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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of June 7, 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 Community Center, 5091 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: 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 TAMARA PALTIN

C. **PLEDGE OF ALLEGIANCE**

D. **TESTIMONY ON CEREMONIAL RESOLUTIONS**

E. **CEREMONIAL RESOLUTIONS:**

[Reso 24-104](#) "CONGRATULATING PRINCIPAL TONATA LOLESIO OF SACRED HEARTS SCHOOL IN LAHAINA FOR RECEIVING THE 'LEAD. LEARN. PROCLAIM.' AWARD"

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 24-51](#)

Recommending the following:

1. **ADOPTION** of Resolution 24-69 to authorize the acquisition of a one-bedroom, one-bathroom unit on the first floor of the Maui Lani Terraces condominium project, consisting of approximately 530 square feet, located at 3740 Lower Honoapi'ilani Road, Unit D-105, Lahaina, Maui, Hawai'i, for \$430,000, exclusive of closing costs and expenses, for affordable rental housing for kūpuna displaced by the August 2023 Maui wildfires; and
2. **ADOPTION** of Resolution 24-70 to authorize the acquisition of a one-bedroom, one-bathroom unit on the second floor of the Maui Lani Terraces condominium project, consisting of approximately 530 square feet, located at 3740 Lower Honoapi'ilani Road, Unit C-206, Lahaina, Maui, Hawai'i, for \$460,000, exclusive of closing costs and expenses, for affordable rental housing for kūpuna displaced by the August 2023 Maui wildfires.

[CR 24-52](#)

Recommending **FIRST READING** of Bill 57, CD1 (2024) to amend the Fiscal Year 2024 Budget, Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2024, for the Department of Housing and Human Concerns, by adding a new appropriation entitled "American Rescue Plan Act of 2021 - Homeowner Assistance Fund" in the amount of \$16,425,000.

[CR 24-53](#)

Recommending **FIRST READING** of Bill 85 (2024) to amend Section 3.48.810, Maui County Code, effective August 1, 2024, to: 1) increase the circuit breaker tax credit maximum amount to \$8,200; 2) increase the maximum household qualifying income limit to \$126,000; and 3) adjust the schedule setting the amount of tax credit received based on the homeowner's gross building assessed value, which includes increasing the maximum value eligible to receive 100 percent of the credit to \$1,000,000.

Government Relations, Ethics, and Transparency Committee[CR 24-54](#)

Recommending **ADOPTION** of Resolution 24-83, CD1, to disapprove the Mayor's appointment of Maria Zielinski as the Director of Finance to accommodate her request for withdrawal.

[CR 24-55](#)

Recommending **FIRST READING** of Bill 51 (2024) to authorize the Mayor to enter into an intergovernmental agreement between the County of Maui's Department of Police and the State of Hawai'i's Department of Health to provide access to data from reports related to violent deaths occurring in Maui County.

[CR 24-56](#) Recommending **FIRST READING** of Bill 79 (2024) to authorize the Mayor to enter into a Consent Agreement and Final Order with the United States Environmental Protection Agency to settle alleged violations related to the Safe Drinking Water Act.

Housing and Land Use Committee

[CR 24-57](#) Recommending **ADOPTION** of Resolution 24-94, CD1 (2024), further amending Resolution 18-150 to approve revisions to the affordable workforce housing project by Waikapu Development Venture LLC and to extend the deadline for completion of the construction of 80 residential workforce housing units.

[CR 24-58](#) Recommending **FIRST READING** of Bill 71 (2024), amending Section 19.30A.050, Maui County Code, to expand the allowable size of one of two farm dwellings per lot in the Agricultural District, from 1,000 to 1,500 square feet of developable area, on Maui and Lānaʻi.

L. RESOLUTIONS:

[Reso 24-98](#) "REAPPOINTING VINCE WILLIAM RAZO TO THE COMMISSION ON HEALING SOLUTIONS FOR THE HOMELESSNESS"

[Reso 24-101](#) "AUTHORIZING ACCEPTANCE OF THE DONATION OF JET SKIS AND TRAILERS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"

[Reso 24-102](#) "AUTHORIZING ACCEPTANCE OF THE DONATION OF GYM EQUIPMENT TO THE MAUI POLICE DEPARTMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"

[Reso 24-105](#) "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN CHELSIE EVANS, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF TRE' PU'UWAILA'AHIAOLOPAKAAMELEHUA-NANI EVANS-DUMARAN, DECEASED, VS. SCOTT MARTIN, CIVIL NO. 2CCV-24-0000034."

[Reso 24-106](#) "URGING THE MAYOR TO ACQUIRE FOR THE COUNTY A ROADWAY REMNANT PORTION OF KENOLIO ROAD IN KIHEI, MAUI, HAWAI'I VIA NEGOTIATION OR LITIGATION"

[Reso 24-107](#) "CELEBRATING THE 13TH FESTIVAL OF PACIFIC ARTS AND CULTURE HOSTED BY HAWAI'I, JUNE 6 - 16, 2024"

[Reso 24-108](#) "RESCINDING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS MADE BY RESOLUTION ON MARCH 22, 2024"

[Reso 24-109](#) "APPOINTMENTS TO THE BOARD OF ETHICS, BOARD OF WATER SUPPLY, CONSERVATION PLANNING COMMITTEE, COST OF GOVERNMENT COMMISSION, COUNCIL ON AGING, FIRE AND PUBLIC SAFETY COMMISSION, LIQUOR CONTROL COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, MAUI PLANNING COMMISSION, MAUI REDEVELOPMENT AGENCY, MOLOKAI PLANNING COMMISSION, PAIA-HAIKU ADVISORY COMMITTEE, SOUTH MAUI ADVISORY COMMITTEE, PUBLIC WORKS COMMISSION, AND URBAN DESIGN REVIEW BOARD"

M. ORDINANCES:

[Bill 96 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY CODE, ON PERMIT EXEMPTIONS FOR SHIPPING CONTAINERS"

[Bill 97 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, MAINTENANCE COSTS FOR THE HAGGAI INSTITUTE; APPENDIX A, PART II, AFFORDABLE HOUSING FUND, HAGGAI INSTITUTE FACILITY"

[Bill 98 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.18B, 16.20C, AND 16.25, MAUI COUNTY CODE, ON MANUFACTURED AND MODULAR HOMES"

ORDINANCES - SECOND AND FINAL READING:

[Bill 86 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.38, MAUI COUNTY CODE, RELATING TO ADMINISTRATION OF THE HAWAIIAN CULTURAL RESTORATION REVOLVING FUND"

The purpose of this bill is to establish the Director of 'Ōiwi Resources as administrator of the Hawaiian Cultural Restoration Revolving Fund.

[Bill 88 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; GENERAL BUDGET PROVISIONS; 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 \$28,825,741 and increasing the total accordingly; 2) adding two new appropriations under Department of Finance, Countywide Costs, entitled "Transfer to the General Excise Tax Fund" in the amount of \$23,068,593 and "Transfer to the General Excise Tax Fund - Department of Hawaiian Home Lands" in the amount of \$5,767,148; and adding the General Excise Tax Fund and the General Excise Tax Fund - Department of Hawaiian Home Lands to Appendix A, Part II.

[Bill 89 \(2024\)](#) "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, AIKANAHA PHASES I AND II"

The purpose of this bill is to amend the Fiscal Year 2024 Budget, Appendix A, Part II, Affordable Housing Fund, conditions 13 and 14, by deleting "Pacific Development Group, Inc." and inserting "Aikanaha Partners LP."

[Bill 90 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS FOR BUSINESS DEVELOPMENT AND TECHNOLOGY, LAHAINA TOWN ACTION COMMITTEE; GRANTS AND DISBURSEMENTS FOR CULTURE, ARTS, AND TOURISM"

The purpose of this bill is to amend the Fiscal Year 2024 Budget, to increase the appropriation for the Lahaina Town Action Committee by \$10,000 and to delete the appropriation for Lahaina Boat Day.

[Bill 91 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX C, CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY CLERK, WAILUKU-KAHULUI COMMUNITY PLAN AREA"

The purpose of this bill is to amend the Fiscal Year 2024 Budget, Appendix C, Capital Improvement Projects, Office of the County Clerk, Wailuku-Kahului Community Plan Area, Clerk's Office Renovations to clearly state the renovations that will take place.

[Bill 92 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE MAYOR, COUNTYWIDE; AND APPENDIX C, OFFICE OF THE MAYOR, COUNTYWIDE"

The purpose of this bill is to amend the Fiscal Year 2024 Budget, by 1) adding "Other Revenue Source" in the amount of \$29,927,529; 2) adding a new appropriation to Capital Improvement Projects "Johnson Controls Energy Performance Contract" in the amount of \$29,927,529; and 3) amending Appendix C to add a new project and project description for Office of the Mayor, Countywide entitled "Johnson Controls Energy Performance Contract" in the amount of \$29,927,529.

[Bill 94 \(2024\)](#) "A BILL FOR AN ORDINANCE TO AMEND THE MAUI COUNTY CODE TO UPDATE REFERENCES IN RESPONSE TO 2022 CHARTER COMMISSION PROPOSAL 1, ESTABLISHING THE DEPARTMENT OF HOUSING AND DEPARTMENT OF HUMAN CONCERNS"

[Bill 95, FD1 \(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.33, MAUI COUNTY CODE, 'VEHICULAR TRAFFIC PROHIBITED,' RELATING TO HOLOMUA ROAD"

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.