



RECEIVED

2023 SEP 29 PM 4:19

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of October 6, 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 Wednesday 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. Testimony must pertain to items on 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 at (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

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:

[Reso 23-204](#) "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MICHAEL 'MIKE' A. DAVIS, SR."

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:**

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

NONE.

L. RESOLUTIONS:

[Reso 23-205](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN ALEXA JACOBS vs. CLIFTON PERREIRA, ET AL., CIVIL NO.: 2CCV-23-0000185"

[Reso 23-206](#) "URGING THE MAYOR TO EXPEDITE ASSISTANCE FOR THE PULELEHUA AFFORDABLE HOUSING PROJECT IN WEST MAUI"

[Reso 23-207](#) "RELATING TO THE APPOINTMENT OF STEPHEN TIMOTHY VAN KLEEF TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI"

[Reso 23-208](#) "RELATING TO THE APPOINTMENT OF CYNTHIA JO VAN KLEEF TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI"

[Reso 23-209](#) "APPOINTMENT OF A MEMBER TO THE CONSERVATION PLANNING COMMITTEE FOR THE COUNTY OF MAUI"

- [Reso 23-210](#) "RELATING TO THE APPOINTMENT OF ANDREA LEHUANANI COSMA TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION"
- [Reso 23-211](#) "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY FOR THE COUNTY OF MAUI"
- [Reso 23-212](#) "RELATING TO THE APPOINTMENT OF MICHAEL LOWELL WILLIAMS TO THE REAL PROPERTY TAX REVIEW BOARD"
- [Reso 23-213](#) "APPOINTMENT OF MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI"
- [Reso 23-214](#) "URGING THE MAYOR AND NEWLY CREATED OFFICE OF RECOVERY TO MAKE COUNTY-OWNED LAND AVAILABLE FOR AFFORDABLE HOUSING FOR RESIDENTS DISPLACED BY THE AUGUST 2023 WILDFIRES"
- [Reso 23-215](#) "URGING GOVERNOR GREEN TO POSTPONE THE REOPENING OF TOURISTS TO WEST MAUI ON OCTOBER 8"
- [Reso 23-216](#) "KA HO'OLALE 'ANA I KE KIA'ĀINA E HO'OMAU I KE KUMUKĀNĀWAI O KA MOKU'ĀINA O HAWAI'I NEI A ME KE KĀNĀWAI WAI O KA MOKU'ĀINA MA O KA HO'I KOKE 'ANA IĀ MARVIN KALEO MANUEL I KE KŪLANA HOPE MUA NO KA PAPA KOMIKINA WAI"
- "URGING THE GOVERNOR TO UPHOLD THE CONSTITUTION OF THE STATE OF HAWAI'I AND THE STATE WATER CODE BY IMMEDIATELY REINSTATING MARVIN KALEO MANUEL AS FIRST DEPUTY FOR THE COMMISSION ON WATER RESOURCE MANAGEMENT"

M. ORDINANCES:

- [Bill 76 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM, MAUI COUNTY WETLANDS"

The purpose of this bill is to amend the Fiscal Year 2024 Budget to update the names of the listed organizations and projects and to add an additional recipient.

- [Bill 77 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF PLANNING, GRANT TO UNIVERSITY OF HAWAI'I MAUI COLLEGE SEA GRANT"

The purpose of this bill is to amend the Fiscal Year 2024 Budget by decreasing the appropriation under Department of Planning, General - Category B by \$12,695 and increasing the appropriation for the Grant to University of Hawai'i Maui College Sea Grant by the same amount.

[Bill 88 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS"

The purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement with the U.S. Immigration and Customs Enforcement Homeland Security Investigations ("ICE") to designate MPD officers as custom officers and provide appropriate training.

[Bill 89 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)"

The purpose of this bill is to enter into a Joint Funding Agreement for Water Resource Investigations to continue its cooperative water-resource monitoring program.

[Bill 90 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.140, MAUI COUNTY CODE, RELATING TO UTILITY LINES AND FACILITIES"

[Bill 91 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, ON A REAL PROPERTY TAX EXEMPTION FOR PROPERTIES DESTROYED OR DAMAGED BY NATURAL DISASTERS"

The purpose of this bill is to exempt properties destroyed or damaged by a natural disaster on or after August 8, 2023, from real property taxation.

[Bill 92 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF MANAGEMENT, MANAGEMENT PROGRAM"

The purpose of this bill is to increase the equivalent personnel for the Department of Management, Management Program by 1.0. This position would be unfunded and would allow for the creation of a Department of Hawaiian Home Lands liaison position prior to the creation of the Department of Housing in FY 2025.

[Bill 93 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, OFFICE OF THE MAYOR"

The purpose of this bill is to amend the FY 2024 Budget to add a new grant under Office of the Mayor entitle "Coronavirus State Fiscal Recovery Fund (CSFRF) in the amount of \$12,500,000.

[Bill 94 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI"

The purpose of this bill is to amend the FY 2024 Budget, Revenues, Operating Expenses, Capital Improvement Projects, Appendix A, Part II, and Appendix C to decrease the expenses and revenues for all funds except for the Bikeway Fund.

ORDINANCES - SECOND AND FINAL READING:

[Bill 55, FD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.76, MAUI COUNTY CODE, RELATING TO ADMINISTRATIVE RULES FOR THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND"

The purpose of this bill is to amend Section 3.76.040, Maui County Code, relating to administrative rules for the Molokai Farming Cost Reimbursement Program Fund.

[Bill 85 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.230, MAUI COUNTY CODE, RELATING TO DAMAGE OR DESTRUCTION BY DISASTER"

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.