

# **Council of the County of Maui**

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

Regular Meeting of October 4, 2019

9:00 AM

### **Meeting Site:**

Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

### **Remote Testimony Sites:**

Hana Council District Office - Hana Community Center, 5091 Uakea Road, Hana, Hawaii

Lanai Council District Office - Lanai Community Center, 8th Street, Lanai City, Hawaii

Molokai Council District Office - 100 Ainoa Street, Kaunakakai, Hawaii

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

email: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received from each of the Council district offices noted above. If the connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. 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.

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### **A. ROLL CALL**

**B. OPENING REMARKS:**

COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ

**C. PLEDGE OF ALLEGIANCE****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

NONE.

**F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****G. MINUTES:**

[M-190618s](#) Special Meeting of June 18, 2019

[M-190705](#) Regular Meeting of July 5, 2019

**H. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 19-389](#) DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2019.

[CC 19-390](#) COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATION OF KAUA'I COUNTY COUNCILMEMBER MASON K. CHOCK TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR THE TERM ENDING JUNE 30, 2020".

[CC 19-391](#) COUNCIL CHAIR KING, transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO AMEND ACT 132, SESSION LAWS OF HAWAII 2018 RELATING TO CESSPOOL CONVERSION WORKING GROUP";
2. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL ALLOWING COUNTY COUNCILMEMBERS TO ATTEND INFORMATIONAL MEETINGS OR PRESENTATIONS WITHOUT LIMITATION ON THE NUMBER OF ATTENDEES";
3. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE

ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW THE COUNTIES TO REGULATE HOSTING PLATFORMS";

4. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A PAID RESPONSE MECHANISM FOR INVASIVE SPECIES";
5. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING AND DIRECT THE HAWAII CLIMATE CHANGE MITIGATION AND ADAPTATION COMMISSION";
6. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE THRESHOLD OF BLOOD ALCOHOL CONCENTRATION TO 0.05";
7. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO OFFER FINANCIAL ASSISTANCE TO OWNERS OF CESSPOOLS SEEKING TO UPGRADE OR CONVERT THEIR CESSPOOLS".

[CC 19-392](#)

DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX".

[CC 19-393](#)

COUNCIL CHAIR KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 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, OFFICE OF THE COUNTY CLERK (STATE OF HAWAII, ACT 136, SLH 2019 - IMPLEMENTATION OF ELECTION BY MAIL SYSTEM)".

[CC 19-394](#)

BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, MOLOKAI COMMUNITY PLAN AREA, DRAINAGE, BOND FUND, KAUNAKAKAI DRAINAGE SYSTEM B; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS (KAUNAKAKAI DRAINAGE SYSTEM B)";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE

ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS - KAUNAKAKAI DRAINAGE SYSTEM B)"; and

4. "BID RESULTS COUNTY OF MAUI DEPARTMENT OF FINANCE - PURCHASING DIVISION".

[CC 19-395](#) COUNCIL CHAIR KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.08.020, MAUI COUNTY CODE, RELATING TO PRELIMINARY PLAT PREPARATION AND SUBMISSION".

[CC 19-396](#) COUNCIL CHAIR KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 18, MAUI COUNTY CODE, PERTAINING TO PUBLIC REVIEW OF AGRICULTURAL SUBDIVISIONS".

[CC 19-397](#) CHAIR, BOARD OF ETHICS, transmitting a proposed resolution entitled "AUTHORIZING THE RETENTION OF SPECIAL COUNSEL FROM THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII TO ADVISE THE MAUI COUNTY BOARD OF ETHICS IN THE MATTER OF COMPLAINT NO. 19-05 ALLEGING VIOLATIONS OF THE MAUI COUNTY CODE OF ETHICS, BY OFFICERS AND EMPLOYEES OF THE COUNTY OF MAUI".

[CC 19-398](#) COUNCIL CHAIR KING, relating to Kauai County Council proposals for inclusion in the 2020 Hawaii State Association of Counties Legislative Package.

[CC 19-399](#) COUNCILMEMBER LEE, relating to the possible construction of a bridge over Wailuku River.

[CC 19-400](#) COUNCILMEMBER SUGIMURA, relating to promoting roadway safety.

[CC 19-401](#) COUNCILMEMBER MOLINA, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING CHAPTER 2.28, MAUI COUNTY CODE, BY AMENDING SECTIONS 2.28.070 AND 2.28.080, RELATING TO PLANNING COMMISSIONS AND ADVISORY COMMITTEES, AND CREATING NEW SECTIONS 2.28.090 AND 2.40.240 ESTABLISHING THE PAIA-HAIKU ADVISORY COMMITTEE".

[CC 19-402](#) COUNCIL CHAIR KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".

## **2. GENERAL COMMUNICATIONS:**

NONE.

### **I. COMMITTEE REPORTS:**

#### **Affordable Housing Committee**

[CR 19-114](#)

Recommending the following:

1. **ADOPTION** of resolution approving with modifications the Makila Farms project pursuant to Section 201H-38, Hawaii Revised Statutes, in Lahaina, Maui, identified for real property tax purposes as tax map keys (2) 4-7-013:003, 004, and 005;
2. **FILING** of resolution approving the Makila Farms project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Makila Farms project pursuant to Section 201H-38, Hawaii Revised Statutes.

### **Economic Development and Budget Committee**

[CR 19-115](#)

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs, Fiscal Year 2020 Budget, by adding a new grant for the Department of Management, entitled "Art Works, National Endowment for the Arts," in the amount of \$75,000, to support the planning and implementation of pilot arts programming in rural Wailuku Town, Hawaii.

### **Governance, Ethics, and Transparency Committee**

[CR 19-116](#)

Recommending **ADOPTION** of resolution approving the appointment of Kawika Freitas as the Native Hawaiian Traditional and Customary Practices Expert to the Maui Planning Commission for a term expiring on March 31, 2023.

[CR 19-117](#)

Recommending **ADOPTION** of resolution to authorize the employment of special counsel to investigate actionable claims against Bank of America and the banking and mortgage industry.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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.*

[CR 19-118](#)

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the Crime Prevention and Justice Assistance Division, Department of the Attorney General, State of Hawaii, for a grant award in the amount of \$54,9562 to the Department of Police, Contract Project 17-WF-06, to develop and strengthen effective law enforcement and prosecutorial strategies and victim services in cases involving crimes against women; and
2. **FILING** of communication

**Planning and Sustainable Land Use Committee**

[CR 19-119](#) Recommending **ADOPTION** of resolution to transmit to the Maui Planning Commission proposed bills to grant a District Boundary Amendment from Agricultural to Rural, Community Plan Amendment from Agriculture to Public/Quasi-Public, and Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District for 0.933 acre in Haiku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-9-007:032, for Door of Faith Church.

[CR 19-120](#) Recommending the following:

1. **FIRST READING** of bill to conditionally allow for a grace period to temporarily extend Conditional Permits while an application for extension is being processed and Bed and Breakfast Home, Short-Term Rental Home, and Special Use Permits while an application for renewal is being processed; and
2. **FILING** of communication.

**J. RESOLUTIONS:**

NONE.

**K. ORDINANCES - SECOND AND FINAL READING:**

[Bill 49 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, RELATING TO CIVIL FINES FOR UNPERMITTED TRANSIENT ACCOMMODATIONS AND SERVICE METHODS FOR GENERAL ADMINISTRATIVE ENFORCEMENT"

**L. 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.**

**INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO REQUIRE AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.**