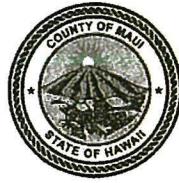


STATUS



RECEIVED

2024 SEP -6 PM 2: 41

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of September 13, 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 SHANE SINENCI

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

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:

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

Budget, Finance, and Economic Development Committee

CR 24-80

CR adopted,

pass bill as amended CD1, FDI

Tayes 2 exc. (Paltin, Kama)

CR 24-81

CR Filed

Bill recommitted.

Tayes 2 exc. (Paltin, Kama)

Recommending **FIRST READING** of Bill 118, CD1(2024) to amend the Fiscal Year 2025 Budget by 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the Water Fund by \$3,500,000; 2) amending Section 3.B.21.c., Department of Water Supply, Water Operations Program - Water Fund, by increasing the appropriation for Category B - Operations & Equipment by \$3,500,000; and 3) adjusting the totals accordingly.

Recommending **FIRST READING** of Bill 122, CD1(2024) to amend the Fiscal Year 2025 Budget by 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings from the Water Fund by \$250,000; 2) amending Section 3.B.21.a.(1), Department of Water Supply, Administration Program - Water Fund, General, by increasing the appropriation for Category B - Operations & Equipment by \$250,000 and adding a new condition for up to \$250,000 to be used for professional services for a contract to prepare a feasibility study and management or business plan for the new East Maui Water Authority; and 3) adjusting the totals accordingly.

Government Relations, Ethics, and Transparency Committee

CR 24-82

CR adopted,

RESO adopted.

Tayes, 2 exc. (Paltin, Kama)

Recommending **ADOPTION** of Resolution 24-105, CD1, authorizing the retention of ES&A, Inc., A Law Corporation, as special counsel for the representation of Scott Martin and the Department of Fire and Public Safety, in Chelsie Evans, individually and as the Personal Representative of the Estate of Tre' Pu'uwaita'ahiaolopakaamelehuanani Evans-Dumaran, Deceased, v. Scott Martin, et al., Case 2CCV-24-0000034, for a total compensation not to exceed \$50,000.

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential under State or Federal law, or a court order.

* Note:
Clerks will send FDI w/ B.Dir. testimony to Cle w/ the recommitted Bill

CR 24-83

Recommending the following:

CR adopted

Both Resos
adopted

7 ayes, 2 exc.

(Paltin, Kama)

1. **ADOPTION** of Resolution 24-127, to approve for inclusion in the 2025 Hawai'i State Association of Counties Legislative Package a proposed State bill to encourage the production of compost by: 1) requiring the State Department of Health to adopt or amend rules to establish a classification system for composting facilities or operations for the purpose of regulating them for health purposes; and 2) allowing composting and co-composting in the Agricultural District, including on lands with class A or B soils; and

2. **ADOPTION** of Resolution 24-121, to approve for inclusion in the 2025 Maui County Council Legislative Package a proposed State bill to encourage the production of compost by: 1) requiring the State Department of Health to adopt or amend rules to establish a classification system for composting facilities or operations for the purpose of regulating them for health purposes; and 2) allowing composting and co-composting in the Agricultural District, including on lands with class A or B soils.

CR 24-84

Recommending the following:

*CR adopted
Both RESOS
adopted
5 ayes, 2 exc.
2 noes (Pattin, Kama)
↓
(Sugimura, Lee)*

1. **ADOPTION** of Resolution 24-130, CD1, to approve for inclusion in the 2025 Hawai'i State Association of Counties Legislative Package a proposed State bill to: 1) define the public trust purposes of the Commission on Water Resource Management ("Commission") and require the Commission, in acting upon water use permit applications, to prioritize applications for public trust purposes; 2) allow the Commission to retain independent legal counsel; 3) repeal the position of Deputy to the Chairperson of the Commission and establish the position of Executive Director of the Commission; 4) amend the composition of the Commission and administratively attach it to the Department of Land and Natural Resources; 5) authorize entities to challenge an emergency order of the Commission under certain conditions; 6) establish fines for certain water use offenses; and 7) amend the Commission's authority to declare water emergencies and issue orders to address them and declare water shortages and related notice requirements; and

2. **ADOPTION** of Resolution 24-131, CD1, to approve for inclusion in the 2025 Maui County Council Legislative Package a proposed State bill to: 1) define the public trust purposes of the Commission on Water Resource Management ("Commission") and require the Commission, in acting upon water use permit applications, to prioritize applications for public trust purposes; 2) allow the Commission to retain independent legal counsel; 3) repeal the position of Deputy to the Chairperson of the Commission and establish the position of Executive Director of the Commission; 4) amend the composition of the Commission and administratively attach it to the Department of Land and Natural Resources; 5) authorize entities to challenge an emergency order of the Commission under certain conditions; 6) establish fines for certain water use offenses; and 7) amend the Commission's authority to declare water emergencies and issue orders to address them and declare water shortages and related notice requirements.

CR 24-85

Recommending the following:

*CR adopted
Both RESOS
adopted
7 ayes, 2 exc.
(Pattin, Kama)*

1. **ADOPTION** of Resolution 24-134, to approve for inclusion in the 2025 Hawai'i State Association of Counties Legislative Package a proposed State bill to establish a deferred retirement option program for police and to provide a retention tool for county police departments to incentivize qualified officers who are eligible for retirement to continue working; and

2. **ADOPTION** of Resolution 24-135, to approve for inclusion in the 2025 Maui County Council Legislative Package a proposed State bill to establish a deferred retirement option program for police and to provide a retention tool for county police departments to incentivize qualified officers who are eligible for retirement to continue working.

Housing and Land Use Committee

CR 24-86

Recommending the following:

CR adopted
pass bill on 1st rdg
7 ayes; 2 exc.
(Paltin, Kama)

1. **FIRST READING** of Bill 27, CD2 (2024), to grant a Change in Zoning from Agricultural and Interim Districts to M-1 Light Industrial and M-2 Heavy Industrial Districts, respectively (Conditional Zoning), for a 200-acre portion of a 16,337.6-acre parcel, identified for real property tax purposes as tax map key (2) 4-9-002:061, Lāna'i City, Lāna'i, Hawai'i, to allow for the development of Miki 200 Industrial Park; and
2. **RECORDATION** of the Unilateral Agreement.

L. RESOLUTIONS:

discharged GREAT,
Reso adopted. Gaye, 2 exc.
(no yls)
(Paltin, Kama)

Resos 24-144, 146, 147, 148, 152
discharged GREAT,
Resos adopted amended
7 ayes; 2 exc
(Paltin, Kama)

Reso 24-137 "AUTHORIZING SETTLEMENT OF LLOYD ADAMS, ET AL. V. TIMOTHY FORSBERG, ET AL. V. MAUI POLICE DEPARTMENT AND ANTHONY BUCHANAN, CIVIL NO. 2CC16-1-0000162"

Reso 24-144 "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"

Reso 24-146 "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"

Reso 24-147 "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI"

Reso 24-149 "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI"

Reso 24-150 "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY FOR THE COUNTY OF MAUI"

Reso 24-152 "APPOINTMENT OF MEMBERS TO PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI"

WAI Reso 24-157

"ACCEPTING LAND SET ASIDE BY THE GOVERNOR OF THE STATE OF HAWAII IN EXECUTIVE ORDER NO. 4708, TAX MAP KEY NUMBER (2) 1-3-006:017, CONTAINING AN AREA OF 45.415 ACRES, FOR LANDFILL EXPANSION PURPOSES"

Reso 24-158 "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 THE 2024-2025 TERM"

adopted
7 ayes; 2 exc (Paltin, Kama)

Reso 24-159 "AMENDING RULE 22 OF THE RULES OF THE COUNCIL TO CLARIFY END-OF-TERM FILING AND REFERRAL PROCEDURES"

adopted
7 ayes; 2 exc (Paltin, Kama)

M. ORDINANCES:

WAI Bill 129 (2024)

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY CODE, ON REPORTS OF CIVIL FINES"

✓ **WAI** **Bill 130**
(2024)

"A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, TO ALLOW THE DIRECTOR OF WATER SUPPLY TO ADMINISTRATIVELY EXTEND WATER METER RESERVATIONS IN LIMITED CIRCUMSTANCES BASED ON SPECIFIC FINDINGS"

✓ **WASSP** **Bill 131**
ADAPT (2024)

"A BILL FOR AN ORDINANCE AMENDING SECTION 2.50.050, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY"

Bill 132
(2024)

"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, NATURAL RESOURCES CONSERVATION SERVICE"

*Ct referral waived
Pass Bill 1st rdg*

(Tayes; 2 exc. (Paltin, Kama))

✗ **WAI** **Bill 133**
(2024)

"A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER RESOURCE MONITORING PROGRAM)"

*Ct referral waived
Pass Bill 1st rdg amended*

(Tayes; 2 exc. (Kama, Paltin))

ORDINANCES - SECOND AND FINAL READING:

✗ **(HJ)** **Bill 23_CD1**
(2024)

"A BILL FOR AN ORDINANCE TO AMEND THE LĀNA'I COMMUNITY PLAN FOR 268.349 ACRES LOCATED IN LĀNA'I CITY, LĀNA'I, HAWAI'I, IDENTIFIED AS TAX MAP KEYS (2) 4-9-001:021, 024, 030; (2) 4-9-002:001 (POR.), 061 (PORS.); (2) 4-9-018:002 (PORS.), 003 (PORS.) 005; AND (2) 4-9-021:009 (LĀNA'I PROJECT DISTRICT 2 (KŌ'ELE))"

pass 2nd Rdy

(bago; 1 no (KPP); 2 exc. (Paltin, Kama))

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.