

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of January 15, 2021

9:00 AM

**Meeting Site:**

Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

**Remote Testimony Sites:**

None.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and  
livestreamed on <https://mauicounty.legistar.com>

website: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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**ORAL OR WRITTEN TESTIMONY**

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

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>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. They will be able to view the remainder of the meeting on Akaku Channel 53 or on <https://mauicounty.legistar.com/>. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference is lost, the meeting will still continue. Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk (808-270-7748) prior to the meeting.

If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

**A. ROLL CALL**

**B. OPENING REMARKS:**

**COUNCIL CHAIR ALICE L. LEE**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

[Reso](#)

"CONGRATULATING THE WINNERS OF THE INAUGURAL 'IMI PONO CHALLENGE'"

**F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****G. MINUTES:**

[M-201110](#) Regular Meeting of November 10, 2020

[M-201120](#) Regular Meeting of November 20, 2020

**H. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 21-1](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending December 2020.

[CC 21-2](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award of additional funds related to the CARES Act from the U.S. Department of Housing & Urban Development for the Section 8 Housing Choice Voucher Program in the amount of \$789,655.

[CC 21-3](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the Matson Foundation, in the amount of \$1,000.

[CC 21-4](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the U.S. Department of Housing and Urban Development, for the Family Self Sufficiency Coordinator Grant, in the amount of \$43,135.

[CC 21-5](#) DIRECTOR OF PARKS AND RECREATION, transmitting the quarterly report regarding Fiscal Year 2020 Countywide Park Facilities for the period of October 1, 2020 through December 31, 2020.

[CC 21-6](#) DIRECTOR OF FINANCE, transmitting the annual report of all acquisitions made, and conveyances accepted, for calendar year 2020.

[CC 21-7](#) DIRECTOR OF FINANCE, transmitting 76 contracts/grants for the month of November 2020.

[CC 21-8](#) DIRECTOR OF FINANCE, transmitting 190 contracts/grants for the month of December 2020.

[CC 21-9](#) MAYOR, informing of the appointment of Jake Musson to the Maui County Arborist Committee.

[CC 21-10](#) MAYOR, informing of a vacancy on the Kula Agricultural Park Committee due to the resignation of Kylie Tavares.

[CC 21-11](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-2", Panaewa Tract No.3, Lot 5, TMK: (2) 4-6-010:012 POR.

[CC 21-12](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline

Easement "S-1", Hale Koa Tract, Lot 36, TMK: (2) 3-4-040:024 POR.

[CC 21-13](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "A-1", Ikena Avenue Relocation Subdivision, Lot 17, TMK: (2) 4-5-034:064 POR.

[CC 21-14](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "6", Dairy Village Subdivision, Lot D-5, TMK: (2) 3-8-010:077 POR.

[CC 21-15](#) DIRECTOR OF FINANCE, informing of the acceptance of Roadway/Road Widening Lot 134-A-3, Hale Piilani Subdivision, TMK: (2) 3-8-004:028 POR.

[CC 21-16](#) COUNCIL CHAIR LEE, relating to the referral of various matters from the 2019-2021 Council to the Council Chair for the term beginning January 2, 2021.

[CC 21-17](#) COUNCIL CHAIR LEE, relating to affordable housing projects under Chapter 201H, Hawaii Revised Statutes.

[CC 21-18](#) COUNCIL CHAIR LEE, relating to affordable housing projects under Chapter 2.97, Maui County Code.

[CC 21-19](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to Amendments to Chapter 2.96, Maui County Code.

[CC 21-20](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Housing Division, Department of Housing and Human Concerns.

[CC 21-21](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to the Department of Water Supply Water Rate Study.

[CC 21-22](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Water Supply.

[CC 21-23](#) BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND, COUNTYWIDE FEDERAL AID PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE (COUNTYWIDE FEDERAL AID PROGRAM)"; and
3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING

TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS - COUNTYWIDE FEDERAL AID PROGRAM)".

- [CC 21-24](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (HAMAKUALOA OPEN SPACE PRESERVE)".
- [CC 21-25](#) DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of November 30, 2020.
- [CC 21-26](#) DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00".
- [CC 21-27](#) COUNCIL CHAIR LEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE COUNTY CLERK, (STATE OF HAWAII, ACT 136, SLH 2019)".
- [CC 21-28](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to OpenGov comprehensive budgeting, performance, communication, and reporting software.
- [CC 21-29](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to County Property Tax Reform.
- [CC 21-30](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Fiscal Year 2022 Budget.
- [CC 21-31](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Fiscal Monitoring of Grants and Grant Reporting.
- [CC 21-32](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the County Auditor.
- [CC 21-33](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Community Development Block Grant Program.
- [CC 21-34](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Finance.
- [CC 21-35](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Office of Economic Development.

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- [CC 21-36](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Maui County Emergency Management Agency.
- [CC 21-37](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Environmental Protection and Sustainability Division.
- [CC 21-38](#) MAYOR, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF KATHRYN GHEAN TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI".
- [CC 21-39](#) COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF TAMBARA GARRICK TO THE SALARY COMMISSION".
- [CC 21-40](#) COUNCIL CHAIR LEE, relating to Illegal Fireworks.
- [CC 21-41](#) COUNCIL CHAIR LEE, relating to the appointment and removal of administrative heads of departments.
- [CC 21-42](#) COUNCIL CHAIR LEE, relating to the nominations to boards, committees, and commissions.
- [CC 21-43](#) COUNCIL CHAIR LEE, relating to the Hawaii State Association of Counties.
- [CC 21-44](#) COUNCIL CHAIR LEE, relating to the Maui County Council Legislative Package.
- [CC 21-45](#) COUNCIL CHAIR LEE, relating to amendments to the Revised Charter of the County of Maui (1983), as amended.
- [CC 21-46](#) COUNCIL CHAIR LEE, relating to litigation, claims, and demands, including requests for settlement authority, indemnification, employment of and compensation for special counsel, and status updates.
- [CC 21-47](#) COUNCIL CHAIR LEE, relating to the Council's appointments to the Charter Commission.
- [CC 21-48](#) COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF A COUNCILMEMBER AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE".
- [CC 21-49](#) COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF A COUNCILMEMBER AS A MEMBER OF THE CONSERVATION PLANNING COMMITTEE".
- [CC 21-50](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Office of Council Services.
- [CC 21-51](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Office of the County Clerk.
- [CC 21-52](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Office of the Mayor, excluding the Office of Economic Development and the Community Development Block Program.
- [CC 21-53](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and

Budgetary Review of the Department of the Corporation Counsel.

- [CC 21-54](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Management.
- [CC 21-55](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Fire and Public Safety.
- [CC 21-56](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Police.
- [CC 21-57](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Liquor Control.
- [CC 21-58](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Personnel Services.
- [CC 21-59](#) COUNCILMEMBER PALTIN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.14, MAUI COUNTY CODE, RELATING TO PRE-SIGNED RESIGNATION LETTERS FOR ADMINISTRATIVE HEADS OF DEPARTMENTS".
- [CC 21-60](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Kaunoha Senior Services Leisure/Wellness Program.
- [CC 21-61](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Housing and Human Concerns, excluding the Housing Division.
- [CC 21-62](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Parks and Recreation.
- [CC 21-63](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Environmental Management, excluding the Environmental Protection and Sustainability Division.
- [CC 21-64](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Transportation.
- [CC 21-65](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Public Works.
- [CC 21-66](#) COUNCIL VICE CHAIR RAWLINS-FERNANDEZ, relating to Operational and Budgetary Review of the Department of Planning.
- [CC 21-67](#) PLANNING DIRECTOR, transmitting the Maui and Lanai Planning Commissions' recommendations on and the Planning Department's proposed revisions to a proposed bill to reduce the number of short-term rental permits allowed in Section 19.65.030, Maui County Code.
- [CC 21-68](#) PLANNING DIRECTOR, transmitting the 2020 Annual Status Report on the Implementation of the Countywide Policy Plan and the Maui Island Plan.
- [CC 21-69](#) PLANNING DIRECTOR, transmitting the 2020 Annual Status Report on the Implementation of the Maui County Community Plans.
- [CC 21-70](#) COUNCILMEMBER PALTIN, relating to the West Maui Community Plan.

**2. GENERAL COMMUNICATIONS:**

[GC 21-1](#) LAUREN ARMSTRONG, MAUI METROPOLITAN PLANNING ORGANIZATION, submitting Maui MPO's annual report, on activities conducted from July 1, 2019 to June 30, 2020.

[GC 21-2](#) PAUL CHENG, MAUI OCEANVIEW LP., submitting a compliance report pursuant to Condition Zoning No. 17 of Ordinance No. 3889, concerning the current status of compliance with the conditions of change of zoning approval since the change in ownership.

**I. COMMITTEE REPORTS:**

NONE.

**J. RESOLUTIONS:**

NONE.

**K. ORDINANCES - SECOND AND FINAL READING:**

[Bill 136](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, AFFORDABLE HOUSING FUND (KAHOMA RESIDENTIAL SUBDIVISION)"

[Bill 137](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, KAHULUI FIRE STATION APPARATUS SHELTER; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

[Bill 138](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FIRE AND PUBLIC SAFETY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, (KAHULUI FIRE STATION APPARATUS SHELTER)"

[Bill 139](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FIRE AND PUBLIC SAFETY - KAHULUI FIRE STATION APPARATUS SHELTER)"

[Bill 140](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, FINANCIAL SERVICES PROGRAM; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND DIVISION OF MOTOR VEHICLES AND LICENSING (DMVL) - PUKALANI



SATELLITE OFFICE RENOVATION; TOTAL OPERATING APPROPRIATIONS;  
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;"

[Bill 141](#)  
[\(2020\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, DIVISION OF MOTOR VEHICLE AND LICENSING (DMVL) - PUKALANI SATELLITE OFFICE RENOVATION"

[Bill 142](#)  
[\(2020\)](#)

"A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY"

**L. UNFINISHED BUSINESS:**

**NONE.**

**"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, 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.**

**INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO REQUIRE AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.**