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**COUNCIL OF THE COUNTY OF MAUI**

2022 APR 29 PM 4:11

**A G E N D A**

Regular Meeting of May 6, 2022  
9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

Meeting Site:

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

In Person Testimony and Viewing:

Council Chamber, Kalana O Maui Building, 8<sup>th</sup> Floor, 200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:

Akakū – Maui Community Media, Channel 53

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

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

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**OFFICIAL TESTIMONY LOCATIONS**

Members of the public may view the meeting and provide testimony in person at the following location:  
Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

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>.

Written testimony may be submitted by e-mail to [county.clerk@mauicounty.us](mailto: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 must be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony must be received by 12:00 noon on the business day preceding the meeting.

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.

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**COURTESY TESTIMONY SITES – COUNCIL DISTRICT OFFICES**

East Maui  
Hāna Cultural Center & Museum  
4974 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

West Maui  
Old Lahaina Center  
845 Wainee Street, Ste. 205, Lahaina  
(808) 856-0123

Lāna'i  
Lāna'i Community Center  
8th Street, 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](http://mauicounty.us) for more information.

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### TESTIMONY PROCEDURES

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.

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. Individuals wanting to view the remainder of the meeting may do so on Akaku Channel 53 or at [mauicounty.legistar.com](http://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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER YUKI LEI SUGIMURA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-112 "CONGRATULATING LIANA FERREIRA AND JAHLIA MIGUEL OF H.P. BALDWIN HIGH SCHOOL, MIKAH LABUANAN OF KAMEHAMEHA SCHOOLS MAUI, AND CATHERINE ASAMI AND TEANI MEDEIROS-MAIELUA OF LAHAINALUNA HIGH SCHOOL FOR WINNING STATE TITLES AT THE 2022 TEXACO/HHSAA STATE WRESTLING CHAMPIONSHIP"

NO. 22-113 "RECOGNIZING MAY 5, 2022, AS INTERNATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

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

- NO. 22-103 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2022-2023 certification of the net taxable real property valuation for the County of Maui.
- NO. 22-104 - MANAGING DIRECTOR, transmitting the Fiscal Year 2022 3<sup>rd</sup> Quarter CIP Reports.
- NO. 22-105 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of March 31, 2022.
- NO. 22-106 - CHAIR, SALARY COMMISSION, relating to salary increases for the Mayor, Council Chair, and Councilmembers.
- NO. 22-107 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Susan Pu.
- NO. 22-108 - MAYOR, informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Emily Spenser.

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

- NO. 22-109 - ACTING DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for February 2022 for all registered well reporters in the County of Maui.
- NO. 22-110 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2022 Fund as of March 31, 2022.
- NO. 22-111 - BUDGET DIRECTOR, transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2022, from January 1, 2022 to March 31, 2022.
- NO. 22-112 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of March 31, 2022 (Fiscal Year 2022 Third Quarter).

**K. COMMITTEE REPORTS:**

NONE.

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**L. RESOLUTIONS:**

- NO. 22-86 "APPROVING THE APPOINTMENT OF HELENE KAU AS THE DIRECTOR OF WATER SUPPLY"
- NO. 22-108 "AUTHORIZING ACCEPTANCE OF THE DONATION OF ONE AUTONOMOUSLY CONTROLLED AERIAL VEHICLE FROM THE MAUI POLICE FOUNDATION TO THE DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 13.04A, MAUI COUNTY CODE"
- NO. 22-109 "AUTHORIZING SETTLEMENT OF DONALD S. GUZMAN V. COUNTY OF MAUI, ET AL., CIVIL NO. 21-00202 DKW-RT"
- NO. 22-110 "AUTHORIZING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC, PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS AND NON-PROFIT ORGANIZATIONS"
- NO. 22-111 "APPROVAL OF COST ITEMS FOR BARGAINING UNIT 02, SUPERVISORY, BLUE-COLLAR EMPLOYEES"
- NO. 22-114 "AUTHORIZING SETTLEMENT OF LYNCH, DONNA V. KA HALE A KE OLA HOMELESS RESOURCE CENTERS, INC.; ET AL., CASE 09-21-5673-8"
- NO. 22-115 "APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE-COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, SUPERVISORY WHITE-COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4, AND PROFESSIONAL AND SCIENTIFIC EMPLOYEES EXCLUDED FROM BARGAINING UNIT 13"
- NO. 22-116 "APPROVING COST ITEMS FOR BARGAINING UNIT 3, NON-SUPERVISORY WHITE-COLLAR EMPLOYEES, BARGAINING UNIT 4, SUPERVISORY WHITE-COLLAR EMPLOYEES, AND BARGAINING UNIT 13, PROFESSIONAL AND SCIENTIFIC EMPLOYEES"
- NO. 22-117 "AMENDING RESOLUTION 18-210 AND AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2"
- NO. 22-118 "APPROVING THE FISCAL YEAR 2023 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES"
- NO. 22-119 "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH THE EAST MAUI COMMUNITY WATER AUTHORITY"

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**L. RESOLUTIONS (continued):**

NO. 22-120 "DISAPPROVING THE APPOINTMENT OF HELENE KAU AS THE DIRECTOR OF WATER SUPPLY"

NO. 22-121 "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS"

NO. 22-122 "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS"

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

NONE.

**N. BILLS:**

BILL NO. 79 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.06A.080, MAUI COUNTY CODE, RELATING TO EXEMPTIONS FOR AGRICULTURAL WATER CONSUMERS FROM RESTRICTIONS OR MANDATES DURING WATER SHORTAGES"

BILL NO. 80 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS RELATED TO THE ACQUISITION OF A LICENSE FOR ACCESS, BUFFER, AND PARKING FOR THE UALAPU'E FIRE STATION, KAUNAKAKAI, HAWAII"

BILL NO. 81 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.45, MAUI COUNTY CODE, ADOPTING A ZERO WASTE PLAN"

BILL NO. 82 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE M-2 HEAVY INDUSTRIAL DISTRICT"

BILL NO. 83 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE, TO ESTABLISH A CATEGORY OF WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS"

BILL NO. 84 (2022) - "A BILL FOR AN ORDINANCE TO AMEND THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES"

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**N. BILLS (continued):**

BILL NO. 85 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT"

BILL NO. 86 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT"

BILL NO. 87 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, OPERATING BUDGET - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE"

BILL NO. 88 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO LAND CLASSIFIED AND USED FOR AGRICULTURE"

**O. BILLS - SECOND AND FINAL READING:**

BILL NO. 30 (2022) - "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 (KILOHANA MAKAI PROJECT (WELA STREET EXTENSION))"

BILL NO. 35 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, 60 SOUTH CHURCH STREET BUILDING RENOVATIONS"

BILL NO. 36, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT - 60 SOUTH CHURCH STREET BUILDING RENOVATIONS)"

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**O. BILLS - SECOND AND FINAL READING (continued):**

- BILL NO. 37 (2022) - "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI"
- BILL NO. 38, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, 60 SOUTH CHURCH STREET BUILDING RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 59, CD1, FD1 (2022) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.20B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.20C, MAUI COUNTY CODE, RELATING TO THE PLUMBING CODE"
- BILL NO. 76 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, FERAL ANIMAL RELIEF AND RECOVERY GRANT PROGRAM FOR FARMERS AND RANCHERS TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 77 (2022) - "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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA))"
- BILL NO. 78 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA))"

P. UNFINISHED BUSINESS:

COMMUNICATIONS:

NO. 22-98 - PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed amendment to Bill 39, CD1 (2022), entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING".

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.*

RESOLUTIONS:

NO. 22-78 "AUTHORIZING SETTLEMENT OF LYNCH, DONNA V. KA HALE A KE OLA HOMELESS RESOURCE CENTERS, INC.; ET AL., CASE 09-21-5673-8"

BILLS - SECOND AND FINAL READING:

BILL NO. 39, CD1 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING"

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.*

BILL NO. 40 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, ELECTRIC GUN DEALER LICENSE"

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.*



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**NOTE:** "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, STE. 708, 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](http://MAUICOUNTY.LEGISTAR.COM).**

**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 THE BLUEJEANS 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 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.**

**IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.**

**ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR [COUNTY.CLERK@MAUICOUNTY.US](mailto:COUNTY.CLERK@MAUICOUNTY.US).**