

GET Committee

From: Maui Chamber Legislation <legislation@mauichamber.com>
Sent: Monday, October 14, 2019 7:33 PM
To: GET Committee
Subject: Testimony for 10/15
Attachments: Testimony on GET-11(28) Special Counsel 101519.pdf

Importance: High

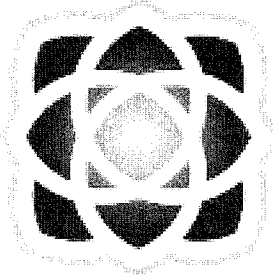
Aloha,

Please see attached testimony from Pamela Tumpap on GET- 11(28) on the resolution to hire special counsel for the GET Committee meeting on 10/15.

Mahalo,



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MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

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The bottom line is the impacts are subjective to interpretation of the laws, which is why it is important to have this reviewed and interpreted by the highest court to get the clarity that is essential to move forward. We need clear processes that the public can count on. If we don't get the best interpretation, make a mistake and rush the judgement on this by withdrawing the appeal and hurt residents and businesses in the process, who will be accountable for this? We ask that you do not withdraw the Supreme Court appeal so we can get clarity on this important legal matter and do not fight this further by hiring special counsel.

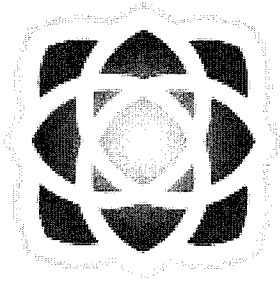
In a time when our County is in an affordable housing and rental crisis, we do not need taxpayer money going toward court battles. The appeal is already under way and must be ruled upon by the Supreme Court to get the legal clarity we need. We ask that you please do not consider this resolution and allow the case to move forward.

We appreciate the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



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Dear Chair Molina, Vice-Chair Rawlins-Fernandez and
Members of the Governance, Ethics and Transparency Committee,

We understand this is a very complex and difficult issue, but we strongly feel it is imperative to allow the process to continue and not withdraw the Supreme Court appeal. We also do not support this resolution for the Council to obtain special counsel as this will further draw out and complicate the issue.

We have many top priorities as a County, like affordable housing and rental units, that will be hampered if this case is withdrawn from the Supreme Court. This includes potential liability issues for the many homeowners and businesses using cesspools and septic systems that could arise. There have been so many vague answers and conflicting responses from various departments and agencies on what could happen if the 9th Circuit Court decision stands. The repercussions are incredibly unclear and high levels of uncertainty on this will only further delay the housing projects our community so desperately needs.

Aside from the implications on permitting and liability, the financial consequences to the County are devastating with the 9th Circuit Court ruling and the billions of dollars in fines alone that would have to be paid would cause many of our top priority projects with affordable housing and rentals to be stalled, not to mention the work the County is currently doing to eliminate injection wells. Would taxpayers have to cover this cost, further raising our high cost of living? This alone should be enough to not withdraw the appeal from the Supreme Court in the hopes we get a different answer.