

Council of the County of Maui

A G E N D A

Regular Meeting of September 17, 2021

9:00 AM

Meeting Site:

Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

Remote Testimony Sites:

None.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and
livestreamed on <https://mauicounty.legistar.com>

website: www.co.maui.hi.us/Archive.aspx?AMID=226

e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

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>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. They will be able to view the remainder of the meeting on Akaku Channel 53 or on <https://mauicounty.legistar.com/>. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference is lost, the meeting will still continue. 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.

If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER SHANE SINENCI

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

[Reso](#)

"RECOGNIZING SEPTEMBER 28, 2021 AS NATIONAL VOTER REGISTRATION DAY"

F. SET THE CONSENT CALENDAR**G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****H. MINUTES:**

[M-210618](#) Regular Meeting of June 18, 2021

I. ACTION ON THE CONSENT CALENDAR**COUNTY COMMUNICATIONS:**

[CC 21-437](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending August 2021.

[CC 21-438](#) DIRECTOR OF PUBLIC WORKS, transmitting a copy of the notice of grant and agreement award from the USDA Natural Resources Conservation Service for the Lahaina Watershed Flood Protection Project, in the amount of \$1,229,230.

[CC 21-439](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Nutrition Services Incentive Program in the amount of \$487.

[CC 21-440](#) DIRECTOR OF FINANCE, transmitting 121 contracts/grants for the month of July 2021.

[CC 21-441](#) MAYOR, informing of a vacancy on the Commission on Children and Youth due to the resignation of Elizabeth Fujii.

[CC 21-442](#) MAYOR, informing of the appointment of Cody Clark to the Maui County Arborist Committee.

J. COUNTY COMMUNICATIONS:**1. COUNTY COMMUNICATIONS:**

[CC 21-443](#) CHAIR, GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH CRIMINAL OFFENSES OF UNLAWFUL CHOP SHOP ACTIVITY"; and
2. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTY REGULATION OF NOISE NUISANCES STRICTER THAN DEPARTMENT OF HEALTH RULES".

[CC 21-444](#) CHAIR, GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH CRIMINAL OFFENSES OF UNLAWFUL CHOP SHOP ACTIVITY";
2. "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTY REGULATION OF NOISE NUISANCES STRICTER THAN DEPARTMENT OF HEALTH RULES";
3. "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO HIGHWAY IMPROVEMENTS IN THE COUNTY OF MAUI"; and
4. "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO INCORPORATE KALAUPAPA SETTLEMENT INTO MAUI COUNTY".

[CC 21-445](#) COUNCILMEMBER SINENCI, relating to A&B's proposed water lease for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas.

[CC 21-446](#) COUNCILMEMBER SINENCI, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.09, MAUI COUNTY CODE, RELATING TO BLASTING PERMITS".

[CC 21-447](#) DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Proposed General Obligation Bonds Series Fund as of July 31, 2021.

[CC 21-448](#) BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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 FINANCE, (AMERICAN RESCUE PLAN ACT OF 2021, NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))"; and
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, DEPARTMENT OF FINANCE, (AMERICAN RESCUE PLAN ACT OF 2021, NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))".

- [CC 21-449](#) BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, ANIMAL MANAGEMENT REVOLVING FUND"; and
 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, ANIMAL MANAGEMENT REVOLVING FUND".
- [CC 21-450](#) DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT".
- [CC 21-451](#) COUNCILMEMBER KING, relating to the Hawai'i State Energy Conservation Code.
- [CC 21-452](#) CHAIR, CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE, transmitting County Communication No. 18-128, from Councilmember Elle K. Cochran, relating to an Anaergia Project status update.
- [CC 21-453](#) COUNCILMEMBER MOLINA, transmitting a proposed resolution entitled "URGING THE MAYOR TO ADDRESS BICYCLE TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS".
- [CC 21-454](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a letter from the Commission on Persons with Disabilities, requesting the Council's support of the Counseling Compact.
- [CC 21-455](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "URGING THE MAYOR TO IMPLEMENT EXPANDED, FREE, ACCESSIBLE, RAPID COVID-19 TESTING FOR ALL MAUI COUNTY RESIDENTS".
- [CC 21-456](#) COUNCILMEMBER SUGIMURA, relating to Public Works Commission Naming and Renaming.
- [CC 21-457](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"; and related documents.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:**Budget, Finance, and Economic Development Committee**[CR 21-79](#)

Recommending the following:

1. **FIRST READING** of bill to establish a new Chapter 3.47, Maui County Code, to create a 3 percent transient accommodations tax on all gross rental, gross rental proceeds, and fair market rental value considered taxable under the definitions of Section 237D-1, Hawai'i Revised Statutes; and
2. **FILING** of communication.

Climate Action, Resilience, and Environment Committee[CR 21-80](#)

Recommending the following:

1. **FILING** of communication relating to Contract C7432, between the County of Maui and Map-Collective, Inc., for assessing and analyzing carbon emissions, and creation of data gathering, analysis, and visualization tools for the County of Maui Joint Climate Action and Resilience Plan, in the amount of \$186,000;
2. **FILING** of communication relating to Contract C7431, between the County of Maui and Geos Institute, for a Countywide Vulnerability Assessment, in the amount of \$77,956; and
3. **FILING** of communication relating to Contract C7436, between the County of Maui and Lotus Engineering and Sustainability, LLC, for the County of Maui Joint Climate Action and Resilience Plan, in the amount of \$249,977.

Government Relations, Ethics, and Transparency Committee[CR 21-81](#)

Recommending **ADOPTION** of resolution approving the appointment of Spencer Lau to the Cost of Government Commission, for a term expiring on March 31, 2024.

Planning and Sustainable Land Use Committee[CR 21-82](#)

Recommending the following:

1. **FIRST READING** of bill prohibiting the consumption of intoxicating liquor in recreational areas under the jurisdiction of the Department of Parks and Recreation in Historic Districts One and Two in Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

[CR 21-83](#)

Recommending the following:

1. **FIRST READING** of bill amending a Conditional Permit for the Alexander and Baldwin Sugar Museum located at 3957 Hansen Road in Puunene, Maui, Hawaii, to allow for expansion of museum use and a time extension; and
2. **FILING** of communication.

[CR 21-84](#)

Recommending the following:

1. **FIRST READING** of bill granting a Conditional Permit transfer and time extension, and amending conditions for the Banyan Tree Bed and Breakfast located at 3265 Baldwin Avenue, Makawao, Maui, Hawaii; and
2. **FILING** of communication.

[CR 21-85](#)

Recommending the following:

1. **FIRST READING** of bill amending a Conditional Permit for the Maui Dragon Fruit Farm located at 833 Punakea Loop in Lahaina, Maui, Hawaii, to conduct agricultural related activities, sell non-agricultural related items and agricultural products not grown on the property, conduct certain special events, and allow for a time extension; and
2. **FILING** of communication.

[CR 21-86](#)

Recommending the following:

1. **FIRST READING** of bill to include buildings or premises used by State or County governments for public purposes as a permitted use in the Airport District, and to update references to obsolete terms and agencies; and
2. **FILING** of communication.

L. RESOLUTIONS:

NONE.

M. ORDINANCES - SECOND AND FINAL READING:[Bill 86 \(2021\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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 FIRE AND PUBLIC SAFETY (STATE OF HAWAII MAKENA LIFEGUARD SERVICES)"

[Bill 87 \(2021\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, DEPARTMENT OF FIRE AND PUBLIC SAFETY (STATE OF HAWAII MAKENA LIFEGUARD SERVICES)"

- [Bill 88 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FIRE AND PUBLIC SAFETY, COUNTYWIDE, COUNTYWIDE FIRE FACILITIES"
- [Bill 89 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM; AND AFFORDABLE HOUSING FUND"
- [Bill 90 \(2021\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII"
- [Bill 91 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, AFFORDABLE HOUSING FUND (LILOA HALE PROJECT)"
- [Bill 92 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, AFFORDABLE HOUSING FUND (HALE O PIIKEA II)"
- [Bill 93 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.64, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOMES"
- [Bill 94 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.65, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOMES"
- [Bill 95 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B, MAUI COUNTY CODE, TO ADD 'MITIGATE CLIMATE CHANGE AND WORK TOWARD RESILIENCE' AS A GOAL OF THE COUNTYWIDE POLICY PLAN"

N. UNFINISHED BUSINESS:

NONE.

"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, 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 ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. 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 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.