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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of May 23, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 Waivee 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 TAMARA PALTIN

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

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 23-15](#) COUNCILMEMBER PALTIN, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-16](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-17](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024," and Resolution 23-124, entitled "SETTING THE PAY RANGES AND PAY STEPS FOR STAFF OF THE OFFICE OF COUNCIL SERVICES".

[CC 23-18](#) COUNCILMEMBER PALTIN, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-19](#) PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-20](#) COUNCILMEMBER SINENCI, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-21](#) CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-22](#) CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting proposed amendments to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-23](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

[CC 23-24](#) COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed amendment to Bill 22, CD1 (2023), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

Budget, Finance, and Economic Development Committee

[CR 23-34](#) Recommending the following:

1. **FIRST READING** of Bill 22, CD1 (2023) to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2023, to June 30, 2024;
2. **FIRST READING** of Bill 23, CD1 (2023) to set the Capital Program for Fiscal Years 2024 through 2029;
3. **FIRST READING** of Bill 24, CD1 (2023) to authorize the issuance of \$59,195,043 in general obligation bonds for various capital improvement projects;
4. **FIRST READING** of Bill 25 (2023) to reauthorize the use of \$2,349,957 in lapsed bond proceeds for the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, 60 South Church Street Building Renovations;
5. **FIRST READING** of Bill 26 (2023) to authorize the Mayor to enter into intergovernmental agreements to finance the following wastewater projects: (1) Napili Wastewater Pump Station No. 3 Modifications, with funds not to exceed \$600,000; and (2) Kaanapali Resort R-1 Water Distribution System Expansion, with funds not to exceed \$8,500,000;

6. **FIRST READING** of Bill 36, CD1 (2023) to add three new position titles: Senior Council Services Technician, Project Assignment Specialist, and Council Services Assistant (full-time); two new pay ranges; and institute an 8 percent pay increase for all pay ranges and steps;
7. **ADOPTION** of Resolution 23-117 relating to fuel tax rates for the County of Maui, effective July 1, 2023;
8. **ADOPTION** of Resolution 23-123 to suspend all provisions of Subsection 2.08.060(D), Maui County Code, for Fiscal Year 2024;
9. **ADOPTION** of Resolution 23-124 to set the pay ranges and pay steps for two Senior Council Services Technicians, one Council Services Assistant (full-time), and one Senior Accountant;
10. **REFERRAL** of Bill 27 (2023) to amend Section 3.36.100, Maui County Code, to authorize the County to reimburse grantees for expenses that pre-date the contract's execution date, if the funds are expended in the same fiscal year that the contract is encumbered, to the Budget, Finance, and Economic Development Committee;
11. **REFERRAL** of Bill 37 (2023) to amend Section 3.81.030, Maui County Code, to enable the Council to appropriate a minimum of 2 percent of the certified real property tax revenues, not to exceed \$10,000,000 in any one fiscal year to the Economic Development and Cultural Programs Revolving Fund, to the Budget, Finance, and Economic Development Committee; and
12. **REFERRAL** of Bill 38 (2023) to amend Chapter 3.34, Maui County Code, to create and fund an 'ohana assistance pilot program to offer grants of up to \$50,000 to property owners to build an accessory dwelling or second farm dwelling for permanent long-term occupancy as residential workforce housing units, to the Housing and Land Use Committee.

Government Relations, Ethics, and Transparency Committee

[CR 23-35](#) Recommending **ADOPTION** of Resolution 23-121, approving the appointment of Chase Leigh Traphagen to the Council on Aging for a term expiring March 31, 2024.

[CR 23-36](#) Recommending the following:

1. **ADOPTION** of Resolution 23-132, CD1, approving the appointments of Andrea Kimiko Kealoha and Fawn Sherie Kukuanaokala Helekahi-Burns to the Maui Planning Commission for terms expiring March 31, 2028; and
2. **ADOPTION** of Resolution 23-133, CD1, approving the appointment of Lois Prey to the Salary Commission for a term expiring March 31, 2028.

[CR 23-37](#) Recommending **ADOPTION** of Resolution 23-139, CD1, disapproving the appointment of Merritt Keo Kaufman to the Board of Ethics.

[CR 23-38](#) Recommending **ADOPTION** of Resolution 23-140, approving the appointment of David C. Weiss to the Board of Variances and Appeals for a term expiring March 31, 2027.

L. RESOLUTIONS:

[Reso 23-144](#) "ADOPTING THE WEIGHT TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JANUARY 1, 2024"

[Reso 23-145](#) "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON JUNE 21, 2022 UNDER HAWAII CIVIL RIGHTS COMMISSION NO. M-22238 AND EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 37B-2022-00168"

[Reso 23-146](#) "REQUESTING THE CONSERVATION PLANNING COMMITTEE TO REVIEW AND PROVIDE RECOMMENDATIONS ON THE ACQUISITION OF LAND FOR CONSERVATION PURPOSES"

[Reso 23-147](#) "AUTHORIZING THE ACQUISITION OF REAL PROPERTY CONSISTING OF 16,255 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-4-006:027 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$3,800,000.00 AND ACCEPTING THE DEDICATION OF TWO PARCELS OF APPROXIMATELY 2,229 SQUARE FEET IDENTIFIED AS TAX MAP KEY NOS. (2) 3-4-006:028 AND (2) 3-4-006:032 SITUATED AT WAILUKU, MAUI, HAWAII"

The purpose of this resolution is to authorize the Mayor or Mayor's duly authorized representative to execute all necessary documents relating to the acquisition of the building and property.

M. ORDINANCES:

[Bill 47 \(2023\)](#) "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, FOR ASSISTANCE WITH MEETING REPORTING REQUIREMENTS UNDER GOVERNMENT ACCOUNTING STANDARDS BOARD STATEMENT NO. 75, ACCOUNTING AND FINANCIAL REPORTING FOR POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS "

The purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement with the Office of the Auditor, State of Hawaii, to 1) conduct an audit for Fiscal Years 2023, 2024, and 2025, of the Hawaii Employer-Union Health Benefits Trust Fund to meet the reporting requirements under Governmental Accounting Standards Board Statement Number 75; and 2) authorize payment of \$4,200, \$4,300, and \$4,400 for the respective fiscal years by the County of Maui.

[Bill 48 \(2023\)](#) "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, AFFORDABLE HOUSING FUND (HALE KAIOLA PROJECT)"

The purpose of this bill is to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds for Fiscal Year 2023, as it pertains to the Affordable Housing Fund by adding an appropriation for the Hale Kaiola Project in the amount of \$131,836.

[Bill 49 \(2023\)](#) "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.100, MAUI COUNTY CODE, INSTITUTING A GENERAL EXCISE TAX SURCHARGE"

The purpose of this bill is to add a new chapter to Title 3 of the Maui County Code to establish a General Excise Tax Surcharge fund to serve as the exclusive depository of all funds received from the state director of taxation to be appropriated for housing infrastructure.

[Bill 50 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY CODE, RELATING TO THE HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND"

The purpose of this bill is provide a stable and continuing source of funding to maintain and expand existing homeowner programs and to create new programs to meet the housing opportunity needs to Maui County residents.

[Bill 51 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, RELATING TO THE AFFORDABLE HOUSING FUND"

The purpose of this bill is to provide a stable and continuing source of funding to be used for planning, administering, and constructing affordable and workforce housing projects and to provide a policy for the use of the funding.

[Bill 52 \(2023\)](#) "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, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, ACQUISITION OF 2145 KAOHU STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to amend the FY 2023 Budget by increasing the estimated revenues from the Transient Accommodations Tax by \$3,850,000 and appropriating the funds to the Department of Finance, Wailuku-Kahului Community Plan Area for the Acquisition of 2145 Kaohu Street Building and Property.

[Bill 53 \(2023\)](#) "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 FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ACQUISITION OF 2145 KAOHU STREET BUILDING AND PROPERTY"

The purpose of the bill is to allow the Department of Finance to acquire the building and property located at 2145 Kaohu Street, commonly known as the David K. Trask, Jr. building.

ORDINANCES - SECOND AND FINAL READING:

[Bill 43 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, MOLOKAI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"

The purpose of this bill is to amend Section 3.B.10.c.(2)(xx)(a), Office of the Mayor, Economic Development Program, Molokai Economic Development, Environmental, and Cultural Programs by deleting the conditional language pertaining to Ke Molokai Makahiki.

[Bill 44 \(2023\)](#) "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 POLICE"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by adding a new grant entitled "Centers for Disease Control and Prevention Grant" in the amount of \$4,125.

[Bill 45 \(2023\)](#) "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 (BUREAU OF RECLAMATION - MAUI NUI WATER CONSERVATION PLANNING PROJECT)"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by adding a new grant entitled "Bureau of Reclamation - Maui Nui Water Conservation Planning Project" for \$100,000.

[Bill 46 \(2023\)](#) "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 HOUSING AND HUMAN CONCERNS (USAGING AGING AND DISABILITY VACCINATION COLLABORATIVE)"

The purpose of this bill is to amend Appendix A, Part I, of the Fiscal Year 2023 Budget by adding a new grant entitled "USAgging Aging and Disability Vaccination Collaborative" for \$766,950.

N. 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.