

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of July 1, 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, 8th 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

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, 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.

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 for more information.

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. 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.

- A. ROLL CALL
- B. OPENING REMARKS: COUNCILMEMBER GABE JOHNSON
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTIONS
- E. CEREMONIAL RESOLUTIONS:
- F. SET THE CONSENT CALENDAR
- G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
- H. MINUTES:
Regular Meeting of April 1, 2022
- I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NO. 22-148 - DIRECTOR OF FINANCE, informing of the acceptance of a Roadway Lot and a Road Widening Lot, Pueo Hill Subdivision, Lots 382 & 383, TMK: (2) 2-3-022:144 & 145.

NO. 22-149 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program in the amount of \$1,868,193.

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

NO. 22-150 - DIRECTOR OF FINANCE, transmitting 85 contracts/grants for May 2022.

NO. 22-151 - COUNCILMEMBER SINENCI, transmitting a proposed amendment to Resolution 22-119, CD1, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI COUNTY COMMUNITY WATER AUTHORITY AND AN EAST MAUI COMMUNITY REGIONAL BOARD".

NO. 22-152 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting a proposed amendment to Resolution 22-121, entitled "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS".

NO. 22-153 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting a proposed amendment to Resolution 22-122, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS".

NO. 22-154 - CHAIR, CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE, transmitting a proposed amendment to Bill 21, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING".

NO. 22-155 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for April 2022 for all registered well reporters in the County of Maui.

K. COMMITTEE REPORTS:

NO. 22-55 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of Resolution 22-165, to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be further amended, effective January 2, 2023, to establish a County policy to promote climate change adaptation, including the implementation of guidelines to allow telework and alternative work schedules for certain County employees.

K. COMMITTEE REPORTS (continued):**NO. 22-56 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **FIRST READING** of Resolution 22-119, CD1, to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be further amended, effective January 2, 2023, to establish an East Maui Community Water Authority and an East Maui Community Regional Board.

NO. 22-57 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of Resolution 22-144, CD1, to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be further amended, effective July 1, 2023, to establish planning commissions for all community plan areas on Maui, and dissolve the Maui Planning Commission.

NO. 22-58 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of Bill 65 (2022), to authorize the Mayor or his authorized representative to execute the management right-of-entry permit agreement for the parcel identified as tax map key (2) 3-9-004:001 (por.), located in Keawakapu, Kamaole, Maui, Hawai'i.

NO. 22-59 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of Bill 92, CD1 (2022), to establish a County residency requirement for board, commission, and committee members.

NO. 22-60 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of Resolution 22-149, referring to the Maui Planning Commission proposed bills to amend the KThei-Makena Community Plan land use designation from Hotel to MF Multi-Family and Open Space, and a Change in Zoning from H-1 Hotel District and H-2 Hotel District to A-1 Apartment District for the Wailea Point Village.

L. RESOLUTIONS:

NO. 22-111 "APPROVAL OF COST ITEMS FOR BARGAINING UNIT 02, SUPERVISORY, BLUE-COLLAR EMPLOYEES"

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"

L. RESOLUTIONS (continued):

- 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. 22-121 "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS"
- NO. 22-122 "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS"
- NO. 22-128 "RELATING TO THE APPOINTMENT OF RANDON ALIKA SANCHES TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-129 "RELATING TO THE APPOINTMENT OF POERAVA U'ILANI TEHIVA TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-160 "AUTHORIZING SETTLEMENT OF CLAIM NO. 4056092 OF CRAIG CLOVE"
- NO. 22-161 "AUTHORIZING SETTLEMENT OF RONDA SMYTHE AND LIANA P. KANNO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00056 LEK-RT AND ALISHA N.K. CONSTANTINO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00316 LEK-RT"
- NO. 22-162 "AUTHORIZING THE PURCHASE OF LĀHAINA CROSSROADS APARTMENTS AT 767 LUAKINI STREET, LĀHAINA, MAUI, HAWAII"
- NO. 22-163 "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATIONS TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2023"
- NO. 22-164 "AMENDING RESOLUTION 20-123 TO INCLUDE DEADLINES FOR THE COMMENCEMENT AND COMPLETION OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE"
- NO. 22-166 "URGING THE DEPARTMENT OF POLICE AND THE DEPARTMENT OF THE PROSECUTING ATTORNEY TO WORK WITH THE STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE ENFORCEMENT ACTION AGAINST UNAUTHORIZED CAMPING ON UNENCUMBERED PUBLIC LANDS"
- NO. 22-167 "AUTHORIZING SETTLEMENT OF VIRGINIA A. CHAPMAN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-18-01109"
- NO. 22-168 "SUPPORTING OUR KEIKI, WAHINE, AND 'OHANA IN RESPONSE TO THE SUPREME COURT VOTE ON OVERTURNING ROE V. WADE"

M. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

N. BILLS:

NO. 111 (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 HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE COUNTYWIDE RESIDENTIAL CESSPOOL CONVERSION PROGRAM"

O. BILLS - SECOND AND FINAL READING:

NO. 67 (2022) - "A BILL FOR AN ORDINANCE FOR A CHANGE IN ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT KAUKANAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049"

P. UNFINISHED BUSINESS:**COMMITTEE REPORTS:**

NO. 22-47 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 21, CD1 (2022) to regulate all outdoor lighting fixtures, including swimming and decorative pool lighting, to be light emitting diode fixtures that are down directed, fully shielded, and mounted as low as physically possible to limit light trespass and reflection off ground surfaces to protect native Hawaiian seabirds from becoming disoriented by artificial light; and
2. **FILING** of communication.

NO. 22-52 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of Bill 82 (2022) relating to Apartments in the M-2 Heavy Industrial District.

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.

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.