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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 10, 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, 8th 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER SHANE SINENCI

C. PLEDGE OF ALLEGIANCE

D. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

E. CEREMONIAL RESOLUTIONS:

[Reso 23-103](#) "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE TRE' EVANS-DUMARAN"

[Reso 23-104](#) "CONGRATULATING THE FOUR WRESTLERS FROM THE MAUI INTERSCHOLASTIC LEAGUE FOR WINNING GOLD AT THE 2023 TEXACO/HHSAA STATE WRESTLING CHAMPIONSHIP"

F. SET THE CONSENT CALENDAR

G. MINUTES:

NONE.

H. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NONE.

I. COUNTY COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:**Government Relations, Ethics, and Transparency Committee**

- [CR 23-1](#) Recommending **ADOPTION** of Resolution 23-68, CD1, approving the Mayor's appointment of Kekuhapio Akana as Managing Director.
- [CR 23-2](#) Recommending **ADOPTION** of Resolution 23-69, CD1, approving the Mayor's appointment of Victoria J. Takayesu as Corporation Counsel.
- [CR 23-3](#) Recommending **ADOPTION** of Resolution 23-70, CD1, approving the Mayor's appointment of Andrew Martin as Prosecuting Attorney.
- [CR 23-4](#) Recommending **ADOPTION** of Resolution 23-71, CD1, approving the Mayor's appointment of John Stufflebean as Director of Water Supply.
- [CR 23-5](#) Recommending **ADOPTION** of Resolution 23-72, CD1, approving the Mayor's appointment of Scott Teruya as Director of Finance.
- [CR 23-6](#) Recommending **ADOPTION** of Resolution 23-73, CD1, approving the Mayor's appointment of Kathleen Aoki as Planning Director.
- [CR 23-7](#) Recommending **ADOPTION** of Resolution 23-74, CD1, approving the Mayor's appointment of Jordan Molina as Director of Public Works.
- [CR 23-8](#) Recommending **ADOPTION** of Resolution 23-75, CD1, approving the Mayor's appointment of Shayne Agawa as Director of Environmental Management.
- [CR 23-9](#) Recommending **ADOPTION** of Resolution 23-76, CD1, approving the Mayor's appointment of Lori Tshako as Director of Housing and Human Concerns.
- [CR 23-10](#) Recommending **ADOPTION** of Resolution 23-77, CD1, approving the Mayor's appointment of Marc Takamori as Director of Transportation.
- [CR 23-11](#) Recommending **ADOPTION** of Resolution 23-45, CD1, approving the Mayor's appointment of Patrick McCall as Director of Parks and Recreation.
- [CR 23-12](#) Recommending **ADOPTION** of Resolution 23-46, CD1, approving the Mayor's appointment of Rogerene "Kali" Arce as Director of Agriculture.

[CR 23-13](#)

Recommending the following:

1. **ADOPTION** of Resolution 23-47, CD1, approving the appointments of Nicholas John Severson, Anita Segovia Barvin, and Melissa Navarro Will to the Affirmative Action Advisory Council for a term beginning on April 1, 2023, and expiring on March 31, 2028;
2. **ADOPTION** of Resolution 23-48, CD1, approving the appointments of Laureen Anne Kaneta, Philip Andrew Raya, Jr., and Kevin K. Ke'a to the Animal Control Board for a term beginning on April 1, 2023, and expiring on March 31, 2026;
3. **ADOPTION** of Resolution 23-49, CD1, approving the appointments of Michael Alexander Lilly and Carol Agar to the Board of Ethics for a term beginning on April 1, 2023, and expiring on March 31, 2028;
4. **ADOPTION** of Resolution 23-50, CD1, approving the appointments of Deborah C. Vial and John Joseph Helly to the Board of Variances and Appeals for a term beginning on April 1, 2023, and expiring on March 31, 2028;
5. **ADOPTION** of Resolution 23-51, CD1, approving the appointments of Edwin E. Lindsey III (Reappoint) and Nichole Inouye-Nohara to the Board of Water Supply for a term beginning on April 1, 2023, and expiring on March 31, 2028;
6. **ADOPTION** of Resolution 23-52, CD1, approving the appointment of Edward James Rickord to the Civil Service Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028;
7. **ADOPTION** of Resolution 23-53, CD1, approving the appointments of Alma B. Tassi (Reappoint), Monique Raquel Bolo, and Ericka Ashley Chavez to the Commission on Children and Youth for a term beginning on April 1, 2023, and expiring on March 31, 2028;
8. **ADOPTION** of Resolution 23-54, CD1, approving the appointments of Evan Purcell Dust (Reappoint), Cameron James Dexter, Steven Robert Knapp to the Cost of Government Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028, and disapproving the appointment of Roger Clapp;
9. **ADOPTION** of Resolution 23-55, CD1, approving the appointments of Deldrine Kauinohea Manera (Reappoint), Edward Romson (Appoint), and Elaine Slavinsky (Reappoint) to the Council on Aging for a term beginning on April 1, 2023, and expiring on March 31, 2028;
10. **ADOPTION** of Resolution 23-56, CD1, approving the appointment of Luke Makani Bailey to the Fire and Public Safety Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028;
11. **ADOPTION** of Resolution 23-57, CD1, approving the appointment of William Matthew Keiley to the Hāna Advisory Committee for a term

beginning on April 1, 2023, and expiring on March 31, 2028;

12. **ADOPTION** of Resolution 23-58, CD1, approving the appointments of Negus Manna (Reappoint) and Michelle June Fujie to the Lānaʻi Planning Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028, and disapproving the appointment of Jay S. Margulies;
13. **ADOPTION** of Resolution 23-59, CD1, approving the appointment of John D. Kim to the Liquor Control Adjudication Board for a term beginning on April 1, 2023, and expiring on March 31, 2028, and disapproving the appointment of Kaulana Mossman (Reappoint);
14. **ADOPTION** of Resolution 23-60, CD1, approving the appointments of Setsuko Regina Gormley and Dean Kimo Frampton to the Liquor Control Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028;
15. **ADOPTION** of Resolution 23-61, CD1, approving the appointments of Andree-Michelle Conley-Kapoi and Theodore W.K. Awana, Jr. to the Maui County Cultural Resources Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028;
16. **ADOPTION** of Resolution 23-62, CD1, approving the appointment of Heather Ann Wells to the Maui Planning Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028, and disapproving the appointment of Sheila Walker;
17. **ADOPTION** of Resolution 23-63, CD1, approving the appointment of Shannon Keaupuni Kaʻahanui to the Molokai Planning Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028, and disapproving the appointment of John R. Sabas;
18. **ADOPTION** of Resolution 23-64, CD1, approving the appointments of Frank Tam and William K. Richardson to the Police Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028;
19. **ADOPTION** of Resolution 23-65, CD1, approving the appointments of Laureen Anne Kaneta (Reappoint) and Matthew Schroeder to the Public Works Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028;
20. **ADOPTION** of Resolution 23-66, CD1, approving the appointment of Robert John Cortesi to the Real Property Tax Review Board for a term beginning on April 1, 2023, and expiring on March 31, 2028; and
21. **ADOPTION** of Resolution 23-67, CD1, approving the appointments of Janelle Lynn Ragusa and William M. Curtis, Jr. to the Salary Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028.

K. RESOLUTIONS:

[Reso 23-85](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4070761 OF PAUL CLEVELAND"

[Reso 23-86](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4072926 OF PEDRO ORTEGA"

[Reso 23-87](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4080380 OF HAWAIIAN ELECTRIC COMPANY"

[Reso 23-88](#) "AUTHORIZING SETTLEMENT OF ONO GELATO OF PAIA, LLC, A HAWAII LIMITED LIABILITY COMPANY V. COUNTY OF MAUI, CIVIL 2CCV-22-0000258"

[Reso 23-99](#) "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ALTERNATES"

The purpose of this resolution is to approve the appointments of officers and alternates to the HSAC Executive Committee. The HSAC Committee has approved the following proposed slate of officers and alternates: President: Kauai County Council, the Honorable Bernard P. Carvalho, Jr. and the Honorable Bill DeCosta (Alternate); Vice-President: Maui County Council, the Honorable Tamara Paltin and the Honorable Shane M. Sinenci (Alternate); Secretary: Honolulu City Council, the Honorable Tommy Waters and the Honorable Tyler Dos Santos-Tam (Alternate); and Treasurer: Hawaii County Council, the Honorable Heather Kimball and the Honorable Jennifer Kagiwada (Alternate).

[Reso 23-100](#) "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PUBLIC WORKS, FISCAL YEAR 2023 BUDGET"

The purpose of this resolution is to transfer funds in the amount of \$300,000 within the Department of Public Works, from the Road, Bridge, and Drainage Maintenance Program - Highway Fund, Category A (Salaries), to the Road, Bridge, and Drainage Maintenance Program - Highway Fund, Category B (Operations & Equipment), in order to cover a projected \$300,000 shortfall in electricity expense for streetlights.

[Reso 23-105](#) "SUPPORTING MAUI COUNTY'S HEALTHCARE WORKERS AND URGING MAUI HEALTH SYSTEM TO RESOLVE THE LABOR DISPUTE WITH THEM"

[Reso 23-106](#) "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 9.798 ACRES SITUATED AT WAIEHU, MAUI, HAWAII, TAX MAP KEY (2) 3-3-001:106"

The purpose of this resolution is to refer to the Maui Planning Commission a proposed bill to amend the State land use district classification from agriculture district to urban district for certain real property situated in Waiehu, Maui, Hawaii, identified for Real Property Tax purposes as Tax Map Key (2) 3-3-001:106, comprising of 9.798 acres for purposes of developing a 100 percent affordable housing (rental) project.

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

[Bill 127 \(2022\)](#) "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES"

The purpose of this bill is to authorize the reclassification of certain land situated at Wailuku, Maui, Hawaii, identified for real property tax purposes by Tax Map Key No. (2) 3-5-002:003 (por.) from the agricultural district to the urban district (Conditional Boundary Amendment).

[Bill 16 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE GENERAL BUDGET PROVISIONS"

The purpose of this bill is to amend Section 20 of the General Budget Provisions to give the Department of Finance more flexibility to adhere to generally accepted accounting principles (GAAP) when preparing the annual comprehensive financial reporting and compliance with (GAAP).

[Bill 17 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to increase the appropriation for Temporary Hazard Pay related to Covid-19 Grievances from \$20,000,000 to \$27,000,000.

N. BILLS - SECOND AND FINAL READING:

[Bill 7 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, CENTRAL MAUI TRANSIT HUB; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to amend the Fiscal Year 2023 Budget by 1) increasing Estimated Revenues, Carryover/Saving from the General Fund in the amount of \$500,000; 2) amending Section 4.H.2.a., Wailuku-Kahului Community Plan Area, Government Facilities, by adding General Fund and a project entitled "Central Maui Transit Hub" in the amount of \$500,000; and 3) adjusting the totals accordingly.

[Bill 8 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, CENTRAL MAUI TRANSIT HUB"

The purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix C, Capital Improvement Projects, Department of Transportation, Wailuku-Kahului Community Plan Area by adding a project description and project entitled "Central Maui Transit Hub" in the amount of \$500,000

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, 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.