



The County of Maui

Council Chamber
200 South High Street, 8th
Floor
Wailuku, Hawaii 96793

Legislation Details (With Text)

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On agenda: 12/7/2022 **Final action:**

Title: NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2023, IN ACCORDANCE WITH RULE 22 OF THE RULES OF THE COUNCIL

Sponsors:

Indexes:

Code sections:

Attachments: 1. Committee Report 12-1214 (Recommitted), 2. County Communication 20-357, 3. County Communication 12-133, 4. County Communication 19-330, 5. Miscellaneous Communication 02-21-2020, 6. County Communication 18-166, 7. County Communication 17-79, 8. Miscellaneous Communication 05-22-2017, 9. County Communication 17-135, 10. County Communication 20-361, 11. County Communication 17-132, 12. County Communication 15-50, 13. County Communication 06-160, 14. County Communication 18-356, 15. County Communication 19-81, 16. County Communication 20-364, 17. County Communication 19-175, 18. County Communication 21-22, 19. Miscellaneous Communication 03-19-2021, 20. County Communication 19-341, 21. County Communication 20-62, 22. County Communication 20-63, 23. County Communication 20-66, 24. Miscellaneous Communication 01-10-2022, 25. County Communication 20-104, 26. County Communication 19-348, 27. County Communication 19-452, 28. Bill 17 (2022), 29. Miscellaneous Communication 02-07-2022, 30. County Communication 20-349, 31. County Communication 20-351, 32. County Communication 20-363, 33. Miscellaneous Communication 07-13-2020, 34. Bill 53 (2022), 35. Bill 55 (2022), 36. Bill 79 (2022), 37. Bill 83 (2022), 38. Bill 104 (2022)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

NOTE: THE COMMITTEE MAY RECOMMEND THE FOLLOWING COMMUNICATIONS BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2023, IN ACCORDANCE WITH RULE 22 OF THE RULES OF THE COUNCIL

HEALTH OF MAUI COUNTY FARMERS (APT-4)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 07/10/2020 | CC 20-357 | Council Chair Alice L. Lee, relating to maintaining the health of Maui County's farmers so they can continue to supply agricultural products to Maui County's people. |

LANAI WATER ADVISORY COMMITTEE (APT-5)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 06/15/2012 | CC 12-133 | Chair of the Board of Water Supply, transmitting the Board of Water Supply's recommendations on proposed bill establishing a Lanai Water Advisory Committee |

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|----------------|
|----------------------|------------------|----------------|

11/02/2012 CR 12-124 Water Resources Committee, recommending the following:

1. FIRST READING of bill amending Title 2, Maui County Code, establishing the LWAC; and
2. FILING of communication. (Recommitted)

ACQUISITION OF REAL PROPERTY FROM THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY (APT-6)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 08/09/2019 | CC 19-330 | Director of Water Supply, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY (LICENSES) FROM THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY AND OTHER EXISTING AND PROPOSED WATER INFRASTRUCTURE IN MAHINAHINA AND HONOKOWAI, MAUI, HAWAII." |

DEPARTMENT OF WATER SUPPLY STRATEGIC PLAN, PHASE II (CONTRACT WC1027; HARRIS AND ASSOCIATES INC.) (APT-8)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 02/21/2020 | MISC | County Clerk, reporting that on 02/21/2020, the Council referred Contract WC1027 for professional services, between the County and Harris and Associates Inc., for Phase II Development of a Strategic Plan for the Water Resources and Planning Division, Department of Water Supply, Sole Source 20-21. |

SUSTAINABILITY AND RESTORATION OF TRADITIONAL HAWAIIAN FISHPONDS (APT-9)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 05/04/2018 | CC 18-166 | Councilmember Elle Cochran, referring the matter relating to the implementation of Section 8-15.3(4) of the Revised Charter of the County of Maui (1983), as amended, as it relates to the sustainability and restoration of traditional Hawaiian fishponds. |

WATERSHED MANAGEMENT AND PROTECTION (APT-12)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 02/03/2017 | CC 17-79 | Alika Atay, Chair, Water Resources Committee, relating to watershed management. |

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 05/19/2017 | MISC | County Clerk, reporting that on 05/19/2017, the Council referred the matter relating to the status of grants under the Department of Water Supply and benchmarks for grantee performance. |

HAWAIIAN CULTURAL RESTORATION (APT-13)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 03/10/2017 | CC 17-135 | Councilmember Don S. Guzman, referring the matter relating to Hawaiian Cultural Restoration. |

ADDITIONAL WATER FIXTURES FOR COMMERCIAL FARM PROPERTY (APT-14)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 07/10/2020 | CC 20-361 | Council Chair Alice L. Lee, relating to the Department of Water Supply's policy prohibiting farm property that is considered commercial from purchasing extra fixtures. |

IMPORTANT AGRICULTURAL LANDS (APT-15)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 03/10/2017 | CC 17-132 | Councilmember Yuki Lei K. Sugimura, relating to the "Designation of Important Agricultural Lands." |

WELLHEAD PROTECTION OVERLAY DISTRICT (APT-16)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 02/06/2015 | CC 15-50 | Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT." |

ACCESS THROUGH THE HANS MICHEL PROPERTY FOR MAINTENANCE AND OPERATION OF KANAHA VALLEY STREAM (APT-18)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 05/26/2006 | CC 06-160 | Councilmember Jo Anne Johnson, transmitting copies of correspondence relating to the maintenance and operation of the Kanaha Valley Stream intake, wells, and tank. (Tax Map Keys (2) 4-6-017:012 and (2) 4-6-017:001) |

EMI WATER DELIVERY AGREEMENT (APT-19)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 10/05/2018 | CC 18-356 | Councilmember Yuki Lei K. Sugimura, transmitting a document entitled "EMI WATER DELIVERY AGREEMENT." |

COUNTY ARCHAEOLOGIST (APT-20)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 02/15/2019 | CC 19-81 | Councilmember Shane M. Sinenci, relating to a County archaeologist. |

UPCOUNTRY RESERVOIRS (APT-23)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 07/10/2020 | CC 20-364 | Council Chair Alice L. Lee, relating to the Upcountry reservoirs and the status of the construction of the non-potable agricultural line that will provide untreated surface water to farmers in Upper Kula. |

FOOD SECURITY FOR MAUI COUNTY (APT-24)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 04/23/2019 | CC 19-175 | Councilmember Shane M. Sinenci, relating to food security for Maui |

County.

OPERATIONAL AND BUDGETARY REVIEW OF THE DEPARTMENT OF WATER SUPPLY (APT-26)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 01/15/2021 | CC 21-22 | Committee Vice-Chair Keani N.W. Rawlins-Fernandez relating to operational and budgetary review of the Department of Water Supply. |

LANAI AGRICULTURAL PARK LEASE (APT-28)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 03/19/2021 | MISC | County Clerk, reporting that on 03/19/2021, the Council referred the matter relating to the Lanai Agricultural Park Lease. |

AFRICAN TULIP TREE (APT-32)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 08/23/2019 | CC 19-341 | Councilmember Alice L. Lee, relating to the invasive African tulip tree. |

PROTECTION OF HISTORIC PROPERTIES (APT-37)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 01/24/2020 | CC 20-62 | Presiding Officer Pro Tempore Tasha Kama, relating to the protection of historic properties, including managing development areas with iwi kupuna. |

IMPACTS OF ACTIVITIES BY IMPERIUM COMPANIES AND AFFILIATES IN EAST MAUI (APT-38)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 01/24/2020 | CC 20-63 | Presiding Officer Pro Tempore Tasha Kama, relating to the environmental, cultural, and social impacts of activities by imperium companies and affiliates in East Maui. |

KULA AGRICULTURAL PARK (APT-41)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 01/24/2020 | CC 20-66 | Councilmember Shane M. Sinenci, relating to the Kula Agricultural Park overview and expansion plans. |

IMPORTANT AGRICULTURAL LANDS INCENTIVES AND MAPPING REPORT (CONTRACT C7126; CHRISTINE M. FEINHOLZ DBA PACIFIC CARTOGRAPHY) (APT-42)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 12/03/2021 | MISC | County Clerk, reporting that on 12/03/2021, the Council referred Contract C7126-2 (amendment 2 to grant) relating to the Important Agricultural Lands Incentives and Mapping Report for the Planning Department (FY2022). |

MAUI INVASIVE SPECIES COMMITTEE (MISC) (APT-43)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 02/07/2020 | CC 20-104 | Councilmember Yuki Lei K. Sugimura, relating to a presentation and report by the Maui Invasive Species Committee (MISC) on their Strategic Plan, including how prioritization of invasive species is determined. |

TELECOMMUNICATIONS REGULATIONS (APT-44)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 03/27/2020 | CC 19-348 | Councilmember Tamara Paltin, relating to the planning and land use of agricultural zones for high altitude aviation activities and devices, such as drones and loons, and 5G. |

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 03/27/2020 | CC 19-452 | Councilmember Tamara Paltin, relating to planning and land use policy for 5G technology |

BILL 17 (2022), PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS (APT-45)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 01/21/2022 | BILL 17(2022) | "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS IN ANY RURAL DISTRICT," introduced by Council Chair upon the request of the Mayor. |

OLD HANA SCHOOL IMPROVEMENTS (CONTRACT C7547; F&H CONSTRUCTION) (APT-47)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 02/07/2022 | MISC | County Clerk, reporting that on 02/07/2022, the Council referred Contract C7547 relating to Old Hana School Improvements-Phase 2 for DPR, IFB#P19/003, Ordinance 5099, 5101 (FY2021), Ordinance 5217, 5219 (FY2022). |

ADDING SUSTAINABLE AGRICULTURE AND CLIMATE CHANGE SOLUTIONS TO THE MAUI COUNTY GENERAL PLAN OBJECTIVES (APT-48)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 07/10/2020 | CC 20-349 | Councilmember Kelly Takaya King, relating to adding Sustainable Agriculture and Climate Change Solutions to the Maui County General Plan objectives. |

COMPOSTING (APT-50)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 07/10/2020 | CC 20- 351 | Council Chair Alice L. Lee, relating to organizing the County's composting efforts through government-funding opportunities. |

WATER DELIVERY SYSTEMS (APT-51)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 07/10/2020 | CC 20- 363 | Council Chair Alice L. Lee, relating to ownership and control of Maui's |

water delivery systems by the County of Maui to provide agricultural water for Upcountry farmers who are waiting on the water meter list.

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 07/10/2020 | MISC | County Clerk, reporting that on 07/10/2020, the Council referred the matter relating to water delivery systems. |

BILL 53 (2022), CREATING THE FERAL ANIMAL MANAGEMENT FUND (APT-54)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|---|
| 03/04/2022 | BILL 53 (2022) | "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.85, MAUI COUNTY CODE, CREATING THE FERAL ANIMAL MANAGEMENT FUND," introduced by Councilmember Shane M. Sinenci. |

BILL 55 (2022), ADMINISTRATIVE RULES FOR THE MOLOKA'I FARMING COST REIMBURSEMENT PROGRAM FUND (APT-59)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 03/04/2022 | BILL 55 (2022) | "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.76, MAUI COUNTY CODE, RELATING TO ADMINISTRATIVE RULES FOR THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND," introduced by Councilmember Shane M. Sinenci. |

BILL 79 (2022), EXEMPTIONS FOR AGRICULTURAL WATER CONSUMERS FROM RESTRICTIONS OR MANDATES DURING WATER SHORTAGES (APT-60)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 05/06/2022 | BILL 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," introduced by Councilmember Shane M. Sinenci. |

BILL 83 (2022), WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS (APT-61)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 05/06/2022 | BILL 83 (2022) | "A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE, TO ESTABLISH CATEGORY OF WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS," introduced by Councilmember Shane M. Sinenci. |

BILL 104 (2022), NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS (APT-64)

| <u>DATE REFERRED</u> | <u>REFERENCE</u> | <u>SUBJECT</u> |
|----------------------|------------------|--|
| 06/08/2022 | BILL 104 (2022) | "A BILL FOR AN ORDINANCE AMENDING SECTION 14.04.060, MAUI COUNTY CODE, RELATING TO NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS," introduced by Councilmember Shane M. Sinenci. |