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OFFICE OF THE  
COUNTY CLERK

## **COUNCIL OF THE COUNTY OF MAUI**

### **AGENDA**

Regular Meeting of December 1, 2023  
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, 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)

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

### 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 23-38](#) BUDGET DIRECTOR, transmitting a signed version of Bill 111 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.100, MAUI COUNTY CODE, RELATING TO GENERAL EXCISE AND USE TAX SURCHARGE".

[CC 23-39](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF WATER SUPPLY".

*The Mayor's Budget Office requests that the Council file Bill 108 (2023) and substitute the proposed bill attached to the communication.*

**2. GENERAL COMMUNICATIONS:**

NONE.

**K. COMMITTEE REPORTS:****Budget, Finance, and Economic Development Committee**

[CR 23-101](#) Recommending **FIRST READING** of Bill 103, CD1 (2023) to 1) require the Director of Finance to seek the Department of Agriculture's assistance with verifying that lands dedicated to agricultural use comply with dedication requirements; and 2) allow for tax rate tiers for any real property classification.

[CR 23-102](#)

Recommending the following:

1. **FIRST READING** of Bill 95, CD1 (2023) to 1) exempt from real property taxation, including the minimum real property tax, properties completely destroyed by the August 2023 Maui wildfires through June 30, 2025; 2) exempt from real property taxation, including the minimum real property tax, properties classified as owner-occupied or long-term rental for the January 1, 2023 assessment located in a red or yellow reentry zone in Lahaina, as established by the County in its reentry map of impacted areas, or for which local access was only allowed from 8:00 a.m. to 4:00 p.m., as of November 15, 2023, for the period July 1, 2023 through June 30, 2024, and as determined by the Director of Finance as of January 1 for the period July 1, 2024, through June 30, 2025; 3) conditionally allow all real property tax exemptions in effect for tax year 2024 on properties where improvements were destroyed, damaged, or made inaccessible by the wildfires to remain in effect through December 31, 2024; and 4) conditionally provide an exemption for real property occupied as a long-term rental and under signed contract to lease for six or more months and less than twelve consecutive months to the same tenant, who was displaced by the wildfires;
2. **FILING** of Bill 91 (2023) to amend Chapter 3.48, Maui County Code, to conditionally exempt properties destroyed or damaged by natural disasters on or after August 8, 2023, from real property taxation for one year beginning July 1, 2024; and
3. **FILING** of Bill 102 (2023) to provide real property tax relief for individuals with property that was destroyed or damaged in the August 2023 Maui wildfires.

### **Housing and Land Use Committee**

[CR 23-103](#)

Recommending the following:

1. **FIRST READING** of Bill 128 (2023) to restrict uses that risk contaminating the Department of Water Supply's drinking-water wells; and
2. **FILING** of communication.

### **Water and Infrastructure Committee**

[CR 23-104](#)

Recommending **ADOPTION** of Resolution 23-222, CD1, to approve the partial cancellation of an easement, identified for real property tax purposes as tax map key (2) 3-8-099:218, and traversing Lot 218-A of the Maui Lani Phase 6 subdivision.

**L. RESOLUTIONS:**

- [Reso 23-205](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN ALEXA JACOBS vs. CLIFTON PERREIRA, ET AL., CIVIL NO.: 2CCV-23-0000185"
- [Reso 23-223, CD1](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MEYERS NAVE, IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI"
- [Reso 23-224, CD1](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL BARON & BUDD, P.C., IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI"
- [Reso 23-225, CD1](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MCCORRISTON MILLER MUKAI MACKINNON, LLP, IN LITIGATION MATTERS ARISING FROM THE AUGUST 2023 WILDFIRES ON THE ISLAND OF MAUI"
- [Reso 23-227](#) "AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048(2)"
- [Reso 23-231](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO PROCUREMENT"
- [Reso 23-232](#) "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 658 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 4-3-006-036-0024 SITUATED AT LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$490,000.00"
- [Reso 23-233](#) "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 705 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 4-3-006-004-0030 SITUATED AT LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$525,000.00"
- [Reso 23-234](#) "INDEMNIFYING HERMAN ANDAYA IN AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260"
- [Reso 23-235](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RONALD T. OGOMORI, ATTORNEY AT LAW, A LAW CORPORATION, TO REPRESENT HERMAN ANDAYA IN AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260"
- [Reso 23-236](#) "APPROVING A TIME EXTENSION FOR THE SOUTH MAUI COMMUNITY PLAN ADVISORY COMMITTEE TO FORWARD ITS RECOMMENDED REVISIONS ON THE DRAFT SOUTH MAUI COMMUNITY PLAN TO THE PLANNING DIRECTOR"
- [Reso 23-237](#) "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSION A PROPOSED BILL ON THE USE OF SHIPPING CONTAINERS AS INCIDENTAL STORAGE"
- [Reso 23-238](#) "APPROVING THE APPOINTMENT OF JOSIAH NISHITA AS THE MANAGING DIRECTOR"

[Reso 23-239](#) "URGING THE ADMINISTRATION TO DEVELOP A COMPREHENSIVE NEEDS ASSESSMENT REPORT ON THE NUMBER OF HOUSING UNITS NEEDED AND THE AREA MEDIAN INCOMES OF THOSE DISPLACED FROM AUGUST 2023 MAUI WILDFIRES"

**M. ORDINANCES:**

[Bill 126](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.62, MAUI COUNTY CODE, AND CREATING A NEW CHAPTER 16.29, MAUI COUNTY CODE, RELATING TO FLOOD HAZARD AREAS"

[Bill 127](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE LEASE OF THE MAUI BUS TRANSIT HUB PROPERTY"

[Bill 129](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.04.040, 14.07.080 AND 14.10.010, MAUI COUNTY CODE, TO ESTABLISH NEW WATER RATES, AND ALLOW FOR WAIVER OF THE WATER SYSTEM DEVELOPMENT FEE AND WATER SERVICE INSTALLATION FEES DURING EMERGENCIES"

[Bill 130](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FIRE AND PUBLIC SAFETY, MOLOKAI COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF FIRE AND PUBLIC SAFETY, MOLOKAI COMMUNITY PLAN AREA"

*The purpose of this to 1) increase Carryover/Savings in the General Fund and Total Estimated Revenues by \$500,000; 2) amend Capital Improvement Projects, Department of Fire and Public Safety, Molokai Community Plan Area by increasing the appropriation for Puko'o Fire Station Renovation by \$500,000; and 3) amend Appendix C to increase the appropriation for Puko'o Fire Station in the amount of \$500,000 and update the project description to include planning, permitting, design, and renovations.*

**ORDINANCES - SECOND AND FINAL READING:**

[Bill 70, CD1](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 3545 TO TRANSFER A CONDITIONAL PERMIT TO JOSHUA RAMU TREMBLAY FOR THE OLD WAILUKU INN AT ULUPONO TRANSIENT VACATION RENTAL SITUATED AT 2199 KAHŌ'OKELE STREET, WAILUKU, MAUI, HAWAII"

[Bill 96, CD1](#)  
[\(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, WAILUKU AND WEST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"

*This bill proposes to amend the FY 2024 Budget to update the fiscal sponsor for Retree Hawai'i under both the Wailuku and West Maui Economic Development, Environmental, and Cultural Programs line items from "Lōkahi Pacific" to "Nā Koa Manu Conservation".*

[Bill 97, CD1](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF HOUSING AND HUMAN CONCERNS"

*The purpose of this bill is to add a new grant under the Department of Housing and Human Concerns entitled "American Rescue Plan Act of 2021 - Emergency Rental Assistance Program #2 (ERA #2)" in the amount of \$322,248.*

[Bill 100, CD1](#)  
[\(2023\)](#)

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

*The purpose of this bill is to add 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.*

[Bill 101, CD1](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES AND DEPARTMENT OF POLICE, TECHNICAL AND SUPPORT SERVICES PROGRAM"

*The purpose of this bill is to increase Carryover/Savings in the General Fund and Total Estimated Revenues by \$1,300,000 and by increasing the Department of Police, Technical and Support Services Program, and Total Appropriations (Operating and Capital Improvement Projects) by \$1,300,000.*

[Bill 104, FD1](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING SECTION 3.100.040, MAUI COUNTY CODE, ON USE OF THE GENERAL EXCISE TAX FUND"

*The purpose of this bill is to require that private recipients allow the County to audit their financial records.*

[Bill 111](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.100, MAUI COUNTY CODE, RELATING TO GENERAL EXCISE AND USE TAX SURCHARGE"

*The purpose of this bill is to allocate 80 percent of all funds received from the general excise tax and use surcharge to the general excise tax fund; 2) establish a new Section 3.100.021 entitled "General excise tax fund - Department of Hawaiian Home Lands" and allocating 20 percent of all funds received from the general excise tax and use surcharge; and 3) amend Section 3.100.040, Maui County Code to delete Subsection (C), and add the general excise tax fund - Department of Hawaiian Home Lands to the final section.*

[Bill 115, FD1](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING SECTION 3.38.020, MAUI COUNTY CODE, RELATING TO HAWAIIAN CULTURAL RESTORATION REVOLVING FUND"

*The purpose of this bill is to add Pākalā (including Kamehameha Iki Park) to the list of historic and cultural sites eligible for preservation and restoration under the Hawaiian Cultural Restoration Revolving Fund.*



[Bill 118, FD1](#)  
[\(2023\)](#)

"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"

**N. UNFINISHED BUSINESS:**

[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.*

**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.**