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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of September 27, 2024
9:00 a.m.

Meeting Site: Online via Teams: <http://tinyurl.com/2p9zhjr2>

Phone testimony: 1-808-977-4067, code 234 794 559#

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

COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES:

East Maui: Hāna Community Center, 5091 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.

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: county.clerk@mauicounty.us

A. **ROLL CALL**

B. **OPENING REMARKS:**

COUNCILMEMBER NOHELANI U‘U-HODGINS

C. **PLEDGE OF ALLEGIANCE**

D. **TESTIMONY ON CEREMONIAL RESOLUTIONS**

E. **CEREMONIAL RESOLUTIONS:**

[Reso 24-160](#) "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE LORRAINE
'AUNTY LORI' GOMEZ-KARINEN"

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:

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:**Budget, Finance, and Economic Development Committee****CR 24-87**

Recommending **FIRST READING** of Bill 124, CD1(2024) to amend the Fiscal Year 2025 Budget by: 1) amending Section 2, Estimated Revenues, by increasing the Carryover/Savings from the General Fund by \$865,000; 2) amending Section 3.B.11.a., Department of Management, Management Program, by increasing Category B - Operations and Equipment and Total appropriations by \$590,000; 3) amending Section 4.C.2, Department of Management, Wailuku-Kahului Community Plan Area, by adding a new appropriation for Other Projects, General Fund, entitled "Fitness Courts" in the amount of \$275,000; 4) adjusting the totals accordingly; and 5) amending Appendix C - Capital Improvement Projects, Department of Management, Wailuku-Kahului Community Plan Area, by adding a new project and project description entitled "Fitness Courts" for the construction of fitness courts at the Kahului Community Center Park and Keōpūolani Regional Park in the amount of \$275,000.

CR 24-88

Recommending **FIRST READING** of Bill 125, CD1(2024) to amend the Fiscal Year 2025 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund by \$100,000; 2) amending Section 3.B.12.c.(5), Office of the Mayor, Economic Development Program, Grants and disbursements for Water and Environmental Resource Protection, by adding a new appropriation entitled "Trust for Public Land for due diligence on properties in Ma'alaea" in the amount of \$100,000; and 3) adjusting the totals accordingly.

Government Relations, Ethics, and Transparency Committee**CR 24-89**

Recommending **ADOPTION** of Resolution 24-71, CD1, authorizing additional compensation, in the amount of \$325,000, for a total compensation not to exceed \$450,000, to Kobayashi Sugita & Goda, LLP, as special counsel to represent the County of Maui, Richard T. Bissen, Jr. in his official capacity, and Kate Blystone, as successor to Kathleen Aoki, in her official capacity, in Christopher Salem v. County of Maui, et. al., Case 2CCV-21-0000048.

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 under State or Federal law, or a court order.

CR 24-90

Recommending **ADOPTION** of Resolution 24-81, authorizing settlement of Christopher Salem v. County of Maui, et. al, Case 2CCV-21-0000048(2).

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 under State or Federal law, or a court order.

CR 24-91

Recommending **ADOPTION** of Resolution 24-117, authorizing the retention of Hawkins Delafield & Wood LLP, as bond and disclosure counsel, to represent the County of Maui during its 2024 General Obligation Bond Issuance and other bonds, for a total compensation not to exceed \$54,000.

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 under State or Federal law, or a court order.

CR 24-92

Recommending **ADOPTION** of Resolution 24-119, authorizing settlement of JMC Claim 4084192, County of Maui Risk File 2023-1035 of Rinzai Zen Mission, in the amount of \$31,233.37.

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 under State or Federal law, or a court order.

L. RESOLUTIONS:Reso 24-161

"URGING THE ADMINISTRATION TO PRIORITIZE THE INCREASED PRODUCTION AND EXPANSION OF THE DISTRIBUTION OF RECYCLED R-1 WATER TO PRESERVE POTABLE WATER FOR THE CONSTRUCTION OF HOUSING IN THE COUNTY OF MAUI"

M. ORDINANCES:

- [Bill 135](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS FOR TECHNICAL SERVICES"
- [Bill 136](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, ESTABLISHING A CLIMATE ACTION AND RESILIENCY PLAN FOR THE COUNTY OF MAUI"
- [Bill 137](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES AND DEPARTMENT OF WATER SUPPLY, WATER OPERATIONS PROGRAM, FITTING AND VALVE REPLACEMENTS"
- [Bill 138](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES AND OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS FOR CULTURE, ARTS, AND TOURISM"
- [Bill 139](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES AND DEPARTMENT OF 'ŌIWI RESOURCES, 'ŌIWI RESOURCES PROGRAM, SALARIES"

ORDINANCES - SECOND AND FINAL READING:

- [Bill 27, CD2](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL AND INTERIM DISTRICTS TO M-1 LIGHT INDUSTRIAL AND M-2 HEAVY INDUSTRIAL DISTRICTS (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LĀNA'I CITY, LĀNA'I, HAWAI'I, PORTIONS OF TAX MAP KEY (2) 4-9-002:061 (MIKI 200 INDUSTRIAL PARK)"
- [Bill 118, CD1, FD1](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES AND DEPARTMENT OF WATER SUPPLY, WATER OPERATIONS PROGRAM"
- [Bill 132](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF PUBLIC WORKS, UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE"
- [Bill 133, FD1](#)
[\(2024\)](#) "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)"

N. UNFINISHED BUSINESS:

NONE.

BOARD PACKETS, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

ORAL TESTIMONY. For more information on testifying, please visit <https://www.mauicounty.us/teams/>

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.

In the meeting controls at the top of the Teams screen, select RAISE YOUR HAND. Staff will add your name to the testifier list and will lower your hand. You may check your place in line by accessing the Testifier Log, with the link posted in Chat. When it is your turn to testify, staff will call your name and will allow you to unmute your video and microphone. State your name, if you choose to do so, and also identify the item number(s) on which you wish to testify.

To testify via phone, please call in to the phone number and enter the meeting ID noted on the first page of this agenda. Follow the instructions provided on the call to raise your hand to be added to the testifier list. When it is your turn to testify, the Clerk will call the last four digits of the testifier's phone number. You will be able to unmute yourself when called to testify.

Each testifier will 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 meeting participant wishes to testify anonymously, log in to the meeting with "anonymous" as your name and virtually raise your hand as described above.

DECORUM. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Council members, be ejected or banned from Council meetings. If participating remotely, participants may be muted or dropped from the meeting for breaking decorum. Examples of disruptive behavior include, but are not limited to: heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, staff, or general public. Use of the chat feature is restricted to County use only. It shall be considered a breach of decorum for members of the public to use the Chat.

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.

INTERRUPTION IN VIDEO/AUDIO. This meeting is being conducted in accordance with Section 92-3.7, HRS. 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 Teams connectivity affecting quorum is lost, Council will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the Teams 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 a.m., using the same virtual connections, unless the Council announces a different date and time.

If any Courtesy Testimony Site loses its connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from that site.

If Akakū prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will include archived meeting videos.

DISABILITY ACCESS. Anyone requesting an auxiliary aid or service or other accommodation due to a disability should contact the County Clerk as soon as possible prior to the meeting date at (808) 270-7748 or county.clerk@mauicounty.us and allow for adequate time to fulfill the request.