



RECEIVED

2024 MAR -1 PM 3:13

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Meeting of March 8, 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:**

VICE-CHAIR YUKI LEI SUGIMURA

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 24-29](#)**

Recommending **FIRST READING** of Bill 34, CD1 (2024) to amend the Fiscal Year 2024 Budget, Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds for Fiscal Year 2024, Affordable Housing Fund, by adding a new condition to read as follows: "Up to \$10,000,000 must be for a grant to Catholic Charities Housing Development Corporation for the Hale Pilina project. The Hale Pilina project will include 18 units at or below 30 percent of the AMI, 18 units at or below 50 percent of the

AMI, 142 units at or below 60 percent of the AMI, and one unit for an onsite manager. The affordability period is 61 years. TMK (2) 3-7-013:026 located at 150 South Pu'unene Avenue, Kahului, Maui, Hawai'i."

[CR 24-30](#)

Recommending **FIRST READING** of Bill 35, CD1(2024) to amend the Fiscal Year 2024 Budget, Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving /Special Funds for Fiscal Year 2024, Affordable Housing Fund, by deleting the conditional language for Ka Hale A Ke Ola Homeless Resource Centers, Inc. and the Kuikahi Village Workforce Housing Project, and adding new appropriations for loans for the Aikanaha Project Phases I and II, located in Waikapu Country Town east of Honoapi'ilani Highway, Wailuku, Maui, Hawai'i.

[CR 24-31](#)

Recommending **FIRST READING** of Bill 6, CD1(2024) to authorize the Mayor to enter into an intergovernmental agreement with University of Hawaii for support and implementation of the Hawaii Broadband Equity, Access, and Deployment Program.

L. RESOLUTIONS:

[Reso 24-51](#)

"AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF THE PROSECUTING ATTORNEY, FISCAL YEAR 2024 BUDGET"

[Reso 24-52](#)

"AUTHORIZING THE ACQUISITION OF A CONDOMINIUM UNIT IDENTIFIED AS TAX MAP KEY NO. (2) 4-3-010:011:0101 LOCATED IN LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$530,000.00"

[Reso 24-53](#)

"AUTHORIZING THE ACQUISITION OF A CONDOMINIUM UNIT IDENTIFIED AS TAX MAP KEY NO. (2) 3-4-039:050:0017 LOCATED IN WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$440,000.00"

[Reso 24-54](#)

"AUTHORIZING THE ACQUISITION OF A CONDOMINIUM UNIT IDENTIFIED AS TAX MAP KEY NO. (2) 3-9-004:134:0109 LOCATED IN KIHEI, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$625,000.00"

[Reso 24-55](#)

"URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPAIR THE MA'ALAEA SMALL BOAT HARBOR RAMP"

[Reso 24-56](#)

"ACCEPTING A DONATION OF \$11,000 FROM THE AMERICAN PUBLIC WORKS ASSOCIATION TO HELP THE DEPARTMENT OF PUBLIC WORKS IN THE COUNTY'S RECOVERY FROM THE AUGUST 8, 2023, WILDFIRES"

[Reso 24-57](#)

"AUTHORIZING PROCEEDINGS IN CONDEMNATION BY EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS KNOWN AS LOT 1-B, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION FOR PHASE VI EXPANSION OPERATIONS"

M. ORDINANCES:

[Bill 44 \(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, REGARDING A LONG-TERM GROUND LEASE FOR 175 EAST LIPOA STREET, KIHAI, MAUI, HAWAII"

The purpose of this bill is to authorize the Mayor to execute the Memorandum of Agreement, Ground Lease, and Regulatory Agreement and Declaration of Restrictive Covenants for 175 E. Lipoa Street, Kihei, Hawaii.

[Bill 45 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF THE PROSECUTING ATTORNEY, OFFICE FOR VICTIMS OF CRIME"

The purpose of this bill is to add a new grant appropriation entitled "Office for Victims of Crime (OVC)" in the amount of \$5,000.

[Bill 46 \(2024\)](#) "A BILL FOR AN ORDINANCE ESTABLISHING AN ASH DEBRIS TRANSPORTATION FUND"

The purpose of this bill is to add a new Chapter 3.60, Ash Debris Transportation Fund.

[Bill 47 \(2024\)](#) "A BILL FOR AN ORDINANCE REQUIRING CERTAIN BUSINESSES TO MAINTAIN NALOXONE ON THEIR PREMISES"

The purpose of this bill is to add a new Chapter 5.32, Naloxone at Certain Licensed Liquor Establishments.

[Bill 48 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, COUNTYWIDE; AND APPENDIX C, DEPARTMENT OF WATER SUPPLY, COUNTYWIDE"

The purpose of this bill is to amend the Fiscal Year ("FY") 2024 Budget to 1) increase Other Intergovernmental and Total Estimated Revenues by \$1,502,403; 2) amend Capital Improvement Projects, Department of Water Supply, Countywide, by adding a new appropriation for State Revolving Loan Fund entitled "Lead and Copper Rule Revision Compliance" in the amount of \$1,502,403 and increase the Total Capital Improvement Project Appropriations and Total Appropriations by the same amount; and 3) amend Appendix C, Department of Water Supply, Countywide, by adding a new project and project description entitled "Lead and Copper Rule Revision Compliance" in the amount of \$1,502,403.

[Bill 49 \(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER STATE REVOLVING FUND FOR LEAD AND COPPER RULE REVISION COMPLIANCE, FISCAL YEAR 2024 BUDGET ORDINANCE"

The purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement to finance lead and copper rule revision compliance, with funds not to exceed \$1,502,403.

ORDINANCES - SECOND AND FINAL READING:

[Bill 136 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM; AND EAST MAUI WATER AUTHORITY"

The purpose of this bill is 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.

[Bill 9, CD1 \(2024\)](#) "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, KĪHEI-MAKENA COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF PARKS AND RECREATION, KĪHEI-MAKENA COMMUNITY PLAN AREA"

The purpose of this bill is 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 i 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.

[Bill 13, CD1 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA"

The purpose of this bill is 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.

[Bill 14, CD1](#)
[\(2024\)](#)

"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 TRANSPORTATION)"

The purpose of this bill is 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.

[Bill 17, CD1](#)
[\(2024\)](#)

"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, LĀNA'I COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF PARKS AND RECREATION, LĀNA'I COMMUNITY PLAN AREA"

The purpose of this bill is 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, Lāna'i Community Plan Area, Parks and Recreation, by adding a new appropriation under Bond Fund, entitled "Lāna'i 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, Lāna'i Community Plan Area, by adding a new project and project description, entitled "Lāna'i Youth Center and Skate Park" in the amount of \$2,914,000.

[Bill 18, CD1](#)
[\(2024\)](#)

"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 the Fiscal Year 2024 general obligation bond authorization ordinance by adding a new appropriation of \$2,914,000 for "Lāna'i Youth Center and Skate Park," for the Department of Parks and Recreation, Lāna'i Community Plan Area.

[Bill 19, CD1](#)
[\(2024\)](#)

"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, PĀ'IA-HA'IKŪ COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF PARKS AND RECREATION, PĀ'IA-HA'IKŪ COMMUNITY PLAN AREA"

The purpose of this bill is 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 Pā'ia-Ha'ikū Community Plan Area, Parks and Recreation, General Fund, entitled "Lower Pā'ia 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 Pā'ia-Ha'ikū Community Plan Area, entitled "Lower Pā'ia Park Parking Lot," in the amount of \$510,500.

Bill 21, CD1
(2024)

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY CODE, RELATING TO EMERGENCY BUILDING PERMITS"

The purpose of this bill is 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.

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.

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.