Council of the County of Maui

A G E N D A

Regular Meeting of February 3, 2023
9:00 AM

Meeting Site:
Online via BlueJeans link https://maui.bluejeans.com/295235670

In-Person Testimony and Viewing:
Council Chamber, Kalana O Maui Building, 8th Floor,
200 South High Street, Wailuku, Hawai‘i

Courtesy Live Broadcast: Akaku - Maui Community Media, Channel 53

website: www.co.maui.hi.us/Archive.aspx?AMID=226
e-mail: county.clerk@mauicounty.us

OFFICIAL TESTIMONY LOCATIONS

Members of the public may view the meeting and provide testimony in person at the following location:
Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai‘i.

If audiovisual connection is lost at the official location for in-person testimony and viewing, 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.

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.

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 must be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony must be received by 12:00 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 ((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
West Maui: Old Lahaina Center, 845 Wainee Street, Ste. 205, Lahaina, (808) 856-0123

Subject to change and staffing availability without notice. Visit 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.

TESTIMONY PROCEDURES

Oral or written testimony on any agenda item will be accepted prior to Council's deliberation of each item. Each testifier shall be allowed to speak for up to two minutes on each 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.

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

A. ROLL CALL

B. OPENING REMARKS:

C. PLEDGE OF ALLEGIANCE

D. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

E. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDAR

NONE.

G. MINUTES:

NONE.

H. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NONE.

I. COUNTY COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

CC 23-4 ACTING PLANNING DIRECTOR, transmitting comments and recommendations of the Maui, Molokai and Lanai Planning Commissions relating to Resolution No. 22-151, CD1 entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO OFF-STREET PARKING AND LOADING".

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:

NONE.

K. RESOLUTIONS:

Reso 23-25 "APPOINTING THE COUNTY CLERK"

Reso 23-26 "APPOINTING THE DEPUTY COUNTY CLERK"

Reso 23-27 "EXTENDING THE SUNSET DATE FOR RULES OF THE COUNCIL"

Reso 23-28 "URGING THE LEGISLATURE TO ENACT A STATUTE PERMANENTLY EXEMPTING BIRTH ATTENDANTS FROM STATE LICENSURE REQUIREMENTS"

Reso 23-29 "URGING THE ADMINISTRATION TO RECOGNIZE 911 EMERGENCY SERVICES DISPATCHERS AS FIRST RESPONDERS IN THE COUNTY OF MAUI"

Resp 23-30 "ADOPTING THE RULES OF THE COUNCIL"

Reso 23-31 "AMENDING THE RULES OF THE COUNCIL"

Reso 23-32 "AUTHORIZING SETTLEMENT OF GREGORY CROWTON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-16-00279"

Reso 23-33 "AUTHORIZING SETTLEMENT OF CLAIM NO. 4077629 OF RHONDA HAMASAKI"

Reso 23-34 "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO THE ENERGY PERFORMANCE CONTRACT"

The purpose of this resolution is to authorize the retention of legal counsel qualified to negotiate an amendment to the energy performance contract between the County of Maui and Johnson Controls, Inc.

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

Bill 1 (2023) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 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 (LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND (LATCF))"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by adding a new grant entitled "Local Assistance and Tribal Consistency Fund (LATCF)" in the amount of $50,000.

Bill 2 (2023) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (MOLOKA'I LAND TRUST (KAHANUI WETLAND))"

The purpose of this bill is to amend Appendix A, Part II of the Fiscal Year 2023 Budget by adding an appropriation for the Moloka'i Land Trust to acquire the Kahanui Wetland, South-West Molokai, Hawaii, in the amount of $210,000.

Bill 3 (2023) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 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 MAYOR (U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE - KULA AGRICULTURAL FENCING)"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by deleting "Ag Park" from the grant title and changing it to "Agricultural Fencing".

Bill 4 (2023) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO CONVERTING APARTMENT BUILDINGS FROM TRANSIENT VACATION RENTAL USE TO LONG-TERM RESIDENTIAL USE"

The purpose of this bill is to amend the Comprehensive Zoning Ordinance to allow property owners of buildings located in the Apartment District to permanently convert property from transient vacation rental use to long-term residential use.

Bill 5 (2023) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 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 (PRIVATE DONATIONS)"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by increasing the appropriation for the grant entitled "Private Donations" by $30,000.

Bill 6 (2023) "A BILL FOR AN ORDINANCE RELATING TO INCREASE OR DECREASE OF REAL PROPERTY TAX RATES"

The purpose of this bill is to amend Section 3.48.565, relating to increase or decrease of real property taxes.

N. BILLS - SECOND AND FINAL READING:

NONE.

O. UNFINISHED BUSINESS:

NONE.

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, HAWAIʻI. "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. IF A REQUEST IS RECEIVED AFTER THIS DATE, COUNCIL WILL TRY TO OBTAIN THE AUXILIARY AID OR SERVICE BUT CANNOT GUARANTEE THAT THE REQUEST WILL BE FULFILLED.