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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Meeting of February 28, 2024
9:00 a.m.

Meeting Site: Online via Teams: <http://tinyurl.com/2p9zhjr2>

Phone testimony: 1-808-977-4067, code 234 794 559#

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

COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES:

East Maui: Hāna Cultural Center & Museum, 4974 Uakea Road, Hāna, (808) 248-7513

South Maui: MEDB Building, 1304 North Holopono St., Ste. 9, Kihei, (808) 793-0012

Moloka'i: Moloka'i District Complex, 100 Ainoa Street, Kaunakakai, (808) 553-3888

Lāna'i: 841 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.

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: county.clerk@mauicounty.us

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER TOM COOK

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 24-7](#) BUDGET DIRECTOR, transmitting a proposed amendment to Bill 39 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES AND DEPARTMENT OF MANAGEMENT, OFFICE OF RECOVERY".

2. GENERAL COMMUNICATIONS:

NONE.

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

[CR 24-19](#) Recommending **FILING** of Bill 8 (2024), to amend the Fiscal Year 2024 Budget by amending Section 3.B.10.a, Office of the Mayor, Administration Program by 1) deleting under (4). Environmental Protection, the conditional language that up to \$600,000 to be used for watershed management planning and implementation by Maui Environmental Consulting, Inc. (MEC) or Central Maui Soil and Water Conservation District and renumbering the subsequent conditions accordingly; 2) deleting the \$200,000 appropriation for Ho'ahu Energy Co-op Molokai and renumbering the subsequent appropriations accordingly; and 3) adding a new appropriation entitled "Maui Family Young Men's Christian Association" in the amount of \$200,000.

[CR 24-20](#) Recommending **FIRST READING** of Bill 136 (2023) to amend the Fiscal Year 2024 Budget by: 1) amending Section 3.B.10.a.(1) by reducing Category A - Salaries and Total appropriations by \$223,290; and 2) amending Section 3.B by adding a new appropriation for the East Maui Water Authority, Administration Program, for 3.0 equivalent personnel, and adding a Category A - Salaries appropriation of \$223,290 and a Total appropriation of \$223,290.

[CR 24-21](#) Recommending **FIRST READING** of Bill 9, CD1 (2024) to amend the Fiscal Year 2024 Budget, by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund by \$800,000; 2) amending Section 4.D.3., Department of Parks and Recreation, Kīhei-Makena Community Plan Area, by adding "a. Parks and Recreation" before "(1) General Fund" and adding a new appropriation under General Fund entitled "Kīhei Community Center Improvements" in the amount of \$800,000; 3) adjusting the totals accordingly; and 4) amending Appendix C - Capital Improvement Projects, Department of Parks and Recreation, Kīhei-Makena Community Plan Area by adding a new project and project description entitled "Kīhei Community Center Improvements" in the amount of \$800,000.

[CR 24-22](#)

Recommending the following:

1. **FIRST READING** of Bill 13, CD1 (2024) to amend the Fiscal Year 2024 Budget, by: 1) amending Section 2, Estimated Revenues, by increasing Bond/Lapsed Bond by \$2,020,000; 2) amending Section 4.G., Department of Transportation, by adding a new appropriation for Wailuku-Kahului Community Plan Area, Government Facilities, entitled "Transportation Baseyard Facility" in the amount of \$2,020,000; 3) adjusting the totals accordingly; and 4) amending Appendix C - Capital Improvement Projects, Department of Transportation, Wailuku-Kahului Community Plan Area, by increasing the appropriation for the Transportation Baseyard Facility by \$2,020,000; and
2. **FIRST READING** of Bill 14, CD1 (2024) to amend the Fiscal Year 2024 general obligation bond authorization ordinance by adding a new appropriation of \$2,020,000 for "Transportation Baseyard Facility," for the Department of Transportation, Wailuku-Kahului Community Plan Area, Government Facilities.

[CR 24-23](#)

Recommending the following:

1. **FIRST READING** of Bill 17, CD1 (2024) to amend the Fiscal Year 2024 Budget, by: 1) amending Section 2, Estimated Revenues, by increasing Bond/Lapsed Bond by \$2,914,000; 2) amending Section 4.D.4.a., Department of Parks and Recreation, Lānaʻi Community Plan Area, Parks and Recreation, by adding a new appropriation under Bond Fund, entitled "Lānaʻi Youth Center and Skate Park" in the amount of \$2,914,000; 3) adjusting the totals accordingly; and 4) amending Appendix C - Capital Improvement Projects, Department of Parks and Recreation, Lānaʻi Community Plan Area, by adding a new project and project description, entitled "Lānaʻi Youth Center and Skate Park" in the amount of \$2,914,000; and
2. **FIRST READING** of Bill 18, CD1 (2024) to amend the Fiscal Year 2024 general obligation bond authorization ordinance by adding a new appropriation of \$2,914,000 for "Lānaʻi Youth Center and Skate Park," for the Department of Parks and Recreation, Lānaʻi Community Plan Area.

[CR 24-24](#)

Recommending **FIRST READING** of Bill 19, CD1 (2024) to amend the Fiscal Year 2024 Budget, by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund by \$510,500; 2) amending Section 4.D., Department of Parks and Recreation, by adding a new appropriation for Pāʻia-Haʻikū Community Plan Area, Parks and Recreation, General Fund, entitled "Lower Pāʻia Park Parking Lot" in the amount of \$510,500; 3) adjusting the totals accordingly; and 4) amending Appendix C - Capital Improvement Projects, Department of Parks and Recreation, by adding a new project and project description for the Pāʻia-Haʻikū Community Plan Area, entitled "Lower Pāʻia Park Parking Lot," in the amount of \$510,500.

Government Relations, Ethics, and Transparency Committee

[CR 24-25](#) Recommending **ADOPTION** of Resolution 24-15, CD1, to approve the appointments of Viola Kauakea Diego (East Maui) and Kilia Waiomina Ilona Purdy-Avelino (Molokai) to the Independent Nomination Board.

[CR 24-26](#) Recommending **ADOPTION** of Resolution 24-10, approving the Mayor's appointment of Kate Blystone as Planning Director.

[CR 24-27](#) Recommending **ADOPTION** of Resolution 23-242, CD1, authorizing settlement of various 2023 wildfire claims involving death or serious bodily injury.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Water and Infrastructure Committee

[CR 24-28](#) Recommending **FIRST READING** of Bill 21, CD1(2024), to amend Chapter 16.25, Maui County Code, by: 1) consolidating the permits administered by the Department of Public Works into the modified application, which include electrical, plumbing, driveway, and grading permits; 2) including commercial properties in the modified application; 3) expanding the scope of repair work under the modified application, including the repair of damaged structures that can still be occupied, the reconstruction of previously existing structures within or exceeding the previous building footprint, and the construction of new dwellings, accessory dwellings, and commercial structures to the extent permitted by zoning restrictions and building codes; 4) allowing for the bypassing of agency reviews, except when reviews are necessary for non-conforming structures, commercial structures, and lots with more than two dwellings; 5) extending the approval of a modified application to 15 days to provide additional review time for the Department to reduce the risk and burden on property owners; 6) deferring permit fees for residential structures until the final inspection; and 7) allowing the reissuance of permits for recently built structures within the past five years.

L. RESOLUTIONS:

[Reso 24-46](#) "AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT"

[Reso 24-47](#) "AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI, TO ENTER INTO A WATER SOURCE DEVELOPMENT AGREEMENT WITH FREE MARKET VENTURES, LLC., PURSUANT TO CHAPTER 14.01, MAUI COUNTY CODE"

[Reso 24-48](#) "AUTHORIZING THE GRANT OF REAL PROPERTY TO HALE MAKUA HEALTH SERVICES"

[Reso 24-49](#) "PROPOSING AN AMENDMENT TO ARTICLE 13 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW REAPPOINTMENT OF BOARD OF ETHICS MEMBERS FOR ONE SUCCESSIVE TERM"

[Reso 24-50](#) "AUTHORIZING THE COUNCIL CHAIR TO ISSUE A REQUEST FOR PROPOSALS AND CONTRACT FOR THE PREPARATION OF A ROAD AND PUBLIC INFRASTRUCTURE MASTER PLAN CONSISTENT WITH THE WEST MAUI COMMUNITY PLAN FOR THE WILDFIRE-AFFECTED AREAS IN WEST MAUI"

M. ORDINANCES:

[Bill 41 \(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE RELATED TO THE KULANIHAKOI STREAM SEDIMENT REMOVAL EMERGENCY WATERSHED PROTECTION PROJECT"

[Bill 42 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF 'FARM' AND 'FARM LABOR DWELLING' IN THE COMPREHENSIVE ZONING ORDINANCE"

[Bill 43 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF PUBLIC WORKS PRIVATE DONATIONS"

The purpose of this bill is to amend the Fiscal Year 2024 Budget to add a new appropriation for Private Donations in the amount of \$11,000 for the Department of Public Works.

ORDINANCES - SECOND AND FINAL READING:

[Bill 137, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA"

The purpose of the proposed bill is to 1) increase Bond/Lapsed Bond and Total Estimated Revenues by \$3,630,048; 2) amend Capital Improvement Projects, Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, Parks and Recreation, by adding a new appropriation under Bond Fund entitled "War Memorial Football Stadium and Track Rehabilitation" in the amount of \$3,630,048 and increase the Total Capital Improvement Project Appropriations and Total Appropriations by the same amount; and 3) amend Appendix C, Department of Parks and Recreation, Wailuku Community Plan Area, by adding a new project and project description for "War Memorial Football Stadium and Track Rehabilitation" in the amount of \$3,630,048.

[Bill 138, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 5530 (2023), RELATING TO THE ISSUANCE, SALE, AND DELIVERY OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (DEPARTMENT OF PARKS AND RECREATION)"

The purpose of this bill is to amend Ordinance 5530, to add a new appropriation under the Department of Parks and Recreation for "War Memorial Football Stadium and Track Rehabilitation" in the amount of \$3,630,048.

[Bill 1, CD1 \(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY) REGARDING A DESIGN AGREEMENT FOR THE IAO STREAM, MAUI, HAWAII - FLOOD RISK MANAGEMENT PROJECT"

[Bill 2 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF FIRE AND PUBLIC SAFETY, FEES - FIRE - PERMIT INSPECTION, ETC."

The purpose of this bill is to amend the Fiscal Year 2024 Budget, Appendix B, Revenues - Fees, Rates, Assessments and Taxes, Department of Fire and Public Safety, General Fund, Fees - Fire - Permit Inspection, etc., to add a reimbursement fee for any additional cost incurred for inspections on commercial activities outside normal business hours or at distant locations, including Hāna, Molokai, and Lānaʻi.

[Bill 4 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2024, AFFORDABLE HOUSING FUND"

The purpose of this bill is to add new conditional language under the Affordable Housing Fund to read as follows: "Up to \$4,929,088 must be for a grant to Aina Lani Pacific, LLC for on-site infrastructure for the Kilohana Makai project at TMK (2) 3-9-004:141, Kihei, Maui, Hawai'i".

[Bill 5, CD1 \(2024\)](#) "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 1) delete the overall appropriation of \$1,829,334; 2) delete Maui Family Support Services, Inc.'s Exterior Rehabilitation of MFSS Building project and the County of Maui, Department of Fire and Public Safety's Lanaʻi Fire Tanker project; 3) insert an appropriation of \$296,554 for Ka Hale A Ke Ola Homeless Resource Centers, Inc.'s Phase 4, Building 4 project; 4) insert an appropriation of \$365,867 for Community Development Block Grant (CDBG) Program Administration; and 5) add a new Affordable Rental Housing for Kupuna project for the County of Maui with an appropriation of \$2,645,663.

[Bill 38 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES AND EMERGENCY MANAGEMENT AGENCY"

The purpose of this bill is to amend the Fiscal Year 2024 Budget to 1) increase Carryover/Savings, General Fund and Total Estimated Revenues by \$12,500,000; 2) amend Emergency Management Agency to increase Category B - Operations & Equipment and Total by \$12,500,000; and 3) increase the Total Operating Appropriations and Total Appropriations by \$12,500,000.

[Bill 39 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES AND DEPARTMENT OF MANAGEMENT, OFFICE OF RECOVERY"

The purpose of this bill is to amend the Fiscal Year 2024 Budget to 1) increase Carryover/Savings, General Fund and Total Estimated Revenues by \$8,000,000; 2) amend Department of Management, Office of Recovery to increase Category B - Operations & Equipment and Total by \$8,000,000; and 3) increase the Total Operating Appropriations and Total Appropriations by \$8,000,000.

N. UNFINISHED BUSINESS:

NONE.

BOARD PACKETS, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

ORAL TESTIMONY. For more information on testifying, please visit <https://www.mauicounty.us/teams/>

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.

In the meeting controls at the top of the Teams screen, select **RAISE YOUR HAND**. Staff will add your name to the testifier list and will lower your hand. You may check your place in line by accessing the Testifier Log, with the link posted in Chat. When it is your turn to testify, staff will call your name and will allow you to unmute your video and microphone. State your name, if you choose to do so, and also identify the item number(s) on which you wish to testify.

To testify via phone, please call in to the phone number and enter the meeting ID noted on the first page of this agenda. Follow the instructions provided on the call to raise your hand to be added to the testifier list. When it is your turn to testify, the Clerk will call the last four digits of the testifier's phone number. You will be able to unmute yourself when called to testify.

Each testifier will 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 meeting participant wishes to testify anonymously, log in to the meeting with "anonymous" as your name and virtually raise your hand as described above.

DECORUM. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Council members, be ejected or banned from Council meetings. If participating remotely, participants may be muted or dropped from the meeting for breaking decorum. Examples of disruptive behavior include, but are not limited to: heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, staff, or general public. Use of the chat feature is restricted to County use only. It shall be

considered a breach of decorum for members of the public to use the Chat.

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.

INTERRUPTION IN VIDEO/AUDIO. This meeting is being conducted in accordance with Section 92-3.7, HRS. 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 Teams connectivity affecting quorum is lost, Council will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the Teams 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 a.m., using the same virtual connections, unless the Council announces a different date and time.

If any Courtesy Testimony Site loses its connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from that site.

If Akakū prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will include archived meeting videos.

DISABILITY ACCESS. Anyone requesting an auxiliary aid or service or other accommodation due to a disability should contact the County Clerk as soon as possible prior to the meeting date at (808) 270-7748 or county.clerk@mauicounty.us and allow for adequate time to fulfill the request.