

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

December 27, 2019

THE SPECIAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, DECEMBER 27, 2019, BEGINNING AT 1:30 P.M., WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: Good afternoon. This is the regular, the special Council meeting on December 27, 2019. This was called by the County Clerk's Office and the Councilmembers aside from my authorization, but I'm happy to be chairing it. And the time is 1:30, call to order.

Mr. Clerk, roll call please.

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, YUKI LEI K. SUGIMURA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ, AND CHAIR KELLY T. KING.

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR KING: Before we proceed, can I please request that all Councilmembers and all those present in the chambers silence their phones and other noisemaking devices.

And Mr. Clerk, the testimony please.

COUNTY CLERK: Madam Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

When testifying, please state your name and the name of any organization you represent. Please also identify to the Council if you are a paid lobbyist.

Currently, we have no testifiers waiting at our District Offices.

We have about 18 individuals signed up to testify in the Council chamber. The first person to testify in the chamber is Jason Economou, testifying on County Communication 19-523. To be followed by Sean Lester.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI:

Good afternoon. Aloha, Chair King.

CHAIR KING: Good afternoon.

MR. ECONOMOU: First and foremost, thank you for your year of service as Chair of the County Council. On behalf of RAM, we think you've done an exceptional job and we appreciate all that you've done for the County.

CHAIR KING: Thank you.

MR. ECONOMOU: So, thank you. I am Jason Economou, Government Affairs Director for the Realtors Association of Maui. I am a registered lobbyist, but I'm also an employee of RAM. I'm submitting this testimony on behalf of the Realtors Association and its more than 1700 licensed professional realtors regarding County Communication 19-523 and Bill No. 59.

Based on an abundance of public testimony, statements at community meetings, feedback from RAM members, as well as the Mayor's well-reasoned logic, I encourage the Council not to override the Mayor's veto.

Throughout the process of preparing and passing Bill 59, public sentiment has consistently been that the Council should conduct more education and outreach prior

to its passage. The Council has been somewhat responsive to this call for more outreach by going out and holding community meetings. But that is a step that should have been taken prior to passage of the bill as opposed to after the fact. The Mayor has given this Council an opportunity to get more community buy-in while highlighting a major concern regarding this legislation, and the Council should not pass up that opportunity.

As the Mayor pointed out in his letter dated December 19, the new "non-owner occupied" classification combines four very different existing classifications that currently all have different rates. Without knowing what the Council might propose as the new rate for the new "non-owner occupied" class, there is simply too much uncertainty for our taxpayers.

If the Mayor's calculations are even close to correct, it means some taxpayers will likely see a sharp increase or decrease in their taxes with no real expressed legislative purpose other than to make things less complicated for the County. Our tax, our taxpayers deserve a more thoughtful legislative process that involves their input.

On November 22, the day Bill 59 was passed, everyone testifying in the chamber asked the Council to conduct more education and outreach prior to passing Bills 58 and 59. Though the Council passed both bills in spite of public sentiment, you have been given another opportunity to listen to your constituents and provide the education they have been requesting. I understand that the Council is trying to accomplish a difficult task, but the public should be involved throughout this process and not just after the fact.

On November 22, Councilmember Rawlins-Fernandez asked the question, "how much education is necessary to pass any sort of bill"? There is no one answer to that question. But it should be more than a couple of community meetings the week of second and final reading, or after the bill has already been passed. It should be enough to help taxpayers understand if and why the County will be taking more of their hard-earned money. It should be enough to make us confident that you have our best interest in mind and that you know what you're doing. It should be enough to make the Mayor's veto unnecessary. It should be more than was conducted for Bill 59. Therefore, I respectfully request that the Council not override the Mayor's veto, and focus instead on crafting better legislation with public involvement.

CHAIR KING: Thank you, Mr. Economou. Any questions? I don't see any. Thank you for being here.

MR. ECONOMOU: Alright. Have a Happy New Year.

CHAIR KING: Happy New Year.

Mr. Clerk.

COUNTY CLERK: The next testifier is Sean Lester, testifying on all three resolutions. To be followed by Michael Tengan.

MR. SEAN LESTER:

Aloha kakou, Chair and Councilmembers. This is an interesting place that we're in. This is the people's chamber and it's an interesting thing to see the correlation with what's happening on the Federal level, the State level and the local level. With your heart being with Maui Nei, always watching what people do and where they're at, and always questioning where things are coming from, but the heart also has to have a place where there's a silence to listen.

My Hawaiian father always taught me that humbleness was really what this is about. Took me years after he passed away to figure out what humble meant. Humble means being able to have what you feel is correct, but to wait in the silence for what others have to say. Today is a day that I don't understand. There's a part of me that wants to react to that, and to protect, and dig and find out. But there's another part of me where my father is speaking to listen. And I would like to hear what's truly going on. And I think that, that Ed Lindsey would also like to know what was going on.

With that in mind, I'm here to support Kelly King. I've known Kelly for over 20 years, not just in this particular place sitting as a Councilmember, but also long before that. And one thing I know about Kelly is that she's an extraordinary person with a heart that's there to support the people. I've watched her sit in places where large amounts of transactions could be occurring, but yet, she took the right path. And I just want to acknowledge that, this extraordinary being.

Everyone sitting here is an extraordinary being, every single one of you. I know some from Dojo work that others don't know that the amount of work that people have to do to become a second-degree black belt. We have one of those sitting here on our Council. We have other people that work through, including a man whose father helped to bring this entire place together, Mr. Goro Hokama. Each one of you have this extraordinary ability.

And I'm taking three, so this will just be the end of my first one. The first is to acknowledge the fact that I believe the Council Chair should be able to have her Committee if she'd like to have it. So, that's my first; I have three.

The second part is I understand that there's an extraordinary complexity going on that we don't understand. And I'm going to ask you in your hearts to really take a look at what's going on. Are these the moves that you want to do? Is this what your heart is telling you what to do?

We had a gentleman that came before me that is a paid spokesman. This extraordinary County is inundated with money, and power, and position. The folks that are here that are in the people's house are here to speak for the people on a different and more profound level. When you've done your 60-hour week and you're tired week after week, it's the least common denominator as a human being that actually comes out. This has been my experience over the years of working with this chamber and other chambers. And I'm asking that that inner voice be the one that speak today.

As far as the Committee, the makeup of the Committee, which is the second point that I'm on now, I'm asking that the Chair be able to ask to have Councilmember Shane Sinenci as her Vice-Chair and to be able to make up the composition of that, that Committee as she see fit.

It's interesting this is happening today, because this is going to be in all probability the day for high tides. If you go to Lahaina, you're going to see part of the roads being washed away. If you look at the University of Hawaii projection on a three foot rise which now is coming at four times shorter period of time that we thought it was going to be, Kihei is going to be going away, a portion of south of the, of the, of the road and it's just going to be extraordinary here. Our infrastructure is going to be extraordinarily impacted within the next 20 to 30 years. So, the fact that the Chair is willing to move over skillfully into a position where she can make a difference, I really laud, and I really do back.

And the third thing, just as a person who, who has seen the extraordinary amount of work that this Council has done in one year. Now, I've only been watching this Council for a little over 20 years. I've been here for 30, but really watching the Council for a little over 20. And in my experience, just my experience, in one year there's been more done in this Council; extraordinary work. Money put towards affordable housing. Money put towards things that we really need. The ability to take money from, from the Tourism Authority which is pushing to get more tourists in and actually utilizing that money to start controlling that. You guys have just done a great job. And I really have to laud the Chair for working that.

And I'm working on my third now. Thank you. So, the third question or the third thing in my heart is, I would like to see the Chair have the ability to honestly make her own decision, as to which is best for her. Is it better? I know that the Chair has just had unsufferable *[sic]* losses in the last month; she lost her father, she lost her husband's father, and she also lost her son-in-law's father, all within about a month. It's just a lot of grief to deal with for anyone. And yet, I think she's handling everything very skillfully.

So, I want to thank you for your time. I thank you for the time of the . . . and ask that it is your heart that actually speaks today. A hui hou.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Michael Tengan, testifying on all three resolutions. To be followed by Cris Simmons.

MR. MICHAEL TENGAN:

Aloha mai kakou, Councilmembers, Chair King. I just wanted to take a moment to acknowledge all the great work that has happened, you know, in this past year. As Sean Lester has said, there has been a lot that has happened, so many things beyond even imagination. And under your leadership there has been an inspiration that has been felt through the community, part of which is why I really got involved with seeing someone doing good work on the ground, as many of us have.

And so, as I come here today, everything has a rhythm. Growing up in Waiehu, I grew up by the beach, so you know, fishing, diving, surfing. It's watching that rhythm. And as I paddled in high school on Maui and Oahu, as I raced in Oregon and then ultimately went to Okinawa, something comes to mind as we look at what's happening right now. This particular race was much like what we have here with the Molokai Hoe, except it was with a big heavy Japanese boat, which by the way is probably the most ineffective boat ever made. Super heavy, tiny little paddles; it takes a lot to move it.

So, we're in mile seven, and as we're in mile seven, there was concern for our steersperson. Steersperson was a . . . so 78 years old at the time. And so, he was fine. There was just concern that he was overtaxing himself. And so, we stopped and then we were changing him out. And as we were doing it, we were just not really paying attention to what was happening. Our boat continued to get closer and closer to these large protrusions of rocks. And so, he wasn't supposed to change out for

another seven miles, but we changed him out halfway. And so, what comes to mind is that we were in a steady stride. We had built up momentum. Again, really a very ineffective boat, yet we had a rhythm going. And as we did, all of a sudden, we came to a screeching halt. The fear that we were going to crash into the rocks, the speed and the velocity that we had built up as a team all of a sudden stopped.

And as we are looking at this time of transition, my hope is that with everything that has happened, that has been accomplished in a mere year of activity, I hope that it continues on. Because our community has been waiting, has been ready for this and is continuing to look to the Council to make these changes so that we can really look at supporting our people here to make sure that we have the absolute best life and lifestyle possible for myself, for my children, my children's children. So, let's move forward, imua, and let's please do it together in a pono manner. That's it. Thank you.

CHAIR KING: Mahalo, Mr. Tengan. Any questions?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Cris Simmons, testifying on the resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Gail Swanson.

MS. CRIS SIMMONS:

Thank you for allowing us to speak today. I would like to thank the Council for all the work that you've done. I have been following as close as I can. I'm, I travel a lot, but I am, I do pay attention. And I want to thank Kelly. I must say, speaking from my heart, I didn't prepare anything, but I was so shocked to hear that this was even happening. I was like I just found about it probably yesterday or the day before. And I was like, what's going on?

You know, we, I represent a lot of people of Haiku. We have a small family farm and, you know, we're, we think, you know, we're, we try to do what's right for the environment. My son testifies quite a bit. He's an activist. We kind of taught him to speak his mind as well. And he would be here, but he has, just had twin, twin sons, so he can't be.

But I must say I was really proud of Kelly when she got, when she decided to run for the Council. And I was really happy to support her, because I know how passionate she is and how much she really does care for the people on this island. And her record going back to the days on the school board, and playgrounds, and the stuff with kids is, to me, it's really about children and family.

And I just think that whatever is happening, I don't know what's going on with this politics stuff, if it's just kind of like coming over from Washington whatever but, you know, we got to all paddle the same boat. We're all, we all want the same things for our families and our children. And I thought Kelly was doing a great job. And whatever she decides to do, I will be there for her 100 percent, our family will.

I know the climate change is real. I know it's important to Kelly. We've talked about it. We've talked about a lot of things like that. And I think whatever committee she decides to do, we really will support her. So, I want to thank you again, for, and thank you. And keep fighting for us, cause we're going to fight for you. Okay. Thanks.

CHAIR KING: Mahalo, Cris.

Mr. Clerk.

COUNTY CLERK: Next testifier is Gail Swanson, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Annie Nelson.

MS. GAIL SWANSON:

Hi. I'm nervous talking here. I don't know why. But I'm just going to speak from the heart. I'm testifying on behalf of Kelly. I think she's; she walks the talk more than anybody I know. She spends all of her time dedicated to the things she believes in. She doesn't waste time. She doesn't dance around the drama. She gets stuff done and that's why I voted. And I feel like, I don't know, if you step down I kind of feel like I wasted my vote. We need you where you're at.

If you need to step down for personal reasons, I get it. And I hope whoever takes over is even a fraction of as good as you are. But I, I love having you as the Chair. And I think Maui County needs you as the Chair. I don't know if there's drama behind the scenes, but I don't really care. I just want the best person in the job, period. You're ethical, you're professional, you're a badass truth teller. You say it how it is. And sometimes people don't think that's sugar-coated enough. But again, I don't care, because I just want the truth out there. And I appreciate what you do.

If you want to stay as Chair, I want you there. If you want to do the Climate Change Committee, I absolutely believe you should be in charge of that. I mean, does anyone else in here own a biodiesel company and go, you know, stand up for the environment like that? Do we put our time into that? No. This is like, your record just stands for itself.

I want to thank you for everything you've done, cause I know it's, it's kind of a thankless job at times. And let's see, what else did I have? I guess that's it. I, I just think that you do what's best for the County and for all of us. And just as human beings, you are a stellar human being and I'm behind you 1,000 percent and I hope you guys are too. Thank you for your time.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Annie Nelson, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Nick Drance.

MS. ANNIE NELSON:

Aloha, Kelly. Aloha, Council. Thank you for letting us speak, letting us speak our mind. We, we all live on Maui. By the way, I live what Michael and Sean spoke of. I've probably lost 30 feet of property since '95, and this is real. And having Kelly on that committee and chairing it makes me feel hopeful, like I might be able to actually save my house and my family. I've been here 30-something years; I don't even know how many. But it's very real. And having somebody who's that effective chairing that committee means everything to me. I wish she would stay. I think it might have been emotional.

But also, this is coconut wireless, this is Maui, this is an island; so there are rumors. And I just want to say that my vote for Kelly was for an effective person. Having her step down, if its, rumors are true, for a kind of, you know, sort of, I didn't hire her to be Miss Congeniality, I hired her to get stuff done and voted for her for that reason. And she's doing it. And it's sort of like winning the Super Bowl and having the coach step down. Why would we do that? I don't understand that. It doesn't make any sense.

And I'm not interested in anybody's feeling. I don't care. I didn't hire or vote for anybody, which is actually hiring you, anybody on this Council because of your personalities; don't care. I've been in business with Kelly. I'm in business with Kelly. I've been on boards with Kelly. I know how effective she is. If I was on the frontline, that's the person I want with me. I've made that decision many times. She has been on the frontline with me.

And I think that to, if she wants to step down, I completely support Kelly to step down if that's what she wants. But if she's being pressured because of a, good old boys'

network or whatever it is; that's unacceptable. If she was a man doing what she's doing, you would all be lauding her for being so effective. She's a woman and we get things done, and she's proved that. And so, to, sorry, to have all this be even occurring is pretty unacceptable.

I think we need to rethink how we want to move forward in this County. We can be a whole bunch of things. We can move forward, as they say, paddling the same canoe, because either we evolve, or we don't exist anymore. And if you want to come over my house, you can see the difference and you can see what's happening right now, today especially.

I'll end it. I just want to say that if this is a whole bunch of high school stuff and about personalities, enough. We need somebody to get things done, she's done it. And I completely support Kelly and her choices. Thank you very much, though. Thank you for listening.

CHAIR KING: Mahalo. You might want to rescind inviting everyone over to your house, so.

MS. NELSON: Yes, you're all invited.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Nick Drance, testifying on the three resolutions. To be followed by Laura Harrelson.

MR. NICK DRANCE:

Aloha, Council. Kelly, I want to thank you for doing an outstanding job. You've conducted yourself with professionalism. And as the testifiers have said, your leadership, in my opinion, is exemplary. And I'm surprised and glad that another woman said that if you were a man you would be lauded. I was, I was thinking I shouldn't say that; I'm a guy, I'm not allowed to say that. I've heard that so many times, and I think that it's unfortunate.

In my prior testimony, last time, I was just using your committee structure as an example of girl power and how successful this Council has been in large part due to the fact that women are in government. And we need this so much on the Federal level. And we're seeing great, great results of having women here on the, in our government.

So, I think that you should go into executive session and discuss these things. I have spent so much time in a state of devastation since I got this news on Friday, and I've wrestled with that. I've struggled because I realize, okay, this is a time of miracles, and Christmas season, all that it means. And what I found is that I'm struggling to feel aloha in my heart, because it feels, I feel devastated, I feel heartbroken, I feel a sense of betrayal. So, to know things is one thing, but to feel them is another. And I had not struggled with something like this in over 20 years, personally. I feel devastated.

So, the only thing I can think of is that by challenging the Mayor and Corporation Counsel with the injection well litigation, that surely must have ruffled feathers. I can see that as being something having to do with a change in the organization here. Everything else that happened was exemplary.

I think that as far as other Council Chair options, anyone who voted against funding outside Council to determine the power of the Council, the four Councilmembers who did that, they wouldn't seem appropriate as potential Council Chairs. Anybody who does not owe their first allegiance to the integrity of this body, they have the right to their opinions, perhaps they made a mistake. But those people are not available for the Chair position as I see it.

As far as the committee changes go, if the Council has trouble executing the will of the people as expressed in the County vision statement and core principles, which I harp on all the time, it's the very foundation of the Maui Miracle website. It is the findings of Focus Maui Nui through the Maui Economic Board; the findings of the will of the people of Maui. This is what the people of Maui said that they want the future of the island to be. And so, the Council, Councilmembers, you are beholden to the public. And you, you are beholden by the duties required of your position in this body to uphold those values and standards that are in the core principles and, and vision statements. And I wish that they did appear beside the great seal of the County of Maui. And this is our future.

As far as the Climate Change Committee, if there's a challenge in this body upholding the core principles and values statements, then how can we have a Climate Change Committee where that's going to happen and it doesn't, it has to be consistent. Why have a Climate Change Committee and pretend that that's going to have teeth in it if there's not consistency with these other value statements that I mentioned?

So, I would like you to go into executive session where you can speak candidly to one another and discuss things, and I think come to an aloha environment. Thank you.

CHAIR KING: Thank you, Mr. Drance.

Mr. Clerk.

COUNTY CLERK: Next testifier is Laura Harrelson, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Rob Weltman.

MS. LAURA HARRELSON:

Aloha--

CHAIR KING: Aloha.

MS. HARRELSON: Kelly, Council, Shane. First of all, thank you for allowing me to speak. And I have to, this is my first time in these chambers, and I have a feeling it's not going to be my last. And to see this many people here on a Friday afternoon is really telling of how we, as members of Maui care. And as people have testified before me, we voted you in, Kelly, because you do represent change, you are change. And I too will stand behind you whatever you decide best for you and your family. But on behalf of Maui, and my family, and the people that are on the east side of the island, I also live in upper Kula, we need you in whatever position that is. Please don't leave, because you are a doer.

I travel a lot as well. And if I ever have a question of what's going on, on Maui, how I should vote, what I should do, what is happening on this island, this is the person I call. And there's no hesitation. And I can't say that of many people.

And I also believe that all of us who are here right now on Maui are here because we've been called home from another lifetime, whatever you want to call it. But we are here now to work together as one. And this is an important member of our community, and a leader. And I will follow, and I'll be by your side for as long as you need me. Thank you.

CHAIR KING: Mahalo nui, Laura.

Mr. Clerk.

COUNTY CLERK: Next testifier is Rob Weltman, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Mark Hyde.

MR. ROB WELTMAN, SIERRA CLUB MAUI GROUP:

Aloha mai kakou.

(Spoke in Hawaiian).

Chair King, Members of the Council, aloha. My name is Rob Weltman and I'm testifying on behalf of the Sierra Club Maui Group, on the resolution on electing a Council Chair.

As an environmental organization on Maui of more than 40 years, we have been pleased to see many steps forward by the 2019 County Council under the leadership of Chair King on climate change, smart growth, and many other matters of importance to the future of this island.

I'm just going to talk about one such matter. Many years ago, it was discovered that the release of treated wastewater into the ocean to the Lahaina, Lahaina injection wells was causing severe damage to the coral reefs. Sierra Club and others have been pushing to reduce and eventually eliminate the harm. The previous Mayor put money in the budget to reuse the wastewater for irrigation of West Maui resort landscaping. But the money was removed by the then Council.

The 2019 Council, in contrast has allocated significant sums to diverting and reusing that wastewater, also in Kihei. Healthy reefs are important for the fish and other wildlife who are dependent on them. But they're also vital for many other reasons as well. They protect our shoreline from the strong wave action. And they're also one of the main draws for the upscale tourism that Maui depends on.

We would like to thank Chair King and the Council under her leadership for moving to protect and preserve our unique and threatened marine environment. We hope the 2020 Council will continue the policy of investing in wastewater reuse to replace potable water in irrigation and for other beneficial uses such as fire prevention, and not return to the days of seeing the environment as an afterthought. Mahalo.

CHAIR KING: Mahalo, Mr. Weltman.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mark Hyde, testifying on all three resolutions. To be followed by Paul Deslauriers.

MR. MARK HYDE:

Chair King, I just want to say thank you for your service, my name is Mark Hyde, by the way, as Chair of this Council and for taking on big issues. You, you're unafraid. We appreciate that. I also want to thank you for your openness to me personally and to all of your constituents, for your ability and your willingness to listen, for your intelligence, your knowledge and integrity that you bring to this Council, and your dedication to our clear mission which you consistently cite that is our Countywide policy plan. That's your bible and I agree with you.

There's never been any doubt in my mind that your service on this Council is driven entirely by a strong desire to make Maui County better, and for no other reason. Now, if you are to become the Chair of a committee dedicated to the impacts of climate change and sustainability, you are the epitome of the right person, at the right time, and the right place, with the right background and with the experience to lead us as we face what I believe is the greatest existential threat to mankind in history of the world. Your entire career, I think, has led you to this place. And if that is where you become, I look forward to working with you anyway I can to make you successful in that position. So, aloha to you Kelly and to the Council. And best wishes for 2020. Thank you.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Paul Deslauriers, testifying on the three resolutions. To be followed by Miranda Camp.

MR. PAUL DESLAURIERS, MAUI PONO NETWORK:

Honorable Chair Kelly King--

CHAIR KING: Aloha.

MR. DESLAURIERS: --and our Chair, Members, Councilmembers. As director of the Maui Pono Network, we have been involved with a lot of different issues that impact our community. And Kelly King has consistently shown her support for issues that really matter for so many of the residents here. She's been very strong in so many different ways; in leadership and getting guidance for those who ask. And I want to first extend our continued support of Kelly no matter what you decide, whatever it is.

But I also would like to mention to the County Councilmembers if there is an opportunity for you to reconsider having Kelly continue to be Chair, I wholeheartedly support that reconsideration. We are an issue-based organization, so we'll continue to look at the issues and how the different Councilmembers vote. Because we see that that creates a distinction in terms of position and where some of the County Councilmembers are at. So, we will continue to do that. And our hope is that there will be unity as you move forward no matter what form it takes. But that unity be there for supporting these core issues that are so important for our community.

So, again, we will monitor. And if people who are supporting progressive issues in our community, we will support them. If not, well, we will oppose. But we're not a political organization in that sense. We are here strictly to look at the issues and the issues that affect our community and those who support those issues in a positive and uplifting way. So, with that, again, I just want to extend our support, and a hopeful reconsideration of having Kelly as, continue to be the Chair, because of really the great progress that's been made. And we hope that that progress continues and that you work as a unified group.

I just would like to conclude by saying that at the end of the elections in 2018, we had a unity celebration. And that unity celebration not only touched my heart, but touched the hearts of so many people, because they're on the stage together. It was a commitment to work together collaboratively so that we can resolve these long-standing issues within our community. My hope is that that unity that was pledged at that time continues in whatever form this County Council takes. And again, we will be monitoring and looking at your votes to see how you support specific issues. Mahalo.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Miranda Camp, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Bruce Douglas.

MS. MIRANDA CAMP:

Aloha, Council. Aloha, Chair Kelly King. I'm here, as most people, stunned and wondering what exactly is going on here. It's right after the holidays. It's a very hard time for people to be here. Most people are probably off-island. So, we all had to change our plans at the last minute to come down and try to figure out what's going on.

I, personally, I'm a realtor on the island. But I also, am an environmentalist. You can't care about the people of Maui without caring about Maui's environment. It's not possible. We can't survive without it. So, I am a huge supporter of Kelly King and other Members of the Council who have been effective. And I'm with the others, hopeful that if Kelly does step down from being Chair that things will continue. She's made so much progress. But I also am very worried that it's not going to be the same, and our Council won't be as effective. I don't know who would replace her, who could be as effective, but hopefully the next person will continue the work that she's done.

I do agree that she would be amazing for the climate, to be the Chair of the climate committee, because that is a really serious issue, especially on an island. But I just hope that the Council finds a way to work together and continue to be effective and to do the best work for all of the people of Maui and Maui's environment. Thank you very much. Thank you for your service all of you.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Bruce Douglas, testifying on all three resolutions. To be followed by Bobbie Patnode.

MR. BRUCE DOUGLAS:

Good day. Speaking on the restructuring of the committees. I want to start by honoring Kelly for this amazing work you've done. We, the people, really recognize your leadership, your dedication, that you stay on task, and you're not influenced by the big money interest, the self-interest, and all the other interests and purveyed within these chambers.

You're a visionary. You're one I really respect because you can see down the road and you can see what's, where it's going, and you can see the big picture. And that's a very rare in a leadership to have someone who is a visionary. We really need to honor our visionaries and people who can see those things, and see where we're going, and Kelly is one of those. And I question if any of you who have that level of ability to lead this Council. And I hope that you will, as suggested before, go into executive session and review what your decisions are and make sure that we're coming from the right reasons in why we're making these decisions.

What it feels like to, we the people, is this is a mutiny that's going on. This is a behind the scenes collusion, a total violation of the Sunshine Laws. You know, there's been

backdoor dealings, backdoor talkings, hands twisted, and all sorts of other things going on in the backrooms, which by the Sunshine Law should not be happening. Of course, the Sunshine Laws can be a two-edge sword. It also keeps people from talking to each other to work out what grievances we have between each other. People who started out as friends suddenly having backstabbing and other seventh grade level things going on. And we need to get into the level of an enlightened leadership and enlightened Council that's really working for the betterment of people, the aina, and the next seven generations down the road.

And so, I hope you'll reconsider that and, and find ways to work it out and reconsider having Kelly step down. Because, we the people out here really feel that this is a mutiny. This is not a natural progression of what should happen. This is power plays and backdoor dealings. And for every person sitting in this room is another 100 people standing behind them that would say the same thing. So, please work it and reconsider.

And as far as the Council, I mean having Kelly step down on that thing, I'm voting for all, working on all three, so I'm going to take another three minutes. These chambers been filled with self-interest for so long. There's been a lot of dark energy in these chambers over the years of people worried about their own self-interest progression where they're going to do on politics, the developers who standing behind them and funded their, their way in. It's a big piece in order to clear that out and really come into the enlightened leadership that we're all looking from Maui, who's the pinnacle. You know, the world looks to Maui for leadership and to be this crystal out in the ocean that can really be an exemplary of what can happen.

And this mutiny going on is, is a backdoor stabbing and we all feel it, and we all know it, and we're all watching. And it's important to put out how people vote. Put it out in the communities, so people can make their own decision when it comes to voting time for how people voted and what choices they made. But this, to everybody out there, doesn't feel good. We know what's going on and it's not right. And I really hope that you will take the time to really consider it, talk it out, you know, work out the feelings and emotions that are behind it. One of the hardest things to handle is what I call friendly fire; when people who you thought were your allies and people you're working together as a team suddenly switch and change. Those are the hardest ones to take.

I experienced that in SHAKA Movement; the inside stabbings that happen that, you know, you expect the people who are against to act that way but when people who are, are in your team and your loved ones suddenly turn on that, that's the hardest one to take. And Kelly has gone through so much in this last time, it's like, why would you do this now, after everything that we know, Kelly has just emotionally had to go through? I mean, she's doing exemplary job to hold that and still hold the love, and the light, and

the vision. This isn't the right time for it. This isn't the right time to spring it on the people right after Christmas when a lot of people . . . trying to not, you know, want to have their time with their families. You know, the timing, the violation of the Sunshine Laws, I mean all the people who done that really need to rescind your decisions, and you know, not vote if you've been doing things in violation and backdoor talking.

So, I ask you to reconsider this and really spoke from your heart. And don't be influenced by the power brokers, the big money interest, the Corporation Counsel's self-interests, and the other self-interests that have been driving this Council for way too long. Thank you.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Bobbie Patnode, testifying on resolution "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL AND DEFINING THEIR DUTIES". To be followed by Barry Rivers.

MS. BOBBIE PATNODE:

Aloha, Council, Chair. My name is Bobbie Patnode and I'm testifying on the resolution which defines the duties of the committees. With the change in Chair and the resulting committee changes, I believe we have an opportunity to improve our committees. I have testified in the past that I believe that agriculture and water should be combined. And today, we have a chance to discuss that again.

I'm a member of the Ag Working Group and we're working to resolve water issues as they relate to farming. I've testified to the Board of Water Supply relating to ag issues and are also working with the County Water Department. We all know how important is a steady affordable supply of water to farming here on Maui.

I'd like to recommend that ag water be added to Shane Sinenci's environment, ag and cultural preservation committee. It's a natural fit. And the synergy would help strengthen Maui's agriculture business. It also makes perfect sense to add the general plan objective, strengthen the local economy to the same committee as that objective deals largely with helping ag. And the ag park should also be in this committee.

Now that the Climate Change Committee will be addressing some of the big issues in EACP, I believe there will be time to dedicate to County agriculture and the thoughtful regulation required. I would include here, the referral of the Water Board's TIG report

to the EACP Committee, as well as other ag issues we've testified to them about. Let's make the EACP Committee able to deal comprehensively with agriculture. Ag should include the ag water issues. Together, they can be addressed to achieve the objectives for strength in the local economy and help our farmers and ranchers be successful. Thank you.

CHAIR KING: Mahalo. Any questions, Councilmembers? Thank you, Ms. Patnode.

COUNTY CLERK: Next testifier is Barry Rivers, testifying on the three resolutions. To be followed by Mike Moran.

MR. BARRY RIVERS, MAUI FILM FESTIVAL:

Changing my name is deer in headlights. This thing just caught me out of nowhere. And I tend to find, when I get the Maui News, I've been getting it since year one, you know, so I've been around for a while and this one so shook me. I thought we were really on the right track with Kelly. I mean, and the, and the new Council to be clear and to be appreciative as well. I've been here, I've seen many Councils over the 40 years, and this has sort of struck me as like the best ever, frankly. I've, I've expressed that sentiment to many people over the last number of months. So, it's a little bit of a, sort of a high surf advisory to be sort of dealing with this right now.

Don't know the back story, so I'm not going to even go there. But I do want to say, I've known this woman for 25 years. I've known her a long time. And she's only been honest and upfront and telling you what she thinks. And to me, from Brooklyn, that's how we like to think of . . . it's been a treat to just have her around and get straight, straight scoop and that we sort of knock things around.

So, I also do think that, you know, with the year 2020 coming up, it's a beautiful number; 2020. It's, it, it speaks of perfect vision. It speaks of visionary vision. And I think you bring a lot of that to the table. And also, an appreciation of the things that are, I mean, I'm an activist, environmental activist as well. You see the kind of films that, I run the Maui Film Festival, I don't know if I said that. I don't think I'm supposed to.

But anyway, you know, we have, we've been a certain kind of event here on Maui now for 20 plus years, which has tried to sort of open Maui's eyes, not that it's not being done in other ways, and people have their, have their ways of getting there. But you know, in our world, we just like to bring films that really open people up and make them think about things they might not ordinarily think, ordinarily think about. And Kelly has really understood that all the way through. She's been a real support of the Festival.

We share the environmental politics, I think, of a lot of, looking at the world in certain ways. But I also was so knocked over really. I guess it was my first deer in the headlights contact with the Council when she approached me and said, you know, we really love what the Festival means to Maui. We really want to support it. She knew just how dire the circumstances were, we were facing going into this year. And she stepped up and to your credit you collectively supported that as well. And you know, here we are now with our new Festival on the horizon in six months. It means a lot to a lot of people in this community, it means a lot to the way people around the world see Maui. This Festival, as small as it is, is a, has a, a reputation of being a crown jewel festival. You know, it's really about stuff not fluff, and likewise she's that way as well. And I like to think I'm that way.

So, it's been a pleasure being your friend for so long. I wish you nothing but the best in whatever you want to do. And it's certainly not too late to have a Climate Change Committee on the Council if that's where you prefer to spend the rest of your time. I love you. Bye.

CHAIR KING: Thank you. Thank you, Barry.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mike Moran, testifying on County Communication 19-523 and two of the resolutions. To be followed by Zandra Amaral-Crouse.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION:

Aloha, Chair Kelly King. I'm Mike Moran for the, speaking for the Kihei Community Association. First, we wish to express our mahalo for your outstanding representation for our district and our all-volunteer nonprofit for the past three years in, in countless ways, including this past year when you served as the Council Chair. Under your leadership with honesty and integrity, we felt this Council made extraordinary achievements and are very disappointed that you are resigning this leadership post.

On this item, which seems to have no identifying number but is headed "Election of Council Chair", we are baffled as we see no election taking place. But seemingly an appointment decided behind closed doors, allowing no sun to shine in. Was a secret election held? The community is completely baffled. Does not the Council, the County Charter require an election be held in chambers during a public meeting?

KCA was completely satisfied with how you functioned as the Council Chair, including your leadership in revising the standing committee structure to better reflect the general

community plans, general and community plans. But we support your decision to step down if you choose to do so as you head up a new extremely necessary one focusing on climate change.

Now, this leads us into the next item amending Reso. 19-5, establishing the standing committees. KCA believes the revised committees established at the beginning of 2019 were a vast improvement of what you had in the past. But this proposed modification with the Climate Change and Resilience Committee is a . . . decision and we believe you are certainly the one to Chair it. This may be the single most important matter for the County. We state this because so many, so many other issues lose much of their value without this first being addressed.

For example, while everyone seems to agree truly affordable housing is of huge import to Maui, how important is a residence if there's no infrastructure to support it? As roads give way to sea level rise and waterlines and sewage lines running beneath them are subject to devastation just as why having a domicile even mean?

Bringing multimodal into water and infrastructure, currently WAI, seems practical. The general plan objective of the WAI says improve physical infrastructure. Transit certainly relies on infrastructure, so bringing multimodal under physical into, in, infrastructure certainly seems to fit. But as our charge to South Maui and our infrastructure continues to lag behind continued development, we advocate that our resident rep have a spot on this Committee. Why not offer the same to the west side and have this new expanded Committee with all nine Members? Thus, this, this amended makeup of standing committees after a single year makes a good thing even better going into a new year.

Lastly, the County Communication, CC 19-523, with the Mayor expressing a veto. We encourage you to stand by your nearly unanimous decision on this matter and override the Mayor's veto. We believe it is long past time to evaluate the current property tax system, and this single step to begin a long thoughtful examination was thoroughly discussed first in the TIG, then in Committee before the full Council decision. We saw this as another example of how well this Council was functioning in 2019. To now deny this commencement of this process can be seen as the type of action why positive change fails over and over. We support this Council overriding this veto. Mahalo and Happy New Year to all.

CHAIR KING: Mahalo, Mr. Moran. We have a question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Moran for being here. I, I might not, I mean, I might have missed it, but did you say that was on behalf of the Kihei Community Association as a whole?

MR. MORAN: Yes, ma'am.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. MORAN: Yes. We, our, our board votes on what we were going to say, that's why it's always written down. They don't trust me to ad lib. It's verbatim.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. MORAN: Thank you for asking.

COUNCILMEMBER PALTIN: Just clarifying.

CHAIR KING: Mr. Moran, just one question for, on the veto override that the, your community, I mean, our, our community of Kihei is good with this without, because we haven't had a informative meeting yet. We've done it in some of the other areas. We haven't done South Maui yet, but you're, you're in favor of the veto override.

MR. MORAN: We certainly are. I mean we try and follow the process as much as possible. I personally am addicted to Akaku. When I can't see live, I'm watching at 2:00 in the morning when other people are watching entertainment. So, we feel that we are informed in that way.

CHAIR KING: Okay.

MR. MORAN: And we did feel that it was plenty of--

CHAIR KING: Okay.

MR. MORAN: --of information available to everyone.

CHAIR KING: I appreciate that, because I haven't heard from the community, anything different, so I just wanted to double-check.

MR. MORAN: Thanks for asking.

CHAIR KING: To, make sure they weren't waiting for a meeting. Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Zandra Amaral-Crouse, testifying on the three resolutions and County Communication 19-523. To be followed by Sandy Baz.

MS. ZANDRA AMARAL-CROUSE:

Good afternoon, Madam Chair and Councilmembers. I need to say that it took a lot to redo my agenda to be here to be here for this agenda. I'd like to start with resolution amending 19-5, standing committees of the Council and defining their duties. I think it is important for the Committees to define, for this Council to define the duties of the Councilmembers and the Council Committees.

But I think as important, if not more important, is that if you, an elected official, is going to be appointed to a Committee, you should be there. I realize that we say that your position is a part-time position. I also understand that you work really hard. Some of you are here before the sun rises and don't go home until the moon rises, and I appreciate that. But the committees that we are faced with right now in our community, and I want to extend a mahalo to Councilmember Chair Kelly King. She has kept this Council going.

I have been a part of this community for 67 years. I have gone to Maui Pine and Pineapple Cannery to watch my father being told how to vote. Someone standing at the gate and saying, "now, you remember yea"? So, I went from there all the way through. And some of you I followed you families. The Molina, Mike, your family; Riki, your family; and many other families.

Now, I think the problem with the difference with for my personal belief is, Kelly is kind of like a type-A personality. Something gotta be done, find out how, and get it done. And I think that this Council have a problem with that. Yes, some of you may be more collaborative. But let me ask you, is collaborative-ness as important as inclusiveness and getting the job done?

How many years have we been hearing about affordable housing? Hey guys, Mike, you started with the last Council when you, the last time you ran with giving, starting that down payment program. Thank you. Brought it up again, this Council did, under your leadership of Kelly King and the support of all of you. We're not asking you to like each other, because you are all so unique, you are all so different.

And I go onto my second item. Reset the clock.

CHAIR KING: Mr. Clerk.

MS. AMARAL-CROUSE: Okay, and that one is establishing membership in standing committees. Each and every one of you have very unique personalities and I think that you would be absolutely wonderful for the environment committee, cause I think that's something that you practiced in the community already.

But if in fact, first of all I'd like to extend my deepest condolences to you, Council Chair, for the loss in your family one after the other. I humbly have you in my prayers nightly and daily and thank you. And my heart goes out to you for that. And if you are stepping down because you feel you can better serve our community in this committee, then I would say you're more woman than I could ever be. You're more chairman than anybody on this Council can be.

But, and I will say this, if you are being pressured out, because there are some people that don't quite agree with the way things should be done, then shame on us, shame on us. Because our Chair, our chairmanship, our Committees, and each one of you goes beyond these chambers. There are thousands of your constituents in this community; 33,000 alone for Kelly King, that are counting on you as our leaders to get the job done. This is not high school. This is about my life. This is about the life of my kids and my grandkids. So, I humbly ask all of you who has been around a long time, is that good is that bad? I don't know.

But I do know you've got a chairwoman that has gotten more done in the short time that she's been our Chair. And I ran against her, I lost to her and I'm supporting her. But guys, this is not for Zandra. This is not for you. This is for the people of Maui Nui, Maui, Molokai, and Lanai; all of you and your constituents. So, I humbly ask you, whatever you do, get the job done; not for yourselves, not for your agendas, not even for Chair's agenda. But get it done for the people. You guys were doing such a great job to begin with. Something happened. Shame on you. Thank you. Kelly, thank you.

CHAIR KING: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Sandy Baz, testifying on County Communication 19-523. To be followed by Valerie Lasciak.

MR. SANDY BAZ, MANAGING DIRECTOR:

Aloha. Good afternoon, Chair King, Councilmembers. My name is Sandy Baz. I am the Managing Director for the County of Maui, and currently Acting Mayor. I'm here in

my official capacity representing Mayor Michael P. Victorino, who was unable to make it to today's meeting.

First off, the Mayor would like to express his appreciation to the Council, especially the Temporary Investigative Group for their efforts in reviewing and recommending changes to our real property tax system. Real property taxes are the largest source of revenue for our County. And that revenue allows us to provide critical services to our community. The assessment and collection of our real property tax revenues is essential to the financial security of our County. Changes not only affect the County, but also the residents and property owners that pay those taxes.

As the Mayor noted in his veto message, he is objecting to the combining of tax classifications as specified in Bill 59. The bill takes properties with dwellings, that are not homeowners, from their native land use based classification and combines them into a new classification entitled "non-owner occupied". The effort to combine the properties in the Residential, Agricultural, Apartment, and Conservation classifications into one may negatively affect long-term renters.

When evaluating the impacts of this bill, we noted that the single rate required, of those combined properties, would be \$5.92 per thousand of value in a revenue neutral scenario. What this means is that to maintain the same revenue for the County, all of the 10,842 properties in the residential tax classification would see an increase in their rate of 32 cents per 1,000. Of those properties, 8,435 have dwelling units. This means that there could be an increase of \$230.50 on average for these units that are either occupied by long-term renters or remain unoccupied for at least a portion of the year.

The Mayor is very concerned by this scenario and vetoed Bill 59 to pause the implementation of the changes. The veto provides an opportunity for the Council and Administration to analyze the impacts, the desired changes of these classifications, along with allowing the public meaningful participation in the discussion.

Rather than making corrections to the bill after being enacted like has been done in the past, let's work together to prevent unintended consequences.

I want to clarify the Finance Department's role in the TIG. Staff from the Department attended the meetings to provide technical expertise to the group, and not to make policy. Those policy decisions are made by this body in coordination with the Mayor.

Again, we appreciate the time and effort that Councilmembers and staff have put into reviewing our tax structure. It's not an easy task and the outcome of which not everyone will be happy with. What matters most is that we are making changes for the betterment of our community. Mahalo.

CHAIR KING: Mahalo, Mr. Baz. Any questions?

I just have a quick question for you.

MANAGING DIRECTOR: Sure.

CHAIR KING: How long would it take for you folks to, for your office or whoever is going to do this, to analyze the, what the valuation should be? Because the valuations are not what we're talking about; we're talking about the structure. So, you know, the first valuation proposals are going to come from the Mayor, so how long does that take--

MANAGING DIRECTOR: That's correct. So, our Real Property Tax Office, the Assessment Division is crunching through numbers right now. They're providing the information that's been provided in sales for the last year and taking that and applying it to the current structure. So, I'm not sure exactly when we're going to be able to have valuations. And then when the Mayor presents his budget in March, it's estimated. And then on April 19 is when the actual certified values become available.

CHAIR KING: Okay. But I, no, I understand that. But I just, I just want to make sure you, you know, you understand that that, you know, the first, the first proposals for the tax rate are going to come from the Mayor. So, you know, I wanted to make sure you had enough time if we do override to, to make those proposals so that they do have those protections in them and they don't, they don't overextend like I think you were talking about because we, we don't have any tax rates set right now. We're just talking about the structure.

MANAGING DIRECTOR: Correct.

CHAIR KING: Okay. Any other questions? Thank you.

COUNTY CLERK: Next testifier is Valerie Lasciak, testifying on resolution number 3 on the agenda. To be followed by Judith Levy.

MS. VALERIE LASCIAK:

Hi. My name is Valerie Lasciak. And thank you everybody for my opportunity to speak. I've come from many different places. I'm kind of an old lady. And each, each place I've lived I've always hoped that I would hear hopeful things; that they cared about the poor, that they cared about what happened to our land, that they cared about, they

meaning the government, that the laws were created so that we were protected and that life would continue in a very safe way, just the safety of life.

And each time that line was crossed, it was because somebody would benefit. So, drilling oil in the Pacific as, as an example. Someone proposed, pretty high up, that we might change the rules so that we could go into the ocean. And each time I thought, no I want everybody to be considering the consequence of that.

I want our government to care if we're going to live or die, if we're going to have a road or not a road. And I came here because my grandchildren live here. And so, I have something beyond my own life to live for. And so, I ask that we work together, that unity of purpose. The purpose is aloha aina. And I was hoping that here, after all the places I've been, that maybe there was a chance; that maybe we had a chance to actually aloha aina. Thank you. Thank you.

CHAIR KING: Mahalo.

MS. LASCIAK: And I say your business is an example of aloha aina. Does she want to make money? Is she a capitalist? Absolutely. But she said, I have the honor of doing it properly and I thank you for that.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Judith Levy, testifying on resolution number 3. To be followed by Debra Greene.

MS. JUDITH LEVY:

Good afternoon.

CHAIR KING: Good afternoon.

MS. LEVY: I'm Judy Levy. I am a, I'm speaking as a tutu. I'm speaking as a member of the farmer's union. I'm speaking as somebody who has had the privilege of moving here a decade ago. This was my eleventh Mele Kalikimaka. And I got involved right away as I saw the magnificence of this island. And I've been a small businessperson. I really feel, I agree with Valerie, I've always had ideas of what a utopian community could be, and Maui sure comes pretty darn close.

When we had our election two years ago, after a lot of hard work, enough of us realized that if we don't take care of this island, we're going to become this wasteland of, of tourism. And it, I'm here to support you, because you've just done an amazing job and it's been, I ditto everything that's been said. I don't know you personally, but we've met many times.

We really thought we were moving in the direction of sustainability. As a farmer, what I'm saying to young people is we have a chance to model sustainability for the whole planet now. Maui is where it's at. When Cuba was cut off, they all grew gardens. And so, for a while, Cuba was kind of a leading example.

Maui has everything going for it, except there's all this political doodoo that keeps rearing its ugly head, like with the water. Doesn't the water belong to the people? Can't we be, letting limits off of our precious water so that we can get some agriculture going, people?

Every time I drive to Kihei, Pele is talking to me, whoever did these fires. But she said, I prepared the land for you, why aren't we getting the hemp going? Why aren't we getting wonderful food going for our kids?

As a substitute teacher, I hear the story over and over again; there aren't places for teachers to live, so we never have enough teachers. And I think if we start putting our focus on taking care of who all lives here, and I had no idea that we've been talking about affordable housing for over many decades. We've got to do this, and we thought we were on the way to doing this and then there were these weird shifts. So, I don't know if the old boys' network. I went in to tell Mr. Victorino how unhappy I was about how he was handling, what we're going to put more crap in our oceans?

So, come on you guys. You have a kuleana and I hope that you wake up in the mornings with the wanting a legacy of I did the right thing for my people. And I pray that you let us newcomers continue to live here because I'm, I'm creating food on the property that I live on. And I just want you to do whatever is in your highest good, because I know all you care about is really taking care of the highest good of this island. So, I support you. I hope this wasn't, as Mr. Douglas said, a backroom really kaka deal. And I hope you can all sleep well at night knowing you're doing the pono thing. Blessings and mahalo.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Debra Greene, testifying on the three resolutions. To be followed by Lucienne de Naie.

MS. DEBRA GREENE:

Aloha, Chair King, Councilmembers. I'm testifying on the three resolutions. And I'm here to support Kelly King as Chair of Maui County Council or Chair of the new committee on climate change. In other words, I'm here to support Chair King in whatever capacity she wishes to serve.

Chair King has proven herself to be a most competent leader, upholding and enacting the values and principles decreed by the Hawaii State motto and reiterated in the County Charter; "the life of the land is perpetuated in righteousness". I've had the honor and privilege of living on Maui for 21 years and this is the first year that I felt hope.

Chair King consistently demonstrates her commitment to upholding that philosophy and the core principles and vision statements of the Maui County General Plan and Community Plan. Kelly King is an entrepreneur and a business leader. She's extremely intelligent. She's open and she acts in integrity. And she likes to get stuff done. That should be celebrated. I voted for her because she likes to get stuff done. I live in her district and I'm so proud that she's my representative.

Chair King is not a quitter, so it came as quite a shock that she would step down from her duties as Chair of the Council. Clearly, there were forces at play, things going on behind the scenes. This became even more evident when a special Council meeting was called during this holiday time, during this holy day time. What is going on? We deserve to know. We have a right to know. I hope you guys can work it out and keep the momentum going and the hope. Thank you.

CHAIR KING: Mahalo, Ms. Greene.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lucienne de Naie, testifying on the three resolutions. To be followed by Joy Hosseinian.

MS. LUCIENNE DE NAIE, SIERRA CLUB MAUI:

Good morning, Council. My name is Lucienne de Naie. And I'd like to address, first the restructuring proposal for the committees. I agree very strongly with what Bobbie Patnode said; that as long as we're looking at changing around committees, we're

making a very big committee out of the Water Infrastructure and Transportation Committee. It's going to have a lot on its plate.

And ag water issues really belong more with the committee that is working on agricultural related issues. It really makes sense to put these two together and look at solutions together. This was recommended by the Ag Working Group, who is, from my experience, a group of dedicated and extremely knowledgeable people who have like on the ground knowledge. These are people that are ranching and are farming, that are dealing with the day to day realities of agricultural pursuits all over the island. And I think their advice should be taken.

Also, in looking at the new proposed committee, I agree with Mr. Moran from the Kihei Community Association. You have a committee that centers on, at this point, water infrastructure and transportation and you have no sitting members who can vote from the two most fast growing impacted areas, West Maui and South Maui, that have a vote on this committee. This simply does not make sense. I'm very happy to see my representative sits on this committee. But, boy if I lived in West Maui or South Maui, I'd go, we don't have infrastructure challenges? We don't have the need for better drainage plans, for transportation planning. Wow. Where, where's my person on this committee? So, that really should be looked into.

Perhaps the solution is to make it a nine-person committee. And this, this happens. You know, years ago, we set up a special committee for the consideration of the Maui Island Plan and it had seven people on it. And I was up here testifying saying hey, you know, all nine districts are going to be affected by the Maui Island Plan. You should have nine people on it.

At any rate, very, very much support the, forming a new committee dealing with climate change and resiliency, which is the key. We must plan for how we can adapt and how we can avoid impacts of climate change. I just came back from French Polynesia. We were on water rationing on island the size of Lanai, the population of Lanai. Two years ago, the rivers flowed there, and it was a wonderful lush place. Since then, no rain has come and so people are living with water rationing every single day. The water is available only a couple hours a day for thousands of people.

So, there are realities out there that we need to have solutions for. So, I commend Kelly for however she can make this committee work, commend her for her service as Council Chair. I too, you know, thought she was really getting stuff done. And I trust our Council in their wisdom will move forward. But please don't have a committee that concerns itself with our major issues that leaves off two of our sections of the island. Thank you.

CHAIR KING: Thank you, Ms. de Naie.

Mr. Clerk.

COUNTY CLERK: Next testifier is Joy Hoseinian, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Shelley Paul.

MS. JOY HOSSEINIAN:

Aloha, esteemed Council. My name is Joy Hosseinian and I live in Kihei. I'm 68 years old. I still work full-time, and my company provides physical and behavioral healthcare to Medicaid recipients who live on Maui. I've taken time off today to come and testify in support of Kelly King.

I stand for what is pono. I support the protection of our lands, our air, our waters, our animals, and most of all our people. Kelly has represented what is pono and has been a voice of the people when some of you on the Council have represented political expediency. I want to personally thank Kelly for her leadership on the Council and for her courage. I'm very sad that she is stepping down and I fully support whatever she wants to do. Thank you, Kelly. You represent me, you represent my ohana, and you represent the voice of the people on Maui.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Shelley Paul, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Rita Ryan.

MS. SHELLEY PAUL:

Aloha, Councilmembers and Kelly.

CHAIR KING: Aloha.

MS. PAUL: -- pleasure. I just want to say I'm a visitor to Maui and I'm a retired teacher from Canada. And in my classroom, I used Maui as a model for change and for it being small enough to be the voice of the people, that the people are represented and could be heard. And it was almost like the little engine that could. So, I've been visiting Maui, my heart is in Maui. And I've been to different meetings on behalf of the environment,

and the water, and a strong supporter of the Sierra Club as well. And I just want to say that I no longer teach, but I don't think I could use Maui as a model anymore and it hurts my heart to say that.

But I've seen the corporate greed. I've seen conditions of the reefs. I've seen the changes over the years. And yes, there's a strong advocacy group in the people, but I'm not sure you're listening. And I just want to say that the world is watching. It's, it's, it can be the pinnacle model for change and for the people. But I see the Hawaiian people moving from the island who can't afford to live here anymore. I see the low-cut airfares to this beautiful island, the traffic, and all the problems that it causes with over-tourism.

And as much as I am a visitor, I want to keep this island pristine the way it is supposed to be. And I hope you do too. So, please, please, anything you can do to help Kelly, please. Thank you.

CHAIR KING: Thank you for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Rita Ryan, testifying on the resolution establishing the standing committees. To be followed by Kecia Joy.

MS. RITA RYAN, CLIMATE REALITY PROJECT, HAWAII CHAPTER:

Aloha, Council, all the Members of the Council, and Chair King. I hope I can say that again; Chair King. I want to thank you all for last week; unanimously passing the resolution to declare a climate emergency. We're all benefitting from that. It was a beautiful thing. I, I am, by the way, I'm with the Hawaii Chapter of the Climate Reality Project. And I have to give monthly reports about what we're doing in our community, and then end of year report. And I was really stressing over what my end of year report would look like, what kind of climate action we have taken. So, now, I can proudly say that we have declared a climate emergency and we're going ahead with a climate action committee.

And I'd like to make an amendment. I don't know if this is the proper forum to make an amendment. Climate change is sort of a dated term. It's a climate crisis. It's a climate emergency. Climate change is, it's a soft term. And most of the groups now are using climate emergency, climate crisis. So, I would like to propose that instead of calling it the climate change and, I think resiliency or sustainability, that we call it the climate action committee. Because I think what it really needs to be about is climate action.

We've, we've set our intentions this year, and we've done that really well. We, we voted into the Paris Climate Accord, even though nationally our Administration wants to pull out of that. We declared a climate emergency and now we are going to take action and that is what this new committee is all about.

I can think of no better person on this island to chair that committee than Council Chair King. She's been devoted to the environment far before we were talking about climate crisis. She's been in the renewable energy sector. She's made her right livelihood there. She's an authority on clean energy. She's exactly the kind of leader we need in these very, very difficult times.

I don't know what the shenanigans were that was going on that caused Chair King to step down. All's I want to say about that, I, I've worked in, in government, in State government and I know, I know all about guava happens, right. So, but what, what I want to say is, is about transparency. We need to know. We need to know. Everybody is slamming the, the committee and we don't even know what happened.

So, so we just need more transparency. And when you were first elected and I came at the very first Council meeting, I talked about government transparency. I had a really hard time even finding any information on the website. I'm still having that problem, you know, finding, you know, we can find the agenda but not a whole lot more information about what's being discussed.

So, I want to thank you, Chair King and Climate Action Committee Chair King, hopefully. And I'd also like to thank Shane Sinenci, who in his freshman term has been a real leader for the environment and for the climate. Thank you.

CHAIR KING: Mahalo, Ms. Ryan.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kecia Joy, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by C. Rose Reilly.

MS. KECIA JOY:

I want to thank you all for your amazing service, dedication, all of you; your time, your energy. And I definitely want to thank you, Kelly, for everything that you have done. My name is Kecia Joy and I'm speaking as a 20-year resident and a marine biologist and an environmentalist. And I live in your district, Kelly. And I've had many beautiful, positive interactions. I think you're a real go-getter and you get things done. And I

know that you've been going through some personal things. Some loss can do a lot to our physical, mental, spiritual being. And so, whatever has, has happened in the way of disharmony, I'd just call in some way, I think someone spoke earlier of, of having the time to sit and really discuss openly. I love your transparency and authenticity, and I think we need more of that. Thank you for saying the transparency in all that's going on.

We, we all do want to know what's going on and I'm not sure how it was decided who would replace after you step down. I'd like to know how that was decided. I'm not sure that I would want, you know, who was decided. I may want, you know, different people, Keani I'd love to see you up there. Or Tamara, I love you, I would love to see you up there. And Shane, you know, you know, the people that I feel your hearts, I feel that you are here for this aina. I feel that you represent, just as Kelly does, the people more so than some I guess developers and the greed that comes in to take what is so precious on this island. There's magic here. And I'm really impressed by everyone who's showed up today.

I know I have friends and family from out of town. They're at the beach having a great time and here I am here. And many of you have work and jobs, and thank you for taking your time to come and speak your hearts, because this is what we are intending to do. In 2020, we're going to keep standing here and speaking to you. And we're going to keep asking you to protect the people, the land, the water, give it back to the people. And thank you again for your service. Appreciate, Kelly, everything that you've gotten done. You've done extraordinary work and I really hope that things can get worked out. Mahalo.

CHAIR KING: Mahalo. Mahalo nui.

Mr. Clerk.

COUNTY CLERK: Next testifier is C. Rose Reilly, testifying on all three resolutions. To be followed by Phyllis Robinson.

MS. C. ROSE REILLY:

Aloha. Hi. This is stress of me thinking about Yukilee *[sic]* as the chair of the committee. We've already endured years of oppression through the Mike White years. I affuse *[sic]* acknowledge that Kelly King would step down for anything in this capacity. Like, I just cannot handle. This is too important. The Chair handles so many things. It's such a complicated position and it is important for the whole rest of the Council to function.

If we need someone to run the environmental action committee, then we have other people who can do it. I would love to see Shane Sinechi [*sic*] do that. I would love to see Keani Rawlins or Tamara Paltin do that. You know, there, it's a new committee. They have access to unlimited information of how to run these islands effectively and beautifully. And not that I wouldn't think that Kelly King wouldn't do an amazing job in the position, it's just that we can't sacrifice you as Chair in my opinion. Like, I cannot see it happening. That is like the ultimate for me, because it affects so many things.

The climate change is just getting started. We've got things that we're dealing with that are long term colonial issues. Like, they turned Africa into a desert. I'm from where the river caught fire from pollution. I'm from where the rivers and oceans are trashed from this, you know, western idea of how to run the planet that is looking to kill the children of everybody.

So, it's not an optional thing that we allow someone so well-trained, someone so well-equipped, someone that cannot be replaced because of the amount of time and energy invested already in the chair. It's like saying, you know, that someone else could manage resources better than the kanaka maoli. It's not happening. Like, they know how to do it. They have the heritage and knowledge to make it happen.

Like, the, these, this thing is a crisis, right? It's a crisis in like all of our minds and hearts in that, you know, to have such important things be treated as if we're still escaping the beginning of, you know, the end of settler colonialism in Hawaii. And it's just like everybody has to remember who helped them the most was the Hawaiians.

And that, you know, we're looking at a time when people are looking to Hawaii, because the Hawaiians invested so much back into their land for so long, they're still able to see it. I'm afraid that children won't know what clean water looks like. I'm afraid that people don't know what clean water looks like now. I'm from Kauai, where the water is pristine or was until all of this, you know, trashy ag got their hands in other people's minds of like don't you want all this extra at the expense of the blood of your community, and they said yes.

CHAIR KING: Thank, you for your testimony.

MS. REILLY: Thank you.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Phyllis Robinson, testifying on resolution entitled "ELECTING THE COUNCIL CHAIR". To be followed by Faith Chase.

MS. PHYLLIS ROBINSON:

Aloha, Chairman King,--

CHAIR KING: Aloha.

MS. ROBINSON: --Councilmembers. Nice to see you all. I think I concur with, with Barry Rivers when I felt like a deer caught in the headlights when I heard that Kelly might be step, stepping down as the Chair of this Council. And like the rest, I, I would love to know why this has happened, particularly since back in July, Kelly's newsletter reflected a spirit of collaboration. And I'm going to quote her in that. It says, "Collaboration is the key word for this quarter. The successful budget process was due largely to all of the Councilmembers working together. The process began with each Councilmember submitting five top priorities and concerns, which were then discussed openly in Committee. This led to a collaborative goal-oriented process that resulted in meaningful support for many community challenges that Councilmembers have been promising to tackle for years".

So, I want to know what happened. I think all of us want to know what happened between July and now. So, if it's a done deal and Kelly is going to step down and she's going to become the Chair of a committee that is so important to the entire species called humans, which is, I think they called it "climate action". I like that, you know, climate change may not describe it. And if that is the direction that Kelly wants to go, then I respect that. But I just so admire Kelly's leadership. She's gotten so much done in this short amount of time. And I know it's been with all of you. So, tell me and tell us what is it that took place. I wish you could all work it out. I want Kelly as our Chair. Thank you.

CHAIR KING: Mahalo, Ms. Robinson.

Mr. Clerk.

COUNTY CLERK: Next testifier is Faith Chase, testifying on all three resolutions. To be followed by Sam Small.

MS. FAITH CHASE:

Aloha, Chair,--

CHAIR KING: Aloha.

MS. CHASE: --Council. I, I, I'm not going to lie. I'm like scared and excited. I don't know if that equals freaked out. But I, you know how much I appreciate the things that you've done. I'm not going to, I'm not going to compliment you; I've done that since I've met you. Actually, I, I, I might need to, I need to contradict a lot of some of the testimony that's been made thus far. I'm very intimate with the Sunshine Law, without divulging into some personal lawsuits around the Sunshine Law. No Sunshine Law has actually been broken here. And if anybody wants to look it up, it's 92.2-5(a).

That being said, if there is a Climate Action Committee, you're definitely the right person for that. In fact, that's the exact premise in which we met. We shared a stage for, as waste stream specialist at the college. So, I know you're perfectly geared for that. Depending how this goes, I'll be the first one that has the email asking for a meeting to be on a resolution to be on a, on a agenda. I can guarantee you there's a lot of good ideas that me, you and I both know that need attention, so that's the excited part.

The, the Chair part, Alice Lee, forgive me. I know I'm supposed to address the Chair. This is a strange yo-yo I feel. But you remember when the Maui News prematurely announced you Mayor. They closed up the shop and they printed the paper? And then you had to run into everybody including my mom and grandma, like, oh congratulation, you when win yea? And you had to tell everybody you ran into, oh, yea, sorry, Maui News was wrong, I never win.

Okay, that feeling is what I'm scared of. Is that I've been bragging about this Council from, from the day I came to compliment you guys to say, hey, great choice on a, a Chair. I don't want to be that, I don't want to be you that day when Maui News prematurely announced you winning. I don't want to have to go and tell my whole community. Cause, you know, we all have, I know this room and us, we all have so many people in our lives that don't know beans about what's going on politically. And we, they just trust us, you know, to tell them and fill in the gaps. I don't want to be that person who has to go when they say, oh, what the hell is going on, Faith? I thought you said that this is the best Council had for, from forever. I don't want to be the one that says, oh yea, sorry, I was wrong, just like the Maui News. I don't, you know.

So, I plead that you, if this is really happening and that you're Chair, that you, you just, you, you be diplomatic, and you be fair, and you exercise, you know, conscientiousness. And, and I don't have to come and cry and complain and that, and things are fluid. And you definitely have that, excuse me, you definitely have that tenure. You definitely have that experience and I see it even just sitting as a Committee Chair and then as a

Council; I see it. You know, and, and I love that that you go there, that you're like don't tell me, I've been here already. I love that and so I really hope that that's possible.

The water committee, I, I'm sorry, I beg, beg that it goes into the Environmental, Agriculture, Preservation Committee. The transportation committee is way too busy. Let me just put it that as politely as possible. I mean, fix the Hana Highway and then you can add something to your committee. You got too much to do in that, in that transportation committee.

That's all I have to say. But I just, I, we are so on the cuff of greatness. We are so close. And I'm frustrated, and I get angry, and I get perturbed, and I get, I not going cry. We, I'm, I'm not kidding. Even with our differences, I see you guys, you know, talking to each other and in the hallway. And you guys are so great about, you know, beefing it out on the floor, but then just saying aloha, Merry Christmas, and happy birthday and all that kind of stuff in the hallways. It's amazing. So, I don't, like, whatever you can do to salvage those personal friendships and relationships and get through this, do it please because,

I, I've lived here my whole life. And I promise I, I was here testifying to Goro Hokama, I mean, when I was little. And I watched my parents, you know, with the international airport and the Hana Golf Course and it goes on and on and on. My baby slept under the benches that used to be up here with a fever, you know, staying here until 11:00, you know, testifying for things. I've been here for a really long time.

This is a really great Council. You guys could do this. Maui is on the map, and we have so many things to do. We have so many things to do. And I swear, if anything, if anything, I'm, this is a threat, if anybody colors outside the lines, I will pitch a tent out there. I will. And I'll be here at every Committee meeting and you'll be so sick of me. Happy New Year.

CHAIR KING: Thank you, Faith.

Mr. Clerk.

COUNTY CLERK: Next testifier is Sam Small, testifying on the three resolutions. To be followed by Hannah Bernard.

MR. SAM SMALL:

Good afternoon. As always, it's an honor to be participating in the democratic process. Thank you all. You know, it had been my greatest hope that this Council would move

beyond the past Council's politicization, is that a word, of the Chair's position. But I guess the Mike White model of abuse of authority still exists today. It sure seems that this action was a result of a violation of Sunshine, just like Mike White did to remove Gladys Baisa a few years back. As a citizen, I want transparency.

I want to see whatever petition was circulated amongst the Councilmembers to make an example of such bad behavior, to stave off the possibility that such abuse ever happens again. I appreciate Kelly King's willingness to confront Corporation Counsel's decades long manipulation and control of Maui County. I honestly don't understand at all why any of the Councilmembers voted against securing your own independent lawyers to confront Corp. Counsel advising the Mayor that he has the authority to override your votes. That's a new interpretation of where the power lies in this county, in this County.

And those who rolled over have disempowered this Council in ways that will reverberate for a long, long time. That really scares me. Everyone knows that Corporation Counsel has been running this County for decades. And those of you who are willing to do the very hard job of liberating the County from their manipulations will have my undying support. Transparency is what is needed.

The Auditor is, I'm told, getting ready to deliver his analysis of the historic three-lot deferral agreements pretty soon. I expect that that could lead to new rounds of litigation. Because I've studied the fraud that's gone on through those agreements. The bogus two-lot exemptions from Corp. Counsel's blatant manipulation of the 2015 Upcountry Water Bill, which everyone acknowledges was never intended to be applied countywide, are continuing today. It has not been resolved.

Developers are being given a gift that no one ever intended them to receive. That's a rabid dog that will come back to bite this Council. The loopholes that you can drive a truck through still exists now in how SMA permits are administered. Ms. King had the, the, the, the braveness to put SMA on as an agenda item; SMA, how they're handled needs to be revised. And close those loopholes that allow for fraud.

Whoever takes over as Chair, I hope will be open to transparency and be willing to plug these loopholes that allow it, really a small group of exploiters to exploit our tax roles and our environment. You know, it's, it's not against development. It's against developers who play the system to exploit their role as developers. There's an honest path to development. They should not be able to have secret deferral agreements and secret exemptions. If they want to have a benefit, let it be constructed by this Council in the light of day, not done as a, a, a, as a charade of, of public participation. Let the chips fall where they may for those few licensed professionals who have committed

fraud in the past on behalf of their wealthy clients. Corp. Counsel continues to protect them, and we all suffer because of it. Thank you.

CHAIR KING: Mahalo, Mr. Small.

Mr. Clerk.

COUNTY CLERK: Next testifier is Hannah Bernard, testifying on the three resolutions. Ms. Bernard is the last individual who has signed up to testify in the Council chambers or at the District Offices.

CHAIR KING: Thank you. Is there any other folks wishing to testify, please sign up now in the, in the lobby outside.

MS. HANNAH BERNARD, HAWAII WILDLIFE FUND:

Hauoli maka hiki hou. I am Hannah Bernard, Director of Hawaii Wildlife Fund. And again, like everyone else says, I feel very privileged to be here and grateful. Thank you, Councilmembers and Council Chair Kelly King for being here and receiving our testimony. I apologize for my casual dress today. I basically jumped off a boat and jammed over here. I spent the day teaching our visitors about our reefs, and their status, and how they're doing. And yea, they're affected by this climate crisis that we're living in. And there could be no more important committee that needs to get going and get going right and with unified support on decisions that get made to take action, then that.

And so, like many testifiers have said already, I'm excited at the potential that that Kelly King could be Chair of that committee, but dismayed and perplexed that she would no longer be the Council Chair. And don't know, like everybody's saying, not, not really understanding this process and what's going on. But regardless of whether we get to find out if there's more to it than what's already been revealed to us or not, I just wanted to add my voice of deep, deep grateful acknowledgement of you, Chair King, for your courageousness, for your willingness to stand up for us, for Maui community, for the aina, for everybody, for the teacher, for our environment.

It wasn't easy to, to spend the time that's been spent during this past year on our injection well lawsuit issue and holding this Council to the level of responsibility that they stepped up to and asking for that lawsuit to be withdrawn from the Supreme Court's purview. And, and that was a huge, that was a huge credit to your leadership and those who voted in favor of withdrawal of the lawsuit.

And yet, here we are in the middle of a crisis. Literally, the County of Maui is facing almost a civil war because of what the Mayor has decided to do. This is a challenging time to lose such a, such a well-balanced caring Council Chair.

And, and so, I, I have no doubt that the decision was considered. And if it was really truly yours to make, that I honor that and respect that and just really hope that you are going to be chair of this climate change, which we all should call the climate crisis committee. And, and that the water committee should, I mean, the, yea, the water committee should be in ag and not in transportation also. And once again, thank everyone for all of the good work they've done, and acknowledge your great leadership. Mahalo.

CHAIR KING: Mahalo. Mahalo, Ms. Bernard.

Mr. Clerk.

COUNTY CLERK: Next testifier is Stephen Beidner, testifying on the three resolutions. Mr. Beidner is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MR. STEPHEN BEIDNER:

Good afternoon, Madam Chair and Councilmembers. My name is Stephen Beidner. I just have two main points. First, I would like to lend my support to, to Council Chair King. And I would say in light of the overwhelming support that has come out today, I would hope that she and the Council reconsider your decision. If it's truly something you want, as other people have said, I totally support that. But if you're being forced out, I think it has the effect of overturning the last election and I don't support that.

Secondly, I always thought the function of the Council Vice-Chair was to take the place of the Chair either in a temporary situation or in a permanent situation, just like a Vice-President or a Lieutenant Governor. It's probably the, the only function I would think of the Vice-Chair. So, I'm a little puzzled if we are to believe what the story says in the Maui News about a different person being elevated. No disrespect for Councilmember Lee, but I would say my preference is for Kelly King to be staying as Chair. But if she decides she wants to leave, I would support the elevation of Council Vice-Chair Rawlins-Fernandez.

I mean, some might say, well she's only a freshman, but I don't know everybody's bios, but she seems to have, be probably the most educated person on the Council.

Certainly, one of the most, the smartest people on the Council. And with her Chair of the Budget Committee, I'm sure has a vast knowledge of all the aspects of County government. So, again, my preference is for leadership to remain as it is with Council Chair King and Council Vice-Chair Rawlins-Fernandez. But if there has to be a change, I would, I would like to see Council Chair Vice-Chair elevated. Thank you very much.

CHAIR KING: Thank you, Mr. Beidner. Okay, is that, oh, we have one more testifier in the chambers.

Mr. Lau.

MR. JASEE LAU:

I want to go to the neighbor islands; check them to see if there's anybody else come in yet. Okay. Thanks.

CHAIR KING: I think our Clerk's monitoring.

MR. LAU: My name is Jasee Lau from Kula. Just like Mr. Hokama, I know he's not sleeping, I was hoping for a short meeting. I didn't know anything about Ms. King when she took Mr. Victorino's chair down there on the end. You've done a pretty good job, Madam Chair, except for one thing. You're not supposed to let people applaud at the testimony. I welcome you and your staff back to the eighth floor. Happy New Year 4718, the year of the water rat. And unlike one of the previous testifiers, I think Yuki Lei Sugimura would make a good Council Chair with her experience.

CHAIR KING: Okay. Thank you for your testimony.

Mr. Clerk.

COUNTY CLERK: Madam Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony and we have received written testimony.

CHAIR KING: Okay. So, it's 3:30. Members, we'll take our break. Ten, Fifteen minutes, what is your pleasure? Fifteen, fifteen minutes? Okay. So, we'll return at 3:45.

Mr. Clerk.

COUNTY CLERK: Madam Chair, if we can just receive the written testimony into the record and close public testimony. Thank you.

CHAIR KING: Okay. So, if there are no other testifiers in the chambers, Members, we have written testimony. Is there, are there any objections to receiving that into the record?

MEMBERS VOICED NO OBJECTION.

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

1. Jason Economou, Realtors Association of Maui, Inc.;
2. Nick Drance, The Maui Miracle;
3. Francine Aarona;
4. Katharine Ayers;
5. Barbara Barry;
6. Tom Blackburn-Rodriguez, Go Maui, Inc.;
7. Tom Croly;
8. Susan Douglas;
9. Barbara and Michael Gach;
10. Bob Hansen;
11. Sulara James;
12. Davin McKinley;
13. Marley Rutkowski;
14. Hugh Y. Starr; and
15. Pamela Tumpap, Maui Chamber of Commerce.

CHAIR KING: Okay, so ordered.

And if there are no other testifiers in the chambers, is there any objection to closing testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Testimony is closed. We'll be on break till 3:45.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:27 P.M., AND WAS RECONVENED AT 3:48 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER SINENCI, EXCUSED.)

CHAIR KING: Alright, it's 3:48. The special Council meeting will reconvene. Today is December 27, 2019. And we have all eight Councilmembers. Mr. Sinenci is on his way down.

Mr. Clerk, we have resolution. We don't have names attached to the actions, but please, can you proceed with reading the first resolution?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: May I request that the County Communication 19-523 be moved to the front of the agenda?

CHAIR KING: Are there any objections?

COUNCILMEMBER LEE: Second.

COUNCILMEMBER MOLINA: Second.

COUNCILMEMBER HOKAMA: Objections.

CHAIR KING: Okay. We have an objection. Do you want to make a motion, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR KING: I, I mean, we have an objection, so we have to take a--

VICE-CHAIR RAWLINS-FERNANDEZ: Vote on it.

CHAIR KING: Right.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO MOVE COUNTY COMMUNICATION 19-523 TO
THE FRONT OF THE AGENDA.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Lee.

Any other discussion on the issue?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I'm just curious. I want to hear why.

CHAIR KING: Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The reason is so that we can just decide and get that done with.

CHAIR KING: Is that satisfactory?

COUNCILMEMBER SUGIMURA: That's her reason?

CHAIR KING: Right. Any other discussion?

Ms. Lee.

COUNCILMEMBER LEE: I support the motion because this hopefully won't take very much time. And that's probably the reason why the movant made the motion. I can imagine that, you know, the Committee discussions will be very, very lengthy.

CHAIR KING: Okay. Any other discussion? I just, I'll, I'll just say that I speak against the motion because we don't have anybody here on the floor for that, you know, representing the Mayor's Office right now that's waiting. But we have a lot of constituents in the chambers who came for the first three items and are waiting for, to see the decisions on those. Any other discussion?

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I'm with my colleagues, Ms. Rawlins-Fernandez, and Ms. Lee with bringing this up front. I'm sure the Administration is watching what's going on here. So, if anyone needs to ask the Administration questions, so be it. I don't have any questions for the Administration. And I believe this will not, the discussion on this will not take as long as the previous, the three resolutions itself. So, I'm okay with putting this at the front of the agenda.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

CHAIR KING: Yea, that wasn't my concern. My concern was that we don't have anybody waiting for that issue to be settled in the chambers. We have people waiting for the other issues to be settled, so it wasn't that they weren't here to represent. But, I, I, I understand where you're coming from.

Any, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, for my second and final time. So, as both Member Lee and Member Molina expressed, you know, the last, when we voted on second and final reading, Bill 59, you know, it was disposed of rather quickly. And the discussions and the concerns that expressed by the Mayor, you know, is, are issues that have been discussed at length by this Council. The Council voted 7-1 to pass Bill 59. And that way we can just kind of get the, this issue out of the way and expect it to be done rather quickly. Mahalo, Chair.

CHAIR KING: Okay.

Ms. Sugimura, you have your light on.

COUNCILMEMBER SUGIMURA: I'm ready to vote.

CHAIR KING: Okay. And, Mr. Clerk, we just, this is just a five majority vote?

COUNTY CLERK: Yes, Madam Chair.

CHAIR KING: I don't think we've ever had this come up as a vote before. Okay. I guess, we'll do voice vote on the, the agenda amendment.

Mr. Clerk.

COUNCILMEMBER KAMA: Chair.

CHAIR KING: You want to call a voice vote?

COUNTY CLERK: Councilmember Yuki Lei--

CHAIR KING: I'm sorry, roll call vote.

COUNCILMEMBER SUGIMURA: Wait, just a question. So, we're actually voting on--

CHAIR KING: On an agenda--

COUNCILMEMBER SUGIMURA: Whether to move it up right?

CHAIR KING: Agenda change.

COUNCILMEMBER SUGIMURA: Okay, so I vote "no".

CHAIR KING: Well, we're going to do roll call.

COUNCILMEMBER SUGIMURA: But he said my name.

COUNTY CLERK: Councilmember Yuki Lei Sugimura votes "no".

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Presiding Officer Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: YES.

COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: Chair Kelly T. King.

CHAIR KING: NO.

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

NOES: COUNCILMEMBERS HOKAMA, SUGIMURA, AND
CHAIR KING.

COUNTY CLERK: That's six "ayes", three "noes"; motion passes.

CHAIR KING: Okay. So, we'll go to next to item County Communication 19-523.

Mr. Clerk, could you read the county communication?

COUNTY COMMUNICATION

NO. 19-523 - MICHAEL P. VICTORINO, MAYOR,
(dated December 19, 2019)

Transmitting Bill No. 59 (2019), Draft 1, entitled "A BILL FOR AN ORDINANCE
RELATING TO REAL PROPERTY TAX VALUATIONS", and notifying of his veto.

COUNTY CLERK: The Council is in receipt of a letter from the Mayor dated December 19,
2019, disapproving Bill 59 (2019), and stating his objections.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

AND I MOVE TO OVERRIDE THE MAYOR'S VETO OF BILL 59,
DRAFT 1, BY PASSING BILL 59, DRAFT 1, ON
RECONSIDERATION; AND TO FILE COUNTY
COMMUNICATION 19-523.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Lee.

Ms. Rawlins-Fernandez, would you like to speak to the motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Councilmembers, for supporting moving this forward. And those in the chamber, mahalo for your patience. This should be quick.

At its meeting of November 22, the Council passed Bill 59 (2019), Draft 1, on second and final reading. The Mayor has vetoed it. In accordance with Subsection 1 of Section 4-3 of the County Charter rule, and Rule 5B of the Rules of the Council, the Council may pass the bill on reconsideration with a two-third vote, thus overriding the Mayor's veto and allowing this bill to take effect as an ordinance.

This bill is part of our initial effort to promote property tax reform in Maui County, primarily by creating a new set of real property tax classifications. The Mayor states in his veto message that he does not feel enough information about this bill impacts have been shared with County taxpayers. But both Councilmembers and representatives of the Department of Finance have worked tirelessly to ensure the community is informed about these changes. Should this bill be enacted, that effort will not stop.

Bill 58, which proposed as complementary legislation to Bill 59 to establish tiers of classifications has been enacted as Ordinance 5016. Both pieces of legislation merely provide tools to the Council which can be utilized during the annual budget session.

This Council has thoroughly explored and discussed each concern that has been brought forth, and have been committed ourselves as a body as well, individually, to continue public education.

I am considering beginning work in the EDB Committee examining possible proposed rates and tiers ahead of budget sessions to help the Members and the community understand what a proposal might look like during budget session. Beginning the legwork and running several proposals now will help everyone understand what we need when we say we intend to keep RPT revenue neutral. Although we cannot vote on the rates before budget session, we certainly can open up the discussion and run some scenarios to get an idea of what the proposal might look like in the end.

And I believe this would address the biggest concern I've heard at every meeting that I've attended, which is uncertainty. This will give the public even more ample time to participate, comment, and to be fully informed in a highly transparent setting. I

respectfully ask the Councilmembers' support of my motion, so we can lay the foundation upon which we can build a more progressive, more equitable property tax structure. Mahalo, Chair.

CHAIR KING: Okay. Mahalo. Any other discussion?

Ms. Paltin.

COUNCILMEMBER PALTIN: I just was, you know how in the beginning of the letter it says, "residential, agricultural, apartment, and conservation"? Isn't apartment already back in? Oh okay. It's just to put, his veto is to take residential, agriculture, and conservation out of non-owner occupied. And the override of the veto would keep residential, agriculture, and conservation in as non-owner occupied?

CHAIR KING: If this bill gets vetoed then, and the veto stands, then we go back to where the classifications were previously. So, none of this, none of the work of the TIG would be accepted. This is not breaking up the TIG report into different parts of it. It's just, is a veto override would, would, would reinstate that ordinance. And supporting the veto and voting against the veto override would put us back to the classifications we were at before the TIG started.

COUNCILMEMBER PALTIN: Yea, I'm just saying, because in his letter he says in the current combining properties with dwellings in agriculture, conservation, apartment, and residential. But apartment is already out of the equation. So, the letter is not entirely accurate, because its, apartment is already pulled out of that, right?

CHAIR KING: Well, it's, it, I mean, the letter, the letter is the Mayor's position and you can argue about the accuracy. But the bottom line is, is do you want to override the ordinance that this Council, do you want to let his veto of the ordinance passed by this Council stand or do you want to override the veto?

COUNCILMEMBER PALTIN: Okay. Got it. So, we're not basing it off the letter?

CHAIR KING: We're not voting on this letter. We're voting on the ordinance that was passed and whether to let the veto stand or to override the veto.

COUNCILMEMBER PALTIN: Okay. Got it.

CHAIR KING: Okay. Ms. Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

COUNCILMEMBER SUGIMURA: Sandy Baz is here if you have questions.

CHAIR KING: I understand. Yea. Do you have a question for him?

COUNCILMEMBER SUGIMURA: Well, it sounds like Tamara has a question.

CHAIR KING: Well, that was a question on the letter from the Mayor, but--

COUNCILMEMBER SUGIMURA: So, he can clarify it.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I have the answer to Member Paltin.

CHAIR KING: Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay, and that is in Section 3.48.305, classification of real property under B.2., real property improved with a dwelling as defined in comprehensive zoning ordinance that would not be classified as owner-occupied, hotel resort, time share, short-term rental, commercial, industrial, or commercialized residential must be classified non-owner occupied. So, apartment would be part of the non-owner occupied.

CHAIR KING: Okay. Any other questions?

Mr. Molina.

COUNCILMEMBER MOLINA: Oh, I'm sorry. Madam Chair, is this questions? We're in the question phase or can we speak to the motion?

CHAIR KING: Well, we have a motion on the floor, so you can speak to the motion.

COUNCILMEMBER MOLINA: Okay. Yes, if I may, Madam Chair? Thank you. First of all, I don't really understand the Mayor's veto. I mean, his staff worked very closely with the TIG, who I want to commend for doing a great job. And they were very involved as far as I'm aware in a discussion surrounding these changes. And the Mayor notes that the taxpayers should have more time to review the bill. You know, with all due respect to the Mayor, the Mayor's Finance Director participated in the TIG meetings, so they were fully aware of the revisions.

And personally, I didn't hear any concerns from the Finance Director as far as how the process went. And there if, I guess maybe Ms. Rawlins-Fernandez can correct me, but I believe there was something like 11 meetings which was open to the public. The Committee Chair Ms. Rawlins provided an excellent editorial on the change in, the

changes in the press. And in addition, I think Ms. Lee also be, has continued the outreach to the public.

And so, for me, enough talk already, you know. We've had this discussion of a tiered system from last term. I believe the former Mayor was in favor of it. I mean, we have to decide, are we going to talk this thing to death and do nothing? I mean, every time there's a concern brought up, we send it back. I mean, there, there's a point where we either got to do something or it's do nothing. So, I, I, for a lack of a better term, it's time for a call for action on this. And with this, you know, this is about just, at this point, with this bill, was creating a tax structure, so there's not finality yet, if I'm correct.

And, and of course, as we approach the budget session, if some of the concerns from the citizens have not been addressed, by all means, we can shelve it and go back, keep, go back with the current system. So, I don't believe the sky is falling at this point.

So, you know, I will, I will support the override of the veto of the Mayor because, and Madam Chair, one of your tributes included let's get the job done, let's take action. So, I'm all for that, you know. So, let's do it. And no disrespect to the Administration, but this Council is noted for taking action on something. And you know, enough talk already. Thank you.

CHAIR KING: Okay. Any other comments?

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, at the last tax reform meeting that was held at Pu`u Kukui, one of the things that came out, and I guess after having couple of meet, four meetings or five meetings on this, we have different people that show up. But basically, they all say the same thing that they just need more time. But one gentleman told us, he said, maybe what you all should do, he said, is do a video and just play it on Akaku just so that people can see it over and over and over again, so that we don't need to be coming out to these meetings all the time.

And so, because it was at Alice's meeting at Pu`u Kukui, I asked her if it was okay if we did that. I mean, cause she did a really great presentation that day. And so, she said okay and Akaku is willing to do that for us if we just give them a time and a date. And we can just, you know, do it and then people would have access to it at their pleasure.

So, I think to override the Mayor's veto would be okay because we are doing something in response to the community and what our people are telling us. Thank you, Chair.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. I'll give my comments, Chair, since this will be my actual first vote on this revised proposal that came out of Committee. So, I appreciate this time, Chair. I've watched the adjustments of the bill from its original intent in Committee, what we tried to accomplish, the revisions at the various readings, and now at this point with the Mayor's veto consideration by this body. So, for me, Chair, with all respect to you and my other Members, the first question I ask was, what was Councils trying to fix? What was broken that we were trying to fix as it regards to classification? Because--

CHAIR KING: Would you like the, would you like that answered by the Chair of the TIG.

COUNCILMEMBER HOKAMA: No. I, I'm stating my process, yea, Chair.

CHAIR KING: Oh, you're, you're, you're--

COUNCILMEMBER HOKAMA: Yea.

CHAIR KING: Asking a rhetorical question?

COUNCILMEMBER HOKAMA: And whether or not the TIG clearly stated what they felt were the identified problems. I think one thing that I did agree on and that we were working on was how we were looking to repeal the condominium section, okay. Cause I supported that for many, many years, many terms. And so, after the deletion or repealing of that provision, it became my concern again to adjust and come to terms with what was the impact to the long-term renter.

And my question now to this body is why would we support to consolidate four classifications under non-owner occupied class without having a long-term residential dedication provision in the code? Because that was one of our policies. Cause my understanding is that those who were previously in the residential classification, again depends how we structure it, because remember the history of the tiered category was to address the . . . residential abuses in homeownership. It wasn't about the ag component or the apartment component. We were more concerned about the impact on the higher end residential.

So again, my thing to you, Members, because now we had that in the previous residential classification, have we inadvertently impacted the consolidation because of the primary long-term rentals? Have we? Cause I tried to remember what the, what was the discussion. And, and currently, under the proposal then, the impact of our

revenue neutral blended rate, in my calculations, would be higher than the current residential rate.

Now, the non-owner occupied classification, as we are proposing to consolidate four, who would have the greatest impact on this, my issue of long-term rentals? Currently, residential classification is the lowest tax rate among the four classifications that we are looking at consolidating into a non-owner occupied classification. So, if we did the blended rate, and again, we're working on various scenarios, but the so-called revenue neutral, then the blended rate would be one increase to the existing residential class, which is currently 5.60 would be bumped up to 5.92.

Apartment classification, which has most of the condominiums, and that is basically by self-declaration, which could be owner being a non-island owner for personal use. And that blended rate reduction for apartment class which is currently 6.31 would be lowered to 5.92. That wasn't our intent.

So, I can understand why for some, depending on your situation with whether you renting, leasing, own, or own property, this consolidation could be of concern depending where you end up in which category and how we structure the tiers. But the first question that I would ask, and, and I'm sure my Committee Chair's going to ask Admin. is, is the Administration and their vendor ready to implement any type of tier proposal Council may put forth in the upcoming budget? And--

CHAIR KING: Mr. Hokama, would you like Mr. Baz to respond to that since he's in the chambers?

COUNCILMEMBER HOKAMA: If he can give us the answer, Chair, sure. Because I think the Members would like to know. You know, we, we're going through a heavy debate on policy and how we're going to move forward. The intent was to move forward this budget cycle. But I don't know if the vendor is able to deliver it to the department; the software and assurances that we can do this tiered rate.

CHAIR KING: Okay. Members, do you want to hear from Mr. Baz again? I did ask him the question of whether they would have time to adjust the rates. And he did indicate that they would over the next few months. But if you want him to, you know, I understand your concern. I think if you just want to just speak--

COUNCILMEMBER HOKAMA: And again, Chair, yea, I mean, if he chooses to, that's fine. But my, my final comment, Chair, to my colleagues is that if we know 59 doesn't address the long-term rental issues that we tried to address it earlier, then why did we pass it out of Committee in the first place? And then second, why would we pass a bill that still needs additional revisions from a TIG number 2? Thank you, Chair.

CHAIR KING: Okay. Thank you, Mr. Hokama.

Ms. Lee.

COUNCILMEMBER LEE: Yes. I think we've said several times that we're not done with our work, that we're still looking to creating a incentive measure which we haven't gotten to yet. And don't forget, this is December, albeit the end of December. But our decision making doesn't start until April, and our final decisions in, in May, so we have time.

I think there's a lot, there is some confusion, because people don't realize that when, I'm not sure if the correct term is blended rate. Because when you talk about the non-owner occupied classification, you're talking about a classification that has a dwelling in it, yea. So, we haven't created the value ranges yet, nor have we created the rates.

But that's the reason why we're going to have tiers. People who fall in the, the low value will pay the lower rate. People in the second value will pay another rate. And the people in the third value will probably see an adjustment. Because it's all based on value, yea. It's not like we're going to average what the rates are now; we're not. Everything's based on value. So, the idea is to remain revenue neutral. And you do that by leaving, generally, the lowest value alone, the second value may be a change, maybe not, minor change. And then the third value is the value that might see some impact.

Because the way I look at it right now, it's almost like we all have a flat rate, yea. And the people in the lowest category are in, indirectly subsidizing the people in the high categories. So, we have to, we have to make them, create a more equitable system. And that's what we're trying to achieve here.

CHAIR KING: Okay. Members, I think we've pretty much talked this out over the last several sessions, so I'm going to go ahead and call for the vote. So, the motion on the floor, can you read the motion on the floor again, Mr. Nishita.

COUNTY CLERK: Madam Chair, the motion was made by Council Vice-Chair Keani Rawlins-Fernandez, seconded by Councilmember Alice Lee, to override the Mayor's veto and pass it again on reconsideration, and to file the County Communication 19-523.

CHAIR KING: Okay. So, the vote "yes" would be to override the veto. A vote "no" would be to not override the veto. Okay. All those in favor of the motion on the floor, say "aye".

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

CHAIR KING: Any opposed?

NOES: COUNCILMEMBERS HOKAMA AND SUGIMURA.

CHAIR KING: Okay. Mr. Clerk, I have, and correct me if I'm wrong; I have seven "ayes" and two "noes", Mr. Hokama and Ms. Sugimura. Measure passes.

Okay. And then we'll go onto our resolutions.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. _____

AMENDING RESOLUTION NO. 19-5, ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL AND DEFINING THEIR DUTIES

COUNCILMEMBER PALTIN: Point of information.

CHAIR KING: Ms. Paltin.

COUNCILMEMBER PALTIN: Thanks. I don't feel, can, is it possible to take the three up together, because if you don't know the outcome on the third resolution, then how can you vote on the first and second resolution?

CHAIR KING: Well, the resolutions are separated. They're not, so, you know, what you would be doing is forcing everyone to vote either all or nothing. So, I'm going to take them one at a time like they are on the agenda.

COUNCILMEMBER PALTIN: But I don't understand. If we don't know who the Chair is, then how do we vote on the Committee membership and all that, and the subject matter? I

mean, can we discuss it together, all three of them together? Because, I mean, what if you make these changes into the Committee and then you're still the Chair, or somebody else is the Chair but they're chairing a Committee? Or, I mean, it's hard to make a vote on standing Committees of the Council, who's going to be their Chair's, establishing their duties without knowing who the Council Chair is going to be. If they're going to be one of the Chairs of a different Committee, it, I can't make the decision without knowing.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I think what you're saying is you want to take up the Chair resolution first, and then do the other membership and standing committees. Is that what you're saying?

COUNCILMEMBER PALTIN: That'd be okay. But I think, you know, they're all so related that we could, if, if it's a legal, if it's legally allowed if we could all discuss all of them together and then maybe take up the voting.

CHAIR KING: Okay. I'm going to take a recess at the call of the Chair and then check with OCS counsel.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:16 P.M., AND WAS RECONVENED AT 4:17 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Back in, reconvening at 4:17. So, the, the Chair's call is to take these up in order that they're put on the agenda. And I will also reiterate that I didn't make this agenda. This agenda was made by some Councilmembers and working with the Clerk's Office.

And so, I'm going to go ahead and take them one at a time. Who, but I don't have any names attached to this, so first of all, I'll ask the Clerk to read the first resolution.

COUNCILMEMBER KAMA: Chair. Chair, I have a question. Sorry. So, you didn't make the agenda. But, so you didn't put them in this order?

CHAIR KING: No. This is the order that they--

COUNCILMEMBER KAMA: Then can we change the order?

CHAIR KING: I just spoke with Mr. Raatz. He says it's the call of the Chair as far as taking them up one at a time.

COUNCILMEMBER KAMA: But in order of what, but you're going to take them up according to how they're listed here?

CHAIR KING: Right. The, the letter of resignation was predicated on the Climate Change Committee being created. So, that's why they're in this order I'm assuming. I'm not sure who received that letter and put this together, because I don't have any names attached to it. But I assume that whoever did write these resolutions or instigate the resolutions would make the motion.

Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, thank you. I think Member Paltin brings up a point, and as well as some of my other colleagues. Just referring back to opening day for Inauguration, the selection of the Chair. That's the first discussion we, we did and took the vote. Then we discussed the makeup of the Committee. So, in my opinion, for the sake of consistency, I would make a motion to bring up the resolution "ELECTING THE COUNCIL CHAIR" first, let's have that discussion and vote, and then take each subsequent resolution thereafter.

CHAIR KING: You might, well, you might be, I'll just let you know that you might be putting me in a difficult position, because my, my, my letter of resignation was predicated on the other two items passing first. So, I would have to withdraw that letter until the other two items get passed.

COUNCILMEMBER MOLINA: You, you, you've distributed a resignation letter at what point? Was it sent to all of us?

CHAIR KING: It's on Granicus.

COUNCILMEMBER MOLINA: Oh, okay. Okay. Alright, thank you. I'll go take a look at that. But I just thought the body has the option of, you know, moving things up on the agenda. And you know, we have people waiting like you had mentioned, so I just thought I'd throw that out for consideration.

CHAIR KING: Order please.

Mr. Clerk, can you read the first resolution.

RESOLUTION
NO. 19-214

AMENDING RESOLUTION NO. 19-5,
ESTABLISHING THE STANDING COMMITTEES
OF THE COUNCIL AND DEFINING THEIR DUTIES

CHAIR KING: Are you going to read the, can you read the resolution in its entirety?

COUNTY CLERK: Madam Chair, do you wish to read the entire thing or just the changes?

CHAIR KING: I think you need to read the entire resolution, because it's, it's not clear to the public what the resolution says.

(The resolution was read in its entirety).

CHAIR KING: Okay. Thank you, Mr. Clerk. The only non-substantial change I would ask, and maybe the Members can agree with this, on page 2, that calls for the, at the top where it says, "the following standing committees of the Council are established for 2019". It should say, I think, 2020-2021.

Ms. Lee.

COUNCILMEMBER LEE: Okay.

CHAIR KING: Are there any objections to that?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Do you have an objection, Ms. Paltin?

COUNCILMEMBER PALTIN: Not to that.

CHAIR KING: Okay. So, I just wanted to get that change in there. And that's clarifying that this will start next year.

COUNCILMEMBER LEE:

MOVE TO AMEND THE PROPOSED RESOLUTION AS
FOLLOWS.

CHAIR KING: Well, we don't have a motion on the floor first.

COUNCILMEMBER LEE: Oh.

CHAIR KING: So, I'm entertaining a motion to--

COUNCILMEMBER LEE: Okay. I'm sorry.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "AMENDING RESOLUTION NO. 19-5, ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL AND DEFINING THEIR DUTIES".

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay. Moved by Member Lee, seconded by Ms. Sugimura.

Ms. Lee.

COUNCILMEMBER LEE: Yea.

I'D LIKE TO AMEND THE PROPOSED RESOLUTION AS FOLLOWS: ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE, REPLACE ITEM "D" WITH THE FOLLOWING: "WATER FOR AGRICULTURAL USE", AND RENAME IT "D" TO ITEM "E".

Second anybody?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: I, I'm not, okay. So, oh, "d" would be item "e".

COUNCILMEMBER LEE: Yea.

CHAIR KING: Okay. So the, a new "d" would be "Water for agricultural use"?

COUNCILMEMBER LEE: Yes.

CHAIR KING: Okay. Any discussion?

COUNCILMEMBER LEE: And then, item "a".

CHAIR KING: Oh, you have two, two amendments? Or you want to make them one at a time or?

COUNCILMEMBER LEE: Okay. One at a time.

CHAIR KING: Okay. Let's take that one up first. Any discussion about the amendment?

COUNCILMEMBER SINENCI: Just for--

CHAIR KING: Okay. If not, all those in favor--

COUNCILMEMBER SINENCI: --clarification.

CHAIR KING: Oh, I'm sorry. Mr. Sinenci.

COUNCILMEMBER SINENCI: So, under "d"--

CHAIR KING: So, basically, would be adding one that would be called "d", and it would say "water for agriculture use", which was what some of the testifiers had suggested. And then, and then what's in here, "d" would be the new "e".

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR KING: Okay. Any, any, any discussion? If not, all those in favor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Measure passes nine to zero. So, we add water for agricultural use under EACP; the Environmental, Agricultural, and Cultural Preservation Committee.

Ms. Lee.

COUNCILMEMBER LEE:

SECOND AMENDMENT WOULD BE ITEM 8. WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE; ADD A NEW ITEM "E" TO READ AS FOLLOWS: "ALL ISSUES PERTAINING TO WATER, EXCEPT WATER FOR AGRICULTURE USE".

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Okay. Moved by Member Lee, seconded by Councilmember Sinenci.

Ms. Lee.

COUNCILMEMBER LEE: Yes, I'm making these proposed amendments in response to a request by the ag working group's representative during today's testimony.

CHAIR KING: Okay. No, I appreciate that, but did you, I mean, we have under "a" it says, "Amendments to and enforcement of the County Water Code, including the Water Use and Development Plan". But you wanted to make a totally separate item that just says, "All water issues"?

COUNCILMEMBER SUGIMURA: Non.

COUNCILMEMBER LEE: Well, only the ag water issues should go to--

CHAIR KING: Right.

COUNCILMEMBER LEE: --Mr. Sinenci's Committee.

CHAIR KING: Right.

COUNCILMEMBER LEE: Because there's a lot more water things that need to be dealt with; water use and development plan, you know, all kinds of other water issues that should remain in the Water Committee.

CHAIR KING: Okay. But I, I was just wondering if you wanted to try to combine what you're trying to do on the Water Committee with "a", letter "a"? And just say "All water issues, except for agriculture", or how did you word that?

COUNCILMEMBER LEE: We, we already did that for "d", right? So, item 8., Water, Infrastructure, and Transportation; add a new item "e" to read as follows. And I, where's the "a" coming from?

CHAIR KING: "a", I was just saying "a" says "Amendments", under, under committee 8, "a" says "Amendments to and enforcement of the County Water Code, including the Water Use and Development Plan".

COUNCILMEMBER LEE: I, I think we can just leave that there.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Yea, leave that there.

CHAIR KING: Okay. But anything in the County Water Code that it pertains to agriculture is still going to agriculture. Okay. Okay, does everyone understand?

Mr. Hokama.

COUNCILMEMBER HOKAMA: So, just so I'm clear on that. So, under Water Use Development Plan, that'll stay with now the big committee. But in that plan, they talk about the agricultural component. So, that, only that goes to Mr. Sinenci of the, on the water use?

CHAIR KING: That's what I was, yea, that's what I just clarified with Ms. Lee as her intention.

COUNCILMEMBER HOKAMA: No, yea, I'm just trying to know that two Committees is now going to work on this one thing?

CHAIR KING: Okay.

COUNCILMEMBER LEE: Yes.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Just like you, you have Climate Change Committee as a variety of things that also you will be sharing with Mr. Sinenci's Committee, same thing.

CHAIR KING: Okay. Any other, are you okay with that? Okay. So, just to be clear, we're adding an item "e" that's, can you state that again, Ms. Lee?

COUNCILMEMBER LEE: Water, on item 8?

CHAIR KING: Under, under 8, item "e" is what you're adding. And then you're going to make "e", "f" and renumber all of them after that. Is that correct?

COUNCILMEMBER LEE: Okay. I'm not sure where you are, but I'm--

CHAIR KING: Well, you're, you're talking about the Committee on water, infrastructure. And that carries on all the way down to through the next page, so you have to renumber all the other things if you wanted to.

COUNCILMEMBER LEE: Yes, we have to re-letter all the other. Yes.

CHAIR KING: Okay. So, can you just restate "e", your new "e" that you're proposing.

COUNCILMEMBER LEE: The new "e" is "All issues pertaining to water, except water for agriculture use".

CHAIR KING: Okay. Any questions or comments on that? Okay. All those in favor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Okay. So, we have, any other amendments?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

ON PAGE 3, ITEM 2, CLIMATE CHANGE AND RESILIENCY COMMITTEE; I PROPO, I MOVE TO STRIKE THE WORD "CHANGE" AND REPLACE IT WITH "ACTION"; CLIMATE ACTION AND RESILIENCE COMMITTEE.

CHAIR KING: Is there a second?

COUNCILMEMBER LEE:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Lee.

Ms. Rawlins-Fernandez, any comments on your motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, mahalo, Chair. I propose that we replace the word "change" with "action". As many of the testifiers explained, change is to passive. We're in an emergency and we need to take action. So, I agreed with a lot of the testifiers that it, changing the title of the Committee to reflect, you know, the crisis that we're in.

CHAIR KING: Okay. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: No, I support that. Any other comments?

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just clarification. With the new name change, would that still have the same items within the Committee?

CHAIR KING: Yes.

COUNCILMEMBER SINENCI: Just for clarification.

CHAIR KING: Yes.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR KING: Okay. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And then to reflect that on the page 2. Sorry. So, there would be two, two areas where the title of the Committee would be changed.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, on page 2 and then on page 3. Mahalo, Chair.

CHAIR KING: Okay. So, the second Committee on, listed under page 2 would be Climate Action and Resilience, which ironically spells car. Let's pretend that it's electric or biofuel car.

Member Paltin.

COUNCILMEMBER PALTIN: I just had couple questions. And then, I guess, depending on the answer, it would be an amendment or not.

CHAIR KING: Amendment to the amendment?

COUNCILMEMBER PALTIN: No.

CHAIR KING: Oh, okay.

COUNCILMEMBER PALTIN: To the resolution—

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: --19-5.

CHAIR KING: Okay. Can we take up this amendment first? We have an amendment on the floor.

COUNCILMEMBER PALTIN: Oh, okay. I thought, okay.

CHAIR KING: Okay. All those in favor of the motion on the floor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero. So, the, the name of the second Committee is Climate Action and Resilience Committee.

And then, Ms. Paltin, you had a question or a amendment?

COUNCILMEMBER PALTIN: I guess couple questions first, and then depending on the answer maybe an amendment. For number 6., Healthy Families and Communities Committee. When hazardous materials are being added in on item b., is that, are we talking about Hazmat from the Fire Department? And are we splitting the Fire Department up from Mike Molina's to specifically Hazmat in families and communities, or is this a different Hazmat that we're talking about?

CHAIR KING: Mr. Clerk, is this a change from the current description of Healthy Families and Communities? It's not in Ramseyer format, so.

COUNTY CLERK: Madam Chair, I would need a minute to pull up the current resolution. But I don't know off hand.

CHAIR KING: Mr. Hokama, do you know?

COUNCILMEMBER HOKAMA: Chair, that would just be within the parameters of the Committee. So, it would basically be the Hazmat within the Parks areas and whatnot. If it's Fire, it would be under the Fire. If Public Works, would be under the Public Works Committee.

CHAIR KING: Okay. And is this, is this something new, Mr. Hokama? Or is this, was this already in there?

COUNCILMEMBER HOKAMA: That was already in there.

CHAIR KING: Okay. That's what I thought. So, that description's been in that Committee.

COUNCILMEMBER PALTIN: Oh, it's--

CHAIR KING: It's not new.

COUNCILMEMBER PALTIN: --different from the one that we passed on January 2, that first.
The one I had said "Cultural, leisure, recreational, and parks matters.

CHAIR KING: Oh, okay. Well, it's hard to tell from this, because there's no, I don't know who wrote this, but it's not in Ramseyer format, so you can't tell if there were changes made. But I think Mr. Hokama's description is that it would just be, it would just be materials within the Parks. But it is, it is hazardous materials.

COUNCILMEMBER PALTIN: So, are we talking about, like, Roundup use in the parks? Is that like what--

COUNCILMEMBER HOKAMA: . . .

COUNCILMEMBER PALTIN: Okay. I don't support this then.

AND I'D LIKE TO PROPOSE AN AMENDMENT TO REMOVE
HAZARDOUS MATERIALS ON PAGE 6 NUMBER B.

CHAIR KING: Is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez.

Ms. Paltin, do you want to speak to your motion?

COUNCILMEMBER PALTIN: Yea, so I don't support taking that type of thing out of Environment, Agricultural, and Cultural Preservation, because I believe Member Sinenci was working on a bill with Ms. Ness about, you know, Roundup use in the parks and like that. So, I don't think through this process of us taking up this that it should be taken away from Member Sinenci, because he's already been doing a lot of the legwork on that.

And you know, a lot of our Healthy Families and Communities meetings get canceled, and I think Member Sinenci is almost ready to go. So, I, I'd really, I really think our community would like us to see, would like to see us take up the use of pesticides where our children are playing in the parks and like that. So, I, I just would like to keep it under his purview.

CHAIR KING: Okay. Ms. Lee.

COUNCILMEMBER LEE: Can we hear from Mr. Sinenci?

CHAIR KING: I don't know, can we? Mr. Sinenci.

COUNCILMEMBER SINENCI: Yea, thank you, Chair. And thank you for bringing it up. Yes, we, our Committee has been addressing pesticide use on County properties. And so, it's been agen, well, we haven't agendized yet, but we're still working with some of the community members, Parks and Recreation, as well as Public Works. So, Ms. Paltin is correct, we've done the legwork and, and we've gone out to the community. So, it's no problem for, for our Committee.

CHAIR KING: Okay. But what is your preference to, to remove it from the description of Healthy Families? Are you in support of removing--

COUNCILMEMBER SINENCI: I'm supportive.

CHAIR KING: You're supportive of removing it?

COUNCILMEMBER SINENCI: Yea, if Members are agreeable.

CHAIR KING: Okay. Ms. Lee.

COUNCILMEMBER LEE: I think this is something that the two Committee Chairs need to work out amongst themselves. I don't see why, you know, we have to do that for them. There are oftentimes items crossover to each, you know, different Committees, so I, I would prefer that they just work it out between themselves.

CHAIR KING: Well, Ms. Paltin.

COUNCILMEMBER PALTIN: For me, you know, this is such an important issue within our communities and with the mothers that utilize our parks playground and things like that. So, I mean, I wouldn't like to leave anything up to chance and I'd like everything to be dealt with out in the open where, you know, the public can see what's going on. If the

two Committee Chairs are talking and we're not watching it, then, you know, then they're kind of being left out of the discussion.

CHAIR KING: Okay. We have a motion on the floor and a second. And are there any other discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, if there was never a change to EACP that included Hazmat, and EACP was able to take up the pesticide legislation without that explicitly outlined in the description of the Committee, and its legislation that already is with EACP Committee and you know, Member Sinenci has already done the legwork for it, then I, I would, I would think that the description of EACP, if it was enough then for this legislation to fall under EACP, then I would hope that it would be enough moving forward for that legislation to remain under EACP.

CHAIR KING: Okay. And then, and my staff just showed me the existing description of Healthy Families, so it does not have that hazardous materials in it. So, that was a new addition.

COUNCILMEMBER PALTIN: Yea, that, that's what I said.

CHAIR KING: Yea, I know. I was just telling you that I verified it.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR KING: You're right.

COUNCILMEMBER PALTIN: Thanks.

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: And Chair, I, I'm not in Healthy Families Committee as well.

CHAIR KING: Pardon.

COUNCILMEMBER SINENCI: I'm not in the Healthy Families.

CHAIR KING: Oh, right. Okay, so you're not a voting member. Okay. Well, if there's no other discussion we'll just take a vote on the, on the motion.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, if Hazmat was never a part of any Committee description, would putting it under Healthy Families now preclude EACP from continuing the legislation that is currently in the Committee?

CHAIR KING: I can't answer that.

VICE-CHAIR RAWLINS-FERNANDEZ: I don't know. Anyone?

CHAIR KING: So, yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama.

CHAIR KING: I guess I would--

COUNCILMEMBER HOKAMA: I would just say, you know, if Mr. Sinenci has already worked on a proposal, I would encourage him and support him to finish it, because Maui Emergency Management now would come under the brand new Climate Action Committee. So, now you have the third Committee comes into play. So, my thing is, if you want Healthy Families to be stripped of certain things, that's fine. Let's just give it all the environment and then apportion out the rest to Climate Action and, and be done with it.

CHAIR KING: Okay. Yea, actually, I don't think we're stripping it of anything, because it wasn't in there before. So, I think that was the main concern; it was, it was added for this propo, this resolution.

COUNCILMEMBER HOKAMA: And Chair, thank you for bringing it up, because that's part of the problem with trying to figure out what is in this--

CHAIR KING: That's right.

COUNCILMEMBER HOKAMA: --amended version.

CHAIR KING: I, I, I didn't write this resolution, so that's why I wanted it read, because there's, it's not in Ramseyer format and so it doesn't show the changes from the previous resolution that we passed.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I would ask the Council staff to then, a question on the motion as it's currently amended, Chair. Are we making an assumption then that with the

adoption of this amend, amended proposal, we automatically abolishing the current Multimodal Committee, we're going to abolish the current Water Infrastructure Committee?

CHAIR KING: Correct.

COUNCILMEMBER HOKAMA: Cause usually in the recitals of the resolution, we list the chronological time frame and, and the steps how we got to where we are today. So, there's no mention about what happens to all umbrella items and items currently within the existing Committee. There's no mention of whether we are going to have a automatic referral to the new Committee upon January 2.

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: So, I ask these questions because this has got to be one of the worst drafts I ever seen in 20 years, okay.

CHAIR KING: So--

COUNCILMEMBER HOKAMA: Cause I cannot make heads or tails what is what.

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: So, that's why I'm asking these for some, you know, detailed questions. But I just trying to figure out what is going to be what.

CHAIR KING: No, I agree. I don't know where it came from either.

Mr. Clerk, do you know who drafted the resolution? Because on the, on the agenda, it doesn't say who the resolution came from, and normally it has a referral from a Councilmember. So, do we have a Councilmember who wrote this resolution who could answer to that?

COUNTY CLERK: Madam Chair, you're asking me or you're asking the Councilmembers?

CHAIR KING: I'm asking you.

COUNTY CLERK: Well, I'd leave that to the Councilmembers to disclose who transmitted that.

CHAIR KING: Well, it's, so, I, I, is somebody want to step forward as the author of this resolution?

Ms. Lee.

COUNCILMEMBER LEE: I'll take responsibility.

CHAIR KING: Okay.

COUNCILMEMBER LEE: And then I, we worked with Corp. Counsel. And the only thing it doesn't do is abolish the old WAI Committee. But, but you can see that the WAI Committee was joined with other issues, yea; transportation. And other than that, we added--

CHAIR KING: I think the questions--

COUNCILMEMBER LEE: --we added your, your Committee.

COUNCILMEMBER PALTIN: Are we getting off the motion on the floor?

CHAIR KING: I think, well, I think, no. I think we don't have, I think what we, where we're at right now is Mr. Hokama is asking where the, how these items are going to be re-referred to the Committees.

So, I don't know, is that something you can answer Mr. Raatz?

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. David Raatz with the Office of Council Services. We staff the standing Committees. Our view of the resolution establishing the Committee framework with the description of jurisdiction is that it really serves two functions. One, it guides the Council when new legislative proposals are presented to the Council and you want to determine which standing Committee to refer the bill or resolution to. And then also, it gives the, each standing Committee an ability to schedule informational presentations on matters that are listed within the jurisdiction.

But the adoption of a resolution such as this in itself does not automatically refer any matters to any particular Committee or dispose of any matter. So, we would recommend at the next Council meeting, pending items that are in Committees that will no longer be active, be presented to the Council for re-referral.

CHAIR KING: Okay. So, I guess that could happen on the next Council meeting.

Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I know we have Member Paltin's motion on the floor. But to, I, I, I think Member Hokama brings up a good point and I just quickly drafted something, a clause; "BE IT RESOLVED, items currently"--

CHAIR KING: Okay. Wait, let's finish the amendment first, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR KING: We have an amendment on the floor before you bring up another amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR KING: Okay. So, anything else on your amendment or would, are you ready to--

COUNCILMEMBER PALTIN: I'm ready to vote.

CHAIR KING: Okay. So, the amendment is to remove from the Healthy Families and Communities Committee num, letter "b" as in boy, the words "hazardous materials (Hazmat)" from that description. So, that it would say "Cultural, leisure, recreational, and parks matters", which is what it states right now. And there was a, a motion by Member Paltin, second by Vice-Chair Rawlins-Fernandez. All those in favor of the motion, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero; unanimous.

Okay. So, and then I think--

COUNCILMEMBER PALTIN: And then my second question on--

CHAIR KING: Oh.

COUNCILMEMBER PALTIN: --of if I'm going to propose a amendment or not was on page 3 under the Climate Action and Resilience Committee on letter "c". I just had a concern when it goes to biofuel and synthetic fuel production. And I know you're an expert in that field, but there were a couple points where you had to recuse. So, I just was wondering if you do become the Chair of this, how that would work out?

CHAIR KING: Well, I think that's probably what Vice-Chair's are for. So, we'll have a Vice-Chair who could chair that meeting. If I was on this Committee and someone else was chairing it, I'd be in the same position if there was a vote that was, that had a conflict.

COUNCILMEMBER PALTIN: Okay. Thank you. No amendment needed there.

CHAIR KING: Okay. Thank you.

Alright, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO AMEND THE PROPOSED RESOLUTION.

CHAIR KING: Amend it? Okay. Go ahead and propose your amendment.

COUNCILMEMBER SINENCI:

TO, TO PROVIDE THE EACP COMMITTEE WITH JURISDICTION OVER ALL MATTERS RELATING TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, INCORPORATING LANGUAGE FROM ARTICLE 8, CHAPTER 15 OF THE CHARTER ON:

- (A) THE "RESTORATION," "CONSERVATION," AND "SUSTAINABILITY" OF THE ENVIRONMENT; AND
- (B) "WASTE MANAGEMENT," "CONTROL OF POLLUTION," "PROTECTION OF THE UNIQUE BEAUTY OF MAUI COUNTY."

(2) PROVIDE THE EACP COMMITTEE AND THE CLIMATE CHANGE AND RESILIENCE COMMITTEE WITH CONCURRENT JURISDICTION OVER ENERGY ISSUES; AND

(3) MAKE CORRESPONDING REVISIONS TO THE DESCRIPTION OF JURISDICTION FOR THE WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE, RESPECTFULLY, RESPECTIVELY.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Member Sinenci and seconded by Vice-Chair Rawlins-Fernandez.

So, you want to speak to your motion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. This amendment will provide greater clarity, and efficiency, and balance in the committees' work for the Council. And so, I just respectfully ask for my colleagues support. Thank you.

CHAIR KING: Okay. Can you, can you reiterate the, the amendments that you're add, the jurisdictions you're adding into your Committee?

COUNCILMEMBER SINENCI: I had a Amendment Summary Form. Okay. Which one, Chair?

CHAIR KING: Did you pass it out to everybody? Okay, everyone has the Amendment Summary Form.

COUNCILMEMBER SINENCI: There's a description on there. The amendment aims to revise the scope of the EACP Committee by closely aligning its description of jurisdiction with the Department of Environmental Management's responsibilities.

CHAIR KING: Okay. I'm not sure what the number 3 means; "Make corresponding revisions to the description of jurisdiction." So, does that mean that the, the items in number one of your summary--

COUNCILMEMBER SINENCI: Correct. It's on page--

CHAIR KING: --would come out of the WIT Committee?

COUNCILMEMBER SINENCI: Yea, that's, we have a Ramseyer copy on page 3; the Operations and Performance audits of the Department Environmental Management, item "d."

CHAIR KING: Okay. Okay. Well, I, I would support the concurrent energy issues, because then that can solve the issues of, you know, if we were discussing biofuels.

COUNCILMEMBER SINENCI: Yea.

CHAIR KING: Okay. Ms. Lee.

COUNCILMEMBER LEE: I strongly object to this amendment. I don't know where this is coming from. You know, obviously, infrastructure includes Department of Environmental Management, all of it, and as well as Public Works and Water. That's infrastructure. So, I, I submit that the EACP Committee already has enough on its plate. And it should concentrate on its duties to preserve cultural, local cultures and traditions, and protect the natural environment as, as listed as one of its object, you know, some of its objectives, and pretty much stay in that lane. Thank you.

CHAIR KING: Okay. Thank you. Any other comments?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I too oppose. I would like my Committee to maintain its jurisdiction over Environmental Management.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: And, and keep it as is. So, thank you.

CHAIR KING: Okay. And then just to be clear, Environmental Management is in the description of EACP right now, so there is that. Number 2, or number "b." says "Conservation and protection of agricultural lands, promotion of diversified". I'm sorry, number "c." *[sic]*, "Operations and performance audits of the Department of Environmental Management, Environmental Protection and Sustainability Division only, including the operational oversight of any grants it administers." So, I think there is a recognition that the Department of Environmental Management is an environmental issue. But it's not exclusive to the EACP Committee. So, right now it's going to be taken up, issues can be taken up by the Water Committee too, I believe, if

they involve sewage that, you know, maybe is not . . . So, so the issue is to make it exclusive to EACP. That's the proposal.

COUNCILMEMBER SINENCI: Right, Chair. Yes.

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: Question for the Members. I mean, are they just opposed to number 3, or?

CHAIR KING: So, I think, I think the issue is right now the Committee that has Water, Infrastructure, and Transportation can take up issues with Department of Environmental Management, but EACP can as well if they are environmental issues. So, this proposal would, would eliminate the ability of the other Committee to take up issues with the DEM. So, I think the concern was if you, if you wanted to remove 3, is that the concern on his, on his summary form? If you remove the item 3?

COUNCILMEMBER SUGIMURA: So, the, what, what he's proposing to do out of the Water, Infrastructure, and Transportation Committee is to eliminate that. But I would like it to stay in there. So, I think that's what you're recommending, right; to eliminate it from all the others and just put it in the EACP Committee?

COUNCILMEMBER SINENCI: Or we can leave it in there if, if Members want to leave it there. And then take it up in my--

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: --mine as well.

CHAIR KING: Okay. So, it's already in your description.

COUNCILMEMBER SINENCI: Okay.

CHAIR KING: Okay. So, you want to withdraw your motion for this, or you want to just?

COUNCILMEMBER SINENCI: Does that mean withdrawing both 1 and 2 in my amendment, or just 3?

CHAIR KING: Well, 1, 1 would not be necessary because it's, it's already in there. If you look at your description, your, your Committee description, "c.", the operations and performance audits of the Department of Environmental Management are listed there.

COUNCILMEMBER SINENCI: Okay. And we just wanted to, you know, like Member Paltin said, you know, if there are things that in the Climate Action Committee that needs to be taken up by, by EACP, then we have the, the option of bringing it to my Committee versus yours. That's what number 2 states.

CHAIR KING: Okay. No, just, do you want to, do you want to just, you know, I'm okay with that, but do you want to just leave that, that as your only amendment? That's what I'm asking. Do you want to re, re-state your amendment?

COUNCILMEMBER SINENCI: Okay.

YEA, I CAN WITHDRAW AND RESTATE MY AMENDMENT.

CHAIR KING: So, you're withdrawing 1 and 3, and then just proposing 2.

COUNCILMEMBER SINENCI: Okay.

SO, CHAIR, I MOVE TO AMEND A PROPOSED RESOLUTION TO PROVIDE THE EACP COMMITTEE AND THE CLIMATE ACTION AND RESILIENCE COMMITTEE WITH CONCURRENT JURISDICTION OVER ENERGY ISSUES.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. We moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez. And I'm okay with that. I think we'll be working closely together on these, probably both of these Committees, so.

Okay. All those in favor of the motion, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Motion passes nine to zero.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Okay. Do we have anymore amendments?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, this is like a super rough draft. I just wrote it right now.

ON PAGE 2, AFTER THE FIRST "BE IT RESOLVED", I PROPOSE, I MOVE TO ADD A "BE IT RESOLVED" TO READ: "BE IT RESOLVED, ITEMS CURRENTLY REFERRED TO", CURRENTLY REFERRED OR, OH I GUESS, OKAY, I'M JUST GOING TO SAY IT AND THEN WE CAN KIND OF WORDSMITH IT IF YOU GUYS THINK IT'S A GOOD IDEA; THAT, THAT WERE REFERRED TO MULTIMODAL TRANSPORTATION AND WATER AND INFRASTRUCTURE COMMITTEE IN 2019 WOULD BE AUTO-REFERRED TO WATER, INFRASTRUCTURE, AND TRANSPORTATION, EXCEPT AG WATER USE ITEMS WHICH WOULD AUTO-REFER TO EACP.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. I'm not sure that this is necessary, because we, we, we don't usually put the, those referrals into the resolution. But the referrals will come through the next Council meeting cause we're going to also have referrals to the Climate Action Committee and then re-referrals to the new combined committee based on, based on this. But I don't know that we want to put descriptions of every referral in here, in the resolution.

Can I get a comment from Mr. Raatz?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR KING: Okay. Mr. Raatz, can you comment on that proposal?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. I think you've described it accurately as OCS understands committee referrals.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Raatz. Mahalo, Chair. I just, I,
I--

CHAIR KING: I know you're trying to help, but--

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama's concern--

CHAIR KING: Yea, I think, I think--

VICE-CHAIR RAWLINS-FERNANDEZ: --was a valid concern.

CHAIR KING: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: So, but if we already have a process set up that will
address Member Hokama's concern and this "BE IT RESOLVED" clause is
unnecessary, then I withdraw my motion.

CHAIR KING: Okay. And then we can, we'll, at the next Council meeting, we'll duke out the
referrals. So, those will be specific referrals that we'll be going through.

Okay. Anything else? Otherwise, we're back to the main motion on the floor. Amend,
with the, the as amended and, the including the friendly amendment on page 2 that
changes the date to 2020 to 2021. All those in favor of the motion, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero.

Okay. Now we're onto the second motion. And, this motion and Mr. Clerk, can you
read the resolution and then I'll ask for a motion?

COUNTY CLERK: For the record, RESOLUTION 19-214.

RESOLUTION
NO. 19-215

AMENDING RESOLUTION NO. 19-13,
ESTABLISHING THE MEMBERSHIP OF THE
STANDING COMMITTEES OF THE COUNCIL

CHAIR KING: Okay. And then if you want to just read the titles for the standing committees.

COUNTY CLERK: The Standing Committees established is the Affordable Housing Committee; Climate, now, well, I guess Climate Change and Resilience Committee is what's listed in here--

CHAIR KING: Okay.

COUNTY CLERK: --Economic Development and Budget Committee; Environmental, Agricultural, and Cultural Preservation Committee; Governance, Ethics, and Transparency Committee; Healthy Families and Communities Committee; Planning and Sustainable Land Use Committee; and Water, and Infrastructure, and Transportation Committee.

CHAIR KING: Okay. And any objections to a friendly amendment to make the second committee, Climate Action and Resilience?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Since we just did that. Any other motions?

Mr. Molina.

COUNCILMEMBER MOLINA: Okay. Madam Chair, so on the floor right now, we're just looking at the names of individuals on the respective Committees. I have a concern. It's not a major concern, but as currently proposed, the Climate Action and Resilience Committee would have nine Members. It would leave myself and another Member with eight Committees to address, whereas we currently have six Members that have seven Committees and one Member with six Committees. So, it's more of a workload issue for me. So, I would respectfully request to have my name taken off the Climate Action and Resilience Committee.

I am a Member of Mr. Sinenci's Committee, which will address a lot of environmental and other issues that could crossover. And because we have this one, all the Members

currently right now serve on just seven out of eight Committees, that provides the opportunity for all of us during the Committee week to meet with constituents and also do site visits as well. So, that's the reason why I would respectfully ask to be removed. But I would like to participate, certainly, when, depending on the issues that come up.

And you know, I've been a, I've introduced some major environmental legislation during my previous tenor, tenure, such as the outdoor lighting bill; the ban on tropical fish and for takings and sale of it; and of course, the plastic bag reduction ban. So, I certainly do care about the environment. So, again, it's just a workload issue. I think this, the formation of this Committee is a very good and timely one.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: So, that's my concern.

CHAIR KING: Is there anybody else, because you're leaving it with an even number? So, is there anybody else who wants to remove from--

Mr. Sugimura.

COUNCILMEMBER SUGIMURA: I have eight Committee also. So, I'll remove to balance that out, cause it needs seven and I have--

CHAIR KING: Okay. So, the, the propose, you want to propose the amendment to--

COUNCILMEMBER LEE: Excuse me. I don't think we had a motion.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR KING: Oh, you're right. We don't have a motion. Thank you, Ms. Lee.

COUNCILMEMBER SUGIMURA: There's no main motion.

CHAIR KING: Okay. So, who, who, who wants to move the--

COUNCILMEMBER LEE:

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "AMENDING RESOLUTION NO. 19-13, ESTABLISHING THE MEMBERSHIP OF THE STANDING COMMITTEES OF THE COUNCIL".

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay. Moved by Member Lee, seconded by Member Sugimura.

And Mr. Molina has a personal proposal.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO AMEND THE RESOLUTION BY REMOVING MY NAME, AS WELL AS MEMBER SUGIMURA, IF THERE'S NO OBJECTIONS, FROM THE CLIMATE CHANGE, EXCUSE ME, CLIMATE ACTION AND RESILIENCE COMMITTEE.

CHAIR KING: Okay. Is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Member Molina, second by Vice-Chair Rawlins-Fernandez.

All those in favor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Any other amendments?

Ms. Paltin.

COUNCILMEMBER PALTIN: I'd like to amend number 8 on page 3. You know, I was originally the Vice-Chair of this Committee and I'm on the transportation, the Metropolitan Planning Organization, which deals with transportation. And like the testifier said, a lot of the water and infrastructure needs are in West and South Maui.

SO, I WOULD LIKE TO AMEND NUMBER 8 TO BE A NINE MEMBER COMMITTEE.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez.

I will just thank you, Member Paltin, because I think it's really important. These issues need to have all of us tracking them from the Committee on up.

Any other comments? Okay, if not, all those in favor of the amendment, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero. And any other amendments to the memberships?

Okay, we're back to the main motion, as amended. All those in favor way "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

And we're onto the third resolution.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-215.

RESOLUTION
NO. 19-216

ELECTING THE COUNCIL CHAIR

CHAIR KING: Okay. Would you like to read the resolution in its entirety?

(The resolution was read in its entirety.)

CHAIR KING: Okay. Is there a motion?

Ms. Paltin.

COUNCILMEMBER PALTIN: I didn't have a motion. I just was, wanted to say that I was unable to find the letter on Granicus.

COUNCILMEMBER SUGIMURA: There's no letter.

COUNCILMEMBER KAMA: There is no letter.

CHAIR KING: The resolution?

COUNCILMEMBER SUGIMURA: Resignation.

COUNCILMEMBER KAMA: No, your resignation.

CHAIR KING: Oh. Yea, I thought it was put in here. Okay. We actually have, do we have copies? We have copies of the letter?

CHAIR KING: And I want to say, actually, while they're passing this out, I do have a statement that I'm going to make, that I'd like to make regarding this letter. And I wrote it down, so I wouldn't forget. But I do want to appreciate everyone who came here today in

support of this past year and how much we got done. And so, I, I do want to reiterate what we have, as a Council, have done together and also some, some thoughts on the future.

As the Council embarks on a change in leadership, I would like to thank all who supported us this year. I'm proud of my office and our focus on the vision outlined in the Countywide Policy Plan. We have led on issues, some bigger than our own County and even our own State. This past year, the Council has addressed issues of the highest priority to Maui County residents, notably adding millions of dollars to the Affordable Housing and First-Time Homebuyers Funds, bringing climate change issues to the forefront, and supporting agriculture at a higher level than ever before.

In April, the Council developed a program-driven budget for this current fiscal year. Besides doubling the Affordable Housing Fund by allocating \$14 million, including \$1.4 million for rental housing programs and more than \$2 million to assist unsheltered residents. We made the process easier for non-profits and for the first time fully funded the animal shelter contract.

This Council has also refocused our tourism industry on managing tourism rather than just continuing to market to increase visitor numbers. We recognize Mauians are the stewards of our most special place on earth, and it's time to focus our protections on our environment and our residents.

There's also a renewed push to prioritize housing for the lowest income population. And I hope 2020 will see new approvals in addition to the North Kihei and West Maui 100 percent affordable rental projects. In an attempt to increase availability of residential rentals, the Council codified in ordinance a 2018 Charter amendment allowing fines of up to \$20,000 to be levied on illegal transient vacation rentals.

The visionary 2020 Budget also includes appropriations of \$700,000 for an assessment of coastal roads for effects of climate change, sea level rise, and shoreline erosion, and \$500,000 for Phase 1 of a Countywide Master Plan for shoreline retreat.

On May 17, the Council adopted Resolution 19-98, to approve Maui County's membership in the County Climate Coalition and affirm Maui's commitment to the Paris Climate Agreement.

In June, we hosted the Hawaii State Association of Counties Conference, which was a historic effort to focus the attention of local officials from across the State on climate and environmental issues. And Maui launched the Hawaii Chapter of the Climate Reality Project.

On September 20, the Council adopted Resolution 19-157, to recognize the efforts of Maui County residents to highlight climate change and support the global climate strike occurring on that date.

Also, on September 20, in the Council's most globally significant issue of the decade, we voted to approve a new settlement agreement for the injection well lawsuit, Hawaii Wildlife Fund et. al. versus the County of Maui. The vote to also withdraw, the vote to also withdraw the case from the Supreme Court was monumental and it addressed the will of Mauians to focus our funds on solutions rather than attorneys.

It also highlighted the Charter crisis that resulted from Corporation Counsel's inability to uphold the Council's vote and the need for clarity on the Council's authority to settle such a case. I thank the private citizens who are going to court to get that clarity when the Maui County Council failed to approve our own special counsel to do it.

On October 4, the Council adopted Resolution 19-166, to approve inclusion of a State bill in the 2020 Hawaii State Association of Counties Legislative Package to more urgently address sea level rise. Specifically, the bill would increase funding and direct the Hawaii Climate Change Mitigation and Adaptation Commission to counter the impacts of sea level rise, identify critical public infrastructure in impacted areas, and provide policy direction to the Legislature about how to move forward with concrete actionable strategies.

Our Council recognized the climate emergency by adopting Resolution 19-209, on December 20, calling for a just transition to a safe climate. And today, we created a new Committee on Climate Change and Resiliency to work on policies for real solutions. It's now called "Climate Action and Resiliency". I gratefully accept the responsibility to Chair this Committee and I'm excited to get it going.

Also, this month, the Council approved a new ordinance allowing traffic police to tow cars in cases of arrest as part of a movement to decrease alcohol and traffic-related deaths. And our Legislative Package officially supports the proposed State legislation to decrease the legal blood alcohol limit from .08 to .05 percent.

Much has been accomplished during the past year, and my staff is to be commended for keeping up with the heavy load of continuing to serve our community at full pace, while taking on the daily duties of the Chair's office. We have been laser focused on our commitment to the citizens of, of Maui to concentrate on the big picture issues while creating fair practices and procedures, encouraging widespread civic engagement, supporting honest and transparent meetings, and keeping an open communication with the public. I have worked closely with the Office of Council Services and my relationship with OCS has been productive and extremely congenial.

Although I had intended to serve as Chair for the full term, I respect the decision of the Council majority. To me, leadership was never about the title. And as your Councilmember, I remain committed to lead by example, focus on the long-term vision, prioritize the important issues, and always serve the public interest first. Thank you for your support, Maui. Thank you.

So, with that, I will entertain the motion on the floor for the passing.

COUNCILMEMBER KAMA:

SO, MOVED.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Moved by Tasha Kama, moved by Tasha Kama, seconded by Vice-Chair Rawlins-Fernandez.

Discussion?

COUNCILMEMBER KAMA: Chair, I speak in support of this motion; that there is a time and a place for everything. And at these times of challenges, I turn to my faith for my guidance. To everything there is a season, a time for every purpose under heaven. For this Council, it is time for them to do what they believe is right in their sight. And I thank you, Chair, for being our Chair.

I will be voting in support of Councilmember Alice Lee as our new Chair and ask for Members to join me in that vote. That we can accomplish what the majority of our constituents have asked us to do to address the pressing issues facing this County. Thank you, Chair.

CHAIR KING: Okay. Any other comments?

Member Sinenci. Oh, I'm sorry, Member Molina then Member Sinenci.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. First of all, thank you for serving. I know there's been some good times, and like, like it is with any chairmanship, you know, there's going to have some points of success and some points of disagreement. But nonetheless, you endured a lot and, you know, you took on the tough issues, so I, I credit you for that.

And also, I want to thank Member Lee for stepping up at this point. And I'll send the same message that I gave on our Inauguration day to, to you, and to Member Lee. Again, just a reminder, and actually to all Chairs of all boards and commissions, to remind everyone that the Chair serves the body. The Chair facilitates the meetings. And please keep an open ear, keep everything, the lines of communication open and hear everybody's concerns and, and be fair. So, that's my message. Thank you.

CHAIR KING: Okay. Thank you.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just wanted to provide my comments. I did want to mahalo all the testifiers that came today in, in your support, Chair. I think the testimony was spot on and from the heart, so I appreciate that. And I too have the same feelings for you. You've been a great mentor for me and my staff in the short time that we've been here. I voted for you because of your dedication to the environment and your values for aloha aina; values that a lot of us here share and, you know, just speaking to aloha aina, that intense love for the land and to that symbiotic relationship with nature and to the seasons. So, that is why I pledged my support.

I also appreciated, you know, your focus on legislation. And seeing that vision not just here in Maui County, but beyond, and making sure that our presence is known at the Legislature, so I thank you for that. And, and pushing us, and encourage, encouraging us to participate in that process. And Maui is highly influential at the Legislature, and to, to make our presence known there, so I appreciate that.

I also appreciated, you know, as, as our Council Chair, just your checks and balances on this governmental system. We appreciate the Administration, but, you know, if anybody held the Administration accountable, it was you. So, I appreciate that too.

Corporation Counsel, I learned a lot dealing with the different litigations that we've been a part of. And, you know, just going, vetting the different directors, and just looking at, you know, the Administration in the past that may have been over-litigious. And just, and just listening to our constituents about why we're, we're always in litigation. So, I also am appreciative of that. So, again, with that I look forward to working closely with you with the climate action and resilience and our pledge to this aina. So, again, mahalo.

CHAIR KING: Mahalo.

Ms. Lee.

COUNCILMEMBER LEE: Madam Chair, I would like to thank you for your leadership. I, in particular, I'd like to highlight the fact that you have conducted yourself in a very professional way today. I appreciate your graciousness and I thank you for the seamless transition that's about to happen. Thank you.

CHAIR KING: Okay. I, I do want to point out that, because there's, on this resolution there's no time, but that the letter states that it's effective 5 p.m. January 2. So, that will, that can attach to the resolution.

For myself, I understand where a lot more than probably what the public understands about what's going on behind the scenes. And I accept that this Council has decide, or the majority of this Council has made these decisions.

I, and I'm, and I'm hoping that you won't take this personally, Councilmember Lee, but I have a really hard time thinking about voting for somebody to lead this Council who has not supported this Council's vote on the, on the Hawaii Wildlife et al. versus the County of Maui case. And I would hope that we would have a Chair who would fight for us who, even if you don't agree with us, you would see that the vote, the majority of the vote is the voice of the Council and that you would've supported us getting clarity.

I mean, if I'm, I have a lot of issues with those on this Council who would abdicate our authority to the Mayor. And so, I, I won't be voting in favor of you. But I understand you have the votes and I will, you know, pledge to work with you as the Chair. I just can't, I, you know, just in, in respect to the public, I can't support that, you know, in our leadership.

Ms. Lee.

COUNCILMEMBER LEE: And I accept that, Madam Chair. You and I disagree on a variety of issues. But what I think I bring to the table is a, a collaborative type of leadership. I love our staff. I will support them as strongly as I can. They need, to me, direction, support, resources, and I'm more than willing to commit to that. And I, as far as issues are concerned, we'll always disagree. But I think my management style is, is more unifying. Thank you.

CHAIR KING: That, that is your opinion, but I'll accept it. I think I, my relationship with our staff speaks for itself.

But we'll go ahead and, and take the vote. And we'll do a voice vote. I'm going to ask the Clerk to start from Ms. Kama and go down the line.

COUNTY CLERK: Presiding Officer Pro Tem Kama.
COUNCILMEMBER KAMA: YES.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: YES, I SUPPORT ALICE LEE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: AYE.
COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: AYE.
COUNTY CLERK: Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI: NO.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: NO.

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

NOES: COUNCILMEMBER SINENCI AND CHAIR KING.

COUNTY CLERK: Madam Chair, that's seven "ayes", two "noes", motion passes.

CHAIR KING: Okay. Alright. With that, that's our, that's our, we'll have order, order in the chambers, please. Well, that's the end of our business today. I thank everybody for staying and being a part of the process.

And congratulations, Councilmember Lee. We'll make the transition as easy as possible. And that will take effect 5 p.m. January 2.

The meeting is adjourned, 5:28.

ADJOURNMENT

The special meeting of December 27, 2019 was adjourned by the Chair at 5:28 p.m.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



Jason A. Economou
Government Affairs Director

441 Ala Makani Pl • Kahului, HI 96732
phone 808-243-8585 • fax 808-873-8585
jason@ramauai.com • www.ramaui.com

December 27, 2019

Council Chair Kelly King
Council of the County of Maui
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: CC 19-523 Related to Bill No. 59 (2019) Concerning Tax Classifications

Aloha Chair King, Vice-Chair Rawlins-Fernandez, and Members of the Council:

I am submitting this testimony on behalf of the REALTORS Association of Maui and its more than 1,700 licensed, professional REALTORS regarding County Communication 19-523 and Bill No. 59 relating to real property tax valuations. Based on an abundance of public testimony, statements at community meetings, feedback from my members, as well as the Mayor's well reasoned logic, I encourage the Council not to override the Mayor's veto.

Throughout the process of preparing and passing Bill 59, public sentiment has consistently been that the Council should conduct more education and outreach prior to its passage. The Council has been somewhat responsive to these calls for more outreach by going out and holding community meetings, but that is a step that should have been taken prior to the passage of the Bill, as opposed to after the fact. The Mayor has given this Council an opportunity to get more community buy-in while highlighting a major concern regarding this legislation, and the Council should not pass it up.

As the Mayor pointed out in his letter dated December 19, 2019, the new "non-owner occupied" classification combines four very different existing classifications that currently all have different rates. Without knowing what the Council might propose as the new rate for the new "non-owner occupied" class, there is too much uncertainty for our taxpayers. If the Mayor's calculations are even close to correct, it means some taxpayers will likely see sharp increases or decreases in their tax rates with no real express legislative purpose other than to make things less complicated for the County. Our taxpayers deserve a more thoughtful legislative process that involves their input.

On November 22, 2019, the day Bill 59 was passed, everyone testifying in the chamber asked the Council to conduct more education and outreach prior to passing Bills 58 and 59.

Though the Council passed both bills in spite of public sentiment, you have been given another opportunity to listen to your constituents and provide the education they have been requesting. I understand that the Council is trying to accomplish a difficult task, but the public should be involved throughout this process, and not just after the fact.

On November 22, Councilmember Rawlins-Fernandez asked how much education is necessary to pass any sort of bill. There is no one answer to that question, but it should be more than a couple of community meetings the week of second and final reading, or after the bill has been passed. It should be enough to help taxpayers understand if and why the County will take more of their hard-earned money. It should be enough to make us confident that you have our best interest in mind and that you know what you are doing. It should be enough to make the Mayor's veto unnecessary. It should be more than was conducted for Bill 59. Therefore, I respectfully request that the Council NOT override the Mayor's veto, and focus instead on crafting better legislation with public involvement.

Mahalo,

Jason A. Economou
Government Affairs Director



Testimony for the Special County Council Meeting December 27, 2019

Prepared by Nick Drance

The Maui Miracle.org

1. "AMENDING RESOLUTION NO. 19-5, ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL AND DEFINING THEIR DUTIES"
2. "AMENDING RESOLUTION NO. 19-13, ESTABLISHING THE MEMBERSHIP OF THE STANDING COMMITTEES OF THE COUNCIL"
3. "ELECTING THE COUNCIL CHAIR"

Regarding a position of Council Chair

Given that the proposed resolutions are being discussed so quickly and with only newspaper reports about the circumstances, I, as a member of the voting public, I do not agree that this should be voted on now. I request that the Council go into Executive Session to discuss this issue further for several reasons, if only to address the appearance of impropriety.

Given the Chair's outstanding leadership initiatives this year, which wholly support the widely acknowledged wishes of the public, I see no reason why her resignation should be accepted.

Clearly, something else is going on here. Kelly did nothing to be ashamed of and issues cited in the papers are petty and trivial. We've seen that this Council often does what it wants, in concert with public wishes or not. Basically, nothing and no one can stop you but your conscience and by gaining an understanding of the true repercussions of your actions. Many of you see yourselves above us little people. Some of you owe allegiance to an established commercial system, first and foremost. If you don't care about public opinion and feel it is your right, instead, to rule over us, what can we do? To a great extent, we don't matter to you. Your personal feelings and personal opinions guide you. Professionals like Doctors and Lawyers are required to pledge an oath not to do that. I wish the same was required of you.

The only thing I can think of is that by challenging the Mayor and Corporation Counsel in the Injection Well case, we come to this day, which you apparently embrace. I find it fascinating to watch the past, influence this Chamber so greatly. I see now why the tapestry meant so much. I'm sad that the New Dawn on Maui become this dark night so quickly.

Democracy cannot function under these conditions so I'm afraid that the public must continue to suffer the consequences until the next election. I hope that interests outside of the will of the people will no longer continue to determine the future of this island, which belongs to all people, not just yourselves and a chosen few.

As for who should be Chair, it's worth noting that four Council Members voted against funding for outside Counsel to determine whether the Charter provides the Council with the Authority to withdrawal Corporation Council's Petition to the Supreme Court. That's Alice, Yuki-Lei, Rikki

and Tasha. I feel they have violated the public trust by undermining the power of this body. Further, they have allowed the Mayor to set precedent that further reduces the power vested in this legislative branch, which represents the people. How can we trust them to Chair this body?

After Kelly, that leaves Keani or Tamara as potential Chairs, yet they are freshman and the job of Chair is very difficult, even for someone with as much organizational experience as Kelly. Given the critically needed work they are already doing, they have their hands full. Frankly I'd rather see them able to focus on that lest than the added responsibilities that the position of Chair requires, hamper them. That leaves Mike whom I respect but do not know well enough to say one way or the other. It's very difficult to know. From your point of view, you might say, the devil you don't know might be worse than the one you do.

We need a Council Chair who is willing to support the Maui County Charter and work toward The County Plan Core Principles and Vision Statements, formed directly from public input. You have a copy of the 400-page Focus Maui Nui Report in your emails. Kelly has already done that; I don't know who else has demonstrated the ability or willingness to do so more than she.

Regarding the Committee Structure,

I'd change the existing one. Changing committees into 9 member groups overworks everyone and takes away from your ability to focus on core responsibilities. You should trust each other rather than assert oversight over one another, as 9 member committees do. I do not agree with Water and Infrastructure being moved to Yuki-Lei. My challenge is that it's difficult to weed out who is inappropriately taking advantage vs who is playing by the rules. Not correcting the unintended wording of the Upcountry Water Bill inserted in Title 18 costs taxpayers and results in fraud. I wish that the responsibility for Water be assigned to someone who finds this unacceptable. Water, which belongs to the people of Maui should be watched over by someone who respects that to the nth degree.

While I agree that the Council should have a Climate Change Committee, I question whether that Committee might actually be able to fulfill its objectives. Some Council members have repeatedly voted in a manner that is contrary to the wishes of the public. The County Plan Vision Statements and Core Principles *are* the will of the people. Those documents which you so object to being placed in this Chamber without your permission, should be placed beside the great seal of Maui County and guide your votes. You should embrace the representation of the will of the people. Yet quite often, this does not occur. So why would we expect this committee to have any teeth? I don't think you'll allow it.

None of this adds up. We demand to know what's going on. Yet, you are not beholden to us and so I suspect, as usual, you will not explain your actions. Yes, truly, the new dawn on Maui quickly became a dark night. Hopefully the Office of Information Practices can be again used to nurture professional relationships in the bright light of day.

To quote Shakespeare in the play Hamlet, it appears that "Something is rotten in the state of Denmark". As you know, the play is about revenge and the desire to seize power.

I believe in the Maui Miracle. We'll see it when enough voters believe and find a way to once again have Faith, so they will have a government that actually protects this sacred land.

Addendum

The public deserves to hear more from its Council

What is the real issue here? We know two things.

1. Kelly King has demonstrated fantastic leadership and the electorate is proud of the Resolutions she has written and supported.
2. Kelly King is not a quitter.

Information according to news accounts – This is not enough to justify this action. These are trival issues that relate to personal feelings, not professional standards.

According to the papers, Mike Moran said he about fell off his chair when he saw the Press Conference the first half of which, was not about this subject. The people of Maui deserve more transparency than that.

Tom Blackburn-Rodriguez said he was shocked and had never known about this kind of change in leadership in the council.

Former Mayor Arakawa said that it was unprecedented.

Dick Mayor said that “The four newcomers will have their own battles. I think that’s the more interesting race” (In terms of upcoming elections). The Maui News used quotation marks in Kelly King’s quote saying that Alice Lee “stepped up” to be chairwoman. Why did they put that in quotes?

The Maui News said that unidentified people said that King created a difficult working relationship that “strained relationships” within Council Services Staff. Who are those people and what are they talking about? This isn’t a popularity contest. None of us have seen any bias in the Chair’s legislative agenda or the positions she has taken. Maybe those difficult working relationships were caused by people not getting their way.

Why are the personal opinions of County and Deputy County Clerk Josiah Mishita and Maggie Clark so important? What grievances could they have which would impact the stature of the position of Council Chair? They could only be personal grievances. Their personal points of view have nothing to do with the office of Council Chair. Moreover, they are not in positions that could not be filled by qualified others.

The Maui News then went on to cite Rikki Hokama who took issue with replacing the 45-year-old tapestry in these chambers with the County Seal. What’s wrong with the County Seal? Does it not represent all that those in these Chambers are beholden to? Is the County Seal such a bad thing?

Council Member Lee was quoted as saying that Chair King was a task master. Is that not the job of Chair? She said she sees herself as a kinder, gentler task master”. What’s going on here? Are we looking for a leader or a wet noodle?

Council Member Molina said that some Council Members were surprised at the resignation. Well, so are we. I say, this Council must explain why they accept a resignation from what a great number of the public say is the best Council Chair we’ve had in years.

None of this adds up. We demand to know what’s going on. Yet, you are not beholden to us and so I suspect, as usual, you will not explain your actions. Yes, truly, the new dawn quickly became a dark night. Hopefully the Office of Information Practices can be again used to nurture professional relationships in the bright light of day.

County Clerk

From: Kelly King
Sent: Thursday, December 26, 2019 1:56 PM
To: County Clerk
Subject: FW: Changes for 2020

RECEIVED
2019 DEC 26 PM 2:14

OFFICE OF THE
COUNTY CLERK

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Francine Aarona <mopsaarona@gmail.com>
Sent: Thursday, December 26, 2019 9:05 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Changes for 2020

Aloha CM Kelly King,

I have such great respect for you. You have done so much and still do for the people of this 'Aina.

In checking information on FB, there is a special meeting being held on Friday. I am sad that I cannot be there physically to support you in the changes that will benefit the community of Maui.

I am in support for whatever you feel is best for the people of Maui, and for you. Climate change is very important right now and we need to adjust and be aware of things that we can do to prevent things to happen in the future.

If this change in your movement benefits the people of Maui, I support you 120%. I also believe that you should chair this committee. If you want to remain as the chair of the council that is great as well. Can't you do both? Everyone on the council is in charge of something...move the work around.

As a chair you have kept us grounded. Not everything will go ones way but we strive to work for the people of Maui. We have neglected to do for us, the people. The corporates have been in charge too long. It's time for the people of different organizations to step up and do it in harmony in support of each other.

I will send testimony but you can submit this email as my testimony.

Happy Holidays,
Aunty Mopsy/Protect Pa'ia

From: Katharine Ayers <kayersmaui@gmail.com>
Sent: Tuesday, December 24, 2019 12:00 PM
To: County Clerk
Subject: Kelly King for Chair

I'm writing to support Kelly King with regard to items #19-5 & 19-13 and Electing Council Chair on Friday, December 27 Special Meeting. Kelly has been an amazing Chair person. I am shocked by what has happened here. What she has accomplished in the last year has been extraordinary. I support whatever she wants to do. If she wants to be chair of the new committee on climate change, I support that. If she wants to remain council Chair, I support that. There are a lot of things happening here now that don't make sense for the good of our county. Kelly has always acted for the good of the county. I trust her and respect her and admire her. And I thank her for her service. Regarding item # 19-5, if Kelly wants the committee on Climate Change she should be granted that. Regarding 19-13, Kelly should be able to pick the Chair and Vice Chair of the Climate Change committee, if that's what she wants. Regarding electing Council Chair, I support Kelly King for Council Chair if thats what she wants. She is the best.

Since Mahi Pono has announced that that will be using Roundup and other pesticides, can we pressure them to do Regenerative farming and soil balancing which has a profoundly positive impact on climate change?!👉

RECEIVED
2019 DEC 24 PM 1:27
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Barbara Barry <begoniabarry@gmail.com>
Sent: Thursday, December 26, 2019 11:27 AM
To: County Clerk
Subject: Kelly King for Chair

RECEIVED
2019 DEC 26 AM 11:32
OFFICE OF THE
COUNTY CLERK

Aloha Chair King and Council Members,

I am writing to support Kelly King with regard to items #19-5 & 19-13 and Electing Council Chair on Friday, December 27 Special Meeting.

Kelly has been an amazing Chair person. I am shocked by what has happened here. What she has accomplished in the last year has been extraordinary. I support whatever she wants to do.

If she wants to be chair of the new committee on climate change, I support that. If she wants to remain council Chair, I support that. There are a lot of things happening here now that don't make sense for the good of our county.

Kelly has always acted for the good of the county.

I remember the 4 years of Mike White being chair and the constant turmoil he created within the County Council, especially in regards to Alika Atay.

I totally trust Kelly, respect her and admire her.

I deeply thank her for her service.

Regarding item # 19-5, if Kelly wants the committee on Climate Change she should be granted that.

Regarding 19-13, Kelly should be able to pick the Chair and Vice Chair of the Climate Change committee, if that's what she wants.

Regarding electing Council Chair, I support Kelly King for Council Chair if thats what she wants. She is the best.

I know that with all the turmoil caused by the old Guard n this Administration, Kelly's choice to step down has more reasons that meets the eye.

I will be watching what goes on as many of her constituents, will be as well.

Mahalo,

Barbara Barry

I would be in Council Chambers in person if I was On island.

Ha'ikū

County Clerk

From: Tom Blackburn-Rodriguez <tominmaui@icloud.com>
Sent: Thursday, December 26, 2019 6:35 PM
To: County Clerk
Subject: Go Maui, Inc. written testimony in support of the Mayor's veto of Bill No. 59 (2019), Draft 1, Relating to Real Property Tax Valuations

RECEIVED
2019 DEC 27 AM 8:03
OFFICE OF THE
COUNTY CLERK

TO: Maui County Council
RE: Support for Mayor's Veto of Bill No. 59, A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX VALUATIONS
DATE: December 26, 2019

Go Maui, Inc., is submitting written testimony in support of the Mayor's veto of Bill No. 59 (2019), Draft 1, entitled "A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX VALUATIONS.

Thank you for taking on the work of addressing tax rules.

We supported the broad concept of tax tiers but like many had concerns which we addressed in testimony to the council previously.

Here are three examples.

1. Impact on local families who live in areas like Front Street, Kuau/Paia (high value areas that still have a high concentration of old local families)
2. Impact on businesses. Potential for large landowners to pass on any tax increase to small business owners who rent space. Costs could then pass to consumers who are already stretched thin.
3. Impact on farming and ranching.

We also asked that a process of community engagement and education be expanded with a standard agenda on the subject and evening hearings in each council district before final passage.

It was our view that the legislation was confusing to the general public and needed additional community input and council hearings.

For these reasons we asked that the legislation be deferred and sent back to committee.

We were unsuccessful in that request however the Mayor's veto message endorses our position on the legislation.

Respectfully,

Tom Blackburn-Rodriguez
Senior Consultant
Go Maui, Inc.
808-283-4570
tominmaui@icloud.com

From: Tcroly <tcroly@maui.net>
Sent: Thursday, December 26, 2019 4:58 PM
To: County Clerk
Cc: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Testimony regarding County Communication 19-523

RECEIVED

2019 DEC 27 AM 7: 59

OFFICE OF THE
COUNTY CLERK

Testimony regarding County Communication 19-523

I would urge the Council NOT to vote to over-ride Mayor Victorino's veto of Bill 59(2019). While I understand the Council's desire to reform our Real Property tax system, bill 59 represented only a small part of this reform and without much more additional reform and measures it will not produce any of the desired results from tax reform.

Almost all of the testimony regarding both bills 58 and 59 was against adopting this legislation. The Mayor's veto further solidifies this lack of support for this measure. While the Council tried to act in time to have these changes passed before year's end in order to allow these changes be incorporated into next years tax assessments and rates, it would be much more prudent to wait and pass measures that have greater public support in the coming year, than to push forward changes that have little to no community support.

I would like to suggest some alternative ways to reform Maui's real property tax system to produce better results than could be achieved from bill 59. First, Budget chair wrote a viewpoint stating that the Council was seeking to create a more progressive tax structure. I believe that this idea would be better served thru raising the homeowner exemption and at the same time raising the homeowner tax rate. This would produce more progressive taxation for Maui's homeowners. This strategy also could be applied for properties that are rented to residents long term by creating a new exemption for non owner occupied properties providing rental housing to residents. These exemptions would reduce taxation for lower valued properties much more than for higher valued properties. The exact amount of the exemption and its effect on total revenues and individual taxpayer's bills needs to be carefully studied. However, I would recommend increasing the homeowner exemption to \$400,000 and offering a \$200,000 exemption for non homeowner properties in any tax classification for those properties renting a permitted housing unit to a resident. This would create an incentive to provide long term rentals. I would also recommend increasing the homeowner tax rate by at least \$1.50/\$1000 and perhaps as much as \$2.00/\$1000. Even with that level of increase in rate, homeowners with properties valued at less than \$700,000 would have a lower tax bill than at current exemption and rates, while homeowners with properties valued at \$2 million would see a 50% increase in taxation

I also think it is both inequitable and unfair to put agricultural zoned properties in the same tax classification as apartment and residential zoned properties. But if you want to create tax classifications based on use, rather than by zoning, then I would recommend creating short term OCCUPANCY and a long term OCCUPANCY classifications. Properties where the owner reports that its use is that of short term occupancy (as in the case of a part time vacation home, not use for short term rental) should be classified differently than a property whose use is one of housing a full time resident (as in the case of a long term rental). These two different tax classifications could have significantly different tax rates to discourage the use as a vacation home vs as a long term rental. The long term rental use would need to be properly documented thru the lessees' social security number and the landlord's general excise tax payments to allow the Real Property tax department to verify that the lessee is actually living there and that the owner is properly reporting and paying tax on the rental income.

I believe either or both of these suggestions would serve the people of Maui much better than the changes proposed in Bill 59. But even if this is not the best answer, any adopted changes to our Real property tax system should come from open meetings and not from the recommendations of a closed Temporary Investigative Group. That is really just an end run around the sunshine law and open government.

Tom Croly
Sent from my iPad that has a mind of its own

County Clerk

From: Susan Douglas <sd3@hawaii.rr.com>
Sent: Wednesday, December 25, 2019 2:07 PM
To: County Clerk
Subject: I support Kelly King

RECEIVED
2019 DEC 26 AM 10:02

OFFICE OF THE
COUNTY CLERK

Aloha Council, I write to support Kelly King. She's been an amazing Chair person. What she has accomplished in the last year has been extraordinary. I support whatever she wants to do. If she wants to remain council Chair, I support that. She is the best.

There are a lot of things happening here now that don't make sense for the good of our county. Kelly has always acted for the good of the county. I trust her and respect her and admire her. And I thank her for her service.

Regarding item # 19-5, if Kelly wants the committee on Climate Change she should be granted that.

Regarding 19-13, Kelly should be able to pick the Chair and Vice Chair of the Climate Change committee, if that's what she wants.

I found it shocking the way and the reasons why and when she was removed.

Warmest Mahalo and Aloha!

Susan Douglas
Healthy Life Coach
Temple of the Spirit
Kihei, Maui, HI 96753
808 879 1112
(You can call 24/7, if you get my machine leave a long message.
NO texts please.)
sd3@hawaii.rr.com



From: Michael Gach <mrgach@att.net>
Sent: Thursday, December 26, 2019 12:56 PM
To: County Clerk
Subject: Support of Kelly King as Chair #19-5

RECEIVED
2019 DEC 26 PM 1:30

OFFICE OF THE
COUNTY CLERK

We are writing to honor Kelly King and support her as a great leader and Chair person.

We appreciate all that she has accomplished in the last year as the Chair. She would also be a great Chair of the new committee on climate change. If she wants to remain council Chair, I support that. Kelly has always been focused and acted for the good of the county. We trust, respect and admire her.

Regarding item #19-5, I highly recommend Kelly to Chair the committee on Climate Change.

We whole heartedly support Kelly King for Council Chair.

We want to thank her for her service.

Barbara Terrill Gach
Michael Reed Gach, Ph.D.

2198 Auina Place
Kihei, Hawaii 96753

County Clerk

From: dad@mauirealestate.net
Sent: Friday, December 27, 2019 11:17 AM
To: 'Tom Blackburn-Rodriguez'; County Clerk
Cc: dad@mauirealestate.net; 'Clint Hansen'
Subject: Bill 59 Veto

RECEIVED
2019 DEC 27 PM 12:01
OFFICE OF THE
COUNTY CLERK

Hi Council members,

Please accept this as my strong opposition to your tiered taxes proposal that was vetoed correctly by our Mayor. As a Realtor I know this would have a very negative effect on property values in the short and long run. Long term rental properties would have to increase their rent to cover the cost of the increase in taxes. I have raised my kids here and it will affect us and some of the Kama'aina and local families in a very negative way as their properties increase in value over the years.

We already have a tiered tax rate with the owner-occupied rate and long term rental rate and so on. In addition we have the \$200,000 reduction in assessment for owner occupant which rental properties do not get. In addition the more expensive properties may much more in taxes. If you really want to do the right thing you should lower the taxes on more expensive homes especially ones that are vacant most of the year. They pay full taxes and only use the infrastructure, roads, police and the like for a month a year, give or take.

I have worked my whole life to accumulate some real estate and have most of my properties on Maui. It is not fair to change the tax rules once again. I will have to charge my tenants more which may have a negative effect on them and me.

Cheers,

Bob Hansen
Principal Broker RB-17532
808-283-9456
Maui Luxury Real Estate LLC

-----Original Message-----

From: Tom Blackburn-Rodriguez <tominmaui@icloud.com>
Sent: Thursday, December 26, 2019 6:35 PM
To: county.clerk@mauicounty.us
Subject: Go Maui, Inc. written testimony in support of the Mayor's veto of Bill No. 59 (2019), Draft 1, Relating to Real Property Tax Valuations

TO: Maui County Council
RE: Support for Mayor's Veto of Bill No. 59, A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX VALUATIONS
DATE: December 26, 2019

Go Maui, Inc., is submitting written testimony in support of the Mayor's veto of Bill No. 59 (2019), Draft 1, entitled "A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX VALUATIONS.

Thank you for taking on the work of addressing tax rules.

We supported the broad concept of tax tiers but like many had concerns which we addressed in testimony to the council previously.

Here are three examples.

1. Impact on local families who live in areas like Front Street, Kuau/Paia (high value areas that still have a high concentration of old local families)
2. Impact on businesses. Potential for large landowners to pass on any tax increase to small business owners who rent space. Costs could then pass to consumers who are already stretched thin.
3. Impact on farming and ranching.

We also asked that a process of community engagement and education be expanded with a standard agenda on the subject and evening hearings in each council district before final passage.

It was our view that the legislation was confusing to the general public and needed additional community input and council hearings.

For these reasons we asked that the legislation be deferred and sent back to committee.

We were unsuccessful in that request however the Mayor's veto message endorses our position on the legislation.

Respectfully,

Tom Blackburn-Rodriguez
Senior Consultant
Go Maui, Inc.
808-283-4570
tominmaui@icloud.com

=

County Clerk

From: Sulara James <sulara@mind.net>
Sent: Tuesday, December 24, 2019 12:58 PM
To: County Clerk
Subject: Kelly King for Chair

I'm writing to support Kelly King with regard to items #19-5 & 19-13 and Electing Council Chair on Friday, December 27 Special Meeting. Kelly has been an amazing Chair person. I am shocked by what has happened here. What she has accomplished in the last year has been extraordinary. I support whatever she wants to do. If she wants to be chair of the new committee on climate change, I support that. If she wants to remain council Chair, I support that. There are a lot of things happening here now that don't make sense for the good of our county. Kelly has always acted for the good of the county. I trust her and respect her and admire her. And I thank her for her service. Regarding item # 19-5, if Kelly wants the committee on Climate Change she should be granted that. Regarding 19-13, Kelly should be able to pick the Chair and Vice Chair of the Climate Change committee, if that's what she wants. Regarding electing Council Chair, I support Kelly King for Council Chair if thats what she wants. She is the best.

Sincerely, Sulara James

RECEIVED
2019 DEC 24 PM 1:27
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Davin McKinley <mauidavin@yahoo.com>
Sent: Thursday, December 26, 2019 7:34 PM
To: County Clerk
Subject: MAUI COUNTY COUNCIL MEETING DECEMBER 28, 2019 AT 1:30 PM

RECEIVED

2019 DEC 27 AM 8:00

OFFICE OF THE
COUNTY CLERK

December 27, 2019

FOR MAUI COUNTY COUNCIL MEETING DECEMBER 28, 2019 AT 1:30 PM

PLEASE DISSEMINATE TO ALL COUNCIL MEMBERS BEFORE MEETING

In favor of Kelly King regarding new standing committee on climate change, ability to pick members and for Kelly King to stay on as County Council Chair.

Aloha, County Council Members,

AMENDING RESOLUTION NO. 19-5, ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL AND DEFINING THEIR DUTIES

I want to offer testimony supporting Kelly King in the formation of a new committee on climate change with her as Chair, and with Shane Seninci as Vice Chair. I believe this committee is vitally important at this critical time for our island. It is necessary to address so many issues that have been overlooked for too long and can no longer be ignored. I trust Kelly King more than any other elected official, and I know that she will be the person to lead with her incredible skills and mana'o. She has the energy and capacity to lead with a laser focus on the most important issue facing our county's physical, fiscal and overall survival.

AMENDING RESOLUTION NO. 19-13, ESTABLISHING THE MEMBERSHIP OF THE STANDING COMMITTEES OF THE COUNCIL

She is a brilliant leader, so I also want to see her have the ability to have her pick the members of this committee. I have faith in her decision-making ability and trust she will pick the right people to help her get the work done in the most effective way.

ELECTING THE COUNCIL CHAIR

Third, if Councilmember King wants to be Chair, I wholeheartedly back her in doing so. I recognize that it is the purview of the Council to pick its Chair, however, when she was forced out in this manner, I, as member of the public strenuously object. I am dismayed by the lack of decorum and professionalism, and pettiness of the members who forced this issue.

We are watching and we vote.

Sincerely,

Davin McKinley
15 Kulanihakoi Street, Unit 7E
Kihei, HI 96753

County Clerk

From: Marley Rutkowski <marfart63@yahoo.com>
Sent: Wednesday, December 25, 2019 3:05 PM
To: County Clerk
Subject: Kelly King for Chair

RECEIVED
2019 DEC 26 AM 10:02

OFFICE OF THE
COUNTY CLERK

I'm writing to support Kelly King with regard to items #19-5 & 19-13 and Electing Council Chair on Friday, December 27 Special Meeting. Kelly has been an amazing Chair person. I am shocked by what has happened here. What she has accomplished in the last year has been extraordinary. I support whatever she wants to do. If she wants to be chair of the new committee on climate change, I support that. If she wants to remain council Chair, I support that. There are a lot of things happening here now that don't make sense for the good of our county. Kelly has always acted for the good of the county. I trust her and respect her and admire her. And I thank her for her service. Regarding item # 19-5, if Kelly wants the committee on Climate Change she should be granted that. Regarding 19-13, Kelly should be able to pick the Chair and Vice Chair of the Climate Change committee, if that's what she wants. Regarding electing Council Chair, I support Kelly King for Council Chair if that's what she wants. She is the best.

Sincerely resident of Haiku Marley Rutkowski

Hugh Y. Starr
Momona Farm
P.O. Box 33
Makawao, HI 96768

December 26, 2019

RECEIVED
2019 DEC 26 PM 4:25

OFFICE OF THE
COUNTY CLERK

The Honorable Kelly T. King, Chairwoman
Maui County Council
and Fellow Council Members
Kalana O Maui
Wailuku, HI

Re: Council Meeting of December 27, 2019
Agenda Item: RESOLUTION AMENDING RESOLUTION NO. 19-5

Via Email

Aloha Chair King and Council Members:

I am Hugh Starr of Momona Farm, Olinda, UpCountry Maui.

I am writing to support insertion of an additional Maui General Plan Objective of the Maui Countywide Policy Plan ('General Plan'), the Objective F.: **Strengthen the Local Economy**, under the Environmental, Agricultural, and Cultural Preservation Committee's standing committee, specifically under **Paragraph 4.d of the Resolution**. Such an inclusion will be of immense enabling importance for Maui's transitioning Agricultural Community.

Thank you for your consideration of this supportive request.
Sincerely,

Hugh Y. Starr

Goals, Objectives, Policies, and Actions

F. Strengthen the Local Economy

Goal: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective:

1. Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- a. Support economic decisions that create long-term benefits.
- b. Promote lifelong education, career development, and technical training for existing and emerging industries.
- c. Invest in infrastructure, facilities, and programs that foster economic diversification.
- d. Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.
- e. Support programs that assist industries to retain and attract more local labor and facilitate the creation of jobs that offer a living wage.
- f. Encourage work environments that are safe, rewarding, and fulfilling to employees.
- g. Support home-based businesses that are appropriate for and in character with the community.
- h. Encourage businesses that promote the health and well-being of the residents, produce value-added products, and support community values.
- i. Foster an understanding of the role of all industries in our economy.
- j. Support efforts to improve conditions that foster economic vitality in our historic small towns.
- k. Support and encourage traditional host-culture businesses and indigenous agricultural practices.
- l. Support public and private entities that assist entrepreneurs in establishing locally operated businesses.

Implementing Actions:

- a. *Develop regulations and programs that support opportunities for local merchants, farmers, and small businesses to sell their goods and services directly to the public.*
- b. *Monitor the carrying capacity of the islands' social, ecological, and infrastructure systems with respect to the economy.*

Goals, Objectives, Policies, and Actions

Objective:

2. Diversify and expand sustainable forms of agriculture and aquaculture.

Policies:

- a. Support programs that position Maui County's agricultural products as premium export products.
- b. Prioritize the use of agricultural land to feed the local population, and promote the use of agricultural lands for sustainable and diversified agricultural activities.
- c. Capitalize on Hawai'i's economic opportunities in the ecologically sensitive aquaculture industries.
- d. Assist farmers to help make Maui County more self-sufficient in food production.
- e. Support ordinances, programs, and policies that keep agricultural land and water available and affordable to farmers.
- f. Support a tax structure that is conducive to the growth of the agricultural economy.
- g. Enhance County efforts to monitor and regulate important agricultural issues.
- h. Support education, research, and facilities that strengthen the agricultural industry.
- i. Maintain the genetic integrity of existing food crops.
- j. Encourage healthy and organic farm practices that contribute to land health and regeneration.
- k. Support cooperatives and other types of nontraditional and communal farming efforts.
- l. Encourage methods of monitoring and controlling genetically modified crops to prevent adverse effects.
- m. Work with the State to ease the permitting process for the revitalization of traditional fish ponds.

Implementing Actions:

- a. *Redirect efforts in the Office of Economic Development to further facilitate the development of the agricultural section and to monitor agricultural legislation and issues.*
- b. *Publicly identify, with signage and other means, the field locations of all genetically modified crops.*
- c. *Create agricultural parks in areas distant from genetically modified crops.*



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

RECEIVED
2019 DEC 27 AM 8:00

OFFICE OF THE
COUNTY CLERK

**Testimony on Amending Resolution No. 19-5,
Establishing the Standing Committees of the Council and Defining Their Duties
Friday, December 27, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

The Maui Chamber of Commerce supports the creation of the new Climate Change and Resilience Committee as this is an important topic and we have already seen the Council create issue specific committees like the Affordable Housing Committee.

As the committee description includes community resilience, we think it would be important for the Climate Change Committee to review emergency preparedness and safety management and planning as well as addressing needed resources to respond to fires and other disasters (if this isn't already included in another committee). As Maui only has one commercial harbor, this committee might want to also consider reviewing critical County utility services and fuel tanks at the harbor that could cause significant environmental and energy issues should a disaster occur, which should be done in concert with the Water, Infrastructure and Transportation Committee.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap

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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CHAMBER OF COMMERCE
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**Testimony on Amending Resolution No. 19-13,
Establishing the Membership of the Standing Committees of the Council
Friday, December 27, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

The Maui Chamber of Commerce supports this resolution and we are thrilled to see that
all Councilmembers are sitting on the new Climate Change and Resilience Committee, given its importance.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

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COUNTY CLERK

Testimony on the Resolution to Elect the Council Chair
Friday, December 27, 2019

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

The Maui Chamber of Commerce supports the resolution and Councilmember Lee as the new Council Chair. While we don't believe the general public understands all of the reasons leading up to this new change as The Maui News article only briefly mentioned a strained relationship with Office of Council Services staff, we appreciate Councilmembers working together to do the right thing and improve a situation that most were unaware of. We want to thank Councilmember Lee for stepping up and share with the Office of Council Services staff that people do support them and appreciate their service.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

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