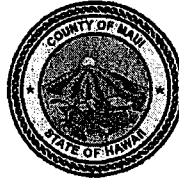


# STATUS



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COUNTY CLERK

## COUNCIL OF THE COUNTY OF MAUI

### AGENDA

Regular Meeting of June 21, 2024  
9:00 a.m.

Meeting Site: Online via Teams: <http://tinyurl.com/2p9zhjr2>

Phone testimony: 1-808-977-4067, code 234 794 559#  
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

#### COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES:

East Maui: Hāna Community Center, 5091 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

Lāna'i: 814 Fraser Avenue, 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.

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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A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER GABE JOHNSON

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

Reso 24-116 "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE VICTOR  
'VITTORIO' PELLEGRINO"

*adopted*

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

NONE.

I. ACTION ON THE CONSENT CALENDAR

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

CC 24-20 COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed  
amendment to Resolution 24-99, entitled "PROPOSING AN AMENDMENT TO  
ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983),  
AS AMENDED, TO MAKE THE SALARY COMMISSION'S AUTHORITY  
CONSISTENT WITH THE CONSTITUTION OF THE STATE OF HAWAII"

*post to crz is taken  
up 24-63*

*Filed*

(Note: Amendment passed and CC 24-20 was FILED).

2. GENERAL COMMUNICATIONS:

NONE.

**K. COMMITTEE REPORTS:**

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

CR 24-59      Recommending **ADOPTION** of Resolution 24-97, CD1, to approve the Mayor's appointment of Lori Ann Tshako as the Director of Human Concerns effective July 1, 2024.

*adopted  
7 aye; 1 no; 1 excused*

CR 24-60      Recommending **FILING** of Resolution 24-49, relating to placing on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended ("Charter"), should be amended, effective July 1, 2025, to allow Board of Ethics members to be reappointed for a second term without an intervening waiting period.

*Filed  
8 aye; 1 excused*

CR 24-61      Recommending **FIRST READING** of Resolution 24-95, 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 amended, effective July 1, 2025, to authorize the Board of Ethics to appoint staff, including an executive director, and engage consultants as necessary to assist in the performance of its duties.

*Passed 1st rdg  
8 ayes; 1 excused*

CR 24-62      Recommending **FIRST READING** of Resolution 24-96, 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 amended, effective July 1, 2025, to allow members of boards, committees, and commissions to be reappointed for a second term to the same board, committee, or commission, regardless of the length of the members' previous term.

*Passed 1st rdg  
8 ayes; 1 excused*

CR 24-63      Recommending **FIRST READING** of Resolution 24-99, 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 amended, effective July 1, 2025, to allow the Salary Commission to determine the salaries, rather than the compensation, of elected officials and appointed directors and deputy directors of all County departments, consistent with the Constitution of the State of Hawai'i.

*passed 1st rdg  
as amended  
8 ayes; 1 excused*

CR 24-64      Recommending **FIRST READING** of Bill 64, CD1 (2023), to amend language in subsections A (Workers' Compensation Claims) and B (Other Claims or Civil Litigation) of Section 3.16.020, Maui County Code, to increase Corporation Counsel's authority to settle claims, from \$7,500 to \$25,000, without Council approval.

*Passed 1st rdg  
8 ayes; 1 excused*

**Water and Infrastructure Committee**

CR 24-65      Recommending **FIRST READING** of Bill 87, CD1 (2024), to allow the use of temporary structures within the Lahaina burn zone of the August 2023 wildfires for up to five years.

*postponed  
until next  
meeting  
(description of the bill needs correction)  
by motion.  
8 ayes; 1 excused*

**L. RESOLUTIONS:**

*adopted 8/1/24; lerc.*  
Reso 24-112 "APPROVING THE APPOINTMENT OF ERIC C. ARQUERO AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"

*adopted 8/1/24; lerc.*  
Reso 24-113 "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, FISCAL YEAR 2024 BUDGET"

*adopted 8/1/24; lerc. as amended*  
Reso 24-114 "URGING THE STATE DEPARTMENT OF EDUCATION TO RESCHEDULE THE FIRST DAY OF THE 2024-2025 SCHOOL YEAR"

*Referred*  
**HLU** Reso 24-115 "AUTHORIZING AN AMENDMENT TO RESOLUTION 24-46, FD1 TO ADD LOTS TO THE GRANT OF LEASE OF COUNTY REAL PROPERTY TO COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT"

*Referred*  
**GREAT** Reso 24-117 "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2024 GENERAL OBLIGATION BOND ISSUANCE AND OTHER BONDS"

**M. ORDINANCES:**

*Referred*  
**WASSP** Bill 99 (2024) "A BILL FOR AN ORDINANCE TO REPEAL CHAPTER 2.50, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY"

**ORDINANCES - SECOND AND FINAL READING:**

*passed 2nd, final*  
~~(GREAT)~~ Bill 51 (2024) "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"

*8 aye; lerc.*  
*The purpose of this bill is to to authorize the Mayor to enter into a Memorandum of Agreement with the State of Hawaii, Department of Health to provide access to data from reports related to violent deaths occurring in Maui County.*

*passed 2nd final*  
~~(BFED)~~ Bill 57, CD1 (2024) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, AMERICAN RESCUE PLAN ACT, HOMEOWNER ASSISTANCE FUND"

*8 aye; lerc*  
*The purpose of this bill is to amend the Fiscal Year 2024 Budget, Appendix A, Part I, Department of Housing and Human Concerns, by adding a new appropriation for American Rescue Plan Act of 2021 - Homeowner Assistance Fund in the amount of \$16,425,000.*

~~(HHD)~~ Bill 71 (2024) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.30A.050, MAUI COUNTY CODE, RELATING TO THE SIZE OF FARM DWELLINGS IN THE AGRICULTURAL DISTRICT"

*Passed 2nd final*

*8 ayc; 1 exc.*

*The purpose of this bill is to amend Section 19.30A.050, Maui County Code, to expand the allowable size of one of two farm dwellings per lot in the Agricultural District, from 1,000 to 1,500 square feet of developable area, on Maui and Lānaʻi.*

~~(GREAT)~~ Bill 79 (2024) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR SETTLEMENT OF ALLEGED VIOLATIONS"

*Passed 2nd final*

*8 ayc; 1 exc.*

*The purpose of this bill is to authorize the Mayor to enter into a Consent Agreement and Final Order with the United States Environmental Protection Agency to settle alleged violations related to the Safe Drinking Water Act.*

~~(BFED)~~ Bill 85, FD1 (2024) "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.810, MAUI COUNTY CODE, RELATING TO THE CIRCUIT BREAKER TAX CREDIT"

*Passed 2nd final*

*8 ayc; 1 exc.*

*The purpose of this bill is to amend Section 3.48.810, Maui County Code, effective August 1, 2024, to: 1) increase the circuit breaker tax credit maximum amount to \$8,200; 2) increase the maximum household qualifying income limit to \$126,000; and 3) adjust the schedule setting the amount of tax credit received based on the homeowner's gross building assessed value, which includes increasing the maximum value eligible to receive 100 percent of the credit to \$1,000,000.*

~~(BFED)~~ Bill 97 (2024) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, MAINTENANCE COSTS FOR THE HAGGAI INSTITUTE; APPENDIX A, PART II, AFFORDABLE HOUSING FUND, HAGGAI INSTITUTE FACILITY"

*passed 2nd final*

*8 ayc; 1 exc.*

*The purpose of this bill is to amend the Fiscal Year 2024 Budget, by amending: 1) Department of Finance, Countywide Costs, Maintenance Costs for the Haggai Institute by inserting "Hawai'i Housing Finance & Development Corporation for" at the start of the conditional language, deleting the "the Haggai Institute", and inserting "Hale 'O La'ie"; and 2) Appendix A, Part II, Affordable Housing Fund, Condition 11 relating to the Haggai Institute facility by inserting "a grant to Hawaii Housing Finance & Development Corporation for" prior to "planning," inserting "repairs, rehabilitation," prior to "and construction", deleting "the Haggai Institute facility", and inserting "Hale 'O La'ie."*

**N. UNFINISHED BUSINESS:**

**NONE.**

BOARD PACKETS, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

ORAL TESTIMONY. For more information on testifying, please visit <https://www.mauicounty.us/teams/>

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Testimony must pertain to items on the agenda.

In the meeting controls at the top of the Teams screen, select RAISE YOUR HAND. Staff will add your name to the testifier list and will lower your hand. You may check your place in line by accessing the Testifier Log, with the link posted in Chat. When it is your turn to testify, staff will call your name and will allow you to unmute your video and microphone. State your name, if you choose to do so, and also identify the item number(s) on which you wish to testify.

To testify via phone, please call in to the phone number and enter the meeting ID noted on the first page of this agenda. Follow the instructions provided on the call to raise your hand to be added to the testifier list. When it is your turn to testify, the Clerk will call the last four digits of the testifier's phone number. You will be able to unmute yourself when called to testify.

Each testifier will be allowed to speak for up to three minutes on each item. The time limits for testimony 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. If the connection between any testifier and the video conference is lost, the meeting will still continue.

If a meeting participant wishes to testify anonymously, log in to the meeting with "anonymous" as your name and virtually raise your hand as described above.

DECORUM. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Council members, be ejected or banned from Council meetings. If participating remotely, participants may be muted or dropped from the meeting for breaking decorum. Examples of disruptive behavior include, but are not limited to: heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, staff, or general public. Use of the chat feature is restricted to County use only. It shall be considered a breach of decorum for members of the public to use the Chat.

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 should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted. Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk at (808) 270-7748 prior to the meeting.

INTERRUPTION IN VIDEO/AUDIO. This meeting is being conducted in accordance with Section 92-3.7, HRS. Nothing said in the meeting or included in the agenda is intended to create obligations in excess of those required under Section 92-3.7, HRS. If Teams connectivity affecting quorum is lost, Council will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the Teams 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 a.m., using the same virtual connections, unless the Council announces a different date and time.

If any Courtesy Testimony Site loses its connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from that site.

If Akakū prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will include archived meeting videos.

DISABILITY ACCESS. Anyone requesting an auxiliary aid or service or other accommodation due to a disability should contact the County Clerk as soon as possible prior to the meeting date at (808) 270-7748 or [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us) and allow for adequate time to fulfill the request.