

# Council of the County of Maui

## A G E N D A

Regular Meeting of February 5, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

**NONE.**

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

[M-201204](#) Regular Meeting of December 4, 2020

[M-201218](#) Regular Meeting of December 18, 2020

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

[CC 21-71](#) DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for November 2020 for all registered well reporters in the County of Maui.

[CC 21-72](#) MAYOR, informing of a vacancy on the Maui Planning Commission due to the resignation of Lawrence Carnicelli.

[CC 21-73](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-1", Affecting Lot 8 & 4-foot wide remnant lot of Burns Tract, TMK: (2) 3-4-025:026 POR.

[CC 21-74](#) COUNCILMEMBER PALTIN, relating to Councilmembers' report on the Kuleana Academy's Maui County Council Panel held on January 10, 2021.

[CC 21-75](#) COUNCILMEMBER KING, relating to Councilmembers' report on the COVID-19 Town Hall meeting on January 11, 2021.

[CC 21-76](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ALTERNATES FOR THE 2021 CALENDAR YEAR".

[CC 21-77](#) CHAIR, GOVERNMENT RELATIONS, ETHIC, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF SCOTT PARKER TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI".

[CC 21-78](#) COUNCILMEMBER JOHNSON, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES".

[CC 21-79](#) 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 December 31, 2020.

[CC 21-80](#) DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of December 31, 2020.

[CC 21-81](#) DIRECTOR OF FINANCE, transmitting the Short-Term Investment Report as of December 31, 2020 (Fiscal Year 2021 Second Quarter).

- [CC 21-82](#) ECONOMIC DEVELOPMENT DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.76, MAUI COUNTY CODE, CREATING THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND".
- [CC 21-83](#) COUNTY AUDITOR, transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2020 and 2019, submitted by N&K CPAs, Inc.
- [CC 21-84](#) COUNTY AUDITOR, transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2020, submitted by N&K CPAs, Inc.
- [CC 21-85](#) BUDGET DIRECTOR, 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 MAYOR, CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT".
- [CC 21-86](#) BUDGET DIRECTOR, 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, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 - EMERGENCY RENTAL ASSISTANCE".
- [CC 21-87](#) BUDGET DIRECTOR, 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, DEPARTMENT OF TRANSPORTATION, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) SECTION 5307 URBANIZED AREA APPORTIONMENTS, CORONAVIRUS REPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) SECTION 5311 RURAL AREA APPORTIONMENTS".
- [CC 21-88](#) BUDGET DIRECTOR, transmitting the Budget Implementation Report as of December 31, 2020 (Fiscal Year 2021 Second Quarter).

[CC 21-89](#)

CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting the following:

1. County Communication 21-26, from the 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";
2. Correspondence dated January 26, 2021, from the Director of Finance, transmitting a revised 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", and an appraisal report dated October 16, 2020, prepared by Fukuda Valuation and Consulting LLC; and
3. Correspondence dated January 25, 2021, from the 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 FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; 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 FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY"; 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 FINANCE - ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".

[CC 21-90](#)

COUNCIL VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ, relating to amendments to Capital Improvement Projects for Fiscal Year 2021.

[CC 21-91](#)

COUNCILMEMBER MOLINA, relating to Regulating Rental Camping and Recreational Vehicles.

[CC 21-92](#)

COUNCILMEMBER KING, relating to operational and budgetary review of the Climate Change, Sustainability, and Resilience Office.

- [CC 21-93](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM, EMPHASIZING QUALITY OVER QUANTITY".
- [CC 21-94](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "SUPPORTING LEGALIZING, REGULATING, AND TAXING RESPONSIBLE, ADULT-USE CANNABIS".
- [CC 21-95](#) COUNCIL CHAIR LEE, relating to a lease of State property located at TMK: 3-1-004:005, Kahakuloa, Hawaii, by Ahupua`a O Kahakuloa for a distance learning center.
- [CC 21-96](#) COUNCILMEMBER SUGIMURA, relating to solid waste to energy conversion as it pertains to projects within the Department of Environmental Management.
- [CC 21-97](#) COUNCILMEMBER MOLINA, relating to the Review, Assessment and Audit of the Zoning Administration and Enforcement Division of the Department of Planning.

## **2. GENERAL COMMUNICATIONS:**

- [GC 21-3](#) BRYAN K. ESMERALDA, MUNEKIYO HIRAGA, submitting a document entitled "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA", on behalf of Makena Golf & Beach Club Owners, in accordance with Condition 22 of Ordinance 3613.
- [GC 21-4](#) YUKINO UCHIYAMA, MUNEKIYO HIRAGA, submitting a document entitled "CHANGE IN ZONING ANNUAL COMPLIANCE REPORT FOR PARCEL H-2 (LOT 19) (TMK NO. (2) 2-1-005:085)", on behalf of H2R, LLC, in accordance with Condition 22 of Ordinance 3613.

### **I. COMMITTEE REPORTS:**

NONE.

### **J. RESOLUTIONS:**

NONE.

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

- [Bill 142 \(2020\), Draft](#) "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY"

[1](#)

[Bill 1 \(2021\)](#) "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)"

[Bill 2 \(2021\)](#) "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)"

**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.