

Council of the County of Maui

A G E N D A

Regular Meeting of November 20, 2023

9:00 AM

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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

COUNCIL CHAIR ALICE L. 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:**

NONE.

I. **ACTION ON THE CONSENT CALENDAR**

J. **COMMUNICATIONS:**

1. COUNTY COMMUNICATIONS:

[CC 23-36](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 105 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF FIRE AND PUBLIC SAFETY".

[CC 23-37](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 106 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM; CAPITAL IMPROVEMENT PROJECTS AND APPENDIX C, DEPARTMENT OF WATER SUPPLY".

2. GENERAL COMMUNICATIONS:

NONE.

K. **COMMITTEE REPORTS:**

Budget, Finance, and Economic Development Committee

[CR 23-92](#) Recommending **FILING** of Bill 99 (2023) to amend the Fiscal Year 2024 Budget, Appendix B, Revenues - Fees, Rates, Assessments and Taxes, Department of Finance, General Fund, Penalty and Interest - TAT, to delete language that reads, "Up to 20% penalty, Return filed by the due date and the tax is not completely paid within 60 days of the filing due date."

[CR 23-93](#) Recommending **ADOPTION** of Resolution 23-218 to amend the Fiscal Year 2024 Budget within the Department of Planning by transferring \$13,397 from the Administration and Planning Program - General, Category B (Operations & Equipment) to the Administration and Planning Program - Dune and Shoreline Management, Category B (Operations & Equipment).

[CR 23-94](#) Recommending **FIRST READING** of Bill 96, CD1 (2023) to amend the Fiscal Year 2024 Budget by amending Section 3.B.10.c.(2).(iv), Office of the Mayor, Economic Development Program, Wailuku Economic Development, Environmental, and Cultural Programs; and Section 3.B.10.c.(2).(xxix), Office of the Mayor, Economic Development Program, West Maui Economic Development, Environmental, and Cultural Programs; to update the fiscal sponsor for ReTree Hawai'i from "Lōkahi Pacific" to "Nā Koa Manu Conservation, Inc."

[CR 23-95](#) Recommending **FIRST READING** of Bill 100, CD1 (2023) to amend the Fiscal Year 2024 Budget, Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2024, by adding a new grant under the Department of Management, entitled "Office of Justice Programs Bureau of Justice Assistance - Byrne Discretionary Community Project Funding/Byrne Discretionary Grant Program," in the amount of \$180,000.

[CR 23-96](#) Recommending **FIRST READING** of Bill 97, CD1 (2023) to amend the Fiscal Year 2024 Budget, Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2024, for the Department of Housing and Human Concerns by adding a new grant, entitled "American Rescue Plan Act of 2021 - Emergency Rental Assistance Program #2 (ERA #2)" in the amount of \$322,248.

[CR 23-97](#) Recommending **FIRST READING** of Bill 101, CD1 (2023) to amend the Fiscal Year 2024 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund by \$1,300,000; 2) amending Section 3.B.14.d., Department of Police, Technical and Support Services Program, by increasing Category B (Operations & Equipment) and Total appropriations by \$1,300,000; and 3) adjusting the totals accordingly.

Efficiency Solutions and Circular Systems Committee

[CR 23-98](#) Recommending the following:

1. **FIRST READING** of Bill 115 (2023) to add Pākalā (Kamehameha Iki Park) to the list of historic and cultural sites eligible for preservation and restoration under the Hawaiian Cultural Restoration Revolving Fund; and
2. **FILING** of communication.

Housing and Land Use Committee

[CR 23-99](#) Recommending **FIRST READING** of Bill 70, CD1 (2023), to allow the transfer of an existing Conditional Permit held by Janice Fairbanks and Thomas N. Fairbanks III to Joshua Ramu Tremblay, for the Old Wailuku Inn at Ulupono situated at 2199 Kaho'okele Street, Wailuku, Maui, Hawaii.

[CR 23-100](#) Recommending **ADOPTION** of Resolution 23-195, to refer to the planning commissions a bill to allow composting and co-composting operations in the Agricultural District under certain conditions.

L. **RESOLUTIONS:**

[Reso 23-228](#) "APPROVING PROPOSALS FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE"

[Reso 23-229](#) "AUTHORIZING SETTLEMENT OF LOU BAFFA V. COUNTY OF MAUI AND MAUI ELECTRIC CO. LTD., CASE NO. 2CCV-22-00163"

[Reso 23-230](#) "KA HO'OMANA'O 'ANA I KA LĀ HO'OMANA'O 30 O KA HO'OHOLA 'ANA I KE KĀNĀWAI AUPUNI 103-150, KA "ŌLELO HO'OHOLA MIHI"

"COMMEMORATING THE 30TH ANNIVERSARY OF THE ENACTMENT OF PUBLIC LAW 103-150, THE 'APOLOGY RESOLUTION"

M. **ORDINANCES:**

[Bill 108](#)
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF WATER SUPPLY"

The purpose of this bill is to add two new categories: Emergency Water Charge and Temporary Irrigation Charge.

[Bill 116](#)
[\(2023\)](#) "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 1) increase Carryover/Savings in the General Fund and Total Estimated Revenues by \$300,000; 2) amend Capital Improvement Projects, Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, Parks and Recreation, General Fund, by adding a new line item entitled "Keopuolani Field Lights Replacement" in the amount of \$300,000; and 3) amend Appendix C, Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, by adding a new project and project description for "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 118](#)
[\(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES GOVERNMENT AND THE STATE OF HAWAII REGARDING THE AUTHORIZATION FOR MAUI WILDFIRE DEBRIS REMOVAL FOR COUNTY-OWNED PROPERTIES"

[Bill 119](#)
[\(2023\)](#) "A BILL FOR AN EMERGENCY 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 DLNR for a ROE to a parcel situated in Olowalu to be used for the Lahaina Wildfire Final Disposition project.

[Bill 120](#)
[\(2023\)](#) "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 DLNR for a ROE to a parcel situated in Olowalu to be used for the Lahaina Wildfire Final Disposition project.

ORDINANCES - SECOND AND FINAL READING:

[Bill 73 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAI'I AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION"

[Bill 87, CD1](#)
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING TITLE 10, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF PAID PARKING ZONES AND PERMIT PARKING ZONES IN WAILUKU, PROHIBITED ACTIVITIES FOR THE WAILUKU GARAGE FACILITY, AND PENALTIES FOR PARKING VIOLATIONS"

[Bill 89 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)"

The purpose of this bill is to enter into a Joint Funding Agreement for Water Resource Investigations to continue its cooperative water-resource monitoring program.

[Bill 92 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF MANAGEMENT, MANAGEMENT PROGRAM"

The purpose of this bill is to increase the equivalent personnel for the Department of Management, Management Program by 1.0. This position would be unfunded and would allow for the creation of a Department of Hawaiian Home Lands liaison position prior to the creation of the Department of Housing in FY 2025. The bill also increases grant funding to the Maui County Veterans Council by \$40,000.

[Bill 105 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF FIRE AND PUBLIC SAFETY"

The purpose of this bill is to amend the Fiscal Year 2024 Budget, Department of Fire and Public Safety; State of Hawai'i, Makena Lifeguard Services by increasing the appropriated amount by \$80,001.

[Bill 106 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM; CAPITAL IMPROVEMENT PROJECTS AND APPENDIX C, DEPARTMENT OF WATER SUPPLY"

The purpose of this bill is to amend the Fiscal Year 2024 Budget, Department of Water Supply, Administration Program by: 1) decreasing the appropriation under Category B by \$400,000 and adjusting the program and operating appropriations totals accordingly; 2) adding a new Capital Improvement Project under Water Fund - Unrestricted entitled "1888 Wili Pa Loop Building Improvements" in the amount of \$400,000; and 3) amending Appendix C to add a new project and project description for 1888 Wili Pa Loop Building Improvements in the amount of \$400,000.

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.