

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of January 12, 2024

9:00 AM

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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](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

e-mail: [county.clerk@mauicounty.us](mailto: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. Testimony must pertain to items on 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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](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 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 at (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

Subject to change and staffing availability without notice. Visit [mauicounty.us](http://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 TAMARA PALTIN**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

[Reso 24-8](#) "RECOGNIZING FIREFIGHTER TANNER MOSHER FOR HIS EXCEPTIONAL HEROISM DURING THE AUGUST 2023 LAHAINA WILDFIRES"

[Reso 24-9](#) "HONORING MICHAEL SHIFFLER FOR HIS VOLUNTEERISM AFTER THE AUGUST 2023 WILDFIRES"

**F. SET THE CONSENT CALENDAR**

**G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY**

**H. MINUTES:**

**NONE.**

**I. ACTION ON THE CONSENT CALENDAR**

**J. COMMUNICATIONS:**

**1. COUNTY COMMUNICATIONS:**

[CC 24-1](#) COUNCILMEMBER COOK, transmitting a proposed amendment to Bill 42, CD1 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, RELATING TO GENERAL PROVISIONS FOR SUBDIVISIONS AND HISTORIC PROPERTIES".

[CC 24-2](#) COUNCILMEMBER PALTIN, transmitting a proposed amendment to Bill 120, CD1, FD1 (2023), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR THE LAHAINA WILDFIRE FINAL DISPOSITION PROJECT"

[CC 24-3](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 134 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF MAYOR, ECONOMIC DEVELOPMENT PROGRAM, EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS".

**2. GENERAL COMMUNICATIONS:**

**NONE.**

**K. COMMITTEE REPORTS:****Agriculture, Diversification, Environment, and Public Transportation Committee**

[CR 24-1](#) Recommending **FIRST READING** of Bill 127, CD1 (2023), authorizing the Mayor to enter into an intergovernmental agreement with the State of Hawai'i for a 65-year lease of real property identified as tax map key (2) 3-7-004:003, located at 153 West Ka'ahumanu Avenue, Kahului, Maui, Hawai'i, for the Maui Bus Transit Hub.

**Budget, Finance, and Economic Development Committee**

[CR 24-2](#) Recommending **FIRST READING** of Bill 107 (2023) to amend the Fiscal Year 2024 Budget by: 1) amending Section 3.B.6.a., Department of Fire and Public Safety, Administration Program, by decreasing equivalent personnel by 2.0 and decreasing Category A (Salaries) and Total appropriations by \$82,884; and 2) amending Section 3.B.6.b., Department of Fire and Public Safety, Training Program, by increasing equivalent personnel by 2.0 and increasing Category A (Salaries) and Total appropriations by \$82,884.

**Government Relations, Ethics, and Transparency Committee**

[CR 24-3](#) Recommending **ADOPTION** of Resolution 23-238, approving the Mayor's appointment of Josiah Nishita as Managing Director.

[CR 24-4](#) Recommending **ADOPTION** of Resolution 23-177, authorizing settlement of Manuel Sorcy v. Tivoli Faaumua, et al., Civil 2CCV-22-0000262(4).

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

[CR 24-5](#) Recommending **ADOPTION** of Resolution 23-229, authorizing settlement of Lou Baffa v. County of Maui and Maui Electric Co. Ltd., Civil 2CCV-22-00163.

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

**Water and Infrastructure Committee**

[CR 24-6](#) Recommending **FIRST READING** of Bill 126, CD1 (2023), to repeal Chapter 19.62 - Flood Hazard Areas, establish Chapter 16.29 - Flood Hazard Areas, transfer the responsibility for administering Flood Hazard Areas from the Director of Planning to the Director of Public Works, and include the Federal Emergency Management Agency's requirement that all machinery and equipment servicing a building be elevated to one foot above the base-flood elevation.

**L. RESOLUTIONS:**

[Reso 24-2](#) "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ALTERNATES"

[Reso 24-3](#) "APPROVING REVISIONS TO THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE"

[Reso 24-4](#) "APPROVING THE APPOINTMENT OF JENNIFER A. YAMASHITA AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES"

[Reso 24-5](#) "URGING THE COUNTY ADMINISTRATION TO PROVIDE AN UPDATE ON PERMISSIBLE HOUSING USES AND TYPES AND IDENTIFY BARRIERS PROPERTY OWNERS MAY ENCOUNTER IN REBUILDING RESIDENTIAL UNITS IMPACTED BY THE MAUI WILDFIRES"

[Reso 24-6](#) "URGING THE STATE LEGISLATURE TO SUPPORT SENATE BILL 322 (2023), SD1, RELATING TO THE INTERSTATE LICENSED PROFESSIONAL COUNSELORS COMPACT"

[Reso 24-7](#) "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2024 BUDGET"

**M. ORDINANCES:**

[Bill 1 \(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY) REGARDING A DESIGN AGREEMENT FOR THE IAO STREAM, MAUI, HAWAII - FLOOD RISK MANAGEMENT"

*The purpose of this bill is to authorize the Mayor to enter into an amendment to an intergovernmental agreement with the U.S. Department of Army, Corps of Engineers, to complete the design of a federal undertaking at the Wailuku River Flood Control Project.*

[Bill 2 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF FIRE AND PUBLIC SAFETY, FEES - FIRE - PERMIT INSPECTION, ETC."

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, Appendix B, Department of Fire and Public Safety, General Fund, Fees - Fire - Permit Inspection, etc. to add "Inspections on commercial activities outside normal business hours or at distant locations" prior to "Reinspection charges after initial visit when corrections or portion of work have not been made or completed."*

### **ORDINANCES - SECOND AND FINAL READING:**

[Bill 52, CD1, FD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 14.02.030 AND CHAPTER 20.30, MAUI COUNTY CODE, RELATING TO PROHIBITED DISCHARGE STANDARDS"

*The purpose of this bill is to require municipal wastewater effluent discharged by the County to meet Hawaii State R-1 reuse water standards.*

[Bill 38, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY CODE, ESTABLISHING CRITERIA FOR THE 'OHANA ASSISTANCE PROGRAM WITHIN THE HOMEOWNER PROGRAMS REVOLVING FUND"

*The purpose of this bill is to allow grants up to \$100,000 for property owners to build an accessory dwelling or second farm dwelling to be used as a rental residential workforce housing unit.*

[Bill 42, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, RELATING TO GENERAL PROVISIONS FOR SUBDIVISIONS AND HISTORIC PROPERTIES"

*The purpose of this bill is to enable the creation of separate lots within a subdivision for the preservation of historic properties.*

[Bill 116, CD1](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund by \$300,000; 2) amending Section 4.D.6.a.(1), Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, Parks and Recreation, General Fund, by adding a new appropriation, entitled "Keopuolani Field Lights Replacement," in the amount of \$300,000; 3) adjusting the totals accordingly; and 4) amending Appendix C - Capital Improvement Projects, Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, by adding a new project and project description, entitled "Keopuolani Field Lights Replacement," in the amount of \$300,000.*

[Bill 117](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF THE PROSECUTING ATTORNEY"

*The purpose of this bill is to increase the appropriation for the Career Criminal Program in the amount of \$107,548 and the appropriation for the Victim/Witness Assistance Program in the amount of \$288,094.*

[Bill 120, CD1,](#)  
[FD1 \(2023\)](#)

"A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR THE LAHAINA WILDFIRE FINAL DISPOSITION PROJECT"

*The purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement with the State Department of Land and Natural Resources for a management right-of-entry permit for parcels totaling 52.7 acres and identified for real property tax purposes as tax map keys (2) 4-8-003:007 and (2) 4-8-003:008 (portion), Olowalu, Maui, Hawaii, to allow for wildfire debris landfill and ancillary purposes.*

[Bill 122, CD1](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, SUPPLEMENTAL TRANSFER TO THE SOLID WASTE FUND; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN AREA, SANITATION; AND APPENDIX C, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund and Interfund Transfers, each by \$5,200,000; 2) amending Section 3.B.4.e, Department of Environmental Management, Solid Waste Operations Program - Solid Waste Management Fund, by increasing Category B (Operations & Equipment) and Total appropriations by \$4,000,000; 3) amending Section 3.B.5.g.(6), Department of Finance, Countywide Costs, Supplemental Transfer to the Solid Waste Fund, by increasing Category B (Operations & Equipment) and Total appropriations by \$5,200,000; 4) amending Section 4.A.7., Department of Environmental Management, West Maui Community Plan Area, to add a new appropriation for Sanitation, Solid Waste Management Fund, entitled "Lāhainā Wildfire Final Disposition Site," in the amount of \$1,200,000; 5) adjusting the totals accordingly; and 6) amending Appendix C - Capital Improvement Projects, Department of Environmental Management, West Maui Community Plan Area, to add a new project and project description entitled "Lāhainā Wildfire Final Disposition Site," in the amount of \$1,200,000.*

[Bill 123, CD1](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; AND DEPARTMENT OF WATER SUPPLY, WATER OPERATIONS PROGRAM"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund and Interfund Transfers, each by \$9,200,000; 2) amending Section 3.B.5.g, Department of Finance, Countywide Costs, by adding a new appropriation entitled "Supplemental Transfer to the Water Fund" in the amount of \$9,200,000; 3) amending Section 3.B.18.c, Department of Water Supply, Water Operations Program - Water Fund, by increasing Category B (Operations & Equipment) and Total appropriations by \$9,200,000; and 4) adjusting the totals accordingly.*

[Bill 124, CD1](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; AND DEPARTMENT OF FIRE AND PUBLIC SAFETY, FIRE/RESCUE OPERATIONS PROGRAM"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund by \$2,000,000; 2) amending Section 3.B.6.c, Department of Fire and Public Safety, Fire/Rescue Operations Program by increasing Category B (Operations & Equipment) and Total appropriations by \$2,000,000; and 3) adjusting the totals accordingly.*

[Bill 133](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.47.070, MAUI COUNTY CODE, RELATING TO WETLANDS OVERLAY MAPPING"

[Bill 134](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"

*The purpose of this bill is to amend the FY2024 Budget, Office of the Mayor, Economic Development Program, East Maui Economic Development, Environmental, and Cultural Programs, to change "Holani Hāna, Inc." to "Hāna Canoe Club" and delete the line item for Na Keiki O Lawai'a.*

**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.**