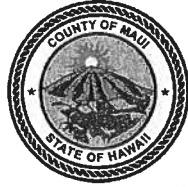


STATUS



RECEIVED

2024 JUL 12 PM 4:11

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of July 19, 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, 8th 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 for more information.

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

e-mail: county.clerk@mauicounty.us

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER YUKI LEI SUGIMURA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

*Adopt
90*

Reso 24-132 "EXTENDING CONDOLENCES TO THE FAMILY AND FRIENDS OF THE LATE FORMER COUNCIL CHAIR GLADYS COELHO BAISA"

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:

*Postponed to
Bill 87*

CC 24-23

COUNCILMEMBER COOK, transmitting a proposed amendment to Bill 87, CD1, FD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY CODE, RELATING TO TEMPORARY STRUCTURES AND USES"

*Postponed to
Bill 101*

CC 24-24

BUDGET DIRECTOR, transmitting a proposed amendment to Bill 101 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM, ONE-YEAR COMMEMORATION"

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

Government Relations, Ethics, and Transparency Committee

CR 24-69 Recommending **ADOPTION** of Resolution 24-128, CD1, authorizing a global settlement of all wildfire litigation against the County of Maui, collectively, arising from the August 2023 wildfires on Maui Island.

Adopt 9-0

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawai'i 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; and Section 92-5(a)(8), Hawai'i Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential under a State or Federal law, or a court order.

L. RESOLUTIONS:

~~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"
canceled

GRAT Reso 24-129 "APPROVING THE APPOINTMENT OF GINA M. YOUNG AS THE DIRECTOR OF THE EAST MAUI REGIONAL WATER AUTHORITY"

GRAT Reso 24-130 "APPROVING FOR INCLUSION IN THE 2025 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT"

GRAT Reso 24-131 "APPROVING FOR INCLUSION IN THE 2025 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT"

Reso 24-133 "AUTHORIZING ACCEPTANCE OF THE DONATION OF A SAUNA, A HEATER, AND AN ICE BATH TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"
Waive 9-0
Adopt 9-0

GRAT Reso 24-134 "APPROVING FOR INCLUSION IN THE 2025 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO A DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE"

GRAT Reso 24-135 "APPROVING FOR INCLUSION IN THE 2025 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO A DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE"

Reso 24-136 "APPOINTING NOEL 'CHIVO' MCCARY CHING-JOHNSON TO THE BOARD OF ETHICS"

-Waive - NWH/KRF - 9-0
-Adopt - " - 9-0

M. ORDINANCES:

- HLU* Bill 103 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08, MAUI COUNTY CODE, RELATING TO DENSITY WITHIN RESIDENTIAL DISTRICTS"
(2024)
- HLU* Bill 104 "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, ADDING A NEW DEFINITION AND USE FOR KITCHENETTE AND AMENDING THE EXISTING DEFINITIONS OF DWELLING UNIT AND WET BAR, AND AMENDING SECTION 19.36B.020 TO ADD PARKING REQUIREMENTS FOR KITCHENETTES"
(2024)
- HLU* Bill 105 "A BILL FOR AN ORDINANCE AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES"
(2024)
- WAI* Bill 106 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, ON THE REGIONAL CONSOLIDATION AND ACQUISITION OF PRIVATE WATER SYSTEMS"
(2024)
- ESCS* Bill 107 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 1.16, MAUI COUNTY CODE, RELATING TO PUBLIC INSPECTION OF ADMINISTRATIVE RULES"
(2024)
- Bill 108 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, GENERAL BUDGET PROVISIONS; APPENDIX A, PART II, IMMIGRANT SERVICES DIVISION UNITED STATES PASSPORT APPLICATION ACCEPTANCE FACILITY REVOLVING FUND; AND APPENDIX B, DEPARTMENT OF HUMAN CONCERNS, SPECIAL REVENUE/TRUST AND AGENCY FUND, CHARGES FOR CURRENT SERVICES"
(2024)
Waive 9-0
Pass 9-0
- Bill 109 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF PUBLIC WORKS, UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT"
(2024)
Waive 9-0
Pass 9-0
- WAI* Bill 110 "A BILL FOR AN ORDINANCE AMENDING SECTION 16.25.201, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS TO PUBLIC STREETS"
(2024)
- WASSP* Bill 111 "A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO ESTABLISH PROCEDURES FOR THE REMOVAL AND STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES AND A RIGHT TO SHELTER"
(2024)

ORDINANCES - SECOND AND FINAL READING:

- Bill 78, CD1, "A BILL FOR AN ORDINANCE TO ESTABLISH A NEW CHAPTER 3.50, MAUI COUNTY CODE, CREATING AN IMMIGRANT SERVICES DIVISION UNITED STATES PASSPORT APPLICATION ACCEPTANCE FACILITY REVOLVING FUND"
FD1 (2023)
Pass 9-0
- Bill 87, CD1, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY CODE, RELATING TO TEMPORARY STRUCTURES AND USES"
FD 2 FD1 (2024)
Pass, as amended 9-0
File CC 24-13 9-0

Pass 9-0 Bill 96, CD1 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY
(2024) CODE, ON PERMIT EXEMPTIONS FOR SHIPPING CONTAINERS"

Pass 8-0 Bill 101, ^{FD1} "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET
(2024) FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ADMINISTRATION
PROGRAM, ONE-YEAR COMMEMORATION"
CC24-24 file 8-0
(CLS abstained)

Bill 102 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET
(2024) FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF
AGRICULTURE, UNITED STATES DEPARTMENT OF AGRICULTURE,
Pass 9-0 NATURAL RESOURCES CONSERVATION SERVICE"

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, 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 and allow for adequate time to fulfill the request.