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OFFICE OF THE  
COUNTY CLERK

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

### **AMENDED AGENDA**

Regular Meeting of November 3, 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)

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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. 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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](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 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](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 PRO TEMPORE TASHA KAMA**

**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:**

NONE.

**2. GENERAL COMMUNICATIONS:**

NONE.

**K. COMMITTEE REPORTS:****Budget, Finance, and Economic Development Committee**

[CR 23-83](#) Recommending **FIRST READING** of Bill 92 (2023) to amend the Fiscal Year 2024 Budget by amending Section 3.B.9.a., Department of Management, Management Program, by increasing the equivalent personnel by 1.0, decreasing the appropriation under General - Category B (Operations and Equipment) by \$40,000, increasing the appropriation for the Grant to Maui County Veterans Council by \$40,000, and adjusting the totals accordingly.

**Government Relations, Ethics, and Transparency Committee**

[CR 23-84](#) Recommending **ADOPTION** of Resolution 23-130, authorizing settlement of Claim 4077284 of Ronald Browning, in the amount of \$18,107.70, relating to property damage in Kula.

[CR 23-85](#) Recommending **ADOPTION** of Resolution 23-109, authorizing settlement of Claim 4077471 of Joel Estrella, in the amount of \$15,000, relating to property damage in Wailuku.

- [CR 23-86](#) Recommending **ADOPTION** of Resolution 23-110, authorizing settlement of Claim 4076201 of David Williams, in the amount of \$29,046.04, relating to property damage in Kīhei.
- [CR 23-87](#) Recommending **ADOPTION** of Resolution 23-111, authorizing settlement of Claim 4080968 of Matthew Smith, in the amount of \$25,000, relating to erroneous billing for sewer fees at the claimant's property in Lāhainā.
- [CR 23-88](#) Recommending **ADOPTION** of Resolution 23-113, authorizing settlement of Claim 4076130 of Hansen Ohana Security LLC (Robert Hansen), in the amount of \$14,982.67, relating to property damage in Kīhei.
- [CR 23-89](#) Recommending **FIRST READING** of Bill 73 (2023), authorizing the Mayor to enter into a Memorandum of Agreement with the State of Hawai'i, County of Maui, County of Hawai'i, County of Kaua'i, City and County of Honolulu, and the County of Kalawao, on proceeds relating to settlement of opioid litigation.

### **Water and Infrastructure Committee**

- [CR 23-90](#) Recommending **FIRST READING** of Bill 87, CD1 (2023), to assist the Department of Transportation with implementing a paid parking system by establishing off-street paid parking zones and permit parking zones in Wailuku, establish prohibited activities for the Wailuku garage, and propose amendments to assist the Department in enforcing rules and laws on the general operation of paid and permit parking.
- [CR 23-91](#) Recommending **FIRST READING** of Bill 89 (2023), to authorize the Mayor to enter into an intergovernmental agreement with the United States Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior, to continue its cooperative water-resource monitoring program in a joint funding agreement with the Department of Water Supply.

### **L. RESOLUTIONS:**

- [Reso 23-222](#) "APPROVING DISPOSITION (PARTIAL CANCELLATION) OF WATERLINE EASEMENT"
- The purpose of this resolution is to terminate a portion of a waterline easement burdening Lot 218-A in the Maui Lani Subdivision.*
- [Reso 23-226](#) "URGING THE MAYOR TO ESTABLISH A HOUSING COORDINATOR FOR MAUI COUNTY"

**M. ORDINANCES:****Bill 103  
(2023)**

"A BILL FOR AN ORDINANCE ON THE REAL PROPERTY TAX AGRICULTURAL CLASSIFICATION AND DEDICATED LANDS FOR AGRICULTURAL USE"

*The purpose of this bill is to tier the agricultural real property tax classification and require the Director of Finance to seek assistance from the Department of Agriculture with verifying that lands dedicated to agriculture use comply with dedication requirements.*

**Bill 104  
(2023)**

"A BILL FOR AN ORDINANCE AMENDING SECTION 3.100.040, MAUI COUNTY CODE, ON USE OF THE GENERAL EXCISE TAX FUND"

*The purpose of this bill is to require that private recipients allow the County to audit their financial records.*

**Bill 105  
(2023)**

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF FIRE AND PUBLIC SAFETY"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, Department of Fire and Public Safety; State of Hawai'i, Makena Lifeguard Services by increasing the appropriated amount by \$80,001.*

**Bill 106  
(2023)**

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM; CAPITAL IMPROVEMENT PROJECTS AND APPENDIX C, DEPARTMENT OF WATER SUPPLY"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, Department of Water Supply, Administration Program by 1) decreasing the appropriation under Category B by \$400,000 and adjusting the program and operating appropriations totals accordingly; 2) adding a new Capital Improvement Project under Water Fund - Unrestricted entitled "1888 Wili Pa Loop Building Improvements" in the amount of \$400,000; and 3) amending Appendix C to add a new project and project description for 1888 Wili Pa Loop Building Improvements in the amount of \$400,000.*

**Bill 107  
(2023)**

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM AND TRAINING PROGRAM"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, Department of Fire and Public Safety, Administration Program by decreasing the equivalent personnel by 2.0 and the appropriation under Category A by \$82,884 and increasing the equivalent personnel and the appropriation under Category A for the Training Program in the same amount.*

[Bill 108](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF WATER SUPPLY"

*The purpose of this bill is to add two new categories: Emergency Water Charge and Temporary Irrigation Charge.*

[Bill 109](#)  
[\(2023\)](#)

"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 Fiscal Year 2024 Budget, Appendix A, Part I, Office of the Mayor, by increasing the appropriation for the Community Development Block Grant (CDBG) Program by \$1,478,750; deleting projects for Maui Family Support Services, Inc. and County of Maui, Department of Fire and Public Safety; adding a project for County of Maui; and adding a new appropriation for "CDBG-Coronavirus Program" in the amount of \$1,726,202 with line items for a project for County of Maui and Program Administration.*

[Bill 110](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; DEPARTMENT OF MANAGEMENT; APPENDIX A, PART I, DEPARTMENT OF MANAGEMENT; AND APPENDIX A, PART II, EMERGENCY FUND"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, by 1) decreasing the Department of Finance, Countywide Costs, Emergency Fund, by \$20,603,895; 2) adding a new program under Department of Management entitled "Office of Recovery"; 3) adding a new grant entitled "Private Donations" in the amount of \$200,000; 4) decreasing the appropriation in Appendix A, Part II, Emergency Fund in the amount of \$20,603,895, and adjusting the totals accordingly, and adding new conditional language for a Lahaina Wildfire Final Disposition Site and Department of Fire and Public Safety.*

[Bill 111](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.100, MAUI COUNTY CODE, RELATING TO GENERAL EXCISE AND USE TAX SURCHARGE"

*The purpose of this bill is to allocate 80 percent of all funds received from the general excise tax and use surcharge to the general excise tax fund; 2) establish a new Section 3.100.021 entitled "General excise tax fund - Department of Hawaiian Home Lands" and allocating 20 percent of all funds received from the general excise tax and use surcharge; and 3) amend Section 3.100.040, Maui County Code to delete Subsection (C), and add the general excise tax fund - Department of Hawaiian Home Lands to the final section.*

[Bill 112](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; AND APPENDIX A, PART II, GENERAL EXCISE TAX FUND AND GENERAL EXCISE TAX FUND - DEPARTMENT OF HAWAIIAN HOME LANDS"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, by 1) adding "General Excise Tax" to the section entitled "From Taxes, Fees and Assessments" in the amount of \$20,000,000 and increasing the total accordingly; 2) adding two appropriations under Department of Finance, Countywide Costs; 3) revising the reference in Section 14 of the General Budget Provisions; and 4) adding the General Excise Tax Fund with conditional language for three projects.*

[Bill 113](#)  
[\(2023\)](#)

"A BILL FOR AN ORDINANCE AMENDING SUBSECTION 2.96.100(B), MAUI COUNTY CODE, RELATING TO THE ELIGIBILITY CRITERIA FOR RENTAL RESIDENTIAL WORKFORCE HOUSING UNITS"

*The purpose of this bill is to expand eligibility to individuals or families displaced by an emergency under Chapter 127A, HRS; or those who are income and asset qualified but held a disqualifying interest in real property within the last three years.*

**ORDINANCES - SECOND AND FINAL READING:**

[Bill No. 66,](#)  
[CD1, FD1](#)  
[\(2023\)](#)

"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 allow for fire inspections on commercial activities conducted outside normal business hours or at distant locations to be charged a fee, and to correct a previously omitted Department of Water Supply exception for building fire flow requirements for first and second dwellings.*

**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.**