



## **COUNCIL OF THE COUNTY OF MAUI**

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

Regular Meeting of July 18, 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, 8<sup>th</sup> 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](mailto: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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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](mailto: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](http://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. 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 23-28](#) COUNCILMEMBER COOK, relating to Councilmembers' report on the Lanai Pineapple Festival on July 1, 2023.

[CC 23-29](#) COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed amendment to Bill 49, CD1, FD1(2023) entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.100, MAUI COUNTY CODE, INSTITUTING A GENERAL EXCISE AND USE TAX SURCHARGE".

**2. GENERAL COMMUNICATIONS:**

NONE.

**K. COMMITTEE REPORTS:****Water and Infrastructure Committee**

[CR 23-66](#) Recommending **FIRST READING** of Bill 13, CD1(2023), to rename Puamana Beach Park, identified as tax map key (2) 4-6-033:001, located on Honoapi'ilani Highway, Lāhainā, Hawaii, to Puamana Cultural Preserve at Waiānu'ukole.

**L. RESOLUTIONS:**

[Reso 23-171](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE COUNTY TRANSIENT ACCOMMODATIONS TAX"

- [Reso 23-172](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF REVENUE FOR PUBLIC TRANSPORTATION SYSTEMS"
- [Reso 23-173](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH PAID FAMILY LEAVE FOR STATE AND COUNTY EMPLOYEES"
- [Reso 23-174](#) "APPROVING FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE COUNTY TRANSIENT ACCOMMODATIONS TAX"
- [Reso 23-175](#) "APPROVING FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE MINIMUM WAGE"
- [Reso 23-176](#) "APPROVING FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH PAID FAMILY LEAVE FOR STATE AND COUNTY EMPLOYEES"
- [Reso 23-177](#) "AUTHORIZING SETTLEMENT OF MANUEL SORCY VS. TIVOLI FAAUMU, ET AL., CIVIL NO.: 2CCV-22-0000262(4)"
- [Reso 23-178](#) "APPROVING THE APPOINTMENT OF MEGAN K. MONIZ AS LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES"
- [Reso 23-179](#) "NOMINATING AND APPROVING THE APPOINTMENT OF JONATHAN LIKEKE SCHEUER TO THE EAST MAUI REGIONAL COMMUNITY BOARD"
- [Reso 23-180](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THRILL CRAFT"
- [Reso 23-181](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO FIREARMS"
- [Reso 23-182](#) "APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMERCIAL USE OCEAN PERMITS"
- [Reso 23-183](#) "APPROVING FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO MOTORIZED WATERCRAFTS"
- [Reso 23-184](#) "APPROVING FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO FIREARMS"
- [Reso 23-185](#) "APPROVING FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMERCIAL USE OCEAN PERMITS"

**M. ORDINANCES:**

[Bill 66 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D, MAUI COUNTY CODE, RELATING TO INSPECTIONS AND TO CORRECT AN OMISSION"

*The purpose of this bill is to address inspections outside normal business hours and/or at distant locations, and to further correct a previously omitted Department of Water Supply exception for the fire flow requirements for buildings.*

[Bill 67 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS"

*The purpose of this bill is to amend Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), "Fiscal Year 2024 Budget," Appendix C - Capital Improvement Projects, by adding Office of the County Council, Wailuku-Kahului Community Plan Area, project and project description for the Office of Council Services Office Renovations in the amount of \$200,000.*

[Bill 68 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL OPERATING APPROPRIATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS"

*The purpose of this bill is to amend Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), "Fiscal Year 2024 Budget," as it relates to Section 3.A.2.a., Office of the County Council, Council Services Program, by decreasing the appropriation for Category B - Operations & Equipment and Total by \$200,000.*

**ORDINANCES - SECOND AND FINAL READING:**

[Bill 169, CD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.28, MAUI COUNTY CODE, RELATING TO AIR AND REPLICA GUNS"

*The purpose of this bill is to amend Chapter 9.28, Maui County Code, to update regulations on air guns and incorporate regulations on replica guns, similar to those for firearms.*

[Bill 18, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, RELATING TO CANDIDATES FOR BOARDS AND COMMISSIONS, CORPORATION COUNSEL, COUNTY AUDITOR, COUNTY CLERK, AND PROSECUTING ATTORNEY"

*The purpose of this bill is to implement the Charter amendment designated as Charter Commission Proposal 10, approved by the electorate at the 2022 General Election, by adding a new chapter to the Maui County Code entitled Chapter 2.01, Independent Nomination Board.*

[Bill 49, CD1, FD1 \(2023\)](#) "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 institute a general excise and use tax surcharge and establishing a general excise tax fund to serve as the exclusive depository of all funds received from the State Director of Taxation.*

**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, HAWAI'I. "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.**