AND FINAL READING:

- NO. 69, CD1, FD1 (2022) - "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023"
- NO. 70, CD1, FD1 (2022) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2023"
- NO. 71, CD1, FD1 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-EIGHT MILLION ONE HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS (\$148,186,793) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS"
- NO. 72 (2022) - "A BILL FOR AN ORDINANCE 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"

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

NO. 73, CD1 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2023 BUDGET ORDINANCE"

NO. 89 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY"

NO. 90 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE PAY RANGE FOR LEGISLATIVE ATTORNEYS IN THE OFFICE OF COUNCIL SERVICES"

NO. 94 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM (MAUI FOOD HUB)"

NO. 95 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM (MAUI FOOD HUB)"

NO. 96 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

P. 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.

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.