HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

December 2, 2024

Online Only via Teams

RECONVENE: 1:36 p.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Tom Cook, Vice-Chair
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member (In 1:40 p.m.)
Councilmember Yuki Lei K. Sugimura, Member (In 1:37 p.m.)
Councilmember Nohelani Uʻu-Hodgins, Member

EXCUSED: Councilmember Gabe Johnson, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: Ellen McKinley, Legislative Analyst
Sam Tanck, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):
Roxanne Morita, Council Aide, Lānaʻi Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Haʻikū-Pāʻia Residency Area Office

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Nalani Kaninau
Keiki Pua-Dancil
Ann Pitcaithley
Others (43)

PRESS: *Akakū: Maui Community Television, Inc.*
Chelsea Davis, Hawaiʻi News Now

CHAIR KAMA: . . .*(gavel)*. . . Will the Housing and Land Use Committee meeting of December 2nd, 2024, come to order. It is now 1:36 p.m. I am Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. Members, when your name is called, if you are not

with me in the Council Chamber, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified. Do we have any questions before we begin? Thank you. Hearing none. So, I want to say aloha ʻauinalā to Committee Vice-Chair Tom Cook.

VICE-CHAIR COOK: Aloha ʻauinalā, Chair. There's nobody in the Kīhei Regional Office to testimony [*sic*] right now, and good afternoon.

CHAIR KAMA: Thank you. And we want to say aloha ʻauinalā to Council Chair Alice Lee.

COUNCILMEMBER LEE: Aloha ʻauinalā, Chair. And in case you are going to British Columbia in the near future, and want to say hello to everyone up there, Haida…the Haida tribe will tell you haawa. Haawa you doing today?

UNIDENTIFIED SPEAKERS: *. . .(laughing). . .*

CHAIR KAMA: Very nice. Thank you so much. And I'm doing fine, thank you. And so, we're going to continue with Council Vice-Chair Yuki Lei Sugimura. Aloha ʻauinalā and haawa.

COUNCILMEMBER SUGIMURA: Haawa. Aloha ʻauinalā and haawa. Good afternoon, looking forward to a productive meeting. Thank you very much.

CHAIR KAMA: And we're going to continue with Councilmember Tamara Paltin. Aloha ʻauinalā and haawa.

COUNCILMEMBER PALTIN: Aloha ʻauinalā and haawa kākou.

CHAIR KAMA: And we're going to excuse Councilmember Gabe Johnson and Councilmember Keani Rawlins-Fernandez from this meeting today. And therefore, we're going to continue with Councilmember Nohe Uʻu-Hodgins. Aloha ʻauinalā and haawa.

COUNCILMEMBER UʻU-HODGINS: Aloha, Chair. Haawa, everyone. *. . .(ringing sounds). . .*

CHAIR KAMA: That was a nice bell. And we're going to continue with saying aloha ʻauinalā and haawa to Councilmember Shane Sinenci. I don't see Member Sinenci. Does anyone see him? Okay. Well, why don't we excuse Member Sinenci until he shows up. And we have the Departments with us. The Department of the Corporation Counsel, I'm not sure if it's Mr. Michael Hopper that we have today. It is. Aloha ʻauinalā, Mr. Hopper. So, hopefully he'll show up sometime during the meeting. Okay. Thank you. He's rejoining? Okay. So, we're going to continue to say aloha ʻauinalā and haawa to Ellen McKinley, our Legislative Analyst.

MS. MCKINLEY: Aloha, Chair. Aloha, Members.

CHAIR KAMA: And to Samantha Tanck, our other Legislative Analyst.

MS. TANCK: Aloha, Chair. Aloha, Members.

CHAIR KAMA: And our Committee Secretary, Jennifer Yamashita.

MS. YAMASHITA: Good afternoon…good afternoon, Chair and Members.

CHAIR KAMA: And to our Legislative Attorney, Carla Nakata.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And our Assistant Clerk, Lei Dinneen…out there.

COUNCILMEMBER LEE: Mr. Sinenci came.

CHAIR KAMA: Okay. I see you.

MR. HOPPER: Chair?

CHAIR KAMA: Aloha, Member Sinenci.

MR. HOPPER: Chair, this is Mike…Chair, this Michael Hopper. Sorry, I had trouble unmuting. I just want to make sure you can hear me okay.

CHAIR KAMA: I can hear you, Mr. Hopper. Thank you so much.

MR. HOPPER: Thank you so much.

CHAIR KAMA: I want to say aloha ʻauinalā and haawa to Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Hey. Aloha, Chair. My apologies. I'm in between meetings and my…my volume was down, so I didn't know you started the meeting. But aloha.

CHAIR KAMA: Thank you.

COUNCILMEMBER SINENCI: Here at my home office, and there are no testifiers…I'm here by myself. No testifiers in Hāna, Chair.

BILLS AND RESOLUTIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR THE 2025 – 2027 COUNCIL TERM

CHAIR KAMA: Okay. Thank you so much. So, Members, thank you for attending today's HLU Committee meeting. And we have bills and resolutions for referral to the Council Chair for the 2023 to 2025 Council term. So, Members, posted are a number of bills pending before the Committee for your consideration to refer to the Council Chair for the term beginning January 2nd, 2025, in accordance with Rule 22 of the Rules of the Council. These items are currently listed on the Committee's master agenda if…if not referred,

will be deemed filed at the end of this term. And as a reminder, requests can be made to remove items from the discretionary referral list, but at this point, no items can be added. So, please keep in mind that any item filed can be reintroduced in the next Council term. So, do we have testifiers?

MS. TANCK: Chair, nobody is signed up at this time. If anybody would like to testify, please raise your hand on Teams or make your way down to the podium. Chair, I see somebody making their way down to the podium.

. . .BEGIN PUBLIC TESTIMONY . . .

CHAIR KAMA: Okay. Well, let me read the instructions. So, in accordance with the Sunshine Law, as Chair, I will be calling for testimony for our single-item agenda now, and I ask that you…to hold all discussion until after testimony has been closed. For members of the public, this discussion and your testimony should be on this list of items that are being proposed for your referral. My preference should be that your testimony be on whether an item on the list should or should not be referred to the next Council for its future consideration. So, please, Staff, our first testifier?

MS. TANCK: And if you'd like to state your name for the record, you're welcome to, but you're also welcome to stay anonymous.

MS. KANINAU: Aloha ʻauinalā. Nalani Kaninau. And I'd like to testify against Bills 171 and 172 before you.

MS. MCKINLEY: That meeting will be convened at…after this meeting is concluded. At 1:45, it's scheduled.

MS. KANINAU: I'll be back.

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER PALTIN: Do you want --

CHAIR KAMA: Yes?

COUNCILMEMBER PALTIN: -- to let her know that you are already did close public testimony, so she doesn't --

CHAIR KAMA: Oh, that's right.

COUNCILMEMBER PALTIN: -- have to wait?

CHAIR KAMA: I did. Thank you for the reminder. I'm…Ms. Naniau…Niniau [*sic*]?

MS. KANINAU: Kaninau.

CHAIR KAMA: Kaninau. I'm so sorry. That's right. Thank you, Member Paltin, for reminding me about that. But we had testimony on this…these two bills last week, and therefore, testimony is closed. But --

MS. KANINAU: Written --

CHAIR KAMA: If those are written, we'd like to receive that from you.

MS. KANINAU: Okay. Should I eComment or email?

CHAIR KAMA: Whichever is most convenient for you. You could give it to our…our…our Clerks…I mean, our Staff here, and they could actually make copies of it if you'd like.

MS. KANINAU: I'll email. It's messy.

CHAIR KAMA: Okay. Okay. Thank you.

MS. KANINAU: Mahalo.

CHAIR KAMA: Thank you. Thank you, Member Paltin. So, do we have anyone else testifying on this item?

MS. TANCK: Chair, the next individual signed up to testify is Keiki Pua [*sic*], just on Teams, and we'll unmute him [*sic*] in just one moment.

CHAIR KAMA: Okay. (*pause*)

MS. TANCK: And excuse me. It was Keiki Pua-Dancil, and you are unmuted on our end.

MS. PUA-DANCIL: Aloha Chair Kama, Councilmembers. Mahalo for the opportunity to provide testimony. Pūlama Lānaʻi would request that both Bill 24 and 25 be referred, and we're in strong support of that referral. We're here for questions. Mahalo.

CHAIR KAMA: Thank you. Any other testifiers?

MS. TANCK: Chair, the next individual signed up to testify is --

COUNCILMEMBER PALTIN: Oh, I had a question for Ms. Danc…Dr. Dancil.

CHAIR KAMA: Oh, I'm sorry. Dr. Dancil, Member Paltin has a question.

COUNCILMEMBER PALTIN: You said Bill 24 and 25, not Bill 23?

MS. PUA-DANCIL: I believe 23 was the CPA in which you all passed, but I could be incorrect. Hold on…

COUNCILMEMBER PALTIN: There's one item, HLU-23, that includes Bill 23, 24, and 25. So, you don't need that one?

MS. PUA-DANCIL: Okay. I think it's because…correct. All three had come before you at one time, 23, 24, and 25. And we passed 23, which was the Community Plan Amendment, in September. And then we have to come back to you for 24 and 25, which is the Conditional Zoning, as well as the Project District Phase I, and we can't come back to you until after the DBA.

COUNCILMEMBER PALTIN: So, we could file the HLU-23 item because it has Bill 23, 24, and 25, and the standalone Bill 24 and 25 we can refer…is that what you're saying?

MS. PUA-DANCIL: I think so, but I defer to your attorneys there on the correct way on how to do the procedure.

COUNCILMEMBER PALTIN: Thank you for the clarification.

UNIDENTIFIED SPEAKER: Yes.

CHAIR KAMA: I heard somebody out there.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR KAMA: Thank you. Carla, so the discussion that…that Dr. Dancil was having with Councilmember Paltin regarding Bill 23, that's not here?

MS. NAKATA: Oh, thank you, Chair. Yes. Bill 23 passed both readings and was enacted. Bills 24 and 25 remain pending with the Committee.

CHAIR KAMA: Okay. Okay. Member Paltin, does that answer your question?

COUNCILMEMBER PALTIN: I'll…I'll have some more discussion when the motion is made…or question, but I probably shouldn't ask it while testimony is still open.

CHAIR KAMA: That's true. Okay. . . .*(laughing)*. . . Okay. We'll get back to that. Okay. Thank you. Staff, any other testifiers?

MS. TANCK: Chair, the next individual signed up to testify is Ann Pitcaithley. Ms. Pitcaithley --

MS. PITCAITHLEY: Can you hear me?

CHAIR KAMA: Absolutely.

MS. PITCAITHLEY: Okay. I didn't got…get the opportunity to listen. I'm speaking on--private citizen. I didn't get the opportunity to testify at the last meeting last week, last Monday. So, I can testify on Bill 171 and 172 now?

CHAIR KAMA: No, that item is not on the…the agenda. The agenda for --

MS. PITCAITHLEY: Oh.

CHAIR KAMA: -- 1:30 is the item before us, which is the referral to the next Council, all of the items for referral.

MS. PITCAITHLEY: Okay. I can send a written testimony. Will it be received?

CHAIR KAMA: Yes, absolutely.

MS. PITCAITHLEY: Okay. I will do so. Thank you.

CHAIR KAMA: Thank you.

MS. PITCAITHLEY: Thank you. I didn't hear back from the . . .(*inaudible*). . . so…yeah. And I just got on. Okay. Thank you.

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair, there are no other individuals signed up to testify at this time. If anybody would like to raise their hand on Teams or make their way down to the podium. Again, this is for discretionary referrals. If anybody would like to do so, we'll go ahead and do last count…three, two, one. Chair, seeing no other testifiers.

CHAIR KAMA: Thank you, Staff. So, Members, seeing as though there are no more individuals wishing to testify, without objection, I would like to close oral testimony. And as a reminder, written testimony will continue to be accepted into the record.

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY . . .

CHAIR KAMA: Thank you. Okay. So, now we're going to proceed with discussing the list of referrals. So, Members, any discussion on the list, or are you good with the list of referrals to the next term? Member Paltin.

COUNCILMEMBER PALTIN: I might have a question for --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- a lawyer. It seems that once it was heard once in Committee and given an HLU number, as well as the bill itself is being referred like what we talked about, HLU-23 has 23, 24, and 25, does that need to be referred when there is a separate Bill 24 and a separate Bill 25? And the same thing with HLU-34 and HLU-33 when there's a separate Bill 104 and a separate Bill 105? Is that like a double referral, and…and do we need to do that? Because then you have two items that are the same, kind of? That's my question --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- for any attorney that can answer that.

CHAIR KAMA: Carla?

MS. NAKATA: I'm sorry, Chair, I'm not too clear on the procedural question. The three bills related to Kōʻele were referred and placed as a single item on the Committee's agenda. Bills 104 and Bill 105, along with Bill 103, were all placed as separate items in the agenda. Both Bills 24 and 25 are listed for referrals today, although they're listed together. I don't know if that answers Councilmember's question or not.

COUNCILMEMBER PALTIN: To clarify, then we're only going to refer the numbers, not the one under the list when I…looking at the meeting details? There's other things underneath of the numbers. There's a one through ten, and then without numbers, it says, HLU-23…Bill 23, 24, 25 (2024); HLU-6, Bill 12; HLU-16, Bill 74; HLU-34, Bill 105. We're not referring those, only the ones with the numbers in front of it?

MS. NAKATA: Chair, Rule 22 of the Rules of the Council allows the bills and the resos to be referred to the Council Chair for next term. Any documents flowing along with those bills and resolutions will accompany the bills and resolutions.

CHAIR KAMA: So, is that helpful, Member Paltin?

COUNCILMEMBER PALTIN: I think so. So, we're…we're ref…just to clarify, we are referring ten bills?

CHAIR KAMA: One, two, three, four, five, six, seven…yes.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Ten bills. So, just to make sure we're all on the same page, do you all have a copy of the ten bills that we're referring to? Okay. Just wanted to make sure.

COUNCILMEMBER PALTIN: Now I'm clear. Thank you.

CHAIR KAMA: Okay. Mr. Sinenci, you have a copy of the list of the ten bills that we're referring? Okay. Thank you. Just wanted to make sure. Any other questions, Members? *(pause)* No questions? Oh, wow. Thank you. Okay. So, I would like to

entertain a motion to recommend the bills noted under this item be referred to the Council Chair for the term beginning January 2nd, 2025, in accordance with Rule 22 of the Rules of the Council.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: It's been moved by Councilmember Sugimura and seconded by Council Chair Lee. Any further discussion? Okay. Seeing as how that there's no further discussion, all those in favor of the motion, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: One, two, three…seven…I see seven hands raised, two excused, Member Rawlins-Fernandez and Member Gabe Johnson. Is that correct, Staff?

MS. MCKINLEY: Yes, Chair. Seven "ayes," zero "noes," two excused --

CHAIR KAMA: Okay.

MS. MCKINLEY: -- Members Johnson and Rawlins-Fernandez. Motion passes.

VOTE: **AYES:** **Chair Kama, Vice-Chair Cook, and Councilmembers Lee, Paltin, Sinenci, Sugimura, and U'u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Johnson, and Rawlins-Fernandez.**

MOTION CARRIED.

ACTION: **Recommending REFERRAL of bills and resolutions to the Council Chair for the term beginning January 2, 2025.**

CHAIR KAMA: Okay. Thank you, Members. So, seeing as how we have no further business for this meeting, thank you, everyone, for attending this afternoon's early meeting. The time is now 1:53 p.m., and today's Housing and Land Use Committee meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 1:53 p.m.

APPROVED:

TASHA KAMA, Chair
Housing and Land Use Committee

hlu:min:241202:lt

Transcribed by: Logan Tsuji

CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 10 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23rd day of December 2024, in Wailuku, Hawai'i

Logan Tsuji