

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 6, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON TUESDAY, APRIL 6, 2021, BEGINNING AT 9:03 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of April 6, please come to order.

Ms. Kaohu, may we have roll call, please? Bonjour.

COUNTY CLERK KATHY L. KAOHU: Bonjour, Chair.

ROLL CALL

PRESENT: COUNCILMEMBERS GABRIEL JOHNSON, NATALIE A. KAMA, KELLY T. KING, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ, AND CHAIR ALICE L. LEE.

EXCUSED: COUNCILMEMBER YUKI LEI K. SUGIMURA.

(Councilmember Sugimura was not present when the roll was called; however, she arrived at 9:05 a.m.)

CHAIR LEE: Bonjour, my colleagues. I'm Alice Lee, your Chair. And I believe we have Ms. Sugimura onboard now.

COUNCILMEMBER SUGIMURA: Good morning from beautiful Wailuku. It's cloudy on the West Maui mountains, but it's good to see all of you and let's have a great meeting today. Good morning.

CHAIR LEE: Yes. Thank you. Notice how, how resourceful we are and how informative we are. The Councilmembers always give a weather report of all the different sections of Maui County. So, now everybody knows what the weather is like.

Ms. Kaohu, shall we proceed?

COUNTY CLERK: Chair, there are nine Members present, and a quorum is present to conduct the business of the Council.

For the record, I am County Clerk Kathy Kaohu. And also present from the Office of the County Clerk is Deputy County Clerk James Krueger; and from the Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

Joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey.

This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19.

If connectivity affects quorum, if connectivity affecting quorum is lost, the Council will be in recess. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically recess to Tuesday, March 23 *[sic]* at 9 a.m., using the same virtual connections, unless the Council announces a different date and time.

CHAIR LEE: Madam Clerk, please correct the date. Please correct the date.

COUNTY CLERK: April 18? April 18.

CHAIR LEE: Okay. Alright. Proceed.

COUNTY CLERK: And proceeding with opening remarks by Councilmember Michael Molina.

CHAIR LEE: Member Molina.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael Molina.

CHAIR LEE: Thank you, Member Molina, for that inspirational message.

Shall we continue with the Pledge of Allegiance to the flag? And please stand.

PLEDGE OF ALLEGIANCE

The Members of the Council, rose and recited the Pledge of Allegiance.

CHAIR LEE: Thank you. Before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it is your time to speak. Decorum shall be maintained at all times.

Madam Clerk.

COUNTY CLERK: Chair, just for the record, I gave the wrong date in the event that we do need to recess due to loss of connectivity. So, the true date is going to be April 16, rather than the 18.

Chair, proceeding with presentation of testimony on agenda items. Members of the public may testify by connecting to the Council's online meeting by phone or videoconference, through the information posted on today's agenda.

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones muted and should unmute when it is their time to testify.

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes per item. When testifying please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, only the Councilmembers, staff, and designated resource persons will be connected to the meeting. All other individuals will be disconnected. The remainder of the meeting can be viewed on Akaku Channel 53 or on maucounty.legistar.com. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first, our first testifier is Mr. Roy Vandoom *[sic]*. And Mr. Vandoom *[sic]*, Vandoom, will be followed by Chris Delaunay.

CHAIR LEE: Good morning, Mr. Vandoom.

PRESENTATION OF WRITTEN TESTIMONY

MR. ROY VANDOORN [testifying on Bill No. 10 (2021), Draft 1]:

Good morning, Chair Lee. Thank you for the opportunity to testify. I, I'm, my name is Roy Vandoorn. I'm not a paid lobbyist and I'm here to speak in opposition to Bill 10. I hope that we can all agree that Maui has a serious housing problem, that Maui residents need more affordable housing, both rentals and homes to purchase. And too many Maui County residents are living in suboptimal housing. So, why would I oppose an affordable housing bill? There are six reasons that I'm in opposition to Bill 10.

First, you have received testimony from Habitat for Humanity that Bill 10 would make it more difficult to build affordable housing. Let's not make things more difficult for Habitat for Humanity.

Two, I don't believe that this legislation is actually necessary. I believe the Council can accomplish everything they want to with none of the downside by making a public statement that says that 201H projects with 100 percent affordable housing will be at the top of your priority list for review. Projects in the 75 to 99 percent range will be in priority with the second priority list. And projects below 75 percent would go to the bottom or priority list three.

Number three, related to number two, the County Council has the power to approve or disapprove projects today.

Four, Bill 10 creates the perception that it'll be more difficult to do 201H projects on Maui than the other counties.

Five, the text changes in Bill 10 makes 2.96.030 more difficult to understand.

Six, there is no data that supports the claim that passing Bill 10 will improve anything. It seems to me, everything the Council is attempting to do with Bill 10 can be accomplished with a simple communication saying the Maui County Council will give priority to 201H projects with an affordable housing percentage of 75 percent or above.

Since Bill 10 is at best unnecessary and at worst harmful, there seems to be no upside to passing it. Please vote "no" on Bill 10. And after you've complete the budget work, let's all work together to vet and implement the \$300,000 housing plan. Thank you for allowing me to testify.

COUNCILMEMBER SUGIMURA: Can't hear you, Chair.

CHAIR LEE: I'm sorry. Are there any questions for the testifier? If not, may we have the next testifier, please?

COUNTY CLERK: Next testifier is Chris Delaunay. And he will be followed by telephone number ending in 0244.

MR. CHRIS DELAUNAY, PACIFIC RESOURCE PARTNERSHIP [testifying on Bill No. 10 (2021), Draft 1]:

Aloha, Councilmembers. Chris Delaunay, Pacific Resource Partnership. I'm a registered lobbyist. And I'm here to testify in strong opposition to Bill 10. You know, like many testifiers, or the majority of testifiers at the public hearing, I do have major concerns with this bill, as it's not going to produce more affordable housing for Maui. In fact, it's going to limit the amount of housing, affordable housing for the County of Maui.

You know, what you're doing is removing an important tool in the toolbox for our homebuilders who choose not, not to use government funds to build affordable housing units. You know, if this is removed, projects may need to depend on public funds, State and County funds, in order to pencil out these types of projects. Housing projects on Maui, we know that, you know, that there, 100 percent affordable housing projects on Maui have been dependent on government subsidies in order to make them work.

And again, historically, you know, I've said this many times, historically, we've seen the bad policy, which was the 50 percent back in 2007; 50 percent workforce requirements. And virtually, no housing was built, you know. Very little affordable housing was built. I think it was all in 2007. And then, once it was lifted, 2014, then you saw some affordable housing come in, are being built, coming online.

So, anyway, this is going to do nothing to improve the current situation. It's just going to hurt, and hurt Maui residents. And so, you know, but if, if you decide to move forward with this, at the, at least we would request that you, to actually have a sunset date. We would recommend a one-year sunset clause to this policy, just to minimize the negative impacts that this bill will have on Maui's affordable housing, or housing need. And this, so anyway, that's about it. And hope you guys make the right decision and defer this bill. But thank you for allowing me to testify.

CHAIR LEE: Mr. Sinenci has a question for you, Mr. Delaunay.

MR. DELAUNAY: Sure.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Delaunay, for your testimony this morning. You mentioned a sunset date. And I was just curious, the Hawaiian Assets Community *[sic]* had, association had proposed 5,000 homes in five years. Would that, you're talking about, so maybe a sunset date in five years?

MR. DELAUNAY: No, I said one-year.

COUNCILMEMBER SINENCI: Oh, okay.

MR. DELAUNAY: And that, and the reason why is to minimize the impacts that this bill will have, because we believe it's not going to do what it intends to do. It's just going to hurt Maui residents if anything.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Okay. Any more questions?

If not, Madam Clerk.

COUNTY CLERK: Our next testifier is calling from telephone 0244. And that testifier will be followed by Nat Kinney.

MS. HELENE BORGE [testifying on Committee Report No. 21-27 and Bill No. 10 (2021), Draft 1]:

Good morning, Councilmembers. My name is Helene Borge. And I'm calling to testify on Bill No. 10, as well as a couple other items. I would like to thank Councilmember Molina for introducing this bill and for advocating for affordable housing for our local community. Our community is so desperate for housing. It's been going on for so many years, probably 30 at least, that I've watched. And the Council has let this slide for so many times. Please have the courage to support affordable housing for our local community.

I'd also like to testify on item number 21-7 *[sic]*, and support Kyle Caires for appointment for the Agricultural Board. And that's really all my testimony for today. Thank you so much.

CHAIR LEE: Thank you, Ms. Borge. Any questions?

If not, Madam Clerk.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Ms. Sugimura.

COUNTY CLERK: Next testifier--

CHAIR LEE: Wait.

COUNCILMEMBER SUGIMURA: Excuse me. So, thank you. I just wanted to know what, you said my community has suffered. So, what community are you living in, Ms. Borge?

CHAIR LEE: I think she hung up.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR LEE: But I, I'm sure it's Upcountry, right, Member Molina?

COUNCILMEMBER MOLINA: I guess, yea. I'm not sure what the question was from Councilmember Sugimura.

CHAIR LEE: Oh. Where does Pat Borge live? Or Helene Borge?

COUNCILMEMBER SUGIMURA: Helene Borge. This is Helene Borge.

CHAIR LEE: Helene Borge.

COUNCILMEMBER MOLINA: Yea, I believe they come from Makawao.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: But they have a business in South Maui.

CHAIR LEE: Okay. Alright. Thank you--

COUNTY CLERK: Next testifier is Nat Kinney. And Nat will be followed by Pat Borge.

MR. NAT KINNEY, HAWAII CONSTRUCTION ALLIANCE [testifying on Bill No. 10 (2021),
Draft 1]:

Good morning, Chair and Members. Nathaniel Kinney from the Hawaii Construction Alliance. I am a registered lobbyist. We are in opposition to Bill 10 and understand that it is well-intentioned that and the belief that, you know, by raising affordable housing requirements, that would get more affordable housing. And, and I understand that there's a good intention behind that. But actually, what we see, the effect is there's going to be less affordable housing.

And, you know, I really was listening to the opening comments that were made by one of the Members about, you know, the budget, the city budget, and as the State budget as well has suffered very greatly from COVID-19. And really, the point of the 201H process is to attract private investment. And in order for a private developer to be paid back, in order to build what is in effect subsidized affordable housing by raising the amount of affordability requirements on that developer, then they literally have less private, they have less capital to gain back from the units that are set aside at the market rate.

So, just simply put, you need to have, you need, a developer needs to build a certain amount of market rate units in order to subsidize the amount of affordable units. And by raising the amount of affordable units, what you're actually doing is you're increasing the amount that the developer is going to have to subsidize, therefore, making projects not pencil.

And unfortunately, people don't build housing because, in order to lose money, they need to, they need, the projects need to pencil. They need to make money in order to build affordable housing. And so, if they're not going to make any money, they're not going to build. So, the net effect of what is a well-intentioned bill is actually going to be less affordable housing. So, at the very least, we agree that if there's a sunset of one-year so that we can see, like, what is, what is the net affect after a year if Bill 10 is enacted. Can we see how many affordable housing units are planned or in the pipeline after one year? And the reason for that is that, you know, you could raise the affordability requirement and then not have any projects pencil and therefore no projects are built.

So, we are too, studying this Hawaii Community Assets plan that just came out. But I'd like to stress that the Hawaii Community Assets plan is just that, it's a plan. There, there really isn't anything concrete or substantial that we know. But we do know for a fact that raising affordable housing requirements in the 201H projects has a chilling effect on the development of affordable housing. Thank you.

CHAIR LEE: Any questions?

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And Mahalo, Mr. Kinney, for your testimony this morning. You mentioned again the one-year sunset. Technically, would developers just wait a year before submitting their 201H application?

MR. KINNEY: No, I don't think so. I think given the amount of demand right now for affordable housing, anybody that can build affordable housing will, because the demand is so great. As, as you guys well know, in your community as well as, actually across the nation, affordable housing from Hawaii to New York is in high demand. So, I don't think a developer is going to wait and see. I think they're trying to get to market as fast as possible. But when they, again, when I mention in my testimony, if a project doesn't pencil for them, they're just not going to go forward. If they're not going to make money or even break even, they're not going to build the project. And that's what we see as the net effect of passing Bill 10, is that we're going to see no projects built.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR LEE: Anymore questions? If not, thank you, Mr. Kinney.

Madam Clerk.

COUNTY CLERK: Next testifier is Mr. Pat Borge. Mr. Borge will be followed by the individual calling from last four digits of their telephone 3007.

MR. PAT BORGE [testifying on County Communication Nos. 21-174 and 21-176; Committee Report No. 21-27; and Bill No. 10 (2021), Draft 1]:

Good morning, Councilmembers. Madam Chair Alice Lee, good morning. I hope everybody had a Happy Easter, found enough eggs and all that. I also want to testify on items number 21-174, 21-176, 21-27.

But I'll start with Bill 10. And you know, I just hear all these developers saying no we can't make money, this and that, this and that. But if the County's asking for 75 to even to 100 percent, at least there will be time to negotiate. And then, when you negotiate, if you got the ace you can negotiate much better for the local people. But you go 25, 50 percent, when it comes to negotiation, where we going? We not going to get nothing.

This is about housing for the local people. I have several relatives who work in the Police Department. I have several relatives who work in the construction. They still live with their parents. I have a daughter that's a police officer in Sacramento. She cannot come home, but at least she owns a house in California cause she couldn't afford a house here.

So, these developers, you know, what happened to the workforce houses, you know what I mean? Years ago, they were promised all this housing, we never got it cause some of these developers left the island, then they came back but with a different name like LLC. So, they're still here, you know. So, I don't know what's the problem with this, I mean, you got to vote "yes". I mean, this is for the local people, for housing for the local people. If you vote "no", then my opinion is that you don't care about the local people. Cause there's always room for negotiate.

These developers are coming here, making scare tactics to these people of Maui. Oh, we not going build affordable housing, you know. It, Bill 10 is not good, you know, it's not good, it's not good. They're all lobbyists. Of course, they're going to speak for the developer. You know, I speak from the heart. I see people suffering on this island for affordable housing. And these developers, if they have aloha, they would have built affordable housing for the people of Maui County. Half of these guys who work in the construction industry don't even have a house. So, I don't know what they talking about, you know. It's about the bottom line.

I know one developer, or a few developers, they have beautiful homes. They even have swimming pools. But what about their workers? Their workers, they still working in pouring concrete, . . . and steel. No more, no can even afford their own car, you know. That's what I, I mean, I used to work construction and these union guys, if we no more the union, they no more, the union agents, without union dues they don't get paid. And that's what it's all about anyway, on that Bill 10.

As far as item 174, parking fees for the tourists, oh yea, that's long time overdue. You know, right now, I go down to Makena, Big Beach, I drive down this road, they had a wedding, they had a photoshoot the other day down at the northside . . . they call it Wedding Beach. No parking. All these workers, we couldn't even go to the beach, no more place for park. You know, this is the kind of stuff that the local people are being left out.

And also, the parking, reserved for residents, there's other guys out in Makena, they put boulders in front of their houses so we cannot park. You know, that's ridiculous. And right there's the beach. You know, so that's the kind of things that, and there should be more public right-of-way signs on our shorelines so people, the local people know.

You know, look at Chang's Beach, I don't know what, Uluu Beach, they call that, but from before we used to call it Chang's Beach. Yea, it's a County, it's a County beach. But you go over there all tourists, get all the parking, you know. And us guys, we gotta park outside on the road. You know, that's not right. You know, it's time to take care the local people. What, this is 2021, we're going through pandemic, this virus. Eh, come on, take care the local people. And I hope everybody be safe, make sure they wear their mask and God bless all you guys. And I live Upcountry. I have a business in South Maui.

And also, I wanted to support Mr. Caires, cause if wasn't for him, my business would have been zero, you know. He was a good person, he helped me out a lot. And thanks to all of you for helping pushing that thing through with him. I appreciate it. But anyway, good luck and God bless all you guys. Aloha.

CHAIR LEE: Any questions for Mr. Borge?

If not, Madam Clerk.

COUNTY CLERK: The next testifier calling from telephone 3007. And 3007 will be followed by Mr. Brandon Maka'awa'awa.

MR. BRANDON MAKAWA'AWA, NA POE KOKUA (testifying on Committee Report No. 21-18):

Hi. Aloha.

CHAIR LEE: Aloha.

MR. MAKAWA'AWA: You guys can hear me?

CHAIR LEE: Yes.

MR. MAKAWA'AWA: Oh, okay. Hi. Sorry, that 3007 is me, I was calling from my iPad. So, aloha. My name is Brandon Maka'awa'awa, and I am the President of Na Poe Kokua. I'm testifying against allocating any more additional funds to Bronster Fujichaku Robbins, and against moving forward with them at all. I mahalo the County, first of all, for taking on this important kuleana of helping us hold Bank of America accountable for this 27 year long unfulfilled commitment. It's hard to find true allies willing to join with our community in this fight when you're taking on the big banks like BOA, because they have so much influence and political connections.

In the very beginning, when Kelly King first brought this up to the Council about two years ago, I flew to Maui along with Uncle Bumpy Kanahele, to give testimony in support of bringing in Bruce Jacobs to help the Council move this fight forward because she heard about the work he was doing in Florida and other places fighting the big banks. I come to provide testimony in support of this action, because I felt Mr. Jacobs was a lawyer that had the expertise and was willing to take on BoA for their unfulfilled commitment.

That morning, the Councilmembers were given information about two cases that called to question Mr. Jacobs character and ultimately influenced the County to take another direction, which ended up being the hiring of Ms. Bronster about a year later. From the beginning, when we shifted from working with Mr. Jacobs to now working with Ms. Bronster, I always got the feeling that we went from working with someone that was willing and ready to take on this fight that I felt we and the Council was prepared to take on, which was holding BoA accountable, to now working with a law firm that really seemed like they didn't want to have this same fight.

And, you know, I shared with the Councilmembers some emails over the weekend. I know you guys was busy with budget stuff and all that. But, you know, if we're looking at budget and we're looking at money and, you know, we got to really look at who, who we have working for us because, you know, the hiring of these people and the allocating of any more County funds without really getting what we pay for, what we want to, you know, do with this money, it's gotta be really scrutinized.

And the fact that that law firm was charging the County while they were talking with us, you know, is crazy to me, because we were trying to help the County, we were trying to help the lawyer build this case so that that we can become successful in it. To charge, you know, to charge you folks for talking with us and then on top of that not even using our strategy that we talked about, is lose money all the way around. And so, you know, I no like the County be stuck in this fight, because already we down 115,000, right, 90,000 for defending Maui County against this lawsuit. Which I brought up earlier, wasn't, you know, it wasn't in the resolution that we would run into this problem again. And 25,000 for doing that report.

I think we should just wash our hands with Ms. Bronster and their firm and move forward. You guys already have your report. You know, we can find counsel somewhere else. But mahalo for the time.

CHAIR LEE: Brandon. Brandon, do you want to conclude in a minute, or you done?

MR. MAKAWA'AWA: No, I, I'm good already. Sorry, I no like rant anymore. But--

CHAIR LEE: Thank you.

MR. MAKAWA'AWA: --you know, I had one question. Am I still a resource to you guys from last meeting?

CHAIR LEE: Well, only if someone would ask.

MR. MAKAWA'AWA: Oh, okay. I, I'm just saying if you guys need me, I can make myself available. I'm not sure when that'll come up. And it doesn't matter. But, yea, thank you. Mahalo, everyone.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I would just like to reiterate my previous request to have Mr. Maka'awa'awa be a resource. We had him on last time and then we deferred the issue, so--

COUNCILMEMBER KAMA: I concur, Chair. Thank you.

CHAIR LEE: Alright. Brandon, are you, did you hear that?

MR. MAKAWA'AWA: Yea, I heard.

CHAIR LEE: Okay.

MR. MAKAWA'AWA: Thank you.

CHAIR LEE: So, staff, let's make sure that we notify Mr. Maka'awa'awa when the time comes, okay.

Madam Clerk, next testifier.

COUNTY CLERK: Next testifier is Mr. Bruce U'u. Mr. U'u will be followed by Lucienne de Naie.

CHAIR LEE: Mr. U'u. Bruce? Oh, okay. We see you.

MR. BRUCE U'U [testifying on Bill No. 10 (2021), Draft 1]:

Okay. Good morning. Can you hear me?

CHAIR LEE: Yea. Thank you.

MR. U'U: Aloha, everyone. My name is Bruce U'u, Maui Carpenter's Union office. I'd say I'm a housing advocate for Maui County, giving testimony on Bill 10. I have looked over some of the, first, first of all, there's a lot of projects that we have, union guys. We get some renovation of hotels. We got other work that keep us busy by the way. But the ones we like to do is the homes. You ask any carpenter out there, they no like do high-end, which comes in all the time. We like do the affordable homes. We like be a part of that movement, to build affordable homes.

And, an example would be Stanford Carr's project in Kahoma. I think was a 203 units and 50 percent plus one unit went affordable. It kept us busy for about a year and a half. That's the jobs we take pride in. That's the jobs that we feel we can invest ourselves in. And on top of we doing the job, hopefully we can qualify for the homes. So, jobs like that might not be around with this 75 percent push in this upcoming, I guess uncertainties of funding. Stanford Carr wrote an article about that project in the newspaper, which is very interesting article. So, whether he would get to that point or not, this is one of the projects we could have lost; 103 affordable units.

Chapter 2.96 says in the Code that it must be revisited every two years, that's what it states. I would love this bill, if it was to pass, if it was to pass, again, we put a sunset on it where the Council can go back, review what happened within that year, have Housing give you the study, and you can take the appropriate measures to see it, if it's aided or hindered in the housing process. Again, uncertainty of funding, uncertainty within this pandemic, that would give us a tab, a running tab on how this bill affects Maui County. If the interest is purely on making affordable housing, I can see how this bill would affect negatively on, on this bill to provide housing for Maui County.

I'd like to thank you guys for this time. I hope I'm not sounding like a broken record. I wish the best for all. Aloha.

CHAIR LEE: Thank you, Mr. U'u. Any questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. U'u for your testimony. I was wondering if you could clarify the part where you said revisit every two years? You said that was in the Code already?

MR. U'U: Thank you. Thank you for that question, Member Tamara. So, Chapter 2.96, it states that the Council should revisit it every two years. So, I would like the same

requirement for this amendment to what you guys proposing. But, but take it even shorter where you guys revisit the bill annually for now, have Housing give you the topics whether we gained, or loss, or keep a running tab of how this bill, this amendment to 201H affected Maui County and its residents. So, just one running tab on the status on this amendment to the bill.

COUNCILMEMBER PALTIN: So--

MR. U'U: The 201H.

COUNCILMEMBER PALTIN: --just clarifying, that is in for 2.96 and you want it for 201H, that's what you meant?

MR. U'U: Yes. It is in it for 2.96, where it says every two years. I would like it to be to, at this Bill 10 starting off annual if possible.

COUNCILMEMBER PALTIN: For 201H, not 2.96?

MR. U'U: Not 2.96. 201H, correct.

COUNCILMEMBER PALTIN: And then the Stanford Carr project that you were referencing to clarify, that was the one next to Safeway in Lahaina?

MR. U'U: Yes, the Kahoma. Yes.

COUNCILMEMBER PALTIN: And many of those affordable housings flipped out of affordability before the time period, so it was actually less than 50 percent, and that was pre-COVID, right?

MR. U'U: It was 50 percent plus one, correct.

COUNCILMEMBER PALTIN: Yea, but with the ones that flipped out of affordability, it ended up being less. And that happened pre-COVID.

MR. U'U: I don't--

CHAIR LEE: Okay, may I interrupt here? Mr. U'u, yea, the question should be on, more geared toward Bill 10, rather than other projects, okay?

MR. U'U: Okay. Okay. Okay.

COUNCILMEMBER PALTIN: Okay, cause that was a 201H.

CHAIR LEE: Anymore? Any more questions?

COUNCILMEMBER PALTIN: No, that's it.

CHAIR LEE: Okay.

MR. U'U: Thank you.

CHAIR LEE: Mr. Sinenci. Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. U'u, for your testimony this morning. You mentioned that the construction industry also takes on some of the big, larger hotel renovations. So, do the construction industry kind of supplement some of their work with larger projects, you know, in anticipation of a large industry stimulus coming up with the--

CHAIR LEE: Okay, Mr., Mr. Sinenci, that really, that question is a interesting question, but not germane to Bill No. 10, actually.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR LEE: Alright. Any more questions on Bill No. 10? Clarification on the testifier, on the testimony from Mr. U'u? If not, thank you very much.

MR. U'U: Thank you. Have a good day.

CHAIR LEE: Madam Clerk. You, too. Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Lucienne de Naie. And Ms. de Naie will be followed by the testifier with the last four digits of 7913.

MS. LUCIENNE DE NAIE [testifying on County Communication No. 21-171; Committee Report No. 21-28; and Bill Nos. 24 (2021), 30 (2021), 31 (2021), and 10 (2021), Draft 1]:

Aloha. This is Lucienne de Naie. I hope you can hear me over the rain. It's pouring, here.

CHAIR LEE: Yes.

MS. DE NAIE: I'd like to start out by testifying on County Communication 171, and this has to do with amending the budget. Just appreciating the efforts by the Administration and the Council to transfer the funds that were kindly put in the budget to begin the process to acquire the Maalaea Mauka lands as part of the Pohakea Watershed plan. These are the, the Spencer lands along the Honoapiilani Highway.

An amount of \$500,000 was put in the budget to begin the appraisal process and so forth, but it was assigned to Hawaii Islands Land Trust. They're, they're just like up to their necks with many other projects over this last year. And so, the Trust for Public Land has stepped in about three or four months ago, and so, they are now happy to pursue this action, have met with Mr. Spencer, and are moving forward. So, your approval of this request will just allow that process to unfold. And it's very appreciated that you would approve the Mayor's request.

Moving on to item 28. This is about the Advisory Committees to the Maui Planning Commission for South Maui and the Paia-Haiku Community Plan area. I am testifying as an individual, but I can say that our entire board of our Haiku Community Association has been tracking this, this very long process, and are in support of setting forth this, this first step to have a more community-based process and review of projects that directly affect the community.

Our planning commissions are very hard-working. They have to meet every two weeks; they have a lot on their plate. This might actually help out a bit in that some of the heavy lifting could be done at the community level. And hopefully, by the time things get to the planning commission, the recommendations can sort things out about, you know, what would be the, the best outcome for some of the projects that are being proposed.

This is a first step, but it's an important step and we do hope that you will continue your support of the bill to amend Sections 2.28 and 2.40 of the Maui County Code, and expand from just the Hana Advisory Committee to the South Maui and the Paia-Haiku Advisory Committee.

And then, moving on to some of the bills. I can be very brief on most of these. Just Bill 24, giving support for water quality monitoring in West and South Maui. This is very important. These are the beaches that both our residents and our visitors use, and we definitely need to make sure we're on top of what our water quality is in these areas both for drinking water and for the ocean waters.

Bill 30 and 31, which gives support to the farming in Molokai also very needed. Of course, Molokai was . . . it was the land of abundance. And there is a great desire by people there, I know Representative DeCoite supports strongly farming becoming the

backbone of Molokai that it once was and restoring that prominence. And there's a lot of folks there with the skills to make reliable farming situations happening. So, I'm, I'm happy that these bills are being considered for support and definitely would add my support as a person from a farming area out in Haiku, Huelo.

And then, last but not least, Bill 10, amending the 2.96.030, developing housing under Chapter 201H. I think it's important to keep in mind that this is obviously the big topic of today and very hotly contested. I think a lot of what's being produced as affordable housing is not actually affordable to people who live here. And of course, we can't say that no one who doesn't live here, you know, all their lives can go and be bumped off the list. They're entitled to buy houses here, too. So, we need some mechanisms when we have these fast-track processes that actually allow developers to save a lot of money because they bypass a lot of the development review, and they often bypass many of the development requirements. And I, I, I applaud Councilmember Molina who has sat through many of these hearings in his former term and in his current term and realizes that sometimes this process is abused.

And for all of the folks that have come here today to testify that this just won't work, it's terrible, it's going to kill affordable housing, not one of them has admitted that there's any abuse of this process or found any way to address the abuse of the process. One person did suggest that those projects that propose greater amounts of housing be reviewed first. But they all get reviewed eventually. The Chair just does not say, oh we're not going to look at your project. That wouldn't be fair, we live in a democracy.

So I, I really think that we need to look at what is a way of encouraging those who are proposing the larger percentages. And what Member Molina looked at is there are some that are stepping up to the plate. Can those be encouraged by saying, you get the goodies, you get the exemptions? Also, of those who are very concerned that now the cost won't pencil out because there's only 25 percent of the housing to support the other huge costs, I believe the Council is looking at an affordable housing plan.

And I believe that plan really supports greater investment by the County in some of the necessary infrastructure. And to me, that's going to affect some of the costs of the fast-track processes. If the infrastructure costs can be subsidized by County involvement, and that's really what used to happen in the old days. You know, Mayor Tavares would wrest a hundred acres out of some large landowner . . . and we'd have affordable housing. So, in all, I think you folks should support this and see where it leads and invest in infrastructure, so that it works better. Mahalo.

CHAIR LEE: Any questions for Ms. de Naie? If not, thank you very much.

Madam Clerk.

COUNTY CLERK: Next testifier is calling from last four digits of telephone number 7913, and will be followed by Junya Nakoa.

CHAIR LEE: Anymore after that?

COUNTY CLERK: About eight.

CHAIR LEE: Yes? Let's see, who do we have? Ms. Britton.

MS. SUZANNE DORN [testifying on County Communication No. 21-176 and Bill No. 10 (2021), Draft 1]:

Hi. Can you hear me?

CHAIR LEE: Yes. Good morning.

MS. DORN: Hi. Good morning. My name is Suzanne Dorn and I'm a Kihei resident. And I am here to support to amend Maui County Code 10.48.250, to reserve 50 percent of beach access for residential use. I'm a Kihei resident and it's always been my understanding that the public beach access is to be for residential use. When all the condos and hotels began building on that shoreline, the public access parking was created to ensure locals still had access to parking at the beaches.

I also support possible public beach access enforcement. I sent some email testimony with some photos attached. If you drive down many of the streets, especially Halama Street in Kihei, many of the homes on both sides of the road have large boulders, plants, mailboxes, so it makes it impossible to park and get any of, any beach access. So, I definitely do support beach access for residents. Also, there haven't been any new beaches built since maybe the 70's. So, I do support new beach parks, and more access for residents.

And I also support Bill 10 for affordable housing.

CHAIR LEE: Okay. Thank you.

MS. DORN: And that's it. Thank you.

CHAIR LEE: Any questions? Any questions, Members? If not--

Ms. King.

COUNCILMEMBER KING: Aloha, Ms. Dorn. I just wondered if you had, thanks for your testimony, I just wondered if you had seen the new access out at North Waipuilani Beach Park? That was something created last year to access that north end of Waipuilani.

MS. DORN: I, I have seen that. There's, you know, a little, there is some parking for that. But I, I know Kihei, like Halama Street, like I was saying, I mean, it's almost impossible for parking with the way that all the homes have blocked off the street. And then, like Mama's Fish House, I know that can be hard--

COUNCILMEMBER KING: I understand that part of it, and I agree with you, we need more beach access. But when you mentioned needing new beach parks, that was one that had been created within the last year.

MS. DORN: Right. Yea, and then--

COUNCILMEMBER KING: I want to make sure you had seen it.

MS. DORN: Yea, I have seen that, yea.

COUNCILMEMBER KING: Okay.

MS. DORN: Maybe, yea, I support more beach parks, too.

CHAIR LEE: Thank you. Thank you., Ms. Dorn.

MS. DORN: Okay. Thank you, Ms. King. Okay.

CHAIR LEE: Any more questions? If not, may we have the next testifier, please?

COUNTY CLERK: Next testifier is Junya Nakoa. And Uncle Junya will be followed by Jordan Hocker.

MR. JUNYA NAKOA [testifying on County Communication Nos. 21-167, 21-174, 21-176, and 21-177; and Bill No. 10 (2021), Draft 1]:

Good morning.

CHAIR LEE: Morning.

MR. NAKOA: I going talk about five, I going talk about five different stuff. The first two is assessment about 21-167 and 21-177, the thing about the Department of Planning. Boy, lately, lately get some stuffs that we finding out that stay slipping, stay slipping pass the Planning Department that is kine of not good for us, the people. You know, like the maximum height at Napili Bay and all that kine stuff. So, try look into that department, no joke.

I mean, you guys talking about housing, you know what I mean, and they one big part of it. They one big part of having the, you know, the housing go by. So, please look into that Department of Planning, especially the one over here in Napilihau, Napili Bay. Okay, that's two of em.

The next, the next two again, they kinda relate to each other. So, 21-174 and 21-176. One is the parking fees and the other one is the residential reserve parking. I feel we should be charging these tourists for using all our resources, you know what I mean? Crazy, cause I don't know if you guys seen the news, but they get cars for like \$600 or \$700 and some of em said they still going pay um. So, you know what I mean? Charge the tourists for the kine, you know, what I mean, parking at our local beaches like that.

And the big one, brah, is Kaanapali. I . . . this stuff, but at one time we when walk down Kaanapali plenty trying to make sure we get our, our public parking at Kaanapali. Cause all these hotels they take um up, they take everything up. And then what you call, I rent one room for my daughter at the Westin. At the same time, the Westin when, when close down half of the public parking in Kaanapali, right there by Leilani's. And then when I told the guys, oh, so were I going park my two cars? Oh, you gotta pay, I think was like \$60 a night or something like that. So, again, us locals getting screwed, you know what I mean? So, kinda gotta get reopen but, you know what, charge these tourists any kine money. Charge um. Charge um for parking. Charge um for coming to

And then our biggest one is . . . local beach that we when fight hard for, Lahaina community when fight hard for Canoe Beach. That buggah stayed closed for long time. I was, I was at, I was at the Andaz, the Temptation Island, when the thing when, and the buggah still close. And the thing, you know what I mean, then all they, they supposedly supposed to have the repaving of that But I think they going fix some drainage. But I still yet think that, you know what I mean, again, you reopen, you reopen um for the parking for all the tourists all in Kaanapali, but they take all our parking. And that's why, that's why Canoe Beach should've stayed open, or at least open um up already so us locals can park at our local beaches.

Okay, now going to Bill 10. What you call, gotta make sure I do um right. Okay. You know, 201H, we all know, you guys know, you guys smart buggah, these developers, they use um so they can get around things, yea, from the County, you know, all that kine stuff. They looking for, you know, favors, so that's what this 201H does. They give this developers choke breaks already, choke, choke. I know some of Mike Molina, I know you was on the Council when I go support couple other 201H's back, way back when. Same thing with Tasha Kama, when you was inside the thing. I when come to you about one other 201H program.

I've been involved with couple of em here in Lahaina. And couple, I no like em, couple I no support, because they, these developer get too much tax breaks and us locals we no get one house, you know what I mean? So, with you guys doing this, you guys holding the developers accountable, you know, what I mean? They gotta build us affordable homes. And like, I going throw um out there; Makila Kai, when I told, when I when go and help them out in the beginning for do research like that, I told um they gotta build all the affordable houses first before they even touch the market and, you know what I mean, and all that kine stuff? So, these developers, they find a way to make it happen. They find a way, they find, okay.

The, and the one that, and one that really when touch us in Lahaina and always get thrown in our face is Stanford Carr, the Stanford Carr development. My best friend, the daughter when apply for the Stanford Carr, then the thing when drop, . . . they drop out of it, no can get um. Guess what, that house right now is \$1 million.

CHAIR LEE: Okay, Junya?

MR. NAKOA: \$1 million, so how you can tell me that that buggah is, that, you know, the thing was 51 percent, now they selling um for \$1 million. You tell me what local can afford that.

CHAIR LEE: Okay, Junya, we're still on Bill 10.

MR. NAKOA: Yea.

CHAIR LEE: On the requirement of 75 percent, okay?

MR. NAKOA: That's what I talking about Bill 10. Isn't Stanford Carr a 201H?

CHAIR LEE: I know, but we're talking about Bill 10, you know, pros and cons of, of 75 percent, okay?

MR. NAKOA: Yea, that's, okay, that's what I trying to get at because they, that was a 51 percent and we like um come 75 percent. So, you know what I mean, just give us the, give us locals the 75 percent and that's what I'm trying to get at. I was trying to get at that. The thing, cause you know everybody throw um at us is a 51 percent and all that. I'm trying to make it solid and back up you guys to say that 75 percent going be darn good for us. And all these other guys, these other developers, and I tell you I work with developers, they going try make it happen. They going make it happen, cause they going make their money off of the markets, the market, the market price homes. . . . Okay. Mahalo you guys. Have a good one and ho yea, I think I pau. Shoots.

CHAIR LEE: Junya, did you have another item?

MR. NAKOA: Uh, no, I put couple of um together.

CHAIR LEE: Okay. Very efficient. Thank you. Any questions? If not, thank you very much.

MR. NAKOA: You guys too.

CHAIR LEE: May we have the next testifier?

MR. NAKOA: Thank you.

COUNTY CLERK: Next testifier is Jordan Hocker. And Mr. Hocker will be followed by Paul Areus.

CHAIR LEE: Mr. Hocker.

COUNCILMEMBER PALTIN: I think it's a Ms. Hocker, not a guy.

CHAIR LEE: Oh. Ms. Hocker.

COUNTY CLERK: Apologies.

CHAIR LEE: We see a green, blue now square.

Um, Kathy? Madam Clerk, after so many seconds, we move onto the next one and then we come back to Ms. Hocker, okay?

COUNTY CLERK: Okay. Our next testifier is Paul Areus.

MR. PAUL AREUS (testifying on County Communication No. 21-167 and Bill No. 10 (2021),
Draft 1):

Yea, hi. This is Paul Areus. Can you hear me?

CHAIR LEE: Yes.

MR. AREUS: Great. So, I am Paul Areus, an architect wishing to volunteer my support for the audit of the Planning Department. In the 15 years that I've worked in Maui, I have had numerous projects unnecessarily delayed, postponed, and canceled because of the mismanagement and misguided policies at the Planning Department. This affects Maui County because those properties remain unimproved, significantly decreasing the tax revenue for our County.

Also, each project that gets canceled means that money is not being invested into the local community. Builders are not being hired to build those buildings. People are not being hired to maintain those buildings. And skilled workers are not being employed to work in those buildings. When this is added up, it adds to tens of millions of dollars of lost economic opportunities for the tourism, the non-tourism local economy for just the projects I've worked on. For these reasons, I believe an audit would pay for itself.

Last week, the Honolulu Star Advertiser and Maui Now reported about a bribery scandal at the Department of Planning and Public Works in Honolulu. Federal charges have been filed and the people implicated in the bribery scandal include, plans examiners, an inspector, and a clerk at the Planning and Permitting Department, as well as at least one architect. Without a thorough audit of the Maui Planning Department, how do we know that similar things aren't happening here?

In conclusion, I strongly support an audit of our Maui Planning Department to provide long overdue transparency. Without transparency and accountability, there unfortunately will be the increased potential for corruption.

Also, I support Bill 10 for affordable housing. We need to do whatever we can to support affordable housing.

And the final thing is, I'm surprised there are no bills regarding the homeless in encampments at Kanaha by the wastewater treatment plant and the Iao Stream behind the Millyard. It's a humanitarian disaster. We need to do something for these people. Hopefully this is discussed at every other meeting.

CHAIR LEE: Okay, which item is that? Which item are you--

MR. AREUS: Not this, this is not an item. This is just a comment.

CHAIR LEE: Okay. No, it has to be an item, okay? And not--

MR. AREUS: Okay.

CHAIR LEE: Needs to be agendized, okay?

MR. AREUS: Okay. Hopefully this is discussed at every other meeting, not just this meeting.

CHAIR LEE: Any questions for the testifier? If not, thank you very much.

May we have the next one, please?

COUNTY CLERK: Next testifier is David Dorn. And Mr. Dorn will be followed by William Kamai.

MR. DAVID DORN [testifying on County Communication No. 21-167 and Bill No. 10 (2021),
Draft 1]:

Hello. I hope you can hear me.

CHAIR LEE: Yes, we can.

MR. DORN: Fantastic. Okay, my name is David Dorn. I'm a Kihei resident. I'd like to speak about Bill 10 and the beach parking, CC 21-176. Starting with the Bill 10, I am in support of Bill 10 and the modification to 201H. I testified before at another meeting and I sent written testimony for that meeting as well. Basically, there, affordable housing conditions need more, more conditions put on them and lot less. More affordable housing, 75 percent, is more. More is more, not less. The developers are basically highlighting a secondary chilling effect that may occur if we require them to build more affordable housing. But I'd like to restate more affordable housing is more affordable housing. It does not hurt local residents to have more affordable housing, quite the opposite.

Okay. More conditions for these affordable housings, there's too many loopholes. There's too many giveaways. There's too many destructive elements already in the affordable housing requirements, and it's way too lenient. As Junya said, it's, they get choke breaks, okay? And it's actually harming our community and our environment.

Okay. The developers, which we know and love, always talk about money and profit. Now, we all need a little profit to survive. But remember, developers are middlemen. We don't necessarily need them for these projects. These projects can be made by nonprofits just as effectively. In fact, the County should take over the affordable housing creation and do that for altruistic nonprofit reasons. The reason affordable housing is not really affordable is because there's a little profit margin that's going into every transaction. And it's negatively impacting the entire marketplace.

The other thing is, if you only build 50 percent affordable homes, you're building 50 percent unaffordable homes. So, this side of the scale is actually creating the problem. The more affordable homes you build, the more of affordable homes become. The more unaffordable homes or market price homes you build, the less affordable homes become. So, you're actually robbing Peter to pay Paul. It's not really a very smart equation or solution to the affordable housing shortage.

Affordable houses are in high demand. I've been told by builders just recently as yesterday, that they, they have a under supply and over demand for affordable housing. So, it will get solved. However, these lax requirements mean that if the locals do not qualify within a short window, 90-days, the developers can sell the subsidized affordable housing for market price to mainlanders.

Can I get time to, for the other item?

CHAIR LEE: Yes, you can start on your other one.

MR. DORN: Okay, I'll use my last minute, okay, I'll use my, starting on my other one here, which was written out. Okay. So, affordable, sorry, 50 percent parking for the beaches. Here it is, resident parking bill. Okay. I support this bill. The shoreline access is vital for our lifestyle, culture, health, and recreation. There is a chronic shortage of beach parking on Maui because planners, let's say previous planners, have failed to add new access parking, beach access parking at a comparable pace with the rising population and increasing tourism. There is already a shortage of beach parking. And there is a very limited amount of parking spaces close to the shoreline. And that's the closest ones are the most important if you have disabilities or you have families and keikis.

Okay. Local families are having difficulties getting beach parking for recreational purposes and cultural and health exercise, because there are too many tourists cars parking there. We know this. And often, too many hotel staff parking in these beach parking, public beach parking stalls. We know this is a problem. It keeps happening. We need more enforcement.

This bill will help strengthen the Maui County Code and improve the beach parking situation for locals by making it a requirement to have at least 50 percent parking spaces available for local residents only. 50 percent parking for locals is more than fair as the Maui Island Plan, Community Plan, stipulate that there should never be any more than one tourist on the island for every four locals. So, we're giving you a better deal. The locals are not asking for anything unreasonable or disproportionate. Please, approve this bill, and thank you for hearing my testimony.

One more comment is, I think Kelly King was just saying to my wife, previous testifier, about the added parking at North Waipuilani. If you are referring to that vacant lot that says beach access there, there is no parking, and it is overgrown. So, I mean, it really needs some capital investment to make it a viable parking area. But that is a drop in the ocean. We need to acquire a lot more beach parks.

And it ties into affordable housing. The affordable housing waives the park's assessment. In one . . . I've got it here, one of the affordable housing projects in Kihei was waived \$750,000 of park assessment. That could have bought another parking lot or created some parking spaces. When you waive all of these requirements for affordable houses, the community suffers because it degrades our infrastructure--

CHAIR LEE: Okay, Mr. Dorn?

MR. DORN: So, please stop doing that.

CHAIR LEE: Mr. Dorn?

MR. DORN. Okay. Yea.

CHAIR LEE: Yea, you're going back to affordable housing, for which you had your limit, yea?

MR. DORN: Well, they cross, they actually. Yea, sorry.

CHAIR LEE: Yea, I know a lot of things combine.

MR. DORN: I do, but I'm good.

CHAIR LEE: Okay.

MR. DORN: Sorry about that.

CHAIR LEE: Just want to remind Members, how do I put this? I notice that there are a lot of testifiers coming to testify on items that we are still going to refer to Committee. So, I think we need to be cognizant of the fact that, perhaps we should encourage people to come at the Committee time to discuss this and provide testimony. Because we're not going to be acting on a lot of these things today, besides Bill 10. Okay?

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was actually going to ask for the Members consideration on the parking for residents, if it would be something that they would consider. So, it, we could potentially take action on that, or it could be referred. Whatever the Members want to do. Mahalo, Chair.

CHAIR LEE: Well, yea, and I, you know, I'm not saying that's not a good idea. But, you know, I believe it requires complete vetting. And, you know, it, it's wonderful to have it, designate 50 percent parking for the locals. But, you know, who's going to enforce that? So, you know, we got to, and that's why we have to have Parks here and Police here and, you know, all, all the people who are going to actually implement this. So, I'm just saying that, you know, just be cautious. We can't assume that all the Members are going to agree to it today. They might later on after a Committee discussion. But, you know, it takes up so much time and people don't realize 90 percent of the time, we're not even going to act on a lot of things today.

Okay. Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. No, I agree. But I think the problem is that the general public doesn't know which items we're going to act on, and aren't going to act on, or may act on. So, you know, there's not a way for the general public to discern what might come up for action today under the county communications. So, we need to work on, kind of figure that out, I think, if we're going to--

CHAIR LEE: Yea. Yea, I think, I think--

COUNCILMEMBER KING: --ask them not to testify.

CHAIR LEE: --that's a good idea. I think that's a good idea. You know, maybe I can say at the beginning that there's a chance that, I mean, there's a good chance that, you know, we may not be acting on this item today because, really it's more important for us to hear them when we're actually discussing the item. And then, it, to me, it's more impactful than them coming and giving testimony amongst a whole slew of other subject matters that could get lost, you know?

COUNCILMEMBER KING: Okay, but the other, yea, but the other thing too is that I think the testimony may in, if it does get referred, it may inform priority for the Committee Chair. So, I don't know if there's a way to, if we can delineate it and then maybe the, the testimony could be shorter on some of those items. But anyway, I just, it's confusing for the public because they just don't know--

CHAIR LEE: Yea, it is.

COUNCILMEMBER KING: --what, the things we're likely to act on.

CHAIR LEE: It is.

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two things. One, so I, I proposed in the Rules the idea of a consent calendar. And that consent calendar would be the items that we would likely not take action on the floor and it would just be sent to Committee. And if Members would like, I can take that proposal from the Council Rules and make it its own item. And we can take it up on the next Council meeting and we can take action on that, so that we'll already have that in place if the Members would like.

And the second thing is for the parking bill. Some residents want us to take action today. So, I don't think it's a matter of being confused. I think it's a matter of urgency that they feel. And they would like to put pressure on us to take action today, rather than sending it to a Committee for, for discussion later on. Mahalo, Chair.

CHAIR LEE: Okay. That's one opinion. Thank you.

Yes, Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. My sense is the purpose of a Committee is so that we can vet it in Committee, have big discussions, robust discussions, many voices in the discussion. And not having the Administration here to help us to, to get some data or some thoughts and things behind it, to me, it's like putting the cart before the horse. My preference is that we always, as much as possible, to do things in Committee so that it can be vetted in its entirety. So, that's my own thoughts. Thank you, Chair.

CHAIR LEE: Yea. The only unfortunate part of that is, it's going to be a while, yea, because of budget. Budget, you know--

COUNCILMEMBER KAMA: I agree.

CHAIR LEE: --is going monopolize our schedules for the foreseeable few weeks and a month and a half or so.

COUNCILMEMBER KAMA: Well, it monopolizes everybody, because even the things that, that people wanted me to do in Parks, I mean, the Kihei Skate Park, the Lanai Skate Park, all of that had to get put on the back burner for budget. So, we know we have to prioritize what's important to all of us, what's important to a few of us. But, so we just have to figure it out. And the idea is we're in budget, we take care of budget, and then we take care of other things afterwards. We can't do everything all at once, but we can prioritize what's important to us. And that's my whole sense, Chair. Thank you.

CHAIR LEE: Yea, I know. But the public wants us to do everything all at once. Alright, let's see, anymore comments on this item?

If not, let's have the next testifier, Madam Clerk.

COUNTY CLERK: Next testifier is William Kamai. And William will be followed by Jordan Hocker.

MR. WILLIAM KAMAI [testifying on Bill No. 10 (2021), Draft 1]:

Hi. Can you hear me?

CHAIR LEE: Yes. Good morning.

MR. KAMAI: Okay. Aloha and good morning Chair, Members, and Councilmembers, and Chair Lee. Bonjour and déjà vu. My name is Bill Kamai and I'm here to testify on Bill 10 again. I'll be brief. As I stated before in my prior testimony, if this bill passes, privately funded 201H projects will be the ones taking the hit. I was asked how do I make 25 percent of my project pay for the other 75 percent of my project. I don't know. Maybe sell the 25 percent at \$2 million a home? Who knows? The hope is that you have figured out the solution to making these numbers or percentages work.

We are also being told by these homebuilders that if this bill passes, they could potentially leave and go build homes elsewhere; Kauai, Big Island, Oahu, which means one less home built in Maui County. And that's a big if. The hope is that if this bill doesn't do what is, is intended to do, that at the end of a year, that at least you, the County Council, would be open to revisit it in a year. That's all I have. Mahalo.

CHAIR LEE: Thank you. Are there any questions for Mr. Kama? If not, thank you, Bill.

Next.

MR. KAMAI: Thank you.

COUNTY CLERK: Next, our next testifier is Ms. Jordan Hocker. And Ms. Hocker will be followed by testifier with the name Stan.

MS. JORDAN HOCKER [testifying on County Communication No. 21-174 and 21-176; and Bill No. 10 (2021), Draft 1]:

Hi, Council. Can you hear me?

CHAIR LEE: Yes, we can.

MS. HOCKER: Okay. Sorry about that earlier. I thank you all for your time today. I know that you have a big job. And so, today, I'll be testifying on Bill 10, as well as agenda items 21-174 and 176. I'll keep the latter brief.

So I'm here again for, to testify in support Bill 10, on the grounds that these 201H exemption projects really are pretty cherry for developers. I hear this one narrative coming from developers, so, to place it into context, you know, it allows them a lot of things that otherwise they wouldn't be able to do so quickly. And I think that's why the 201H exemptions are so, or 201H projects in general are so sought after. Personally, for me, I think that if you're getting these sort of fast tracks or these special designations or exemptions, why not 100 percent be affordable housing?

Really, at this point it's pretty much shown that there's not a lot of money, I'm hearing at least from developers, there's not a lot of money in affordable housing. People would rather build houses, or developers would rather build houses for people who can pay millions of dollars for them versus people who can't. And I get that from a business standpoint. However, we are in unprecedented times and I think that moving forward boldly is the way to go. I reject that all of the major voices or people that hold the power in terms of development like these large associations are pushing this one year review when there's nothing that's stopping them from just filing no 201H projects within that time period. So, I don't, I don't like that.

The reality is that business as usual, development business as usual, as it's functioned in the past does not get us affordable housing. What it gets us is a lot of promises for affordable housing, and then affordable houses sort of aren't affordable by the time

they come out; people don't qualify for them. I mean, I know that many of you Councilmembers are familiar with all of the hoops that anyone has to even jump through to even be considered or approved for affordable housing.

So, I think 75 percent is not asking too much. I think that it's different and I think the developers are having a problem wrapping their heads around how they're going to do business or change. But the reality is that if you're doing business at the cost of the local people for so long, there are going to be some growing pains and it's going to hurt.

So, my thing so much is about asking the Council to really prioritize affordable housing, to not fall into this really unified narrative by the people who hold the most power within development industries, and really keep your eye on the prize for the people. 201H exemptions and 201H projects need to be for affordable housing. If you are getting those exemptions, if you're getting that fast-tracked, it needs to be for affordable housing, period.

So, 75 percent, I don't think is asking too much. And I really resent the implications the developers who are just going to do nothing if we require them to build more affordable housing in order to--

And then, I'd like to go on to my next item. And I'll just keep this short. I think that a bill designation for 50 percent of parking along beaches to go to residents is an absolute necessity. If the number of people is not going to be regulated in terms of how many tourists are coming here, then spots and designations need to be carved out for the people that live here. In terms of affordability, I know that there, you know, it's going to create jobs. I know that the budget is very tight, but why not put in parking fees that are bringing money into a budget that's already at a deficit due to COVID?

I know that things are backed up. I heard from the Councilmembers what you guys are dealing with right now. But at this point, we need to start regulating on Maui County, and fees are an incredibly good way to do that. Not only are you taking money in from tourism that's eroding our resources and impacting the quality of life as residents, but then you have money for a budget or potentially to pay the people who need to enforce it.

So, I really hope that you have the good talks in balance because right now, a lot of us feel very overrun by tourism. And I know when you take a break and go back to things, it can be overwhelming. But I think that moving forward boldly with balance is, is what I would encourage the Council to do.

Thank you so much for your time today. I appreciate everything you all are doing for Maui County. Just keep, keep the little guy in mind, please. There are a lot of us out there that aren't making much money, who don't have millions of dollars in an account, who don't have a house with a fucking, oh sorry, don't have a house with a swimming pool, and really just want a place for our families to be rooted and to grow. I don't want anybody's keiki having to move off island anymore. And if we can't trust developers to do that, I'm trusting you all. So, thank you for your time today.

CHAIR LEE: Any questions for the testifier? If not, thank you.

Madam Clerk.

COUNTY CLERK: Next testifier is signed up as Stan. And Stan will be followed by Pamela Tumpap.

CHAIR LEE: Kathy, how many more after that?

COUNTY CLERK: Oh. Three so far. And it looks like Stan left the meeting.

CHAIR LEE: Okay. Next.

COUNTY CLERK: So, our next testifier is Pamela Tumpap.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE [testifying on Bill No. 10 (2021), Draft 1]:

Aloha, Chair Lee and Members of the Councils. I'm pleased to be here with you today. First, we all want and appreciate the passion for affordable housing and rentals for local people and for our children. Many of our children are moving away as they can't afford a home here, including mine. So, for me, that ship has sailed. But the bottom line is we want to prevent it for other local families. The Chamber's position, given history and discussions with experts, is to say that we must have a strong plan to achieve as many units as possible and need to base that plan on relevant research with all key players at the table.

In terms of research, I understand Councilmember Molina responded to one of our Chamber members yesterday and commented that the First-Time Homebuyers Programs and Affordable Housing Fund, the legislative items that weren't supported by studies or research, and they've been very beneficial. And we absolutely agree. But we also recall a lot of support for these programs, as these programs are universal. We didn't hear anybody saying that they would stifle the building of housing.

However, Bill 10 is different. It changes the statewide process. Key players, home builders, industry experts, businesses, and nonprofits are saying there are challenges. Further, there's an absence of research showing why the Council has chosen this number. We have asked to hear your research, but none has been shared to date. Until data has been presented to show that there will be no negative impacts, we ask you to leave the 201H process as it is, wait for the plan to come out, and look at how we can best create partnerships for moving forward.

I laugh when my friend Bill Kamai said déjà vu. That's kind of how we feel. We shared and brought experts to explain that increasing affordable units to 50 percent in 2.96 was problematic in 2006. But it fell on deaf ears. Experts were treated poorly as we've seen here again, and the bill was passed. Yet, when less homes were built, there wasn't accountability for an incorrect decision. No new legislation to fix it was made until Stacy Crivello, who was not on the Council at that time, stepped up years later and made a positive difference increasing the building of affordable units. We are not confused and know 2.96 is not the same legislation as a 201H. We are saying déjà vu, the process feels the same.

We feel you are taking a strong risk, gambling again at 75 percent, which would hurt local families who need housing the most at our time of greatest need. It is a risk we don't want to see, and we're surprised that some are willing to take this risk without justification. We ask, if you're going to move this bill forward, that you receive quarterly reports to stay abreast of the impacts on the units in the pipeline as compared to prior years, and to determine if homebuilders who had projects that penciled out at 50 percent plus one, did or did not move forward. We also ask that you look at putting a requirement in this bill, that if it is not working within one year, you bring it back to its current state so we don't fall behind again for years to come. To be clear, we are not saying nothing will be done. If I may just take one minute, one moment, a minute to wrap up?

CHAIR LEE: Okay.

MS. TUMPAP: Thank you. What we are saying is we're concerned our community will get less than it otherwise could with fewer projects coming to the table than other counties. As occurred during the Great Recession, there is data that the other counties in our State fared far better than us during the Great Recession. And so, we want to say, ultimately, we need a better plan. The best thing you can do today is to defer this bill until the final version of the plan from Hawaii Community Assets is released in June, so we have more and better solutions to draw upon. Mahalo for the opportunity to provide testimony.

CHAIR LEE: Thank you. Are there any questions for Pam?

If not, thank you very much. May we have next testifier, please?

COUNTY CLERK: Next testifier is signed in as Hakuole. And Hakuole will be followed by the last four digits 9385.

MR. DUKE HAKUOLE AU HOON [testifying on County Communication No. 21-176 and Bill No. 10 (2021), Draft 1]:

. . . Council. Good morning. Aloha kakahiaka kakou.

(Spoke in Hawaiian.)

I'm a very happy recipient of affordable homes by Spencer Homes. In the year of 2007, 2008. Can you guys hear me?

CHAIR LEE: Yes.

MR. AU HOON: And, you know, I'm actually for Bill 10 at 75 percent. I wish it could be 100 percent, even be better. You know, for the Spencer Homes project that I was a part of, especially here in Waikapu Gardens, it was 412 units, if I'm not mistaken. And at that time was 50 percent. And there, and the 50 percent side, the affordable homes side, there was 4,000; 4,000 people signed up for that, for that affordable homes and there was only 200 that was chosen. 412 units, and there was only 200 units that was affordable. And there were 4,000 waiting for that very, very list, and I got lucky. I was chosen like 385.

And the problem is, really is these, these guys who come in, these lobbyists are trying to tell you that it's not going to work, but it's going to work. It's going to work. We need more houses for local people. You know, and some people talk about aloha not being here anymore because the aloha is leaving with the people who are leaving. And it's being changed out from mainland people coming here with no aloha. Believe me, I see it every day. I own my own gallery. . . . the numbers is fine . . .

CHAIR LEE: Hakuole, we're losing you. Can you turn off your video? That often makes the audio stronger.

MR. AU HOON: Oh, e kala mai. Like up?

CHAIR LEE: Okay.

MR. AU HOON: Yea, you can you hear me now? E kala mai.

CHAIR LEE: Yes.

MR. AU HOON: --stay outside. You know, change is for the better. I know that, you know, if there wasn't affordable homes that didn't get sold, the developer's gonna put it as regular price anyway. And everybody, it, and believe me, there's multiple people who's moving here now, buying up all land, buying up all houses. So, you know, it's not like they're not going to be able to afford anything anywhere if these people who coming in can afford a million and above. Like for instance, my home, my home at the time I got it was 285,000. The model that I have was 285,000. The same gentleman halfway up the block, same model, paid 430 plus. And honestly, that's affordable now.

And I believe we can make it affordable because we can shop for all of our own material. You know, as a wholesale buyer, you're buying products that aren't \$1 million, you're buying it at dirt cheap, and I get it. The thing is, I'm in support. It's, it's like a wade in the water, it's like testing the waters, we have to. And, you know, honestly, it's important. It's very important.

And I guess also I want to say a little bit of the parking situation, I'm in support of 50 percent parking. And, you know, I've been out and about for, through COVID, going through places. And the amount of tourists that we have now, we have nowhere to go. Like, when I want to go to a specific beach I want to go to, there's no room. Then all the rental companies will take up the entire beach. There is no parking. So, now, we have to figure out where can we go, you know. Especially with the COVID now, I know that it's hard to regulate the parking and having, hiring another security company to definitely do that. And you know what, if that's something that we gotta do, that's something we have to do.

And as of right now, we can't even manage the COVID problem. I mean, if you look at what we're going through now, you know, Grand Wailea, look at Grand Wailea, over 200 plus umbrellas on that beach. Same with Villas and same with, same with Four Seasons, that entire beach is covered. Talk about policies of COVID, they're not even following any policies. But, honestly, I, you know, I appreciate the work that you guys put in, the work that you guys do. And mahalo for listening.

Honestly, really, the affordable homes part, I stumbled on the information. I, the problem that we have with affordable homes projects is that there isn't enough information reaching out to the actual locals that really need it. I actually, it was, it was the moment that my wife and I went to go see to qualify, if we qualify for a home loan, randomly choosing a random company. And I went in with slippers, surf shorts. And

he kind of looked at me. He goes, oh braddah, you neva do your homework eh? I said, well, I don't know what type of homework you're talking about, but we're here to see if we qualify for a home. You know, he said, you know, you local kids, yea.

CHAIR LEE: Okay, Haku. Hakuole?

MR. AU HOON: Yea.

CHAIR LEE: You've reached your time limit on the housing one. Okay?

MR. AU HOON: Okay.

CHAIR LEE: Okay, so, but we never got your full name.

MR. AU HOON: Duke Hakuole Au Hoon. Hakuole would be what everybody calls me.

CHAIR LEE: Is that your last name? Your first name is Duke. Okay, we're losing you.

MR. AU HOON: That would be my middle name.

CHAIR LEE: Oh, what is your last name?

MR. AU HOON: Au Hoon.

CHAIR LEE: Okay.

MR. AU HOON: A-U H-O-O-N.

CHAIR LEE: Thank you. Okay, now I'm going to ask the Members if they have any questions.

Yes, Ms. Paltin.

And, Hakuole, try turn off your video.

MR. AU HOON: Okay.

CHAIR LEE: Then we can hear you better.

MR. AU HOON: There you go. Okay.

CHAIR LEE: Ms. Paltin and then Ms. Kama.

COUNCILMEMBER PALTIN: Thank you, Madam Chair. Thank you, Mr. Au Hoon. And I just had a question. You know in the example that you brought up for the Bill 10, it's my recollection that, you know, a lot of the emergency services and workforce that didn't make it on the list for affordable housing wrote personal pleas to Mr. Spencer and they were awarded affordable housing from him. Are you aware of that? Like how even though it was 50 percent plus one, then he awarded more affordable housing to, like, our lifeguards, our firefighters, and our police that wasn't a requirement but then he put more folks in there at affordable prices?

MR. AU HOON: I'm very aware. I'm very aware. I'm not either one of them. It was more, this affordable homes honestly, was kinda, kinda hurtful cause they took more military, you know, State workers, they took more military, State workers, firefighters. They tried to fill in all them first before they could actually take local people such as myself. So, that kind of when hurt me little bit. But, you know what, I totally understand. If you guys get these service guys, military, firemen guys, they deserve it.

But there's a--

CHAIR LEE: Members?

MR. AU HOON: --whole nother group of us--

CHAIR LEE: Members?

MR. AU HOON: Who doesn't have State jobs, you know.

CHAIR LEE: Haku, try wait for one second. Members, please, don't be asking about specific projects, okay? I know you probably know more information sometimes than the testifier, but we're not talking about Waikapu Gardens today. We're only talking about Bill 10. Okay? Any questions along the lines of Bill 10?

Ms., Ms. Kama, did you have your hand up earlier? And then Mr. Molina.

COUNCILMEMBER KAMA: Yes, I did, Chair.

CHAIR LEE: Ms. Kama. But I just wanted to clarify Mr. Au Hoon's testimony. I wasn't sure if I heard him correctly, cause you know, he was weaving in and out. But, but, Mr. Au Hoon, did you say that your home cost you \$285,000 and a home up the street cost 430--

CHAIR LEE: Okay. Ms. Kama? Ms. Kama?

COUNCILMEMBER KAMA: Yes?

CHAIR LEE: Ms. Kama? We're on Bill 10, okay, we're not talking about Waikapu Gardens. That you can get clarification on separately, please.

COUNCILMEMBER KAMA: I was trying to figure out if there was 25, 75, there?

CHAIR LEE: No. It was 50, plus one. I was the Housing Director at that time. 50 percent, plus one.

COUNCILMEMBER KAMA: But if his home was 285 and the, the cost of the houses, the other, the unaffordables, the market was 430, I was trying to look at the ratios on that, that's why. Thank you.

CHAIR LEE: Well, the reason why, okay, we can talk about that at another time, okay?

COUNCILMEMBER KAMA: Thank you.

MR. AU HOON: Councilmember Kama, you can definitely give me a call, or email me, and I'll definitely kind of give you a little bit of what I know.

CHAIR LEE: Okay.

MR. AU HOON: For sure.

CHAIR LEE: Yea. This is a project back in 2006, seven and eight.

Alright, Ms., Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Mahalo, Hakuole for your mana'o on Bill 10. And, you know, you, I appreciate you sharing with us, you as a person who have gone through the process of waiting to get an affordable house as it relates to a project without mentioning any specific names. And also, offering a solution because developers have said with regards to Bill 10 that, oh, you know, it's going to cost us more money, so to offset that cost maybe the homeowner can, can take up some of that cost. But you mentioned 4,000 people back at that time for that project. How would you categorize the crisis now? Is it even worse now than back then, in your eyes?

MR. AH HOON: Wow, let's see. Man, I think there was, not a depression, but there was a economy downfall at the time too, if I'm not mistaken. Kind of either 2008. But, ho man, I would have to say it's worse today, in affordable part. But there's so much

people who needs a home, who wants a home and none of this cut short, kind of lao Parkside kine. And you know what, lao Parkside and all that, those is maika'i, but home is where it's at, you know? And today, I believe that it's, would be worse in an affordable way.

Because, like, for instance, I got lucky. Honestly, there was that downfall where the market of homes dropped, and I was one of the first to qualify at five percent versus twelve percent in the loan. Today, we just need availability. Really, it's the availability. And, and I guess what, what, like what I was saying before was that we stumbled upon the project. We had no idea of any type of affordable home projects. So, now that I'm in my situation and every time I cross a family, a local family who can't afford, they're unaware of any type of projects. So, now I tell them, hey, look at the newspaper, look at, look at all the public channel, because that's where all the--

CHAIR LEE: Okay, we're straying away from Bill 10 again.

COUNCILMEMBER MOLINA: Yea, I'm sorry. Sorry, Madam Chair. Yea, sorry, Hakuole, I have to cut you short on that. I think you did a great, you know, explanation of my first question.

Last question, so in your eyes, Bill 10 will help address the need for more affordable housing and provide at least some hope or opportunity; yes, no?

MR. AU HOON: It'll give hope right now to the community. I tell you right now, it'll give hope for us local people who really can't afford what houses cost today, to hear that there's 75 percent availability would be amazing.

COUNCILMEMBER MOLINA: Okay. Thank you. Mahalo, Hakuole. And by the way, Bill 10 only asks for 75 percent. It doesn't mandate the developer. So, just so everyone knows cause I know it's been put out there that 75 percent is a hard number. But, you know, there's flexibility with this proposed legislation. But mahalo for your testimony, Hakuole. Aloha.

MR. AU HOON: For sure. Mahalo.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR LEE: Thank you. Are there any more questions for the testifier? If not, thank you very much, Hakuole. Appreciate it.

MR. AU HOON: You guys have a good day. Mahalo.

CHAIR LEE: You, too.

Next testifier, please?

COUNTY CLERK: Next testifier is registered as telephone number 9385. And 9385 will be followed by, Ivan Lay.

MS. CAROL LEE KAMEKONA [testifying on County Communications Nos. 21-174, 21-176, and 21-177; and Bill No. 10 (2021), Draft 1]:

Aloha kakahiaka . . . Madam Chair, Vice-Chair, and Councilmembers. My name is Carol Lee Kamekona and I am not a paid lobbyist. As far as Communication No. 177, I kakou what Junya said with regards to the maximum building height at the Napili Bay. I think the Planning Commission needs to be realigned. Look at the decision they made for the Maui Coast Hotel.

With regards to Communication 174 and 176, I wholeheartedly agree that we should have reserved parking for residents at all public beaches, and fees should be charged to tourists for parking. However, I'm interested as to what the logistics and the enforcement are going to be with regards to that, and I kakou what Chair says, that it needs to be vetted strongly. And I hope that the enforcement is strong enough to ensure accountability and transparency.

And on my final note, I am testifying in support of Bill 10, for the 75 percent allocation of 201H projects regarding affordable housing. This bill is going to help our residents who keep saying we need affordable housing. Developers say they can't do it, they can't build 75 percent affordable in their projects. My question is, why can't you? I understand there are a couple of projects that were 100 percent affordable that have been built. If you don't want to do affordable housing, then use the regular permitting process and build your high-end homes. But I ask you, who are those high-end homes for? Nobody, part-time residents?

My request to developers, can you dig deep into your na'au and pull out your humanity, your compassion, and your aloha for this aina we call home and its people? Build one project, just one project that is totally affordable at no more than \$350,000 that's what I believe is affordable, and not look at the bottom line. Mahalo.

CHAIR LEE: Mahalo. Any--

Yes, Ms. Sugimura, and then Ms. Paltin.

COUNCILMEMBER SUGIMURA: Thank you. This is a point of information. I just recently was fortunate to run into Carol Lee Kamekona in the elevator and she shared that she is employed now with a Councilmember. And so, I guess I'm wondering when you have staff that testifies, as she said she's not a paid lobbyist or whatever, then do our staff, if they do come before us and testify, do they need to say that they now work for whatever, whatever Councilmember? And do they speak in behalf of the Councilmember? I think there's a conflict here. So, I just want clarification. I just ran into her in the elevator in the building, which was nice.

CHAIR LEE: Okay, Carol--

MS. KAMEKONA: Madam Chair, can I address that.

CHAIR LEE: --are you still on the line?

MS. KAMEKONA: Yes, I am. Can I address that? I, I was--

CHAIR LEE: Yea, just make the clarification, please.

COUNCILMEMBER SUGIMURA: That was a question for the Chair. That was a question for the Chair.

CHAIR LEE: Yea, and, okay, Carol. Carol Lee, can you wait one second? Okay, I'm going to ask Ms. Carol Lee to clarific, clarify that she is attesting on her own behalf and is not testifying during work time, okay?

MS. KAMEKONA: Yes, Madam Chair.

CHAIR LEE: . . . clarification.

MS. KAMEKONA: I am testifying, I am testifying on my own behalf, and I am sitting on my bed at home. I am not at the County Building. So, yes, I am testifying on my own behalf and not at work.

CHAIR LEE: Thank you for that clarification. Okay, Ms. Sugimura?

Yes, now we have Ms. Paltin. No? Anybody else? Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh. Thank you. I wanted to clarify, you know, when you were talking about the enforcement for the parking and what not? I just was wondering if you felt that residents bringing their driver's license or Hawaii State ID is too much to ask?

MS. KAMEKONA: I think it's going to be hard to utilize just a driver's license. I know, like, you know, some properties, they have, they issue you, like, stickers or, or, you know, something that says that you're like part of that property. I think maybe if something like that was issued to residents, you know, to put on their cars. I don't know if you would actually be able to ask them to provide their ID unless you specifically have an attendant at each lot that needs to check it, you know, during the seven to seven timeframe when the parks are open.

So, I know the logistics and the enforcement on that is really going to need to be vetted in Committee. So, I'm just hoping that, you know, and like, like Chair says, community does come out and provide their, their resolutions and solutions. But I do agree that we need to do something because it's not fair for our residents. And right now they're not that many tourists that are here that are utilizing the facilities that we should be, you know, we should be afforded. But come summer, guarans not going have nothing. Going be just like Waikiki, and you're going to have to fight for sand.

CHAIR LEE: Any more questions from anyone else? If not, thank you, Carol Lee. Thank you.

MS. KAMEKONA: Mahalo.

CHAIR LEE: Thank you.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. Our next testifier--

CHAIR LEE: Madam Clerk, how many more testifiers do we have? Cause after the last one, we're going to take a break. So, when would that be? How many?

COUNTY CLERK: Six, currently signed up.

CHAIR LEE: Okay. Maybe six is too much. So, maybe let's make it at 11, 11:10. Maybe not everybody is going to take the full amount of time.

Mr., is Mr. Lay next?

COUNTY CLERK: Our next testifier is Mr. Lay. Mr. Lay will be followed by Jennifer McGurn.

CHAIR LEE: Okay. Good morning, Ivan.

MR. IVAN LAY [testifying on Bill No. 10 (2021), Draft 1]:

Good morning. Good morning, County Council. My name is Ivan Lay and I'm not a paid lobbyist. On Bill 10, they've tried it before, they raised the percentage, and it didn't work. Why are we going down that same road again? I mean, is there some miracle that you pulled out of the hat where it's actually going to work now? What are the plans if, you know, for this?

And then, we've heard where it's not necessarily going to be 75 percent. I mean, how do the developers work with this? Is it a spinning wheel where you've got 65? How do you work with it? Or, you know, developers, are they supposed to make a whole bunch of okay, they gave us 75, they gave us 70, they gave us 60, they going to do three different bids in trying to make this work? That sounds totally, totally difficult to me.

Affordables are being built right now. And it is a delicate balance of market value and affordable to make these projects happen. And I also want to stress that there are Councilmembers that might agree with this or they might disagree with this bill. And just because they vote against this bill does not mean that they're against affordable housing. They just don't see that this is the venue for that. There are different venues, and from what I've heard, one of the biggest challenges is qualifying for it.

So, let's make more programs that make people qualify for this. If there's 4,000 people out there looking for homes, let's help them to make these homes. And raising this percentage is not going to help. Changing the numbers from, you know, whatever you guys decide to make it, you know, in this area is going to be 75 and this other area is going to be 60, is a big challenge for developers. That's all I have to say.

And again, I appreciate all your hard work. You guys are working really hard to make affordables happen and have more affordables here on Maui. But, please make sure you go down the right road. And let's say you do pass this, make sure that within a quarterly, in a quarter, you check it out to see if it's happening. In one year, you get together and say, it's working, great. If it's not working what can we do to make it, to fix it? You guys are responsible for making these affordables happen. Make sure if you did make a mistake, that we're able can fix it. Thank you for time.

CHAIR LEE: Thank you, Ivan. Any questions for Mr. Lay? If not, thank you for coming.

May we have the next testifier, Madam Clerk.

COUNTY CLERK: Next, our next testifier is Jennifer McGurn. And Jennifer will be followed by Tiare Lawrence.

MS. JENNIFER MCGURN (testifying on County Communication Nos. 21-174 and 21-176; and Bill No. 10 (2021), Draft 1):

Good morning, Council. My name is Jennifer McGurn. I am testifying as an individual. Some of you may recognize me, I do work at an MEO. But I am not speaking on behalf of MEO, just as an individual. But I did want to speak in support of Bill 10. Here, at MEO, as you all know, we have been assisting with rental assistance, mortgage assistance, throughout the past year especially. I can tell you that there is a dire, dire need for affordable housing.

I am continuously blown away when I'm reviewing people's files each day, how much people are paying for rent, just to, you know, roof over their heads. We're not talking anything fancy or nice, and they're squeezing 12 people into a two-bedroom place just so they can survive. So, I see that daily. I hear their stories, I see their files, I see their financial situation. It's, I am afraid that Maui is turning into a place for the haves and the have-nots.

There's a, there's a huge swath of people out there who are coming in, putting bids on homes sight unseen. My husband and I are trying to refinance our house right now, and we keep getting shoved to the back of the pile. Our lender told us, I'm sorry but we're getting bombarded. People are coming in with cash offers over asking price. So, if there are that many people that are able to do that, we ought to be able to give the residents of this island a chance.

I'm not a numbers person. I don't know how to work out all the numbers, but I also know that, you know, MEO has a bit of property over in Waiehu that we've been looking at working with a developer on developing some affordable housing with another nonprofit. And, you know, I've seen those numbers. I know there have been other affordable projects built. Again, I'm not a developer, I don't run the numbers. But there just has to be a way. We have to do something.

And then, I'll just add quickly, I also am in favor of the beach parking for residents. Again, I think it's so important that Maui stays true to its residents. We all, tourism is not going to go away. It's here. But I, I hope that we can find a way to better manage it and keep it the place that we all love and even, you know, for the tourists that come here make it a good experience. And I feel like, as far as tourism goes, we really should be looking at quality vs. quantity. It seems like more, more, more, more, more

more, more, and that's not sustainable for anyone. So, anyway, that's my testimony on both. Thank you very much for your time.

CHAIR LEE: Thank you. Any questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. McGurn. My question is just, do you think it's in, unreasonable to ask residents to bring their driver's license or State ID as a form of verification and enforcement?

MS. MCGURN: No. I don't, I mean, I don't, I would think not. I mean, you have to have your driver's license if you drove there, right? I mean, or, you know, if you're driving a car, therefore you're parking your car, you should have your driver's license. So, that seems reasonable to me.

COUNCILMEMBER PALTIN: Alright. Thank you. Thank you, Chair.

CHAIR LEE: Okay. Ms. Paltin, just a forewarning, looks like your network signal is weak. So, at some point I may ask you to turn off the video, okay? Alright.

Yes, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Aloha, Ms. McGurn. Nice to see you and thank you for sharing your experiences seeing this housing crisis or need for affordable housing crisis up close and personal. So, many of, do you think many of these individuals who are paying rent, if a developer using the 201H process will open to adding more affordables, these very individuals that you're helping could certainly benefit and get their foot in the door? And, and you see this crisis just getting worse and worse?

MS. MCGURN: I do. I mean, there are, you know, there are the very, very low income. You know, those that, like 50, 80 percent AMI. You know, they are, they are not much above poverty level, which is very low. But there are also people, and more so this past year, I think people who are just kind of on that line, you know. They're making it, they're living paycheck to paycheck. But the amount that people are paying in rent, people are paying 2,500, 2,800, \$3,000 in rent. With interest rates as low as they are now, people could get a mortgage for that, you know. Yea.

COUNCILMEMBER MOLINA: Thank you. And one last thing, so, you mention about developers trying to pencil the projects and, you know, make it work. So, if developers were to downsize, make more modest cheaper homes that people are desperate

enough that that's something they could, you know, it's a win-win for the developer to save money, at the same time meet a desperate need of our community. So, instead of a three-bedroom house, maybe a two-bedroom and a one bath; more modest smaller homes. But the issue is just to acquire the property and get a structure on it. Do you think that would work and be a win-win?

MS. MCGURN: I do. I mean, I think, I think people just want something to call their own, you know. Owning something and having that pride of ownership, that's a big deal, especially if you grew up here. You know, so many people, they, they just have, they think have no shot at ever owning anything. You know, I have three kids. My, my oldest as you know, 25 years old, works for Matson, great job makes good money. Still, I mean, the, to have to come up with the down payment and all of that, it's out of reach. And he's got a good job. So, yea, the penciling I think has to work. And I do think people would be willing to, to downsize.

We talked about this about with Department of Hawaiian Homes, you know, when they do their tracked housing. I often wish people could just build what they need, you know. People don't always need the three bedroom, the four bedroom, the five bedroom. Maybe they just need a one bedroom or a two bedroom. They don't need all the bells and whistles, but they need a home to call their own. And I think--

MS. MCGURN: Thank, thank you Ms. McGurn.

CHAIR LEE: Thank you.

COUNCILMEMBER MOLINA: Appreciate it.

CHAIR LEE: Thank you.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR LEE: Alright. Madam Clerk, we're going to call one more, because the testimonies are running long, so we're going to call just one more and then take a break, okay?

COUNTY CLERK: Our next testifier is Tiare Lawrence.

MS. TIARE LAWRENCE [testifying on County Communication No. 21-176 and Bill No. 10 (2021), Draft 1]]:

Aloha, Councilmembers. I'm going to keep this short, because I know you guys want to get to lunch or break. And I just wanted to testify on Bill 10 in strong support.

And secondly, on the beach parking propose, or not beach parking, but the parking proposal. I have lots of ideas that I'd love to share with you folks if you guys could please pass this to Committee. And I would love, if you have the opportunity, I would be happy to sit down with you folks and share a lot of my ideas about this. But have a beautiful day, and please pass this to Committee, okay? Aloha.

CHAIR LEE: Okay. Thank you, Tiare. Are there any questions? If not--

Oh, yes, we have one from Member Paltin. Yea, now your signal is really strong.

COUNCILMEMBER PALTIN: I asked the man upstairs to turn it up. I just was, wanted to clarify, I might've missed the first part, were, you were only testifying on the parking one?

MS. LAWRENCE: And Bill 10, the affordable housing. I think most of you guys know how I feel about 201H. But, yea, I'm in strong support of Bill 10.

COUNCILMEMBER PALTIN: Okay. Sorry, I missed that part.

MS. LAWRENCE: No worries.

CHAIR LEE: Any more questions? If not, thank you, Tiare.

Members, it's, take a short break and then return in 10 minutes. So, I know there's one Member that has to leave at 12:30. Vice-Chair Rawlins-Fernandez, what time do you have to leave?

VICE-CHAIR RAWLINS-FERNANDEZ: Before 12:30.

CHAIR LEE: Before 12:30? Okay. Alright, we'll try and, you know, like, what can I say, I can push it.

VICE-CHAIR RAWLINS-FERNANDEZ: But, but I, I, I can be back on at 2.

CHAIR LEE: Two? Oh okay. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Probably about 2:10, but yea.

CHAIR LEE: Okay. And maybe you can let us know, well, when it get closer, when it gets closer to that time, if there are any items in particular that you needed to address, then we could put at the end, okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Sounds good. Mahalo, Chair.

CHAIR LEE: Alright. Alright, 10-minute break. So, that, that's about 11:15, okay? Meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:03 A.M., AND WAS RECONVENED AT 11:17 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER SUGIMURA, EXCUSED.)

CHAIR LEE: Will the regular Council meeting of April 6 please reconvene.

Madam Clerk, shall we continue with testimony?

COUNTY CLERK: Yes. Our next testifier is Lynn Britton. And Lynn will be followed by Albert Perez.

MS. LYNN BRITTON [testifying on County Communication Nos. 21-171 and 21-176; and Bill Nos. 24 (2021) and 10, Draft 1]:

Aloha. Can you hear me?

CHAIR LEE: Aloha. Yes.

MS. BRITTON: Aloha, Chair Lee and Members. Thank you so much for, for all that you do. It's not an easy task, I know, to keep everybody on, on task, Chair Lee. It's fun to watch. I'm here primarily as President of Maalaea Village Association to support the budget amendment to change the funding from Hawaiian Islands Land Trust to Trust for Public Lands for the Maalaea Mauka open space purchase.

We had a very exciting meeting with Congressman Kahele when he was here last month. He's very supportive. We've met with his environmental person in Hilo and he's very excited about all the Maalaea Bay initiatives, including the purchase of Maalaea Mauka. So, thank you for, for all you've done to help us get to this point. We're very excited about TPL taking over and all the new initiatives that are being looked at with the Forestry Division and the support that we've gained from the National Marine Whale Sanctuary, Aquatics Division, etc., etc. So, it's really an exciting time and you have helped us get this far. So, thank you so much.

Personally, I'm very supportive of beach parks and beach parking. I hope to have a chance to weigh in on that later in the year. And also, support water quality monitoring

and whatever we can do to increase affordable housing on the island. So, that's my brief testimony and I'm here to answer any questions that you might have. Mahalo.

CHAIR LEE: Thank you, Lynn. Thank you, Lynn. Are there any questions for Ms. Britton?

Ms. King.

COUNCILMEMBER KING: Thank you. Just to clarify, cause I don't want to get scolded. But, you know, on the, on the meeting with Kai Kahele's group, did you, were you able to talk about the FEMA Pre-Disaster Mitigation Fund with them at all?

MS. BRITTON: Yes, we did and they're looking into it right now. And our goal at this point is to continue with full funding from the Open Space Funds, and at the same time see if we can provide . . . funding approval to provide matching funds. And that would include the current forestry grant request of over a million dollars for the 5,000 acres of the Pohakea Watershed with the wildfire and erosion control.

COUNCILMEMBER KING: Okay.

MS. BRITTON: So, right now, we are looking at the full funding and if we can we'll be using that toward matching funds with the Federal funds.

COUNCILMEMBER KING: Okay. Great. Thank you. Thank you, Chair.

CHAIR LEE: Okay. You slid one through. Okay, anybody else with questions? If not, thank you, Lynn.

May we have the next testifier, please?

MS. BRITTON: Thank you.

(Councilmember Sugimura returned to the meeting at 11:21 a.m.)

COUNTY CLERK: Next testifier is Albert Perez. And Mr. Perez will be followed by Faith Chase.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION [testifying on Bill No. 10 (2021), Draft 1]:

Aloha, Chair Lee, Members of the Council. Albert Perez, Maui Tomorrow Foundation. I'm testifying in support of Bill 10. A previous testifier suggested that the Council can

prioritize 201H projects that have higher percentages of affordable homes, but that's not correct. The Council has a 45-day deadline to decide. That puts other Council business on hold. It takes a huge amount of the Council's time, the public's time, and it divides the community.

Market-orientated housing developers will not solve our affordable housing problem because they are focused on making profits for themselves. 201H has been abused by some of these developers to get around the ag subdivision law. They meet the minimum of 50 percent plus one affordable home, and then they make huge profits developing gentlemen's estates usually while violating our community plans and raising the price of ag land which affects our farmers ability to provide us with food.

Bill 10 will send a message that this type of abuse is not welcome here. Instead, we need to look to dedicated affordable housing developers to whom 75 percent and even 100 percent is not a barrier. Also, let's be clear, Bill 10 will be an ordinance and 201H developers can request exemption from it just as with any other ordinance. So it will not reduce affordable housing, but it will discourage abuse.

Let the private developers build market housing. We have a situation where the market has failed to provide affordable housing for our people. It's good to use public funds to address this public need. When Maui County used to build affordable housing, hundreds of units were built. More recently, the County of Kauai itself used the 201H process to initiate 100 percent affordable Lima Ola Housing project that will provide 550 affordable homes for sale and for rent. I urge the County to investigate this option.

Please, pass Bill 10. It will encourage developers who are able to provide truly affordable housing. There will be fewer abusive 201H developers taking up our time and dividing the community, and less gentlemen's estates. Mahalo.

CHAIR LEE: Any questions for Albert? If not, thank you, Albert.

MR. PEREZ: Aloha.

CHAIR LEE: May we have the next testifier?

COUNTY CLERK: Our final testifier that's signed up right now is Faith Chase.

MS. FAITH CHASE [testifying on Bill Nos. 26 (2021), 10 (2021), Draft 1]:

Good morning, Chair. Good morning, Councilmembers.

CHAIR LEE: Good morning.

MS. CHASE: I'm testifying on three items today. The first is Bill 10, which I understand may be deferred back to Committee. Nonetheless, I will take the opportunity to again express support for this measure. I feel like I expressed my concerns thoroughly in Committee.

Bill 26 is the next bill I'd like to speak to. I will speak directly to this, but I have a couple things to say. Over the last year, I've come to know his body quite well. I am, I'm certain you can all agree that I take every opportunity to express my strong feelings about subject matters relating to Maui County. While I respect the Council's time, I must remind and emphasize to this Council's Chair and this Council body that you should never silence the input from community, even if the subject matter may sway away from the agenda specifics.

There is no fluid methodology in which you appropriately reach your constituent with each and every Committee subject matter. In relation to the housing crisis, I would continue to seek public input in all shapes and forms and be cautious to silence public input. One of the previous testifiers made comparison to the present attention on affordable housing and the forgotten homeless, houseless, and those struggling with secure housing. The mention that it was not on the agenda was an important comment. I concur. It should be on every agenda until it is resolved.

I will speak to this issue by stating that the appropriation to Hawaii Emergency Management, or otherwise, the Hawaii National Guard is important, seven, almost seven thousand, \$700,000. I look forward to seeing that that truly, that that use of funds is truly used to make up for lost time for an entire year and attention the emergency needs that have been repeatedly asked for and ignored.

You know, I, I want to comment something, that I actually really liked the comment from Kelly, Councilmember King, about this is the chance that when people testify and they may sway off, you know, it's already nervous for people to come and testify. Certainly, Zoom has helped in certain ways. And maybe it's hard for the digital divide for some people. But that quote, quoting her to inform priority to Committee Chair is huge because it happens here, and it happens at the Legislature.

I don't see any framework where when people testify, where is that spreadsheet that goes from the Committee secretary to the Chair, hey, you had 17 people speaking on this this, you had six people speaking on this item. It is at the Chair's prerogative, so there's a missing link there. And so, when public input is given, that's important for you to extract and, you know, extrapolate that information and prioritize it, not just pick what is your pet projects. Anyway, enough about that.

Communication 21-176. I am in full support and I'd like to say that you have community intel to help shape the issues that I hear some are concerned with regards to enforcement about public residential parking. You would have already known about the applicability of visitor management had the Hana Highway regulation grant been appropriately awarded to the person that it was set to. That was hijacked and you didn't get to see the framework. But you actually have it within your possession. You have the community intel. I would defer, I would confer with Office of Economic Development on grant applications that have illustrations and applicability and methodology to deal with this. I would not be afraid of that at all. This a good bill. I look forward to seeing it through. Thank you for your time today.

CHAIR LEE: Any questions? If not, thank you very much.

Madam Clerk. Kathy? Madam Clerk?

COUNTY CLERK: Chair, we have one more testifier that has signed up. And that would be Mr. La'akea Low.

CHAIR LEE: Hello?

MR. LA'AKEA LOW [testifying on County Communication Nos. 21-174 and 21-176; Committee Report Nos. 21-18, 21-26, and 21-28; and Bill No. 10 (2021), Draft 1]:

(Spoke in Hawaiian.)

I wanted to testify on a few items. First, in relation to CC 21-174, I know you folks may not take action, but I don't know if I'll be able to make the Committee meeting, so I just wanted to get my thoughts down right now on record today. So, for the 174, for the parking fees, I just wanted to speak in support. I think it might help lessen even cars on the road by the beaches. I think it might sway some visitors to walk or cycle instead of driving to a lot of these beaches that are pretty close to their hotels and stuff.

And then, just thinking outside the box, if maybe even we can, I don't know if you guys have looked into like golf carts or something. Maybe that might, cause cars take up plenty of space, so maybe golf carts might help. And even if maybe golf carts have like free parking or reduced fee or something, might incentivize visitors to use cars less and reduce our carbon footprint with electric modes of transportation.

And then, moving on to CC 21-176, the reserved residential parking. I'm, I'm in support of that, too. To me, the bar for resident is pretty low. So, that's kind of a concern. I

mean, a lot of, you know, multigenerational families aren't visiting the places we used to because it's so crowded. And people say that, oh there's no one engaging in cultural practices on these beaches or in these places anymore. And part of the reason is cause of no parking and too crowded.

And I just wanted to bring up something they do in; I did some work in California recently in Lake Tahoe. And I don't really like referencing places in America too much, but I think indigenous native aboriginal peoples have a lot of shared experiences under settler colonialism. So, what they do in Lake Tahoe for the Washoe Tribe, who's home area is Lake Tahoe, but they've been displaced to reservations in Reno. So, what they do in Lake Tahoe is they also have reserved parking for tribes, for tribal members. I think that would be good for us to do here for kanaka maoli communities, so that we can practice our culture in the places that we need.

Like I said, resident is, could be anybody with a, according to this one, anybody with a driver's license. They could just move here and get a license and then you're afforded these benefits. So, those are just my thoughts on CC 176.

And then, moving onto CR 21-26, the recycling, and the landfill diversion. I think this is good. I think we need to invest more. For example, this investment is less than 100,000. So, it's a fraction of what other industries get, like tourism. I think we should be moving away from like funding these kind of programs. Help us move away from our overdependence on tourism and provide green jobs for our communities. Something we should be transitioning to is more of a green workforce. And so, I support 21-26 and hope we can invest even more in the future.

Then, moving onto CR 21-28, the planning advisory committees. I think this is important. I support this one, too. We've seen what happened with the antennae in Waiehu Kou that a lot of the community was against, that got passed. Then we saw recently in Kihei with the Maui Coast, the so-called expansion, which is, which many described as a construction of a new hotel that a lot of the community members were against, that got passed by the Planning Commission. I think the advisory committees will help the members on the commission make better decisions. You had, for instance, for the Maui Coast, you had one member, who after 10 hours of deliberation and presentations chose to abstain from voting. I think that's a problem and that maybe the advisory committees can help the members make decisions.

Moving onto CR 21-18, the Bank of Hawaii. I want to support what previous testifier said. We want, like, representation that will go to bat for us and work with us. And I know you folks are supposed to hear from both sides in the last meeting. I hope you guys can hear from both sides today, and we can get a fuller picture of what's going on, cause kanaka maoli communities really need financing. A lot of us are left out of

the, a lot of housing opportunities because of lack of financing. And so, I think the sooner we can get this resolved, the better for our community.

And then, lastly, for Bill 10, I just want to come out and support. And, you know, there's a, it's alarming when opponents have to use, you know, misinformation and half-truths to support their arguments. Whether they're referring to the housing crash of 2007, or talking about Kahoma, where, as members pointed out, a lot of houses were flipped. So, there's a lot of in misinformation and half-truths out there.

There's also, they've also called for a year, sunset time. I think that should be longer. As it's been mentioned before, I think that what might happen is developers will just sit out a year, which isn't hard to do. We've all sat out this year in COVID. So, I don't think it's hard for them to sit out a year and then make an argument that it's not working. I would be more in favor of a longer period like five years.

Then, people are also saying to wait for the HCA report. Again, I don't know how long we're going to wait or how long we're going to stall. The HCA report isn't supposed to come out till June. And, you know, my understanding of research and academia is you need more than one source. And so, to think that this report is the Holy Grail and that it's going to somehow provide all the answers, I don't believe in that. I think we need multiple reports. So, and the fact that they're a nonprofit partnership, so they do rely on working with a lot of the developers. So, I just think that the report has given a lot of weight, that I don't necessarily think it deserves.

And, you know, we're hearing a lot of fear mongering and scare tactics. And, you know, that's kind of concerning. You know, developers aren't supposed to be out here to get rich. I mean, I've heard a famous book, religious book brought up in this Council with a famous carpenter in it, and that carpenter lived pretty meekly. And so, you know, I'm a big believer in where there's a will there's a way. And it seems everyone has the will to do this, except the developers and construction industry. To me, they're trying to have their cake and eat it too with all the benefits they receive and shortcuts they can take with certain processes that the County is providing.

And so, I support this. And, you know, they complain about not penciling, not penciling out the numbers. And, you know, the good thing about using pencil is you can always erase and make changes. And so, I just want to come out in full support of Bill 10 and hope we can get more housing for our community. Mahalo.

CHAIR LEE: Any questions?

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Low, for your testimony today. For 21-18, the Bank of America. Just clarification, you're against the giving them the additional funding.

MR. LOW: Actually, Member Sinenci, I never really, I'm not prepared to take a stand either way. I think it would be helpful to hear from both sides, from both sides that we're supposed to hear from last time. But that got deferred.

COUNCILMEMBER SINENCI: Okay.

MR. LOW: So, yea, mahalo.

COUNCILMEMBER SINENCI: Mahalo. Thank you, Chair.

CHAIR LEE: Okay. Any other questions? If not, thank you to the testifier.

MR. LOW: Aloha.

CHAIR LEE: Madam Clerk, call the next one.

COUNTY CLERK: Chair, we have another testifier and that would be Kai Nishiki.

CHAIR LEE: Kai, are you there?

MS. KAI NISHIKI [testifying on County Communication Nos. 21-174, 21-176, and 21-177; and Bill No. 10 (2021), Draft 1]:

Good morning, Chair. Good morning. Yes.

CHAIR LEE: Hi.

MS. NISHIKI: Good morning. Good morning, Chair. Good morning, Councilmembers. I support Bill 10. Thank you, Mr. Molina. Bill 10 is yet another way to provide homes for our local families. Thank you for listening to the pleas of the housing insecure. And to all the developers and real estate types, stop with the scare tactics already. Type, 201H is voluntary. If you don't want to participate in it, then don't. It's a fast-track process and grants exemptions from rules and fees. The bar should be set high when the County is subsidizing housing to help the most challenged. Thank you, Mr. Molina.

County Communication, 21-177, relating to short-term rentals and building heights. In Napili, there's a lot of shady business going on. And thank you, Member Paltin, for bringing this to light.

CC 21-174 and 176, related to tourists' beach parking, charging them for parking and reserving 50 percent of our public beach parking for our residents. We can all agree that tourism needs to be properly managed. Even Hawaii Tourism Authority and Maui Visitors Bureau agree; tourists must pay to play. Maui County has been giving away access for free for far too long. Our residents are tired of being treated like second-class citizens.

Our community members work really hard, sometimes two or three jobs. And when we go to the beach on our off days or after work, all we see are rental cars filling our beach parking, and we have to go someplace else. How is that right? Right now, our residents, kanaka, going fishing with their families are being ticketed for a pop-up shade for their keiki, while 400 tourists in Wailea are having umbrellas set up right next to each other all day, every day. Every month into Summer, our visitor numbers are going up. Our community is at a boiling point right now. We need our representatives to respond with urgency and take action now in incremental ways to help our residents.

As far as the beach parking for residents, let's not make this more complicated than it really is. Right now, we can just mark the spots for Maui County residents and expect the tourists to respect the signage. I mean, you've got to be a real jerk to see the sign and just pull in. It's a start, while we hire some parking rangers, etc. In fact, I will volunteer for free. Just get me on a golf cart and a bullhorn and I'm on it. How about we follow Councilmember's great, Councilmember Molina's great advice from his opening remarks this morning; be bold and think outside of the box. Imua.

CHAIR LEE: Okay. Any questions? Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Just really quickly, Kai. Thanks for testifying, but you know when you mention the pop-up tents and people getting ticketed, I saw something about that on Facebook. Is that a, is that a COVID related ticket that they're getting? Do you know?

MS. NISHIKI: Yes.

COUNCILMEMBER KING: Okay. And then, and yet we're not ticketing the tourists.

MS. NISHIKI: Yea. Every day down in Wailea, 400, and probably 400 more on every beach getting set up. And the County is not getting any of that revenue. And there is zero enforcement going on. So, please, please act now.

COUNCILMEMBER KING: Thank you. Okay. Thank you. I just wanted to know if it was COVID related because I don't, I don't remember anyone ever getting ticketed for tents or pop-up tents before. So, thanks.

CHAIR LEE: Any other questions? If not, thank you, Kai.

MS. NISHIKI: Thank you.

CHAIR LEE: Thank you. Bye.

MS. NISHIKI: Bye.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, we do not have any other testifiers noted. If an individual connected to the meeting has not testified but would like to do so, please unmute and identify yourself now. You can also inform staff via the meeting chat. This is the last call for testifiers. Please indicate if you would like to testify.

CHAIR LEE: Proceed.

COUNTY CLERK: Chair, no one else has indicated that they wish to testify.

And for the record, we have received written testimony.

CHAIR LEE: Are there any objections to receiving written testimony into the record, and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Chris Delaunay, Pacific Resource Partnership;
2. Suzanne Dorn;
3. Paul Areus;
4. David Dorn;
5. Bonni Aeder;

6. Kanoe Agcaoili;
7. D. Austin;
8. Alba Bermudez;
9. Michelle Bosque;
10. Joshua Broady;
11. Katie Brown;
12. Roan Browne;
13. Kevin Cabrera;
14. Chrissy Collea-Anderson;
15. Holly Crouse;
16. Leah Damon;
17. Robert Dein;
18. Kimberly Delmore;
19. JoAnne Evangelista;
20. Marianne Fisher;
21. Cara Flores;
22. Michelle Fukayama;
23. Claudia Garcia;
24. Carmen Gardner;
25. Christie Harth;
26. Tan Hendrickson;
27. Hilliker Ohana;
28. Peggy-An Hoekstra;
29. Sandi Ioakimi;
30. Molly Jacobson;
31. Pete Jalbert;
32. Leslie Jaramillo;
33. Cliff Jordan;
34. Jackie Keefe;
35. Robin Knox;
36. Megan Koeberle;
37. Barbara Kong;
38. Doris Lang;
39. Amber Lee;
40. Lorayne Lipps;
41. Marcy Martin;
42. Rosa McAllister;
43. Kealii Molina;
44. Mark Morris;
45. Mandy Nakooka;
46. Teresa Nelle;
47. Eddie Niemeyer;

48. George Nunes;
49. Heleena Oliveira;
50. Bridgett Parker;
51. Karen Patague;
52. Joseph Pluta;
53. Ricardo Ralha;
54. Jen Russo, Maui Vacation Rental Association;
55. Gerrienne Sakamoto;
56. Kirby L. Shaw, Disability and Communication Access Board;
57. Ron Silva;
58. Greg Smith;
59. Iris Soliven;
60. Ron Stebbins;
61. Julie Strong;
62. Kelly Swanson;
63. Ane Takaha;
64. Uilani Todd;
65. Ponciana Tungpalan;
66. Susan Vickery;
67. Jordan Villanueva;
68. Hiro Ward;
69. Jennifer Welch;
70. Sylvia Whelchel;
71. Katrina Wilson;
72. Thomas Wolf;
73. Tim and Judit Wolfe;
74. Elizabeth Wood; and
75. Sally Zaugg.

CHAIR LEE: Okay. Testimony is now closed.

Proceed, Madam Clerk.

COUNTY CLERK: Proceeding with the minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 5, 2021 was presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES AS READ BY THE
CLERK.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to
approve the minutes as referenced by the Clerk.

Any discussion? No. All in favor, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, all "ayes", no "noes"; motion carries.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 21-159 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated March 18, 2021)

Transmitting the State of Hawaii Commission on Water Resource Management water
use reports for January 2021 for all registered well reporters in the County of Maui.

CHAIR LEE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-159, AS IT'S
PURELY INFORMATIONAL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member Sinenci, seconded by Member Sugimura, to file
County Communication 21-159.

Any discussion? If not, all those in favor, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

CHAIR LEE: Opposed, "nay".

NOES: NONE.

CHAIR LEE: All "ayes", no "noes" motion carries.

Madam Clerk.

NO. 21-160 - THOMAS CROLY, CHAIR, MAUI COUNTY REAL PROPERTY
TAX BOARD OF REVIEW, (dated March 18, 2021)

Transmitting the 2020/2021 Annual Report of the Real Property Assessment Division,
Board of Review.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I
request the Clerk also call up County Communication 21-161?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections.

Madam Clerk.

NO. 21-161 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated March 11, 2021)

Transmitting a copy of the grant award from the State of Hawaii, Department of the Attorney General, Hawaii Criminal Justice Data Center for the National Instant Criminal Background Check Act Record Improvement Program 2020 Grant in the amount of \$264,750.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-160 AND
21-161.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Mr. Sinenci, to file both County Communication 21-160 and CC 21-161.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These communications are informational, and no further action is required by the Council.

CHAIR LEE: Okay, any further questions or comments? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

CHAIR LEE: Opposed, "no".

NOES: NONE.

CHAIR LEE: All "ayes", no "noes"; motion carries.

Madam Clerk.

NO. 21-162 - MICHAEL P. VICTORINO, MAYOR,
(dated March 15, 2021)

Informing of the appointments of Billi Bellinger, Carolyn Franklin, and Karen Comcovich to the Maui County Arborist Committee.

CHAIR LEE: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, can the Clerk also call up County Communications No. 21-163 and 21-164?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Madam Clerk.

NO. 21-163 - MICHAEL P. VICTORINO, MAYOR,
(dated March 15, 2021)

Informing of a vacancy on the Lanai Planning Commission due to the passing of John Ornellas.

NO. 21-164 - MICHAEL P. VICTORINO, MAYOR,
(dated March 23, 2021)

Informing of a vacancy on the Molokai Planning Commission due to the resignation of Julie-Ann Bicoy, effective March 19, 2021.

CHAIR LEE: Resignation. Okay, Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS NO. 21-162,
21-163, AND 21-164.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Councilmember Mike Molina, seconded by Vice-Chair Rawlins-Fernandez, to file the three county communications as mentioned by Mr. Molina.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. First, for County Communication 21-162, that has to do with the Maui County Arborist Committee. Three individuals will be serving on that, have just been appointed: Billi Bellinger, Carolyn Franklin, Karen Comcowich. And Council approval is not needed. So, therefore, I'd like to thank these individuals for their participation in local government and for volunteering their time.

And as for County Communication 21-163, sadly, the Mayor received notice of Mr. John Ornellas' passing on March 2, 2021. Many of us knew Mr. Ornellas on a personal basis. And I'm sure my colleague from Lanai, Mr. Johnson, knows that Mr. Ornellas was very involved with his community and he certainly will be missed. And we all send out our sympathies and, and condolences to his family.

And finally, County Communication 21-164, this has to do with the resignation of Julie-Ann Bicoy from the Lanai *[sic]* Planning Commission, effective March 19, 2021. I'd like to thank Ms. Bicoy for her participation in local government and for volunteering her time to our community. Thank you, Madam Chair.

CHAIR LEE: Okay. Any more discussion?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick correction to the record. Ms. Bicoy resigned from the Molokai Planning Commission.

COUNCILMEMBER MOLINA: My bad, sorry. Molokai Planning Commission.

CHAIR LEE: Anymore discussion?

Yes, Ms. Sugimura, and Ms. Paltin, and Mr. Johnson.

COUNCILMEMBER SUGIMURA: So, I just wanted to also thank for his years of service. I met him, John Ornellas, and I think he's actually a brother to Patrick Kaeo Ornellas, Ag Specialist in the Office of Economic Development. My condolences to the family.

And I want to welcome the members of the Arborist Committee, as they play an important role for the different, different activities that go on and projects. So, thank you very much.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I also wanted to welcome the members of the Arborist Committee. I don't know all of them, but I sure know Ms. Comcowich and she really loves trees. So, what a great fit. Thank you.

CHAIR LEE: Thank you.

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just want to recognize the Ornellas Family. And John Ornellas is a good friend of mine. He was a great guy. And his legacy will live on, because he was a big advocate for the helmet law for bicycle safety. And even though he's passed, his, he's got a legacy, and I love the guy, and I consider him a friend. Mahalo.

CHAIR LEE: Thank you. Any more comments? Okay, all those in favor of the motion please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: All "ayes", no "noes"; motion carries.

Madam Clerk.

NO. 21-165 - YUKI LEI SUGIMURA, COUNCILMEMBER,
(dated March 12, 2021)

Relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on March 12, 2021.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-165.

I need a second.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Yes, moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file County Communication 21-165.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thanks, Keani. I'm providing this report in accordance with the State Sunshine Law, especially the requirements of Section 92-2.5(e), Hawaii Revised Statutes. Myself and Member Sinenci were present at the meeting. And Tamara Paltin came right when we closed, but thank you very much, Tamara, for showing up. Sorry about that.

So, the meeting started at 9, ended at 10, a video, according to videoconferencing. And the meeting agenda, which is, and minutes are posted on the MPO website, which needs to be, which is in draft form, but basically will be approved at the next MPO meeting with Members' permission.

We talked about program administration, planning studies, State legislation updates, transportation improvement program, Vision Zero Action Plan which the Council will

be taking up after budget, and funding opportunities because we are, we all know that we don't have ever enough money to build infrastructure.

And the meeting was not specifically or exclusively organized for a directed, or directed towards Councilmembers and no commitment relating to the Council vote was made or sought. This concludes my report, and I welcome Mr. Sinenci, if he would like to say a few words, or Ms. Paltin. Thank you.

CHAIR LEE: Any comments or questions? If not, all those--

Oh yes, Ms. Paltin?

COUNCILMEMBER PALTIN: Oh, I just, that was my time to meet with Mr. Gilbreath and I had rescheduled several times that I thought I could do both. But then, by the time I switched over to MPO, it was finished already. They're so efficient.

CHAIR LEE: And you are too. You don't have to explain.

Anybody else? Okay. All those in favor of the motion, ple--

Ms. King.

COUNCILMEMBER KING: Yea, I just had a question. If there's only two Councilmembers there, do we really need to do a report like this?

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER KING: I was kind of skeptical of whether we needed one for three since it was a publicly noticed meeting, but. Can we get a--

CHAIR LEE: She expected, I guess she expected Ms. Paltin, who would have been the third one.

COUNCILMEMBER SUGIMURA: Yea, she actually called me.

COUNCILMEMBER KING: Can we get an official opinion from Corp. Counsel? I know I've asked.

COUNCILMEMBER SUGIMURA: We're, we're asking.

COUNCILMEMBER KING: Okay, great. Thank you.

CHAIR LEE: You're asking? Okay, good.

COUNCILMEMBER SUGIMURA: I actually got one from Corp. Counsel through the MPO. But this question came up and I think David Raatz is looking into it further. I think its--

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: I think we do have to do this process.

CHAIR LEE: Great.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Great. Okay, so then, it's the next item. Madam Chair. I mean, Madam Clerk.

COUNTY CLERK: Next communication. Oh, I'm sorry, you have to vote on the report.

CHAIR LEE: I'm sorry, I thought we did. All those in favor, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

CHAIR LEE: Okay. Opposed, "nay".

NOES: NONE.

CHAIR LEE: No "nays"; motion carries. Mark that as unanimous.

Next.

NO. 21-166 - ALICE L. LEE, COUNCIL CHAIR,
(dated March 24, 2021)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JEAN POKIPALA AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RESOLUTION FOR JEAN POKIPALA,
TRANSMITTED WITH COUNTY COMMUNICATION 21-166
AND FILE COUNTY COMMUNICATION 21-166.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Kelly King, to pass, to adopt the resolution in County Communication 21-166.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Pokipala has been employed as a part-time Council Service Assistant in the Office of Council Services for the past seven years. Prior to that, she was employed as a transcriber with Maui Scribes and worked on transcribing Council Committee meeting minute. Ms. Pokipala's prior experience will continue to make her a great asset in the Office of Council Services.

And on top of all of that, she is just such a joy to work with. And so thankful that she's part of our OCS team. I ask for the Members full support in adopting the resolution for Ms. Pokipala. Mahalo, Chair.

CHAIR LEE: Anybody else? Any other comments or questions?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I too would like to extend my support to Jean. Over the years, we've seen her work out in the lobby here also when we had Council meetings in the chamber. But, yea, through the years. And I want to just add that she has a great family. I've, you know, met her parents, and just hearing her talk about her daughter, she has a great family and support to take on this job. So, welcome.

CHAIR LEE: Okay. Anybody else? If not, all those in favor of the motion, raise your hand, say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

CHAIR LEE: Okay. Opposed, "nay". Put your hand up, "nay".

NOES: NONE.

CHAIR LEE: No "nays". All "ayes"; no "nays", motion carries.

Okay. I guess we should do one more.

COUNTY CLERK: For the record, that's RESOLUTION 21-62.

NO. 21-167 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated March 30, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR OR COUNTY AUDITOR TO EXECUTE A CONTRACT FOR AN ASSESSMENT OF THE DEPARTMENT OF PLANNING'S ZONING ADMINISTRATION AND ENFORCEMENT DIVISION".

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE PLANNING AND SUSTAINABLE
LAND USE COMMITTEE FROM FURTHER CONSIDERATION
OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY
COMMUNICATION 21-167.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Paltin, to discharge this item.

Any discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, the discharge is needed to enable the Council to consider action today on this proposed resolution. Thank you.

Any more discussion? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay. All "ayes", no "noes"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G.
OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to waive the Committee referral.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Approval of this motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today. Thank you.

CHAIR LEE: Any more discussion? All those in favor of the motion, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-167 AND TO
FILE COUNTY COMMUNICATION 21-167.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Mr. Sinenci, to adopt the proposal and filing of the communication.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Members, we heard some very powerful testimony during the PSLU meeting regarding certain issues surrounding the review, customer service, and consistency of plan reviews by the Department. And in an effort to address these concerns from the public, I've introduced a proposed resolution that focuses on the Zoning Administration and Enforcement Division, since majority of the concerns have focused on this division.

The proposed resolution authorizes the Council Chair or County Auditor to execute a contract for an assessment of the Department of Planning's Zoning Administration and Enforcement Division with a scope of work focused on application and permit processing times to expedite review, maintaining and retention of staff levels, assess staff morale, evaluate pending permit applications and backlogs, evaluate customer service, evaluate options for expediting and processing of minor permits, and assess staff knowledge and proficiency for permit review and consistency.

And also, in the proposed resolution, it also authorizes the, either the Council Chair or the County Auditor to contract for an assessment of this division. The reason I've provided both options is because the Auditor has advised me that he currently has the funds to contract for the assessment. And the Auditor noted that the cost of assessment could range from, 100,000 to 150,000. As some of you recall during the

last budget session I had asked for a full review of the department, which would be much more costly. But focusing on just this one division would lower our cost.

And so, furthermore, the purpose of this audit, again, it's not to punish. It's more an audit is to be reviewed as a helpful tool to improve efficiency from our various departments and to create an air of cooperation and improve our customer service for our constituents, build morale in this department, and increase public confidence in the processing of our various planning permits.

And, let me cite one good example from Councilmember Sugimura. I believe it was a previous term. Councilmember Sugimura, based on concerns from the public, initiated an audit of the Liquor Department. And you know what, that audit panned out because now, today, this Department is much more efficient. And it was helpful. And like this proposal that I have, it's being generated from members of the public who have expressed concerns. And recently, our Planning Director Michelle McLean was open to this audit.

So again, I'm hope, this is not viewed as oh we're going after the Planning Department. We're acting on behalf, in our capacities as elected officials to do our jobs, to make sure all of our departments are operating with efficiency and responding to our constituents' concerns, who we should be, put that as a priority first. So, with that said Members, I respectfully request your consideration of this proposed resolution. Thank you, Madam Chair.

CHAIR LEE: Member King, and then Member Paltin, then Member Kama.

COUNCILMEMBER KING: Thank you, Chair. And I concur with Member Molina. I've had many of the same concerns from community members across the island. And so, I'm happy to see this proposal. The one question I had is, the way it's worded, "authorizing to execute a contract", would that preclude the Auditor from actually doing his own, the audit in-house. Or can he still choose to do that with his current, you know, one of the questions we had for him during budget review was, if he does an audit in-house or an assessment in-house, that doesn't add any extra expense on the County. It uses his, his personnel. So, would that still be an option under this resolution?

CHAIR LEE: Are you asking me?

COUNCILMEMBER KING: No, I'm asking Member Molina.

COUNCILMEMBER MOLINA: You know, I, I'm, I'm sure it could be an option. But I guess the preference would be to contract out. And as we heard from the Auditor the other

day, he is short staffed right now. So, maybe the better option would be to contract out.

COUNCILMEMBER KING: Okay. But, but if he does decide that he could do it, then he still could choose to do it in-house?

COUNCILMEMBER MOLINA: I believe, I believe so, if he wanted to.

COUNCILMEMBER KING: Okay. Okay. That's only question I have. But other than that, I'm in support.

CHAIR LEE: Okay. Alright.

Vice-Chair Rawlins-Fernandez, and then Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I, I am in full support of ensuring better customer service to our community, to helping any of our County departments adjust what needs to be adjusted, so that things can be streamlined and work as efficiently as possible.

In 2006, the Zucker, there's a Zucker audit of the Planning Department. And in the recommendations under the enforcement program, it says, "The enforcement program has been a problem throughout the audit period and continues to this day. In FY 04 the Council increased the number of Zoning Inspectors from three to six. The Department later reduced this to five, evidently with the concurrence of the Council. The Department continues to have problems in hiring and training inspectors. The Council [*sic*] for enforcement was again discussed in the FY 06 budget actions but with no specific changes. The approaches being used by the Department have not resulted in an effective enforcement program."

And so, my concern is, in doing another audit, I'm not sure what it is that we hope to find that would be different from what was found in 2006. And so, you know, more than just doing investigations and audits, we need to take the recommendations from the audit and implement them into the Code and into the budget. And so, my reluctance on voting for this today is that I want to ensure that we've, we've done what we could out of the recommendations of the 2006 audit instead of spending more money on another audit that'll likely say the same thing. Because with the Molokai Planner, there was a recommendation from the audit, and it remains the same to this day. It's the same recommendation.

And so, I don't know if I will be voting in favor of this motion until I am, if, if any of the Members can provide that information to me, then perhaps I can vote in favor of the

motion today. But I, I haven't, through my research, found that these recommendations from the 2006 audit have been incorporated and followed through on. And so, for that reason, I, I'm, I'm reluctant to spend more money on an investigation, and then it not result in accomplishing what we hope to accomplish, which could be accomplished by taking the recommendations from the 2006 audit. Mahalo, Chair.

CHAIR LEE: Okay, I'm going to make a comment here. Because the, the Members asking the Council Chair to, to look into this matter, whether we should contract out, or whether we should hire internal auditor, we are going to be looking at everything. We're going to be looking at past recommendations and so forth.

My concern about just following the recommendations of a report that is 15 years old may not, may need to be revised. You know, that report may need to be revised and updated. So, we need to take a look at the, at the facts first, and, and the history and so forth, and then we can determine, you know. I'm sure what's going to happen is we're going to take, incorporate some of the recommendations of the past. But I'm, you know, in 15 years, a lot, the personnel changes, systems change, things change, they moved, you know. They moved from the, the building next to the County Building to One Main Plaza. So, there are a lot of changes that need to be considered in, in deciding, you know, what, what kind of an audit or assessment should be done.

Would you agree with that Mr. Molina?

COUNCILMEMBER MOLINA: Yea. I think you make a good point about the audit being somewhat outdated in 15 years. You know, things change over time but yet, some of the same complaints continue. So, sometimes it's good to have a fresh report, a fresh set of eyes looking at it. I don't think it would hurt. The original report focused on the whole department. This proposal would just focus on this particular area where a majority of the concerns are coming out. And, yea, because of the changes, I think we need a fresh perspective. So, another, an audit, a less costly audit than what was originally proposed, I think would be helpful. Thank you, Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, for that--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --information, Chair and Member Molina. But I, I, I still haven't heard answers to my question about whether the recommendations from 2006 audit were incorporated or was that just shelved? And I haven't heard that from you, Chair, or from Member Molina. And so, for that reason, my skim of the audit tells me that the same complaints that they were receiving in 2006 are, like, the same complaints, whether it's the same personnel or it's different personnel.

And so, it's going to cost money and take up time because then we're going to be waiting on another audit to be completed instead of diving into this audit and making those, the recommendations from the audit and just incorporating it now, taking action now, instead of waiting for another study to tell us what to do. And we may not even be here when that study is complete. Mahalo, Chair.

CHAIR LEE: Thank you, Vice-Chair Rawlins-Fernandez. You make some good points, but, but I don't fully agree with it.

Okay. So, then, we have Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Molina. Is this an appropriate time to ask a question of Member Molina?

CHAIR LEE: Sure. Yes.

COUNCILMEMBER PALTIN: Okay. I'm not sure how the process works. But, I just was wondering, I'm reading the "BE IT RESOLVED", and I was wondering, is the SMA exemption process going to be looked at as a part of this cause of that whole Napili Bay situation that has my community up in arms? Like, we know that Oahu, there was a whole situation there with people taking money, and I just was wondering, is that included as part of your, I don't see it specifically said, but is it in there?

COUNCILMEMBER MOLINA: It, it, it, it could be. And also, if you want to reinforce that, you could amend it . . . that specifically look at all, you know, shoreline issues in general, which would include the Napili Bay issue. But I believe in the resolution it would be inclusive of that. I may be wrong. But of course, you have the option to amend it and specify certain areas that the audit could go into.

COUNCILMEMBER PALTIN: And then, I guess the second question I have for you that, that is a little bit of a concern is that, or anyone who can answer it, that we're going through the Title 19 rewrite and the SMA rules rewrite and all of this. I just was wondering how you envision the audit playing into that whole timeframe that the rules are being updated and the Code is been updated, and we're doing an audit kind of in the middle of that?

COUNCILMEMBER MOLINA: I guess I'll take a stab at the question. One, I'm not an Auditor. I'm not sure what their methodology, and how, if it would be an interference. My guess is they, as part of their part of the scope of work would not be to interfere with any legislation. They would just look at how things are currently moving forward. And once they complete the audit, then they could make, they would make their

recommendations. But, I don't think they would make recommendations during their audit. It would only be after the audit is done. So, if there is any proposed legislation that's going on, I would think that not, that would not be one of their scope of responsibilities. So, just do their audit, irregardless of whatever legislation is being considered at the time. And then make recommendations after their findings. I could be wrong. But maybe if Mr. Taguchi was available, he could kind of share an auditor's perspective on that.

COUNCILMEMBER PALTIN: Maybe Corp. Counsel? Would, would they know? Or, no, they're not, not their specialty?

CHAIR LEE: Resolution simply, simply authorizes the Council Chair to execute a contract. It doesn't say when, exactly. So, what I'm, what we would have to do is first of all, you give me that authority and then we will look into the matter. We will look at the historical background. We will check the prices. And we will gather all the information and bring it back to you. And everybody can decide, well, you know what, let's not do it. You can change your mind.

Okay, so, like I said, it just authorizes us to execute a contract. It doesn't say you have to. So, let us do the research and come back and get more information for you. And then, at that time, if you have idea, if it, if it makes sense and you want it to go forward, then you can add whatever suggestions you have with regard to certain specific regions. Okay? Is that okay with everybody?

COUNCILMEMBER PALTIN: Yea. Let me know when the appropriate time is to add in SMA exemption process cause, who, that one was a doozy.

CHAIR LEE: Okay. Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Is this going to require additional funding into the budget?

CHAIR LEE: That's the thing, we don't know. We don't know.

COUNCILMEMBER MOLINA: Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry. I guess I should clarify really quickly. So, when we reviewed OCS on Monday, oh yesterday, we already learned that we don't have enough funding for more than one audit at a time. And so, we, we don't have funding for more audits in the current proposed OCS budget. So, if it would need funding, then funding would have to be put in. That's all. Mahalo, Chair.

CHAIR LEE: Okay. Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. If I could respond to that? I'm not sure if I mentioned it in my opening remarks, but the Auditor did note that they do have the funds to do it currently, and it would not require requesting additional funds from the Council. Thank you.

CHAIR LEE: Okay. Anybody else?

Yes, Ms. Kama, and then Vice-Chair Rawlins-Fernandez. Ms. Kama.

COUNCILMEMBER KAMA: So, Chair, I'm in support of what you had just mentioned. I also am in support of doing this, an audit, an investigation, review, whatever you want to call it. But also, if I heard Mr. Molina correctly, he said he was open to Ms. Paltin being specific about certain things. Cause I would like this to be very specific, too, instead of keeping it as, I don't want to keep it broad, but there are just certain things that's broken and we don't want to go and fix the stuff that's broken. But if I tell you I get one leak in my pipes, if I don't tell you it's in the kitchen, you could be in the bathroom all day. So, I just want to be, make sure that when we do this, if it's specific enough, Mr. Molina, that we can actually get to where the problem is at. If that's possible.

COUNCILMEMBER MOLINA: Yea. Madam Chair, if I may respond? As Chair Lee mentioned early before, this proposal today is just to authorize the Chair to do the research, Chair or Auditor, whoever we want to have this matter done and considered, execute a contract. And then, when it's brought back to this Council for consideration, at that point you can make that request as far as the scope of audit, add into that the specifics, as well as Member Paltin's request regarding SMA's.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: I see Vice-Chair Rawlins-Fernandez, and then Mr. Sinenci, and then Ms. King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Question for, so we, we met with the Auditor yesterday too. So, Member Molina, do you know if this is in the Auditor's audit plan? And then, my second comment is that if Members are willing to, like, take action to fix the things that we know are broken, and not wait until an audit is complete before we do anything, then I can be supportive. I just, if we know that there are problems, and we know how to fix them, then I would fully support us, you know, fixing those, you know, the low hanging fruit, so the audit plan. Member Molina? Chair, if that's okay?

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yea, you know, the Auditor did, when we met with him, he did say he has the funds. And I believe he told us we could even do it if that is the choice of Council. But I, at the same time too, he has some challenges with the lack of personnel right now, cause we heard the other day, you know, it would present a challenge. I mean, but if, if it's something we want him to do, we have that option.

Again, I'm, as far as with fixing the problems now, the question is, how. And, first, I just feel more comfortable with a fresh set of eyes. The, the original audit is 15 years old and there may be some new ways as to how auditing is done. It may have changed over the past 15 years. I don't know. But I, I would just say my personal preference is just to have a new set of eyes review this audit. And yes, many of the same issues could surface and there could be some new issues that could surface as well by having another audit done, cause we don't know that until we try with another audit. So, that's my general response, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Molina. Mahalo, Chair.

CHAIR LEE: Member Sinenci, and then Member King, and then Member Sugimura.

COUNCILMEMBER SINENCI: Mahalo Chair. I'm generally supportive of, I think when we look at past audits, it always helps to improve our service. So, I'm always supportive of improving customer service. And specifically, I did want to, should we continue, that the audit looks at ZAED, particularly the relationship between the SMA exemptions and how, how that, how they're kicking it back to the current Planning Division. What are some of those measures to get to the Planning Division? Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I had the same concern as Member Rawlins-Fernandez about, you know, going ahead. And I don't see this, so I just wanted to make sure that I'm correct. I don't see this assessment as stopping any current actions or any actions we may want to take in Committee and on this Council before the, kind of in the same way that we are looking at Bill 10 and we don't have the housing plan completely approved. You know, there may be fixes we want to do before we get this assessment completed. And I think some of them are even on today's agenda as referrals to Committee.

So, I just want to make, and I think, I think, you know, it's going to be up to the Committee Chairs to, to put forward these proposals. But I just wanted to make that statement that I don't see this, unless Councilmember Molina if you have a different

position on it, I don't see this as stopping any actions that we may want to go forward with in the meantime.

(Vice-Chair Rawlins-Fernandez was excused from the meeting at 12:19 p.m.)

COUNCILMEMBER MOLINA: Yea, I wouldn't think the audit would stop anything. Again, I, I believe their responsibility is just to look at how things are as now, not at this point consider whatever legislation is being considered. Their primary focus should be on the concerns expressed by the community and to respond to that. And like I said, possibly a new audit could, could expose different issues that the Zucker report might not have picked up. And as Chair Lee stated, things change and evolve over time. So, again that's my take.

You know, obviously, it's going to be up to this body to decide how they want this audit done. But to me, at least it's a start. Let's give the Chair an opportunity to execute a contract and, and see what the proposal is. And if it stays within the budget that I'm hoping for, between 100 and no more than 150, I know the original proposal . . . last year was well over 200,000, I think 250, possibly more. So, this way, we're just focusing on one specific area of the department, and in terms of cost savings. So, and again, the Auditor did tell us that he has the sufficient funds, so there's no additional appropriation that needs to be made at this point.

COUNCILMEMBER KING: Okay. Well, I just want, and I also wanted to mention to Councilmembers that I did receive input from, you know, people formerly in the Planning Department saying that they acknowledge the Zucker report, but that things are actually worse now. So, I think this could be very informative and helpful looking at, I mean, and I don't, I don't mean that as a slur on the Planning Department, but just overall, we have so many more issues and so much more development.

And back when those earlier reports were done, climate change was not really being talked about. Sea level rise was not being talked about. We didn't have a proposal for an erosion hazard line. We weren't looking at those things. So, I think it's really important, in light of some of our great environmental issues to look at the system that the Planning Department is using for enforcement. So, I support this motion. Thank you.

CHAIR LEE: Was it Mr. Sinenci, or Mr., or Ms. Sugimura?

Mr. Sinenci did you speak already? You did?

COUNCILMEMBER SINENCI: Yes, Chair.

CHAIR LEE: Okay. So, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Great discussion, Members. So, I believe, like the housing report, that in June we're going to get the final report. We're almost at kind of a similar situation, where we're asking an audit or an investigation to happen in the midst of something big that actually the Department, which is the review of Title 19 and, you know, other. My big thing that I want to hear what's happening which will affect this also is the MAPPS Program, which you may all know. But that is a huge plus, in terms of communication with our constituencies, and projects that we have in the community.

So, I, I appreciate this effort by the Council and I, I'm going to vote against it because I believe that we already have that Zucker report. And I think when Ms. Paltin brought it up in Committee, she tried to introduce that, so that we can look at that before we move forward but we kind of railroaded past that and we never had a chance to look at it. So, I, I really would like Ms. Paltin, when she's done with her West Maui Community Plan, to bring that up so we can actually look at it in, and digest it more as Keani Rawlins-Fernandez suggested, and not spend the money in times of COVID and, when money is tight.

And maybe if, if you don't mind, Mr. Molina and other Members, we can wait until we have a better handle of some of the things already in motion, so that we can have a better view and understand all the details that are going to make this review, at a later time, more significant for me. That's my opinion. Thank you.

CHAIR LEE: Anyone else?

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And, you know, initially, I, I totally agreed with Member Rawlins-Fernandez and Member Sugimura. What kind of changed my perspective is Mr. Taguchi himself. And the reason I say that is, you know, when we were reviewing Kapalua Mauka last year and Member Hokama was, he was the one who said audit ZAED.

And so, at that time I reached out to Mr. Taguchi and he's the one that pointed me in the direction of the 2006 Zucker audit. So, if Member Molina had spoken at length with Mr. Taguchi, and Mr. Taguchi now feels that it's something that he's willing to take up, he's fully aware of the Zucker audit, you know. So, and he's an auditor, so, I would leave it to his discretion to update the report and possibly work with Zucker and the Planning Department.

So, I'm okay with voting for this resolution as, what we're kind of doing is leave it in the Chair's hands to investigate, leaving it in Mr. Taguchi's hands to look into. And then it'll come back to us if we move forward from there. So, that's just my discussion of the reasoning why, for me, I'm okay with voting for it at this time, whereas, before I was not. Thank you.

CHAIR LEE: Anyone else wishes to speak? Okay, if not, ready for the vote? All those in favor of the motion, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, AND CHAIR LEE.

CHAIR LEE: Okay. All those opposed, raise your hand.

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, so we have seven "ayes", one "no", and one "excused"; Motion carries.

COUNCILMEMBER MOLINA: Thank you, Members.

CHAIR LEE: Okay. So, that brings us to lunchtime. We will reconvene at 1:30, alright, Members? Any objections? If not, this meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:25 P.M., AND WAS RECONVENED AT 1:31 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Will the Maui County Council meeting of April 6 please reconvene. Welcome back, hope everybody got all their nourishment. Let's see, Madam Clerk, where did we leave off?

COUNTY CLERK: We left off, for the record with County Communication 21-167 being adopted, and that would be RESOLUTION NO. 21-63.

CHAIR LEE: Okay.

COUNTY CLERK: So, proceeding with communications for referral.

CHAIR LEE: Yes.

COUNTY CLERK: We have the following county communications recommended for referral to the following Committees as noted.

NO. 21-168 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 17, 2021)

Reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of February 28, 2021.

The recommended action is that County Communication No. 21-168 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Okay, stop.

Member Paltin, are you going to take this?

COUNCILMEMBER PALTIN: Yes, I'll take it. Let me pull up the notes.

CHAIR LEE: All you're going to do is move to file. But then everybody's going to, then everybody's going to, you know, give you, give us individual, if, if they have--

COUNCILMEMBER PALTIN: Alright.

I MOVE TO FILE.

CHAIR LEE: If they have any individual issues, then we're going to deal with em, okay?

You moved to file, and so--

COUNCILMEMBER PALTIN: Move to file and if anybody has any things that they'd like to pull out.

CHAIR LEE: Okay. Is there a second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Okay, moved by Member Paltin, seconded by Member King, to file County Communication 21-168.

Any discussion, Ms. Paltin? No?

COUNCILMEMBER PALTIN: No.

CHAIR LEE: Okay. So, does anybody have any concerns, questions, requests regarding this matter? If not, all those in favor of the motion, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING, MOLINA, PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: I see eight "ayes" and one "excused"; motion carries.

Madam Clerk.

(ACTION ON COUNTY COMMUNICATION NO. 21-168 WAS LATER RECONSIDERED. UPON RECONSIDERATION, COUNTY COMMUNICATION NO. 21-168 WAS REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. See pages 155 through 159 for discussion and action.)

NO. 21-169 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated March 22, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".

The recommended action is that County Communication No. 21-169 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G.
OF THE RULES OF THE COUNCIL.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to waive the Rules of the Council.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: All "ayes", one "excused"; motion carries. That's eight "ayes", one "excused"; motion carries.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION 21-169.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to adopt the resolution in County Communication 21-169.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Members, the proposed resolution authorizes the filing of an application with the Department of Housing and Urban Development that includes the recommended projects and amounts for CDBG Program funding for the Program Year 2021, which is July 1, 2021 through June 30, 2022.

These projects were selected for recommendation through a competitive application and panel evaluation process and approved by the Mayor. It is appropriate that these CDBG projects be noted in the Fiscal Year 2022 Budget, Appendix A, Part 1, Grant Revenues currently being reviewed by your BFED Committee. I ask for the Members full support of my motion.

CHAIR LEE: Anymore discussion? If not, all those in favor, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", one "excused"; motion carries.

Madam Clerk.

COUNTY CLERK: For the record, that's RESOLUTION 21-64.

NO. 21-170 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated March 24, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND".

The recommended action is that County Communication No. 21-170 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to waive the Rules of the Council.

Discussion, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed bill today.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING, MOLINA, PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-170.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Anymore? Ms. Sugimura, was that a second?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Oh, okay. She went like that, whatever that was. Okay. It's been moved and seconded to pass the bill in County Communication 21-170 on first and, first reading. Okay, anymore discussion? If not, all those in favor of the mo--

You have discussion, Ms. Paltin? Okay, proceed.

COUNCILMEMBER PALTIN: Okay. Thank you, Chair. Members, the proposed bill would amend Appendix A, Part II, of the Fiscal Year 2021 Budget, to add a new condition under the Home Acquisition and Ownerships Program Revolving Fund which would allow for the disbursement of grants up to 30 grand, or 30,000, sorry, for Maui County residents participating in the First-Time Homebuyers Down Payment Assistance Program.

Ordinance 5180 added anticipated revenues of \$1,672,374 to the fund, but inadvertently did not include this necessary language allowing for disbursements.

Representatives from the Administration are available to answer any questions Members might have. I ask for the Councilmembers support of my motion. Thank you.

CHAIR LEE: Anymore discussion, or are there any questions? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, eight "ayes", one "excused"; motion carries.

Madam Clerk.

COUNTY CLERK: That is BILL NO. 33 (2021).

NO. 21-171 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated March 30, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

The recommended action is that County Communication No. 21-171 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to waive the Rules of the Council.

Discussion, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed bill today.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion, raise your hand, say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Madam Clerk. Oh not, sorry.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-171.

CHAIR LEE: Second?

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay. Moved by Member Paltin, seconded by Member Molina, to pass the bill on first reading.

Any discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Members, the proposed bill would amend Appendix A, Part II, of the Fiscal Year 2021 Budget to amend Condition 9, under the Open Space, Natural Resources, Cultural Resources, and Scenic Preservation Fund, to change the recipient from the Hawaiian Islands Land Trust to the Trust for Public Lands.

HILT and Trust for Public Land have agreed that Trust for Public Land would be the appropriate land trust for the 257.7 acres at Maalaea. They will work with the Maalaea Village Association, Maui Nui Marine Resource Council, and County of Maui, and the Department of Land and Natural Resources to manage the land for wildfire prevention and erosion control to protect the water quality, corals, and marine health of Maalaea Bay.

Representatives from the Administration are available to answer any questions the Members might have. I ask for the Councilmembers support of my motion.

CHAIR LEE: Okay. Any questions, or any more discussion? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: I just want to thank the Trust for Public Lands for stepping in and helping with this important project. I think it's really a good association for the County of Maui as well. That's all. Thank you.

CHAIR LEE: Thank you. Good point. Thank you.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. That is BILL NO. 34 (2021).

NO. 21-172 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated March 30, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM (WAILUKU ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS)".

The recommended action is that County Communication No. 21-172 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Councilmember Sinenci, to waive the Rule of the Council.

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed bill today.

CHAIR LEE: Any more discussion? All those in favor of the motion, say "aye", raise your hand, to waive the Rule 7.G.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING, MOLINA, PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, motion carries; eight "ayes", one "excused", zero "noes".

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-172.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Member Paltin, moved by Member Paltin, seconded by Member Molina, to pass the bill.

Any discussion?

COUNCILMEMBER PALTIN: I think it was Member Sinenci, but they look alike, so.

CHAIR LEE: They do. Yea, they do.

COUNCILMEMBER PALTIN: Okay. Members, the proposed bill would amend the Fiscal Year 2021 Budget of the Mayor, Office of the Mayor, Economic Development Program, Wailuku Economic Development, Environmental, and Cultural Programs and South Maui Economic Development, Environment and Cultural Programs.

The Wailuku Economic Development, Environmental, and Cultural Programs would be amended to remove the condition for Wailuku First Friday events. And the South Maui Economic Development, Environmental, and Cultural Programs would be amended by deleting the condition for the Fourth Friday events, and reducing the appropriations for Whale Day Festivals from 60,000 to \$53,750. These amendments are necessitated by the impacts of COVID-19 on public events.

Representatives from the Administration are available to answer any questions Members might have. And I ask for the Councilmembers support of my motion. Thank you.

CHAIR LEE: Any further discussion?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I want to thank Chair Lee for having the Wailuku First Friday appropriation in your district funds, as well as Member King, who had the South Maui, the Fourth Friday there. And as you know, the events are taking a break because of COVID and I look forward to it coming back when the, when it's safe because it gathers many, many hundreds of people to enjoy an evening of festivities. Thank you.

CHAIR LEE: Anymore discussion?

Yes, Ms. King.

COUNCILMEMBER KING: Chair, thank you for putting this forward for us because of the reasons just mentioned, that Fourth Friday's been suspended. But it also is allowing South Maui to fund Phase II of the Native Habitat Restoration at the North Waipuilani Beach. So, I'm excited about that new project, you know, be funded this year. Thank you.

CHAIR LEE: Okay. Any more discussion? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries. Thank you.

Madam Clerk. Where are you?

COUNTY CLERK: BILL NO. 35 (2021).

CHAIR LEE: Okay.

NO. 21-173 - MICHAEL P. VICTORINO, MAYOR,
(dated March 25, 2021)

Transmitting the following:

1. Mayor's Proposed Budget Program;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2022";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTY-FIVE MILLION, FIVE HUNDRED EIGHTY THOUSAND, NINE HUNDRED DOLLARS (\$85,580,900) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";
6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2022 BUDGET ORDINANCE";

7. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2022 BUDGET ORDINANCE";
8. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.38.020, MAUI COUNTY CODE, RELATING TO HAWAIIAN CULTURAL RESTORATION AND REVOLVING FUND";
9. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.81, MAUI COUNTY CODE, RELATING TO ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND";
10. A proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2021"; and
11. A proposed resolution entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NOS. (2) 4-6-011:011 AND (2) 4-6-011:028, SITUATED IN LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$650,000".

The recommended action is that County Communication No. 21-173 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Madam Clerk, is this actually CC 21-173?

COUNTY CLERK: Correct.

CHAIR LEE: Okay.

COUNTY CLERK: Is that I didn't say?

CHAIR LEE: It's numbered wrong in the, on our sheet.

COUNTY CLERK: On the notes.

CHAIR LEE: On my sheet anyway.

Alright, Member Paltin.

COUNCILMEMBER PALTIN: Yes, if this one and the next one can be referred to BFED, that'd be awesome, you guys.

CHAIR LEE: Well, let's read the next one, Madam Clerk.

NO. 21-174 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated March 30, 2021)

Relating to tourist beach parking fees.

The recommended action is that County Communication No. 21-174 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Okay. I believe this one was originally going to another Committee. But if you don't mind sending this to BFED, because then that way it could be heard right away, you know?

COUNCILMEMBER PALTIN: Oh, I think that was for 176. On the annotated notes, 174 is going to BFED. I believe the request was for 21-176 to go to BFED to keep the two bills as a pair and that it's a nine-Member Committee.

CHAIR LEE: Okay. My notes are different, but that's fine, cause yours is more important and since it, you're representing the Budget Chair.

Okay, so 173, 174. Did you say 174?

COUNCILMEMBER PALTIN: Yes, 174 and 176. But I'm getting ahead of ourselves.

CHAIR LEE: Yea, let, why don't we do 173 and 174. Any, Members, any objections to referring those two items to the Budget, Finance, and Economic Development Committee; BFED?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. Okay, so ordered.

Now, let's go to 2175 [sic].

NO. 21-175 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated March 30, 2021)

Transmitting a proposed resolution entitled "ACCEPTING LOCAL GOVERNMENTS FOR SUSTAINABILITY'S INVITATION FOR MAUI COUNTY TO JOIN THE CIRCLE CITY SCAN PILOT PROJECT".

The recommended action is that County Communication No. 21-175 be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-175 AND TO
FILE THE COUNTY COMMUNICATION.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Second? Who seconded?

COUNCILMEMBER KING: I think Ms.--

CHAIR LEE: Sugimura?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. It's been moved by Member King, seconded by Ms. Sugimura, to adopt the resolution in County Communication 21-175.

Discussion, Ms. King.

COUNCILMEMBER KING: Okay. Chair, may I have the, ask the County Clerk to read the resolution?

(Councilmember Kama was excused from the meeting at 1:54 p.m.)

CHAIR LEE: Madam Clerk, could you read the resolution in its entirety?

(The resolution was read in its entirety.)

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Mahalo, Chair. Mahalo, Madam Clerk. Thank you for reading that. If there's no objections, I would also like to add, do just a friendly amendment and add our Congressional delegation as recipients of this resolution, if there's no objections.

CHAIR LEE: There are no objections? No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Ms. King.

COUNCILMEMBER KING: Oh, is there an objection? I don't know, I saw--

CHAIR LEE: No.

COUNCILMEMBER KING: --Member Paltin.

COUNCILMEMBER PALTIN: Oh, it was a clarification. When you mean our Congressional delegation, do you mean all four of them or just the one from our district?

COUNCILMEMBER KING: Well, we have, I'd like to, I'd like to go to all four since, you know, there are more, there's more, there's more than one County in our State that are members of ICLEI. But the two Senators and two Representatives. Okay. Thank you.

On March 3, 2021, the CARE Committee had the opportunity to receive the presentation from Local Governments for Sustainability, widely known as ICLEI. And the, sorry about the acronym not matching the words, but that was changed several years ago.

Calyn Hart, a Program Officer, gave the Committee an overview of the organization and different tools available to promote sustainability and climate action, and the

County has access to these as a member of the organization. Ms. Hart also introduced the Committee to the Circle City's Scan Pilot Project, which is intended to help municipalities transition to the circular economy. Participating in this project would be an effective tool in implementing Resolution 20-108, which expressed the Council's support for a transition to a circular economy.

Maui County has shown itself to be a leader in climate action and resilience, and because of this, it is one of only five municipalities in the U.S. that has been given an opportunity to participate in this project in 2021. The details of the project are outlined in Exhibit "A", attached to the proposed resolution. And the County needs to respond confirming its participation by April 15, 2021. As an active member of ICLEI, the County would incur no cost for its participation in this project. For these reasons, I respectfully ask for the Councilmembers full support of my motion. Thank you, Chair.

CHAIR LEE: Okay. Any more discussion? If not, all those in favor of the motion, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-CHAIR
RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes". Oh wait a minute; seven "ayes", zero "noes", two "excused". I do not see Member Kama.

COUNCILMEMBER KING: Oh, Member, yea, Member, I just see her square. I don't see her face.

CHAIR LEE: Yeah, I think she had to take her daughter somewhere.

COUNCILMEMBER KING: Okay. Thank you, Members.

CHAIR LEE: Alright. Madam Clerk.

COUNTY CLERK: That is RESOLUTION 21-65.

Referral to your Infrastructure and Transportation Committee, County Communication 21-176 from Council Vice-Chair Rawlins-Fernandez.

CHAIR LEE: Okay, Madam Clerk. Madam Clerk. Any objections, Members, to moving this to the end of the agenda?

COUNCILMEMBER SUGIMURA: No objections.

CHAIR LEE: Okay.

COUNCILMEMBER KING: No objections.

CHAIR LEE: So, ordered. That's, that's because Member Fernandez will join the call after she arrives in Molokai.

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I just was saying if we want to take it up right now, the only request was for it to be referred to her Committee.

CHAIR LEE: Oh, okay. I thought she wanted it passed on the floor.

COUNCILMEMBER PALTIN: I think she did originally. But maybe she--

CHAIR LEE: Changed her mind?

COUNCILMEMBER PALTIN: --read the crowd, or something.

CHAIR LEE: Read the crowd. Okay, that's fine. If she asked you to take this up now and then refer it to Committee, that's fine.

Madam Clerk, sorry. Go back to that item.

COUNTY CLERK: Okay.

NO. 21-176 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated March 30, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO RESERVED RESIDENTIAL PARKING IN PUBLIC BEACH ACCESS PARKING AREAS".

The recommended action is that County Communication No. 21-176 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: So, the request is just to refer it to the BFED Committee to keep it as a package deal with the tourist paid parking thing and because Budget is a nine-Member Committee.

CHAIR LEE: Any comments? Anymore comments or questions?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, since Ms. Kama is not here, can I also request that this matter be referred to her Committee as the Parks Chair for discussion if she wants to take it further?

CHAIR LEE: Any objections? If not--

COUNCILMEMBER PALTIN: No objection. It would be the bill in Budget and then the subject matter in Parks?

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Yea, if she wants to take it up.

CHAIR LEE: Okay. That's fine. That's fine. Problem is she won't be able to deal with it for, until Budget is done but that, that's okay.

COUNCILMEMBER SUGIMURA: Is Keani taking--

CHAIR LEE: Any objections to that suggestion?

MEMBERS VOICED NO OBJECTION.

(COUNTY COMMUNICATION NO. 21-176 WAS REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE; AND THE SUBJECT MATTER RELATING TO RESERVED RESIDENTIAL PARKING IN PUBLIC BEACH ACCESS PARKING AREAS WAS REFERRED TO THE HUMAN CONCERNS AND PARKS COMMITTEE.)

CHAIR LEE: If not, so ordered.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: The dual, dual referral.

Next, Madam Chair. Madam Clerk.

NO. 21-177 - TAMARA PALTIN, COUNCILMEMBER,
(dated March 30, 2021)

Transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL RELATING TO SHORT-TERM RENTAL HOMES AND MAXIMUM BUILDING HEIGHT IN THE NAPILI BAY CIVIC IMPROVEMENT DISTRICT (LAHAINA)".

The recommended action is that County Communication No. 21-177 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Been moved by Member Paltin, seconded by Member King, to waive the Rules of the Council.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed bill, proposed resolution today.

CHAIR LEE: Alright, any more discussion? If not, all those in favor of the motion, please raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-CHAIR
RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, motion carries; seven "ayes", two "excused".

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS THE PROPOSED RESOLUTION TODAY,
"REFERRING TO THE MAUI PLANNING COMMISSION A
PROPOSED BILL RELATING TO SHORT-TERM RENTAL
HOMES AND MAXIMUM BUILDING HEIGHT IN THE NAPILI
BAY CIVIC IMPROVEMENT DISTRICT (LAHAINA)".

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by who was it? Member Sugimura? Ah, Member King.

Okay. Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. This is a pretty simple bill. It's clarifying the height limit because of a debacle we've had with the Planning Department and apparently not following what two-stories is. So, that's the first point.

And then the second point is a proposal to phase out short-term rentals by district ordinance. Not to say that short-term rentals wouldn't be allowed by permit or other means, but not have Napili Bay Civic Improvement District automatically allow you to have short-term rental as a zoning.

And the reason I'd like to pass it today is it's simply having the Planning Commission look at it, and then we'll come back and look at it in Committee with the whole picture of what the Planning Commission recommends.

CHAIR LEE: Okay. Any more discussion? All in favor of the motion to adopt the resolution in County Communication 21-177, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-CHAIR
RAWLINS-FERNANDEZ.

CHAIR LEE: Okay. Seven "ayes". Well, wait a minute. Is it all "ayes"? Ms. Sugimura? Okay. Seven "ayes", zero "noes", two "excused"; motion carries.

COUNCILMEMBER PALTIN: Thank you, Members.

COUNTY CLERK: Chair, did you want to file that subject matter, or refer the subject matter onto Committee?

CHAIR LEE: Ms. Paltin, what would you like to do? We can't hear you. Can't hear you.

COUNCILMEMBER PALTIN: Thanks. Sorry.

FILE THE SUBJECT MATTER.

Because when it comes back from the Planning Commission, it'll come back around.

CHAIR LEE: Okay. Got it. We'll file it.

Madam Clerk.

COUNTY CLERK: That's all for our referrals.

Moving onto committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-24 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 21-67, entitled "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE, FOR THE KAIĀULU O HALELE'A APARTMENTS AFFORDABLE HOUSING PROJECT," be ADOPTED; and
2. That County Communication 21-109, from the Director of Housing and Human Concerns, be FILED.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-24.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Member Molina, to approve the recommendation in Committee Report 21-24.

Member Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair. At its March 15, 2021 meeting, the Affordable Housing Committee discussed Kaiāulu O Halele'a Apartment Project for households earning between 30 and 60 percent area median income.

The project developer Ikaika Ohana received an Affordable Housing Fund grant award of \$1,508,558 to construct the first 63 of a total 128 affordable rentals units in Kihei.

To obtain additional funding from various State, Federal, and private sources, the project requires a financing structure with terms that differ from those providing Chapter 3.35, Maui County Code, Affordable Housing Fund.

The Committee determined that flexibility in the grant award was necessary for the project to leverage additional non-County funding. The project will be subject to a Residential Workforce Housing Agreement, including a requirement remain affordable for 65 years.

According to Affordable Rental Guidelines of the Department of Housing and Human Concerns, a two-bedroom apartment in this project would rent between \$658 and \$1,316 per month with utilities included. This is a type of much needed affordable housing our residents need and deserve. I respectfully ask for the Council's support in this motion. Mahalo.

CHAIR LEE: Thank you. Any more discussion?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to give props to Member Johnson on his pronunciation of the project. It's come a long way and that was excellent.

COUNCILMEMBER JOHNSON: A full disclosure--

CHAIR LEE: Very good.

COUNCILMEMBER JOHNSON: --I did study. I did study for that.

COUNCILMEMBER PALTIN: And it shows. Good job.

CHAIR LEE: Okay. Any more discussion?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to give props to Doug Bigley and Ikaika Ohana for bringing another wonderful project to our community. And when I mean community as island as a whole, because really this is not just for South Maui. There will be a lot of people from the other parts of the island that do move here. So, not to sound like a broken record, but every time another project comes up, I'm going to reiterate the need for that North-South Collector Road to be finished because we

can't keep building up that traffic on the highway. But we do love these types of projects. They're long-term and they're for the lowest income and the highest need. So, fully support what has been happening with these kinds of projects in South Maui.

CHAIR LEE: Okay. Very good. Anybody else?

If not, all those in favor of the motion, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-
CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: I see seven "ayes", no "noes", two "excused".

Madam Clerk.

COUNTY CLERK: That would be RESOLUTION 21-24 [sic], sorry, 21-67. Committee Report number.

COMMITTEE REPORT

NO. 21-25 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 36 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, 60 NORTH CHURCH STREET BUILDING RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 37 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS

TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, 60 NORTH CHURCH STREET BUILDING RENOVATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

3. That Bill 38 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT – 60 NORTH STREET BUILDING RENOVATIONS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 21-25.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to approve the recommendation in Committee Report 21-25.

Discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Budget and Finance and Economic Development Committee met on March 17, 2021, to discuss proposed bills to amend the Fiscal Year 2021 Budget, Office of the Mayor, the General Bond Authorization, and Appendix C, Capital Improvement Projects, to appropriate \$260,000 in bond funding to be used for preliminary design of the building located at 60 North Church Street.

Your Committee noted that funding was appropriated in the Fiscal Year 2020 Budget for renovations to the first floor of the Kalana O Maui Building for the Emergency Management Agency, but the Mayor allowed the funding to lapse because the County purchased the 60 North Church Street Building, where the County plans to house MEMA.

The lapse of these funds did not impact necessary repairs to the Kalana O Maui Building, such as mitigation due to rain damage.

Your Committee also noted that funding for construction costs at this property would be included in the Mayor's proposed budget for Fiscal Year 2022 for Council's consideration.

Your Committee voted 7-0 to recommend passage of the proposed bill. I respectfully ask for the Councilmembers support of the motion. Thank you, Chair.

CHAIR LEE: Thank you. Any more discussion or questions? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: MEMBER KAMA AND VICE-CHAIR RAWLINS-
FERNANDEZ.

CHAIR LEE: Seven "ayes", zero "noes", two "excused"; motion carries.

COUNTY CLERK: Chair, that's BILL 36, 37, and 38 (2021).

COMMITTEE REPORT

NO. 21-26 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending the following:

1. That the Miscellaneous Communication referring Grant Agreement G5094, between the County of Maui and E-Cycling Maui, LLC, for Hawaii Large and Lithium Battery Diversion Program Research, be FILED;
2. That the Miscellaneous Communication referring Grant Agreement G5105, between the County of Maui and Lahaina International Market, LLC, for the Lahaina Recycle Drop Box Pilot Program, be FILED; and
3. That the Miscellaneous Communication referring Grant Agreement G5098, between the County of Maui and Grants Central Station, for The Trailer of Trash program, be FILED.

CHAIR LEE: Member King.

COUNCILMEMBER KING:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-26.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-26.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Your Climate Action, Resilience, and Environment Committee, having met on March 17, 2021, reviewed the following:

Miscellaneous Communication dated January 19, 2021, from the County Clerk, transmitting Grant Agreement G5094 between the County of Maui and E-Cycling Maui, LLC, for Hawaii Large and Lithium Battery Diversion Program Research in the amount of \$10,000.

Miscellaneous Communication dated January 19, 2021, from the County Clerk, transmitting Grant Agreement G5105 between the County of Maui and Lahaina International Market, LLC, for the Lahaina Recycle Drop Pilot Program in the amount of \$58,839.

And Miscellaneous Communication dated January 19, 2021, from the County Clerk, transmitting Grant Agreement G5098 between the County of Maui and Grants Central Station, for The Trailer of Trash program in the amount of \$20,000.

A representative from the Department of Environmental Management provided status updates on the three grant agreements.

Grant Agreement G5094 will help with research for the development of a lithium battery recycling program for the County. The County anticipates the need to recycle batteries from photovoltaic systems and electric, electric and hybrid vehicles that will be aging out within the next five to ten years.

Grant Agreement G5105 will be used for the continued operations of the recycling drop box site in Lahaina. Lahaina International Market, LLC will be working to provide an additional drop-box recycling site on Lahainaluna Road. The Department's representative noted the program is being evaluated to improve its efficiency.

Lastly, Grant Agreement G5098 will be used to assist individuals, households, and small local businesses with diverting waste from the landfill through redistribution and upcycling practices.

Your Committee voted 6-0 to recommend filing of the three Miscellaneous Communications. I ask for the Members support.

CHAIR LEE: Any more discussion? Any more discussion? Okay, all those in favor, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Okay. Any, anybody "no"?

NOES: NONE.

EXCUSED: MEMBER KAMA AND VICE-CHAIR RAWLINS-
FERNANDEZ.

CHAIR LEE: Seven "ayes", no "noes", two "excused". Thank you.

Madam Clerk.

COMMITTEE REPORT

NO. 21-27 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-68, entitled "RELATING TO THE APPOINTMENT OF KYLE CAIRES TO THE KULA AGRICULTURAL PARK COMMITTEE," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-27.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Sugimura, to adopt the resolution in Committee Report 21-27.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Governance *[sic]* Relations, Ethics, and Transparency Committee met on March 9, 2021, to consider the Mayor's nomination of Mr. Caires to the Kula Ag Park Committee for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Kylie Tavares.

Mr. Caires is well-known in the agricultural industry and is employed as a Livestock Extension Agent at the University of Hawaii at Manoa. And he also holds master's and doctorate degrees in Animal Science from Washington State University.

Your Committee voted 9-0 to recommend his nomination to be approved. I ask for the Members full support of Mr. Caires once again. Thank you.

CHAIR LEE: Everybody in favor of the motion, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-CHAIR
RAWLINS-FERNANDEZ.

CHAIR LEE: Thank you. Seven "ayes", zero "noes", two "excused"; motion carries.

COUNTY CLERK: Would be RESOLUTION 21-68.

COMMITTEE REPORT
NO. 21-28 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending the following:

1. That Bill 39 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-402, from Councilmember Kelly T. King, be FILED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-28.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Member, passed by Member Molina, seconded by Member Sugimura, to approve the recommendation in Committee Report 21-28.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. As you and the Members know, roughly a year and a half ago, I submitted a proposed bill that authorizes the formation of community advisory committees for the Paia-Haiku Community Plan area. And along with Member King, also submitted a bill similar to the South Maui region.

And the proposed bill was proposed to be simple and based on the Hana Advisory Committee model. And over time, the bills, both bills morphed into something larger than what it was anticipated to be, eventually causing a, I guess, a number of individuals to form a special committee to review both bills out in the committee.

I want to thank the working group that got together, made up of representatives from the impacted communities, and also from the Council administrative staff to finally formulate a bill that will be amenable to both the community and the Council. And after four months of evaluation, I'm pleased to say that they've completed their task.

And again, now this bill, proposed bill, authorizes the Committees to provide recommendations to the Maui Planning Committee and hold public hearings on behalf of the Maui Planning, Planning Commission, I should say, and carry out such duties as assigned by the MPC. And if it's implemented properly, the functions of the advisory committees could replace certain duties of the Maui Planning Commission, lighten their workload, and also remove any duplication in the processing of permits.

Now, it's important to note that the proposed bill will, will revise the appointment process to advisory committees with the Council nominating and approving five members and the Mayor appointing two members. I believe the revised appointment procedure will make the process more transparent and more representative of the communities. And I understand the working group will be proposing changes to Title 19 in a separate piece of proposed legislation.

So, again, I say it's time right now to move forward on this bill. And I respect, respectfully request all of the Members support of this matter. Thank you, Madam Chair.

CHAIR LEE: Thank you. Any further discussion?

Member King and then Member Sugimura.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Member Molina, for bringing this forward. Sorry, I didn't second it. I, I, I've been freezing on and off, and I wasn't sure what was happening. I thought I was frozen again. But no, this is something that the community groups have been working on for many, many months. Some of them have been working on it for over a year. And so, I'd like to add my mahalo to the folks that have been working on this legislation.

I think what we have here is something that is easy to understand, it's simple to implement, it will bring the voice of the community. And I've got to tell you, the

communities in question here for these two groups do not feel like they're necessarily being heard by the current planning commission. So, I think this will give the voice that the communities need to, on these projects that have been happening without, you know, in the face of their grave opposition. So, I'm in full support. And I'm really looking forward to.

I also wanted to say that we've had a volunteer South Maui advisory committee that's been operating for almost two years now very successfully. So, I have complete faith we'll be able to find the members to, to serve on these bodies and make it balanced so it won't be heavily, too heavily weighted one way or the other for more anti-development. So, thank you very much for this in advance for your support, Members.

CHAIR LEE: Any more comments?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I have a question. I think Mr. Molina just mentioned it, Ms. King. And during testimony when this came up in Committee, he was talking about a citizens group, which I think Dick Mayer is part of it, and he was talking about that there's more to come. So, I'm just wondering if either Mike or Kelly could share what the committee or what this citizens group is going to be proposing in the future? I asked that in Committee, I never got an answer from them. From not you, but Mr.--

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, as I mentioned earlier, the group is now currently working on proposed changes to Title 19. That is a total separate piece of legislation from this.

COUNCILMEMBER SUGIMURA: Oh, okay. So, it's not part of this? Oh, so you're, they're working with the Planning Department on those changes, as Title 19 is being reviewed and audited? Okay.

COUNCILMEMBER MOLINA: Yea, that is my understanding.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay. Any more questions or--

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, just a point of clarification. I believe Title 19 isn't, is being rewritten, not audited, right? They're doing a Title 19 rewrite.

COUNCILMEMBER MOLINA: Correct. Yes. It's not being audited, it's just a rewrite. And the working group have, they've gotten together, and it's totally separate from this.

CHAIR LEE: Any more comments or questions? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-CHAIR
RAWLINS-FERNANDEZ.

CHAIR LEE: I see seven "ayes", zero "noes", two "excused"; motion carries. Congratulations both of you; Kihei--

COUNCILMEMBER MOLINA: Thank you, Members

CHAIR LEE: --and Paia-Haiku

COUNCILMEMBER KING: Thank you so much.

CHAIR LEE: I mean, South Maui. South Maui.

COUNCILMEMBER KING: It's been a long time coming.

CHAIR LEE: Yea.

Madam Clerk.

COUNTY CLERK: Chair, that is BILL 39 (2021).

Moving to ordinance up for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 24 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
OFFICE OF THE MAYOR, DEPARTMENT OF HEALTH
WATER QUALITY MONITORING IN WEST AND SOUTH MAUI

CHAIR LEE: Okay, Madam Clerk. Thank you, Madam Clerk.

Member Paltin, did you want to take all of them, or just one?

COUNCILMEMBER PALTIN: Thank you, Chair. If there's no objections, Ms. Kaohu, could call Bill 25 (2021) through Bill 32 (2021) at this time.

CHAIR LEE: Any objections? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Madam Clerk.

ORDINANCE NO. _____
BILL NO. 25 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PUBLIC WORKS, LANAI COMMUNITY PLAN AREA,
SIXTH STREET AND LANAI AVENUE INTERSECTION SAFETY IMPROVEMENTS

ORDINANCE NO. _____
BILL NO. 26 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
STATE OF HAWAII, DEPARTMENT OF DEFENSE HAWAII EMERGENCY
MANAGEMENT AGENCY (HI-EMA GRANT)

ORDINANCE NO. _____
BILL NO. 27 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WEST MAUI COMMUNITY PLAN AREA,
LAHAINA WASTEWATER RECLAMATION FACILITY EMERGENCY
GENERATOR REPLACEMENT

ORDINANCE NO. _____
BILL NO. 28 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,
AFFORDABLE HOUSING FUND (HALE O PIIKEA)

ORDINANCE NO. _____
BILL NO. 29 (2021)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.76,
MAUI COUNTY CODE, CREATING THE MOLOKA'I FARMING
COST REIMBURSEMENT PROGRAM FUND

ORDINANCE NO. _____
BILL NO. 30 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM
(MOLOKAI DIVERSIFIED AGRICULTURE PROGRAM)

ORDINANCE NO. _____
BILL NO. 31 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,
DISPOSAL OF VEHICLES FEE FUND;
MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND

ORDINANCE NO. _____
BILL NO. 32 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO SECTION 14 OF THE GENERAL BUDGET PROVISIONS

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

MOVE TO PASS BILL 24 (2021) THROUGH BILL 32 (2021) ON
SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: It's been moved by Member Paltin, seconded by Member Sinenci, to pass bills,
Bills 24 through 32 on second and final reading.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Bill 24 (2021) amends Appendix A, Part I, of the Fiscal Year 2021 Budget to add a new appropriation under the Office of the Mayor, entitled "Department of Health Water Quality Monitoring in West and South Maui", in the amount of \$38,537. These funds will be used to provide the Maui Nui Marine Resource Council with a grant for the Hui O Ka Wai Ola Project. Shout out to Dana Reed for creating the . . . for us.

Bill 25 (2021) amends the Fiscal Year 2021 Budget, Appendix C - Capital Improvement Projects, Department of Public Works, Lanai Community Plan Area, to expand the project description for the Sixth Street and Lanai Avenue Intersection Safety Improvement Project to include "construction" and to enable work to occur not just at the intersection.

Bill 24 [sic] and Bill 27 (2021) amend the Fiscal Year 2021 Budget, Appendix A, Part I, Appendix C, to add an appropriation under the Department of Environmental Management, entitled "State of Hawaii, Department of Defense Hawaii Emergency Management Agency (HI-EMA) Grant, in the amount of \$633,750.

Bill 28 amends Appendix A, Part II, Special Purpose Revenues, by adding language under the Affordable Housing Fund allocating \$5,768,650 for the Hawaiian Community Development Board for land acquisition for the Hale O Pi'ikea Project, tax map key (2) 3-9-002-076, located at Pi'ikea and Liloa Drive, Kihei, Maui, Hawaii.

Bill 29 (2021) through Bill 32 (2021) amends the Fiscal Year 2021 Budget, the General Budget Provisions and Appendix A, Part II, Special Purpose Revenues, to add a new fund entitled, "Molokai Farming Cost Reimbursement Program Fund" and move money from the General Fund into this fund.

I ask for the Councilmembers support of my motion. Thank you, Chair.

CHAIR LEE: Anymore discussion or questions? If not, all those in favor, say "aye".

(Vice-Chair Rawlins-Fernandez returned to the meeting at 2:34 p.m.)

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Seven, oh, we have eight "ayes", and one "excused", no "noes"; motion carries.

Would you like to make an after the fact comment, Member Rawlins-Fernandez? No?
Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No. Committee Vice-Chair did a fabulous job. Mahalo for taking over.

CHAIR LEE: Yup. Yup, she did a good job. Alright. Are you on Molokai? Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm at my farm.

CHAIR LEE: Oh, I thought maybe you parachuted down or something. Okay.

Where's our Clerk? Clerk Kaohu?

COUNTY CLERK: Yes, Chair.

Okay, proceeding with unfinished business.

UNFINISHED BUSINESS

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 21-18 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution _____, entitled "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL BRONSTER FUJICHAKU ROBBINS, A LAW CORPORATION, TO FILE LEGAL CLAIMS AGAINST BANK OF AMERICA AND OTHER MORTGAGE LENDERS FOR FAILURE TO FULFILL LOAN COMMITMENTS, FRAUDULENT FORECLOSURES, AND SIMILAR UNLAWFUL CONDUCT, AND IN BANK OF AMERICA, N.A. V. COUNTY OF MAUI, ET AL., CIVIL 1:20-CV-00310 JMS-WRP," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. In light of the concerns expressed by individuals such as Mr. Maka'awa'awa, I'm considering tabling this matter. But first, I'd like to hear from Councilmember King, who first brought this matter to the Committee's attention, as well as other matters. So, I'll yield the floor, Madam Chair.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you very much, Councilmember Molina. This is a long-standing issue. As everybody knows, it goes back decades; the amount of damage that the Bank of America did to the Hawaiian community when it promised a certain level of mortgage lending opportunities and did not fulfill its promise to the U.S. Government.

And so, when we, when we first looked at this, I think it's been a couple of years now, it was following on the heels of a similar but not exactly the same type of lawsuit that the City of Miami was lodging against Bank of America. And so, I was collaborating with the Mayor and with their attorney, who seemed to under, you know, their, their issue is a little bit different because there's had to do with fraudulent mortgages that were given out but, and fraudulent foreclosures. Ours was based on our cultural issues and promises that were made to the Hawaiian beneficiaries. And so, but, but the, the lawsuits were similar in that they were, you know, a small entity, relatively small entity I guess if you call Maui and Miami small entities, but compared to, you know, all the resources that Bank of America has. And so, we were getting a lot of advice from their attorney.

But when I brought this forward at the beginning of 2019, the Council felt that there may be conflicts, I guess, in hiring Mr. Jacobs. So, we went with an RFP that was subsequently given out to Margery Bronster to actually determine if there was enough, I'm going to use this term because I hear it a lot, enough there, there to lodge, you know, to actually file the lawsuit, the complaint against Bank of America. We want to make sure that there was a basis for us going forward with the lawsuit. So, that was a very small \$25,000 investigation that, you know, after which we were told, the Council was told, yes there is basis for going forward with this lawsuit and trying to recover the damages. And, and so that's where we are.

And so, we approved the initial amount. But what happened in the meanwhile is that Bank of America countersued Maui. And so, that money was used to fight the countersuit. There was no, there was no interim approval to pivot and use that money for the countersuit, but it just happened. I guess, it happened, and they used the money that way. So then, they came to us to reinstate the original amount of money we were going to allow them to lodge the lawsuit. So, that's where we are today.

But the complaint that we're hearing, and we heard in the previous Council meeting from, from Mr. Maka'awa'awa, who works with the group that actually Member Kama is a part, or was a part of the Hawaiian group that originally brought this complaint up feels, you know, he's testified twice now that he feels that, that the attorney that we've hired has not been working with them and has not, has not paid enough attention to their, their particular specific concerns. And so, there's, so they've, he's testified against us going forward with Ms. Bronster.

And so, that's kind of where, that brings us up to date to where we're at today, is that we're in this situation where we, I think all of us want to go forward with this action. But whether we go forward with the existing attorney if, if they can't work in, in concert with the Hawaiian community group that originally had these interests and, you know, brought the original complaint forward. That's kind of the question in hand.

So, I don't know if you want to, I mean, you know, I appreciate Mr. Molina offering to table this. We, we need to deal with it somehow but, you know, it just doesn't feel to me personally that we're on the right pathway here if the folks that we're trying to help don't, don't like the path that we're on. So, you know, happy to hear from Corp. Counsel to give their input. But I'll, I'll, that's my, that's my trying to get everybody up to date to where we are today. And--

CHAIR LEE: Okay. Thank you.

COUNCILMEMBER KING: And I think we also, I don't see Mr. Maka'awa'awa on the call, but maybe you could have someone call him. Is he on? He is? Okay.

MR. MAKA'AWA'AWA: Yea, I'm here.

COUNCILMEMBER KING: Oh, okay great.

CHAIR LEE: Ms. King. Ms. King, I would like to hear from Corp. Counsel first.

COUNCILMEMBER KING: Okay. Yea, I just wanted to offer that . . . got anything wrong for him to correct . . .

CHAIR LEE: Okay, because Corp. Counsel is on the line, as so is Margery Bronster.

COUNCILMEMBER KING: Okay.

CHAIR LEE: But, before we, so if you don't mind, let's hear from our Corporation Counsel.

COUNCILMEMBER KING: Sure.

CORPORATION COUNSEL MOANA LUTEY: Thank you, Chair.

CHAIR LEE: Ms. Lutey.

CORPORATION COUNSEL: Thank you. Ms. Bronster is on the call. I see her signed on.

In terms of, you know, the firms working together or these parties working together, what I can tell this body is that I do see, based on invoices, many of which were not charged for, that Ms. Bronster's did in fact meet with Ian Hodges, Brandon Maka'awa'awa and also Bruce Jacobs. So, that is something that Ms. Bronster could get more into detail with you.

But today, really what we're looking at is whether or not you're going to replenish that pot of money for us to pursue these claims against Bank of America or not. And if we want to get into a deeper discussion, I really think that this is something we're going to need to get into executive session for.

CHAIR LEE: Okay. Shall we ask Ms. Bronster to provide her comments?

MS. MARGERY BRONSTER: Hello.

CHAIR LEE: Hi.

MS. BRONSTER: Hold on. Oh, my video has been muted, that's fine. Good afternoon. Thank you for the opportunity to address you. But I want to be very cautious. And this is something that I had to do with whoever I met with who weren't my clients. We have an attorney/client relationship. So, the Bronster firm, along with the County Council and Moana Lutey and her office, and with all of you, we can be quite upfront. We can tell you precisely why we're doing what we're doing. And we can share with you some of the potential pitfalls of taking certain action.

We do not have that freedom with Mr. Maka'awa'awa or the others who are concerned citizens. That does not mean in any way, shape, or form that we are not concerned about the issues that they have raised with you in the past, nor does it mean that we're not taking seriously some of the offered suggestions. But if we accept a suggestion such that we're working it into a draft complaint, or we reject a suggestion, that is not something I feel comfortable with talking to them about because I have been instructed by all of you not to waive the attorney/client privilege.

And as you know, there are many things that Bank of America is watching. I assume that they're going to be trying to watch this as well to find out precisely what it is that, that you are planning on doing. And when they listened previously to what you decided to do, in terms of hiring us to do the report, in terms of even the limited amount of information that was shared in the public with respect to that report, with respect to going out and hiring counsel to proceed to the next steps, we saw all of the things that they were able to glean, put together in a package, and they actually sue the County to prevent you from actually proceeding. It is for that reason that I have instructed everyone in my office to be very cautious with what is shared that would breach the attorney/client privilege and potentially waive it.

Now, if we're in litigation and we, we have a joint prosecution agreement or a joint defense agreement, that may change things. But at this moment, my instruction has been to keep a lot of this private. I will also tell you that on many occasions what we have said has been shared with the press, and again, will potentially prejudice the County in pursuing the claims that we are working on, on putting together.

I am more than happy to get into details of this in executive session. But unless somebody is going to instruct me to waive the privilege, which I would recommend against, I do not feel comfortable in sharing specific details with you in an open session.

CHAIR LEE: Thank you. I'm sure we have questions. Are there any questions from the Members?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I look forward to executive session, Ms. Bronster, you can help guide us there. But just on this issue that's on the table today, I think it's 80 something thousand. When this came up in Committee, it's in the committee report, I think the Corp. Counsel was going to ask you if you're going to file for reimbursement. I'm not too sure, is it with the courts that you would do that? Is it an option for you? I was under the impression that it was. And I think Moana was going to check to see if you were planning on doing that.

CHAIR LEE: Ms. Bronster.

MS. BRONSTER: Again, if we can defer this to executive session, I'd appreciate it.

CHAIR LEE: Okay. Any other questions in, for open session?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Perhaps we can recommit this item to Committee and then that way we can have the executive session in committee and have a fuller discussion to answer all the Members questions. So, I have questions that'll probably, that probably belong in executive session. It's not a reimbursement of the courts, it's filing for attorney fees based on frivolous claims. Mahalo, Chair.

CHAIR LEE: And that certainly is an option.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And thank you my Committee Vice-Chair Member Rawlins-Fernandez. That's an option I didn't consider, but I'm open to that. My understanding, there is no time sensitivity to this, so I'm open to having this recommitted and we could address this expeditiously after the budget session is over. The first round of Committee meetings after budget will occur, I believe, roughly mid-May, so I'm open to that. And it's been a long day. And I think better we go back to Committee; we can have a full drawn-out discussion both in open and in executive session. So, I'm amenable to having this recommitted to Committee.

CHAIR LEE: Anybody else? Okay, no more questions for Ms. Bronster? No more questions for Ms. Lutey? Okay, thank you ver--

Yes, Ms. King.

COUNCILMEMBER KING: Yea, no, I just wanted to say I do have, I support that going back to Committee. I do have additional questions. But I think just asking the question might be, might not be a smart thing, so I'll wait till we get into executive session in Committee.

CHAIR LEE: Okay. Thank you very much, Ms. Bronster. Appreciate you coming aboard.

MS. BRONSTER: Oh, you're welcome. I look forward to meeting with you. And if you want to share some of the issues or questions in advance, we can certainly, you know, maybe move it along more quickly. If you want to provide them to Ms. Lutey and then we'll be prepared to do so. But I'm happy to answer questions, you know, orally as well. Not a problem.

CHAIR LEE: Thank you very much.

Okay, so going back to this item, Member Molina, are you recommending that this item be recommitted?

COUNCILMEMBER MOLINA: Yes, Madam Chair.

IF THERE ARE NO OBJECTIONS, I MOVE THAT WE
RECOMMIT THIS BACK TO COMMITTEE.

CHAIR LEE: Okay. Any second? Second?

COUNCILMEMBER KING:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Member King, to recommit this item. Any further discussion? If not all tho--

Yes, Ms. King.

COUNCILMEMBER KING: Yea, just, I just wanted to ask Mr. Maka'awa'awa, since he was here for all this time, thank you for being here. But if you could maybe put in writing some of the concerns, you know, maybe correspond with our Committee Chair once this gets recommitted to Committee, so that we could, you don't have to, you know, verbally keep repeating yourself. But we can all have it in writing and come to the Committee prepared with the concerns.

MR. MAKAWA'AWA: Oh, okay, Ms. King. I sent all the Councilmembers an email about the concerns, so.

COUNCILMEMBER KING: Was that, was that conclusive, was that inclusive of all your concerns, the email that went out?

MR. MAKAWA'AWA: I'm, pretty much. I mean, there was a lot of concerns, so I think that's it. But I'll, I'll, if I come up with any new ones, I'll hand em over.

COUNCILMEMBER KING: Okay. If, if that was, I just didn't know if that was inclusive of everything. But if that is--

MR. MAKAWA'AWA: Yea, I think, I think it was.

COUNCILMEMBER KING: Okay. Thank you.

MR. MAKAWA'AWA: But thank you.

CHAIR LEE: We have another question. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The question, I guess would either be for Ms. Bronster or for Ms. Lutey. And that's, if we can get a copy of the brief, oh, can you hear me okay or is it too loud? Okay. The brief for the, the last court case that Ms. Bronster defended the County with Judge Seabright.

CHAIR LEE: Let, Ms. Lutey, are you still on the call? Did you hear the question?

CORPORATION COUNSEL: Yes, I'll provide that today.

CHAIR LEE: Okay. Do you have any parting thoughts or comments?

CORPORATION COUNSEL: No.

CHAIR LEE: No? Okay. So, everybody's all set? We're going to recommit this to the GREAT Committee and take it up again at a later date. Alright?

MR. MAKAWA'AWA: Mahalo.

MS. BRONSTER: Thank you.

CHAIR LEE: Thank you very much. Thank you, Brandon. Thank you, everybody.

Madam Clerk.

COUNTY CLERK: Chair, there's still a motion on the floor for that.

CHAIR LEE: Okay. Okay. Anything else? Alright. All those in favor, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: MEMBER KAMA.

CHAIR LEE: Eight "ayes", one "excused"; motion carries.

Okay. We're down to the last item.

ORDINANCE NO. _____
BILL NO. 10 (2021)
Draft 1

A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY
CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS
DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO APPROVE ON SECOND AND FINAL READING
BILL 10.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by mem--

COUNTY CLERK: Chair.

CHAIR LEE: Are you seconding the motion, Ms. Kaohu?

COUNTY CLERK: No. I have something to add. I just want to refresh everybody for the record where, where we left off with the bill.

CHAIR LEE: Okay, go ahead. Refresh us. Refresh us.

COUNTY CLERK: Okay. Chair, the Council's meeting of March 5, 2021, the body was considering a motion made by Councilmember Johnson and seconded by Councilmember Molina, to pass Bill 10 (2021) on second and final reading.

The motion was subsequently amended resulting in the current Draft 1 version of the bill before you today.

The body postponed the motion as amended to pass the bill on second and final reading to its meeting of March 19.

The motion was then postponed again to today's meeting to allow for a public hearing on the item, which was held on March 31.

The postponed motion is now on the floor for the body's consideration.

CHAIR LEE: Okay.

COUNTY CLERK: So, there is an open motion before you.

CHAIR LEE: Okay. There is an open motion.

COUNTY CLERK: Thank you, Chair.

CHAIR LEE: You don't have to make a motion, Mr. Molina. So, we're in discussion.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I apologize. I think protocol-wise it would call for the Chair of the Committee first to make remarks, and then I can throw my ten cents in.

CHAIR LEE: Okay. Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank you, Councilmember Molina. So, I have a few statements and then I'll, I'll pass the mic as they say.

So, Bill 10 (2021), require projects developing under the 201H process to provide 75 percent of their units for residential workforce housing. The bill has been discussed in Committee and at a public hearing on March 31, in part, to take the draft Comprehensive Affordable Housing Plan into consideration. There's no indication the plan contains any recommendations on the 201H projects, or processes I should say, as the proposed bill would only apply to 201H developments, which are subsidized with incentives, exemptions, and fast, fast-track approval.

Furthermore, the Department of Housing and Human Concerns status update for January 2021 listed 12 complete, completed pending 201H projects. Three of the projects have 50 to 60 percent total units as workforce housing. One project is

80 percent workforce housing. And 8 of the 12 projects are 100 percent workforce housing.

The proposed bill further encourages, as public policy, what majority of 201H developers are already providing. And if the Council wants to approve a project with less than 75 percent workforce units, the bill provides a flexibility to do whatever is best for the community.

So, I respectfully ask for the Council's support of this motion. And I appreciate this long discussion, but I think it's time. It's time to act. And I think it, the, I yield the floor. But I want everybody to really think about this. This is such an important issue. We campaigned on it, we talk about it, we listened to the people and I think it's time to move. So, I rise in full support. Mahalo.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. So, I would like to propose an amendment to this bill.

AND THE AMENDMENT IS AN EXEMPTION FOR THE ISLAND
OF LANAI IN SUBSECTION F OF THE PROPOSED BILL.

So, the motion is to move, amend Bill No. 10 (2021), Draft 1, under subsection F. And if you'll allow me. That's my, the effect is--

CHAIR LEE: Well, we need a second. We need a second.

COUNCILMEMBER SUGIMURA: I need a second.

CHAIR LEE: There is no second. Did you have another amendment?

COUNCILMEMBER SUGIMURA: I do.

CHAIR LEE: Or was that it?

COUNCILMEMBER SUGIMURA:

SO, I MOVE TO AMEND BILL 10 IN THE PROPOSED
AMENDMENT TO MAUI COUNTY CODE SECTION 2.96.030,
SO THAT "F" READS AS FOLLOWS:

"F. PROJECTS UNDER SECTION 201H, HAWAII REVISED STATUTES, AS REQUIRED TO PROVIDE A MINIMUM OF SEVENTY-FIVE PERCENT OF THE TOTAL DWELLING UNITS FOR VERY LOW, LOW, BELOW-MODERATE, MODERATE, AND ABOVE-MODERATE INCOME HOUSEHOLDS, UNLESS A LOWER PERCENTAGE, WHICH IS GREATER THAN FIFTY PERCENT, IS APPROVED BY COUNCIL RESOLUTION".

AND THIS IS THE AMENDMENT, "THE REQUIREMENT MUST BE REVIEWED BY COUNCIL WITHIN 18 MONTHS OF ADOPTION, BUT NO EARLIER THAN 12 MONTHS AFTER ADOPTION. IF THIS REVIEW IS NOT CONDUCTED, THIS SECTION OF THE CODE IS AUTOMATICALLY REPEALED".

That's my motion.

CHAIR LEE: Is that your amendment? Is there a second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay.

COUNCILMEMBER KING: I have a question.

CHAIR LEE: Okay, it's seconded. So, let's go to the movant first. Ms. Sugimura, can you explain, discuss your proposal?

COUNCILMEMBER SUGIMURA: This is Tasha Kama's proposal, and she's not here at this time. I guess she's going to come back. But after hearing testimony from those who directly affected by the amendment of the Code contained in Bill 10, I believe it is a good policy to require a review of the amendment after it is enacted into law.

We have heard repeatedly from those in the industry that this amendment will not result in more affordable housing but will in fact discourage the development of affordable housing. I believe this testimony is not scaremongering, but a realistic assessment of the likely effect of the proposed amendment. As such, we should review this amendment no later than one and one-half years from its enactment.

I oppose Bill 10 but will grudgingly vote for it with my proposed amendment for a mandatory review, so that if the industry predicted negative impacts occur, we are assured that they will be addressed. I ask my fellow Members for support of this amendment.

CHAIR LEE: So, this is your amendment right now? This is your amendment.

COUNCILMEMBER SUGIMURA: Okay, this is my amendment.

CHAIR LEE: Okay. Further discussion? Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I think that, I think that's a reasonable, a reasonable thing to ask to review it. I wasn't going to be in favor of actually sunseting it, but I think reviewing it is an honest thing to do. And we've put that into other bills, like the social host liability bill, to review, to make sure that we're on track and that things are progressing.

The one thing that I wanted to make sure of, because I actually was going to propose the same amendment, but I wanted to make sure that if we did, that we could also move to waive the, the Council Rules and so that we could go ahead and pass it today without, without putting it off another two weeks? So, you know, I'd like to see this get resolved today. And I also will vote for it if we, if we put this amendment into it. But I think we can do that. We've talked about doing that with other bills, you know, waiving Council Rules so that we, we can pass it without putting it off again. And to me, this is a pretty easy one to--

CHAIR LEE: Yea, and I agree with you, Ms. King, because this is not really substantive.

COUNCILMEMBER KING: Right.

CHAIR LEE: It doesn't change the substance of the proposed ordinance.

COUNCILMEMBER KING: Right.

CHAIR LEE: Alright. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I have concerns about amendments again being made at second and final reading. You know what happened the last time? Member Sugimura made an amendment at second and final reading, and the result was a delay, go back to Council, another delay. Let's call it for what it is. This is a delay tactic being well-orchestrated, you know. Make an amendment

today. I mean, why wasn't this amendment proposed weeks ago or at previous meetings? I mean, come on, the forces behind opposing this bill; they know what they're doing.

As one testifier said, we locals, we not stupid, you know. So, come on. To me, I just want to deal with this over. We've had six meetings on this already. I mean, how much longer will this take? I mean, what, we pass an amendment today, then what? Maybe we find out, hey, it has to go, you know, to another Council meeting. And it'll just go on and on and on. This is a form of filibustering, so I cannot support any amendments made today.

And, you know, we've had Members say, okay, let's wait, let's, let's look at the Comprehensive Affordable Housing Plan. You got your wish. Then three Members said, let's have a public hearing. Okay, you got your wish. And now here we go, another amendment today. It's just becoming very obvious to a lot of people in the public, this is a delay tactic. So, with all due respect, I cannot support any amendment at this point. Thank you, Madam Chair.

CHAIR LEE: I think I saw Vice-Chair Rawlins-Fernandez, and then Ms. Paltin, and then Mr. Johnson.

You didn't, you didn't have your hand up? Then, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I can support this if we waive Rule 19.C., to allow for amendments on second and final reading.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: You know, trying to find the middle ground here, cause it seems to be a pretty heavy topic.

And I just wanted to, you know, mahalo everybody that took the time to come and testify at the public hearing and throughout all the meetings, because the one thing I think that was very clear throughout everybody's testimony was that care for Maui County and for affordable housing for our people. Just, you know, the definitions of what is affordable and what not is in the details. But, yea, if we can waive Rule 19.C., I'm okay.

CHAIR LEE: Okay. Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I stand in strong opposition of this amendment. And I want to talk about the idea of fear and the idea of, from the, from

the industry telling all the fears. Let me tell you about my fear. My daughter is graduating this year, a senior at Lahainaluna. The fear I have of those kids leaving this island is to adding to the brain-drain. The fear that I have is working with the homeless people. The fear that I have is those people who are getting their COVID money and spending it on their overpriced rents. That's the fear that I have. And that's the fear that this body should be working to solve. It's not the fear of the industry for, for goodness sakes.

So, that's the thing I want to speak to is that we have to look at through the people's eyes. And the people are telling us loud and clear, enough already, go up to 75 percent. So, I want this body to show some gumption. Show that fire in your belly that you did the campaign on. Show me that fire in your belly. Show me your gumption. So, vote for it, that's what I'm saying. Vote for it without the amendments. Mahalo.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If Members will look at the Bill, 2.96, it's already built in there. "Council shall review this legislation in two years". There's two years after its passed. So, this amendment is not necessary. I don't know if the forces that be, who are trying to stop this took the time to look at the bill. I don't know why one-year, when the bill already says it's two-years. So, let's look at the bill. Let's, let's instead of fearmongering and putting out half-truth, look at the bill. So, it's already built in. Thank you, Madam Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Now, what I, what I heard was that's in 2.96, but not in 201H. And so, what we're asking for is the review process to be in the 201H. And that was brought up earlier because it was, in fact the point was made where we're not doing 2.96 revisions, because that was what the plan was for. So, I'm not sure why we're referring back to 2.96.

But, you know, for me this is not a delay tactic and that's why I posed the question of, you know, I'd like to see this happen, this review put in there if we can do the, the Rule waiver and go ahead and vote on it today. Because I don't, I also don't want to see this continue on and on. But I do think it's a wise idea to review, to review the policy and see if it's working.

CHAIR LEE: I totally agree with you, because I have no intention of putting this on the table again.

COUNCILMEMBER KING: Right.

CHAIR LEE: I'm hope, I'm moving this out.

Ah, yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, appreciate the discussion. And as you know, thank you for having that public hearing on March 31 where they were almost 50 people that came out, and were thanking the Councilmembers for making the time in the evening. A lot of em came from Lanai. A lot of em came from the industry. There were people who, you know, are in the housing, affordable housing industry that had lots of varied opinions.

But I, I do want to say that we have a big problem. And one of the things that was said that night at the public hearing was, this is a problem of availability, not affordability. And the people who have to pay for these kind of housings to happen, which is the taxpayer, who ultimately has to pay for it, to provide the extra funding so that we can build the affordable units at the percentages that were given in the bill. I mean, it doesn't come for free. And some of it comes from the HHFDC, housing, which we hear a lot from, from the State, because they provide Bigley a lot of funding for his projects, as well as there's Federal funds. But all of that is tax dollars.

And then you have the developers who pay for it and build 100 percent affordable and make the numbers work. So, this is a math thing. It is not, we're going to say it's 75 percent and automatically gets built. But I will take it down to a level of me the taxpayer and all of you who do pay taxes, that this is going to affect you in terms of are you going to have housing for your children or the, your neighbors who may be looking for a house in the affordable rate as well as who pays for it? So, that's the, that's another part of the discussion, which I think a lot of the testifiers have been saying, as well as loud and clear on the 31st. Chair, thank you for having that public hearing.

So, I just wanted to kind of, you know, make a statement that we are all, we all want affordable housing. This is about building it. And the question about how do we get 75 percent as being the magic percentage? To just state it, I don't know if that's ever been answered and what the math is on that. But this is really super important and so that's why we had so many testifiers. We're still talking about it. And we're going to vote on this and do whatever we need to do. But thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, then Member Paltin, then Member Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Molina is correct. The 201H section is in 2.96. So, the 2.96 in our County Code already has a two-year mandatory review. So, if you look at it in its entirety, it's already there. It may not have the repeal that Member Sugimura suggested putting in. But it has that mandatory review, which is what the testifiers were asking for, which is the review. I didn't hear any of the testifiers ask for a automatic repeal if it's not reviewed. And you know--

COUNCILMEMBER SUGIMURA: I didn't say that.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry.

COUNCILMEMBER SUGIMURA: I didn't say--

CHAIR LEE: Oh, go ahead.

COUNCILMEMBER SUGIMURA: I didn't say repeal.

CHAIR LEE: Wait, wait, wait Ms. Sugimura. Ms. Sugimura, your mic is on.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: Yes, Vice-Chair Rawlins-Fernandez. Go ahead, finish.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I am in strong opposition of this redundancy. It's not required cause it's already built in. It's every two-years. And if the Council wanted to review it before two-years, the Council can do it too. It's just that it's required every two-years. So, if the Members wanted to review it in 12 months or 18 months, we can do that. You know, it, it's just all about the Council taking that action and just doing it, you know.

It's whoever is going to be the Affordable Housing Committee Chair can make that a priority. And, you know, right now it's Member Johnson. So, if Member Johnson wants to say that he'll review it again in 12 months, so, what is that next March, no we're in April. So, next April. No, not during budget session. So, after budget session. You know, Member Johnson can, you know commit to doing something like that. That it, it's, we can do that, we can work together. That's the kind of Council we are, you know. Mahalo, Chair.

CHAIR LEE: Thank you.

Member Paltin.

COUNCILMEMBER PALTIN: Oh, I was going to say something else. But in light of Member Rawlins-Fernandez' information, is it okay to check with Corp. Counsel if that 201H portion of it falls under the 2.96 mandatory two-year review? I mean--

CHAIR LEE: Okay, Corp. Counsel and David Raatz are you on the line?

David, shall we take a ten-minute break? David, do you want ten minutes?

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. I, I'm here. I didn't catch the question. I'd be happy to respond if you--

CHAIR LEE: Okay. There is a amen, proposed amendment on the floor, essentially to revisit this, this ordinance, the 201, 201H requirement of 75 percent in, in 12 months to 18 months, okay? Now, it, the rebuttal has been while that requirement is already in 2.96, so we need to find out whether that requirement that's, that is in 2.96 relates to 201H projects as well?

SUPERVISING LEGISLATIVE ATTORNEY: Oh, okay.

CHAIR LEE: Okay?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair.

CHAIR LEE: Would you and Corp. Counsel huddle, and is ten minutes enough?

SUPERVISING LEGISLATIVE ATTORNEY: Well, I, I just happen to have Chapter 2.96 open.

CHAIR LEE: Okay. Go ahead.

SUPERVISING LEGISLATIVE ATTORNEY: It's Section 2.96.110. It's one of the sections within Chapter 2.96 of the Maui County Code. The heading for that section is "Review requirements". Subsection "A" says "The Council shall review this chapter every two years." So, there, there could be more specificity if the Council wanted to review certain--

CHAIR LEE: Okay, we're not talking about 2.96, okay?

SUPERVISING LEGISLATIVE ATTORNEY: Okay.

CHAIR LEE: We're not talking about 2.96. We're talking about 201H and the 75 percent requirement. Now, unless these two bills interact somehow.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of, point of information.

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR LEE: Yes, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the, the, this motion is asking the Council to review HRS 201H? Because that's statute, that's State Statute. So, for clarification, I, I'm, is that what--

CHAIR LEE: Okay, you--

VICE-CHAIR RAWLINS-FERNANDEZ: Because the 201H section is in 2.96.

CHAIR LEE: Okay, can, okay, alright. Can you repeat your, your motion, Ms. Sugimura? Cause I don't see how 2.96 can, if, if indeed what you're saying it's a sep, it's a State Statute, how can 2.96 affect a 201H project? Okay, you have the answer, but it's not your turn.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, I do. Oh, okay.

CHAIR LEE: I know, but you wait now. You have to wait.

VICE-CHAIR RAWLINS-FERNANDEZ: Wait. Well, because State Statute is the floor, so we, we can be more restrictive, but we can't be less restrictive.

CHAIR LEE: Okay. But there is no restriction on 201H's. Unless of course we, we amend 2.96 to specify 201H projects. See what I'm saying? But that's okay.

Can you re-read your proposal, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Corp. Counsel is on also.

CHAIR LEE: Then we're all clear again. Just, just read the portion that you're proposing to amend, not the whole thing.

COUNCILMEMBER SUGIMURA: I move to amend Bill 10 in the proposed amendment to Maui County Code Section 2.96.030, so that "F" reads as follows. And, so "F. Projects under Chapter 201H, Hawaii Revised Statutes, are required to provide a minimum of

75 percent of the total dwelling units for very low, low, below-moderate, moderate, and above-moderate income households, unless a lower percentage, which is greater than fifty-one percent, is approved by Council resolution."

This is the amendment. "This requirement must be reviewed by Council within 18 months of adoption, but no earlier than 12 months after adoption. If this review is not conducted, this section of the Code is automatically repealed."

CHAIR LEE: Okay. Okay, now, we're going to, everybody you have to wait, cause we're going to ask for a legal opinion, okay? So, David Raatz and I saw Richelle Thomson come on. So, you, David, you say what you want to say. And then Richelle will say what she has to say.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. I'm not sure exactly what the question is. But I would say that I think that that proposed amendment would be more specific than what's currently required. Right now, it's a reference a moment ago, Chapter 2.96 has to be reviewed every two years by the Council. This proposal would say, in a shorter time frame, 12 to 18 months, Subsection "F", which would be added by Bill 10, relating to requirements for Chapter 201H projects would have to be reviewed. And this proposal would also have, in effect, a penalty if there's a lack of review, which the current language doesn't have. Thank you, Chair.

CHAIR LEE: Okay. But the question was--

COUNCILMEMBER SUGIMURA: Oh, here's Richelle.

CHAIR LEE: --since there is a provision in 2.96 right now for the two-year review period, would that cover the 201H project? That was the question.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. The current provision covers the entirety of Chapter 2.96. So, Bill 10 is enacted to include this provision with a requirement for affordability that, that would be encompassed in the, the biannual review.

CHAIR LEE: Okay.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you.

CHAIR LEE: Now, we want to hear from Richelle. Richelle Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you. I agree with, with David Raatz on his interpretation that the addition would require a review

sooner than the two-years that's currently required. So, it would require it within the 12 to 18 months. And then, as David mentioned that it does have the, a penalty attached with that, that it would repeal Section "F".

CHAIR LEE: Okay. So, right now, the, just to verify, to clarify, the review requirement in 2.96 applies to this new bill? Okay.

Okay, now, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I'd like to add, maybe have Ms. DesJardins, who wrote the bill, to comment as well. And the way I see it, 201H, I believe, is referenced in 2.96.030, so wouldn't 2.96.110 also apply to 2.96.030? So, I believe the, the two-years, it's already, it's built-in already. So, I don't see why it's necessary to add this additional amendment. So, maybe upon break, attorneys can huddle up, include Ms. DesJardins, she wrote the bill and so I think her input would be very valuable as well, along with Mr. Raatz.

CHAIR LEE: Okay. Richelle, is your deputy close by?

FIRST DEPUTY CORPORATION COUNSEL: Yes. She's on the meeting right now.

CHAIR LEE: On this meeting?

DEPUTY CORPORATION COUNSEL MIMI DESJARDINS: Yea, I just jumped on.

CHAIR LEE: Okay. Oh, very good. Did, did you hear the question?

DEPUTY CORPORATION COUNSEL DESJARDINS: Well, not really. I apologize, I wasn't monitoring. Do you want to take a quick recess, or reframe--

CHAIR LEE: Okay. You know what, we'll recess till 3:30. Then you can check with David Raatz and with Richelle, okay?

The meeting will be in recess till 3:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:18 P.M., AND WAS RECONVENED AT 3:34 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the regular Council meeting of April 6 please reconvene.

Corp. Counsel, what do you have for us?

DEPUTY CORPORATION COUNSEL DESJARDINS: Okay, so, thanks, I had a chance to get up to speed on what's going on. 2.96.110 does provide for a two-year required review of 2.96. So, this provision would automatically, along with all of 2.96 be reviewed, should be reviewed every two-years as a separate agenda item, 2.96.

CHAIR LEE: Okay.

DEPUTY CORPORATION COUNSEL DESJARDINS: So, if you were to create a--

Okay, if that's all you needed to know, I think it's the same that what Mr. Raatz and Ms. Thomson are saying. I agree with that.

CHAIR LEE: Okay. Everybody got that?

Yes, Ms. Sugimura. We can't hear you. Can't hear you.

COUNCILMEMBER SUGIMURA: Ms. Kama is back. But I'm just going to withdraw the amendment.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: So, done.

CHAIR LEE: Okay. Well, you know what, what you could do, Mr. Johnson, is just voluntarily review this in a year. And then everybody can go home happy.

COUNCILMEMBER JOHNSON: Yea. I, I like the body's suggestion, I, that's totally on, on the table.

CHAIR LEE: Okay. Alright.

Ms., Ms. King.

COUNCILMEMBER KING: I just, shoot, I don't know if I wanted to ask Mimi, but I just wondered, are we in compliance with that rule? Have we been reviewing the 2.96? I know we've reviewed portions of it, but are we supposed to review the entire 2.96? Are we in compliance with that?

DEPUTY CORPORATION COUNSEL DESJARDINS: I think, I think within the last two years, there was a general subject matter. But you, you folks do review 2.96--

COUNCILMEMBER KING: Yea, I know we make changes to it, so that counts as review. Okay. I just wanted to make sure.

DEPUTY CORPORATION COUNSEL DESJARDINS: I think so.

COUNCILMEMBER KING: But, yea, I'm happy if Mr., if Mr. Johnson would. Because I think it's going to be important to look at this, and not necessarily in terms of whether it's bringing an onrush of affordable housing or not, but is it working in compliance with the plan, with the pieces of the Affordable Housing Plan that we wanted to implement? So, that was my concern, is to look at it in a year and see if, you know, we're, is it helping the plan along which is what we all hope it's going to do? Is it, is it getting in the way? Is there something we need to fix, you know, either in the plan or in the Code or something? So, I think it's a good idea to review it. But if, if it's already in there, we can just, we have that commitment, then I think we should go ahead and vote on it.

CHAIR LEE: Oh. Okay. Go ahead and vote on what?

COUNCILMEMBER KING: On Bill 10.

CHAIR LEE: Oh.

COUNCILMEMBER KING: That's what we're here for, right?

CHAIR LEE: Oh, okay. Okay.

Vice-Chair Rawlins-Fernandez.

I thought you meant the one-year.

COUNCILMEMBER KING: No, no. That's withdrawn.

CHAIR LEE: Yea. Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Speaking to the main motion and answering Member King's question about whether we're in compliance. Member Kama, did schedule the biannual review, I think it was at the end of 2019, which is when I had proposed some amendments to 2.96 that I was going to make a standalone, which I'll probably still do after budget.

But, yea, so I speak in strong support of the motion. I echo Member Johnson's comments, his opening comments on this item, that there, there's a lot of scare tactics. And I think it's important that we not feed into the scare tactics.

And I think, like I said earlier, I think this Council has been, you know, so great at working with the community to figure out how to make this work. Member Paltin amended this bill in Committee, which would allow for discretion for less than 75 percent. So, there is that flexibility to work with the projects on Lanai. I know that's a concern for people. And I think, you know, we, we've, I think we've all met with the developers on Lanai, Pulama Lanai, on that project, and understand their rationale behind their proposal.

So, I, you know, I thank Member Molina for introducing the bill, and Member Johnson for shepherding it through expeditiously, and all the Members for putting all of their, you know, time, energy, and effort into the bill itself, and to increasing affordable housing for our residents, cause that's what we're trying to do here. Mahalo, Chair.

CHAIR LEE: Okay. Anybody else?

Yes, Mr. Sinenci. We hardly heard from you.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yea, great discussion. And mahalo to our Corporation Counsel and OCS staff for providing that, that legal information. I speak in support of Bill 10. And I too am supportive of looking at a, an annual or a biannual review of the bill should it pass today.

I'm also in support of the Hawaiian Community Assets, and, and speak in strong support in, in the County investing in the infrastructural sections of those 201H projects. And also, under Section C of the bill, where develop, where the developer still has some leeway to seek exemption waivers as stated by Mr. Perez. So, again, supportive. Mahalo, Chair.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. If others would like to speak, I can yield and save my, cause I'm going to have a few extra thoughts. But if others would like to go ahead before me, I'm open to that.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Sure. So, Mr. Molina can save his comments for last. I'm going to be voting against the bill, as I believe that the need for affordability is best described by a Lanai resident, who said the other night, in fact two of em said the problem is availability, not affordability. We need to build homes.

And again, although my, you know, attempt at making an amendment for the people of Lanai was not even second, I just wanted to say to all of those who have come out for the Committee meeting, for the public hearing, as well as the Council meetings, from Lanai, I heard you loud and clear, and there's a problem. And I believe that problem exists throughout our community, so it's not exclusively for Lanai. But I was quite impressed with the number of people who came from Lanai to let us know how they thought.

I believe that, as a taxpayer for real property tax, as many of you in the Council or listening are, that when you build affordable housing as we have approved projects, when you approve a project for affordability there is somebody paying the difference. And that somebody is probably many of you who pay real property taxes, is the community. As we look at our community in total, it doesn't just happen and only through the project through market homes. Although, that is a big part of it.

I want to thank the people who have come out to express themselves as you, builders, developers, those people who kind of work in the industry and understand how difficult it is to find the money to pay the bill, that I, I heard you. And unfortunately, that there are people out there who are thinking that if you just say 75 percent, that 75 percent is going to happen. It costs money. And it's you, the taxpayer, that's going to be left with the bill. As in the State, HHFDC, we got letters from them. And it, it doesn't just appear.

So, I'm going to vote against the bill. I appreciate all of you who have worked so hard, and the people who have come out to testify, because we do have a big problem. And I hear you. I will work hard in whatever way I can. And as a taxpayer, I too want to build more affordable housing and let us walk carefully because this is, again, about availability, not only affordability. Thank you.

CHAIR LEE: Anyone else?

Ms. Tasha Kama. Mute, you're muted.

COUNCILMEMBER KAMA: Sorry. Thank you, Chair. Thank you, Mr. Molina, for bringing this bill forward. We've certainly have had a lot of great discussions. And I have always said is that I may not agree with the whole bunch of you, but at least we have an

opportunity to talk about it and, and get it out of our system and maybe come to a place of resolution.

But I am in total support of affordable housing. And, but it doesn't mean that if I vote against this bill that I don't support it. All it means is that I've taken, and I believe that there's another path to affordable housing. And it doesn't mean that we don't support affordable housing when we vote against an issue such as this. All it means is that we've decided that maybe a different direction is where we need to go. And that's what it is.

That's why we vote about things, because when we decide this is the path I want to go and you decide that's another path, then we get to choose. And in a democracy, whatever the majority says, that's what we do. And when it's all said and done, we all act as if that one idea that wasn't my idea is my idea anyway, because a majority of us said it is.

So, I just wanted to be able to say that, you know, publicly that I am probably the greatest supporter of affordable housing. I've been in this since 1983 and I'm not going to stop. It just means that there's more directions that we can move into, different paths that we can take to all arrive at the same place, more housing for our local folks.

So, Chair, I will be not supporting Bill 10. But it doesn't mean that I do not support affordable housing. So, thank you everyone. Thank you for this wonderful discussion. Thank you for these issues that we can actually bring forth and talk about it, vote upon it, and then move on. So, thank you very much.

CHAIR LEE: Okay. I totally agree. We shouldn't be debating one another. Just sharing our ideas is fine. Anybody else want to say something?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I wanted to thank, again, everybody that came out and testified all the numerous times we had public testimony. It's obvious it's a passionate issue for many people. I also wanted to thank Member Johnson for committing to review the bill and to do the statutory 2.96 biannual review as well.

And I just wanted to mention that, you know, I'm sure for a lot of folks, it's availability. But there are a lot of folks on Maui that it's affordability for. You know, it's not just one issue for the entire County of Maui. I think there's multiple issues that prevent folks from getting into housing. And I think that's why we're contracted with Hawaiian Community Assets.

I just wanted to say, you know, many of the projects folks referenced, such as the Stanford Carr project, we didn't hit the 50 and that's part of the problem. Kamalani, we didn't hit the 50 percent, because it timed out of affordability.

And then, when you look at Waikapu Gardens, if it did hit the 50 percent, Jesse Spencer was a cool guy, you know. And if you didn't qualify under the 50 percent 201H, many folks I know in the emergency response industry wrote a personal letter to Jesse Spencer. And he sold them a house for an affordable price. Some of my co-workers didn't qualify for the 201, 201H affordable and they just wrote a letter to Jesse Spencer. And he sold them a house for an affordable price. And so, that's more than 50 percent, you know.

So, I think, as someone said earlier, maybe Mr. Low, where there's a will there's a way. And because we have a limited amount of land, obviously on an island or three islands or four islands, we can't frivolously say that 50 percent is enough. Because, like, with even the plan for 5,000 homes, that allows for 12,000 market-value homes, you know, by certain standards. And, and not just the cost of infrastructure, but the infrastructure to go with that 20,000 new homes is, need to be calculated in things.

So, I'm, I'm glad to give this a try, glad to revisit it, glad everyone's paying attention and, and sharing their mana'o with us. And, you know, I know there's, there's already some projects in the pipelines, so maybe the one-year review will show good data. Thank you.

CHAIR LEE: Anybody else? I'll say a few words too. First of all, thank you, Mr. Johnson for agreeing to review this in one-year. Appreciate that. It shows good team spirit.

I have to vote "no" on this. Not cause I want to, but because of my experience with affordable housing. And my experience has really showed that in order to have affordable housing, the homes have to be subsidized by somebody. I know people talk about Jesse Spencer. Well, I was the Housing Director when he was doing his project. And this is a man, cause you know, developers are called everything in the book; they're corrupt, they're immoral, they're this, they're that. Well, not everybody is like that.

Jesse Spencer told me that he set aside 90 percent of his savings, which is like in the millions, 90 percent of his savings for the Waikapu Gardens Project. And 10 percent was going to be left for his wife in case anything happened to him. So, he spent almost all of his savings on that project, which was in the millions. And then, on top of that, borrowed \$40 million to do the project. So, it, it's not so much the 50 or the 60, or whatever. What people had a hard time with, including Jesse, I mean there are days

I would, I wanted to scream because he would come in my, my office every single day to complain about the Water Department, about the Planning Department, about all these other places.

You folks forget, the Council is just one group, one aspect of the approval process. They have to go through a whole, you know, a whole gauntlet, as I said before, of approval from many, many places. So, anyway, he would come to me and complain, and he would complain. But he had a big heart. And no matter what, he stuck it out. In fact, he asked me one day, Alice, do you think I should make it a gated community, you know, afford, for affordable homes? I said, sure, go ahead. But he couldn't, because there was something to do with either Planning or Public Works didn't allow for it.

But that's all I'm saying. If, if the County would help with the infrastructure, then you can have a high amount of requirement of affordables. Because then, the developer doesn't have to do both, which will drive most people broke. But and that is, that's why I really am looking forward to the Hawaiian Community Assets plan. Because that's, from what I hear, that's what they're talking about; somebody has to do the infrastructure. Then you can expect more from the developer on the end product, which is the, the houses. So, I'm hoping all of that will come together at some point, and I look forward to that.

I, I, I understand why this is being proposed, and I appreciate the work that's being done on it and, and the intention of it. But until the, the County can come up with a policy and plan to provide infrastructure, this by itself is not going to work. It's going to take other components to make it work. So, that's how I feel.

And Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I, you know, this has been a really hard issue for me, because I, I know there's not a way to guarantee that this is going to work and, and result in more affordable housing. And I've seen the value of communication being able to drive affordable housing in my community. But it's all, there's not, there's not a whole lot of it in the very affordable range for the low-income for sale. So, what we're doing is mostly rentals in South Maui right now. So, and I know there's a need for, for sale homes in that affordable range. But I've kind of gone back and forth on this.

And what really affected me was, you know, waiting for the plan and having Jeff Gilbreath ask us to take a pause. But after reviewing the plan and hearing from the folks, I think the things that really struck me the most is that 201H is a choice. And that was pointed out in people's testimony. You don't have to do the 201H process. So, if people don't want to do a 201H process because they don't want to do 75 percent,

then, yea, they're free to develop however they want to develop as a private entity. But I think, I think this past four years has shown me that there's a lot of developers in our community with heart, who are actually going for that 100 percent and I think we can get there.

But I'm, I'm really happy to support that Bill 10, now that I know we're going to be doing a review in a year. Because the main thing is I, that I worry about is Bill 10 fitting in with the plan. And I agree with you, Chair, that we need, we need to do the investment in infrastructure. And I, and I'm hoping that this is going to be a commitment to it.

But one of the things that I was disappointed when I heard the plan was that we didn't hear a whole lot about what the developers are going to be expected to do. We just heard about what the County is expected to do. And so, this kind of, to me, balances out that, the idea that we would invest a lot in infrastructure and policy and then we are expecting a lot from the developers in return.

But I have also sat through, as all of us have, many approvals where we've been asked for exemption after exemption. We heard about the, you know, the park assessment fee has really not grown. And so, you know, there's, there's been an imbalance over the last few years in, with the, with the way the policies are now. And that's what the plan was designed, hopefully, to fix to get to that 5,000 units.

But I'm, I'm going to support Bill 10. And I'm going to look forward to reviewing it in a year. I, I think we have to come up with some benchmarks to review, because we can't just review based on what, nothing's going to be built in the next year, so you can't walk around the County and look for the homes that have been built. There's going to be, we have to look at the projects that have been proposed and the people who are stepping forward. And I think there will be people who step forward.

But I, I also want to say that I respect everybody on this Council and your support for affordable housing and your understanding that, you know, maybe there's a different pathway there than what we're doing here today. So, I don't agree that it doesn't, that if you vote "no" that it means you don't support local people, or you don't believe in affordable housing, or you're trying to stall, because it took a long time to get to his point, for me. And today, I am comfortable supporting this bill with, with all that we've heard from, through the public hearings, and today's hearing, and the draft plan. And the timing is a little bit off, because it would have been so great to have the draft plan done at the end of last year and to have it approved before we went into this budget session. But, you know, things being what they are, I mean it, it was, didn't happen pretty quickly from the time that they, that they got the contract.

So, anyway, just wanted to give you my thoughts and it is a, it is a difficult thing for me. And I, I recognize, for those of you who are voting against it, that there's no way to tell if this is going to result, you know, at this point, if this is going to result in more. But I just want to assure my other colleague that the, that I haven't been influenced by scare tactics. I've been trying to sort this out in my mind as to what is the best pathway forward. And so, I think if we can look, if we can pass this bill and review it in a year and see if it's working and see if it needs tweaking, see if our other investments or policies need to be adjusted to make this work.

The bottom line, I think for all of us, is that we do want to see 75 affordable housing. That's kind of the bottom line. That's what we'd like to see. How we get there is, you know, everybody got a different, different opinion about. But just, I want to thank everybody for, you know, the patience. And I know some of you haven't been very patient and have been frustrated. But it, it, it feels like we're in a good place now with, and we've listened to the community as a whole. So, I'm comfortable with my decision. Thank you, Chair.

CHAIR LEE: Okay. Thank you.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Never would I have dreamed this piece of legislation would generate this type of discussion. I mean, so much so where hired lobbyists from Oahu telling us what is best for us here in Maui County. But it is a democracy and I respect their points of view.

And, you know, let me just share some thoughts with what's been said in recent testimony. You know, we've heard new buzz words for Bill 10, such as "roadblock" or "impediment to building affordable housing". But typically, if we run into a roadblock or impediment, there is no going around it. Well, you know what, Madam Chair, Bill 10 has been watered down to make it more applicant friendly. Bill 10 has a gate that can be opened to allow developers or applicants to pass through to seek exemptions from the 75 percent requirement. So, how can Bill 10 be viewed as a roadblock?

Bill 10's gate can be opened if developers cannot achieve 75 percent. If the project is worthy to the Council as well as the community, they can achieve the exemption. In fact, anyone that is familiar with 201H knows that developers can ask for exemptions as part of the process. So, we're not taking anything away of, in regards of the incentives that are available for this fast-track process.

And you know what, maybe if we were looking beyond and, in the past, if we had done a better job in this County of expediting permits, just maybe we wouldn't need a process like this. But it is what it is.

And comments have been made that, oh my God if this passes, well, the taxpayers are going to foot the bill. Well, guess what, in the affordable, Comprehensive Affordable Housing Plan, that's what they're telling us. They're telling the County to foot the bill to the tune of \$1.6 billion. So, I don't understand the difference. Either way, the taxpayers are going to ask to carry the burden. So, if you support that plan, that's what they're recommending.

And the majority of 201H projects submit to the County, let me just explain. I know some have asked why the 75 percent. Well, the majority of 201H projects submitted to the County provide only the minimum number of affordable dwelling required, which is 50 percent plus one. And many developers, certainly they have that right, do only the very minimum and take advantage of the fast-track, the exemptions, and the waiver of fees and assessments, saving them a lot of money and time.

So, I just want to make that point because, you know, the 75 percent that we're proposing, it's, it's a flexible number. And it's sending a message at the same time that we want and need more affordable housing now. Now, I know the plan. The plan has been intertwined with this proposal. So, let me just say that if we're going to intertwine the plan, well, you know, into this, it's basically where we're just asking for more affordable housing. It is not making mandates to the developer, okay.

And, you know, all of us asked, wait to hear the Comprehensive Affordable Housing Plan, which is by the way not a totally affordable comprehensive affordable housing plan. It only addresses the needs of five communities, okay. So, I take that back, four communities. So, it's not totally comprehensive. We should re-title that. And Mr. Galbreath *[sic]* did state to us there was an issue of money as to why the other communities were not addressed in this plan. But that's for another discussion.

And the recommendation is they want the developers just simply to donate land. But we need housing now. And he did say on the floor, yes, it will take longer if we accept land and let the County do it. Let's face it, the County's going to take a lot longer going through that process.

So, my preference is, let the developers build it, you know. They're on it. And I extend the olive branch to all of our developers with this. You know, no hard feelings, cause I have respect for you folks. And there's some fine names out there; Mr. Dowling, Mr. Kihune, you know, and we have Mr. Betsill, Mr. Bigley, just to name a few, and

Mr. Carr. So, I thank you, all of you. Cause, I want to extend the olive branch. Let's work together. Whatever the fate of this bill today. And if it doesn't pass, well, where's the solutions? Because this Council is taking a stand and this Council has never shied away from the tough issues.

And our people are crying. You've heard the desperation. And developers are saying, okay, it's costing us too much money. Well, downsize the housing proposals. Madam Chair, you remember, Member Kama, when we were growing up, Dream City. These were simple houses, you know. You never need the three-bedroom, two-baths. Maybe should lower their expectations, and I think people are desperate enough. They just want a piece of land and a structure that they can extend later on.

And I know developers like to add the additional amenities, photovoltaics, and all of this fancy stuff, which is nice, but eventually that's going to be passed onto the homeowner too. So, why not just focus on more modest dwellings, fast-track homes, I mean, what have you. We just need our citizens who are in dire need, just need a piece of land and a structure they can work with, you know. I mean, I grew up in a very small dwelling. Four of us fit in one room, you know. But we were just happy to own something.

So, with that said, you know, Madam Chair, I, I make a plea to developers. And let's work together, what, whatever the outcome of this bill, because we need you too. We certainly need you too. And, you know, let's put down our swords and respect our position for those of us supporting this bill. We're trying to answer the needs of our community.

And as has been stated before, the brain-drain. Our kama'aina, our next generation of kama'aina in my view, they have an entitlement to have the right to own a home here in this, in, in their, their birthplace, you know. What's going to happen to Hawaii if we don't do this. To the developers, many of the people who do the heavy lifting for you, they cannot afford a house, and many are kama'aina. Members of the host culture as well. It's a darn shame we've come to this point, with our society being affected. It's the gap, if we don't do something now. Maybe take even desperate measure to consider legislation like this, the gap between the haves and the have-nots will only further. Then what happens to, what, what is Maui County to be, become? A land of only the rich and the kama'aina being in servitude to the rich, unable to own land, the next generation? I fear that could happen.

So, again, I respectfully ask for the Members support. And if you don't support it, well, I understand. But for me, I'm just going to, I gotta take the side of the kama'aina, our citizens, our people who are desperate for some type of housing. So, it was said by one testifier to the developers, dig into your na'ao. See what you can do. Your, see

what can do, see what, how you can make it work, you know. You can provide something. I trust in, in, in what you guys can do. You guys know this business, so work with us instead of trying to throw us roadblocks and impediments. We're doing our best. And I have complete confidence that you are, developers or applicants who choose this process will do your best to provide much needed affordable housing for our community. Thank you very much, Madam Chair.

CHAIR LEE: Thank you. Alright, we've come to the end of the day, but we have to take this vote. Any other comments, questions? Okay, all in favor of the motion to pass Bill 10 on second and final reading, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, AND VICE-CHAIR RAWLINS-
FERNANDEZ.

CHAIR LEE: One, two, one, two, three, four, five, wait, six. Okay, six "ayes".

And "noes", raise your hands.

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND
CHAIR LEE.

CHAIR LEE: And three "noes"; motion carries. So, Bill 10 passes on second and final reading.

And that brings us to the end of the calendar, unless I forgot something, Madam Clerk. Where are you?

Yes, Vice-Chair Rawlins-Fernandez.

RECONSIDERATION OF ACTION RELATING TO COUNTY COMMUNICATION NO. 21-168

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request reconsideration on CC 21-168? I wasn't here for that vote, so I wasn't on the prevailing side. But that item was, I think accidentally filed, instead of referred.

CHAIR LEE: Okay. County Clerk, bring that up please. Well, well--

COUNTY CLERK: Can you repeat the communication number please?

CHAIR LEE: Just so we understand what, what we are going to reconsider.

VICE-CHAIR RAWLINS-FERNANDEZ: 21-168, Madam Clerk.

COUNTY CLERK: 168?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Director, it was transmitted by the Director of Finance, reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund.

CHAIR LEE: Oh, I remember that one. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: That accidentally got filed, instead of referred.

CHAIR LEE: So, it, any objections or do we have to take a vote, Madam Clerk? We should take a vote?

COUNTY CLERK: We have to take--

CHAIR LEE: Okay. Okay.

COUNTY CLERK: We have to take--

CHAIR LEE: Okay. The--

COUNCILMEMBER KING: So, moved.

CHAIR LEE: --motion is to reconsider. Second? The motion is to reconsider. Ah, let's see. Can you mention the communication, Member Rawlins-Fernandez?

COUNCILMEMBER KING: What's the number.

COUNCILMEMBER KAMA: 168.

COUNCILMEMBER PALTIN: 21 dash--

VICE-CHAIR RAWLINS-FERNANDEZ: 168

COUNCILMEMBER PALTIN: --168.

COUNCILMEMBER KING: Okay.

MOVE TO RECONSIDER.

CHAIR LEE: Okay. Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Moved, moved by Member King, seconded by Member Sinenci, to reconsider.
Okay, what is the item, Madam Clerk?

COUNCILMEMBER KING: She said 168.

CHAIR LEE: Oh, I know which one it is. Pardon me?

COUNCILMEMBER KING: I think she said 168. 21.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: 21-168.

CHAIR LEE: CC, CC 21-68 *[sic]*. Okay.

COUNTY CLERK: Yes.

CHAIR LEE: Okay, all in favor to reconsider, raise your hand, say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-
CHAIR RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries.

So, Vice-Chair Rawlins-Fernandez, you're going to make a motion--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: --to refer this item?

VICE-CHAIR RAWLINS-FERNANDEZ: I, I think a request would be sufficient. A motion wouldn't be necessary.

CHAIR LEE: Okay. Any objections?

VICE-CHAIR RAWLINS-FERNANDEZ: So, just to refer--

CHAIR LEE: Any objections to referring CC 21-168? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR LEE: To BFED, right? To BFED?

VICE-CHAIR RAWLINS-FERNANDEZ: To BFED, yes.

CHAIR LEE: Okay. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: I see Ms. Kaohu.

CHAIR LEE: So, ordered. Right? No objections, right?

COUNTY CLERK: Excuse me, Chair.

CHAIR LEE: Yes?

COUNTY CLERK: We still need to rescind the motion to file that Tamara made.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Oh, I thought that was the, when we reconsidered, I thought that took care of that.

CHAIR LEE: That's what I thought too.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. So, if Member Paltin, can just withdraw her motion on the floor.

CHAIR LEE: Member Paltin, can you withdraw your motion?

COUNCILMEMBER KING: To file.

CHAIR LEE: To file.

COUNCILMEMBER PALTIN:

I SURE CAN.

CHAIR LEE: And whoever seconded it, can just withdraw that too. I bet nobody remembers.

Mr. Sinenci, you, did you second it?

COUNCILMEMBER SINENCI: Withdraw.

COUNTY CLERK: Kelly King. Councilmember Kelly King.

CHAIR LEE: Oh, it's Kelly King.

COUNCILMEMBER KING: Oh, did I--

CHAIR LEE: Oh, you guys.

COUNCILMEMBER KING:

OKAY, I WITHDRAW.

CHAIR LEE: You guys did forget. Okay.

COUNCILMEMBER KING: Did.

CHAIR LEE: Alright, so any objections to referring this to the BFED Committee? This is CC 21-68 *[sic]*. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

I'm going to give you 30 seconds, Madam Clerk. Any other adjustments?

COUNTY CLERK: No, that concludes the business before the Council today.

CHAIR LEE: Okay. Any parting words, Members? If not, this meeting is adjourned.

ADJOURNMENT

The regular meeting of April 6, 2021 was adjourned by the Chair at 4:10 p.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Testimony of
Pacific Resource Partnership

RECEIVED

2021 APR -5 AM 10:50

City Council
Council of the County of Maui
Councilmember Alice L. Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair

OFFICE OF THE
COUNTY CLERK

Bill 10—Relating to Workforce Housing and 201H Projects

Tuesday, April 6, 2021
9:00 A.M.

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council.

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in **strong opposition** to Bill 10, which increases the 201H affordability requirements to 75% of the total dwelling units.

Contrary to its intended purpose, an increase in the 201H affordability requirement threatens to halt the construction of new affordable housing projects in the County of Maui. Its impact on the creation of new housing would be significant, and cripple the county's potential for economic growth, especially as it works to overcome the effects of the pandemic.

Bill 10 will likely remove an important tool in the toolbox from developers who choose not to use government (state/county) funds to build affordable housing units. If this important tool is removed, projects may need to depend on public funds in order to pencil out. Housing projects on Maui that are 100% affordable have relied on government subsidies in order to make them work.

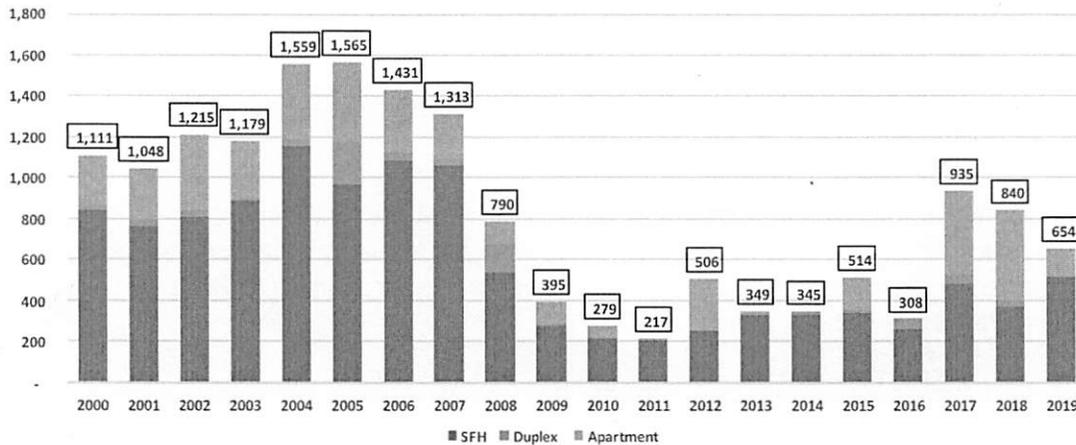
Historically, the implementation of ill-advised policies has resulted in sharp losses in construction jobs. In late 2006, the County of Maui enacted an ordinance requiring 50% of the units in residential development projects be workforce housing. A law enacted in 2007 required developers to provide proof projects had sufficient long-term sources of water, adding further burden and cost to the developer. These policies, along with the Great Recession, triggered a construction industry slow-down which wasn't reversed until the 50% requirement was lowered to 25% in 2014. Between December 2006 and January 2011, construction employment in the County of Maui construction employment fell by 53%, a direct loss of over 3,000 construction jobs. These are not jobs that the industry or Maui can afford to lose.



(Continued From Page 1)

We also know that the imposition of a 50% workforce housing requirement failed to produce significant growth in housing construction, especially of affordable housing units. Maui sacrificed the needs of residents for an ill-considered policy that ignored market realities. We should learn from the mistakes of the past and not take Maui residents down the same road again.

Maui County– new private residential unit authorizations 2000-2019



Sources: DBEDT (Data Book Table 21.07), PRP

Moreover, Maui's economy has been the hardest hit by the pandemic. Efforts to limit the one sector (construction industry) that has held up during the downturn are illogical and unwise. The proposed bill before this Council will not benefit housing supply, local families, or the local economy. Instead, it will limit housing and job opportunities for those who need them the most during these difficult economic times—the residents of Maui.

Given the above, we respectfully request that you defer Bill 10. However, if the Council decides to move this bill forward, we recommend adding a 1-year sunset clause to this policy.

County Clerk

From: Suzie Dorn <suziedorn@gmail.com>
Sent: Tuesday, April 06, 2021 6:39 AM
To: County Clerk
Cc: Kelly King; Alice L. Lee; Tasha A. Kama; Gabe Johnson; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Support to amend Maui County Code 10.48.250 to reserve 50% of beach access for residential use.
Attachments: Halama Street-1.jpg; Halama Street - 2.jpg; Halama Street -3.jpg; Halama Street - 4.jpg; Halama Street -5.jpg

To: Councilmember Keani Rawlins-Fernandez and all Councilmembers

Aloha Council Members ,

I am in support to amend Maui County Code 10.48.250 to reserve 50% of beach access for residential use.

It has always been my understanding that the public beach access is to be for residential use. When all the condo and hotels began building on the shoreline the public access parking was created to ensure locals still had access to parking at the beaches. I also support public beach access enforcement, if you drive down Halama Street in Kihei many of the homes have boulders, large plants in pots, large mailboxes, and other creations blocking the beach access public parking. It is almost impossible to park anywhere on Halama Street on either side of the road so almost no beach access is possible. I believe this amendment is necessary due to the fact that there has not been any new Maui County Beach parks created since around the 70's and the current limited beach access parking is almost impossible to compete with all the visitors on the island. I support MCC 10.48.250 to reserve beach access for residents.

Attached are photos of Halama Street showing the beach access street parking blocked.

Mahalo

Suzanne Dorn
808-283-7913

RECEIVED
2021 APR - 6 AM 7:44
OFFICE OF THE
COUNTY CLERK











County Clerk

From: Mike J. Molina
Sent: Monday, April 05, 2021 9:37 AM
To: County Clerk
Cc: Gary Saldana; Laura L. McDowell
Subject: Fw: Planning Audit, Assessment and Review, PSLU - 14

RECEIVED
2021 APR -5 AM 9:46
OFFICE OF THE
COUNTY CLERK

Please include as public testimony for the April 6, 2021 Council meeting.
Mike

MICHAEL J. MOLINA
Councilmember



Office of Councilmember Michael J. Molina
Makawao, Ha`iku, Pa`ia Council Residency Seat
200 South High Street, 8th Floor
Wailuku, HI 96793
(808) 270-5507

From: Paul Areus <paul@areusarchitecture.com>
Sent: Saturday, April 3, 2021 9:21 AM
To: Mike J. Molina <Mike.Molina@mauicounty.us>
Subject: Re: Planning Audit, Assessment and Review, PSLU - 14

Hi Mike Molina,

thank you for letting me know about this meeting. Will there be an opportunity for the community to provide testimony?

Also, here is an article from Maui Now (following an article last week in the Honolulu Star Advertiser) detailing a bribery scandal in the Honolulu Department of planning and permitting. Federal charges have been filed that involve multiple department employees and at least one architect. This is a perfect example of why we need to have an audit to provide more transparency about the issues we are facing at the Maui County planning Department. We need both transparency and accountability.

<https://mauinow.com/2021/04/02/federal-indictment-alleges-bribery-scheme-by-honolulu-planning-dept-employees/>

Thanks,

Paul Areus
344-4799
Architect
Co-chair AIA Maui Planning Committee

County Clerk

From: David Dorn <daviddorn808@gmail.com>
Sent: Tuesday, April 06, 2021 7:26 AM
To: County Clerk
Subject: Testimony in support of Bill to Amend MCC 10-48-250

RECEIVED

2021 APR -6 AM 7: 44

OFFICE OF THE
COUNTY CLERK

Dear Council persons and all,

My name is David Dorn, and I support this bill,

Shoreline access is vital for our lifestyle, culture, health, and recreation.

And there is a chronic shortage of beach parking on Maui, because planners have failed to add beach new access parking at a comparable pace with a rising population and increasing tourism.

There is already a shortage of beach parking. And there is a very limited amount of parking spaces close to the shoreline.

Local families are having difficulties getting beach parking for recreation, because there are too many tourist cars parking there, and often too many hotel staff cars parking there as well.

This bill will help to strengthen this MCC code, and improve this beach parking situation for locals by making a requirement to have at least 50 percent parking spaces available for local residents only.

50% parking for locals is more than fair as the MIP (Maui Island Plan) and community plans stipulate that there should never be any more than one (1) tourist on island for every four (4) locals.

Please approve this bill, and thank you for hearing my testimony

Aloha and mahalo.

David Dorn

County Clerk

From: Bonni Aeder <BonniAeder@gmail.com>
Sent: Friday, April 02, 2021 12:09 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

Though I understand the positive intentions behind Bill 10, I also recognize that intentions do not negate consequences. I have not seen any evidence that supports the notion that Bill 10 will result in increased housing opportunities, but I have heard a lot of experts explaining that it may actually reduce affordable housing production in Maui County. Please, don't just ignore testimony from the HHFDC, Habitat for Humanity, the Hawaii Carpenters Union, the Maui Chamber of Commerce, the Grassroot Institute of Hawaii, or the multitude of actual home builders that have explained their concerns to you. I know you are all trying to do the right thing here, but ignoring experts and disregarding research isn't the way to go.

Instead, moving forward, please work with experts and take an evidence-based approach to housing policy. If we want more affordable homes in Maui County, we need to work with home builders, not against them. Bill 10 doesn't appear to be supported by any research, studies, expert recommendations, or even anecdotes. Instead, it appears based on hope, and hope is not a plan. Please vote "no" on Bill 10, and work towards policy that is supported by something more than good-intentions.

Mahalo.

Sincerely,

Bonni Aeder
PO Box 790148
Paia, HI 96779
BonniAeder@gmail.com

County Clerk

From: Kanoe Agcaoili <kagcaoili.ka@gmail.com>
Sent: Tuesday, April 06, 2021 6:41 AM
To: County Clerk
Subject: Written Testimony Bill CC21-176

RECEIVED

2021 APR -6 AM 7:44

OFFICE OF THE
COUNTY CLERK

Aloha,

I am hoping to submit a testimony in support of bill CC21-176. I believe every Maui County Beach Park should have a designated parking area for residents only.

I am a resident of Maui and I am married and have three children. The Covid pandemic has changed the lives of many residents here on Maui. A few big changes that I've seen is that residents here are so much more appreciative of our ocean activities, living off the land and supporting local more than ever. Our economy took a huge hit without tourism and yes I do understand that it will take a very long time to recover.

I've noticed for the past few months our beaches have become overrun with chairs and umbrellas by hotels, our roads filled with rental cars, and stand stills in traffic to the West side of Maui.

Thanks to the pandemic we were able to enjoy virtually tourist free beaches in Hawaii. My kids are 4, 12, and 13 and I was able to take them to the beaches every week without any hassle. My husband is an avid fisherman and diver and we personally enjoy Ulua Beach, Polo Beach, and Wailea Beach because he is able to do these activities while my kids enjoy playing in the sand and water. During the pandemic on any given day during the "no travel" period to Hawaii I was able to easily find parking at any beach in Wailea at any time of day. I have videos and pictures of us actually being the only people on the whole stretch of beach during some days. I remember having conversations with my kids and telling them to enjoy these days and soak it all in because I have never ever seen beaches that are empty on Maui and when the tourists start coming back we will never be able to be the only ones on the beach anymore.

Fast forward about 7 months later and we visited Wailea Beach maybe mid February on a Sunday. Normally park gates open at 7:00am and it was between 8:30-9:00 am. We were set on Ulua Beach but there was no parking available. We went a little further down to Polo Beach and luckily someone was leaving so we were able to get a parking stall. After walking down to the beach just in front of Grand Wailea my heart dropped. I was seeing more than half the beach with chairs and umbrellas set up for tourists in front of Four Seasons and also Grand Wailea.

Yes I understand tourism is trying to recover. But what about us residents? Are we not able to enjoy our own beaches anymore? Do we need to be at each park gate by 7:00 in the morning to find and "fight" for parking? Or to secure a spot on the beach before it is covered with chairs and umbrellas by the hotels.

We are the people that live here. We have jobs, lives and families to take care of. We can't always make it out to enjoy our ocean. But I do not feel it's right that us as residents need to compete to find parking just to enjoy a beach day with the ohana.

Thank you
Kanoe Agcaoili

County Clerk

From: De Austin <dezireenaustin@gmail.com>
Sent: Saturday, April 03, 2021 7:26 AM
To: County Clerk
Subject: BILL NO. 10 (2021), DRAFT 1, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030,

RECEIVED
2021 APR - 5 AM 8: 21
OFFICE OF THE
COUNTY CLERK

Honorable chair and city council members:

Please increase the percentage of affordable housing units for this process.

I support at least 75% affordable housing, up to 100% affordable housing projects.

There may not be a line of developers for affordable housing projects but they do exist. We've had developers on Maui and on Oahu that have built 100% affordable housing units. I have provided links in case you are not familiar.

Kaiwaihine Villages in Kihei is one of them.

Other developers:

AHE Group

3 Leaf Lualima

Housing built on Maui, or in Hawaii overall, should be focused on building for residents, kanaka and kamaaina alike. We are in a housing crisis and when our own citizens cannot afford to live on the island on which they were born and raised, that is a tragedy.

Hawaii NPR Article: [Who's Building Affordable Homes in Hawaii?](#)

Maui undercuts itself, sells itself short.

If Maui, which you represent, would demand that we are provided with 75% or more affordable housing from development projects, I believe that eventually we would get that.

There is no other place in the world like Maui, with its beauty and international access points. We should honor this place by not selling to the lowest bidder.

Respectfully,

D Austin

Kihei, HI

County Clerk

From: ALBA BERMUDEZ <HURLEYLUNA@hotmail.com>
Sent: Tuesday, April 06, 2021 8:36 AM
To: County Clerk
Subject: aloha

RECEIVED

2021 APR -6 AM 8:37

OFFICE OF THE
COUNTY CLERK

Tourism manegement now

free access to the locals please
locals are more important the tourism
lets the kids play and graduated

Get [Outlook for iOS](#)

County Clerk

From: Michelle Bosque <Michelle@michellebosque.com>
Sent: Friday, April 02, 2021 12:27 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8: 21

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

Though I understand the positive intentions behind Bill 10, I also recognize that intentions do not negate consequences. I have not seen any evidence that supports the notion that Bill 10 will result in increased housing opportunities, but I have heard a lot of experts explaining that it may actually reduce affordable housing production in Maui County. Please, don't just ignore testimony from the HHFDC, Habitat for Humanity, the Hawaii Carpenters Union, the Maui Chamber of Commerce, the Grassroot Institute of Hawaii, or the multitude of actual home builders that have explained their concerns to you. I know you are all trying to do the right thing here, but ignoring experts and disregarding research isn't the way to go.

Instead, moving forward, please work with experts and take an evidence-based approach to housing policy. If we want more affordable homes in Maui County, we need to work with home builders, not against them. Bill 10 doesn't appear to be supported by any research, studies, expert recommendations, or even anecdotes. Instead, it appears based on hope, and hope is not a plan. Please vote "no" on Bill 10, and work towards policy that is supported by something more than good-intentions.

Mahalo.

Sincerely,

Michelle Bosque
1160 Makaala Dr
Wailuku, HI 96793
Michelle@michellebosque.com

County Clerk

RECEIVED

From: Joshua Broady <josh@alohalifestylegroup.com>
Sent: Sunday, April 04, 2021 8:56 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

2021 APR -5 AM 8:20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Joshua Broady
2196 Haukai Pl
Kihei, HI 96753
josh@alohalifestylegroup.com

County Clerk

From: katie brown <katie.brown928@gmail.com>
Sent: Tuesday, April 06, 2021 8:41 AM
To: County Clerk
Subject: Bill CC21-176

RECEIVED

2021 APR -6 AM 8:46

OFFICE OF THE
COUNTY CLERK

Aloha. I am writing today in support of passing bill CC21-176 that will reserve parking spaces for residence at public beaches. In the past weeks especially, there have been numerous times I have left to take our son to the beach only to return home due to full parking lots. It is sad, disappointing, and frustrating that there is no respect from visitors to locals, and even more upsetting that Maui County doesnt put its residents first. We love our beaches, we take care of our beaches, and we personally will clean up our beaches while there.

By passing this bill, it will not only show residents that we are respected and looked after, but will put more balance in the chaos that is happening now. There needs to be give and take, and right now the residents feel they are on the losing side. This is a problem but it CAN be fixed. All we ask is to make parking even and fair. So the next time I take my little 2 year old to go to the beach, he'll be able to play in the sand.

Thank you for your time. And thank you for your consideration of this bill. I believe it is extremely important. I love Maui, and we appreciate all it has to offer.

Please feel free to contact me if needed.
Thank you. Aloha.

Katie Brown

County Clerk

From: Roan Browne <Roan@MauiRE.com>
Sent: Saturday, April 03, 2021 9:40 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8: 20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Roan Browne
1248 Kauhikoa Rd
Haiku, HI 96708
Roan@MauiRE.com

County Clerk

From: Kevin Cabrera <hb808maui@icloud.com>
Sent: Tuesday, April 06, 2021 11:06 AM
To: County Clerk
Subject: Take back our beach

Born & raised on Maui I've seen maui grow too much too fast and it's sick to go beach with the family and gotta park far away because tourist take all the spots then you get to the ocean and they everywhere... THINK OF THE LOCALS FIRST!!!!

County Clerk

From: Chrissy Anderson <getaway@mauigateway.com>
Sent: Tuesday, April 06, 2021 6:44 AM
To: County Clerk
Subject: BILL(CC21-176)

RECEIVED
2021 APR -6 AM 7:44
OFFICE OF THE
COUNTY CLERK

I'm writing this e-mail in support of passing bill (CC21-176).
Parking for locals at our beaches is getting worse by the day.
WE NEED TO FIND A SOLUTION, thinking of locals FIRST.
YES reserve 50%, that's a good start!
I've been a Kihei resident for over 27 years and it's time to do something!!!

Please do the right thing.

Mahalo,
Chrissy Collea-Anderson

County Clerk

From: Holly Crouse <HollyOnMaui@gmail.com>
Sent: Monday, April 05, 2021 3:40 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 PM 4:08

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Holly Crouse
1315 Olinda Rd
Makawao, HI 96768
HollyOnMaui@gmail.com

County Clerk

From: Leah Damon <Leah@LeahDamon.com>
Sent: Friday, April 02, 2021 2:45 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8: 21

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

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Mahalo.

Sincerely,

Leah Damon
150 Pulehunui Rd
Kula, HI 96790
Leah@LeahDamon.com

County Clerk

From: Robert Dein <robbie@4mauirealestate.com>
Sent: Saturday, April 03, 2021 10:21 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:21

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

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Mahalo.

Sincerely,

Robert Dein
1710 Halama St
Kihei, HI 96753
robbie@4mauirealestate.com

County Clerk

From: Kimberly Delmore <kim@delmore.net>
Sent: Friday, April 02, 2021 12:06 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Kimberly Delmore
29 Kamahao St
Wailuku, HI 96793
kim@delmore.net

County Clerk

From: JoAnne Evangelista <joanne.evangelista@gmail.com>
Sent: Monday, April 05, 2021 12:04 PM
To: County Clerk
Subject: Please Oppose Bill 10. Please consider the evidence.

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

JoAnne Evangelista
6 Lolupe Ln Apt 104
Kihei, HI 96753
joanne.evangelista@gmail.com

RECEIVED
2021 APR -5 PM 12:37
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Marianne <mariannefisher128@gmail.com>
Sent: Tuesday, April 06, 2021 10:06 AM
To: County Clerk
Subject: Resident Beach Access and parking

Aloha, PLEASE support these bills to charge visitors more fees, limit parking to visitors, and increase beach accesses in “ high vacation rental “ areas. (Halama street, Ili Ili street, and especially in Makena... where the big \$\$\$ is, residents kicked out)

Mahalo.
Marianne Fisher, Kihei

County Clerk

From: Cara Flores <CaraFlores@gmail.com>
Sent: Friday, April 02, 2021 12:50 PM
To: County Clerk
Subject: SUPPORT Bill 10

RECEIVED
2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. I strongly support this effort to provide more affordable housing for local residents!

Mahalo.

Sincerely,

Cara Flores
14 Inoa Po Pl
Kahului, HI 96732
CaraFlores@gmail.com

County Clerk

RECEIVED

From: Michelle Fukayama <808michellemaui@gmail.com>
Sent: Monday, April 05, 2021 3:53 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

2021 APR -5 AM 8: 20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

Though I understand the positive intentions behind Bill 10, I also recognize that intentions do not negate consequences. I have not seen any evidence that supports the notion that Bill 10 will result in increased housing opportunities, but I have heard a lot of experts explaining that it may actually reduce affordable housing production in Maui County. Please, don't just ignore testimony from the HHFDC, Habitat for Humanity, the Hawaii Carpenters Union, the Maui Chamber of Commerce, the Grassroot Institute of Hawaii, or the multitude of actual home builders that have explained their concerns to you. I know you are all trying to do the right thing here, but ignoring experts and disregarding research isn't the way to go.

Instead, moving forward, please work with experts and take an evidence-based approach to housing policy. If we want more affordable homes in Maui County, we need to work with home builders, not against them. Bill 10 doesn't appear to be supported by any research, studies, expert recommendations, or even anecdotes. Instead, it appears based on hope, and hope is not a plan. Please vote "no" on Bill 10, and work towards policy that is supported by something more than good-intentions.

Mahalo.

Sincerely,

Michelle Fukayama
PO Box 1021
Kihei, HI 96753
808michellemaui@gmail.com

County Clerk

From: Claudia Garcia <claudiaonmaui@gmail.com>
Sent: Friday, April 02, 2021 1:52 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8: 20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Claudia Garcia
196 S Makaleha Pl
Makawao, HI 96768
claudiaonmaui@gmail.com

County Clerk

From: Carmen Gardner <carmenmg@hawaii.edu>
Sent: Tuesday, April 06, 2021 10:58 AM
To: County Clerk
Subject: Managed Tourism

RECEIVED

2021 APR -6 AM 10:58

OFFICE OF THE
COUNTY CLERK

Aloha;

I am a resident of Maui, have lived, worked, contributed and loved these islands, the culture, people, history and natural beauty for 40 years. I am writing to you folks because it is so obvious that we are riding the crest of a tsunami that is threatening all we cherish about our island home. With the "cheap seat" pandemic travelers, so many of us have become acutely aware that "extractive tourism" is killing the so called "golden goose." We cannot even go to the beaches we used to enjoy, without literally HORDES of tourists and the hotels catering to them with an onslaught of beach chairs and umbrellas and leaving no space for the rest of us. Many are not even placed 6ft apart! This is a travesty and only one of too many. Planes flying low over Haiku, traffic, rudeness, refusal to wear masks, lying about quarantine. This is so out of control the COUNTY OF MAUI must step up and DO SOMETHING to stop this NOW! I am also writing to you because I know a few groups of people who are so upset they are about to take things into their own hands!



TAKE BACK OUR BEACH

WAILEA BEACH
APRIL 10, 7AM- SUNSET

Bring your masks, beach chairs, blankets, umbrella, cooler, family, and friends. The State and County has failed to manage tourism responsibly. Bring signs and let your voices and presence be heard!

#takebackourbeach

The residents of Maui have had enough! Between our rising Covid numbers, restrictions we have followed, the King's Cathedral fiasco, hordes of maskless, disrespectful, entitled tourists and all this entails, it is past time for our leaders to LEAD the effort toward managed tourism and economic sustainability in other forms!!! PLEASE PLEASE hear our voices, PLEASE PLEASE let us work to preserve this beautiful island and lead the way, by example, for the rest of Hawai'i nei as Mayor Kawakami did for the island of Kauai!

Mahalo nui for your consideration and time,
Carmen Gardner

PS I have taught for Kaunoa for 13 years and am told they have no idea when we will be able to resume classes. My students are calling and emailing wondering why tourists run rampant and we cannot attend our classes and have no idea when we may do so, how sad for our Kupuna who benefitted in so many ways from the interaction, socialization and creativity we all shared.



Carmen M. Gardner, HWS

Artist, Instructor

www.CarmenGardner.net

MauiArtist@CarmenGardner.net

Carmenmg@hawaii.edu

Join me on Facebook:

My Artist Page: [Facebook/CarmenGardner Watercolors](https://www.facebook.com/CarmenGardnerWatercolors)

Art Escapes Workshops: <https://www.facebook.com/ArtEscapesInternational>

County Clerk

From: Christie Harth <user@votervoice.net>
Sent: Friday, April 02, 2021 8:48 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:21

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Christie Harth
2695 S Kihei Rd Apt 7-310
Kihei, HI 96753
ChristieHarth@Yahoo.com

County Clerk

From: tanhendrickson <tanhendrickson@aol.com>
Sent: Tuesday, April 06, 2021 9:45 AM
To: County Clerk
Subject: CC21-176

I urge you guys to pass this bill!!
Aloha & Mahalo!!

Sent from the all new AOL app for iOS

County Clerk

From: Hilliker Ohana <thehillikerohana@gmail.com>
Sent: Tuesday, April 06, 2021 11:32 AM
To: County Clerk
Subject: There is such a thing as too much tourism...

“Please pass bill CC21-176 to reserve 50% of beach parking for residents.”

County Clerk

From: Peggy-An Hoekstra <PeggyAnHoekstra@gmail.com>
Sent: Saturday, April 03, 2021 3:45 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Peggy-An Hoekstra
234 Halenani Dr
Wailuku, HI 96793
PeggyAnHoekstra@gmail.com

County Clerk

From: Sandi loakimi <sioakimi@gmail.com>
Sent: Monday, April 05, 2021 11:27 PM
To: County Clerk
Subject: CC21-176

Please pass bill CC21-176 to reserve 50% of our public beach parking for residents.

Sandi loakimi
Kihei
808.283.6216

RECEIVED
2021 APR -6 AM 7:44
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Molly Jacobson <molly@mollyjacobson.com>
Sent: Tuesday, April 06, 2021 9:19 AM
To: County Clerk
Subject: Please pass bill(CC21-176)

Aloha,

I am unable to testify in person today on bill (CC21-176) so I am writing to say I am in strong support of passing this bill.

We must start limiting tourism in as many ways as possible. This bill does not solve all of our problems, but it feels like a good first step.

As a resident of Kihei since 2005, I have watched our area (Kamaole Beach Park 1, 2, 3) get more congested over time. When I first arrived, it was easy to find a spot in the Kamaole Beach I lot right next to the lifeguard stands. No matter what time of day I arrived, it was easy to park. Sunset was the best time to go. My entire neighborhood would show up almost every night with their dogs and chairs to watch sunset.

These days, that beach is so crowded all day long that I leave by 8am and never go for sunset. There is no parking, and there are too many folks. It feels like Key West, FL.

I know this is a small issue compared to access issues others have on Maui.

When I was first here, I would see fishermen on Kamaole Beach 1 every single evening. They set up their poles on either side of the beach, more on the Charlie Young side, but also in front of those expensive condos across the street from the Maui Coast Hotel.

A few weeks ago I was on FB and a few people were talking about how they were able to fish off the Kihei beaches last year when we were closed to tourists. The fish had come back in close to the beach, because it was quiet again.

I hadn't realized that fishermen were not able to fish that beach anymore -- because I haven't been down there in years!

That really struck me. It's unfair and unethical and immoral that people are no longer able to feed their families dinner out of the sea just by stopping on their way home for work. I shudder to think how much money they have had to spend at grocery stores in the last few years.

We cannot afford to be over-touristed any longer.

This bill does not do everything, but it is a start, and if it is followed up with fees and enforcement, I think it's a good idea.

Please pass this bill.

Molly Jacobson

148 Kulipuu St.
Kihei
c: 808-463-9078

County Clerk

From: Pete Jalbert <pete@mauirealestate.com>
Sent: Friday, April 02, 2021 12:29 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:21

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

I support additional affordable housing on this island. We need it badly. The run up in housing prices is having an adverse impact on the working class residents. That said, I have significant concerns about the proposed Bill 10.

As it stands right now, cost of construction and land are the two biggest barriers to building lower priced homes on the island. This bill will not alleviate either of these issues.

Affordable housing is a broader issue that is affecting large swaths of the mainland and even Canada. We need to be looking for best practices that are bearing results in other areas. Unfortunately, we also need to do more to increase inventory with new construction. Most housing economists from a broad cross section of political perspectives agree that increasing the supply of homes is the best way to keep prices down.

I think there is some opportunity for creative solutions too. It seems like a lot of the older retail areas of Kahului are seeing dwindling occupancy. If anything, Covid-19 is further causing the occupancy in those places to drop further. What about rezoning some of those areas as Apartment. Redevelopment of underutilized commercial space closer to major work centers on the island brings more potential land into the fold in areas close to work and public transportation. It means less impact on roads and it allows more density without having as much impact on the neighboring communities. I would love to see aggressive action on this front.

I think there is too much evidence that something like Bill 10 will end up having unintended consequences with less supply created to address the affordable housing that is needed.

Best,

Joseph "Pete" Jalbert
Makawao

Sincerely,

Pete Jalbert
22 Auoli Dr
Makawao, HI 96768
pete@mauirealestate.com

County Clerk

From: Leslie Jaramillo <leslieuj@hawaii.edu>
Sent: Monday, April 05, 2021 9:18 PM
To: County Clerk
Subject: CC21-176

Give us locals back our beaches..!!!! Once again tourism has taken over worst than Oahu. We need to manage the amount of tourists on this island along with rental cars limit... CAP THE TOURISTS/RENTAL CARS!!!!!! I SUPPORT THE BILL CC21-176 !!!!!!!!!!! Reserve 50% of our public beach parking for locals.... We as a community are coming together to support and maintain the desecration of the tourists.....

Thank you.....
Leslie Jaramillo

RECEIVED
2021 APR -6 AM 7:43
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Cliff Jordan <cliffonmaui@gmail.com>
Sent: Monday, April 05, 2021 12:23 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

Though I understand the positive intentions behind Bill 10, I also recognize that intentions do not negate consequences. I have not seen any evidence that supports the notion that Bill 10 will result in increased housing opportunities, but I have heard a lot of experts explaining that it may actually reduce affordable housing production in Maui County. Please, don't just ignore testimony from the HHFDC, Habitat for Humanity, the Hawaii Carpenters Union, the Maui Chamber of Commerce, the Grassroot Institute of Hawaii, or the multitude of actual home builders that have explained their concerns to you. I know you are all trying to do the right thing here, but ignoring experts and disregarding research isn't the way to go.

Instead, moving forward, please work with experts and take an evidence-based approach to housing policy. If we want more affordable homes in Maui County, we need to work with home builders, not against them. Bill 10 doesn't appear to be supported by any research, studies, expert recommendations, or even anecdotes. Instead, it appears based on hope, and hope is not a plan. Please vote "no" on Bill 10, and work towards policy that is supported by something more than good-intentions.

Mahalo.

Sincerely,

Cliff Jordan
65 Halili Ln # 10-H
Kihei, HI 96753
cliffonmaui@gmail.com

RECEIVED
2021 APR -5 PM 12:37
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Jackie Keefe <somebodysgrammy@outlook.com>
Sent: Tuesday, April 06, 2021 7:50 AM
To: County Clerk
Subject: CC21-176

RECEIVED

2021 APR -6 AM 7:55

OFFICE OF THE
COUNTY CLERK

Aloha,

I would like to urge you to be bold and pass the bill to reserve 50% of beach parking for residents.

We need to make a change to how tourism is happening here on Maui and I believe this legislation is a big step forward.

Mahalo,
Jackie Keefe
Lahaina Resident

Get [Outlook for iOS](#)

County Clerk

From: Robin S. Knox <robin.s.knox@gmail.com>
Sent: Tuesday, April 06, 2021 7:46 AM
To: County Clerk
Subject: Cc 21-176

RECEIVED
2021 APR -6 AM 7:55

OFFICE OF THE
COUNTY CLERK

I SUPPORT MAKING 50 % OF BEACH PARKING RESERVED FOR RESIDENTS. I ALSO WOULD SUPPORT CHARGING TOURISTS A FEE FOR PARKING AT BEACH PARKD

County Clerk

From: Megan Koeberle <megs96761@gmail.com>
Sent: Tuesday, April 06, 2021 11:00 AM
To: County Clerk
Cc: Tamara A. Paltin
Subject: Please pass bill CC21-176!

Please be BOLD and pass bill(CC21-176) to reserve 50% of our public beach parking for residents.

Mahalo,
Megan Koeberle

County Clerk

From: Barbara Kong <islandmauihomes@gmail.com>
Sent: Friday, April 02, 2021 4:30 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Barbara Kong
15 One Malia Way
Wailuku, HI 96793
islandmauihomes@gmail.com

County Clerk

From: Doris Lang <doelang@yahoo.com>
Sent: Tuesday, April 06, 2021 7:08 AM
To: County Clerk
Subject: TAKE BACK THE BEACHES

RECEIVED

2021 APR -6 AM 7:44

OFFICE OF THE
COUNTY CLERK

Aloha-

Allowing TOO MANY rental cars to take up ALL of the parking and ALLOWING massive number of people (tourists) to take up the BEACHES is ABSOLUTELY UNFAIR for the people who live here. And I believe it's illegal not to allow 50% of the beaches and parking be available for local residents.

If the County continues to ignore this situation, I believe there will be many protests in the near future.

Do what is PONO by creating a balance between tourists and local usage for parking and the beach NOW! not LATER!

Aloha,
Doris Lang
Lahaina

County Clerk

From: Amber Lee <amber.lee@corcoranpacific.com>
Sent: Saturday, April 03, 2021 1:06 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:21

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Amber Lee
120 Baldwin Ave Unit 791023
Paia, HI 96779
amber.lee@corcoranpacific.com

County Clerk

From: Lorayne Lipps <artfulmermaid@gmail.com>
Sent: Tuesday, April 06, 2021 10:12 AM
To: County Clerk
Subject: Please pass bill CC21-176

Dear Councilpersons,

Please be BOLD and pass bill(CC21-176) to reserve 50% of our public beach parking for residents.

Thank you,
Lorayne Lipps

415 Dairy Rd, suite E-515
Kahului, HI 96732

County Clerk

From: Marcy Martin <martinpeaks@yahoo.com>
Sent: Sunday, April 04, 2021 6:02 PM
To: County Clerk
Subject: CC 21-176

RECEIVED

2021 APR -5 AM 8:21

OFFICE OF THE
COUNTY CLERK

Councilmembers,

I am in favor of CC 21-176 reserved beach access parking for residents.

As a beach user who works full time, it is almost impossible to get beach access parking.

50% reserved parking for tourist is very generous as tourist make up about 1/3 of our population.

Residents should be able to to park in all spots but the visitors should only be able to park in visitor stalls.

Thank you for considering this legislation which addresses a problem that has existed for over 20 years.

Marcy Martin
Paia resident

County Clerk

From: Rosa McAllister <rosam@me.com>
Sent: Monday, April 05, 2021 9:22 PM
To: County Clerk
Subject: Please assist Maui residents to have access to our beaches!

Maui County Council,
Please, we urge you, be BOLD and pass bill (CC21-176) to reserve 50% of our public beach parking for Maui residents. We are being treated as less than second class citizens with tourists taking over our beaches, our roads, our islands. This is improper. This is against aloha. Please take a step in the right direction to give back our beaches at least in a shared capacity... we need you to uphold our rights.

Mahalo!
- Rosa McAllister
Honokowai

RECEIVED
2021 APR -6 AM 7:43
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kealii Molina <kealii Molina1@icloud.com>
Sent: Tuesday, April 06, 2021 8:39 AM
To: County Clerk
Subject: Bill (CC21-176)

RECEIVED
2021 APR -6 AM 8:41

OFFICE OF THE
COUNTY CLERK

To whom it may concern,

My name is Kealii Molina and I urge the Council to be bold and pass bill(CC21-176) to reserve 50% of our public beach parking for residents.

Thank you,
Kealii Molina

County Clerk

From: Mark Morris <markmorrisonmaui@gmail.com>
Sent: Friday, April 02, 2021 2:02 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:20

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Mark Morris
795 E Kuiaha Rd
Haiku, HI 96708
markmorrisonmaui@gmail.com

County Clerk

From: Mandy Nakooka <nakookam@gmail.com>
Sent: Tuesday, April 06, 2021 8:39 AM
To: County Clerk
Subject: Pass bill CC21-176

RECEIVED
2021 APR -6 AM 8:41

OFFICE OF THE
COUNTY CLERK

Aloha,

I am writing this letter regarding PASSING the bill CC21-176. There's so many tourists who are at hotels right next to the best beaches and begin crowding asap so when me and my family want to go to a beach there's never enough parking, there's not even room on the beach due to it being so overcrowded by tourists. Please consider passing the bill to respect the residents and allow us better access to our beaches.

Mahalo
Mandy Nakooka

County Clerk

RECEIVED

From: Teresa Nelle <teresa@islandsothebysrealty.com>
Sent: Friday, April 02, 2021 12:04 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

2021 APR -5 AM 8:20

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Teresa Nelle
120 Hui Rd F
Lahaina, HI 96761
teresa@islandsothebysrealty.com

County Clerk

From: Eddie Niemeyer <eddie@wailearealty.com>
Sent: Monday, April 05, 2021 12:02 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Eddie Niemeyer
30 E Lipoa St Apt 4-106
Kihei, HI 96753
eddie@wailearealty.com

RECEIVED
2021 APR -5 PM 12: 37
OFFICE OF THE
COUNTY CLERK

County Clerk

From: George Nunes <keokimai11@gmail.com>
Sent: Friday, April 02, 2021 12:11 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

George Nunes
38 Hakalani Pl
Wailuku, HI 96793
keokimai11@gmail.com

County Clerk

From: Heleena Oliveira <heleena.oliveira@gmail.com>
Sent: Friday, April 02, 2021 2:43 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:20
OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.

Sincerely,

Heleena Oliveira
PO Box 791723
Paia, HI 96779
heleena.oliveira@gmail.com

County Clerk

From: Bridgett Parker <jbparker4@gmail.com>
Sent: Tuesday, April 06, 2021 9:28 AM
To: County Clerk
Subject: Bill CC21-176

Aloha,

As a Maui County resident I'm emailing to bring attention to an issue that is creating major issue in resident sentiment.

As county leaders, I believe this should be addressed quickly and taken seriously. Our visitors can't be treated like first class while the local population gets thrown under the bus.

Please pass bill CC21-176 to reserve 50% of beach parking for residents! Let's treat our own with a little more aloha.

While we're on the topic, please take down the orange tape at all the local park tables so we can enjoy these taxpayer funded spots. Why should our VISITORS be able to pack together on a beach but we can't gather in small groups of family and friends? Pilau.

Mahalo for your time,
Bridgett

County Clerk

From: Karen Patague <karenpatague@gmail.com>
Sent: Friday, April 02, 2021 2:06 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8: 20

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Karen Patague
1141 Makaala Dr
Wailuku, HI 96793
karenpatague@gmail.com

County Clerk

From: Joseph Pluta <pluta@maui.net>
Sent: Friday, April 02, 2021 1:11 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:20
OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Joseph Pluta
181 Lahainaluna Rd Ste I
Lahaina, HI 96761
pluta@maui.net

County Clerk

From: Ricardo Ralha <Ricardo@islandsothebysrealty.com>
Sent: Friday, April 02, 2021 12:04 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8: 21
OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Ricardo Ralha
2747 S Kihei Rd Apt A-302
Kihei, HI 96753
Ricardo@islandsothebysrealty.com

MAUI
VACATION RENTAL
ASSOCIATION
WWW.MVRA.NET

The Honorable Alice Lee
Council Chair, County of Maui
200 S. High St.
Wailuku, HI 96793

OFFICE OF THE
COUNTY CLERK

2021 APR -6 AM 7:43

RECEIVED

SUBJECT: SUPPORT FOR THE ASSESSMENT OF THE DEPARTMENT OF
PLANNING'S ZONING AND ENFORCEMENT DIVISION (ZAED) CC-21-167

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and members of the Council:

Thank you for this opportunity to speak on CC 21-167.

I am submitting the following testimony on behalf of the Maui Vacation Rental Association and the 300+ members and affiliates that we represent. We support the resolution to execute a contract for an assessment of the ZAED division. The extent of testimony heard at the March 18 2021 Planning and Sustainable Land Use committee meeting, showing the frustration level for citizens over the process, warrants this measure. The fact that many issues still exist that were identified by the Zucker Systems consultant in the 2006 audit makes it clear that more is needed to assist this department to create a fair and equitable solution.

We hope that this new audit will help the department streamline operation and service people with less time and expense to the county overall. We also hope that this will encourage more people to follow current requirements. We believe that every individual should be treated fairly both within the department, and those coming to the department for service.

We appreciate the council's consideration of this resolution.

Best Regards,

Jen Russo
Executive Director

County Clerk

From: Gerrienne Sakamoto <ggs@MoreOnMaui.com>
Sent: Saturday, April 03, 2021 10:39 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:21
OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

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Mahalo.

Sincerely,

Gerrienne Sakamoto
113 Mano Dr
Kula, HI 96790
ggs@MoreOnMaui.com



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

April 5, 2021

The Honorable Alice C. Lee
Chairperson
and Members
Maui County Council
200 South High Street
Wailuku, HI 96793

RECEIVED
2021 APR - 5 PM 12: 37
OFFICE OF THE
COUNTY CLERK

Regarding: A Bill for an Ordinance Relating to Reserved Residential Parking in
Public Beach Access Parking Areas

Dear Chair Lee and Members of the Maui County Council:

The Disability and Communication Access Board (DCAB) would like to offer comments on the proposed bill contained in CC 21-176. This bill would require reserving half of all parking spaces in public beach access parking areas for Maui County residents.

Section 208.2 of the Americans with Disabilities Act Accessibility Guidelines requires calculating the number of accessible parking spaces separately for different parking facilities. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility. Guidance from the U.S. Department of Justice is that where parking is clearly identified as serving a different class of people, here Maui County residents versus nonresidents, those designated spaces can be considered as a different or separate parking facility. Therefore, if this bill becomes law, Maui County will need to recalculate the required number of accessible parking spaces per separate parking facility. This may result in additional accessible parking spaces and relocating some of the existing accessible parking spaces.

Thank you for the opportunity to provide comment.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

County Clerk

From: Ron Silva <Ron@RonSilva.com>
Sent: Saturday, April 03, 2021 5:38 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:21

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Ron Silva
39 Awela Cir Unit 402
Wailuku, HI 96793
Ron@RonSilva.com

County Clerk

From: Greg Smith <MauiAgent@gmail.com>
Sent: Friday, April 02, 2021 12:13 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Greg Smith
106 Aloalo Pl
Lahaina, HI 96761
MauiAgent@gmail.com

County Clerk

From: Iris Soliven <iris.soliven@gmail.com>
Sent: Tuesday, April 06, 2021 7:18 AM
To: County Clerk
Subject: Bill CC21-176

Good morning,

I am writing in support of passing Bill CC21-176. Please pass this bill so that I, along with the rest of Maui County's residents will have better access to public beach parking.

Thank you!

Iris Soliven

RECEIVED
2021 APR -6 AM 7:44
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Ron Stebbins <Skeeter@LovelyMauiHomes.com>
Sent: Friday, April 02, 2021 1:20 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:21
OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Ron Stebbins
4435 Lower Honoapiilani Rd Apt 119
Lahaina, HI 96761
Skeeter@LovelyMauiHomes.com

County Clerk

From: Julie Strong <julie@juliestrong.com>
Sent: Monday, April 05, 2021 2:47 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

Dear Maui County Clerk Kaohu,

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Mahalo.

Sincerely,

Julie Strong
613 Hoe Kawele Ln
Lahaina, HI 96761
julie@juliestrong.com

RECEIVED
2021 APR -5 PM 2:52
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly Swanson <mauirealestatebroker@gmail.com>
Sent: Friday, April 02, 2021 12:06 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Kelly Swanson
2699 Iolani St
Makawao, HI 96768
mauirealestatebroker@gmail.com

County Clerk

From: Ane Takaha <bhaktirocks@earthlink.net>
Sent: Tuesday, April 06, 2021 10:22 AM
To: County Clerk
Subject: Beach parking

Aloha,

I am writing to encourage you to pass the bold action of reserving spots at the beach for RESIDENTS!!! It is so frustrating to drive from beach to beach to find a place to park. Or having to go so early to find a place (when it's still cold) because 15 min later all the tourist and dive tours have filled all the spots.

Please do something!! In the time we have lived here (14 years) there are less and less places to park. The county has "improved" the parking places which really translated into "make less spaces", and the tourists and car rentals have spiraled out of control. We pay taxes for these public spaces and cannot use them. Deference to hotels and rentals cars has got to stop.

Specifically if you are interested:

1. Andaz hotel. Supposed to have ?? Parking spaces but actually have about 5 because they designed the spaced to be 2-3 deep. Who wants to park first and get blocked in by 2 cars you don't know??!!
2. Ulua Makapu. The lot is always FULL of cars with scuba dive tours (tourist tours). You can see 4-5 groups on the lawn doing their briefings every morning. I asked if they bring people in vans. The answer is no because of insurance. - 4-8+ cars for every group + the dive vehicle for tanks.
3. Manakai. We stopped going there when the county gave most of the spaces to the days inn. Now the spaces sit empty and cars overflow everywhere on to the street, 5 palms lot, etc.
4. South End Keawakapu (sp). Again another "improve" the place so less parking.
5. Ahihi reserve. Paved the lot and cut down by 1/2? The number of spaces. The last time we tried to go there after 9:30 am we ended up not being able to park and drove to the "Prince beach", Makenna Landing, Makenna Surf - finally ended up at black sand beach with a gravel lot so we made our own space. This is not even on the weekend. Just forget about it then.

We swim almost every day. That is why we moved here and bought a house. It is getting harder and harder to have the lifestyle we choose and paid for.

I urge you to find some kind of solution - not just to parking but the the amount of tourists and cars on the road. My property manager friend told me 6,000 people arrive every day. I believe it.

Thank you
Ane Takaha
Maui Meadows.

County Clerk

From: Uilani Todd <uilani@lowson.com>
Sent: Friday, April 02, 2021 4:51 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED
2021 APR -5 AM 8:20
OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

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Mahalo.

Sincerely,

Uilani Todd
PO Box 10821
Lahaina, HI 96761
uilani@lowson.com

County Clerk

From: Ponciana Tungpalan <ponciana.tungpalan@yahoo.com>
Sent: Tuesday, April 06, 2021 10:00 AM
To: County Clerk
Subject: Save our beaches

I don't enjoy being treated like a interloper. Why are tourist given all the rights to our beaches? I helped plant those Monkey Pod trees at the Honokowai Beach Park in the 60's I was a Brownie Scout. That is only 1 of the many beaches that are being overrun by tourist, they trash our beaches, harass our ocean wildlife and you do nothing: if a local tries to protect the Aina and it's beaches you arrest them and throw a hefty fine. Only in Hawaii do tourist have more rights than the locals. Are you that desperate for \$\$\$\$\$, your willing to turn your back on your own people, as residents they should be allowed to enjoy the ocean, land and natural beauty of their home. Shameful, I was told by tourist you need us We bring \$\$, We don't have to wear a mask, We don't live here. So who's in charge Maui County, \$\$ & Tourist.

County Clerk

From: Susan Vickery <gifts9954@gmail.com>
Sent: Tuesday, April 06, 2021 7:15 AM
To: County Clerk
Subject: Bill CC21-176

Please pass Bill CC21-176. Residents demand parking at the public beach, at least 50% reserved for residents.

Mahalo,
Susan Vickery
Wailuku

RECEIVED
2021 APR -6 AM 7:44
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Jordan Villanueva <jr2492@aol.com>
Sent: Tuesday, April 06, 2021 8:34 AM
To: County Clerk
Subject: Beach access

RECEIVED

2021 APR -6 AM 8:35

OFFICE OF THE
COUNTY CLERK

#TourismGoneWild #takebackourbeaches #suportlocal #wepayourduetoo

Send one email today.

Urge our Council to be BOLD and pass bill(CC21-176) to reserve 50% of our public beach parking for residents. Our County is listening and we need your voices today to get this passed. #CommunityLed #GovernmentSupported

Email: County.clerk@mauicounty.us

I SUPPORT THIS 100%. Something needs to be done for the locals and the people who live here day in and day out. Our voice needs to be heard and action needs to be taken.

Mahalo
Jordan Villanueva

County Clerk

From: Hiro Ward <hiro@mauihomesdirect.com>
Sent: Tuesday, April 06, 2021 10:59 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

Though I understand the positive intentions behind Bill 10, I also recognize that intentions do not negate consequences. I have not seen any evidence that supports the notion that Bill 10 will result in increased housing opportunities, but I have heard a lot of experts explaining that it may actually reduce affordable housing production in Maui County. Please, don't just ignore testimony from the HHFDC, Habitat for Humanity, the Hawaii Carpenters Union, the Maui Chamber of Commerce, the Grassroot Institute of Hawaii, or the multitude of actual home builders that have explained their concerns to you. I know you are all trying to do the right thing here, but ignoring experts and disregarding research isn't the way to go.

Instead, moving forward, please work with experts and take an evidence-based approach to housing policy. If we want more affordable homes in Maui County, we need to work with home builders, not against them. Bill 10 doesn't appear to be supported by any research, studies, expert recommendations, or even anecdotes. Instead, it appears based on hope, and hope is not a plan. Please vote "no" on Bill 10, and work towards policy that is supported by something more than good-intentions.

Mahalo.

Sincerely,

Hiro Ward
275 W Kaahumanu Ave Apt 2Ca1
Kahului, HI 96732
hiro@mauihomesdirect.com

County Clerk

From: Jennifer Welch <jenniferewelch@aol.com>
Sent: Tuesday, April 06, 2021 12:07 AM
To: County Clerk
Subject: Testimony for the passing of bill CC21-176
Attachments: Videoleap-3DD8FCD0-7A9D-4B8D-8F96-483C0BF7934B.MOV; JENNIFERSIGNATURE.heic

To Whom it May Concern:

I am writing to urge our Council to step up now and pass bill(CC21-176) so that 50% of our public beach parking is reserved for residents. I utilize South Maui beaches multiple times a week, typically during the mid-morning hours and am finding it increasingly difficult to secure parking, especially at places like Ulua and the parking lot between Five Palms and the Days Inn. In these cases I either end up waiting until a space vacates or I try other spots. Please see the attached video, which I took at the spots mentioned above on 03/26/21.

Thank you for your consideration.

Sincerely,
Jennifer Welch
Kihei, HI. 96753
808-276-7081

RECEIVED
2021 APR - 6 AM 7: 44
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Ayurveda Maui <sylvia@ayurvedamaui.com>
Sent: Tuesday, April 06, 2021 11:17 AM
To: County Clerk
Subject: pass bill(CC21-176) We need Tourism Control Right away!

The Hawaiian islands when overrun by tourists will no longer be a destination for tourists, they will seek places that don't have the crowds. Already we have seen what "over-tourism" has done to Molokini, changing it from an Aquarium of fish and beauty to an over accessed dead zone. This is happening every where on the island and the beauty that people pay to see, will be gone and it often can be impossible to regain. If we don't get a handle on the tourism now it will wreak havoc!

pass bill(CC21-176) to reserve 50% of our public beach parking for residents

Sylvia Whelchel, AD
NAMA Approved Dr. of Ayurvedic Medicine
<https://www.ayurvedanama.org/>
<https://www.ayurvedamaui.com/>
(808) 344 0627

Ayurveda Maui

SCHOOL OF AYURVEDA AND TREATMENT CENTER

County Clerk

From: Katrina Wilson <kw@MauiRealEstateSecrets.com>
Sent: Monday, April 05, 2021 8:28 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 9:13

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

Thank you for your efforts to address Maui County's housing crisis. Maui County needs to do more to increase affordable housing opportunities for our residents, but we can't afford to make mistakes. For that reason, I am asking you not to move forward with Bill 10.

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Mahalo.
Katrina Wilson

Sincerely,

Katrina Wilson
PO Box 36
Kihei, HI 96753
kw@MauiRealEstateSecrets.com

County Clerk

From: Thomas Wolf <TomWolfMaui@gmail.com>
Sent: Friday, April 02, 2021 12:22 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:19

OFFICE OF THE
COUNTY CLERK

Dear Maui County Clerk Kaohu,

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Mahalo.

Sincerely,

Thomas Wolf
55 Awela Cir Unit 603
Wailuku, HI 96793
TomWolfMaui@gmail.com



Maui Lucy Fan Ohana
44 Kahope Place, Haiku, Hawaii 96708
Hosts - Judit: 808-276-5749 Tim: 808-575-7474
mauilucyfan@gmail.com
Maui County Permit #BBPH 2015-0005

Councilmember Mike Molina
RE: Auditor Assessment of Planning Department
Zoning and Enforcement Division (ZAED)

4 April 2021

Aloha to CM Molina and the full Council,

My wife and I would very much like to offer testimony to the Council regarding our experiences over the past 14 months with the ZAED, and other enforcement agencies of the County. However, I am scheduled to on location for a movie production at the Kaupo Ranch at 6AM on Tuesday, the 6th. Please accept this brief note and pass it on to the PSLU Committee on our behalf.

We hope that Council Menbers will feel free to contact me to offer written and oral testimony to any staff who are investigating the ZAED. From the very broken RFS procedure, the failure of the ZAED to profesionally participate in our B&B Permit application in 2015 and its renewal in 2018, and to the "war room" atmosphere that the regulatory agencies employed to obtain compliance from "defenseless" civilians, our extensive experience has been mostly miserable.

Since February of last year, our effort to obtain an After the Fact Building Permit required by the County for a deck and a roof has cost us many man hours of stressful effort, and to date over \$4500 in fees and fines. For ordinary people on a retirement income in the midst of a pandemic which has caused the worst business climate in our 30 year history on Maui, the "spirit of aloha" was sadly lacking. We tried to be honest customers seeking services, but were treated like adversaries targeted by rules, regulations, and sometimes offensive behavior.

I know that we can all do better. We are willing to help others learn from the often painful experiences we have endured.

Mahalo for your kokua in this mater,

Tim and Judit Wolfe

RECEIVED
2021 APR -5 AM 9:13
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Elizabeth Wood <e@ewoodonmaui.com>
Sent: Saturday, April 03, 2021 8:44 AM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -5 AM 8:20

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Elizabeth Wood
2630 Kananui Rd
Kihei, HI 96753
e@ewoodonmaui.com

County Clerk

From: Sallie Zaugg <salliezaugg@gmail.com>
Sent: Monday, April 05, 2021 6:42 PM
To: County Clerk
Subject: Follow the Evidence and Oppose Bill 10

RECEIVED

2021 APR -6 AM 7: 44

OFFICE OF THE
COUNTY CLERK

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Mahalo.

Sincerely,

Sallie Zaugg
252 Kuli Puu Pl
Kihei, HI 96753
salliezaugg@gmail.com