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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of July 5, 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 TOM COOK

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

[Reso 24-122](#) "RECOGNIZING MAUI COUNTY'S 911 EMERGENCY SERVICES DISPATCHERS FOR RECEIVING THE 'OUTSTANDING CALL CENTER' AWARD"

[Reso 24-123](#) "RECOGNIZING MAUI POLICE DEPARTMENT EMPLOYEES FOR THEIR VALIANT SERVICE DURING THE AUGUST 8, 2023, WILDFIRES"

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 24-21](#) BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT CHAIR, transmitting a proposed amendment to Bill 78, CD1 (2023) "A BILL FOR AN ORDINANCE TO ESTABLISH A NEW CHAPTER 3.50, MAUI COUNTY CODE, CREATING AN IMMIGRANT SERVICES DIVISION UNITED STATES PASSPORT APPLICATION ACCEPTANCE FACILITY REVOLVING FUND".

[CC 24-22](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Resolution 24-96, CD1, "PROPOSING AN AMENDMENT TO ARTICLE 13 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW REAPPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS TO ONE SUCCESSIVE TERM".

2. GENERAL COMMUNICATIONS:

NONE.

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

[CR 24-66](#) Recommending **FIRST READING** of Bill 78, CD1 (2023) to establish a new Chapter 3.50, Maui County Code, relating to the Immigrant Services Division United States Passport Application Acceptance Facility Revolving Fund, into which passport application acceptance fees paid to the County will be deposited.

Disaster, Resilience, International Affairs, and Planning Committee

[CR 24-67](#) Recommending **ADOPTION** of Resolution 24-101, CD1, to accept a donation of equipment from Lochland Holdings, LLC, for the Department of Fire and Public Safety, under Chapter 3.56, Maui County Code, as follows: two Honda Aqua Trax F-15 jet skis, one CESMITH 12-foot Smith Trailer, and one WCE-1250/900-40 Karavan Trailer.

Water and Infrastructure Committee

[CR 24-68](#) Recommending **FIRST READING** of Bill 96, CD1 (2024), to exempt unaltered shipping containers from building permit requirements within County Industrial zoning districts for storage.

L. RESOLUTIONS:

[Reso 24-118](#) "URGING THE SOLID WASTE ADVISORY COMMITTEE TO INCORPORATE COUNTY FOOD-WASTE COMPOSTING INTO THE INTEGRATED SOLID WASTE MANAGEMENT PLAN"

[Reso 24-119](#) "AUTHORIZING SETTLEMENT OF JMC CLAIM NO. 4084192, COUNTY OF MAUI FILE NO. RISK 2023-1035 OF RINZAI ZEN MISSION"

[Reso 24-120](#) "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN ALEXA JACOBS V. CLIFTON PERREIRA, ET AL., CIVIL NO. 2CCV-23-0000185"

[Reso 24-121](#) "APPROVING FOR INCLUSION IN THE 2025 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL ON STATEWIDE COMPOSTING"

[Reso 24-124](#) "APPROVING THE APPOINTMENT OF MARCY MARTIN AS THE DIRECTOR OF FINANCE"

- [Reso 24-125](#) "REQUESTING THAT THE MAYOR APPOINT A COMMITTEE TO REVIEW AND REPORT ON CHAPTER 5.16, MAUI COUNTY CODE, AND THAT THE DIRECTOR OF FINANCE SUBMIT REPORTS REVIEWING TAXICAB RATES"
- [Reso 24-126](#) "AUTHORIZING THE ACQUISITION OF THE PARCEL OF LAND IDENTIFIED AS TAX MAP KEY NO. (2) 2-3-037:026 LOCATED IN KULA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$950,000.00"
- [Reso 24-127](#) "APPROVING FOR INCLUSION IN THE 2025 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL ON STATEWIDE COMPOSTING"

RESOLUTIONS - SECOND AND FINAL READING:

- [Reso 24-95](#) "PROPOSING AN AMENDMENT TO ARTICLE 10 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO AUTHORIZE FULL-TIME STAFF FOR THE MAUI COUNTY BOARD OF ETHICS"
- [Reso 24-96, CD1](#) "PROPOSING AN AMENDMENT TO ARTICLE 13 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW REAPPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS TO ONE SUCCESSIVE TERM"
- [Reso 24-99, FD1](#) "PROPOSING AN AMENDMENT TO ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO MAKE THE SALARY COMMISSION'S AUTHORITY CONSISTENT WITH THE CONSTITUTION OF THE STATE OF HAWAII"

M. ORDINANCES:

- [Bill 100 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.30A.050, MAUI COUNTY CODE, RELATING TO COMPOSTING IN THE AGRICULTURAL DISTRICT"
- [Bill 101 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM, ONE-YEAR COMMEMORATION"
- [Bill 102 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF AGRICULTURE, UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE"

ORDINANCES - SECOND AND FINAL READING:

- [Bill 64, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 3.16.020, MAUI COUNTY CODE, RELATING TO SETTLEMENT OF CLAIMS AND OTHER CIVIL LITIGATION"

The purpose of this bill is to amend language in subsections A (Workers' Compensation Claims) and B (Other Claims or Civil Litigation) of Section 3.16.020, Maui County Code, to increase Corporation Counsel's authority to settle claims, from \$7,500 to \$25,000, without Council approval.

N. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

[CR 24-65](#)

Recommending **FIRST READING** of Bill 87, CD1 (2024), to allow the use of temporary structures for up to five years.

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.