STATUS

Status.

RECEIVED

2025 JUN 20 PM 2:09

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of June 27, 2025
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
West Maui: 60 Kenui Street, Lahaina

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**

ROLL CALL

OPENING REMARKS:

COUNCILMEMBER GABE JOHNSON

PLEDGE OF ALLEGIANCE

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

COUNTY COMMUNICATIONS:

CC 25-12 file DISASTER RECOVERY, INTERNATIONAL AFFAIRS, AND PLANNING COMMITTEE CHAIR, transmitting a proposed amendment to Bill 104, CD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04, 19.08,19.29, AND 19.36B, MAUI COUNTY CODE, RELATING TO KITCHENS, KITCHENETTES, AND WET BARS."

pass 1st as amended

COMMITTEE REPORTS:

Agriculture, Diversification, Environment, and Public Transportation Committee

CR 25-32 Recommending **FIRST READING** of Bill 76, CD1 (2025), to allow mobile food trucks or trailers of 1,000 square feet or less as permitted accessory uses on farms in the County Agricultural District.

pass 1st as amended

Disaster Recovery, International Affairs, and Planning Committee

CR 25-33 Recommending **FIRST READING** of Bill 104, CD1 (2024), to: 1) allow for a kitchenette in dwelling units in the County's Residential and Rural Districts on Maui and Lāna'i; 2) require a dwelling unit with a kitchenette to be occupied on a long-term residential basis, with one additional off-street parking space to accommodate higher intensity use for the kitchenette; 3) reduce the number of wet bars allowed as a principal use in dwelling units in the County's Residential and Rural Districts on Maui and Lāna'i; and 4) make conforming amendments to the definitions of "kitchen" and "wet bar."

CR 25-34 Recommending **FIRST READING** of Bill 158, CD1 (2024), to authorize the Mayor to execute an intergovernmental agreement for the Department of Police to help the County of Kaua'i with forensic drug testing.

pass 1st

Government Relations, Ethics, and Transparency Committee

CR 25-35 Recommending **ADOPTION** of Resolution 25-99, CD1, authorizing settlement of *Melissa Magonigle v. County of Maui Police Department, et al.*; Civil File 2CCV-23-0000030.

adopt

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 State or Federal law, or a court order.

CR 25-36 Recommending **ADOPTION** of Resolution 25-109, CD1, authorizing the retention of Marr Jones & Wang, LLLP, as special counsel to represent the County of Maui in pre-litigation negotiations and litigation regarding allegations made by Leo Caires, a former County of Maui employee, for a total compensation not to exceed $350,000.

adopt

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 State or Federal law, or a court order.

CR 25-37 Recommending **ADOPTION** of Resolution 25-110, CD1, authorizing settlement of JMC Claim 4088770, County of Maui Risk File 2024-0068 of Merc Coimbra and Alisa Coimbra, in the amount of $45,291.47.

adopt

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 State or Federal law, or a court order.

CR 25-38 Recommending **ADOPTION** of Resolution 25-116, CD1, authorizing settlement of *First Fire and Casualty Insurance of Hawaii, Inc. v. County of Maui, et al.*; Civil File 2CCV-24-0001055.

adopt

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 State or Federal law, or a court order.

CR 25-39 Recommending **ADOPTION** of Resolution 25-120, authorizing the retention of Kobayashi Sugita & Goda, LLP, as special counsel to represent County of Maui Auditor Lance Taguchi, an employee of the Office of the County Auditor, in the matter of Christopher Salem's May 8, 2025 complaint filed with the State of Hawai'i Department of Commerce and Consumer Affairs, not to exceed $150,000.

adopt

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 State or Federal law, or a court order.

CR 25-40 Recommending **ADOPTION** of Resolution 25-121, authorizing the retention of Beveridge & Diamond PC as special counsel to assist and represent the Department of Environmental Management, County of Maui, with the permitting process and any legal challenges arising out of the issuance of a National Pollutant Discharge Elimination System permit for the Lahaina Wastewater Facility, not to exceed $250,000.

adopt

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 State or Federal law, or a court order.

RESOLUTIONS:

Reso 25-134 "APPROVING THE FISCAL YEAR 2026 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES"

adopt

Reso 25-135 "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ON THE PLANNING COMMISSIONS' REVIEW OF GENERAL PLAN AND LAND USE ORDINANCES"

passed 1st Rdg

Reso 25-136 "AUTHORIZING ACCEPTANCE OF A DONATION OF A ONE-YEAR SUBSCRIPTION TO WORDRAKE EDITING SOFTWARE FROM WORDRAKE HOLDINGS, LLC, UNDER CHAPTER 3.56, MAUI COUNTY CODE"

adopt

Reso 25-137 "AUTHORIZING ACCEPTANCE OF A DONATION OF $3,400.90 FROM THE SOCIETY OF TOKYO-TAMA, TO HELP WITH RECOVERY FROM THE AUGUST 2023 MAUI WILDFIRES, UNDER SECTION 3.56.030, MAUI COUNTY CODE"

adopt

Reso 25-138 "AUTHORIZING A GRANT OF A SUBLEASE OF A PORTION OF REAL PROPERTY AT 2099 WELLS STREET, WAILUKU, MAUI HAWAII, TO MAUI FAMILY SUPPORT SERVICES, INC."

adopt as amended

ORDINANCES:

BFED Bill 81 (2025) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.04, MAUI COUNTY CODE, ON INFORMATION ON COUNTY OPERATIONS"

DRIP Bill 82 (2025) "A BILL FOR AN ORDINANCE AMENDING SECTION 10.04.030, MAUI COUNTY CODE, RELATING TO AUTHORIZED EMERGENCY VEHICLES"

Bill 83 (2025) "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, ON THE SOUTH MAUI AND PĀ'IA-HA'IKU ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION"

pass 1st

Bill 84 (2025) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2026 BUDGET; APPENDIX A, PART I; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT; STATE OF HAWAI'I DEPARTMENT OF HEALTH (CLEAN WATER BRANCH); NEW APPROPRIATION OF $95,600"

pass 1st

Bill 85 (2025) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2026 BUDGET; APPENDIX A, PART I; OFFICE OF THE MAYOR; ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT; NEW APPROPRIATION OF $80,750"

pass 1st

ORDINANCES - SECOND AND FINAL READING:

~~(BFED)~~ Bill 18, CD2 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, TO ESTABLISH A PAY RANGE AND PAY SCALES FOR THE BOARD OF ETHICS STAFF"

pass 2nd final

~~(DRIP)~~ Bill 39, CD1 (2025) "A BILL FOR AN ORDINANCE AMENDING SECTION 3.68.030, MAUI COUNTY CODE, ON AUTHORITY FOR FIRE HAZARD REMOVAL CIVIL FINES"

pass 2nd final

The purpose of this bill is to amend Subsection 3.68.030(A), Maui County Code, to update an obsolete Fire Code reference for civil fines.

~~(BFED)~~ Bill 49, CD1, FD1 (2025) "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, ON SALARIES IN THE OFFICE OF COUNCIL SERVICES"

pass 2nd final

~~(BFED)~~ Bill 58, CD1 (2025) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, REIMBURSEMENT TO THE GENERAL FUND FOR PROJECTS DISQUALIFIED FROM TAX-EXEMPT BOND ISSUANCE"

pass 2nd final

(BFED) Bill 63, CD1 (2025)
pass 2nd final

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 105 NORTH MARKET STREET BUILDING AND PROPERTY; AND APPENDIX C, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ACQUISITION OF 105 NORTH MARKET STREET BUILDING AND PROPERTY"

(BFED) Bill 64, CD1 (2025)
pass 2nd final

"A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5659, BILL NO. 62, CD1 (2024), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT)"

(DRIP) Bill 77, FD1 (2025)
pass 2nd final

"A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO ALLOW THE USE OF COUNTY PROPERTY ON LUAKINI STREET, LAHAINA, HAWAI'I, FOR A TEMPORARY HOUSING PROJECT"

(BFED) Bill 80 (2025)
pass 2nd final

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM"

UNFINISHED BUSINESS:

COMMITTEE REPORTS:

Housing and Land Use Committee

CR 24-120 Recommending the following:

pass 1st as amended

1. **FIRST READING** of Bill 171, CD1 (2024), to amend the Project District ordinance for Kīhei-Mākena Project District 9 (Wailea 670) for about 670 acres identified for real property tax purposes as tax map keys (2) 2-1-008:056 and 071;

pass 1st as amended

2. **FIRST READING** of Bill 172, CD1 (2024), to amend various Conditions of Zoning in Ordinance 3554, as amended by Ordinance 4849, relating to Kīhei-Mākena Project District 9 (Wailea 670) zoning (Conditional Zoning); and
3. **RECORDATION** of the Unilateral Agreement.

COUNTY COMMUNICATIONS:

CC 24-30 COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed amendment to Bill 171 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.90A, MAUI COUNTY CODE, RELATING TO KĪHEI-MĀKENA PROJECT DISTRICT 9 (WAILEA 670)".

File

CC 24-31 COUNCILMEMBER PALTIN, transmitting a proposed amendment to Bill 172 (2024), entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3554, AS PREVIOUSLY AMENDED ESTABLISHING KIHEI-MAKENA PROJECT DISTRICT 9 (WAILEA 670) ZONING (CONDITIONAL ZONING), FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUHOU, HONUA'ULA, DISTRICT OF MAKAWAO, MAUI, HAWAII".

File

CC 24-32 COUNCILMEMBER JOHNSON, transmitting a proposed amendment to Bill 172 (2024), entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3554, AS PREVIOUSLY AMENDED ESTABLISHING KIHEI-MAKENA PROJECT DISTRICT 9 (WAILEA 670) ZONING (CONDITIONAL ZONING), FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUHOU, HONUA'ULA, DISTRICT OF MAKAWAO, MAUI, HAWAII".

File

CC 24-33 COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed amendment to Bill 172 (2024), entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3554, AS PREVIOUSLY AMENDED ESTABLISHING KIHEI-MAKENA PROJECT DISTRICT 9 (WAILEA 670) ZONING (CONDITIONAL ZONING), FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUHOU, HONUA'ULA, DISTRICT OF MAKAWAO, MAUI, HAWAII".

File

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.