

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 18, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII AND ONLINE VIA BLUEJEANS, ON FRIDAY, NOVEMBER 18, 2022, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Council meeting of November 18, please come to order. It is approximately 9:02 a.m. Members, we have, I believe seven people to start. Our greeting today is from Kenya, Africa. And it is hujambo, hujambo. And as you probably know, Kenya is, the equator runs right through Kenya.

Mr. Clerk, roll call.

ROLL CALL

DEPUTY COUNTY CLERK JAMES L. KRUEGER: Chair, proceeding with roll call. Members participating from non-public locations should state who, if anyone, except minors, is present with them as part of roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Hujambo and aloha kakahiaka kakou my Maui hikina and lono i ka makahiki. (*Spoke in Hawaiian.*) I'm happy to join this morning from the Hana Cultural Center with my district staff Mavis Medeiros. And currently, there are no testifiers. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Mika Molina.

COUNCILMEMBER MOLINA: Aloha and hujambo, Madam Chair. I'm transmitting here from the Council chambers in Wailuku and hujambo to you and everyone else joining us for our Council meeting today. Currently, there are no testifiers at the Paia District Office. Mahalo.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair and good morning, Councilmembers and community members. I'm in the chambers today, so hujambo to you. And there are no testifiers at the Lanai District Office. Mahalo.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou and hujambo and lono i ka makahiki. What a light show last night. No testifiers at the Lahaina District Office. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Hujambo, everybody. I'm in Kula and looking forward to a productive meeting.

CHAIR LEE: Good to see you.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and hujambo to my colleagues this morning. I am here in my workspace, and I am alone looking forward to a wonderful Council meeting today. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Moloka'i nui ahina. I'm at the Moloka'i District Office, alone on my side of the office. And we have our community outreach specialist Zhantell Lindo on the other side of the office. And I believe there are still no testifiers, but that could change. Lono i ka makahiki. Mahalo, Chair.

CHAIR LEE: Mahalo.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: Morning, everyone. Hujambo. Looking forward to a wonderful, efficient short meeting. Thank you.

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

EXCUSED: COUNCILMEMBER KELLY T. KING.

(Councilmember King was not present when the roll was called; however, she arrived at 9:38 a.m.)

DEPUTY COUNTY CLERK: Chair, there are eight Members present, one Member excused, A quorum is present to conduct the business of the Council.

For the record, I am Deputy County Clerk James Krueger. Also present from the Office of the County Clerk are Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

Joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey and First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: Opening remarks will be provided by Councilmember Johnson.

OPENING REMARKS

The opening remarks were offered by Councilmember Gabe Johnson.

CHAIR LEE: Thank you very much, Member Johnson.

And now, please join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Mr. Clerk. Oh, before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it's your turn to speak. Decorum shall be maintained at all times.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on ceremonial resolution. Members of the public may testify in the Council chamber, at courtesy testimony sites, or remotely through the information listed on the meeting agenda. Individuals in the Council chamber may sign up to testify with the staff member located at the desk in the eighth-floor lobby.

Individuals at courtesy testimony sites may sign up with the staff at the site. Individuals participating remotely may sign up in the meeting chat. If you're connected to the meeting by phone, we will be unmuting you at the end of every testimony period to verify whether or not you wish to testify. Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones off and should turn them on only when it is their time to testify.

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes with up to one minute to conclude per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist. Individuals may also be disconnected from the meeting at any time for breaking decorum.

At this time, individuals may testify on ceremonial resolutions. Chair, there are currently no individuals signed up to testify on this item.

CHAIR LEE: I see one.

DEPUTY COUNTY CLERK: Oh, okay.

PRESENTATION OF ORAL TESTIMONY

MR. JASEE LAW:

Aloha kakahiaka, everybody.

CHAIR LEE: Good morning.

MR. LAW: I hope everybody's having a good Friday. I'll make it short. I was, resolution, oh my name is Jasee Law from Kula uka. The resolution, first thing I noticed was the William McGerrow was a chief account for Hawaiian Sugar. And I wasn't going to say it. I was just going to kind of skip over this thing, but I'm very interested in the religious organizations here on Maui. I haven't visited this place yet, but I will. And he was the chief accounting officer.

And coincidentally, the wahine that's getting paid to be secretary for Kula Roman Catholic Parish used to work in the accounting office before she had a job up there. And since, and was still not going to say anything, but then when I saw that my Council, Councilor Yuki Lei Sugimura signed the resolution, and I had to say something. And I would like her to pay attention and try to help me out up there in Kula, maybe talk to those guys. They won't help me with an address, and they keep sending my ballot back to Kathy's office and James. So, yeah, I'm going to go down there and check it out. And maybe Mr. McGerrow can make a little spot for me down there beside him. Thank you.

CHAIR LEE: Okay. Any questions, Members?

MR LAW: Ho'omaika'i Buddha.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on this item, so we'll do last call. If there is anybody else who would like to testify on this item, please identify yourself now. I repeat, last call.

CHAIR LEE: Okay. Members, are there any objections to closing public testimony and accepting written testimony for ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-256

CONGRATULATING PUUNENE NICHIREN
MISSION ON ITS 100TH ANNIVERSARY

CHAIR LEE: Presiding Officer Pro Tem Kama.

COUNCILMEMBER KAMA: Chair, I would like to ask if Member Yuki Lei Sugimura would like to do the resolution? Yuki, are . . . you want to.

CHAIR LEE: Member Sugimura. Okay.

COUNCILMEMBER SUGIMURA: Tasha, if you would proceed, I would appreciate it.

COUNCILMEMBER KAMA: Okay. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

SO, CHAIR, I MOVE TO ADOPT RESOLUTION 22-256.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Pro Tem Kama, to adopt Resolution 22-256, seconded by Member Sugimura.

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. May I please request the Clerk to read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Pro Tem Kama. Discussion?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Clerk, for reading the resolution. Members, I'm pleased to have the opportunity to recognize the Puunene Nichiren Mission on its 100th anniversary. I'd also like to support the efforts of Ms. Hester Honda in helping to preserve the history and significance of the only Nichiren Shu Temple on Maui and one of four remaining temples in Hawaii. I respectfully ask that the members to join me in congratulating Puunene Nichiren Mission by supporting my motion.

CHAIR LEE: Thank you. Member Sugimura, did you have any comments?

COUNCILMEMBER SUGIMURA: Thank you. Thank you for doing this resolution. I have to commend Hester Honda, who worked with our office. I think we heard from her like six months ago trying to ensure that this gets done. So, appreciate Members for honoring this church. And I think in the audience, there's Yaeko Yamamoto, who's the president of the Nichiren Shoshu Church. And at the appropriate time, if you would allow her to say a few words. Thank you.

CHAIR LEE: Thank you. Members, any more comments or discussion? If not, all those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: All "ayes", zero "noes". We have one "excused". Do we now have eight people? Okay, eight, eight "ayes", one "excused"; Member King. Motion carries.

And now, Members, do we have the guest? Come up and say a few words.

MS. YAEKO YAMAMOTO: Good morning, everybody. My name Yaeko Yamamoto.

CHAIR LEE: Good morning.

MS. YAMAMOTO: I'm Puunene Nichiren Mission board president and we are very honored to have this resolution for our church 100-year. And I appreciate you all take time and consider to give us this resolution. Thank you very much.

CHAIR LEE: Thank you very much for all you do for our community. Members? Oh, could you wait? We have someone who will give you the resolution. Members, you can also walk up and congratulate the president.

Mr. Clerk, where are we?

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on remaining agenda items. At this time individuals may testify on any remaining item on the agenda. The first person we have signed up to testify is Gina Chamberlain. To be followed by Keeaumoku Kapu. I repeat, Gina Chamberlain.

PRESENTATION OF ORAL TESTIMONY

MS. GINA CHAMBERLAIN (testifying on Committee Report No. 22-119):

Yes, can you--

DEPUTY COUNTY CLERK: Yes, we can hear you.

MS. CHAMBERLAIN: Okay, great. Good morning.

CHAIR LEE: Good morning.

MS. CHAMBERLAIN: Thank you for allowing me to speak to the Council. My name is Gina Chamberlain and I'm the homeownership program manager for Rural Community Assistance Corporation. We're a regional nonprofit serving the 13 western states. I also had a chance to speak to the Affordable Housing Committee on CR 22-119 on November 3; and also had the chance to hear all of the discussion from the Committee Members and other testifiers.

I want to speak to the importance of this bill and the importance of extending the period of affordability through the resale restrictions and want to encourage the Council to extend these, the resale restrictions for as long as possible, ideally for 30 or more

years. This is a key component to building a homeownership market not only for the immediate future, but also for the long-term success. I guess I want to step back from, you know, examples of other communities, and data, and just say that I have been working in this field for over 30 years.

And what is surprising from my perspective is that some of these discussions that I was a part of really early on, whether something should be for 10 years or 20 years, the common theme is that we, the longer the better. When I first started, we were looking at restrictions that were just 10 years old, I mean just 10 years long and it was very, that 10 years passed really quickly, and we saw the negative impact of losing all of that affordable housing to a community that was still in significant need.

In addition, I want to just say that in working in the 13 States, we are receiving regular requests on looking at other communities, figuring out ways to build the market that I think these resale restrictions are designed to help build. Build that market for people who are living and working and raising their families in communities that have really high-cost housing markets. And then, those markets that are also really competing with tourism, and second homes, and Airbnb's, and that the, keeping these homes in that market for as long as possible, because you're not going to be able to solve that problem in just one year. That the work that you do today is going to still be needed the 20 years or 30 years from now, cause the, you're going to gradually build on that market and you don't want to lose any of that investment as the resale restrictions expire. Thank you.

CHAIR LEE: Members, questions?

Member Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Chamberlain. So, just to clarify what you're saying is that a 30-year deed restriction won't hamper the homeowner from getting refinanced, or things like that, if their kids need to go to college?

MS. CHAMBERLAIN: Actually, that's a great, I'm sorry, do you want me to respond?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR LEE: Yes, please.

MS. CHAMBERLAIN: I'm sorry. That's a great question, and no. Typically mortgage financing, you're still, with the resale restrictions that you have in place, and the deed restrictions you have in place, the owner is still gaining equity, both through the

payment of their mortgage, and then also the resale calculation. And so, that's the equity that a homeowner can use to, to refinance or get another loan for those other life expenses. So, it's not limiting that. The normal market works the same way. This is just making sure that those homes don't appreciate beyond the affordability for future homeowners.

COUNCILMEMBER PALTIN: Okay. Cool. Thank you so much for your testimony and thank you for answering my question.

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

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Ke'eaumoku Kapu. To be followed by Noelani Ahia.

MR. KE'EAUMOKU KAPU (testifying on Committee Report No. 22-120):

Hi. Aloha, can you hear me?

CHAIR LEE: Yes. Aloha.

MR. KAPU: Aloha kakahiaka, Councilmembers. Good morning. Lono i ka makahiki. I want to testify on CR 22-120, Bill 154. It's very disturbing for me to again go through the gamut pertaining to my issues and concerns about this very issue of the cultural overlay. I feel it's really, really important at this moment to get this thing going. I've sat on the Cultural Resources Commission from 2004. I also sat on the Burial Council for an eight year term. And the reason why I did that is because somebody needed to advocate for a lot of the historic properties and resources that are very abundant in the County of Maui. And it's evident that we in Lahaina are facing issues pertaining to this very subject.

When it comes to company that did archaeological inventory survey that didn't complete it, and that's the reason why we have three open trenches still yet to be determined by the Maui-Lanai Island Burial Council, which basically tells me that the State is inadequate for doing any type of assessment pertaining to how they need to protect the resources that we have in place.

These burials have been exposed from early 2000. I've advocated from 2001 on this very area known as Wainee. And the amount of cultural, historic properties, as well as burials that is abundant in this area. And I feel that if the State is inadequate to make

sure that they protect the resources for our kanaka maoli, especially for burials that is evident in these so-called areas where cultural overlay is very well needed, very well needed.

And that's why I really support this, to make sure that the County also has a say when it comes to the protection and preservation of historic properties and burials now that the County has adopted, you know, these so-called policies and has a certified archaeologist in place. It gives us hope, our kanaka maoli hope that there is an overlay to make sure that these, any type of development before they even develop in these areas they would know for themselves that the area would be potential or not potential.

This area that I speak of right now is red hot zone areas. Very, very disturbing as to how all of a sudden these companies can get exemptions to put in waterlines over existing properties, and do zigzags knowing that if they know of where these burials are to just miss the burials and worry about those later. That's, that's highly totally inadequate for me.

I mahalo this Council, in closing, for all of the great work that you guys been doing this past year. And I really encourage this Council to look into making sure that we have this protection for our kupuna, our iwi kupuna that is in place, especially the historic property. And don't lay into all these recommendations on changing these so-called recommendations for the cultural overlay. I think you guys did a wonderful job. And I think you guys should adopt everything that is before you and get this thing passed, so we, the kanaka maoli community, can feel safe that we have people that watchdogs such as yourselves are doing a very wonderful job for us. So, mahalo, for allowing me to testify. I'm glad to answer any questions, if you have any. Thank you.

CHAIR LEE: Thank you. Questions, Members?

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Kapu, for your testimony this morning. Just a clarifying question. You mentioned the inadequacies at the State level. Can you, in your experience upon these burial councils, how long has some of these, have we waited for the State to kind of opine on some of these projects?

MR. KAPU: Mahalo for that question. And you know, it gets even really complicated when you are dealing with the State Historic Preservation Division, especially with the Burial Council. It depends on what is designated. Now, if it's an inadvertent find, then that . . . is under the discretion of the State. Now, if it's previously found then the Burial Council is the one that makes the determination.

But what makes things even more complicated is the kanaka maoli that has a relationship through these areas has to file a cultural or lineal descendency claim. And once that is done, that can take way, way amount of times to make sure that we have people at the forefront that are there to ask the adequate questions when it comes to the preservation and protection of these historic properties.

So, with the cultural overlay, it's important that before we go into those areas and before they hit burials, we'll know for sure by the determination by the cultural overlay, so we don't have to go through the politics with the State Historic Preservation Division, which basically a lot burials that they've found previously, we've been dealing with burials that are over 30-year-olds in SHPD to try to make sure we can get preservation areas set for them so we can do reinterments such as Puamana Park is what I'm dealing with right now. Those burials have been in that lockup since 2017, and only today we're able to put it back. The cultural overlay would be the most important opportunity for all of us to see what is there before any approval is given for any type of potential development. I hope I answered your question.

COUNCILMEMBER SINENCI: Yeah. Mahalo, Mr. Kapu. Thank you. Thank you, Chair.

MR. KAPU: Thank you.

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

MR. KAPU: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Noelani Ahia. To be followed by Randy Wagner.

MS. NOELANI AHIA (testifying on Committee Report No. 120):

Aloha kakahiaka kakou. Lono i ka makahiki. I am testifying this morning on my own behalf. I'm Noelani Ahia and I'm testifying in support of Bill 154. Reading some posted testimony this morning, I saw that it said, it suggested that this bill is replicating a process that SHPD already has in place. And let me make it clear, SHPD does not prevent desecration. SHPD has basically been set up to fail, and has been, has been derelict in their duties to protect our iwi kupuna.

For example, as Uncle Ke'eaumoku Kapu mentioned, iwi kupuna have been sitting on the shelves at SHPD. These are our ancestors, sitting on shelves for some 30-plus years. And in the last year and a half, the community has taken initiative to begin to

reinter these iwi kupuna. But we shouldn't have to do that because they never should have been dug up in the first place. And that's what we're aiming to do with this bill is prevent the desecration.

When we look at Waiko Light Industrial, there's been 17 boxes of bones that have been dug up since the beginning of the pandemic just in the last three years. This is horrific. It puts a strain on us as kanaka maoli on our time, our energy, our spiritual connection to our iwi kupuna, and this is cultural genocide. When we look at Maui Lani Phase 6, there are 189 find sites. And that's 184 found after the archeologic inventory survey. And this is because of really bad archaeology work that SHPD signs off on. SHPD does not prevent desecration, but this bill can.

This is about respecting the humanity of the kanaka moai people, the first people of this land, and protecting what is sacred. The people in Hawaii who have come here don't think that digging up Hawaiian burials, or think that digging up Hawaiian burials is acceptable, they really don't belong in Hawaii and they should leave. This is our aina. These are our kupuna. This is our nurishment. This is our mana. This our life force. This is what makes us who we are and it must be protected.

This is a proactive bill which will prevent our aunties and tutus from having to jump in front of bulldozers, and it will cut down on lawsuits. The only ones who lose out really are the attorneys who represent the developers in these lengthy lawsuits. Similar legislation was proposed in the 90's, but it was shot down by big business interest. And it could have prevented so much tragedy and harm.

But today, you folks have the opportunity to do the pono thing. We've spent two years, and this version before you today is something that everyone has agreed on, including all of the departments. The care and protection of iwi kupuna is connected to the health and well-being of kanaka maoli. And I can tell you unequivocally that our people are hurting. Our people have suffered. Our people have been harmed. And our people ma'i because of this desecration. But you folks have an opportunity to change that and uplift our people and protect our aina and our kupuna. Mahalo nui for your time today. Aloha.

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

MS. AHIA: Mahalo.

DEPUTY COUNTY CLERK: The next person signed up to testify is Randy Wagner in the chamber. To be followed by Ernest Rezents.

MS. RANDY WAGNER (testifying on Resolution No. 22-258):

Aloha. Good morning. Thank you for being here and for hearing my testimony. I'm testifying in support of Resolution 22-258, which refers to landscape planting. The first part is in regards to Title 12.24A.040, which is landscape planting and beautification, the purpose of which is to protect, preserve, and encourage planting of trees in the County.

And it refers to the Maui County Planting Plan, which was years in developing, which describes very specifically which trees thrive where, how to plant trees, how to maintain trees. And at this point in time, it is only advisory. And as we all know, advice can be ignored. And our intention is to make this a standard requirement for all departments. That they adhere to the knowledge in the Maui County Planting Plan, and not just have it be advisory.

The second part of this resolution is referring to Title 19.36B.080, which is the landscape planting in parking lots. This is particularly important because that needs to be tightened up. It now says it's for shade, but we want the language to read "maximum shade over hardscape," because at this time, with global warming, it requires one tree for every five spaces. But it doesn't require that the trees be allowed to grow to full canopy height to provide shade. And we all know that trees are the best air filter there is. They take in carbon. They give out oxygen. They cool the environment. They increase property values. They uptake water. Parking lots can be designed so that they drain into tree wells, so that the water can be filtered.

And across the country, there are ordinances in many, many areas that require 50 percent shade coverage. We would like our ordinance in Maui County to require 50 percent shade over hardscape.

(Councilmember King arrived to the meeting at 9:38 p.m.)

MS. WAGNER: I know that if you look around you'll see parking lots where trees have been allowed to grow that are fabulous and beautiful. And then, you've seen parking lots that cut their trees, top their trees every two to three years, I mean, two to three times a year and turn them into little lollipop trees that don't provide shade at all. As a matter of fact, they gradually are killing the trees by doing that. Trees should be only trimmed once a year, 20 percent maximum, to remove the dead wood. And they should be allowed to grow into the intention of the law, which was to provide shade.

If anyone wants to ask me about the Planning Department's not supporting this, why, I would be happy to respond.

CHAIR LEE: Members, any questions?

Member Sinenci.

COUNCILMEMBER SINENCI: Yes. I'd like to hear your response.

MS. WAGNER: The Planning Department suggests that the Maui County Planting Plan is already required in the parking lot ordinance, 19.36. And I don't see that anywhere. So, I don't understand. I requested to them where is it shown that that's required? And it's, their, I haven't had a response to that.

The second objection they had is that the departments have different requirements to supervise and administer the trees in different divisions. Like Parks has some, and Public Works has some, and Planning has some. And we're not suggesting that any of that should change. We're suggesting that the Maui County Planting Plan be the standard requirement for all departments, as it is now advisory for all departments. So, if people want more clarification of this, I would recommend we send it to the CARE Committee. However, we did request that it be sent to the commissions.

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

Mr. Clerk, let the record show that Member Kelly King has joined us. Good morning.

COUNCILMEMBER KING: Good morning. Konnichiwa. I don't know if it's morning over here. It's 4:30 a.m., 9:40 your time, 4:40 my time. But happy to be here, Chair.

CHAIR LEE: Thank you. Thank you very much, Ms. Wagner.

MS. WAGNER: Thank you.

CHAIR LEE: May we have the next testifier please.

DEPUTY COUNTY CLERK: The next person signed up to testify is Ernest Rezens in the chamber. To be followed by Kimberly Willenbrink.

MR. ERNEST REZENTS (testifying on Resolution No. 22-258):

Good morning. My name is Ernest Rezens. It's been a long time since I've been here. And I come today to speak about trees and Maui County Planting Plan, which I am the author of, this is the third edition, and parking lot shade, primarily. And trees are very

important because they take in the carbon dioxide which is one of the gases that produces our global warming. And this book here has a chapter on parking lot trees; and therefore, if you plant them properly and take care of them, you're going to have good parking lot shade. And that is super important.

And I was told that the County is adhering to this. But yet, the enforcement, I don't think is there. And the trees take in carbon dioxide to make their kau kau, their Costco supply. And if you over-prune them, they're starving, they don't have the ability to make food. So, and to make their kau kau they take in the carbon dioxide and therefore, that's a global warming gas. So, if you have good parking lot shade, you're going to have less CO2, you're going to help the global warming problem that we're faced with.

Now, a well-shaded parking lot, Dr. Wolfe did research. People travel further, stay longer, and spend more money. Therefore, there's more taxes coming in for government. And that is a god's fact. You yourselves, when you go shopping, do you park in the sun, or do you go for a shade tree? So, it's a matter of fact. So, this Maui County Planting Plan, the chapter on parking lot shade is recommended, because we don't have any ordinance to enforce it. And we were told, oh, but we adhere to it. Yeah, maybe it's orally.

But if you put an ordinance in this parking lot chapter be followed and adhered to, I think you're doing benefit for Maui County by putting it up, by having the trees take in the carbon dioxide. And people travel further. They spend more money, so you're going to have more revenue coming in. So, it's a plus. It's a win-win situation. So Maui County Planting Plan parking lot tree chapter should be mandatory and not just recommended. Do you have any questions? Where do you park when you go shopping?

CHAIR LEE: Okay, Members, do you have questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Ernie. It's so good to see you. I haven't seen you for a while. Well, since the last Arborist meeting. But you are Mr. Trees here in Maui County. Could you give us a little more clarity on what you mean by the Maui Planting Plan is not being enforced?

MR. REZENTS: Well, I don't have proof per se. But just that the way I see things going in places, it could have been done better. And parking lot shade, you see, people bolo head their trees in parking lots because they feel this is going to make it cheaper for them. And we darn well know that shaded parking lots is very advantageous.

So, somehow, maybe even if we give them a little tax break to encourage them to maintain the canopy because they're on private property, see? So, some kind of an incentive that they don't over-prune their trees. Because some people have a tree without branches. I got a tree, but it doesn't do any benefit, because the tree is in photosynthesis taking in carbon dioxide, like I said, and that will help the global warming issue. And when you have a well-shaded parking lot, they will travel further, stay longer, and spend more money. And therefore, everybody wins. This is proven scientifically, as I just said.

COUNCILMEMBER KING: Right, but. Right but, you have, can you give us some insight into whether we're following these, the planting plan in the, in the County parking lots, as far as the number of trees and the canopy of the trees? Because that was one of the concerns, I had heard that the number of trees that were supposed to?

MR. REZENTS: I think parking lots in general, not just County parking lots. I know you have jurisdiction over those, but the public parking lots. Maybe some kind of a tax incentive to maintain the shade, because they don't know about Dr. Wolfe's research. They'll make more money, and you'll get reimbursed by taxes, like I just said, if you have a well-shaded parking lot. But parking lots are important, and we need to have them shaded better, because the carbon dioxide, global warming issues we're faced with. It is amazing when you read about the droughts even on the mainland. Lake Mead is drying up, which is going to supply the water for--

COUNCILMEMBER KING: Yeah, no.

MR. REZENTS: Okay.

COUNCILMEMBER KING: Thank you. I totally agree with you, I just, we've been talking about trees at COP 27 as well and the global, in relation to the global warming issue. I just wanted to get your insight into whether we were, you were seeing the number of trees that were in the planting plan. But that's okay. If you don't have that information, that's alright.

MR. REZENTS: But, yeah. And they had to keep the canopy. You can have a tree there without any leaves, I've got my tree.

CHAIR LEE: Okay, thank you very much, Mr. Rezents.

MR. REZENTS: Okay. Thank you.

CHAIR LEE: Appreciate it. Okay. Very good. And then, we have the next testifier.

COUNCILMEMBER KING: Chair, I believe we have one, I just was told we have one anonymous testifier again at the South Maui District Office.

CHAIR LEE: Oh, okay. Alright.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Kimberly Willenbrink, in the chambers. To be followed by Rochelle Kapu.

MS. KIMBERLY WILLENBRINK (testifying on Committee Report No. 22-122):

Good morning, Chair Lee, Members of the Council. My name is Kimberly Willenbrink and I'm here to testify just briefly on Committee Report 22-122. Just wanted to say thank you for taking this matter up. It's very important to me and others, and largely it's important to all people in the workplace, particularly women. I don't have anything else to say about that. I know that this isn't complete yet, and that you'll be traveling next week. So, safe travels and I'll see you there.

But I also just wanted to say thank you for your service moving into the next two years. Thank you for those that are leaving, those that are staying, and the newcomers. And I just, just this morning opened my completion paperwork for my retirement from the County of Maui. So, thank you for all of the years that I've been able to work with all of you. Aloha.

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

Member King has a question.

COUNCILMEMBER KING: Thank, thank you, Chair. And aloha, Kimberly. Good luck on your retirement, I'm happy for you. Maybe I'll see you in my retirement from the Council. But I, no, the question I wanted to ask you is you said I'll see you over there. So, does that mean that all of the testifiers are required to be there in-person?

MS. WILLENBRINK: Thank you for the question, Councilmember King. No, I think some of us are just going to be there, and to see this thing through to its completion.

COUNCILMEMBER KING: Oh, okay. Alright. Thank you. Thank you for that clarification. Thank you, Chair.

CHAIR LEE: Thank you. Any more questions? If not, thank you very much. See ya.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Rochelle Kapu. To be followed by Janet Six. Rochelle Kapu, it is your time to testify. Chair we'll move onto the next testifier.

MR. ROCHELLE KAPU (testifying on Committee Report No. 22-120):

Aloha.

DEPUTY COUNTY CLERK: Oh. Hi.

CHAIR LEE: Aloha.

MS. KAPU: Hi. Aloha. Mahalo for allowing me to testify today. I'm sorry, trying to find a quiet space here. Alright. I'm testifying on Bill 154. It's something that we've worked on so very hard. We need to, I'm in favor of this bill so deeply. It's something that needs to be done. We're tired of having to go in front of Council or go in front of commissions to testify on behalf of sacred areas. Areas that have iwi kupuna. Areas that have historical sites. So, this bill is very important to us, everyone in Hawaii. Everyone that has put their heads to this aina, that have been here for years and have made this their home. It's because of what the culture is about. It's about, it's because of the people itself, not just kanaka maoli. Everyone.

And, you know, as a kapa maker, as a iwi protector, as a, just someone that does education on historical sites, our Moku'ula. You know, it's, it's not easy going in front of people and having to share your mana'o about areas that people say, you know what, it's not important, we need to move forward. We need development. We need this and that. No. They came before us, and we have to remember that. There's so much significance in what Hawaii is about. It's a special place. And this bill will help us to protect that special place. So, I mahalo for this time. And a lono makahiki hou. Aloha.

CHAIR LEE: Aloha. Members, questions? If not, thank you very much. May we have the next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Janet Six. To be followed by Jason Economou.

DR. JANET SIX (testifying on Committee Report No. 22-120):

Aloha. I'm Dr. Janet Six, the principal archeologist for the County of Maui. Obviously, I'm in support of this bill. I just wanted to make some clarifications. I read some of the online testimony that was submitted, and this is not meant to slow anything down. This is actually meant to facilitate permitting. It's meant to be information that people can make decisions about.

I deal with lots of people in the public that buy lots and then want to know why they have to do an AIS and why they have to spend all this money and then they can't build their house. So what we want to do is provide as much information as we know that is available to put out there for people to make informed decisions, instead of sending every single thing to SHPD that involves ground altering. The idea is as I am permitted by the State of Hawaii since 2004 as a licensed archaeologist, I would work with SHPD enable to streamline the process. And I've been doing this for the County a number of projects already.

So, this is something, the idea that this is a duplicate process, it's not. It's meant to save time. It's meant to save money. But the most important, it's meant to protect sites, cultural sites, whether they're iwi kupuna in burial complexes, or heiau, or even plantation infrastructure. Its idea to identify what's on a parcel in an area so that people can make informed decisions.

But just really want to emphasize, I don't have the power to stop things. I'm not going to be stopping things. What I'm going to be doing, which I've been doing for Mayor's Office, is providing people information so that they can make informed decisions. It's not pejorative. It's informative. It's data and that data is very powerful. And I think once we get the cultural overlay bill passed and we get the cultural overlay database started, that people will see that this will speed up the process of permitting, not slow it down. That's what I have to say.

CHAIR LEE: Questions, Members?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. In the interest of time, if there are no objections, I wanted to designate Dr. Six as a resource when the item comes up, just in case Members have additional questions.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Alright, may we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jason Economou.
To be followed by Norm Franco.

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI (testifying on Committee Report No. 22-119):

Good morning, Council Chair Lee and Councilmembers. Am I speaking too loud?

CHAIR LEE: Good morning. Yes.

MR. ECONOMOU: Okay. If I lean back, is that a little bit better?

CHAIR LEE: Yes.

MR. ECONOMOU: Let me try and fix the setting real quick with you. So sorry about this. Anyway, I'll speak lightly. This morning, I'm testifying on behalf of the Realtors Association of Maui as their Government Affairs Director regarding Bill 103. First and foremost, we came to you with a proposed amendment. And thank you, thank you all for including that amendment, and allowing people to maintain property ownership even if financial hardship hits them for a couple of years. We really want to be able to keep people in their homes because there's a whole host of benefits that come with homeownership.

One of the aspects that I've seen getting a lot of focus is the building of equity. And what I want to address is that when RAM examined this bill, there wasn't really much concern regarding the equity sharing or the shared appreciation, because that seemed to already exist within the code itself.

But one thing that I want to address is that with the way mortgages are structured, having a 30-year mortgage, a lot of times when people sell a home early, they are getting a lot of equity. But that equity is largely built on the managed debt that they've been holding. So, when you have these shorter deed restrictions, people can break out of the deed restrictions early and sell, and then get a windfall that's far beyond the amount of the subsidy that was going into the property in some instances.

So, you know, there's real economic concerns as far as is the County doing something fiscally responsible if they don't create some measure to try and recuperate the amount of subsidy that they put into the housing? I think that was the real, real crux of the controversy behind the changes to the Affordable Housing Fund that allowed for increased subsidy. So, so those increased subsidies don't really make sense if the County doesn't have a mechanism to hold back that property in a method that's affordable for its residents.

So, beyond that though, I really must warn that I'm not an expert on financing. So, so what I would say is listen to the mortgage professionals that you're hearing from and ask them if there's really an issue as far as equity or the affordability of the house given the extended deed restrictions. From RAM's perspective, you know, people sign 30-year mortgages as a standard. So, so that in it of itself is a limitation on equity that can be built. Limitations exist. What's fair is ultimately determined by you and the market. So, that's our input.

Thank you for the amendments that you made. And you know I hope you, some of the other legislation is great, you know, protecting the cultural remains, protecting the trees, and protect your residents, please. And thank you very much.

CHAIR LEE: Thank you. Members, questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, as it stands now, it's a 20-year deed restriction. And if my understanding is correct, you said you would support a 30-year deed restriction, because of the way the other times are set up, like a 30-year mortgage?

MR. ECONOMOU: Councilmember Johnson, I said that RAM does not have a position regarding the length of the deed restrictions because we don't, we as an organization are focused on, on housing and homeownership, not the financing of the housing. Though we have a lot of financiers in our membership, we haven't heard any complaints from them regarding this. So, I got to say that I'm technically neutral regarding that, the length, the specifics of the length.

COUNCILMEMBER JOHNSON: Thank you for clarifying that, Jason, or Mr. Economou. Mahalo, Chair.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Mr. Economou. So, I just want to be clear in my understanding of equity. So, the shorter, the shorter the deed restriction, the more equity is developed within a home or property?

MR. ECONOMOU: No. So, this is going to get a little complex to try and explain. But what I mean by the length of time, in the past three years, is a good example, we saw the prices of housing drastically increase.

COUNCILMEMBER KAMA: Right.

MR. ECONOMOU: Far beyond what somebody might have purchased that housing for, at let's say the 100, or 120 AMI level. If people are allowed to sell within these shorter gaps where there's this massive increase in housing prices, then what ends up happening is yes, there's shared, you know, there's limitations on how much they can sell for. But the overall property is much more expensive than might have been anticipated when the equity share or deed restrictions were put in place.

COUNCILMEMBER KAMA: That wasn't helpful. But I'm going to--

MR. ECONOMOU: I'm so sorry.

COUNCILMEMBER KAMA: No, no, that's okay. It's complex, yeah.

MR. ECONOMOU: It's really complex. And that's why, you know, I think it's good to hear from the mortgage folks--

COUNCILMEMBER KAMA: Yeah, you're right.

MR. ECONOMOU: --when it comes to that. But what I am saying is it's, the big criticism of the Affordable Housing Fund is that it's a giveaway. And if you're subsidizing housing units at \$300,000 per unit, and people are able to sell those units and make windfalls, that's a giveaway, and you are losing the housing inventory that you just spent hundreds of thousands of taxpayer dollars on. So, that's the real concern. So, even aside from the equity-building, people will be able to build equity regardless in the Maui market. Homeownership comes with that, but also the decreased rent. I mean, right now, a lot of mortgages are less than people are paying in rent for the same sized units.

COUNCILMEMBER KAMA: Yes.

MR. ECONOMOU: So, there's those benefits, plus the stability, plus all of that. What I'm really concerned about is that taxpayer dollars are going into housing to try and help our lower-income residents. And we don't want that inventory necessarily lost, because those residents are just as important to our community as the higher-income residents that can buy a house for cash.

COUNCILMEMBER KAMA: Right. Okay. Okay, thank you. Thank you. I get it now.

CHAIR LEE: Any more questions? Thank you.

COUNCILMEMBER KAMA: Thank you, Chair. No.

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

MR. ECONOMOU: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Norm Franco. To be followed by Stan Franco.

MR. NORM FRANCO (testifying on Committee Report No. 22-119):

Hello there. Can you hear me?

CHAIR LEE: Hi. Yes.

MR. FRANCO: Hi. Can you hear me?

CHAIR LEE: Yes.

MR. FRANCO: Okay. On the Bill 103, I, based on my 44 years' experience in real estate as a broker and as an appraiser, I would support a 30-year restriction. And the reason for that is we try to maintain workforce housing for as long as you can and stifle the opportunities for speculation. I've seen where in previous County projects that was, have a ten-year restriction, it was too short of a time, and those homes, as soon as the ten years expired, was sold in the open market.

I've been advocating for quite a long time now that we should have a separate market. Instead of Hawaiian Homes program for non-Hawaiians, with the County owning the land in perpetuity, and affordability in perpetuity, instead of doing what you're trying to do which work with developers who are based on a profit motive, instead of a motive of providing housing for the workforce of Maui.

We're losing our population on a daily basis. I see it every day. Our young families can no longer afford to live on this island. Their hope of homeownership is being dashed when we have homes selling for over a million dollars in the Wailuku Heights area. It's totally ridiculous and its craziness.

And I experienced it firsthand with a client who had a property in Kula and wanted to sell to move into the Wailuku area to be close to his daughter. When he found out that a home about the size of a standard three-bedroom, two-bath on a lot, have seen golf greens bigger than that lot, selling for \$1.2 million, I don't know in any consciousness, I told the salesperson how can you justify that? And her response was, well, that's the market. Well, the market is all messed up, and it's because of an invasion that coming to this island by the people who have cash, they don't care what they pay, and they pay ridiculous prices, and they totally devastate the local market.

So, my question, my answer to Council Tasha Kama, yes, there is a difference. When you go 20 year, okay, that's all I got to say unless I'm given more time.

CHAIR LEE: Norman, can you just wrap it up in 30 seconds?

MR. FRANCO: Okay. If you have a restriction of 20 years, or you base your mortgage on 20 years, you're building up equity faster than if you go on a 30-year mortgage. But it's all based on the fair market value of the home at the time of sale. So now, if you have a home that you sold to somebody for \$300,000, and in 20 years the value has gone up to maybe 800,000, then their gain is faster. They can realize their gain faster than a 30-year restriction. And most mortgages, and speaking for, because we work with mortgage people on the appraisal side, they want certainty. So, I recommend a 30-year restriction based on a 30-year mortgage. That's all I got to say. Thank you.

CHAIR LEE: Thank you. Any more questions, Members?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Franco, for being here. So, my question is, you know, I realize that mortgage lenders want a 30-year mortgage, because they do want to make sure that that mortgage is able to be paid. And so, we're looking at doing a 20-year deed restriction on these 30-year mortgages. So, what is, from your perspective, as a realtor or someone who's been in the market for many, many years, is that helpful to the homeowner?

MR. FRANCO: Okay, well, if you allow them to break out of this restriction for hardship reasons or for other purposes, but you have to keep it within affordability. And so, it

doesn't really matter from their point of view if it's 20 or 30. It would matter if they can spin that property off into the open market and realize a windfall gain. But if you keep it 30 years, that deters that possibility and, you know, it doesn't hurt the homeowner, actually. I don't think it does. It's really based on trying to keep it affordable for as long as period of time as you can. The ultimate goal is to make it perpetual affordable, but that is another issue entirely.

COUNCILMEMBER KAMA: Yeah. Well, thank you so much for your response. Thank you, Chair.

CHAIR LEE: Any more questions? If not, thank you very much. May we have the next testifier, please.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Stan Franco. To be followed by Trinetta Furtado.

MR. STAN FRANCO (testifying on Committee Report No. 22-119):

Good morning. Can you hear me?

CHAIR LEE: Good morning. Yes. Good morning.

MR. FRANCO: Good morning, Chair Lee and Members of the Maui County Council. And thank you for all of you and your devotion to the well-being of the residents of Maui County. As you know, I'm Stan Franco, and I come to do testimony on Bill No. 103. For too long in our island home we have not addressed the housing crisis that our people face. Since 2017, FACE Maui and Stand Up Maui have championed that the County of Maui have a plan to develop the strategies to build the homes that our people can afford at the incomes they earn in Maui County.

I credit you for taking that bold step of creating that plan in 2021 and your subsequent legislative actions to make the plan implementable. Today, we can take the next logical step in that implementation. You have before you Bill No. 103, which requires that deed restrictions be placed on homes that we the people of Maui County invest our property dollars to subsidize the construction of the homes or to finance the home purchase.

The question that you are faced with today is how long should that restriction, deed restriction period be? To me, the restriction period should be the same as the term for a normal mortgage loan, 30 years. Some have said that it's too long because it would not allow a homebuyer to build wealth for himself and his family. In a normal market-

based economy, home builders would build to meet the needs of the common man and woman. They did, and I bought my first home in 1975 for \$40,500. But we are not in a normal market, with the average home costing more than a million dollars. As the comprehensive affordable plan has called for, we must change our view of building homes like we did and when I was setting up my household in 1975.

The most important thing that you can do today is to decide that the 30-year deed restriction is reasonable. Then we the people will not be continually replacing subsidized homes with shorter-term restricted period because they are sold on the open market. I believe that this is a reasonable trade-off for our investment of property tax dollars, 30 years, the term of a mortgage, normal mortgage loan.

By creating the subsidized market for our local people, we are saying to them, we care about them, that they have a place to celebrate family birthdays and anniversaries, a place to walk with friends, a favorite sporting event, and a place for our children to study and do their homework. I believe that our people will say yes to the 30-year restriction because they can afford an affordable mortgage payment loan. With a reasonable mortgage payment, people can save for their children's education, for family vacations, and if they want to buy a market priced home in the future.

I stand, come before you today to ask that you approve a 30-year deed restriction for all homes that are subsidized by our property tax dollars. And thank you very much for listening. Have a good day.

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

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Trinette Furtado. To be followed by Kaniloa Kamaunu.

MS. TRINETTE FURTADO (testifying on Committee Report Nos. 22-119 and 22-120):

Aloha mai kakou. Can you hear me?

CHAIR LEE: Yes.

MS. FURTADO: Aloha, Chair Lee and Councilmembers. Mahalo for the opportunity to testify this morning. What an awesome evening display we had last night to usher in the season of Makahiki, Iono i ka makahiki, everybody. I'm here to testify briefly on two CRs today.

The first one, CR 22-119, relating to residential workforce housing restrictions. And I absolutely support this CR. I think that it is necessary given the rabid consumption of any available and decently priced real estate by people who have recently arrived by people that were looking to escape COVID. All of these different reasons. But that pushed generational families out of much needed housing. And we already know that we had a housing shortage before that.

This would also help, I think, curb for profit rentals in these areas whose rents exceed what would normally be asked in an affordable rental property area just because that's what the market rates are going for and these people can get it. I know this because I have a friend who lives in a house that is rented out for more than I'm sure what the person is paying for as a mortgage, and in an affordable area. And because housing is so critical and hard to find, she has asked me to not, you know, speak further about who this is, or what development it's in. But it is happening. It could also help possibly curb second homebuyers who slip through loopholes to obtain a home that they then turn around and rent in such a manner. That's what I've got to say about that.

I hope that you will pass this. I think it's very important. I don't have a home. I rent right now, but I am hopeful that I will be able to get into one of our affordable developments and provide a home for not just myself but for my daughter and for any other family members that come down the line.

The second issue that I want to testify on is CR 22-120, which is the cultural overlay. And I support that as well. I think, you know, it's been a long time in coming. Historically, when issues involving kanaka have come up for deliberation, those who profit most are often the ones who don't want to change the system that allows them to commit desecration. While residents must prove that they are lineally, like they are connected, to people who aren't even connected, to speak for those who cannot speak. To speak for the aina, to speak for iwi kupuna, to speak for practices.

It's an uphill battle for respect, which is sorely lacking. This is necessary in reminding people that a people and longstanding practices, a civilization existed and continues to exist though rapid and selfish development and profiteering off of our aina have changed the landscape, both literally and figuratively for kanaka even more dispossessed today on our own aina.

A cultural overlay would give a voice, no matter how small the whisper, to wahi that urgently need a voice. One wouldn't think about bulldozing a church in their neighborhood, digging up graves to move them, or pouring cement over them to protect them, or even further, restricting the area so that longstanding practices can no longer be observed there. People would be upset, depending on the church of course. But upset, nonetheless. And that's just one example of what this overlay would begin to

address and hold people accountable to. And it's important given the daily disrespect towards kanaka, as if we don't belong here and are nuisances like gnats.

It's one small step for us now as we're looking at and deliberating, but it's a giant step forward for our kupuna that have been waiting for our advocacy and for our support, and for our mo'o who are looking to us for guidance on how to maintain longstanding practices and our connection to our lahui and our aina. And I thank you for the opportunity to testify. And I hope you all have a wonderful day.

CHAIR LEE: Thank you. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Ms. Furtado, for your testimony. So, you mentioned in your testimony that, you know, as a renter, you're really looking forward to hopefully being a homeowner one day. So, my question to you is, as we deliberate on this item, regarding the 20-year deed restriction, would you be open to having, if you were able to purchase a home, would you be able to say okay if there's a 30-year deed restriction?

MS. FURTADO: Without hesitation. You know, when you, when we plant, and you know when we prepare the aina, right, it's not just for what I'm going to do or what I'm going to make off of it. But it's seven generations down the line and so I want someplace to do that with.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair, very much. Appreciate it. Aloha a hui hou.

MS. FURTADO: A hui hou. Mahalo.

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

Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Kaniloa Kamaunu. To be followed by Carol Lee Kamekona.

MR. KANILOA KAMAUNU (testifying on Committee Report No. 22-120):

Aloha mai kakou, Council and Chair.

CHAIR LEE: Aloha.

MR. KAMAUNU: Kanaloa Kamaunu from Waihee. So, I'm reflecting on Bill 154, I believe, the cultural overlay. It was something that, you know, I represent Mālama Kakanilua, as well as lineal recognized descendant from Waihee. Mālama Kakanilua, for years, with others, you know, not saying that we're the only ones, with others have, you know, held signs, have gone through all of these meetings, whether it be State or County, you know, to advocate for the protection of our, not only our iwi, but the lepo itself.

People forget that the rest of the person is in the lepo. When all that breaks down, those things turn to, back into the earth and mixes up with the lepo. We only think about the iwi, but the iwi is not what makes up a human being. It's one, the spirit that's in that being, as well as the flesh and the blood that's in that being. So, when all those, when they hala, all those things go into the lepo.

And like even the English saying is ashes to ashes, dust to dust. And you return unto that. Well, then, we're not only talking about just the iwi being sacred, but the lepo. That's, that's the rest of our kupuna. Those are our ancestors. So, for us to say that the place is sacred, is because we know that when winds blow, it moves the lepo. It moves the dirt. It doesn't stay there. So, that place is sacred, because the ano, essence of the person is there.

Mālama Kakanilua has fought for this with the position of the County archaeologist. We, I really wanted more oversight on actually a Committee that oversee archaeology itself, because they become part of this problem. What we have right now is what we have. And that overlay becomes important, because it start to bring out the history.

Imagine that the pu'uone anywhere on the . . . description, anywhere from 100 to 300 feet, where do we see that pu'uone now? Below our feet. We stand on it now, the top of the pu'uone because of such desecration, because of such degradation and no foresight of what that place meant, the mo'olelo.

How am I supposed to say that these battles of Kakanilua and other battles were held in the pu'uone when the pu'uone isn't there. So, we need to, I'll just take a few minutes, second or so. How do we describe that to our mo'opuna? It's no longer there. So, this would secure that this degradation doesn't continue, and that we don't have to hold signs, or I don't have to walk . . . my skeleton, or drive around with it on my car, so people get the gist of what we're saying. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify during this testimony period is Carol Lee Kamekona.

CHAIR LEE: Carol Lee?

DEPUTY COUNTY CLERK: Carol Lee, we see that you're connected to the meeting, and you are unmuted, but we can't hear you. Chair, shall I do last call for the time being?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: So, we'll do last call. There is an individual requesting to testify.

MR. JASEE LAW (testifying on Committee Report No. 22-122):

I'll stall until she can get to the microphone. Jasee Law from . . . CR 22-122, Don Guzman vs. County of Maui. Don Guzman, I believe was born here, but I think he's like Filipino origin. I don't know what "Happy Birthday" is over there. "Hau'oli makahiki hou" you say in Hawaiian. He just had a birthday last week and he goes to Roman Catholic Church last I heard.

There's a story in the Baibala about Joseph, his brother sold him out cause he was jealous of him, cause he was the favorite son. And he turned out he was working for this guy, and he turned out a really good worker. But the wife of the man's, the boss man, the master didn't like, I mean, she liked him too much and she wanted to have sex with him, and took him in, tried to get him going in the bedroom with her, he didn't want to do it.

CHAIR LEE: Jasee, what is this about?

MR. LAW: CR 22-122.

CHAIR LEE: Okay, what you're talking about has nothing to do with this case.

MR. LAW: It does.

CHAIR LEE: I don't think so. You're talking about personal information. This is just about a case.

MR. LAW: This is a male-female thing.

CHAIR LEE: No, we're talking about his case.

MR. LAW: If you want me to speed things up, I can continue or just go.

CHAIR LEE: Well just, you don't have to give such personal information. Let's put it that way.

MR. LAW: Oh, that was the, for the people that don't read the Bible and the story of Joseph, the woman accused him and it wasn't true, and then he got fired by the man. So, that's why I was trying to bring up, and akua makes roosters crow for a reason.

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

Did Carol Lee come back on?

DEPUTY COUNTY CLERK: Chair, we did hear something come through from Carol Lee, so we'll call her again. Carol Lee, it is your time to testify.

MS. CAROL LEE KAMEKONA (testifying on Committee Report Nos. 22-119 and 22-120):

Can you hear me?

CHAIR LEE: Yes.

COUNCILMEMBER KAMA: Yes.

MS. KAMEKONA: Perfect. Okay. Kala mai. Aloha kakahiaka kakou. Lono i ka makahiki. My name is Carol Lee Kamekona. I am not a paid lobbyist; however, I am a member of Mālama Kakanilua, Ho'oponopono O Makena, Aha Moku O Wailuku, and our common denominator is the protection and preservation of our history, traditions, and cultural and archaeological sites. I believe this cultural overlay bill is a step forward towards our collective mission. It allows developers to see if their project sites may have any potential cultural impacts, which in turn would save them money and time from possible interventions and contested cases.

I kakou the testimonies of Ke'eaumoku, Noelani, and Kaniloa and will not repeat, but will add in the time Wailuku garage parking site, there have been five of our iwi kupuna who have been disinterred. So, in saying this, I would like to see a bill passed which can coincide with this proposed cultural overlay bill to put a timeline on how old a previously done AIS can be used. In other words, for example, a 20-year-old AIS done by . . . previous owners shall not be used, obviously, cause topographically, much can

be changed as we know in the blink of an eye. Look at how the aina of Kauaula in the west side has changed due to the current fire.

With reference to the housing bill, I am truly in support of owner-occupied workforce housing being held in perpetuity to help our kanaka families to live in their homeland. Mahalo to this Council for providing, caring, and listening to our voices. . . . maikai. Mahalo. Ke Akua pu. Have a beautifully blessed Maui day.

CHAIR LEE: Mahalo. Questions, Members? If not, thank you very much. May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, there are a couple of other testifiers who have signed up. The next person signed up to testify is Thomas Croly. To be followed by Zhantell Lindo.

MR. THOMAS CROLY [testifying on Bill No. 192 (2022)]:

Aloha, Council. Tom Croly, testifying on my own behalf. I want to make comment on Bill 192. This appears to be a new introduction of a bill related to real property tax exemptions, specifically for the long-term rental category.

I anticipate that this bill is going to be asked to be brought up at today's meeting for discussion, and I kind of object to that idea. I fully understand that this is time-sensitive, that if you don't pass a bill related to this before the end of the year, next year, everything stays the same and you can't make the changes. And in general, I'm supportive of the intent of this bill, and of what I read in it right now. But this is not the way to make legislation. And this Council has done this repeatedly this year, where the public doesn't have the opportunity to digest these bills, and give them consideration, and go through the proper Committee work first, and then first reading at Council, and get the proper posting and so forth.

So, as much as I would like to see some action taken to ensure that properties that are being granted to the long-term rental exemption are the right properties, I do think that the process that we go through to get to that should be followed correctly and you shouldn't jam this bill through, as I anticipate. Now, maybe I'm wrong. Maybe it's going to be referred to Committee as it should be. But that's the whole other problem. I can't prepare testimony for you because I don't even know what's going to happen with this right now.

But if the plan is that this bill is going to be discussed at Council today, and if you're going to ignore my recommendation that it be referred to Committee, then be sure to have all of the personnel from Real Property Tax there to clearly tell you how all these changes would be administrated. Because again, I can tell you from having chaired the Real Property Tax Appeal Board, that the administration of these bills oftentimes is quite different than what the intent of Council was. So, unless you put on the record what your intent is, you may not find that it is administrated in the same way that it was intended when it was, you know, brought through, through Council.

So, thank you, Chair. Again, I don't know what's going to happen on 192. Maybe everything I'm saying is irrelevant because you're just going to refer it to Committee, but that's what I would like to see you do. Aloha.

CHAIR LEE: Okay. Thank you. Questions, Members? If not--

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Croly. Mahalo for your testimony. I didn't hear any specific concerns about the bill itself. And I remember that you did testify at the Budget Committee previously when this was, when I presented on the amendments that came from the Department. So, to clarify, do you have any specific concerns about the amendments that are proposed in the bill itself?

MR. CROLY: I read the, you know, the amended bill, cause it's not an amendments to bills, right? You're not submitting it that way, you're submitting this as a new bill, correct? And, and the changes that, that I read through this morning, I don't know that all of them were discussed at the last meeting. Maybe I missed it. I don't know. But I just don't have enough time to really think it through and say, alright, this means this. Plus, I would like to have the Department say this amendment means we will do this, and then, once they say that, then I can understand how it would be administrated and how it would be put in place. But at this moment, I do understand the intent of the amendments and I am supportive of the intent of the amendments. But again, I don't know for sure how that would play out in the real world, if you will.

The one thing that I was concerned about that is not in this bill, and perhaps could be addressed when we set tax rates, is I observed that there is a property in Makena who is getting \$130,000 reduction in their property taxes because they said, oh, we're a long-term rental. Now, maybe it's a legitimate long-term rental. Maybe it's a small portion of that property. I don't know which. But is it the Council's intent to grant one single taxpayer a \$130,000 tax reduction? I don't know. That seems to me a bit absurd.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I think you may have lost service. Oh, you were frozen.

MR. CROLY: Oh. No, no, I stopped speaking. Yeah, yeah. Sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. You looked frozen. Okay. Sorry. Yeah, so those proposed amendments to the Code were addressed in the Committee meeting. Mahalo, Mr. Croly. Mahalo, Chair.

MR. CROLY: Mahalo.

CHAIR LEE: Any more questions? Any more questions, Members? If not, thank you very much, Mr. Croly.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Zhantell Lindo. To be followed by Erin Wade.

MS. ZHANTELL LINDO (testifying on County Communication No. 22-282 and Committee Report No. 22-120):

Aloha and good morning, Council and Council Chair. Thank you for this opportunity. I would just like to testify really fast on County Communications 22-282. I mean, it's basically just the Department of Housing and Human Concerns notifying you of a grant award for the Section 8 Program. I wanted to just thank the ladies and the gentlemen in the Section 8 Program. I work intimately with them, and I think sometimes they are unsung heroes.

And I just wanted to give one big prop to that division of the Housing. I've seen them in action. I watched them work tirelessly to get our people into housing, and sometimes those worker bees no get the attention that they need. So, I just wanted to publicly acknowledge all of those wonderful men and women, and their supervisors for the great work they do that warrants us the continued support of Section 8 funding through HUD.

The second thing I wanted to testify on is CR 22-120. I'm so grateful as I watched this come through, that Moloka'i had the foresight to include it in our Community Plan long time ago, that the cultural overlay was definitely our way, as a community, of securing

the things that were important to us. And I've heard a lot and support everything that everybody said prior to me. But I wanted to highlight two additional things.

One, there is a portion of property by the Lady of Sorrow Church in our Mana'e area of our island where the road is falling in. And there has been constant talk how we going fix it. And one of the things that is scary is that I found that when SHPD, because they're State run organization, when a Council, sorry, when a legislator evokes or asks the Governor to put on a state of emergency, SHPD becomes exempt from the process of mitigating that emergency protocol. And so, all the potential intended cultural and archaeological protection methods that we put in and we have faith in that Department to provide for our people and our aina, are now exempt from the process of planning for mitigation.

So, when I look at cultural overlays that are put in our Community Plan and also a resolution like this, it makes me feel more secure that there's an added layer of protection. And I really love the wording that it's to preserve cultural resource and promote careful planning. And I think that's what's really important.

The second thing is in line with that. I've been screaming and yelling to the top of my lungs for the longest time that we live on islands. And as much as we need affordable housing and we want to, we not going ever build our self out of the problem. But the one component that has been missing is our careful and prioritized attention to our natural resources. And under our cultural overlay, what happens is we're forced as planners and decision-makers and a community to take into account our indigenous kanaka wisdom from the people who had a place once upon a time that had no disease, no predators, no poisonous plants, you know, all the things that were introduced. Why? Because there was a way of their wisdom that found this importance of planning the things they were doing as they malama the aina and took careful consideration that the resources were not being depleted while we were trying to build up according to our own need and our own wants. And so, I just want to thank you for that opportunity. Mahalo.

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

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Erin Wade.

MS. ERIN WADE, REDEVELOPMENT PROGRAM PLANNER (testifying on Committee Report No. 22-120):

Good morning, Councilmembers. Thank you for allowing me the opportunity. I just wanted to quickly clarify some testimony that was made that iwi kupuna were disinterred at the parking structure site, which is not correct. As you know, you folks were, you folks provided additional funding so that those iwi kupuna could be preserved in place. And that is what has happened. So, I just wanted to make sure that that was known and clarified on the record.

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

MS. WADE: Thank you.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify during this testimony period, so we'll do a last call. If there is anyone else who wants to testify at this time, please identify yourself now. I repeat, last call.

CHAIR LEE: Okay, Members, any objections--

DR. SIX: Can I, can I provide, could I provide a little clarification also?

DEPUTY COUNTY CLERK: Ms. Six has already testified on Committee Report 22-120.

CHAIR LEE: You'll be coming back later as a resource person.

DR. SIX: Okay. I just, I was looking at some of the stuff in the chats and I just wanted to make a clarification, but I can come back. It's not a problem.

CHAIR LEE: Okay. Members, any objections to taking a ten minute break?

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. Randy Wagner;
2. Planning Director Michele McLean;
3. Clairerose Noelani Bonilla;
4. Lynn Britton, Maalaea Village Association;

5. Kyle Caires;
6. Mitchell A. Imanaka, American Resort Development Association;
7. Alan Lloyd;
8. Jeff Marsh;
9. Mavis Oliveira-Medeiros; and
10. Larry Stevens.

CHAIR LEE: Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I thought we can't take a ten minute break after the testimony is pau.

CHAIR LEE: We're coming back and taking more testimony.

COUNCILMEMBER PALTIN: Is there more testimony?

CHAIR LEE: There always is more testimony.

COUNCILMEMBER PALTIN: Okay, ten minute break. Sorry, my bad.

CHAIR LEE: Any, Mr. Raatz, is there a problem with us taking? Because we will resume testimony after the ten minute break. I mean, in other words, testimony is ongoing throughout the whole meeting.

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair. You can take a recess whenever you want. But I think maybe the point Councilmember Paltin was making that you can't close a portion of testimony until you started to deliberate on the relevant section of the meeting agenda.

CHAIR LEE: However, the testimony is still open throughout.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: No matter what. So, we can take a ten minute break then? Is that what you're saying?

DEPUTY DIRECTOR OF COUNCIL SERVICES: That's correct, Chair.

CHAIR LEE: Okay. Members, ten minutes would be 10:49. Okay. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:39 A.M., AND WAS RECONVENED AT 10:58 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the Council meeting of November 18 please reconvene. It is approximately 10:58.

Please continue, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on the setting of the Consent Calendar. Chair, right now, there are currently no individuals signed up to testify on the setting of the Consent Calendar, so we'll do a last call. If there is anybody who wants to testify on this, please identify yourself now. I repeat, last call. Chair, no one has indicated that they'd like to testify on the--

CHAIR LEE: Members, any objections to proceeding with the rest of the agenda?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, shall we close testimony on the setting of the Consent Calendar?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: If there are no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Good. Very good.

DEPUTY COUNTY CLERK: Then, Chair, at this time, the body may set the Consent Calendar.

CHAIR LEE: Okay. So, wouldn't you be doing that part?

DEPUTY COUNTY CLERK: Chair, just for the body's information, the Members can set the Consent Calendar at this time. But Members can also pull items off from the Consent Calendar if they so choose before setting it.

CHAIR LEE: Alright, Members, you have, why don't you call up the items, so that they know if they want to pull up--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: --pull out any items.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

DEPUTY COUNTY CLERK: Chair, the--

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, we're setting it. We're not, the next thing we would do is take action on it, and that's when the Clerk would call up each of the items. So, we would set it first and then we would then take action.

CHAIR LEE: Okay. Alright. Members, at this time, we will set the Consent Calendar. As a reminder, the calendar can still be adjusted even after it is set. Are there any requested changes to the Consent Calendar at this time? Okay. No objections, the calendar is set.

Members, before proceeding, I'm notifying you that I will be enforcing Council Rule 9.F, no Member may speak more than twice on any pending motion. Members may speak for one minute during both opportunities. Alright.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on items in the Consent Calendar. At this time, no one has signed up to testify on any items in the Consent Calendar. We'll do a last call. If anyone does want to testify on any of these communications, please identify yourself now. I repeat, last call.

Chair, no one else has indicated that they'd wish to testify on any of these items.

CHAIR LEE: Members, are there any objections to closing public testimony and accepting written testimony for items in the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. No objections.

Okay. Chair. I mean, not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-281 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated November 7, 2022)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Service Incentive Program, in the amount of \$33,712.

NO. 22-282 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 31, 2022)

Transmitting a copy of the notice of grant award from the U.S. Department of Housing & Urban Development for the Section 8 Housing Program, in the amount of \$153,592.

NO. 22-283 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 28, 2022)

Transmitting a copy of the letter of intent from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$1,142,917.

NO. 22-284 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated October 28, 2022)

Transmitting two reports on the settlement of claims as of September 30, 2022.

The recommended action is that Resolution No. 22-284 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-285 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated October 28, 2022)

Reporting on temporary transfers/loans from the General Funds and Department of Water Supply Revenue Fund to the General Obligation Bonds Series Fund as of September 30, 2022.

The recommended action is that Resolution No. 22-285 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-286 - SHAYNE R. AGAWA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated November 2, 2022)

Transmitting the Department of Water Supply's Monthly Source and Groundwater use Reports for the month ending October 2022.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR,
EXCEPT CC'S 22-284 AND 22-285 FOR REFERRAL TO BFED.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, let me just write that down. Okay, it's been moved and seconded to file all the items, as read by the Clerk, except for CC 22-284 and CC 22-285.

Any discussion on this motion? If not, all those favor of the motion, raise your hand and say "aye". Okay, now I have to count.

Mr. Clerk, I see everybody except Member Sugimura?

DEPUTY COUNTY CLERK: Yes, Chair. We do not see Member Sugimura.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER SUGIMURA.

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

Oops. Mr. Clerk.

DEPUTY COUNTY CLERK: So, Chair, just confirming that CC 22-284 and CC 22-285 will be referred to the BFED Committee.

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Okay. Then, Chair, proceeding with committee reports. You have before you from you Affordable Housing Committee. Oh, apologies, we have to do testimony. Proceeding with testimony on committee reports. Chair, the first person signed up to testify on committee reports is an anonymous testifier at the South Maui District Office. To be followed by Lahela Aiwohi.

CHAIR LEE: South Maui District Office. Oh, I recognize the Mr. Anonymous.

PRESENTATION OF ORAL TESTIMONY

ANONYMOUS TESTIFIER (testifying on Committee Report No. 22-120):

Aloha, Chair.

CHAIR LEE: Aloha.

ANONYMOUS TESTIFIER: Aloha, Chair Lee and County Councilmembers. I am testifying as an individual. Hauoli . . . today. Under the item CR 22-120, which is Bill 154, the cultural overlay. And I concur with all the testimonies that have been given in support of passing this bill on first reading, and I hope we do that. I really think this is a win-win situation. I can't see any downside to it. It's a win-win for our Kihei-Makena Community Plan because it helps to implement the goals, and objectives and policies in that plan under cultural resources, which would be page 23 and 24, which would be to, pull that up very quickly, "Identify, preserve, protect and restore significant historical and cultural sites"; and "Implement a historical cultural district overlay ordinance to provide protection for areas of significant archaeological, and historic and cultural resources."

While overdue, and this action would help implement passing this bill would help implement these actions, I think it's a win-win for everybody, kanaka, non-kanaka, who have been involved with the historic preservation review process to make it more pono, by informing it with this database. I think it would be a win-win situation for planners, for developers, and their consultants. Because I think it would really streamline the permitting process and cut down on costs. Essentially, legal costs when it comes to having to intervene, or get involved in contested case hearings, or settlement discussions and go to court. I see that happen a lot, especially in my area, because folks feel that the cultural archaeological assessments are not adequate. So, they have to resort to, to litigation in order to make sure that things are done in a pono way.

So, all the cultural, all the, the only thing database does is help people to look at the land in a different way. So, if I told you I had a Ph.D. in rocket science from MIT, you would look at me differently, right? If you knew a piece of land had a high density of historic properties, you would look at that land differently, even though it was barren looking and it looked like a wasteland, like nothing was there. But any case, I don't have a Ph.D. in rocket science from MIT, but you did look at me maybe differently for a few seconds. And so, that's the whole point of having this database, to look at things with different eyes. Mahalo for the opportunity to testify anonymously today. And aloha.

CHAIR LEE: Thank you. Do we have any questions for the testifier, the anonymous testifier? If not, thank you very much.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify on committee reports is Lahela Aiwohi in the chambers.

MS. LAHELA AIWOHI, HAWAII HOTEL ALLIANCE (testifying on Committee Report No. 22-120):

Aloha, Chair Lee. Aloha, Vice-Chair Rawlins-Fernandez, and Councilmembers. Mahalo for your time and the opportunity to testify today. My name is Lahela Aiwohi, and I am a paid lobbyist, and I'm testifying on behalf of the Hawaii Hotel Alliance. This morning, I'm testifying on CR 22-120, or Bill 154, the cultural overlay.

First off, I'd like to say thank you, thank you for the hard work that you guys put into this bill. I do understand that it's probably been about the last two years that the Committee has been working on it. And I do appreciate the intent. I think that's the first thing that I'd like to express is that the intent of a cultural overlay, as stated by previous testifiers, is well needed. I do also believe that there's some revisions that

could be made to make this a little bit, or a little better and to avoid any upcoming, or any legal challenge that may come up due to how the overlay is written as is.

I hear the supporters of the bill, or those who testified prior to me that, you know, due to the lack of due diligence, I guess, or maybe lack of staffing by SHPD, that this is kind of what is pushing this forward, so that we can have the appropriate needs done to provide a proper cultural overlay.

Unfortunately, this wasn't on my radar until viewing the latest version of the bill. I believe when discussions started regarding this bill, it really fit the definition of an overlay. But where it is today, I understand it has been changed quite drastically, where now there may be some legal issues that the County may be challenged with.

On behalf of HHA, we have some proposed revisions, as I mentioned earlier, that we'd appreciate consideration of implementing these proposals. I believe the revisions will assist in avoiding unintended consequences. Some of the questions that I do have is, one, if we look at how the review and process are on all the discretionary and the ministerial permits, having just one person review it, would that really, would that speed up the process, or would that actually increase the delay or the length of time being taken as is now? There's no timeframe right now, or the second thing is there's no timeframe or deadline on the review of the, of the permits. So, we are, you know, we'd like to discuss that. I think that's important, putting a deadline on it, instead of leaving it open-ended. And then, we believe that having the CRC participate will provide a venue for some kind of public, a public venue to participate. So, if there is a opportunity to talk to any of the Councilmembers, we'd really appreciate that. So, mahalo for your time.

CHAIR LEE: Thank you. Questions, Members? No questions. Thank you.

MS. AIWOHI: I believe Councilmember Sinenci.

CHAIR LEE: Oh, I'm sorry. I didn't see his hand. Okay, kind of blends in with the clouds. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Ms. Aiwohi, for your testimony this morning. Just curious, is the group that you represent contemplating any legal challenges still?

MS. AIWOHI: Not at this time. I believe that we, I mean, hopefully we're able to discuss, or have some discussion to avoid any of that.

CHAIR LEE: Okay. Any other questions?

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Aloha, Ms. Aiwohi. So, again, just to clarify, so the concerns from the organization is about just having more people involved in the review process, rather than just one person, right?

MS. AIWOHI: Basically. I think what we see is that there is putting more layer of governance on this, which to us, we see it as delaying the process. So, I believe that we do need the cultural overlay. I think I'd be remiss, like I said earlier. You know, if I say we didn't need it, I believe we do. I think we need to tighten up on the language that is currently written and probably provide some kind of venue to have some input.

COUNCILMEMBER MOLINA: So, additional eyes, instead of just one. Okay. Alright. Okay, thank you for that clarification. Thank you, Chair.

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

MS. AIWOHI: Mahalo.

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Junya Nakoa.

MR. JUNYA NAKOA (testifying on Committee Report Nos. 22-119 and 22-120):

Hey, how's it? I going talk about 120. Oh wait, you guys can hear me?

CHAIR LEE: Yes.

MR. NAKOA: Okay, shoots. Yeah. Yeah, the overlay. You know, you heard all the kanakas when talk and all the stuff. They the, they, they the, you know, the guys that really know about this. So, I support em all the way. You know what, us Hawaiians, we always get challenges, you know, legal challenges that we gotta deal with, you know? Like with developers kicking us Hawaiians off our own lands, like that. You know, so whatever challenges come from anybody, yeah, we going take em on, you know. That's how. So, I support the, I support the 120 for the overlay. We get plenty smart kanakas. We can go battle those buggahs. Okay, pau with that one.

We go do the 119. That's the one with da kine eh, the deed. You know, a lot of us, like me, the house I stay in right now, brah, I've been here 45 years in this house. You know what I mean? So, get plenty kanakas out there is that the longer we stay in our house, the better we can give um to our kids and all of that, and all that kine stuff, yeah. So, if you going get this affordable housing stuff and, you know, for the owner occupancy, you know, and all that kine stuff, it's only going better us kanakas. You know, get plenty of us, we no like go nowhere, who love this place.

You know, get stupid guys out there like kick us off our properties, eh. Us kanakas, we not going no place. So, that's why I support this buggah. And yeah, so, you know, owner occupancy, yessah. And also, the deed. Brah, like I said before, make um 50 years. I no care. Longer the better. I almost reach 50 on my house so, yessah. Okay, I pau.

CHAIR LEE: Thank you. Questions, Members? No questions. Thank you, Junya.

MR. NAKOA: Okay. You guys have a good day.

CHAIR LEE: Next testifier.

You, too.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify on committee reports is Faith Chase.

MS. FAITH CHASE (testifying on Committee Report Nos. 22-119 and 22-120):

Aloha Chair. Aloha, Council. Really quickly, I am just testifying in support of CR 22-119. And also, just wanted to extend my support for 22-120. That's all. Thank you.

CHAIR LEE: Thank you, Ms. Chase. Any questions, Members? If not, next testifier.

DEPUTY COUNTY CLERK: Chair, there are currently no other individuals signed up to testify on committee reports. So, we'll do a last call at this time. If there is anybody else who would like to testify on a committee report and has not done so yet, please identify yourself now. I repeat, last call. Chair, no one has identified themselves to testify.

CHAIR LEE: Members, are there any objections to closing public testimony, and accepting written testimony for committee reports?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-119 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Bill 103, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.96.030(E) AND 2.96.060(B), MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTIONS AND RESALE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-119.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, second by Member Molina, to approve the recommendations in Committee Report 22-119.

Discussion. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Your Committee met on August 18, October 18, and November 3, 2022, and discussed Bill 103. Bill 103's purpose is to amend residential workforce housing deed restriction provisions to require units to be sold to owner-occupants in perpetuity and to increase the deed restrictions for affordability.

Under Maui County Code, the deed restriction periods are ten, eight, and five years for ownership units in the below-moderate, moderate, and above-moderate income group categories, respectively.

Your Committee discussed the need for residential workforce housing units to remain affordable for as long as possible, and determined that a 20-year deed restriction for all categories of workforce housing ownership units would help to maintain housing, house affordability and increase housing availability.

Bill 103 would also require residential workforce housing units to be owner-occupied in perpetuity. That means that even after the deed restriction affordability has ended and the unit is offered to purchase at market-rate, it still must be owner-occupied.

As provided in Maui County Code, homeowners may appeal to the Department of Housing and Human Concerns should they need a waiver of the owner-occupied requirement, such as for medical conditions or temporary relocations for work.

Bill 103 would add financial hardship to those special circumstances. But in those cases, it will be limited to a one-time waiver for up to two years maximum. And in all cases, any unit that is not owner-occupied due to waiver must be offered as a long-term rental in the same or lower income qualified category at the time the unit was purchase. This would include households participating in the Housing Choice Voucher Section 8 Program.

Your Committee expressed support for Bill 103 and its potential to provide greater housing affordability, security, and stability for our local workforce and full-time residents.

Your Committee voted 5-2 to recommend passage of Bill 103, CD1 (2022) on first reading. I respectfully request the Councilmembers support of my motion.

CHAIR LEE: Discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This bill was a long time coming and on multiple efforts from me.

I WOULD LIKE TO PROPOSE AN AMENDMENT TO SECTION 2.96.060(B) TO A, B, AND C, TO SUBSTITUTE 30 YEARS FOR 20 YEARS IN RESPONSE TO THE OVERWHELMING TESTIMONY IN SUPPORT OF THAT.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

I SECOND THE MOTION.

CHAIR LEE: Moved by Member Paltin, second by Pro Tem Kama on that amendment, to the changing of the years of, for the deed restriction.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, we are giving great subsidy to get truly affordable housing. And the biggest challenge we have is keeping that affordable housing in the affordable housing inventory as places for people to live. And this is only for those houses that have been subsidized. If people want to make speculative investment, they can still do that with all their own money. Thank you.

CHAIR LEE: Any more discussion?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also want to rise in support of this and thank Councilmember Paltin for that. We listened to the people and we're going to act on it. And I think that's what a good body does. Mahalo, Chair.

CHAIR LEE: Any more discussion?

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Member Paltin, for beating me to the punch, because you know, we did hear testimony this morning of the, from one testifier is really listened to. She said, if I could, I would. And let's see if we can do this for her and many others like her, that are waiting in the wings. So, thank you, Chair. Thank you, Member Johnson, for the support. Thank you, Member Paltin, for bringing the amendment forward.

CHAIR LEE: Any more discussion? Alright, let's have roll call, please.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the amendment.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: AYE.
DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.
COUNCILMEMBER KING: AYE.
DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON: AYE.
DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.
CHAIR LEE: EXCUSED.
DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA: YES.
DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.
CHAIR LEE: NO.

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

DEPUTY COUNTY CLERK: Chair, there are seven "ayes", one "no", one "excused"; motion carries.

CHAIR LEE: Thank you. Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the main motion as amended is on the floor.

CHAIR LEE: Anymore amendments? No more amendments. Then, roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the main motion as amended.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

CHAIR LEE:

EXCUSED.

DEPUTY COUNTY CLERK:

Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA:

YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice Lee.

CHAIR LEE: NO.

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

NOES: CHAIR LEE.

EXCUSED: COUNCILMEMBER SUGIMURA.

DEPUTY COUNTY CLERK: Chair, there are seven "ayes", one "no", one "excused"; motion carries.

CHAIR LEE: Okay. Before you go on, I just want to ask Member King, what time is it over there in Japan?

COUNCILMEMBER KING: Let's see, I have my computer set to your time, so let me take a look at my phone here. It is 6:24 a.m.

CHAIR LEE: Oh, my goodness.

COUNCILMEMBER KING: The sun has just come up and we can see Mount Fuji from our window, our hotel window.

CHAIR LEE: Okay. Mr. Clerk.

COMMITTEE REPORT

NO. 22-120 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. That Bill 154, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 16, 18, 19, AND 20, MAUI COUNTY CODE, TO ESTABLISH

CULTURAL OVERLAY MAP AND CULTURAL SENSITIVITY DESIGNATIONS,"
be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 22-266, from Councilmember Shane M. Sinenci, be FILED.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 22-120.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to approve the recommendations in Committee Reports 22-120.

Discussion? Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Members, this is the end of a very long two-year process to create the framework for a cultural overlay map, and permit review process. We've had six Committee meetings, and over six planning commissions, CRC, and Hana Advisory Committee meetings on this very legislation. For the past two years, we've worked closely with Dr. Six, the first County Archaeologist in the State; with Planning Director McLean and her staff; and former Public Works Director Dagdag-Andaya, also with the current Director Molina, as well as the Corporation Counsel Attorneys Stephanie Chen, Richelle Thomson, Keola Whittaker, and Michael Hopper on this bill. In fact, the bill we are voting on today was sent to us by the Planning Department.

And Members, these are the people, and the department heads that will be administering the bill. Their input and support have been invaluable. The Mayor supports the mapping project, and has created a staff GIS position to assist us with the mapping. I also used Dr. Six to review . . . and other County projects to make sure cultural resources are known prior to any decision making. We've had great support from everyone involved because this bill benefits property owners, developers, kanaka maoli, and all of Maui nui.

Once created, property owners will be able to access the mapping for information prior to purchasing property. Developers will use the map to design their projects so they are not stopped midway through and then face costly delays. The bill helps the Native Hawaiian community, who time after time have seen their ancestors' iwi kupuna dug up and desecrated, their cultural resources destroyed in the name of careless planning.

This bill helps government officials who will spend less time dealing with projects they didn't have the information they needed to plan properly. This bill protects our residents, future generations, and even visitors who come here because of our rich culture. We have been directed by our General Plan to preserve what makes us special and not to erase our past, and this is how we do it.

You've heard from developers and their representatives that benefit from the existing broken review process. They'll protest and try to tell us the bill doesn't work. However, the bill works to highlight problem areas. It prevents careless desecration of cultural resources and iwi kupuna. We have worked extensively with Corporation Counsel. The process has been thoroughly discussed and vetted for legality.

I understand that change can be threatening, but in this case, it's only threatening to those who want to continue to operate without knowledge, cultural resources, and to continue to desecrate and erase our cultural past. Chair, your Committee agreed that a cultural overlay map and cultural sensitivity designation will further the principle goal of the County policy, Countywide policy that states that Maui County is unique in the world, and will preserve, celebrate, and protect for generations to come.

Your Committee voted 6-0 to recommend passage Bill 154, excuse me, 153, CD1 (2022) on first reading. And I respectfully ask the Members support of my motion. Thank you.

CHAIR LEE: Anymore discussion?

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Member Sinenci. Although, I do not sit on the APT Committee, I trust the members of that Committee always do well for our community, as well as for our own kanaka maoli. I'm really impressed with this cultural overlay, but I'm also listening to what one testifier said this morning, Ms. Lahela Aiwohi, about wanting to have conversations with us as Councilmembers. And I don't know if that ever took place with any of them. I know I did have a conversation with her. And like she mentioned earlier that she caught wind of this late and she looked at the bill and had some revisions.

So, I want to be able to see how we can, if Chair and Chair Sinenci and Members are open to hearing those revisions. Because if we're going to do something for our people, let's make sure that it's done properly and the way it should be for the betterment of our entire community. So, Chair, if that could happen, I'd be open to that, and if the Members are, too.

CHAIR LEE: Well, Members, are you open to--

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: --allowing Ms. Aiwohi to be a resource person? Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: May I respond to Pro Tem Kama?

CHAIR LEE: Sure. Go ahead.

COUNCILMEMBER KAMA: Thank you, Chair.

COUNCILMEMBER SINENCI: Mahalo, for Ms. Aiwohi's testimony. And yes, she's exactly right, she's just coming in at the tail end of two years of work. And she did bring up the CRC. And I just wanted to share, during our deliberations both the CRC and the Planning Department agreed to have our County Archaeologist be the reviewer.

Within our discussions, the CRC does not possess any archaeological expertise, so they would be able to only opine on just the map and nothing else. They often comment on cultural architecture, but nothing to do with archaeology. Currently, and lately, the CRC has been hard to get a quorum to have their meetings, too. So, that is the reasons why we didn't go through the CRC. We felt that it would even make the process longer.

COUNCILMEMBER KAMA: Thank you, Member Sinenci, for that response. And thank you, Chair, for allowing me the opportunity to bring this forward. At the appropriate time, could we ask Director McLean her comments on this?

CHAIR LEE: Well, now would be the time, because we are discussing this item.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I wanted to support the motion. And I support this bill, we have been working on it for a long time. It's a little frustrating for these organizations . . . We've had . . . and then want to make last minute changes. But also want to share . . . that our not so anonymous testifier texted me, who has been on the CRC, Daniel Kanahale, and just reminding everybody that SHPD has been chronically

understaffed and underfunded. We've been, we've had long delays and automatic approvals because of that understaffing. And Mr. Kanahale, as a former member of the CRC, welcomes the County Archaeologist and cultural overlay.

I also wanted to thank . . . for bringing up the fact that we did put the cultural overlay into the Moloka'i Community Plan. That was a big item for them, and we actually brought cultural experts over from Moloka'i when, to discuss cultural overlay when we were reviewing the community plan there. So, I think what's good for Moloka'i is good for Maui, especially . . . this bigger area here. And we are embroiled in lawsuits quite often, so this is going to help developers. This is going to help the groups that are concerned that have been stepping in and hopefully saving a lot of our local people money from having to invest in these lawsuits in order to protect iwi kupuna and the cultural sites. So, I'm in support.

And I want to thank Councilmember Sinenci for bringing this up early and often and for, you know, having full discussions on the issue of the cultural overlay before we got to point of first reading. Thank you.

CHAIR LEE: Alright, I saw other hands. First of all, Member Sugimura, then Member Paltin, then Member Molina, that order.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member Sugimura and then Member Paltin.

COUNCILMEMBER SUGIMURA: I've been listening in, Members. So, I'm just concerned that we're giving ultimate power to a person in our County which is the County Archaeologist. And by having it with the CRC to review, then you have a body, as you know, they're like us, because everything they take up is then, you know, part of the community to give input. So, I believe that's my major concern about this. And that I think it's too narrow. And that I believe that it may cause a delay in getting things done, because we're asking one person to do a job that maybe requires more. So, that's one thing that I'm concerned about at this point. And I think more discussion is needed. Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I did have an opportunity to speak with Ms. Aiwohi as well, and others prior to this meeting, and it caused me to rewatch the meeting, the Committee meeting last night. And in the watching of it, I got refreshed in my mind that many of these concerns were addressed in Committee. We're not delegating our authority to one County Archaeologist.

The County Archaeologist, in reviewing the meeting video, will make recommendations based on data. And we, the decision-makers, or the appointed directors will then either act on those recommendations or we won't act on the recommendations. We did add things that would be more transparent, that the recommendations, if not transmitted as part of a packet, would also be provided to the Mayor and the Council.

So, it's unfortunate that Members who are not on the Committee didn't take the time to watch the Committee and then maybe, or even the testifiers that testified against it, we need to be informed when we speak to items, and then it'll be better.

Beyond that, I think, you know, we have a Veterans Cemetery with a Shrine Status. We have, you know, the honoree this morning that care takes for the graves of the people that started the church. And nobody disagrees that those are wrong things. If it took a few more days, or a few more weeks to ensure that those areas are preserved, so there's nothing different in people's bones. All people's bones look the same, and all people's bones should be respected. All people's churches should be respected. All people's cultural resources should be respected. That's all we're asking for.

You know, this is a bill that was put forward by our Administration, which I don't think anyone would say is trying to stop developments. They're trying to do developments the right way and I so appreciate that. So, I will be standing in support of this bill.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. I want to thank Member Sinenci for all of his hard work. As he mentioned, six meetings, two years, there's been a lot of opportunity for input. And I appreciate Ms. Aiwahi's, you know, she's doing her job expressing the concerns of the people she represents. But you know, Madam Chair, we've had this discussion before on the issue of doing Committee work at Council. I'm not in favor of that. I think we need to move forward at this point. And certainly, a Member, a returning Member, who would like to champion the concerns that Ms. Aiwahi had expressed, it can be done next term to amend this legislation, assuming it passes out at today. So, there's other ways.

But to me, if we consider some amendment here or whatever is being proposed, that means we're doing Committee work. And who knows whatever amendment we consider and pass, it may result in this bill getting sent back to Committee. I don't want to see that at this point, because this is a very significant legislation, because it's about dignity. It respects our host culture now and also in the past. So, I stand in full support of this, Madam Chair. So, I would like to take action, and I'm ready to vote on it, Madam Chair. Mahalo.

CHAIR LEE: Alright. Anyone else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Sinenci, to all the department heads that Member Sinenci named, and to all the community members, including, you know, Dr. Six, Ms. Ahia, those I think at Mālama Kakanilua, and others particularly in Maui Hikina, for advancing and moving this bill along.

This bill did come before the Moloka'i Planning Commission. And as Member King mentioned and Ms. Lindo explained in her testimony, that this cultural overlay is something that was identified as a priority, an action item in the 2018 updated Moloka'i Community Plan. In 2008, there was a Mana'e GIS mapping project that they wanted completed, so that we would be able to establish a traditional land use overlay. And so, it's in Chapter 6.2, item 19 *[sic]* in our Community Plan to identify and protect Mana'e numerous cultural and natural resources through the adoption of the traditional land use overlay designation.

Member King was the Chair of the Planning Committee at the time and made sure that our communities voices and priorities were memorialized in our Community Plan. And this cultural overlay bill does, I guess, make happen this traditional land use overlay, and more, really. And not just for Mana'e, but for all of Moloka'i. And not just for Moloka'i, but all of Maui County, which I think is beautiful.

Member Sinenci attended a lot of those meetings. Like I said, I attended the Moloka'i Planning Commission meeting, and I know that Member Kama, you know, she's always . . . not being included and I appreciate that about her. But I know that Ms. Aiwohi is good at her job. And just as she saw that the cultural overlay bill was on this agenda, I'm sure she monitors other agendas and would have seen it in doing her due diligence. And so, oftentimes, waiting until the last moment is a way to obstruct the bills from moving forward. And Member Paltin did say that she, you know, discussed this with Ms. Aiwohi.

So, the concerns that are being shared right now, you know, have been discussed. And in Committee, we discussed fully the amendments that were being proposed, the pros and cons of each amendments. And so, due diligence has been done, and I fully support the passage on first reading of this bill today. Mahalo, Chair.

CHAIR LEE: Anyone else? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also support this bill on first reading. I, you know, I echo the sentiments of what my Councilmember said. I thank Councilmember Sinenci and the departments for coming up with this.

So, I want to kind of add a little personal story I have of when I was young and I went, I was maybe in my early 20's, I went to Okinawa, Japan to visit my family. And they asked me, well, what do you want to do? I kind of want to see my grandmother's father's haka. That's the turtleback tomb. That's the old Okinawan style tomb for samurai. And I wanted to, and nobody could remember where it was, because it was, cause our family has left so long ago, our lineage is gone and cut from that island. We had to go searching. It took us a day to find it in the jungle. And you do what you do when you go to the haka, you light the incense, you crack a can of beer, and you pray to your ancestors. And to do that, I was blessed to do that, because that was still in existence.

And I think of what's happening here, and how we, we develop over these places that are sacred, where people who are from here can't do that. And I was blessed to have done that. So, that's why I think this bill will allow those folks, who are of that place to say, I can go to see my lineage, my ancestors. And I think that's exactly what this bill should be helping our folks who live here to have that connection. So, I felt that connection with my samurai great-grandfather, and I would hope that people of this, of this, of these islands could do that themselves. So, that's why I'm in support. Mahalo, Chair.

CHAIR LEE: Okay, anybody else? Member Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair, for my last comment. Thank you very much, Members, for your comments. I so do appreciate all of you, and your commitment to serving our community, especially our indigenous community. I thank you Member Molina for reminding us about not doing Committee work on Council days. Sometimes that escapes me but thank you very much. But Members, I am always in support of whatever the body decides to do. I just heard something on the floor, and I thought that I wanted to hear more of it. And if that's not what you all want, then I'm okay with that.

But if it's okay with you, Chair, to invite Director McLean for her comments, if that's okay at this time?

CHAIR LEE: Is she, is Director McLean on the call? In the meantime, I see Corp. Counsel Richelle Thomson. Richelle. Richelle, can you give your comments?

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you very much, Chair. And my appreciation to Councilmember Sinenci for the involvement, you know, over as he said the last couple of years we've worked, many of us have worked very closely on the bill. And so, we really appreciate that involvement and the intent of the bill.

We have, just following up on the very last version of the bill, we have a couple of what we consider to be more clarifying recommendations. So, I'll just go over them briefly, if you don't mind?

One of them is a follow-up on Dr. Six's testimony earlier. There are two places in the current bill that discuss site avoidance as one of the types of mitigation. And we wanted to clarify that our interpretation of that term "site avoidance," would be that it's consistent, is referring to the specific historic site, or burial site consistent with HRS 6E, and not cite any more broad sense, as in the entire TMK, or entire parcel, or entire project area, that we're referring to a specific important site. So, that's one of them in terms of where that, that type of mitigation is mentioned, it's in 19.46.050(B) and (D).

Secondly, we actually recommend removing the term "site avoidance," because it is a specific type of mitigation and other types of mitigation aren't mentioned in the bill. So, we don't think it needs to be called out and said because it's already a type of mitigation that could be recommended by the, either the principal archaeologist or any of those reviewing agencies.

The third thing, this is page 5 of your bill, 19.46.050(D), like dog. We recommend removing that subsection because it's duplicative. It's a little bit confusingly written and it's duplicative of the, basically broad authority in the section right above it, (C), for the principal archaeologist to transmit either the report or information to basically anyone that she at this time, you know, feels is an important agency to be aware of and to request information and comment from. So, we don't think that (D) needs to be in there also, because it's confusingly written.

And then, last, and thank you for your patience with me, last, is that there are several sections where the principal archaeologist may recommend permit or other conditions. And we're recommending that a time limit be included, and that's consistent with HRS 91-13.5, which requires agencies to put reasonable time limits. So, I don't know if 30 days is sufficient? 45? It's, we're just recommending that a time limit be included in those sections. And I do have a redline if anyone wants to see that. I could email it or share screen. Those are our recommendations. Thank you, Chair.

CHAIR LEE: Okay. Thank you. Mr. Sinenci, are you going to respond to the Corp. Counsel's comments, or?

COUNCILMEMBER SINENCI: Yes.

CHAIR LEE: Or did you want to hear from Director McLean?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just for, to respond to Ms. Thomson, we didn't want to, we wanted to keep the site location she had mentioned on that first one. That was part of the outreach that we did with the community members, and they wanted to see that section of the bill to remain.

CHAIR LEE: Okay. Alright. Director McLean.

PLANNING DIRECTOR MICHELE MCLEAN: Good morning, Chair and Committee Members. I didn't hear the testimony earlier, but what I gather was there's a desire for these reviews to be conducted by the Cultural Resources Commission, rather than the County Archaeologist. That idea, gosh, for those of you who are in the Committee meetings, this bill has gone through a number of different versions. And the version that was transmitted back to the Council, back to the Committee, was one that we supported, that the CRC reviewed.

The CRC did not want to be more involved in this process. They did not want the makeup of their Commission, or the way that they function changed, which was also proposed in an earlier version. For the Planning Department, again we talked yesterday, and I think the day before, too, about green lighting the permit review process, having the CRC do reviews rather than the principal archaeologist would certainly add time. Their agendas are very full as it is. They didn't want to be part of the review. We don't feel it's necessary. We think it'll be much simplified with the County Archeologist conducting the reviews. And so, we would rather see the bill in its current form than to see changes that involved review by the CRC, beyond what's already in the bill. Thank you, Chair.

CHAIR LEE: Any more comments or questions? Member Paltin.

COUNCILMEMBER PALTIN: I'd be okay with a 90-day review period, same as SHPD.

CHAIR LEE: Members, reaction?

COUNCILMEMBER KAMA: I can, oops.

CHAIR LEE: Member Paltin, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I concur with Member Paltin on the 90-day review.

CHAIR LEE: Okay. Did you want to make a motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER PALTIN: Could Ms., oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I had my hand up. Thank you.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Dr. Six put in the chat that it's 45 days, not 90.

COUNCILMEMBER PALTIN: Oh, I'm still okay with 90. Does she want 45? Is Dr. Six--

CHAIR LEE: 45 is better than 90.

COUNCILMEMBER PALTIN: Oh, okay. Dr. Six, you want 45?

DR. SIX: Ideally, it would move very quickly, because what I'm doing is taking a quick look at the area, a quick look at our database, and making a really quick review, the same as SHPD does, whether it goes to 6E review or if we can streamline the process and not send it 6E. So, I think I could do it within 45, but if 90 is fine. I mean, because it's a new system, and we're going to figure out all of the glitches. We can see how fast I do it. But I did three yesterday in a matter of about 20 minutes for Mayor's Office.

So, it's not hard for me to take a look at what's proposed and look what's known about the landscape and create a really quick summary and recommendations to whatever body is asking me. But it's whatever you folks what. But when you said SHPD is 90, SHPD is supposed to be 45, although they do get bogged down. So, the whole idea is, I can streamline that hopefully and will only send things to 6E review that need to be reviewed by them. And then we can--

CHAIR LEE: Okay, thank you.

DR. SIX: Okay. Thanks.

CHAIR LEE: Do you want to make a motion?

COUNCILMEMBER PALTIN: Yes, if Ms. Thomson can direct me to the proper section.

CHAIR LEE: Ms. Thomson. Ms. Thomson, are you on the call?

FIRST DEPUTY CORPORATION COUNSEL: Sure. Yes. Do you mind if I share screen, just very briefly? Otherwise, I could also just read out the sections. But if you'd like to see them, I can pop it up on the screen.

CHAIR LEE: Share screen. Yeah.

FIRST DEPUTY CORPORATION COUNSEL: Thank you. So, hopefully, everyone can see. I've got the bottom of page 5 up. Section 2; 2.80B.110. And there the, the end, this is the same language that we would recommend throughout. And right now, I just, I put 30, you know, calendar days. But I didn't catch what amount of days you're looking at, whether it's 45 or 90? But at any rate, the language would be, "The principal archaeologist must provide recommendations no later than x amount of calendar days from"--

COUNCILMEMBER PALTIN: 45.

DEPUTY CORPORATION COUNSEL: --45? Okay, "45 from the date of transmittal, otherwise the principal archaeologist is deemed to have no recommendation". And that would be the same language that we'd recommend for, as you can see, the amendment to 16.04C.160. Same here in Section 4, 16.26B.105. And also, to the subdivision code 18.08.100, that's down at the bottom in E. Let's see, I think, there we go, 19.68.040--

CHAIR LEE: Are you getting all of this Member Paltin, or you want her to help you write all of the section numbers down?

COUNCILMEMBER PALTIN: I would like to change from the date of receipt to the date of the County Archaeologist receiving it, because it can take considerable time to transmit the application from the Mayor's Office. Would that be possible?

DEPUTY CORPORATION COUNSEL: Sure.

COUNCILMEMBER PALTIN: From the date of the County Archaeologist receiving it. Then she can have 45 days.

DEPUTY CORPORATION COUNSEL: Forty-five calendar days from the date of--

CHAIR LEE: Okay, are you ready for your amendment, motion?

COUNCILMEMBER PALTIN: Sure.

I MOVE TO AMEND THE SECTIONS OUTLINED BY CORPORATION COUNSEL THOMSON TO READ, "THE PRINCIPAL ARCHAEOLOGIST MUST PROVIDE RECOMMENDATIONS NO LATER THAN 45 DAYS, CALENDAR DAYS FROM THE DATE OF RECEIPT; OTHERWISE THE PRINCIPAL ARCHAEOLOGIST IS DEEMED TO HAVE NO RECOMMENDATION".

And I--

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER PALTIN: --would put that in all the--

CHAIR LEE: Sections.

COUNCILMEMBER PALTIN: --sections--

CHAIR LEE: Moved by Member Paltin, seconded by Pro Tem Kama.

COUNCILMEMBER PALTIN: --that Ms. Thomson shared with us.

CHAIR LEE: The information that Ms. Thomson shared with us. And for discussion, first, Member Paltin.

COUNCILMEMBER PALTIN: I'm pleased that we have Dr. Six on as a resource and she can tell us how quickly that she can expedite the process. And so, if 45 days is good with her, then it's good with me. Thank you.

CHAIR LEE: Okay. Member Sinenci.

COUNCILMEMBER SINENCI: I can refer to Dr. Six, but normally 90 days would be the preferential, only because 90 days from the receipt of transmittal. And Chair, other

departments get more time than just 45 days. So, for me, the 90 days was better from the receipt of transmittal. Thank you, Chair.

CHAIR LEE: Any other discussion?

COUNCILMEMBER SINENCI: It looks like Dr. Six is okay with 90.

COUNCILMEMBER PALTIN: I can accept that as a friendly amendment.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to clarify I'm supportive of 90 days. So, on the amendment it has calendar days and not business days. I don't know if Dr. Six would have a preference for calendar days versus business days.

CHAIR LEE: Dr. Six?

VICE-CHAIR RAWLINS-FERNANDEZ: Not that she works on non-business days. At least I hope she doesn't.

DR. SIX: No, I think, I think business days. But I don't think, I can't imagine that I'm going to take 90 days to do a recommendation. So, I think it'll be okay to do either, whatever this body deems appropriate. But, no, I don't work on weekends, unless there's inadvertent finds, then I work.

CHAIR LEE: Ms. Thomson?

DEPUTY CORPORATION COUNSEL: And I'd recommend that you use calendar days with something of that long of a duration. It's just a lot easier to apply that. You use business days if it's, you know, seven business days or less, you know, just with a shorter quantity of days. But for 90 days, I would use calendar.

CHAIR LEE: Anybody else? Maker of the motion, which one do you want?

COUNCILMEMBER PALTIN: I'd like 90 days, just you know, cause we are, she is a civil service worker, and she's entitled to, you know, all the vacation, and sick leaves, and things like that. It'd be great to have a secondary principal archaeologist. But I think 90 calendar days from the time she receives it is good. Thank you.

CHAIR LEE: Okay. Everybody in favor of that? So, the motion is the time limit would be the 90 calendar days as stated by the maker of the motion. Are you ready to vote on that amendment?

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Yeah, we had, we had your second already, Member Kama. Any more discussion on this amendment? If not, do we need roll call? Okay. All those in favor of the motion, raise your hand and say "aye".

COUNCILMEMBER MOLINA: Aye.

COUNCILMEMBER KAMA: Aye.

CHAIR LEE: Okay, I see eight "ayes". Member Sugimura, I'm sorry, I now see your head. Member Sugimura, did you vote? Okay.

COUNCILMEMBER SUGIMURA: I voted "yes".

CHAIR LEE: She's an "aye". Okay, nine "ayes", zero "noes"; motion carries.

Now, are there any other amendment? Alright, the main motion as amended. Do we need roll call? All those in favor of the main motion as amended, raise your hand, and say "aye".

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

NOES: NONE.

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

Yes?

COUNCILMEMBER SINENCI: Mahalo, Members.

DEPUTY COUNTY CLERK: We're not sure how Councilmember Sugimura voted.

CHAIR LEE: Member Sugimura, how did you vote?

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Okay, roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the main motion as amended.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

NO.

DEPUTY COUNTY CLERK:

Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA:

YES.

DEPUTY COUNTY CLERK:

Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

AYE.

DEPUTY COUNTY CLERK:

And Council Chair Alice Lee.

CHAIR LEE:

AYE.

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

NOES: COUNCILMEMBER SUGIMURA.

DEPUTY COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

COUNCILMEMBER SINENCI: Mahalo, Members.

CHAIR LEE: Next. Chop, chop.

COMMITTEE REPORT

NO. 22-121 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending that Bill 150 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A PARKING REVENUE FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-121.

CHAIR LEE: Second, somebody.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to approve the recommendations in Committee Report 22-121.

And discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on November 2, to discuss Bill 150 (2022), which would amend Title 3, Maui County Code, to establish a Parking Revenue Fund for the County's parking operations, including maintenance, repair, security, safety, improvement, equipment, beautification, expansion, staff compensation, parking facility bond payments, and other related costs.

Your Committee notes that the parking program is intended to be financially self-sustaining, and any surplus funds may be used for maintaining or improving County parks; expanding and enhancing public transportation, pedestrian, and bike infrastructure or programs; improving safety, wayfinding, or maintenance of neighborhood business districts; and protecting the, and acknowledging sensitive cultural and environmental sites.

Your Committee voted 9-0 to recommend passage of Bill 150 (2022) on first reading. I respectfully ask for the Members continued support. Mahalo, Chair.

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

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

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 22-122 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 22-236, entitled "AUTHORIZING SETTLEMENT OF DONALD S. GUZMAN V. COUNTY OF MAUI, ET AL., CIVIL NO. 21-00202 DKW-RT", be FILED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-122.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson, to approve
Committee Report 22-122.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Government Relations,
Ethics, and Transparency Committee met on November 1, 2022, to discuss Resolution
22-236.

Resolution 22-236's purpose is to authorize the Department of the Corporation
Counsel to settle the claim filed on April 23, 2021.

The claim alleges the Plaintiff's rights to privacy and due process under the
U.S. Constitution were violated in accordance with 42 U.S.C. § 1983. The claim further
alleges that the Plaintiff was discriminated against based on a disability in accordance
with Hawaii Revised Statutes.

The Corporation Counsel noted she was ordered by the court to convey a settlement
proposal to the Council, which she shared directly with Councilmembers via
confidential transmittal.

And your Committee held an executive session meeting to discuss confidential
information related to the claim. Your committee voted 8-0 to recommend filing of
Resolution 22-236. Thank you, Madam Chair.

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

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

NOES: NONE.

CHAIR LEE: Member Sugimura? Aye? Okay, nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

COMMITTEE REPORT
NO. 22-123 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 22-117, entitled "AMENDING RESOLUTION 18-210 AND AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-123.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson, to approve Committee Report 22-123.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Government Relations, Ethics, and Transparency Committee met on September 13, 2022, and November 1, 2022, to discuss Resolution 22-117.

Bill *[sic]* 117's purpose is to amend Resolution 18-210 and approve the disposition of 33.373 acres of County real property described in and shown on Exhibits "A-1" and "A-2", conditioned upon the County's receipt of payment by the State of Hawaii in the amount of \$1,251,798 for the additional acreage used for the Lahaina Bypass, in accordance with Section 3.44.020 of the Maui County Code.

A representative from the Department of Finance noted Resolution 18-210 attached an incorrect map of the property as Exhibit "1" and provided detailed maps of the property, in addition to the corrected maps attached to Resolution 22-117 as Exhibits "A-1" and "A-2".

Your Committee supported amending Resolution 18-210 and approving the disposition of the property, but expressed concerns about homeless encampments in the area.

Your Committee agreed to address the concerns under a separate discussion when the Department of Parks and Recreation and Department of Housing and Human Concerns could be consulted.

Your Committee eventually voted 9-0 to recommend adoption of Resolution 22-117. Mahalo, Madam Chair.

CHAIR LEE: Any more discussion? If not, all those in favor of the--

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just really hope that the money, the County takes this money and cleans up the area. Thank you.

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

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

NOES: NONE.

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

Members, we're at K. Resolutions. Do you want to take up K and M, or would you like to have lunch?

COUNCILMEMBER KING: We'd like to take a break.

COUNCILMEMBER KAMA: Lunch.

CHAIR LEE: Lunch? Alright, it's 12:09. Members, how about one hour? Is one hour enough, so we can--

COUNCILMEMBER MOLINA: Chair, 1:30.

CHAIR LEE: 1:30? Okay.

COUNCILMEMBER KAMA: 1:30. Thank you, Chair.

CHAIR LEE: Alright, Members, we'll take a lunch break at, right now, until 1:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:09 P.M., AND WAS RECONVENED AT 1:36 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER SUGIMURA AND VICE-CHAIR RAWLINS-FERNANDEZ.)

CHAIR LEE: Will the Council meeting of November 18, 2022, please reconvene. It is 1:36 p.m. And we have with us about seven people is it, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair. There are currently six Members, oh, okay we're back to seven Members.

CHAIR LEE: Now eight. Eight? Seven?

COUNCILMEMBER KING: I don't see--

CHAIR LEE: Alright, we have Member Sugimura offline and who else?

DEPUTY COUNTY CLERK: Vice-Chair isn't present.

CHAIR LEE: Oh, the Vice-Chair, okay. That's right. That's right. She's coming. She's coming. Alright, let's proceed with resolutions.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with testimony on resolutions. First person we have signed up to testify is Mike Moran. To be followed by Michele McLean.

PRESENTATION OF ORAL TESTIMONY

MR. MIKE MORAN (testifying on Resolution No. 22-258):

Good afternoon, Chair Lee and Councilmembers. Mike Moran, for the Kihei Community Association. You may note that we changed our background today to a

Wiliwili tree because we're talking about trees. Not necessarily Wiliwilis, but all trees. And this is on the Resolution 258. We did notice in the agenda that the word "tree" is not mentioned in the item. Of course, it's mentioned in the details, but we found that out from some community members when we told them about the issue. And they said, we can't find anything about a tree in the agenda, so we had to give them the number.

A couple of things that we look at, we're hoping that you can do what it says in the, on the agenda to pass it right on to the, it says to the planning committees, and also the South Maui and the Haiku community groups. Now, we're not sure, we have seen this happen before, and our understanding was that the Council cannot directly send something to the regional committee meetings, committees. And can only send it to the planning commission, and then the planning commission makes that decision. And we have seen that the last two items that was South Maui issues, that was sent to the planning commission, they declined to send them to us even though they were housing projects in our district. So, kind of disappointing, but that seems to be the way that the rule is set up that it's their decision. So, whatever it is, it is.

But we're trying to get this expedited. And by happenstance, the CPAC, this past Wednesday, at our meeting, much of this, of that part of updating our community plan was addressing this issue. And we had our County Arborist there, and we had several community members who addressed it. And in the draft that the Long-Range Planning produced based on community input, there's scads of issues on trees, more trees and the issue of canopies. So, you can see there's a big concern in our community, in the South Maui community about this, about what is happening. And people who live here, it's very obvious, you can go into most any parking lot and that's what you see, what Ernie Rezens, the man who knows more about trees than anybody on Maui said. But we're hoping--

CHAIR LEE: Go ahead, finish up, Mike.

MR. MORAN: We're hoping you can . . . on without going back to a Committee, which would delay it further, because there's a great community concern. Mahalo for the opportunity.

CHAIR LEE: Thank you. Are there any questions for Mike? If not, thank you very much.

MR. MORAN: A hui hou.

CHAIR LEE: May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the last person signed up to testify on resolutions is Michele McLean.

CHAIR LEE: Director?

MS. MICHELE MCLEAN, PLANNING DIRECTOR (testifying on Resolution No. 22-258):

Aloha, Chair and Members. I submitted some testimony by email. I was actually hoping that you would file this item, but at a minimum, please refer it to Committee. As my email testimony said, we've been there, done that. We've been through amendments to Chapters 12.24 and 19.36B. The existing language today was a collaborative effort with the Parks Department and the Public Works Department, and came on the heels of the adoption of the Maui County Planting Plan.

It doesn't mean I'm, you know, certainly open to discussing it. But in terms of referring a bill to the planning commissions, the planning commissions don't need to review such a long and detailed bill that amends Chapter 12.24. That's not under their authority. So, that could be separated out. And then, just a bill relating to the parking Code could go to them.

When it comes to the amendments, 2.19.36B, the Parking Code and the canopy coverage requirement, we went through that in detail when the Planting Plan was adopted. We do not have the expertise to manage that kind of administration and enforcement. We do enforce against trees that are lopped off, or improperly pruned. We're able to make that kind of assessment. But we're talking about a whole different level of, a whole different role for the County. And again, it doesn't mean I'm opposed to that. It's just not something the Planning Department is equipped to handle. So, that concept needs much more discussion.

So, again, I had asked that the bill be filed. But at a minimum, please refer it to Committee. Thank you.

CHAIR LEE: Thank you. Questions? Member King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Michele. Appreciate your input. What department would, if you are saying that this doesn't belong in the Planning Department, is it Public Works? . . . If we, if you want it sent to Public Works, is Public Works going to tell us to send it back to you?

PLANNING DIRECTOR: Well, the, so when we're talking about Chapter 12.24, again, this was a very long process working with Park and Public Works determining who's

responsible for which trees. And the Parks Department is responsible for trees in County parks; Public Works is responsible for trees, for street trees; and Planning is responsible for trees in parking lots.

When it comes to the health and maintenance of those trees, Parks contracts out because they have so many trees to take care of. Public Works also contracts out, but they now have the County arborist. You remember the County arborist used to be with the Parks Department, is now with Public Works. The arborist isn't responsible for the maintenance but does go out to check on the health of trees, to advise the Public Works Department on whether they need a contractor to trim or remove.

When it comes to parking lot trees, we're talking about private property. The maintenance of those trees is the responsibility of those property owners. So, when it comes to assessing whether or not those trees are being properly maintained, there really isn't any, isn't any department's responsibility. If that is something that the County, that you want the County to take on, I suppose we could get a contract for an arborist to, to monitor the health of parking lot trees. But right now, that's not something we're equipped to do and certainly something--

COUNCILMEMBER KING: I think the--

PLANNING DIRECTOR: --that needs a lot more discussion.

COUNCILMEMBER KING: I think that's . . . when I was hearing and, you know, came from the community, but we were hearing about the lack of the proper . . . trees in places like War Memorial. So, it wasn't private, not just private parking lots that we were talking about . . . public, County parking lots.

PLANNING DIRECTOR: I believe that that parking lot is so old that it was developed before the requirements were in place. So, that's why that parking lot doesn't have trees per the Code today. If that parking lot were built today, it would have one tree for every five parking spaces.

COUNCILMEMBER KING: Right. But I think that was the point of this was to, you know, figure out how we get the parking lots to comply. So, if it, so you're, basically, . . . it doesn't need to go to the Planning Commission, so we could possibly refer the bill to the Committee?

PLANNING DIRECTOR: I'm saying that I don't, the bill to amend Chapter 12.24 was rather extensive and rather detailed. I don't think that that needs to go to the Planning Commission. So, it's not within their authority. It's not required by the Charter. But if

we took a bill to them, they'd want to review the whole thing and comment on it. But that's not what they should spend their time doing. The title--

COUNCILMEMBER KING: But what about the 19, 19.36?

PLANNING DIRECTOR: The 19.36 component would have to. So, that's why I was saying maybe separate them out rather than give the Planning Commission this big task that's not within their authority.

COUNCILMEMBER KING: Separate out 19.36 . . .

PLANNING DIRECTOR: Right.

COUNCILMEMBER KING: . . . move on to the Planning Commission. Okay. And then, we'd send the bill, 12.24 to the Committee, is what you're saying?

PLANNING DIRECTOR: The 12.24 bill may be, may be work on 12.24 bill first, and see what the result in that is. And if the result of that is something that requires a change to the Parking Code, then that can come from, from the conclusion of that effort.

COUNCILMEMBER KING: Okay. Okay, so I think what you're asking to do is to just refer the, the proposed bill to the CARE Committee and then try to figure it out from there how to separate it out? Because this doesn't, because half, more than half of this doesn't even go to the Planning Commission.

PLANNING DIRECTOR: That's correct.

COUNCILMEMBER KING: Okay. Got it. Alright, thank you. Appreciate it. Thank you, Chair.

CHAIR LEE: Member Paltin. Thank you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director McLean. Just to clarify, this is kind of like that other one we took up on Wednesday with the EV parking, and the Chapter 10 similar idea? And then, I--

PLANNING DIRECTOR: Similar in that it's combining two things and only one of them is under the Commission's authority.

COUNCILMEMBER PALTIN: Okay. And then my other question is when you referred to War Memorial, it was recently resurfaced, and I think I recall the Parks Department coming to us for an exemption that we wrongly passed. Cause in their presentation, they said they were going to do all the trees around the perimeter, and I guess us as decision-

makers should not have approved that probably. Cause I've sat in that War Memorial parking lot, and it is very hot. So, we as a body can't, should not exempt even the County probably. Okay. Thank you.

CHAIR LEE: Any more comments on the Resolution 22-258? Okay.

Mr. Clerk, do we have more testifiers?

DEPUTY COUNTY CLERK: Chair, there's currently no one else signed up to testify on resolutions, so we'll do last call at this time. If there is anybody else who would like to testify on either of these items, please identify yourself now. I repeat, this is last call for testimony on resolutions.

CHAIR LEE: Members, are there no objections to closing public testimony and accepting written testimony for resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. Okay, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. 22-257

APPROVING PROPOSALS FOR INCLUSION IN
THE 2023 HAWAII STATE ASSOCIATION OF
COUNTIES LEGISLATIVE PACKAGE

CHAIR LEE: Member Paltin.

COUNCILMEMBER MOLINA: Thank you, Chair.

I MOVE TO PASS THIS BILL [SIC].

CHAIR LEE: Okay. Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sinenci, to pass the resolution.

COUNCILMEMBER PALTIN: Oh, sorry, my bad.

CHAIR LEE: Resolution 22, actually, not to pass.

COUNCILMEMBER PALTIN: I meant to adopt resolution.

CHAIR LEE: To adopt Resolution 22-257. So, passed, I mean, moved by you, Member Paltin, seconded by Member Sinenci.

And now, discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Members, Resolution 22-257 lists the five proposals for inclusion in the 2023 HSAC Legislative Package as approved by the HSAC Executive Committee at its meeting of October 25, 2022.

At this time, I would like to proceed with a proposed amendment that will be distributed by the Office of the County Clerk.

CHAIR LEE: Was it distributed?

COUNCILMEMBER PALTIN: I believe it was emailed, but.

CHAIR LEE: Okay. Oh, it's going to be distributed now. Thank you.

COUNCILMEMBER PALTIN:

SO, I'D LIKE TO MOVE TO AMEND RESOLUTION 22-257 AS
FOLLOWS:

STRIKE THE THIRD WHEREAS CLAUSE;

ALSO, IN THE FOURTH WHEREAS CLAUSE, REPLACE "ONE
PROPOSAL WAS" WITH "THREE PROPOSALS WERE";

AND ALSO, ADD "A BILL FOR AN ACT RELATING TO THE
REGULATION OF TOBACCO PRODUCTS";

AS WELL AS "A BILL FOR AN ACT RELATING TO TRAFFIC
FINES";

AND IN THE FIFTH WHEREAS CLAUSE, REPLACE "2022"
WITH "2023".

And that's it. If I can get a second.

CHAIR LEE: Okay, second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second by Member Sinenci.

Okay. The discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The proposed amendments accurately identify the Hawaii County Council as the originator of various proposed State bills for the 2023 Hawaii State Association of Counties Legislative Package, and correct the reference to the year.

CHAIR LEE: Alright, any questions or more comments on this proposal? Proposed amendment?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just wanted . . . Member Paltin, if . . . this was, the tobacco was run by the HSAC?

CHAIR LEE: Member Paltin.

COUNCILMEMBER KING: I don't remember that being in the HSAC Package when . . .

COUNCILMEMBER PALTIN: I believe the tobacco was from the previous term that we were carrying it forward.

COUNCILMEMBER KING: Oh, okay. So . . . from the previous term. Okay. Thank you.

CHAIR LEE: Any more comments or questions? If not, all those in favor of the amendment, raise your hand and say "aye".

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

NOES: NONE.

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

CHAIR LEE: I see one, two, three, four, five, six, seven, eight. I see eight, no, seven "ayes". Seven "ayes", two "excused". Excused are Vice-Chair Rawlins-Fernandez and Member Sugimura.

Now, the main motion as amended.

COUNCILMEMBER PALTIN: Thank you, Chair. Resolution 22-257 lists two proposals from Maui County and three proposals from Hawaii County as follows: State Bill relating to the Employee' Retirement System, which would provide an incentive to recruit and retain more police officers. State Bill to expand exclusions of the definition of "development" in Chapter 205A, Hawaii Revised Statutes, to reduce the need for special management area permits for certain activities. House Resolution requesting the State Department of Health to adopt rules for a permit to discharge pollutants that consider the major factors that are considered in identifying the functional equivalent of a direct discharge for point sources or non-point sources. State Bill to reauthorize the counties to enact restrictions of sales of tobacco products, including electronic smoking devices by inserting a sunset date into Act 206, Session Laws of Hawaii 2018. And State Bill to clarify that the counties may by ordinance designate county highways where the stopping, standing, or parking of vehicles are restricted or prohibited.

Each of the four counties is now required to review and approve the final package of proposals as approved by the HSAC Executive Committee before they are sent to the State Legislature. The HSAC Executive Committee is requesting the approved resolution be sent to them before their next meeting on November 22, 2022. So, it is important we act on this resolution today. I respectfully ask for the Councilmembers support of my motion as amended.

CHAIR LEE: Thank you. Any more discussion? Before we take the vote on the main motion as amended, we need to vote on Rule 19.C. Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO WAIVE RULE 19.C OF THE RULES OF THE COUNCIL, SO THAT WE MAY TAKE ACTION ON THIS ITEM TODAY, BECAUSE IT'S TIME SENSITIVE?

CHAIR LEE: No, because this is second and final reading.

COUNCILMEMBER PALTIN:

BECAUSE IT'S FINAL READING AND IT'S TIME-SENSITIVE?

CHAIR LEE: Okay.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Anymore discussion? Did you have a second on that? No. No, this is for--

COUNCILMEMBER KING: Yeah, I seconded.

CHAIR LEE: --the Rule waiver. Okay.

COUNCILMEMBER KING: I seconded it.

CHAIR LEE: Seconded by Member Kama.

COUNCILMEMBER KING: Oh. Okay, I did, I did--

CHAIR LEE: Okay, moved by Member Paltin, seconded by Member Kama. And anymore discussion on this? This is on the Rule waiver, yeah, 19.C. If not, all those in favor, raise your hand and say "aye".

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

NOES: NONE.

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

CHAIR LEE: Okay. All "ayes", zero "noes", two "excused"; motion carries. Excused are Vice-Chair Rawlins-Fernandez and Member Sugimura.

So, that takes care. Oh now, we have the main motion as amended. Okay. Any more discussion on the main motion as amended? If not, all those in favor, raise your hand and say "aye".

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

NOES: NONE.

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

CHAIR LEE: Seven "ayes", zero "noes", two "excused"; motion carries. This one, the excused are Vice-Chair Rawlins-Fernandez and Member Sugimura.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, you have before you for referral to the Council Chair for the 2023-2025 term, Resolution 22-258.

RESOLUTION
NO. 22-258

REFERRING TO THE LĀNA'I, MAUI, AND
MOLOKAI PLANNING COMMISSIONS AND
ADVISORY COMMITTEES TO THE MAUI
PLANNING COMMISSION A PROPOSED BILL
AMENDING CHAPTERS 12.24 AND 19.36, MAUI
COUNTY CODE, RELATING TO THE
LANDSCAPE PLANTING PLAN

CHAIR LEE: Is this, is this you, Member King?

COUNCILMEMBER KING: Yes, it is, Chair. Just, yeah, given the input from the Planning Director, I'd like to get this referred to the CARE Committee for our November 30 meeting. And I wanted to ask Mr. Raatz, if he's here, if it's possible if we, if it's possible

to make the referral just for 19.36 and separate out the proposed amendments to Chapter 12.24?

CHAIR LEE: Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair Lee and Councilmember King. The resolution could be amended, but if it's not going to actually be adopted today in amended form, the amendment probably wouldn't be in order. It'd probably be more efficient to consider amendments like that in Committee.

COUNCILMEMBER KING: Okay, so--

DEPUTY DIRECTOR OF COUNCIL SERVICES: . . . Council action today.

COUNCILMEMBER KING: So, we could make those amendments in Committee as far as passing out a proposed bill for Chapters 12.24 and then forwarding the 19.36B onto the Planning Commission.

CHAIR LEE: Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair Lee and Councilmember King. Well, actually, what's on today's agenda, what would be referred is a resolution that attaches a bill as an exhibit. If there's going to be proposed action on a bill without a resolution referring the bill to the planning commissions, that separate piece of legislation would probably have to be introduced. You'd have to have a bill on Chapter 12.24A, as a stand-alone new proposal.

COUNCILMEMBER KING: Okay. So, we, if we refer the whole thing, we couldn't do that in Committee?

CHAIR LEE: Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair.

COUNCILMEMBER KING: Can we make those changes in Committee is what I'm asking?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you. I don't think so, actually. Because you would need a bill referred to Committee. Right now, we have a resolution that's on today's agenda, and that's what would be referred. So, it would probably require a separate introduction of a bill at Council.

COUNCILMEMBER KING: Okay. So, we could, if we refer this one, we could, we could amend the resolution to address the 19.36B Section?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. Yes, that's correct.

COUNCILMEMBER KING: But the 12.24 would need a separate bill? Okay. So, I think the best, I think the easiest thing to do would be, I mean, we can't make a referral to a bill right now is what you're telling me. So, we just refer this we can get the 19.36B Section . . . addressing . . . is that what I'm hearing.

CHAIR LEE: Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair Lee and Councilmember King. Yes, that's correct under the Office of Council Services viewpoint. It's possible other actions could be taken in Committee, such as, perhaps, keeping just one unified bill, but making it explicit that you wouldn't be asking the planning commissions to comment on the rest of, rest of it that's outside of the comprehensive zoning ordinance.

COUNCILMEMBER KING: Okay, I see. So, I think, Chair, I think I was going to try to pass this out, but in light of the input from OCS and Planning Department, I do request this be referred to the CARE Committee.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered. Refer this matter to the CARE Committee.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Proceeding with testimony on bills. Chair, there are currently no individuals signed up to testify on bills, so we'll do last call at this time. If there is anybody who would like to testify on any item in agenda section M. Bills, please identify yourself now. I repeat, last call. Chair, no one has identified themselves as wishing to testify.

CHAIR LEE: Members, any objections to closing public testimony and accepting written testimony for bills?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with bills.

BILLS

ORDINANCE NO. _____
BILL NO. 191 (2022)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY
CODE, RELATING TO GRANTS FOR HOME RESTORATION**

The recommended action is that Bill No. 191 (2022) be referred to the Affordable Housing Committee.

CHAIR LEE: Any objections to referring this, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 2:02 p.m.)

CHAIR LEE: I see that, for the record, the Vice-Chair has joined the call. And now, we can proceed with the rest of the bills.

ORDINANCE NO. _____
BILL NO. 192 (2022)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, RELATING TO REAL
PROPERTY TAX CLASSIFICATIONS AND EXEMPTIONS**

CHAIR LEE: Vice-Chair Rawlins-Fernandez, do you want to take this one by one or all together?

VICE-CHAIR RAWLINS-FERNANDEZ: I will take up 192. And then, after 192, I'll take up 193 through 195 together.

CHAIR LEE: Okay. Mr. Clerk. You already read 192? Okay, so I'm calling on you, Vice-Chair Rawlins-Fernandez on Bill 192.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILL 192 (2022), IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second? Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to waive the Rules of the Council regarding Bill 192.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this bill is time-sensitive, as real property tax assessed values are calculated on January.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER SUGIMURA.

CHAIR LEE: Okay. Eight "ayes", one "excused"; motion carries. Excused is--

DEPUTY COUNTY CLERK: Chair? Apologies. We're missing Councilmember Johnson.

CHAIR LEE: Oh, alright.

COUNCILMEMBER JOHNSON: "Aye". Sorry.

CHAIR LEE: Aye. Okay, eight "ayes", one "excused"; Member Sugimura. Motion carries.

Now, again, Bill 192. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 192 (2022) ON FIRST READING.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to pass Bill 192 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of this bill is to amend Sections 3.48.305 and 3.48.466 to promote equity in our real property tax legislation.

As discussed during the Budget, Finance, and Economic Development Committee meeting of November 2, 2022, these proposed amendments would address some of the issues encountered by the Department of Finance over the last year, including owners renting to themselves and long-term rental leases that last for one year and one day in order to qualify for two years of the exemption.

As your Committee also discussed during the next budget session, the Council may want to address additional concerns . . . the real property tax rates. But these amendments are a start to addressing equity concerns related to Maui County's real property tax legislation. And I respectfully ask for the Members support. Mahalo, Chair.

CHAIR LEE: Any more discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Ms. Martin was with us when we discussed the general idea of these amendments in Committee. And she did explain, you know, some folks that have TVRs were saying that they shouldn't be paying the STR rate, but they're the same and, you know, these other loopholes that people are using to gain the system. So, I'm in support of the bill because that wasn't the intent of the original legislation. And so, they brought to our attention problems that they were having, and this is just fixing it on their terms. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER SUGIMURA.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Sugimura. Motion carries.

Mr. Clerk, the next three.

(Councilmember King was excused from the meeting at 2:08 p.m.)

ORDINANCE NO. _____
BILL NO. 193 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PARKS AND RECREATION,
WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND,
WAR MEMORIAL GYM BUILDING IMPROVEMENTS;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 194 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PARKS AND RECREATION,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
WAR MEMORIAL GYM BUILDING IMPROVEMENTS

ORDINANCE NO. _____
BILL NO. 195 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394,
BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PARKS AND RECREATION)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR BILL 193, 194, AND 195 IN
ACCORDANCE WITH RULE 7.G OF THE RULES OF THE
COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to waive
the Rules of the Council regarding Bills 193, 94, and 95, 195.

Vice-Chair Rawlins-Fernandez. Discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the bid opening for this project was held on November 2, 2022, with a sole bid of \$28,342,932 received from Blazy Construction, Inc. The Department has \$14,999,972 from FY 2022, and \$10,000,000 from FY 2023 available for the project, which is insufficient based on the bid. The contractor has agreed to hold the bid price for 60 days from the bid opening date, so action on these bills is time sensitive. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Sugimura. Motion carries.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yeah.

DEPUTY COUNTY CLERK: Chair? Apologies, Chair, I believe Councilmember King has left the meeting.

CHAIR LEE: Oh. Seven "ayes", two "excused". Two excused would be Members King and Sugimura. Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 193, 194, AND 195 ON FIRST
READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Tasha Kama, to pass Bills 193, 194, and 195 on first reading.

Discussion. Vice-Chair Rawlins-Fernandez. I think you already explained it.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of these bills is to amend Fiscal Year 2023 Budget Bill, Appendix C, and Bond Bill to appropriate an additional \$3,350,000 in bond funding for the Department of Parks and Recreation, War Memorial Gym Building Improvements.

As previously stated, the amendment is necessary because the current appropriated funds are insufficient based on the bid received. The project includes repair to building structural elements and exterior finish; coating of roof surfaces; upgrade of building electrical and visual fire alarm systems; accessibility improvements at restrooms and locker rooms; installation of air conditioning in the gym; replacement of gym wood flooring, bleachers, and other ancillary improvements; readiness for future addition of photovoltaic system; and structural and facility upgrades as needed to meet the Enhanced Hurricane Protection Area requirements for a Category 3 hurricane shelter.

Representatives from the Administration are available to answers any questions the Members have. I respectfully ask for the Members support of this motion. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Okay, how many do you see? Eight? No seven. Seven "ayes", two "excused"; motion carries. The two excused are Members Sugimura and King.

Next.

ORDINANCE NO. _____
BILL NO. 196 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY)
REGARDING A DESIGN AGREEMENT FOR THE
IAO STREAM, MAUI, HAWAII – FLOOD RISK MANAGEMENT

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR BILL 196 IN ACCORDANCE
WITH RULE 7.G OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second, somebody. Second.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Alright, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to waive the Rules of the Council regarding Bill 196.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, funding for this project was included in the Fiscal Year 2023 Budget. And approval of this bill as soon as possible will allow the U.S. Department of the Army Corps of Engineers to move forward with the design process. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Seven "ayes", two "excused"; motion carries. Excused are Members King and Sugimura.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 196 ON FIRST READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to pass Bill 196 on first reading.

Discussion. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement with Department of Army, Corps of Engineers to complete the design of a Federal undertaking at the Wailuku River Flood Control Project.

As previously mentioned, funding for this project was included in the Fiscal Year 2023 Budget, Department of Public Works CBS-1070, Iao Stream Flood Control Program. Design costs are projected to be 525,000 with the Department of the Army's projected cost estimated at 342,000, and Maui County's costs projected to be 184,000. Funds are currently requested for this project.

Representatives from the Administration are available to answer any questions. I respectfully ask for Members support. Mahalo, Chair.

CHAIR LEE: Any further discussion? If not, all those in favor of the motion to pass Bill 196 on first reading, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Seven "ayes", two "excused"; motion carried. The two excused are Members King and Sugimura.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 197 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.050,
MAUI COUNTY CODE, RELATING TO GREENPRINT

The recommended action is that Bill No. 197 (2022) be referred to the Council Chair for the 2023-2025 Council Term.

CHAIR LEE: Any objections to this referral?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on bills for second and final reading. Chair, there are currently no individuals signed up to testify for any of these items, so we'll do a last call at this time. If there is anybody who wants to testify on any of these items, please identify yourself now. I repeat, last call.

CHAIR LEE: Are there any objections to closing public testimony and accepting written testimony for bills on second and final reading?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with bills for second and final reading.

BILLS – SECOND AND FINAL READING

ORDINANCE NO. _____
BILL NO. 124 (2022)

**A BILL FOR AN ORDINANCE ADOPTING THE HAWAII
STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO**

CHAIR LEE: Okay. Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, Chair, due to a production issue, the public notice of final reading of Bill 124 was not published in the Maui News. Section 4-2, Revised Charter of the County of Maui 1983, as amended, states "Digests of all bills which pass first reading and the votes thereon shall be published once in a newspaper of general circulation in the county at least three days before final reading."

As the notice was not published, I ask that Bill 124 be deferred until the December 2, 2022, Council meeting. Mahalo, Chair.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. There was only a production error with Bill 151, CD1. All other bills and their digests were, the digests for the other bills for second and final reading were published correctly in the Maui News.

CHAIR LEE: Okay. So, we can proceed to pass this one on second and final reading?

DEPUTY COUNTY CLERK: If the body wishes to do so, yes.

CHAIR LEE: Alright, Member Kama, it appears that what you're referring to is another bill.

COUNCILMEMBER KAMA: Oh, okay. Yes. Okay.

CHAIR LEE: So, do you want to make a motion on Bill 124?

COUNCILMEMBER KAMA:

CHAIR, I MOVE THAT WE APPROVE BILL 124 ON SECOND
AND FINAL READING.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Pro Tem Kama, second by Member Molina, to pass Bill 124 on second and final reading.

Discussion. Pro Tem Kama.

COUNCILMEMBER KAMA: Well, I was not prepared for discussion, Chair, because I thought that we were going to defer it. But I'm in support and I see no reason why we could not pass this since we all said okie dokie to it at the IT Committee meeting. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Seven "ayes", two "excused"; Members Sugimura and King. Motion carries.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 126 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF
MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
STATE OF HAWAII, DEPARTMENT OF HEALTH

CHAIR LEE: Member King. I mean, Member Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair.

MOVE TO PASS BILL 126 (2022) ON SECOND AND FINAL
READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Pro Tem Kama, to pass Bill 126 on second and final reading.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Members, as you may recall, Bill 126's purpose is to authorize the Mayor to enter into a Memorandum of Agreement with the State of Hawaii, Department of Health, provide DOH with access to data from autopsy and police investigative reports related to deaths occurring in Maui County from suicides, homicides, accidental drug overdose, and undetermined deaths. I respectfully ask for Members support of this motion. Mahalo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Seven "ayes", zero "noes"; motion carries. Two "excused"; Members King and Sugimura.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 133, CD1 (2022)

A BILL FOR AN ORDINANCE TO AMEND TITLE 10, VEHICLES AND TRAFFIC,
MAUI COUNTY CODE, RELATING TO COMMERCIAL DOCKLESS VEHICLES
AND PENALTIES

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO PASS BILL 133, CD1 (2022) ON SECOND AND
FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Pro Tem, moved by Pro Tem Kama, seconded by Member Sinenci, to pass
Bill 133, CD1 (2022) on second and final reading.

Discussion, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Members, as you may recall Bill 133, CD1's
purpose is to make it unlawful to park, leave standing or lying, abandoned, or otherwise
place a commercial dockless vehicle on a sidewalk, street, highway, or public property;
make it unlawful to operate a dockless vehicle on a sidewalk; and increase the penalty
amount for violation of Title 10, Maui County Code.

While dockless vehicles provide increased mobility options over short distances, they
pose considerable safety and public health concerns, create tripping hazards, make
sidewalks inaccessible to the disabled, and help to create cluttered and unsafe
environments for pedestrians. I respectfully ask the Members support of this motion.
Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Seven "ayes", zero "noes"; motion carries. Two "excused"; Members King and Sugimura. Congratulations, Member Paltin, as well.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 151, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 10, MAUI COUNTY CODE,
RELATING TO IMPLEMENTATION OF A PARKING AMBASSADOR PROGRAM
TO ENFORCE COUNTY AND STATE PARKING RULES AND LAWS, A PAID
PARKING SYSTEM, AND PERMIT PARKING ZONES

CHAIR LEE: Let's see, paid parking. I'm sorry, I lost my place.

Oh, Member, I mean, Pro Tem Kama, this is the one I think you were talking about earlier. The Maui News had a production error.

COUNCILMEMBER KAMA: I don't know, did it? I'm not sure, because I have notes that say move to pass or to adopt.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. This bill, Bill 151, CD1 (2022), there was a production error with the Maui News and the digest was not published--

COUNCILMEMBER KAMA: Okay.

DEPUTY COUNTY CLERK: --in time for the Council to act on this bill today.

CHAIR LEE: So--

COUNCILMEMBER KAMA:

SO, MOVE TO DEFER.

CHAIR LEE: So, Member Kama, we can't, we cannot, yeah, we cannot pass this today.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Alright. Mr. Clerk.

DEPUTY COUNTY CLERK: So, Chair, just for clarity, the body wants this item postponed to the next Council meeting?

CHAIR LEE: Yes, tabled.

COUNCILMEMBER KAMA: Yes. Thank you, Chair.

ORDINANCE NO. _____
BILL NO. 152 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
AFFORDABLE HOUSING FUND
(PULELEHUA AFFORDABLE HOUSING PROJECT)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request that the Clerk also call up Bills 171 through 176, Bills 178 through 184, and Bills 188 through 190.

CHAIR LEE: Did you get that, Mr. Clerk? Mr. Clerk, call those up.

ORDINANCE NO. _____
BILL NO. 171 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
COUNTYWIDE, GOVERNMENT FACILITIES, BOND FUND,
DPW HIGHWAY DIVISION COUNTYWIDE BASEYARD FACILITIES;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 172 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE,
DPW HIGHWAY DIVISION COUNTYWIDE BASEYARD FACILITIES PROGRAM

ORDINANCE NO. _____
BILL NO. 173 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394,
BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. _____
BILL NO. 174 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
SOLID WASTE OPERATIONS PROGRAM;
DEPARTMENT OF FINANCE,
COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 175 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FINANCE,
COUNTYWIDE, COUNTYWIDE EQUIPMENT

ORDINANCE NO. _____
BILL NO. 176 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394,
BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF FINANCE)

ORDINANCE NO. _____
BILL NO. 177 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM,
SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL,
AND CULTURAL PROGRAMS

CHAIR LEE: I'm not sure if that's included.

DEPUTY COUNTY CLERK: Oh.

CHAIR LEE: Is this one included? Yes. Oh okay, sorry. Go ahead.

ORDINANCE NO. _____
BILL NO. 178 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND,
COUNTYWIDE FEDERAL AID PROGRAM;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 179 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PUBLIC WORKS,
COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM

ORDINANCE NO. _____
BILL NO. 180 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394,
BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. _____
BILL NO. 181 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION,
FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)

ORDINANCE NO. _____
BILL NO. 182 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 3.25.030,
MAUI COUNTY CODE, RELATING TO HIGHWAY BEAUTIFICATION FEE

ORDINANCE NO. _____
BILL NO. 183 (2022)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO
APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,
DEPARTMENT OF FINANCE, SPECIAL REVENUE/TRUST AND AGENCY FUND,
HIGHWAY BEAUTIFICATION

ORDINANCE NO. _____
BILL NO. 184 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
HIGHWAY BEAUTIFICATION AND DISPOSAL OF ABANDONED OR DERELICT
VEHICLES REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 188 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF POLICE,
WEST MAUI COMMUNITY PLAN AREA,
GOVERNMENT FACILITIES, BOND FUND,
LAHAINA ANTENNA REPLACEMENT;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 189 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,

DEPARTMENT OF POLICE,
WEST MAUI COMMUNITY PLAN AREA,
LAHAINA ANTENNA REPLACEMENT

ORDINANCE NO. _____
BILL NO. 190 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394,
BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF POLICE)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. When I looked up and saw Member Sinenci's face, I realized you were right, Chair, that Bill 177 was not included. But if Member Sinenci would like, I can include it and then he can speak to that portion of it and we can pass it all on one motion. Okay, thumbs up.

I MOVE TO PASS BILL 152, BILLS 171 THROUGH 184, AND
BILLS 188 THROUGH 190 ON SECOND AND FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to pass the bills as mentioned on second and final reading.

Vice-Chair Rawlins-Fernandez, discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 152 (2022) amends the Fiscal Year 2023 Budget, Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds by adding an appropriation under the Affordable Housing Fund for Maui Oceanview LP for the Pulelehua Affordable Housing Project in the amount of \$18,000,000.

Bills 171, 172, and 173 (2022) amends the Fiscal Year 2023 Budget Bill, Appendix C, and the Bond Bill to add the project description and appropriate an additional

\$1,207,000 in bond funding for the Department of Public Works, DPW Highway Division, Countywide Baseyard Facilities.

Bills 174, 175, and 176 (2022) amends the Fiscal Year 2023 Budget Bill, Appendix C, and Bond Bill to add \$785,000 in additional bond funding for the Department of Finance, Countywide Equipment; and to increase Carryover/Savings from the Solid Waste Management Fund by \$300,000; and appropriate these funds to the Department of Environmental Management, Solid Waste Operations Program.

Bills 178, 179, and 180 (2022) amend the Fiscal Year 2023 Budget, Appendix C, and Bond Bill to add \$3,919,000 in bond funding for the Department of Public Works Countywide Federal Aid Program, along with amending the program description to add the Makawao Avenue Pavement Reconstruction Project, Phase 1.

Bill 181 (2022) amends Appendix A, Part I, to carryover \$9,530,000 from the Fiscal Year 2022 grant under the Department of Public Works for Federal Highway Administration, Federal-Aid and Other Transportation Grants.

Bills 182, 183, and 184 (2022) amend Section 3.25.030, Maui County Code, and Appendices A, Part I and B of the Fiscal Year 2023 Budget to increase the fee for U-drive motor vehicles from \$1 to \$10, effective January 1, 2023; expand the use of the Highway Fund Beautification fee to include the ability to mitigate and address the impacts of tourism-related traffic congestion; and amend the title of the relevant fund to the "Highway Beautification, Abandoned Vehicle, and Tourism-Related Traffic Congestion Revolving Fund".

Bills 188, 189, and 190 (2022) amend the Fiscal Year 2023 Budget Bill, Appendix C, and Bond Bill to add \$3,000,000 in additional bond funding and a project description for the Department of Police, Lahaina Antenna Replacement.

And I will yield to Member Sinenci for Bill 177. And I can see that Member Molina really appreciates taking this all up in, in one motion. And I believe this might be another record-breaking motion. Mahalo, Chair.

CHAIR LEE: Mr. Sinenci. Thank you. Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Bill 177 amends the Fiscal Year 2023 Budget, Office of the Mayor, Economic Development Program, South Maui Economic Development, Environmental, and Cultural Programs, to add an additional \$10,000 in funding for Fourth Friday events; \$6,980 for the Hawai'i Wildlife Fund for fence replacement at Kealia Pond for sea turtle protection; \$7,000 for the Ma'alaea History

Book Extension; and \$14,000 for the Teran James Young Foundation for consulting fees for a South Maui EcoVillage.

CHAIR LEE: Okay. Any more discussion on any of the bills? If not, all those in favor of the motions, raise your hand, say "aye". All the budget bills and this other one.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Okay, seven "ayes". Member Paltin? Seven "ayes", zero "noes"; motion carries. Two "excused"; Members King and Sugimura.

Bill 153. Did you do that one?

ORDINANCE NO. _____
BILL NO. 153, CD1 (2022)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16C, MAUI COUNTY CODE, RELATING TO THE ENERGY CODE

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER KAMA: Thank you, Chair.

MOVE TO PASS BILL 153, CD1 (2022) ON SECOND AND FINAL READING.

CHAIR LEE: Second, somebody.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay, moved--

COUNCILMEMBER PALTIN: Second.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to pass Bill 153 on second and final reading.

Mr. Sinenci, discussion.

COUNCILMEMBER SINENCI: Thank you, Chair. Bill 153's purpose is to adopt the Hawaii State Energy Code, with modifications specific to the County of Maui.

The deadline for adopting the County's Energy Code is December 15, 2022.

These amendments were developed with input from the industry experts, and we thank them for their time and for their contributions. And I also wanted to thank my colleagues for their work on this bill and respectfully ask for the Members support.

CHAIR LEE: Any more discussion on any of those bills? Well, not any of them; Bill 153. If not, all those in favor, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: Seven "ayes", zero "noes"; motion carries. Excused are Members King and Sugimura.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there's no further business before the Council.

CHAIR LEE: Music to my ears. So, Members, do you have final parting comments? Anything like that? You want us to stay longer and talk about, talk story?

Member, Member Kama.

COUNCILMEMBER KAMA: Chair, I am so thankful and so grateful for our Budget Chair that she's able to help navigate, I think is the word, for us to get through many of these bills. And I so do appreciate that. And I appreciate the amount of work that it takes for that to happen. Thankful to Member Sinenci and his bill. Thankful for my Councilmembers and the work that we do. Whether we agree or not, in the end, we come together and we work as a Council should. So, thank you, Chair. Thank you, everyone. Have a great weekend.

CHAIR LEE: Thank you. Yes. Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I'm thankful to Member Kama as well, for bringing up the subject of being thankful. We have Thanksgiving next week, so everybody have a good, safe Thanksgiving weekend. And try our best to lose weight after Thanksgiving Day, which is always my biggest problem. Mahalo.

CHAIR LEE: Okay, very good. Anybody else?

If not, oh, Member Sinenci.

COUNCILMEMBER SINENCI: Yeah, thank you. And Happy Thanksgiving to all of you and to our hardworking staff. And for those of you who are traveling during the week, travel safe. Thank you.

CHAIR LEE: Thank you. Anyone else? Alright, Happy Thanksgiving, everybody. And take care, and we'll see you again soon. This meeting is adjourned.

ADJOURNMENT

The regular meeting of November 18, 2022, was adjourned by the Chair at 2:35 p.m.



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

RECEIVED

2022 NOV 16 PM 1:34

Testimony on Reso 22-258

Randy Wagner, AIA
November 18, 2022

OFFICE OF THE
COUNTY CLERK

Please send these Ordinance Revisions to the Planning Commission for approval this year.

Chapter 12.24A.040

Making Maui County Planting Plan Standard Practice

The document has taken decades of research and professional knowledge. It is the gold standard for tree selection, planting and maintenance. This must be a required standard to all county departments, not "advisory". As it stands, it is languishing and the community is not benefitting from the expertise contained within it.

This is especially pertinent as we make an effort to respond positively to temperature rise and flooding due to climate change.

Chapter 19.36B.080

Clarify the intention of shade trees in parking lots. They must be allowed to become mature canopy trees in order to provide 50% shade over hardscape to reduce atmospheric heat gain and to reduce and filter runoff pollution.

This is especially pertinent as we make an effort to respond positively to temperature rise and flooding due to climate change.

County Clerk

From: Michele McLean <Michele.McLean@co.maui.hi.us>
Sent: Tuesday, November 15, 2022 5:58 PM
To: County Clerk
Cc: Jacky Takakura; Jordan Molina; Josiah Nishita; Karla Peters; Sandy Baz
Subject: Testimony re: Reso 22-258

RECEIVED
2022 NOV 16 AM 8:06
OFFICE OF THE
COUNTY CLERK

You don't often get email from michele.mclean@co.maui.hi.us. [Learn why this is important](#)

Aloha Chair Lee and Members of the Council,

Please accept this testimony in opposition to Resolution No. 22-258, which would send to the three planning commissions (and the three advisory committees to the Maui Planning Commission) a bill to amend Chapters 12.24 and 19.36 (*sic.*), Maui County Code, relating to landscaping. (The correct reference is to Chapter 19.36B, MCC.)

Please file the resolution and do not refer it to committee.

We've been there, done that. Chapters 12.24 and 19.36B were modified extensively in 2018, and the changes are working well. The changes to Chapter 12.24 were a collaborative effort by the Department of Parks and Recreation, the Department of Public Works, and the Planning Department, to clarify which department is responsible for which trees, and how the Maui County Planting Plan (MCP) will be administered by each. I am not aware of any concerns relating to how these changes have been implemented. As far as I know, none of these departments has been consulted on the bill.

The bill would have the MCP adopted by ordinance and be a mandatory document; this is not necessary. The MCP had the approval of the Council, the Arborist Committee and the Mayor after several meetings, and it is already mandatory in the parking code. The bill would also make the Planning Department responsible for enforcing the MCP for trees that are not under our authority (in parks and on streets) -- this is not our responsibility and is being handled already by Parks and Public Works, respectively.

The proposed amendment to the parking code would impose a "50 percent canopy coverage of the hardscape" requirement, which Planning is not equipped to administer or enforce. Like I said, we went through this when the MCP was adopted and the idea of canopy coverage was discussed -- and dismissed as a requirement. There is no need to revisit this.

If there is a desire to pursue this bill, it should be separated into two bills so that the planning commissions and advisory committees are not tasked with reviewing the Chapter 12.24 amendments that are not under their authority.

Lastly, the bill's author will not serve on the Council next term, so it is not clear if there is another advocate. Please either file Resolution No. 22-258 or forward it to the next Council to see if there is another supporter who will explain why the bill is needed.

Mahalo for your consideration,
Michele.

Michele Chouteau McLean, AICP, Planning Director
County of Maui
One Main Plaza, Suite 315
2200 Main Street

Wailuku, Hawaii 96793

Office: 808/270-7735

Fax: 808/270-7634

NOV 10 AM 8:00

OFFICE OF THE
COUNTY CLERK

County Clerk

From: Clairerose Bonilla <claireb16@yahoo.com>
Sent: Friday, November 18, 2022 8:15 AM
To: County Clerk
Subject: Bill 159 -Campervan Legislation on Maui

 You don't often get email from claireb16@yahoo.com. [Learn why this is important](#)

Aloha,

As a past resident born and raised on Maui, I wish to voice my opposition to the amended language in section 19.36B.120 of Bill 159 (related to campervans and recreational vehicles). This bill would negatively impact our community and small businesses. We support the responsible camper companies here on the island and appreciate the economic value they bring to Maui.

I urge Maui County Council to consider providing more time to discuss this complicated matter with these owners and the community at large. Together we can craft a resolution that both supports our local economy and addresses the concerns of other residents.

Mahalo for allowing us to continue this discussion!

Sincerely,
Clairerose Noelani Bonilla



RECEIVED
2022 NOV 17 AM 7:48
OFFICE OF THE
COUNTY CLERK

November 17, 2022

Council Chair Alice Lee and Members

**RE: South Maui Economic Development, Environmental and Cultural Programs (CARE-1(17))
FUNDING INCREASE, G5252 MAALAEA HISTORY BOOK**

Aloha Chair Lee and Council Members:

Ma'alaea Village Association (MVA) appreciates your consideration of a budget increase to support the completion of the book on Ma'alaea history entitled: **Ma'alaea: The Untold Story of Maui's Historic Crossroads** funded by OED South Maui economic development, environmental and cultural programs.

As of this week's second and final reading for the bill which includes this budget increase, final preparations are underway to send the book for printing by the end of this month. We hope to have the book available for sale and distribution to Maui County schools by the spring. Upon publication there will be book signings at Maui's historical museums and other venues.

Briefly, the initial proposal of \$20,000 (MVA-\$5,000 cash, \$15,000-OED, and approximately \$4,900 in "in kind") was for a 128 page "picture book." The book has increased in size to a current 208 pages due to the expansive 17-page index provided by our professional indexer, and an extensive bibliography by book author Lucienne de Naie based on her research in the Maui News archives at UHMC and personal interviews and archival materials provided by current and former Ma'alaea residents and families.

We're nearing the end of the journey. MVA "cash" donations have more than doubled, "in kind" now totals over \$17,000 and printing and shipping costs have increased due to increase in page size and full color costs. The book team has already donated considerable time to the project beyond was budgeted for a 128-page book.

To finish the project, we seek an additional \$7,000 from South Maui Economic Development, Environmental and Cultural Programs to compensate the book team and meet additional print and shipping costs.

Mahalo for your continued support!

Lynn Britton, MVA Immediate Past President

County Clerk

RECEIVED

From: Kyle Caires <kylecaires@yahoo.com>
Sent: Tuesday, November 15, 2022 11:27 AM
To: County Clerk
Cc: Warren Watanabe; shylohsj@live.com
Subject: Testimony regarding Bill 160

2022 NOV 15 AM 11:30

OFFICE OF THE
COUNTY CLERK

You don't often get email from kylecaires@yahoo.com. [Learn why this is important](#)

Please find my testimony enclosed regarding bill 160. I had to fly to Kauai for work and am heading to an area with poor cell service.

Mahalo,
Kyle

Sent from Yahoo Mail for iPhone

On Monday, October 31, 2022, 5:50 PM, Kyle Caires <kylecaires@yahoo.com> wrote:

Maui County Farm Bureau on behalf of our farm and ranch families and organizations, supports with suggested amendments, Bill 160 amending Chapter 22.04A, Maui County Code, relating to the expansion area of the Kula Agricultural Park. Please find our testimony regard Bill 160 enclosed for consideration.

Mahalo,
Kyle

Kyle Caires
PO Box 1733
Makawao, HI 96768
Cell: 541-760-6317



RECEIVED
2022 NOV 17 AM 11:49
OFFICE OF THE
COUNTY CLERK

November 18, 2022

TO: Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice-Chair
Members of the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION – HAWAII (ARDA-Hawaii)

RE: Bill 154 - A BILL FOR AN ORDINANCE TO ESTABLISH A CULTURAL
OVERLAY MAP, CULTURAL SENSITIVITY DESIGNATIONS, AND RELATED
REVIEW PROCESSES TO PRESERVE CULTURAL RESOURCES AND PROMOTE
CAREFUL PLANNING

Hearing date: Friday, November 18, 2022 at 9:00AM

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and Members of the Maui County Council,

Thank you for allowing ARDA-Hawaii to submit testimony providing **COMMENTS on Bill 154 - A BILL FOR AN ORDINANCE AMENDING TITLES 18, 19 AND 20, MAUI COUNTY COUNTY TO ESTABLISH CULTURAL OVERLAY DISTRICTS**. Bill 154 seeks to create cultural overlay maps to identify cultural sensitivity designations and related review processes to preserve cultural resources and promote careful planning.

ARDA Hawaii is concerned with the impacts of this measure. This measure seeks to establish cultural overlay districts intended to create greater oversight for archaeological and historical review. The measure posits that federal and state reviews are insufficient to protect culturally significant sites, and therefore, the measure is designed to provide Maui County with review authority. Specifically, Bill 154 creates a second layer of archaeological reviews by the Principal Archaeologist on top of the review conducted during the discretionary SMA approval phase.

Primarily, ARDA Hawaii is concerned that the additional review process will result in conditions being imposed on building permits by the county archaeologist, making an already lengthy process more cumbersome. Bill 154 will make the already lengthy wait times (7 months to a year) much worse by creating a confusing process that the county won't be able to manage efficiently. In essence, the measure will result in delayed decisions on "ministerial" permit approvals at nearly every stage of the development process and make ministerial permit approvals into discretionary permits.

Additionally, the criteria for the cultural overlay designations are unclear and over-broad. Specifically, section 19.46.030(A) lays out ten enumerated criteria which create an overreaching

scope of areas that may be deemed culturally sensitive requiring review by the county archaeologist. For example, Section 19.46.030(A)(6) is vague and unclear stating:

“The area has potential to reveal further information about the County’s pre-or post-contact history as determined by the principal archaeologist or the State Historic Preservation Division (SHPD).”

This requirement fails to create an identifiable criterion and could be interpreted to incorporate vast portions on Maui. The creation of these criteria could ultimately lead to significant portions of Maui Island being unnecessarily deemed culturally sensitive. In turn, the review of all the enumerated permit applications would be delayed by an additional county review.

Moreover, the review process created by Bill 154 is unnecessarily duplicative of the current (SHPD) review currently in place. This bill was established to create a county review process to account for the delays and mistakes in review by SHPD. Essentially, Bill 154 creates a new county lead review akin to what is already required by SHPD. The duplicative review creates an unnecessary step in the development process and lengthens the already long review conducted by SHPD.

Accordingly, ARDA Hawaii recommends including additional language throughout various sections of the bill to establish timelines for the Principal Archaeologist to make recommendations. Specifically, we recommend that a 90-day period be implemented to parallel the timeframe afforded to SHPD to determine impacts and evaluate a mitigation plan. This amendment would reduce delays in the development process while allowing for an adequate amount of time for the Principal Archaeologist to conduct a review.

ARDA Hawaii is concerned with the potential delays created by the measure and looks forward to working together on establishing a process that allows for full cultural review without unnecessary delay.

Thank you for your consideration of my comments.

Respectfully submitted,



Mitchell A. Imanaka
ARDA Hawaii Chair

County Clerk

RECEIVED

From: Alan Lloyd <alanlloydac@gmail.com>
Sent: Wednesday, November 16, 2022 3:36 PM
To: County Clerk
Subject: SUPPORT of Bill 103 CD1 (2022), CR 22-119.

2022 NOV 16 PM 3:57

OFFICE OF THE
COUNTY CLERK

You don't often get email from alanlloydac@gmail.com. [Learn why this is important](#)

11/16/22

Maui County Council

Council Chamber,

Kalana O Maui Building,

8th Floor,

200 South High Street,

Wailuku, Hawaii 96793

Aloha Council Members:

I, Alan Lloyd, resident of Wailuku, Maui and organizer for the Hawai'i Workers Center, submit this written testimony in SUPPORT of Bill 103 CD1 (2022), CR 22-119. In fact I am in favor of extending Deed restrictions to 30 years, if it is amended. If not I SUPPORT the deed restrictions to 20 years.

Alan Lloyd

1010 Eha St.

Wailuku, HI 96793

County Clerk

RECEIVED

From: Jeff Marsh <ampline3369@gmail.com>
Sent: Friday, November 4, 2022 5:25 PM
To: County Clerk
Subject: Bill 152

2022 NOV 15 AM 10:18

OFFICE OF THE
COUNTY CLERK

You don't often get email from ampline3369@gmail.com. [Learn why this is important](#)

I am writing you to say I fully support Bill 152 and hope it gets voted into law. I am an over 18 year resident of West Maui and we are in desperate need of affordable housing for the working class. Mahalo!

County Clerk

From: Mavis Oliveira-Medeiros <mavisoliveira@gmail.com>
Sent: Friday, November 18, 2022 10:21 AM
To: County Clerk
Subject: APT bill 154, CD1 (2022)

Aloha Chair Lee & Councilmembers,

This is Mavis Oliveira-Medeiros, of Hana District Office, CM Sinenci.

Writing to testify on Bill 154, CD1 (2022)

To give you an idea of how important this bill is, right now as I write this, there is a Buyer from the mainland who recently purchased property in Hamoa, Hana. She hired another person from the mainland to prepare the land for farming, great right?

By the time we noticed it, he had already removed trees, pushed rocks and covered all the grubbing & pushing by using a chipper and chipping all the trees, covering the dirt.

Problem is, it is very near or on top of a "three complex" site consisting of Hale O Lono Heiau, Kaluanui Heiau and an unknown site.

We called and emailed the powers that be and an inspection was ordered. We were told that while this report is being done, the work would stop. We haven't noticed any "stop work" and it's been difficult to nail down who's doing what, when, despite many helpful mana'o from many organizations like SHPD, OHA, County of Maui and others, it's still hard to know what is going on.

I seriously believe that having a Cultural Overlay would eliminate problems like this.

Please pass this worthwhile bill. "Lono I ka Makahiki!!"

Mahalo,

Mavis Oliveira-Medeiros

(808)866-7409

County Clerk

From: Larry Stevens <lfstevens@earthlink.net>
Sent: Saturday, November 5, 2022 8:50 AM
To: County Clerk
Subject: 22-112 testimony

RECEIVED
2022 NOV 15 AM 10:18
OFFICE OF THE
COUNTY CLERK

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Aloha County Council!

For Maui to get off of oil, we need to switch to EVs. Charging those cars will require way more power than we generate now.

Currently, most car charging happens at home, over night, when almost all power comes from oil. That's no good.

It turns out that we have a great power resource that we're not using. It's mid-day solar. We generate more than we can use, so we throw it away.

Instead we need to get people to charge cars while the sun is bright in the middle of the day. I.e., charge at work. That way we stop throwing away solar and cars go home fully charged and don't charge at night.

We really need to get employers to put fast chargers at work.

As a bonus, most people don't drive that far every day. More and more cars now allow you to power your house from your car. If our cars get home mostly charged, then we can use the car's battery to power our homes through the night. A typical EV battery has more capacity than 5 Tesla Powerwalls. Most homes can get through the night on 1-3 Powerwalls.

This works well for apartment dwellers too, because getting chargers for all apartment spaces would be a huge expense that would increase nighttime charging.

Larry Stevens



Virus-free. www.avast.com