

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of September 2, 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.

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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.

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### 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.

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- A. ROLL CALL
- B. OPENING REMARKS: COUNCILMEMBER SHANE SINENCI
- 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:

NONE.

- F. SET THE CONSENT CALENDAR

- G. MINUTES:

NONE.

H. ACTION ON THE CONSENT CALENDARCOUNTY COMMUNICATIONS:

- NO. 22-205 - DIRECTOR OF FINANCE, informing of the acceptance of Utility and Sidewalk Easement 1, Lahaina Shopping Center, Phase II Subdivision, TMK: (2) 4-5-006:004 POR.
- NO. 22-206 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for June 2022 for all registered well reporters in the County of Maui.
- NO. 22-207 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant in the amount of \$63,202.68.
- NO. 22-208 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Cybercrime Unit Enhancement grant in the amount of \$42,250.
- NO. 22-209 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Latent Fingerprints Backlog Reduction grant in the amount of \$62,000.
- NO. 22-210 - PROSECUTING ATTORNEY, transmitting a copy of Administrative Directive No. 19-01 from the State of Hawaii, Department of Budget and Finance, authorizing the County of Maui to be reimbursed for allowable expenses incurred by the witnesses and defendants in criminal proceedings in the amount of \$50,000.
- NO. 22-211 - PROSECUTING ATTORNEY, transmitting a copy of the notice of grant award from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Victim Witness Assistance Program in the amount of \$81,080, of which includes a County match of \$16,216.

GENERAL COMMUNICATIONS:

- NO. 22-5 - MUNEKIYO HIRAGA, transmitting the 2022 Annual Report for the Liloa Hale Senior Affordable Housing Project pursuant to Section 2.97.180 of the Maui County Code.

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I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 22-212 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting the Grant Evaluation Report for Fiscal Year 2022.

NO. 22-213 - PLANNING DIRECTOR, transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of June 30, 2022.

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:

NO. 22-81 - AFFORDABLE HOUSING COMMITTEE:

Recommending **FIRST READING** of Bill 107, CD2 (2022), to establish 1) new methods for determining the sales price of an affordable dwelling unit; and 2) a program within the Home Acquisition and Ownership Programs Revolving Fund that subsidizes homebuyers when a developer does not receive direct County subsidies.

NO. 22-82 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending **FIRST READING** of Bill 56 (2022), to administratively attach the Kula Agricultural Park Committee to the Department of Agriculture.

NO. 22-83 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending **FIRST READING** of Bill 105, CD1 (2022), to establish policies related to the Department of Agriculture.

NO. 22-84 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **ADOPTION** of Resolution 22-185, CD1, to approve cost items for Ocean Safety Officers included within Bargaining Unit 15 represented by the Hawaii Government Employees Association for Fiscal Years 2022, 2023, 2024, and 2025.

J. COMMITTEE REPORTS (continued):NO. 22-85 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **FIRST READING** of Bill 121, CD1 (2022), to amend Sections 3.48.450 and 3.48.455, Maui County Code, to ensure certain taxpayers, such as those in a repayment plan with the County and those on Department of Hawaiian Home Lands homestead lots, are not disqualified from the home exemption based on delinquency status.

NO. 22-86 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 132 (2022), to establish a new Chapter 3.41, Maui County Code, for the County of Maui Agricultural Parks Revolving Fund; and
2. **FILING** of communication.

NO. 22-87 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 91, CD1 (2022), relating to conserving and protecting sensitive ecosystems, the ecosystem functions and values, mitigating climate change, and working towards building environmental resilience by establishing requirements to map and protect wetlands, including those not adjacent to navigable waters; and
2. **FILING** of communication.

NO. 22-88 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of Bill 66 (2022), relating to adopting an amended digital zoning map (4) as the official zoning map for the Island of Maui.

NO. 22-89 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of Resolution 22-172, relating to referring to the planning commissions a proposed bill amending the criteria for transient vacation rental use within the A-1 and A-2 Apartment Districts.

K. RESOLUTIONS:

- NO. 22-204 "RELATING TO THE APPOINTMENT OF DAVID MARSHALL JORGENSEN TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"
- NO. 22-205 "SUPPORTING A COMMUNITY-BASED SUBSISTENCE FISHING AREA DESIGNATION FOR KĪPAHULU MOKU"
- NO. 22-206 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAI'I FOR PRESERVATION"
- NO. 22-207 "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE DAIRY ROAD PARCELS SITUATED IN KAHULUI, MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"
- NO. 22-208 "ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN, LLC AND A & B PROPERTIES, HAWAII, LLC SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

- NO. 130 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.41.040, MAUI COUNTY CODE, RELATING TO NOTICE OF VACANCIES ON BOARDS, COMMISSIONS, OR COMMITTEES"
- NO. 131 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, RELATING TO THE DEFINITIONS OF 'TIME SHARE PLAN' AND 'TRANSIENT'"
- NO. 133 (2022) - "A BILL FOR AN ORDINANCE TO AMEND TITLE 10, MAUI COUNTY CODE, RELATING TO DOCKLESS VEHICLES AND PENALTIES"
- NO. 134 (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 THE PROSECUTING ATTORNEY"

M. BILLS (continued):

NO. 135 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FIRE PREVENTION PROGRAM"

NO. 136 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, FIRE HAZARD REMOVAL REVOLVING FUND"

NO. 137 (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, (STRATEGIC PREVENTION FRAMEWORK PARTNERSHIPS FOR SUCCESS)"

N. BILLS - SECOND AND FINAL READING:

NO. 125 (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 POLICE, COUNTYWIDE, COUNTYWIDE POLICE FACILITIES"

NO. 128 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, SPECIAL MANAGEMENT AREA REVOLVING FUND"

NO. 129 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, WEST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"

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).