

# **Council of the County of Maui**

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

of August 6, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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:**

**COUNCILMEMBER KELLY T. KING**

**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:**

[M-210507](#) Regular Meeting of May 7, 2021

**I. ACTION ON THE CONSENT CALENDAR****COUNTY COMMUNICATIONS:**

[CC 21-372](#) MANAGING DIRECTOR, transmitting the Fiscal Year 2021 Capital Improvement Project status reports, Fourth Quarter.

[CC 21-373](#) PROSECUTING ATTORNEY, transmitting a copy of Administrative Directive No. 19-01 from the State of Hawaii, Department of Budget and Finance, authorizing the County of Maui to be reimbursed for allowable expenses incurred by the witnesses and defendants in criminal proceedings in the amount of \$50,000.

[CC 21-374](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting copies of the notices of grant awards from the State of Hawaii, Executive Chambers of the Governor, for the American Rescue Plan Act of 2021, totaling \$810,000.

[CC 21-375](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "A", 471 Lihi Street, Lot 1, Puuone Tract Unit 1, Wailuku, TMK: (2) 3-8-037:001 POR.

[CC 21-376](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement 612, Wailea Community Association, Lot 625, Map 71 Land Court Application 1804, TMK: (2) 2-1-008:129.

**J. COUNTY COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 21-377](#) MAYOR, notifying of his veto of Bill No. 60 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS".

*With reference to this agenda item, the Council may reconsider the vote upon the bill and may override the Mayor's veto as provided for in Subsection 4-3.1 of the Revised Charter of the County of Maui (1983), as amended.*

- [CC 21-378](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO MODIFY THE REQUIREMENTS OF CHAPTER 2.96, MAUI COUNTY CODE, IN RELATION TO THE COUNTY'S PURCHASE OPTIONS, AND APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE, FOR THE LILOA HALE SENIOR RENTAL HOUSING PROJECT".
- [CC 21-379](#) CHAIR, COST OF GOVERNMENT COMMISSION, transmitting the Cost of Government Commission's Report on Wildfire Prevention and Cost Recovery on Maui, dated July 2021.
- [CC 21-380](#) BUDGET DIRECTOR, transmitting the Budget Implementation Report as of June 30, 2021 (Fiscal Year 2021 Fourth Quarter).
- [CC 21-381](#) 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 June 30, 2021.
- [CC 21-382](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, AFFORDABLE HOUSING FUND (HALE O PIIKEA II)".
- [CC 21-383](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, AFFORDABLE HOUSING FUND (LILOA HALE PROJECT)".
- [CC 21-384](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM (RE-TREE HAWAII)".
- [CC 21-385](#) CHAIR, MAUI POLICE COMMISSION, providing comments on Ordinance No. 5174, Bill No. 142 (2020), entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY".
- [CC 21-386](#) COUNCILMEMBER KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.28.050 AND 2.28.080, MAUI COUNTY CODE, RELATING TO ALTERNATES FOR ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".
- [CC 21-387](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII TO PROVIDE LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF MAUI".
- [CC 21-388](#) COUNCILMEMBER KING, relating to Commercial Ocean Recreational Activity permits and other commercial activity at County beach parks.

- [CC 21-389](#) COUNCILMEMBER KAMA, relating to Commercial Ocean Recreational Activity permit management and administrative rules.
- [CC 21-390](#) MAYOR, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF VARIOUS SCHOOL SUPPLIES FROM IAN SMITH TO THE COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- [CC 21-391](#) MAYOR, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF VARIOUS SCHOOL SUPPLIES FROM THE STABLE ROAD FOUNDATION TO THE COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- [CC 21-392](#) COUNCILMEMBER MOLINA, relating to impacts of and solutions to noxious uses at the Makawao Baseyard affecting residential neighborhoods, including idling large machinery and installation of a security gate.
- [CC 21-393](#) COUNCILMEMBER SUGIMURA, relating to well development and other water infrastructure.
- [CC 21-394](#) COUNCILMEMBER SUGIMURA, relating to U.S. Department of Transportation RAISE grants for County infrastructure.
- [CC 21-395](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "URGING THE MAYOR TO CONTINUE FOCUSED COLLABORATION WITH THE COUNCIL ON IMPROVING THE COUNTY'S WASTEWATER SYSTEM".
- [CC 21-396](#) PLANNING DIRECTOR, transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of June 30, 2021.

## **2. GENERAL COMMUNICATIONS:**

NONE.

## **K. COMMITTEE REPORTS:**

### **Agriculture and Public Trust Committee**

[CR 21-55](#) Recommending the following:

Recommending **ADOPTION** of resolution to extend the deadline for the Council to adopt the Maui Island Water Use and Development Plan from September 30, 2021 to December 31, 2021.

### **Climate Action, Resilience, and Environment Committee**

[CR 21-56](#) Recommending the following:

1. **FIRST READING** of bill establishing Chapter 2.50, Maui County Code, determining the categories of pesticide and fertilizer allowed for use on County property; and
2. **FILING** of communication.

**Government Relations, Ethics, and Transparency Committee**

[CR 21-57](#) Recommending **ADOPTION** of resolution approving the appointment of Kaleialoha Moss to the Molokai Planning Commission, for a term expiring on March 31, 2022.

[CR 21-58](#) Recommending **ADOPTION** of resolution approving the appointment of Scott Hansen to the Commission on Healing Solutions for Homelessness, for a term expiring on March 31, 2024.

**Human Concerns and Parks Committee**

[CR 21-59](#) Recommending **FILING** of communication relating to Grant G4876-2, between the County of Maui and Maui In-Line Hockey Association, for improvements to Kalama Park Inline Skating Rink, Kihei.

**L. RESOLUTIONS:**

**NONE.**

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

[Bill 64 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.60.030, MAUI COUNTY CODE, RELATING TO HOTEL USE AND DEVELOPMENT STANDARDS IN THE NAPILI BAY CIVIC IMPROVEMENT DISTRICT (LAHAINA)"

[Bill 65 \(2021\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT AMENDING THE MEMORANDUM OF AGREEMENT FOR LIFEGUARD SERVICES BETWEEN THE STATE OF HAWAII AND THE COUNTY OF MAUI FOR MAKENA BEACH PARK"

[Bill 66 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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, EMERGENCY MANAGEMENT AGENCY (HAZARD MITIGATION GRANT PROGRAM (HMGP))"

[Bill 67 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, PROHIBITING THE SALE, RENTAL, AND DISTRIBUTION OF DISPOSABLE BODYBOARDS"

[Bill 68 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.26, MAUI COUNTY CODE, RESTRICTING THE USE AND SALE OF FOAM COOLERS"

[Bill 69 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.65.030, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOME PERMITS"

**N. 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.**

**THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.**