

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

February 21, 2020

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, ON FRIDAY, FEBRUARY 21, 2020, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting please come to order. It is February 21, 2020, Friday, 9:02 a.m.

Mr. Clerk.

### ROLL CALL

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

CHAIR LEE: Okay, and my greeting to you this morning, just in case this weekend you decide to go to Bolivia for the weekend. You could greet the people there with the words boa, I mean, excuse me, buen dia, buen dia. Buen dia in Bolivian.

Okay, well off to a great start. Let's see everybody's present, no absent, no excused. We have a quorum to proceed. And, opening remarks will be provided by Member Tasha Kama.

### OPENING REMARKS

The opening remarks were offered by Councilmember Tasha Kama.

CHAIR LEE: Thank you very much. Now, please join me in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Okay, before we proceed with today's agenda, may I please request that everyone silence their cellphones or other noisemaking devices. Decorum in this chamber shall be maintained at all times.

Mr. Clerk.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Madam Chair, proceeding with testimony on the condolent resolution. We have not received any requests to testify on the condolent resolution. Shall, shall we proceed with the presentation of the condolent resolution.

CHAIR LEE: Are there any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, please proceed.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with the condolent resolution.

### CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 20-16

EXTENDING CONDOLENCES TO THE FAMILY  
OF THE LATE JANET "JAN" MILLER DAPITAN

CHAIR LEE: Ms. Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I'D LIKE TO TAKE THE HONOR AND PRIVILEGE OF HAVING THIS RESOLUTION BOTH BE PRESENTED WITH MYSELF AND MR. RIKI HOKAMA. SO AT THIS MOMENT, MADAM CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE JAN DAPITAN".

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: It's been moved and seconded to adopt the resolution "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE JANET 'JAN' MILLER DAPITAN".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. May I please request that the Clerk read the resolution in its entirety.

CHAIR LEE: Mr. Clerk.

*(The resolution was read in its entirety.)*

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Well done. Thank you. Thank you, Chair. As the resolution describes, Jan Dapitan was truly a person who's spirit was and is now forever interwoven into the fabric of Maui County. She may have been born in Alabama, but for the last five plus decades of her life she lived on Maui, and our communities are all better for it.

Jan was a leader including over on Oahu at Kamehameha Schools even before she got to Maui, and a fixture at the Department of Parks and Recreation. But her impacts on Maui, the place she chose to make her home went far beyond the jobs she had. She cared about our kids, and she cared about the environment.

One of the things that made Jan special was that her caring wasn't just idle, she acted. Maui County still benefits from those actions forever, from the Maui Youth Theatre Program that she created, to her role in developing the first ever Hawaii Environmental

Court. Jan's life work will never be forgotten. We as a community are just as lucky she found her way to Maui in 1966. It is my honor to be able to present this resolution to, in her remembrance, and Members I ask for your full support. Thank you.

CHAIR LEE: Any other comments.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you very much, Madam Chairman. You know, for, for me, I can tell you it has been an honor and privilege to know Jan Dapitan. Gosh, in a sense, I could say I knew her from the end of the last century, to the beginning of this century.

You know, pretty much 40 years I know of this lady and I can tell you that Maui Nui is better for it. We're cleaner, we're beautiful, more beautiful. We have a sense of malama much better because of individuals like Jan Dapitan who unswervingly stayed true to the course in her direction and her beliefs. And, you know, I believe that Ms. Dapitan was a great role model for our younger people because she, for me, exhibited traits that I find very honorable and something worthy to emulate. And those was a dedication to her cause.

She was so dedicated, and with that dedication, with her internal fortitude, her perseverance to grow through trying times never wavered. And I find that to be such a great example, and the dignity of how she held herself during those troubled times. She maintained her composure, she was again true to her message and her mission, and she was able to achieve.

And for that I am truly grateful, not only for us here in this chamber this morning, but I can tell you even for our people on Lanai, we are grateful because her efforts also helped keep Maui Nui a better place. So I thank you for allowing me this time, Chairman.

CHAIR LEE: Thank you. Are there any other comments?

Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you to my colleagues for bringing this resolution forward. Jan was, to me she was the, equate her with the founding of Community Work Day, and so she's to me the mother of all beach cleanups, of all highway cleanups of, of the, the Maui version of Keep America Beautiful, which she founded for our State.

And I wanted to read, I found a handwritten note that she had written to me last May, a few months before she passed and it was really, it was to me but it was really to the, the, I'm just going to read the first paragraph because it was to the Council. And she said "Thank you for your work on the County budget 2020. It reflects support for many of the issues I worked for, and a forward look for Maui, Molokai, Lanai, and Kahoolawe."

And so you know, she followed what we were doing and she, she came out, the last time I saw her was at a, an Outdoor Circle meeting and she told me she came out just to see me, that was like one of the most flattering things was because we had a real comradery around recycling. But I really cherish the memory of not just what she did for Maui, but of who Jan was and how deeply she was connected to everything good on Maui. And so thank you for bringing this forward and giving us a chance to honor her and to thank her family for sharing her with Maui.

CHAIR LEE: Thank you.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I want to also extend my condolences to, to the family of Jan. She was just, she defined what commitment, hard work, and aloha is all about. And when you think about environment, you still think about Jan as one of the leaders in our community to help preserve the environment and maintain the cultural aspects of it as well.

One particular project that I was very fond of that Jan spearheaded was the restoration of the Old Maui High School campus. And it made a lot of folks, a lot of alumni very, very happy and, and she put in so many hours. And she wasn't even a graduate from the school, but yet she put in the hours, and she gave so much of her time to that. So on behalf of many Maui High School alumni, we extend our aloha and love to Jan. Thank you.

CHAIR LEE: Are there any more comments? If not, all those in favor of adopting the resolution for the late Jan Dapitan, please say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

So at this time, Mr. Clerk, we'd like to present the resolution and some leis.

COUNCILMEMBER HOKAMA: Madam Chairman.

CHAIR LEE: Yes.

COUNCILMEMBER HOKAMA: I, if we may, on behalf of Ms. Sugimura and myself, and other Members of our Council, would ask if you'd allow us to invite representatives of Jan's family to come forward to the podium and meet the Members as well as receive the resolution.

CHAIR LEE: Of course. Can we ask the members of the, Jan's family to please come to the podium.

COUNCILMEMBER SUGIMURA: So, thank you. I'd like to welcome Jan's son, Kalani as well as his wife Janice to the podium. Members, please join us.

MR. KALANI DAPITAN: Councilmembers, thank you for honoring my mom, a community leader. Without the support of Council and the efforts that you guys have put out, her endeavors would have never taken shape. So I, I, on behalf of the family, thank you for, for your support.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record RESOLUTION 20-16.

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

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

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

Hana Office, please identify yourself and introduce your first testifier.

CHAIR LEE: Mavis, are you there?

MS. MAVIS OLIVEIRA-MEDEIROS: Aloha, this is Mavis from the Hana Office. There is nobody here to testify.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise at the Lanai Office and there are no testifiers.

CHAIR LEE: Thank you, Denise.

DEPUTY COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ZHANTELL LINDO: Aloha, Chair. Our first testifier, we have six testifiers and our first testifier is Jay Anderson on Bill 22.

CHAIR LEE: Thank you, Zhantell.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JAY ANDERSON [testifying on Bill No. 22 (2020)]:

Yes, aloha, my name is Jay Anderson. My family owns one of the three, three six-acre ag lots on the West End of Molokai, that have Short-Term Rental permits. My family is a kamaaina family. This is our family home. We do not have a mortgage, and we've never made a profit from rentals. All income goes to workers, utilities, taxes, and other expenses related to the rentals.

So, I thought the spirit of the law, the reason for the SUP conditional permit was to encourage homeowners to do something productive with their large parcels of land. Something that's also beneficial to the community.

Because the Molokai Community Plan calls for resort development, we thought renting our property on a short-term basis would be beneficial. So less than three years ago we applied for an SUP and the STRH permit and the Molokai Planning Commission approved our Special Use Permit, and the Maui Planning Department consequently approved our Short-Term Rental Home permit. By the way, we did not spend \$350 to get this permit, my father spent in excess of \$10,000 for permit applications, consulting fees, adjusted back taxes, etc.

Why are we all of a sudden the bad guys? We were encouraged to get permits less than three years ago, only to be chastised now. The STRH permit reapplication is a, a manisterial process, magisterial, excuse me. We did all the things we were supposed to do. None of the things we were not supposed to do. Obtaining a permit renewal for one year should have not only been possible, but simple. If we can make this program more beneficial to the community, please tell us how. Attach more conditions. Make us pay heftier fees to support more rigorous enforcement.

If you are going to indeed eliminate all of the STRH's as well as the jobs that they create, at least give us a twelve month amortization period to honor our contractual agreements and to allow all of the local people that work at these properties a chance to adjust and find employment elsewhere.

If you continue on this path of job destruction, what government jobs you going to bring to Molokai. Are you aware of how few jobs there are from Hoolehua to Maunaloa, and Kalua Koi.

Just recently Coffees of Hawaii closed their café and now their gift shop. And as of January 31, Maunaloa General Store closed due to decreased customer traffic. There is now nowhere in Maunaloa Town or the West End to buy diapers, baby food, groceries. And as of April 1, the Trump Administration is going to dramatically cut food assistance to almost 700,000 people. This is going to have an impact on Molokai.

I've heard people testify that there are no statistics to prove that the STRH's provide jobs. Well they do, and our tax returns show this. Just moments after our, our, just last month our cleaners made 1400, that's just one month in just our home alone.

CHAIR LEE: Excuse me, can you conclude your testimony please.

MR. ANDERSON: Okay, let me just read the last thing here.

CHAIR LEE: Okay.



MR. ANDERSON: Honestly when I took on the responsibility of maintaining our house and preparing for renters over and over I was saying to myself, why are we doing this. But it's become a privilege because we are limited to four adults in our home, we usually have just a husband and a wife. Some of them have stayed with us ten to twelve times and we're close friends. They are humble, they're extremely appreciative and they tread lightly, spend lots of money, and go home.

Thank you, aloha.

CHAIR LEE: Thank you. Can we have our next testifier.

Oh, I'm sorry, Ms. Sugimura you have a question for the testifier.

COUNCILMEMBER SUGIMURA: Yeah, thank you, thank you, Mr. Jamison [sic] for testifying. And I just wanted you to explain what you mean by amortization.

MR. ANDERSON: Well that's the, that's the, I guess, sort of legal term for when you have to wind down the, in other words if, if these STRH permits are eliminated, then ours runs out at the end of April, this April, and there's been some talk of that's it, pau, and you have to call everybody that's bought their tickets to come stay at your house, paid you half their deposit, and tell them stay home, in which case we might end up in small claims court, having to pay their air fare, etc., etc. So that, that, the amortization period is kind of the wind down, closing your rental operation.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR LEE: Any more questions.

MR. ANDERSON: Thank you.

CHAIR LEE: If not, thank you. Next testifier. Zhantell, can we have the next testifier please.

MS. LINDO: Yes, our next testifier is Moani Melchor, on Bill 22.

MS. MOANI MELCHOR [testifying on Bill No. 22 (2020)]:

Aloha, my name is Moani Melchor. I am testifying on Bill 22. I'm a resident of Molokai. I have been here for, forever, 13 odd jobs meaning yard job, house jobs, school jobs, any kind of jobs to raise three little girls that have now raised into adults. They can tell you that there's not a lot of labor here, there's not a lot of work here. There's not a lot

of people here, there's not a lot of, everybody is on welfare or on Section 8, or on food stamps.

Been really hard for me to work and not qualify for that and to, to survive and to make it through all these years. It's gotten worse from when I was younger cause it's, there's not as many people here, there's no jobs, there's no pineapple, there's no, there's no theaters, there's no, no name brands, any, there's no McDonald's nothing here, there's no street lights.

I'm here because I really need a job to continue. So I am a local understanding the junkness of too many vacation rentals, but at the same time, I would plead that you would allow these ones that are approved to continue on and allow us to have some kind of an income here. Thank you very much.

CHAIR LEE: Are there any questions? Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please call your next testifier.

MS. LINDO: Our next testifier is Dayna Harris, on Bill 22.

MS. DAYNA HARRIS [testifying on Bill No. 22 (2020)]:

Hi, I'm Dayna Harris, I'm with Molokai Vacation Properties and I am I guess against Bill 22, anyway. I am for keeping the 17 homes on Molokai to exist as a compromise of shutting down to zero. I'm here to advocate for at least 15 employees and independent contractors that work for me.

A lot of these people, Moani happens to be one of them, have two jobs to sustain themselves and they can't be here to testify. I've got one that cleans two homes, she works part-time at the school. I got another one does two homes, she has a baby, she lives at home. I have another one that supplements her social security with a couple, with a home and a couple of condos. I have yard people, they work the County, they do the yard. I have another guy works at Paniolo Hale, he does the yard. He's going to lose his yard, he's going to lose about \$2500 in a year because that house will go long-term.

So I want you guys to be aware of the income loss on Molokai that could happen if you shut down these homes. These are just my six. So if you times it by three, there's probably a good 300,000 out there that will be lost to people. You know, I know two people that I'm going to have to let go that are part-time in my office. I know these

cleaners are going to lose a lot of income and will be looking for another job that isn't here.

So there isn't, the answer isn't just shutting them down. I think we need to have a better game plan before you shut um down. Cause again we've got people coming here as far as February 2021. I have not the heart to tell them I can't put them in the house for a month. Anyway, thank you for listening to me.

CHAIR LEE: Thank you. Are there any questions? If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please call your next testifier.

MS. LINDO: Our next testifier is Cheryl Pritchard, on Bill 22.

MS. CHERYL PRITCHARD [testifying on Bill No. 22 (2020)]:

Hi my name is Cheryl Pritchard and I'm testifying on behalf of the zero cap, which I, I agree for, but having listened to people today I understand that, you know, it's, it's not always a straightforward answer. And I don't have written testimony today, which is unusual but the bottom line that I was going to bring in is I'm really concerned for the carrying capacity on this island of visitors.

And the other question is phasing through the existing places is a conundrum for you guys to work through. I don't have answers for that. But I'm really against absentee people not being here and I'm very much in support of Bed and Breakfast people giving capacity for visitors on this island. And I hope you're able to work out something for the existing businesses because it is important, yeah. But, if you allow certain businesses, doesn't that, I don't think, yeah. Thank you for listening to me.

CHAIR LEE: Thank you. Are there any questions?

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to ask if, for Ms. Pritchard to clarify what she meant by carrying capacity on the island.

CHAIR LEE: Did you hear the question?

MS. PRITCHARD: Um, yeah, I, I moved here 20 years ago and I moved here from a town that was overrun, it was a, a, um, an island similar to Molokai. And, we were overrun by visitors in the form of cruise ships, and the cruise ships, the island population was

8,000 and the cruise ships would bring in 8,000. Of course when we're speaking about people just coming and staying in homes, it's um, it's certainly not talking about 8,000. But the carrying capacity plus providing housing I just see the homelessness rising and the, the housing going to outsiders, that are stayed in by outsiders. And, and it kind of leaves no place for the people that live on the island.

COUNCILMEMBER KAMA: Thank you, Chair.

MS. PRITCHARD: Does that make sense?

CHAIR LEE: Yes. Are there any further questions? If not, thank you. May we have—

MS. LINDO: Our next testifier, our next testifier is Liko Wallace, on Bill 22.

MS. LIKO WALLACE [testifying on Bill No. 22 (2020)]:

Aloha, Councilmembers. I have spoken with you on the last reading and I made all my points at that time. I just feel like it's redundant to say it over and over again. My concern is that I want homes that is available and affordable for the people that live here. It breaks my heart listen to those who are, people who live here that have invested and, you know, have good intentions. But we cannot, you know, limit it to the good guys and the bad guys, and basically we have those that are away and they just look at a lot of these homes that they purchase as their profit.

I understand that these short-term rentals do offer jobs to a few people here on the island. But, I don't know, to me that is not the answer for jobs here. And I know there's many solutions and ways that we can work forward to looking for ways to make Molokai a way to bring jobs. I cannot come up with any ideas right now. I have no answers, but I am in favor of the zero cap. Mahalo.

CHAIR LEE: Thank you. Are there any questions?

If not, Mr. Clerk.

MS. LINDO: Our next testifier is Mahina Poepoe, on Bill 22.

MS. MAHINA POEPOE [testifying on Bill No. 22 (2020)]:

Hi, this is Mahina Poepoe, I'm testifying for Bill 22. I just really wanted to come by and say thank you for hearing us and thank you for taking the time to listen to the community

and to really move this along quickly. It's been sitting for five years and it's been really frustrating up until this point. So I just really wanted to express my gratitude to you. It's been a refreshing feeling of seeing you really pick this up and make it move.

I'm asking for you to please follow through with setting the cap at zero. You know, a lot of the STR's over here are either in ag or rural zoning. A productive use of ag land would not, would be agriculture and not resort accommodations. We still have hundreds of condos that will need cleaning, bed and breakfast are available option. And just going back to our community plan, I'm asking you to really maintain the integrity and uphold our plan, that in itself was another battle that was a hard fought win for this community.

In the East End policy statement, for over 30 years, it's been asking for protection from tourist related accommodations and commercialization in our Mana`e area. It asks for the County to not allow pseudo ag uses on ag land, where non-agriculture uses take over as the primary use and agriculture becomes secondary or tertiary. But from the community plan, and just asking you to uphold the plan and uphold this, like the tens of hours and this five year process. You heard a lot of testimony over the past five years from community members asking for a zero cap. And, yeah, thank you.

CHAIR LEE: Are there any questions for the testifier?

If not, Mr. Chair, Mr. Clerk.

MS. ZHANTELL LINDO [testifying on Bill No. 22 (2020)]:

Aloha, Chair. My name is Zhantell Lindo, I'm the last testifier here on Molokai and I'm testifying on my own behalf. I felt encouraged to participate in this testimony today, aside from supporting the zero cap at the first meeting.

I just wanted to acknowledge that being in this chair and in this seat as a County liaison in our office, you know for the Council and, and just on this kinds of matters, I've been able to see clearly the advantages and disadvantages of some of the resolutions and bills and directions that you guys are taking up. For the most part, I believe that what we doing with this STRH cap, the intentions of it and the desire to do it is absolutely awesome and, and in alignment with the community plan.

I, I will say that for a Councilmember, the community plan has to have absolute weight in the decision-making as we piecemeal individual parts of, you know, affordable housing, tourism, all those kinds of stuff, our, our Councilmember has to be dedicated

and committed that our community plan have weight. So the zero cap is absolutely in alignment with that.

Now, now, in addition to that, I wanted to be able to talk about carrying capacity. Our island, we, we . . . island, there have been several reports from USGS, Department of Health, all kinds of, of agencies that we paid to say that we don't have enough water for the current population we have. That we're at maximum for our wastewater sewage plant. That, you know, and all these things and yet those recommendations and acknowledgements are never part of our decision-making process when we piecemeal issues like this.

And so, for me carrying capacity means we need to prioritize taking a look at how many people can absolutely be sustained for a lifelong term on this island. And until we figure out that kind of thing, we got to start to manage what we have properly. And if that means that we have to start by saying we prioritize the people who want to live here first, and then if we have extra we can offer people to come visit, then I don't think that that's a good or bad thing, I think it's a morally right decision.

And so, I just want to say that people like Dayna and Jay and, and the people Moani, they are wonderful, beautiful inclusions to our community. Jay's family has had historical, like significance to Hawaii in general. And I don't want them to be forgotten either, so as you deliberate over this, I would like the, ask the departments to be clear about tax assessment issues, about transitional opportunities for people who have invested thousands of dollars to do this. I support the zero cap, but I also want our departments to be on the same page and offer our residents clear and precise direction and benefits so that they know they're valued as well. Thank you.

CHAIR LEE: Thank you, Zhanell. We have a question for you.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Lindo for your testimony today. For me, I consider you as somebody that really knows the community and cares based on, you know, some of the site visits we had on Molokai particularly at the tree. In what, what you were saying, the direction from the department will, will be exactly what this legislation is. So my question is, the folks that may be losing an income within the next year, do you believe that the Molokai community can pull together to help them so that it isn't a devastating loss.

MS. LINDO: Um, Member Paltin I, I, that's one pretty hard question because I going say no, on the stance if you looking at Molokai economics and jobs at current. But on the cultural standpoint, and, and the optimistic understanding that if we allow Ke Akua's

plan "A" to happen, and how much aloha based in all of us have always been relevant on our island, we going thrive no matter what happens to us. And right now, we agree to participate in one economic, financially economic standard of living and sad to say that this going be one hard transmission, people going get hurt, people going have to move, in the end there are those, you going be left with those who just want to live on Molokai and will do whatever it takes to be here.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Are there any other questions? If not, thank you, Zhantell.

Mr. Clerk.

MS. LINDO: Mahalo, that was our last.

CHAIR LEE: Okay, thank you.

DEPUTY COUNTY CLERK: Madam Chair, we currently have 11 individuals signed up to testify in the Council chamber. The first person signed up to testify is Scott Seto, testifying on County Communication 20-142. To be followed by Vicki Belluomini.

MR. SCOTT SETO (testifying on County Communication No. 20-142):

Madam Chair Lee and fellow Councilmembers, aloha kakahiaka kakou. Hauoli poolima, aloha.

CHAIR LEE: Thank you.

MR. SETO: Happy Aloha Friday. My name is Scott Seto, and I'm here to testify on County Communications No. 20-142, resolution by Councilwoman Sugimura. My name is Scott Seto, as mentioned, I'm with the State of Hawaii, Department of Human Services. I'm with Maui Adult Protective and Community Services, also referred to as APS. I serve in the capacity as the Administrator for Maui Section office, which also oversees the program on the islands of Molokai and Lanai, as well as covering the County of Kalawao as well. I also serve to coordinate the newly formed Maui Elder Justice Team.

You know, we're all aware of the impending so-called silver tsunami of our seniors, which means the baby boomer era children born between Post World War II era and up until the early 1960's equates to 10,000 people daily turning 65 within our nation. This trend of baby boomers is actually anticipated to carry on for the next nine years until 2029.

So with the growth in the senior population, we at Adult Protective Services, just to give you an idea, we investigate allegations of abuse and neglect and exploitation of vulnerable adults who cannot protect themselves. We need to ameliorate abuse through civil means, utilizing Family Court to issue protective orders or guardianship in certain cases. But they have no criminal consequence. These abusers oftentimes go on to abuse others, seniors as well in our community.

The, nationally, statistics reflect that only one in thirteen cases of elder abuse are reported to authorities. And even more disheartening, only one in forty-four cases of financial exploitation is reported. Given cognitive decline, embarrassment, or fear of retaliation from the perpetrators, the elderly are basically sitting ducks. Where domestic violence and sexual assault was 30 years ago, this is where the consciousness of elder abuse is in our country today.

Given these alarming statistics, stronger criminal penalties and prosecution along with enhanced public messaging is crucial, and essential, and vital in combatting the rise of elder abusive in the country. Elder abuse is no longer just a civil matter. We can no longer turn a blind eye to the effects of elder abuse for it leads to depression, isolation, health issues. Most elderlies have experienced some form of abuse live much shorter lives, compared to those who aren't victimized. If the abuser is a family member or a friend, the effect is much larger and more severe.

So as we continue working collaboratively with the Office of the Prosecuting Attorney, other agencies in Maui County to develop our Elder Justice Team, we at the Department of Human Services find it essential to fully support Councilwoman Sugimura's resolution. The time has come for all of us to join together as one voice, one community, one ohana in sending a clear convincing resounding message that elder abuse will no longer be tolerated in Maui County.

You know, we owe it to these seniors who have worked so hard all their lives, you know, and sacrificed so much that they've contributed to the society that we all reap the benefits from today. Thank you.

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

MR. SETO: Mahalo, aloha.

DEPUTY COUNTY CLERK: The next person signed up in the chambers to testify is Vicki Belluomini, testifying on County Communication 20-142. To be followed by Deborah Stone-Walls.



**MS. VICKI BELLUOMINI (testifying on County Communication No. 20-142):**

Good morning, Councilmembers. My name is Vicki Belluomini and I work for Maui County Office on Aging and mahalo for the opportunity to testify in support of item 20-142. I am an Aging and Disability Program Specialist and have worked in the area of the aging for 13 years, both on Maui and on the Big Island. As a designated area agency on aging under the Older American's Act, one of the things that we're tasked with is advocacy for seniors. So this is a very important thing for our office and for me personally.

Basically in those 13 years, I have seen so many seniors lose everything. People that have worked their entire lives for, for our communities just end up homeless, and it's heartbreaking. So, basically, this, this resolution I am so grateful for because the, the bills currently in the Legislature will for the first time make it easier for our Prosecutors across the State to have an easier time in prosecuting these really terrible crimes. So, thank you for your consideration in supporting this resolution. Mahalo.

CHAIR LEE: Thank you. Are there any questions? If not, thank you.

MS. BELLUOMINI: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Deborah Stone-Walls, testifying on County Communication 20-142. To be followed by Jeffery Tamas.

**MS. DEBORAH STONE-WALLS (testifying on County Communication No. 20-142):**

Buen dia.

CHAIR LEE: Same to you.

MS. STONE-WALLS: Thank you, Chair Lee and Members of the County Council for the opportunity to speak with you today and it's good to see you all again. My name is Deborah Stone-Walls and I represent the Maui County Office on Aging. I am as stated providing testimony for resolution, for County Communication 20-142, "URGING THE STATE LEGISLATURE TO SUPPORT BILLS RELATING TO CRIMINAL OFFENSES AGAINST SENIORS".

Elder justice is at the core of what our office does. Our mission statement is to promote and protect the wellbeing of seniors in Maui County. And I did just provide you all with a copy of our Elder Abuse Awareness book which actually was printed seven years ago, but it remains very relevant. And the sad thing is, that in, since we printed this and put it in every home where the Maui News was distributed, we still have cases of elder abuse.

On my very own staff, one of my staff members was a victim of another County employee who stole over \$200,000 from her.

Another staff member, and I'm going to try not to get emotional, um, two years ago, one of my current staff members, her mother lived in a care home. Care home operator kept the family from the mother for six weeks saying you can't see her, she's sick, don't come, she's sick. When they finally got into the home, they found the mother badly beaten, bruised, and with a bedsore this big on her back. So intense they could put their fist in the sore without touching any flesh. The family at this point is having to pursue civil, a civil suit against the care home operator, the case management agency. This is on Oahu, thank goodness it's not here, I don't think it would happen here because our County Prosecutor's Office, thank you, Don and your Deputies, they're incredible on Maui County. They bring cases.

But across the State, we really have been pushing, Maui's the first County, last summer we formed the Maui County Elder Justice Team. And we're the first one in the State and already now, from last summer to now, we have a bill in, at the State level, so Maui is very ignited to stop elder abuse. My, my office, has been touched deeply by the fact that when, when cases aren't, aren't brought to court because of inconsistencies of our laws, the Prosecutors in the other counties are saying we can't do anything, it's civil. This is not a civil matter. Elder abuse is not a civil matter, it is a criminal matter and we very much appreciate your consideration of supporting this resolution. Thank you, Member Sugimura for bringing it forward. And, thank you very much.

CHAIR LEE: Thank you. Are there any questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Ms. Stone-Walls. That's a deeply disturbing image that I'm going, it's going to take a while to get over that image but thank you for sharing the importance of this. And I have not seen the bills but pursuant to our conversation yesterday, is there an age that's described in the bill as far as who, what age they call, you know, kupuna, the elderly.

MS. STONE-WALL: Yes, mam. Thank you for that question, Member King. The, the bills are 60 years of age. The reason it's 60 is because that's the most common age, we, we had this conversation yesterday, ages are all over the place--

COUNCILMEMBER KING: Yes, right.

MS. STONE-WALL: --with seniors. But that is the most common age of our collective service delivery. It's the lowest age.

COUNCILMEMBER KING: Okay, thank you. Appreciate that.

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

MS. STONE-WALL: Thank you.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jeffery Tamas, testifying on County Communication 20-142. To be followed by Lewis Littlepage.

DEPUTY PROSECUTING ATTORNEY JEFFERY TEMAS (testifying on County Communication No. 20-142):

And good morning, Chair Lee.

CHAIR LEE: Good morning.

DEPUTY PROSECUTING ATTORNEY TEMAS: And Honorable Members of the Maui County Council. My name is Jeffery Tamas, I have been licensed to practice law here in Hawaii since 1987, and have now entered my fifteenth year as a Maui County Deputy Prosecuting Attorney. At present, I am in the felony screening division, where cases are in-taken, to decide whether and what to charge. As part of my duties, I am also one of two deputies assigned to Maui's Elder Crime Unit, which Prosecutor Don Guzman created to address what is nationally recognized as an underserved area; the prosecution of those who prey on our elderly, one of the most vulnerable groups in our community.

Now, the reason I am here today is to respectfully ask this Honorable body to join Councilmember Sugimura, Don, myself, and Maui's Elder Crime Unit by passing the resolution before you, urging members of our Hawaii State Legislature support Senate Bill 2334 and House Bill 1874.

The bottom line is this, Maui is taking the lead in combatting elder abuse. Read the article that might be before you right now from Scott Spallina, he's a Honolulu prosecutor, career prosecutor, who wrote a glowing article of what Maui, through Don's leadership, is doing to make Hawaii a safer place for our elders.

The proposals are not so much revolutionary, as evolutionary. What we are asking the Legislature to do is set the age of 60 as a watermark. If a person commits a certain financial, property, or violent crime, against a person aged 60 and older, then the consequences are felony level prosecution. We are asking the Legislature to impose responsibility based on the victim's age, which we have now in one law that has passed since, was passed in 2011.

Let's take an example, if today, a 60, 70, or 80 year old went to the post office and forgot their purse or wallet on a counter, which contained cash exceeding \$250 to pay water, sewer, trash bills, the law would not care about their age. What we would charge the person who would take advantage of that situation is a Misdemeanor. However, the new law would give Prosecutors discretion to charge, on that same fact pattern, a felony, because of the victim's age. We believe that can act as a significant deterrent to criminals, as under the new law, the possible consequences would be a factor of five times what our ability to argue regarding incarceration, fines, and probation.

Now criminals talk among themselves; and if we can have this new legislation passed, criminals will learn committing a crime against a person 60 and older, carries significantly greater penalties.

By now setting and lowering age, such expands our elders' rights, such as our new law of the splintered paddle. A statement is being made to the world; this is how Hawaii protects our growing elderly population.

Now please help Maui snare the sun again to shine on these amendments, to show what we want, and how we want to protect our, our elders on this beautiful island we call home.

CHAIR LEE: Can you please conclude.

DEPUTY PROSECUTING ATTORNEY TEMAS: I will. For these reasons, I respectfully ask our Maui County Council to pass the resolution supporting the House and Senate Bills. If not now, when? If not by us, whom? Thank you.

CHAIR LEE: Thank you. Are there any questions? If not, oh, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Temas for being here today. I just wanted to kind of get a figure, how many cases are you dealing, what are we talking about both on Maui, and statewide if you have those figures with you.

DEPUTY PROSECUTING ATTORNEY TEMAS: Thank you for asking. I had a conversation with Scott Spallina because Honolulu obviously, City and County of Honolulu has a much greater population than ours. And he was able to immediately grasp the numbers for me. And, it was where they were for example, prosecuting maybe 300 crimes a year. It would actually have doubled if they used age as a factor. So, 300 plus more, that's 300 plus more people that can be helped rather than ignored.

And as I mentioned, criminals talk amongst each other, and if they know that this severe consequences could be imposed upon them, they are not going to look at an elder and think that they're going to try to get away of a crime. Whether its inside the home or outside the home. Thank you for your question.

CHAIR LEE: Any more questions.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Temas, mahalo for your testimony. So, this resolution is to support Senate Bill 2334 and House Bill 1874.

DEPUTY PROSECUTING ATTORNEY TEMAS: That is correct.

VICE-CHAIR RAWLINS-FERNANDEZ: It looks like it was introduced by the Kupuna Caucus.

DEPUTY PROSECUTING ATTORNEY TEMAS: That's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: And, I was, are you, so you're tracking these two, two bills.

DEPUTY PROSECUTING ATTORNEY TEMAS: We are, in our office, correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and, so it looks like there's a double referral for SB 2334, and likely for HB 1874.

DEPUTY PROSECUTING ATTORNEY TEMAS: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: And it passed the first committee and was referred to JDC.

DEPUTY PROSECUTING ATTORNEY TEMAS: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: So do you think bill, these will all hit the, the deadlines, SB 2334 and HB 1874.

DEPUTY PROSECUTING ATTORNEY TEMAS: That's what we're--

VICE-CHAIR RAWLINS-FERNANDEZ: Does it look like it's--

DEPUTY PROSECUTING ATTORNEY TEMAS: --we are in hopes for correct. I think they're on track. The Senate Bill, my understanding from the last time we took a peek at it, they said it's a little more advanced than the House Bill.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

DEPUTY PROSECUTING ATTORNEY TEMAS: Along the process, I mean.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, okay, yeah. It looks like the House Bill died.

DEPUTY PROSECUTING ATTORNEY TEMAS: Oh, then we'll, we'll address the--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh no, I'm sorry, there was only one referral, Judiciary.

DEPUTY PROSECUTING ATTORNEY TEMAS: Yes, correct. That's our next step.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so it just needs to be scheduled by February 28.

DEPUTY PROSECUTING ATTORNEY TEMAS: That's my understanding.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, okay, so we would need to pass this resolution today.

DEPUTY PROSECUTING ATTORNEY TEMAS: That's our hopes, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair.

CHAIR LEE: Okay, are there any more questions? If not thank you very much.

DEPUTY PROSECUTING ATTORNEY TEMAS: Thank you very much.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Lewis Littlepage, testifying on County Communication 20-142. To be followed by Jonah Martin Lion.

DEPUTY PROSECUTING ATTORNEY LEWIS LITTLEPAGE (testifying on County Communication No. 20-142):

Good morning, Chair Lee, Members of the Council.

CHAIR LEE: Morning.

DEPUTY PROSECUTING ATTORNEY LITTLEPAGE: My name is Lewis Littlepage, Deputy Prosecuting Attorney here for the County of Maui. Just some brief remarks. I've submitted written testimony; I'm just going to go a little bit further here today on those. Basically our elder victims do not recover, they don't recover financially from crimes, they don't recover psychologically, and emotionally it can be devastating for them. This bill hopes to bring a little bit of relief in this matter.

Just to let you know that in 2018 there were 38 states, the District of Columbia, Puerto Rico, address financial exploitation of the elderly and vulnerable adults. Twenty-four states enacted legislation or adopted resolutions. Hawaii had one bill, two different variations of it that didn't pass because it wasn't supported by the law. This bill is. This bill is supported, which is why it's getting all, by the law . . . getting so much support from APS and all the other Prosecutors throughout the State and is just a great bill. It is driving us forward.

Scott Seto, Don Guzman, they are the driving forces behind this. They said what can we do that will have the most impact in the shortest time. So, Jeff Temas, I, Gerald Enriques, basically all got together and we said this is what we can do that will change, that will make a great impact. This bill, it will standard this, there was question about the age, it came up where there was discussions between us, the other law enforcement offices, the other Prosecutor offices, APS and that's where the age 60 came from. It was basically the good support throughout the State.

Now, there's been questions about statistics. Statistics are difficult mainly because every State has different criteria, the Federal government has different criteria, so what I can give you is just a little bit of what their age is here. So, basically, researchers have said that ten percent of adults older, age and over have some form of elder abuse in the last year. And that's basically comes from the National Elder Mistreatment Study.

We have also that one in 24 cases of elder abuse are not, are, only one in 24 are reported to protect, Adult Protective Services or law enforcement. And--

CHAIR LEE: Can you conclude please.

DEPUTY PROSECUTING ATTORNEY LITTLEPAGE: --I could go through different statistics but I will say, we would thank you for your support on this, we think that it is a major step forward not only for us, but we think it may become a major step for, throughout the nation because it is such a dramatic and positive bill. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jonah Martin Lion, testifying on Committee Report 20-29. To be followed by Tom Croly.

MR. JONAH MARTIN LION (testifying on Committee Report 20-29):

Aloha, Councilmembers. Aloha, Chair Lee.

CHAIR LEE: Aloha.

MR. LION: My name is Jonah Martin Lion. I'm a resident here of Maui, social activist, environmentalist, and revolutionary, Executive Director of Living Earth Solutions, and creator of the Jedi Academy. I'm here in regards to the item 20-29, in full support of hiring special counsel to enter litigation with the fossil fuel industry.

Mahalo for your representation of the people, for the people, the land, the water, the air, and the spirit of Hawaii. Climate change as we know is a real thing. And the fossil fuel industry has been a main culprit of that. I am bringing upon the full lack of disclosure upon the actual facts of how climate change is eradicating our entire planet.

On focusing locally here on climate change, and the local effects that we have seen just in the last year over the summertime and the fires that have occurred, and so all of the things that come along with fires, I have a history of firefighting. I was on mainland when this happened and coming back and seeing the devastation of the land here was quite shocking. And also recognize that it is also part of our transformation.



And, so seeing how we need to bring about accountability, and raise awareness around our climate change and what type of accountability that we can hold with the fossil fuel industry and raising awareness and asking for them to come into that state of, of their own transformation and how we can come into sustainable, renewable energy sources and putting forth all of the trillions of dollars that have been in that industry into regenerative and sustainable movements forward.

And, so, looking at reparations for regenerative projects, organizations focusing on renewable energy and the directives and solutions, and the true protection of all of our natural resources. And, this is something that is, you know, very, very impactful and something that aligns all of us together. It is the great unifier as our natural resources in being in, in, in full gratitude for life on this planet as we know and protecting that life, and stewarding this planet together. So, malama Maui and mahalo nui loa. Aloha, thank you.

CHAIR LEE: Thank you. Questions?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Just, just one quick question. What is the name of your organization, please.

MR. LION: Organization is Living Earth Solutions.

COUNCILMEMBER SUGIMURA: Living Earth Solutions.

MR. LION: Yes, and our auxiliary arm that I, is being blossomed here and flowering here is a Jedi Academy which is basically, fully into our stewardship of our community, the land, the water, the air, and coming into all of those natural resources and looking at it on an elemental organizational level. So as a firefighter, that came through as how we're going to create and work with our youth, work with our culture in order to really come into stewardship and all of the solutions that we have with Living Earth Solutions to bring that forth so we can actually bring it into matter and manifestation working together as teams. So--

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair.

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

MR. LION: Mahalo.

DEPUTY COUNTY CLERK: The next person signed up to testify is Tom Croly, testifying on Bill 20-22 *[sic]*. To be followed by Roland Wattel.

MR. TOM CROLY [testifying on Bill 22 (2020)]:

Aloha, Council. Aloha, Council Chair.

CHAIR LEE: Aloha.

MR. CROLY: I'm Tom Croly, I'm speaking on my own behalf today. But I'm here to bring breath to the words of the late Council Chair Danny Mateo. It was eight years ago almost exactly when the short-term rental ordinance was passed. And in his final words in voting for this ordinance, he said:

"The Chair would just like to share my own opinions and comments regarding this particular bill. For myself this has been a very difficult bill to deal with. I come from a very small community and our community is not just a subdivision. Our community is the island of Molokai, which is very small and very rural. And for me, looking at the imposition, or visitor accommodations in rural communities such as ours becomes a very difficult pill for me to swallow.

But our community does not have the Kalua Koi Resort. Our community does not have the Pau Hana Inn. These, these and does not have the Lodge up in Maunaloa. So we lost a lot of visitor accommodation units. We heard through various testimonies and for myself through e-mails and phone calls from operators on Molokai that this is the business, this is the opportunity for us to provide accommodations for all of our visitors coming to Molokai because we don't have ample hotel accommodations to take care of this specific need. So personally, I've heard our operators saying there is a need for both the visitors and the kamaaina alike who utilize these services."

Jumping ahead because I'm short of time. He said:

"I will close in saying, the popular thing to do is not always, is, is not always the easy thing to do, the right thing is not. So I will be supporting the motion on the floor."

And with that, he cast the vote that did pass the short-term rental ordinance eight years ago. Now I am not here in any way, shape, or form to tell Molokai what they should or

shouldn't do on their island. I respect that. I have watched all of the meetings that were held at the Planning Commission there, as well as the meeting which you guys had there and I do think it's unfair to say the community wanted something because I saw at every single one of those meetings, support for short-term rentals, just as we did today, we saw a division in this.

And just as Chair Mateo said, it's not a difficult thing, it's a difficult decision to make. But I do hope that you will take into consideration the good guys who have done the right thing. Who come forward, gotten permits, and those permits should be allowed to continue, and those people should be allowed to renew those permits. This has nothing to do with, you know, whether this, this decision was right or wrong. Those folks have rights because they were given these permits. And to take away from them their permits is just fundamentally wrong and it's something that eventually you guys won't be dealing with at, the corporate, Corp. Counsel would be dealing with it. So I would encourage you to amend this so that the people who have permits can continue those permits, and that those permits may be renewed. Thank you.

CHAIR LEE: Are there any questions?

Ms. Sugimura, and then Ms. Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: I, do you know how many short-term vacation rentals were issued for Molokai island? I'm sorry, I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Seventeen.

MR. CROLY: There, there are currently 17. There were more than that that were issued, I think it might have been 22 or 23 that were issued. But some of them have since gone by the wayside, they were not renewed or the person sold the property or something like that. But there's currently 17.

COUNCILMEMBER SUGIMURA: Do you know of, is it broken down by east side, west side.

MR. CROLY: I don't know how that, that might be broken down, sorry.

COUNCILMEMBER SUGIMURA: Okay, thank you. Maybe Keani knows. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, I missed your question, Member Sugimura. What was your question.

COUNCILMEMBER SUGIMURA: Breakdown of the 17 short-term vacation rentals permits, east side, west side, was it broken, broken down that way.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, I can get you that information later.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I don't have that memorized; I don't want to tell you the wrong information.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I can tell you that 16 of them are not residents of Molokai. Mahalo.

Okay, mahalo, Chair. Mahalo, Mr. Croly for your testimony. So you said, that we would be taking away someone's right, so you see a permit as someone's right and not a privilege.

MR. CROLY: Well, when, when someone buys a property, whatever it is, they have a certain amount of land use rights that go along with the ownership of that property, such as if you buy a property in residential, you have the right to build a single family dwelling for, for example.

VICE-CHAIR RAWLINS-FERNANDEZ: Right, I understand all of that.

MR. CROLY: Now, the permit--

VICE-CHAIR RAWLINS-FERNANDEZ: But basically the, it says that you may, the language says that you may, you know, extend your, or renew your permit. It doesn't, like that kind of language indicates that it's a privilege, and it's not something that you have an absolute right to.

MR. CROLY: Well I would, I would disagree with you from the standpoint of we, we have these things that are listed as accepted uses in these districts. If we want to amortize those uses and take those uses away from the district, typically then what we do is we say that use is continuing on a non-conforming grandfathered status essentially. Now the idea that these permits got renewed was to insure compliance with the permit terms because they were very, there's these very strict, you know, permit terms to each of these. It wasn't to say, that this permit is only being given for this period of time. The reason why there was a renewal process put into this particular

thing was to insure compliance with permit terms, not to say to the operator, we are only giving you a permit for this amount of time because in each permit, it's--

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, okay, mahalo, Chair.

MR. CROLY: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Croly. I, we disagree.

MR. CROLY: Yeah, we disagree.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thanks.

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

Ms. Kama.

COUNCILMEMBER KAMA: Do you know, do you know how many units are, total, with the 17 permits.

MR. CROLY: No I don't know, except that each short-term rental permit can only be for one unit to be used. There may be some of the earlier ones that were issued for two, like a cottage and a house. But of course, right now you can't get a permit for a cottage. So I'm not sure, you know, whether there's some of those that, that were two units.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

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

MR. CROLY: Thank you, Chair.

DEPUTY COUNTY CLERK: The next person signed up to testify is Roland Wattel, testifying on Committee Report 20-29. To be followed by Kecia Joy.

MR. ROLAND WATTEL (testifying on Committee Report 20-29):

Aloha, everyone. So I just want to start with, going in regards to the fossil fuel litigation. It's kind of funny I was just thinking fossil fuels, just fossil and just out of date and there's so much ancient, future technologies that are available to us that, you know, we can go. So, I'm, with that being said, thank you, all of you for what you're doing to make an impact and, yeah, without a doubt in full support of hiring special counsel for

holding the fossil fuel companies accountable. And I also, seems like there's a lot of issues in the court today, and I just want to say that I think every County choice and all of that it's made I think should have regards to the environment, the culture, and to everything in that regards . . .

So, so, I think too though, you know, a lot of their claims are going against, will bring a lot of legal and fun words into play, you know, how this, but just logically if you look at this, I mean, it's just clear we need a change if I want to have kids live on this earth, if I want to live out a life on this earth, it, it needs to change. And so, thank you for being in the place to have an impact on that.

And, I think like what Jonah was saying, we have to invest not only in holding them accountable, but in regenerative technologies because we've, as a humanity, you know, left a mess that we need to clean up. So, also, if the fossil fuels company chose to pass liability onto, you know, the consumers in the price of gas, that's not going to affect Costco, Foodland gas, Hawaii Petroleum, which is Ohana Fuels. And so we're not going to have a lot of, of upset locals about this.

And there's so much, you know, like the injection wells and some of the other things that's starting right here in Hawaii that we can really, I think, spearhead. So, I think the key point here is that, engaging in deception opens up each company to liability for the contribution to the problem of climate change, you know relative to each specific harm spoken by each plaintiff.

And also the Honolulu Board of Water Supply, has done some studies on protect, projecting the cost of climate on the drinking water source, so essentially the, you know the effect that all of the oil and everything, and all of the gas in the air has had on the water and, you know, it's not supposed to be like that. Oil and water don't mix, but I think our lifestyles can if we make a conscientious effort to. Aloha.

CHAIR LEE: Thank you. Are there any questions for the testifier? Thank you. Next.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kecia Joy, testifying on Committee Report 20-29. To be followed by Liz Fujii.

MS. KECIA JOY (testifying on Committee Report 20-29):

Hi, aloha.

CHAIR LEE: Hi.

MS. JOY: Good to see you all again. Thank you so much for everything that you, every decision, every choice you make for the environment and for this precious island. I thank you very much. My name is Kecia Joy, I am a resident of almost 20 years and I'm also the Maui group manager for Sierra Club. And just what to say that the Sierra Club is in full support of hiring the special counsel to enter into litigation with the fossil fuel industry.

They should be held accountable for some of the climate changes that the fossil fuel industry attributed to. And we Maui residents already know the impacts of the climate crisis very well from the fires last summer, which I was evacuated from my own house twice. And the floods, eroding of major roads, and it is predicted to get way worse. We're at a tipping point here to where again every decision, every choice that's made is critical in the protection of, of us as a human species, and the youth, who are speaking and coming out more and more. I really applaud them for doing that.

And it's going to cost Maui County billions of repair in these damages to adapt to these changes. And the sooner we get aware of that and understand that and really embody that, the better off we're going to be with all other situations, with protecting our seniors, with disease control, with all these things that, that are popping up that we're facing. So, the thing I like about this lawsuit is that it aims to address and eradicate the practice of deception. I think this is an issue that big corporations, to be exposing the deception is, is important I think for our own evolving, evolution of, of humans.

And so litigation such as this is how we reigned in the tobacco industry and the use of asbestos, and how we are currently holding the pharmaceutical industry accountable for their contribution to the opioid crisis in our nation.

So we strongly agree that the fossil fuel industry who predicted this almost 50 years ago, I just can't believe that their own scientists predicted where we would be and the climate conditions that we are in today, almost perfectly, and, and where we're going to be in the future. There needs to be some responsibility. And then the fact of, the evidence of their knowing the damages that it would cause. It was revealed like almost two years ago, and there has been no dispute by the fossil fuel industry and no other evidence given by them of the contrary. This tells us something. So we need to move on this. Honolulu has passed this and is moving forward so I strongly support getting the lawsuit rolling for the people of Maui. Thank you very much.

CHAIR LEE: Thank you.

MS. JOY: Bless you.

CHAIR LEE: Are there any questions? If not, thank you for coming.

MS. JOY: Much aloha. Thank you.

DEPUTY COUNTY CLERK: The next person signed up to testify is Liz Fujii, testifying on Bill 20-22 *[sic]*. To be followed by Tom Blackburn-Rodriguez. Mr. Blackburn-Rodriguez is the last person in the chambers signed up to testify.

MS. LIZ FUJII [testifying on Bill 22 (2020)]:

Aloha, Councilmembers and Chair Lee. Thanks for all you do. I'm a new resident to Molokai, I've been there for two years now. And, I love the place. As a newcomer, I think it's really important to respect the community and their wishes and so I support a zero cap on short-term rentals.

The first time that I went to Molokai was in high school through the Aiea High School Science Club and I'll never forget, and none of us will, none of my classmates rounding the bend at Pu`u O Hoku Ranch and going into Halawa. Then and through the entire weekend it opened our eyes to something we didn't know was possible. I think that the diversity in our islands is one of the greatest strengths, or it can be, and it's something we need to protect.

Everyone knows that Molokai is different, I don't have to tell anyone. And I think the people best positioned to preserve that are the community themselves, and so we should follow their lead. I think it's very admirable that as a Council you've chosen to do that so far. That's not an easy thing to do because broadly speaking this might be a controversial issue. However, in Molokai, I can say it really isn't. The vast majority of community members support this bill. The only people I've seen speak against it are the owners of short-term rentals and I can certainly understand why. But they are not representing majority.

Regarding the economic impact, I really question the numbers that were presented earlier. I'd like them to be verified by an independent economist. And I would be curious about the overall impact. From what I understand, any jobs lost would be part-time jobs with low hourly wages. I don't think anyone's losing their health insurance for a full-time job. And it will take time to help them boost their supplemental income.

And I've never seen a more entrepreneurial people then I have in Molokai, and that's, it needs to be my jewelry is made in Molokai, my honey, my vanilla, you know as much as I can I try to support those efforts. And, you know, I would certainly try to hire



someone to clean my own home if there's a need for that and I'm trying to get others to do that as well if we need to step in to make this happen.

I think that for all policy, this is just my perspective, we should send our children and families in the community, and look at the impact on them first. And I know that children and families are struggling. They are struggling to find any housing. They are struggling to stay in the homes that they have. And so while I, I feel for the owners of these short-term vacation rentals, I know they have options. They could be a real bed and breakfast, and I miss those things. I think that's really in line with the culture of the community on Molokai to host visitors in that way. And I would support that.

And lastly I would just say this isn't a controversial issue now, but the people of Molokai have made their desires clear, and when they're not able to succeed through the legislative process, they usually find other means. So if this doesn't pass, I have a feeling it would become controversial, I don't think that's one, in anyone's best interest. I'd prefer to move forward in a unified way. So thank you very much.

CHAIR LEE: Thank you. Very efficient.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Fujii for your testimony, both times. I just was wondering if you came over for this item?

MS. FUJII: No, I'm, I'll be going to UH Maui College after this to do some training for work.

COUNCILMEMBER PALTIN: Oh, okay. Thank you, thank you for stopping by while you're on the island.

MS. FUJII: Oh, it's my pleasure, thank you.

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

(Councilmember Paltin was excused from the meeting at 10:29 a.m.)

DEPUTY COUNTY CLERK: The last person in the chamber signed up to testify is Tom Blackburn-Rodriguez, testifying on Resolution 20-12.

MR. TOM BLACKBURN-RODRIGUEZ (testifying on Resolution No. 20-12):

Good morning, Chair, Members of the Council.

CHAIR LEE: Good morning.

MR. BLACKBURN-RODRIGUEZ: Aloha Friday. Thank you very much. My name is Tom Blackburn-Rodriguez, I'm representing Go Maui, Inc. And for more information, you can go to GoMauiInc.org I'm testifying today in support of 20-12, which is the affordable housing Charter amendment. First of all I want to thank you for your work on the Charter amendment. I used to work with a guy and he always used to tell me never criticize anybody. But he always used to say Tom we can always do it better. And I see you approaching this whole issue as how can we be better, not looking for finger pointing. I want to thank you for that.

Go Maui supports the three percent set aside, as being talked about. We also support maintaining the 0 to 140 percent of the AMI cap. We like the idea of moving forward with permanent authorization, similar to the open, Open Space Fund, which is also permanently authorized. I think these actions reflect the Council's support of the Affordable Housing Fund. It has now become part of our public policy apparatus and I want to thank the Committee, the Council for trying to secure permanent funding for affordable housing.

This obviously is not a problem that will go away, the tools need to be permanent. And, we support the continuation of 0 to 140 percent of the AMI because this affects voters such as teachers, healthcare and emergency service workers, and also first responders. So we think that's a very reasonable compromise.

Again, I'm simply here briefly to say thank you for your work. Appreciate that you're not walking away from it. And as we like to say with affordable housing, knock and the door shall be opened. Thank you.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Aloha, Mr. Blackburn-Rodriguez. Always nice to see you, cause I know you've certainly been very well versed with the affordable housing issue here in Maui for a number of years. When you mentioned about the support of the 0 to 140 percent cap, was this a Go Maui as a group supporting it, or, how do you feel individually if I may ask.

(Councilmember Paltin returned to the meeting at 10:31 a.m.)

COUNCILMEMBER MOLINA: Do you see any ramifications with that cause I know up until now, the Affordable Housing Fund, there has been no language inserted where it's been a percentage of the funds has been targeting a specific group. Any thoughts?

**MR. BLACKBURN-RODRIGUEZ:** Well, thank you for the question. And thank you for your work on affordable housing. I am representing Go Maui, so I am representing the official position of the organization. I believe in response to your question, if I could, I believe I answered a similar question from my Councilmember, Councilmember King, in regards to that, and our, our position is basically first of all there is definitely a need for, for housing for people below 100 percent. No one doubts that whatsoever.

We think that perhaps putting that into law may tie the, the hands of Councilmember, Councils in the future, and would suggest that perhaps, again, this is the decision you all will make as a body, that perhaps putting it in the budget process each year might be a better way to go. We will defer, of course, to the Council's decision, but that was I believe in, Councilmember can correct me, I believe that was the substance of my answer to an earlier question on that. I would say that it will be tough to go to the voters and say we want to take more of your tax money to put into a fund for which you are no longer eligible to receive benefits for. That's a hard sell.

**COUNCILMEMBER MOLINA:** So potentially that could deter voters from supporting this, some voters from supporting this increase on three percent based on this language that's targeting a specific group, or reducing the ability of some groups--

**MR. BLACKBURN-RODRIGUEZ:** I, I would hope not. I would hope that there's a compromise that allows the benefits of the fund to be spread over a wide group of people because there are different needs and different income groups.

**COUNCILMEMBER MOLINA:** Okay, thank you. Thank you, Madam Chair.

**MR. BLACKBURN-RODRIGUEZ:** Thank you very much.

**CHAIR LEE:** Ms. King.

**COUNCILMEMBER KING:** Thank you, Chair. Thanks for being here Tom. So, my, I guess my question is, would Go Maui help us to, help us with the messaging. My, my thought on your previous statement about people not being able to use this is that we fund a lot of things that, you know, different groups in this community use and don't use. A lot of people don't use the bus, but they support it with their tax dollars. Or other people don't use, you know, there's, there's parks and there's things like that, that people don't use but they support with their tax dollars. So, homeless issues, you know we have a lot of money that goes into homeless issues.

So do you not see this, you know, the, the attempt to address the under 100 percent as, you know, that same type of thing where, you know, there are a lot of people in that

income level, but there are also people that understand that we have to take care of, you know, that society is judged by how it takes care of it's disadvantaged.

MR. BLACKBURN-RODRIGUEZ: I would have to agree with you that the compromise legislation that, that reaches out the broadest of group of, of folks on, in Maui County to the voters is, is a good way to go. I would assume you also agree that we want to stay away from dividing people like I got something, you didn't get something, that kind of thing.

COUNCILMEMBER KING: Right.

MR. BLACKBURN-RODRIGUEZ: So, so however the Council achieves it, I think the range of 0 to 140 percent is reasonable, and how that gets broken up, that's above my pay grade.

COUNCILMEMBER KING: Okay. I appreciate your support for the, the effort and if you can, we'll be reaching out, I think hopefully we'll get this passed and reach out for your support going forward.

MR. BLACKBURN-RODRIGUEZ: I have some expertise in that area yes.

COUNCILMEMBER KING: Yup, okay, thank you.

CHAIR LEE: Pardon me.

COUNCILMEMBER SUGIMURA: I wanted to ask him a question.

CHAIR LEE: Oh, okay. Did Ms. Kama have her hand up first though?

COUNCILMEMBER SUGIMURA: Sorry.

COUNCILMEMBER KAMA: Chair, thank you.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: So, in your area of expertise, when we're funding people below 100 percent AMI, what kind of, what kind of units are we looking at a 100 percent.

MR. BLACKBURN-RODRIGUEZ: Well I think we're primarily looking at apartments. Not always, but is a real challenge to put together the financial resources and also the financial education that's necessary to move forward into homeownership for anybody. And I think that when we get below 100 percent of AMI as we get closer down, we're

really talking about the ability of, of multifamily, multiunit housing for, for folks in that area.

COUNCILMEMBER KAMA: So, would you say it's pretty difficult to want to be able to create more rentals, but at the same time knowing that we need more ownership, more homeowners because that's where we get our tax base from.

MR. BLACKBURN-RODRIGUEZ: Well I think that's a good question. I will only, only say that, you know, the normal progression is not unlike my own progression, you know, I lived at home free because I loved it, everything was paid for. Then I moved out and got a roommate, okay. And then eventually I got married and then we moved into a house, we were in an apartment, we moved into a house. So it's a progression of how you reach homeownership. Also for many people does include that step of apart, living in an apartment, saving the money and then moving forward. It, it's a long process, it took us about ten years.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Mr. Blackburn, so in the Charter, what it actually says when you talking about income, it says the Charter says very low to gap income. So do you think that we should leave that phrase there or define this range for AMI.

MR. BLACKBURN-RODRIGUEZ: I'm not sure exactly how you would do that Councilmember, in terms, I know the language is always to be clear to the voters. And if there was clarifying language necessary for the voters, but I do think the fact that the, the language of gap housing is in there, meant that the Councilmembers at that time understood that we had policemen, firemen, teachers, nurses, others who could not get housing and were leaving the island.

(Councilmember Paltin was excused from the meeting at 10:38 a.m.)

MR. BLACKBURN-RODRIGUEZ: So, I would answer your question that way in that the language is clear as to who you want to benefit, but to understand that that language on gap housing was put there deliberately.

COUNCILMEMBER SUGIMURA: Clear, thank you.

CHAIR LEE: Yeah, I believe gap housing goes up to 160 percent of AMI. Further questions?

Mr. Hokama.

COUNCILMEMBER HOKAMA: No, I would just take a few seconds Chair to share with my friend, Mr. Blackburn, I think we pass that point because I eat a lot at all the local hangouts and I can tell you there's already pushback by those who are paying their bill, that are unhappy with the results and are tired of carrying the load. So it's already happening Tom. There are those who are tired of paying the bill and seeing no results.

MR. BLACKBURN-RODRIGUEZ: I think you're absolutely correct. Any program that's passed, has to meet accountability, has to be reviewed periodically and, and I am not in your position but I do hear a lot of things from folks, and one of the things they want to say is I'm willing to do what needs to be done whether it's bus transportation or what have you, but show me that it's working. And if you show me that it's working, then I'm willing to pitch in.

(Councilmember Paltin returned to the meeting at 10:39 a.m.)

COUNCILMEMBER HOKAMA: Yeah.

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

MR. BLACKBURN-RODRIGUEZ: Thank you very much, and God bless you all.

DEPUTY COUNTY CLERK: Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern, or District Office conference call at this time.

Hana Office, are there any additional testifiers? Hana Office.

MS. OLIVEIRA-MEDEIROS: Aloha, there is nobody here in Hana waiting to testify.

DEPUTY COUNTY CLERK: Lanai Office, are there any additional testifiers.

MS. FERNANDEZ: There's no testifiers at the Lanai Office.

DEPUTY COUNTY CLERK: Molokai Office, are there any additional testifiers. Molokai Office.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: I'll go check on them.

CHAIR LEE: Yeah, you can check back with them. I think we have two more to go. Okay.

MS. ZANDRA AMARAL-CROUSE [testifying on County Communication No. 20-142 and Bill 22 (2020)]:

Aloha. Aloha kakahiaka kou mau hoaloha. Zandra Amaral-Crouse kou inoa.

*(Spoke in Hawaiian.)*

I'd like to testify first on Bill 20-142 [sic]. I was not going to testify this morning because I learned so much just by listening to the citizens and yourselves, Councilmembers, on their manao.

But I had the experience of sitting in with an attorney and a family, where one individual of the family for years preventing, or made it difficult for the brothers and sisters of the mom to visit. This individual put their name on the checking account. This individual made themselves the individual that would have legal dealings for the mom with no one else. My thoughts are is that I do not believe that adult abusing adults has got to leave a scar externally, when you isolate an individual from siblings. For me that is abuse. When you make your parent believe that without you, they must perish if the siblings are allowed.

My contention in this particular case was that a question was asked to the estate attorney when they sat before you, who did the talking. It was the individual, not the mom. I humbly ask this body and Honolulu to somehow integrate and educate the estate attorneys, and I think they already know the sign of abuse begins when an individual from a family sits alone with a mom, dad, or is the guardian of a senior alone, to manipulate and dominate. And I think they need to be held to some kind of accountability as attorneys. They should know that there's some kind of abuse to some degree emotional, financial, or physical, but sitting on that chair in that office, there definitely is abuse of control. Thank you.

I would like to also testify on Bill 2022 *[sic]*, Molokai. I do know what it's like coming from a girl who grew up on a farm in Paukukalo, slopping hogs, milking cows, walking through the cane fields to St. Anthony School. I know what it's like to have my family from Molokai when I was growing up catch the boat and come stay with us for an entire summer because they had no jobs on Molokai. This was a while ago, many years ago, but still, as we visit, I still see them suffer. Not only the young ones, but the elder as well. Those are my age.

And I really do feel, I understand that there are 17 vacation rentals on the island of Molokai and I believe my research has stipulated that 16 of those are from non-residents. But that one, is a local family I know, who has struggled to make money, not to become rich, not to invest, simply to survive.

My fellow brothers and sister of Maui Nui, your constituents are suffering and right now there is a titter-tatter between a local family who has been here for generations who are suffering. Who is trying very hard to stay on Maui, against those investors. I know it isn't an easy decision to make, but I know each one of you know what I'm speaking of when I say why should we, simply because we were born here, simply because our ancestors go back 200 years, why should we suffer? Why should we suffer. Why should the family, the one suffer deprivation and struggle because the other 16 families, wealthy people who come into Maui, and invest in our County.

I humbly ask you, deliberate this. I don't know if there's a fine solution, but our local people should no longer suffer because of investors. We should not throw our local people's desire to try to survive in their local islands. I thank you for that. Thank you, Madam Chair.

CHAIR LEE: Thank.

MS. AMARAL-CROUSE: Thank you, Councilmembers. I thank you for your support of the people of Maui Nui.

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

DEPUTY COUNTY CLERK: Madam Chair there is one more person indicating they wish to testify in the chambers.



MR. JASEE LAU [testifying on Committee Report No. 20-26 and Bill 22 (2020)]:

Thank you, James. Good to see you over there, Buddy, in your new job. Madam Chair, good to see you too. I like your, your blazer.

CHAIR LEE: Yeah, I like your tee-shirt too, thank you.

MR. LAU: Oh, I just got the same old--

I didn't sign up for the ceremonial resolution, I kind of missed it, I, I, I saved that picture in the paper, I think it was Jan, she was, got her, like the clerks people, I got some kind of connection with her cause 1966 was a special year for me and the bench is, you guys got a long time I'll tell you that story.

So speaking of time, I know you guys got a long day. On behalf of the Fire Chief I want to thank the Professional Firefighters Foundation for giving us that money, on No. 20-141, James.

So, yeah, my, my meat and potatoes thing here on the agenda is the, No. 20-26, Committee Report of the 12 million for the Central Maui Landfill. I hope you guys consider that gasification device very seriously that Mr. Tim Gunter wants to help us with and if nothing else the plastic does not belong in the aina, you should separate, maybe have two different land, spaces there and then we could scoop it out later and burn it up.

And, on the Molokai, yeah the Short-Term Rental Homes, like I said, you get a long day, go ahead and don't, don't, don't discuss that for too long, just go ahead and vote on it. I second what Keani Rawlins-Fernandez has to say.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we received word from the Molokai Office that they don't have any additional testifiers. Therefore, there are no other individuals in the District Offices of the chamber who wish to offer testimony. And we have received written testimony.

CHAIR LEE: Are there any objections to closing public testimony and receiving written testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

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

1. Jay Anderson;
2. Deborah Stone-Walls;
3. Jeffery Temas, Deputy Prosecuting Attorney;
4. Lewis Ward Littlepage, Deputy Prosecuting Attorney;
5. Kecia Joy, Sierra Club;
6. Pankaj Bhanot, Director of Human Services;
7. Suzanne Egan;
8. Don S. Guzman, Prosecuting Attorney;
9. Mai Lopez;
10. Sherry Pollack;
11. Kiana Rivera;
12. David Starr;
13. Felicia Waialae; and
14. Raychel Watkins.

CHAIR LEE: Okay, I think it's time for a break.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: 10:49, so how about 11:05.

COUNCILMEMBER HOKAMA: 11, 11.

CHAIR LEE: 11?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER HOKAMA: Yeah.

CHAIR LEE: Oh, everybody is okay. Alright, recess till 11.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:49 A.M., AND WAS RECONVENED AT 11:10 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council meeting of February 21, please reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with minutes.

### MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 22, 2019, regular meeting of December 12, 2019, and special meeting December 12, 2019, were presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved my, moved by Member Rawlins-Fernandez, seconded by Ms. Sugimura, to approve the minutes of those three dates.

Any discussion? If not, all those in favor say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Next.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 20-122 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated January 28, 2020)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant in the amount of \$73,515.52.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request that the Clerk also call up County Communications 20-123, 20-124, and 20-125.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

Mr. Clerk.

NO. 20-123 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated February 3, 2020)

Transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Enhanced Physical Evidence Detection grant in the amount of \$36,200.

NO. 20-124 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated February 3, 2020)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock grant in the amount of \$418,521.62.

NO. 20-125 - KAY S. FUKUMOTO, ECONOMIC DEVELOPMENT DIRECTOR,  
(dated February 10, 2020)

Transmitting a copy of Supplemental No. 3 to Memorandum of Understanding between the County of Maui and the State of Hawaii - Hawaii Tourism Authority for the County Product Enrichment Program in the amount of \$100,000.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-122  
THROUGH 20-125.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Ms. Sugimura to file 20-122 through 20-125, County Communications. Discussion.

Ms. Rawlins-Fernandez.

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

CHAIR LEE: Any comments, further questions? If not, all those in favor of the motion please say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

NO. 20-126 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated February 7, 2020)

Transmitting 63 contracts/grants for January 2020.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 20-126.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by, I know, I was trying to think of the second. Okay, Vice-Chair Rawlins-Fernandez, seconded by Member King to file County Communication 20-126.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This communication is informational and no further action is required by the Council. However, Members do have the opportunity to request specific contracts and grants to be referred to a committee for further review and discussion. Mahalo, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I would like to have Contract No. 6708-1 pulled out and referred to the Healthy Family and Communities Committee.

CHAIR LEE: Okay, any objections to that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I also have some contracts I would like to have pulled. And, so that our Budget Chair is aware, some of it are regarding CIP projects, but time extensions. So I, I felt that maybe if it just came to specific, the

Parks Committee we can deal with it faster and I think that, there's not really the money involved. We could relieve you of some of your heavy agenda workload, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I support that.

COUNCILMEMBER HOKAMA: So.

CHAIR LEE: Okay.

COUNCILMEMBER HOKAMA: So I would ask at this time that Contract C6635-1, it's a time extension for the Lanai Gym to be pulled. Contract C6945, this is the IT Organizational Design Planning Project Monitoring and Quality Assurance Contract, I want that pulled and reviewed. C6987, Waiale Road Improvements at Waiinu Road, Public Works. And I would also like to have Contract G5015, Lanai grown egg farm expansion contract. And, the last one is G5042, which is the Lanai Business Development, OED, since this is something that I don't think we approved during budget, but we will review it Chair. Thank you.

CHAIR LEE: Alright. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Can I have contract sent to my Committee, G4904-1, regarding MEO Bus replacement and G8915 [*sic should be C6915*], Bus rate audit, the audit. And then regarding water WC0851-5, 851-5, WC0953-1, and WC1027 sent to my Committee.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Mr. Clerk.

COUNCILMEMBER HOKAMA: Oh, we gotta vote.

CHAIR LEE: Oh, I'm sorry. We had no objections on the individual referrals, but on the filing overall. Any further discussion? All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

NO. 20-127 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated February 10, 2020)

Transmitting two reports on the settlement of claims as of December 31, 2019.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 20-127.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Mr. Sinenci, to file the County Communication 20-127. Any discussion?

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. This item is informational only, which notifies the Council of two claims that have been settled. No Council action is required. Thank you.



CHAIR LEE: Thank you. Any further questions or comments? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

NO. 20-128 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 11, 2020)

Notifying that the Assisted Transportation voluntary contributions received from senior program participants has exceeded the budgeted amount by \$5,504.

CHAIR LEE: Member Hokama.

COUNCILMEMBER HOKAMA: Chairman, if with no objections, I'll ask the Clerk to bring up all other items under HFS consideration, 129 and 130, please.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

Mr. Clerk.

NO. 20-129 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 11, 2020)

Notifying that the Home Delivered Meals voluntary contributions received from senior program participants has exceeded the budgeted amount by \$14,000.

NO. 20-130 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 11, 2020)

Transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$86,573.

CHAIR LEE: Okay, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

MADAM CHAIRMAN, I MOVE THAT THE COMMUNICATIONS AS READ BY THE CLERK BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Hokama, seconded by Ms. Sugimura, that the communications read by filed. Any further discussion?

COUNCILMEMBER HOKAMA: I would just note, Madam Chairman, that this is something I, I enjoy, I really want the Members to appreciate the phrase "exceeded the budgeted amount". Thank you.

CHAIR LEE: Okay, very good. All those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

NO. 20-131 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated February 4, 2020)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for December 2019 for all registered well reporters in the County of Maui.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR, I REALLY WOULD LIKE THIS ITEM TO BE REFERRED TO MY COMMITTEE FOR DISCUSSION. AND THE OTHER ITEMS, 20-132, 20-133, 20-134, THE COUNTY CLERK WILL READ THOSE, I WOULD LIKE THOSE TO MOVE TO FILE THOSE, BUT THE FIRST ONE I WOULD LIKE IT TO BE REFERRED TO MY COMMITTEE, PLEASE.

CHAIR LEE: Okay, that's one motion.

COUNCILMEMBER SUGIMURA: One motion, yeah.

CHAIR LEE: One motion, okay. Any objections to—

COUNCILMEMBER SUGIMURA: So 20-131 referred to my Committee. 20-132, 33, 34 to be filed. Thank you.

COUNCILMEMBER PALTIN: No objections.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Any objections.

COUNCILMEMBER KING: No objection.

CHAIR LEE: Do we need, okay, let's, okay the, 20-131 is to be referred to the WIT Committee and the other three will be filed. So, who was the second on that one? Oh, Mr. Hokama. Any questions or comments?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, I was just wondering if we should call up those communications for the record.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, okay. Mahalo, Chair.

COUNCILMEMBER SUGIMURA: Go ahead, James. I'm sorry, jumped the gun.

VICE-CHAIR RAWLINS-FERNANDEZ: You was a Eager Beaver.

CHAIR LEE: Who, yeah. It's amazing what makes you excited.

Okay, Mr. Clerk.

NO. 20-132 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated February 6, 2020)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January 2020.

NO. 20-133 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated February 10, 2020)

Informing of the acceptance of Sewerline Easement "S-1", Kaanapali Vista Subdivision, TMK: (2) 4-4-009:010 por.

NO. 20-134 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated February 10, 2020)

Informing of the acceptance of Waterline Easement "W-2", Iselin Subdivision, TMK: (2) 2-3-008:015 por.

CHAIR LEE: Ms. Sugimura.

What you mean try again--

COUNCILMEMBER SUGIMURA: Do you want me--

CHAIR LEE: --you don't have to repeat anything.

COUNCILMEMBER SUGIMURA: --oh you don't have to repeat, okay.

CHAIR LEE: Yeah, just explain any reasons for.

COUNCILMEMBER SUGIMURA: Oh, I would like to have further discussion on the first item read by the Clerk. So 20-131 will come to my Committee if you would allow. And then the other Communications 20-132, 133, 134, would, I would like to file the communication, it's just for information--

CHAIR LEE: Because--

COUNCILMEMBER SUGIMURA: --oh I'm sorry, just for information.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: And no further action.

CHAIR LEE: Okay, now Ms. Rawlins-Fernandez, you had a question or comment. No?

VICE-CHAIR RAWLINS-FERNANDEZ: I was going to second her motion.

CHAIR LEE: Oh, I thought we had a second.

COUNCILMEMBER SUGIMURA: Yeah, Riki.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: But, well let's have another one, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Second again by Rawlins-Fernandez. Okay, more discussion? Okay? Yeah, you know I think you know the lady you talked about aging set at 60, for this Council, maybe 45. Okay, alright, any more discussion? If not, all in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: You're welcome. Okay, let's keep moving this train.

Mr. Clerk.

NO. 20-135 - TAMARA PALTIN, COUNCILMEMBER,  
(dated February 5, 2020)

Relating to Councilmembers' report on the Alliance of Maui County Community Associations meeting held on January 27, 2020.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO FILE COUNTY COMMUNICATION 20-135.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay. Moved by Member Paltin and I heard Mr. Sinenci second, to file County Communication 20-135.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm providing this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes. On Monday, January 27, 2020, Councilmembers Kelly King, Michael Molina, and myself attended an Alliance of Maui County Community Associations meeting at the Kaunoa Senior Center, located at Spreckelsville.

This meeting was focused on the topics of Advisory Committees and the 2020 Census. Because the topic of Advisory Committees is an active subject matter before the Council's Planning and Sustainable Land Use Committee, each Member had their private time with the Association membership to discuss their individual perspective on the matter while the other two Councilmembers waited outside the meeting for their turn to address the Association members.

Councilmember King left the meeting once her private audience with Alliance members was complete, and Councilmember Molina and myself remained to listen. No participation or discussion occurred at this point by the remaining two Councilmembers, Councilmember Molina and myself.

A quorum of the Council was not present at the meeting. The meeting was not specifically and exclusively organized for or directed toward Members of the Council, but rather was a regularly scheduled gathering of Maui County's community associations leadership and members. No discussion related to official board business occurred outside of the private time each of the present Councilmembers had with Alliance members nor any commitment relating to a vote on any Council business was made or sought at the meeting.

Madam Chair, this concludes my report but I welcome the other Members if they have a different perspective to provide input.

CHAIR LEE: Other Members, do you have a different perspective? Okay, other Members do you have any further comments or questions?

Alright, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Next.

NO. 20-136 - TAMARA PALTIN, COUNCILMEMBER,  
(dated February 5, 2020)

Relating to Councilmembers' report on the Ahupua`a Investment Summit held on January 31 and February 1, 2020.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO FILE COUNTY COMMUNICATION 20-136.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Member Paltin, seconded by Mr. Sinenci second, to file County Communication 20-136.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm also providing this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes. On Friday, January 31, and Saturday, February 1, 2020, Councilmembers Keani Rawlins-Fernandez, Shane Sinenci, Tasha Kama, Kelly King, and myself Tamara Paltin independently attended the Ahupua`a Investment Summit at the University of Hawaii, Maui Campus in Kahului, Maui.

The Summit brought together the local Hawaii and Maui community, leaders of Impact Investing from around the world, academics through thought leaders, Native Hawaiians, union leaders, lawmakers, pension beneficiaries, large institutional asset owners, and other stakeholders. The intention of the Summit included discussions of impacts and sustainable investing, and included working together on practical comprehensive approaches for capital to begin flowing into Maui in a manner that supports the needs of the community in ways that are sustainable and innovative.

This was an enlightening event with so many different approaches, perspectives, and ideas shared in the way we look at fundraising through our collective lenses as it relates to our communities.



And if I may go off of my notes a little bit, in light of the testimony from Molokai, I just wanted to share that um, I got this haole koa lei from Molokai, and I would hope that with their economic challenges, maybe that we can move away from imported lei given at our hotels, and possibly promote the use of all locally made lei as a impactful and sustainable investment here in Maui County.

But getting back to my notes. On Friday, January 31, Councilmembers Keani Rawlins-Fernandez and Shane Sinenci served as panel moderators, and I served as a panelist. On Saturday, February 1, Councilmembers Tasha Kama and Kelly King served as panelists.

While a total of five Councilmembers attended the Summit on different days and different times throughout the two day period, at no one time was a quorum of the Council present at the Summit, nor was the event specifically and exclusively organized for or directed toward Members of the Council. No commitment relating to a vote on any Council business was made or sought at the event.

And Madam Chair, this concludes my report, and if any of the other Members present has a different recollection, I welcome it at this time.

CHAIR LEE: Okay, we're open for different recollections. Okay, if not, oh, Mr. Molina.

COUNCILMEMBER MOLINA: No just an additional recollection, I, I attended the Saturday Summit, but just as an observer, I was not a panelist so.

CHAIR LEE: Oh, you missed him.

COUNCILMEMBER PALTIN: Did I?

CHAIR LEE: Did you say him? Okay.

COUNCILMEMBER PALTIN: Oh, yeah.

CHAIR LEE: Alright, yeah, we want to include you--

COUNCILMEMBER PALTIN: My bad, my bad.

CHAIR LEE: --into this report, so, can we make a note, Joyce, that Mr. Molina was present also.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: Just to note that for myself I was asked to speak on behalf of my work with Pacific Biodiesel, not as a Councilmember. That was the request that was made from the Summit people to myself.

CHAIR LEE: We'll make that note too.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I'd just like to add that the use of invasive species for leis was also appreciated. Thank you.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER SINENCI: The haole koa.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Okay, everybody let's get back to the agenda. Oh, who else?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I was just going to second what Member Sinenci and Member Paltin said about economic development and tie, how it ties into the ESG Conference and really utilizing our local resources as Member Paltin is demonstrating.

CHAIR LEE: Yeah, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: And that the ESG Conference was really well done.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: I'm sure nobody got, understood everything what just happened. But what, you want to stand up and so people can see the lei you're talking about. It's a beautiful lei, yeah, take a picture, smile. Okay. This is welcome to our County Council business day and so, do we have any more comments on this issue.

COUNCILMEMBER SUGIMURA: I have a question.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So this conference is the \$75,000 that we passed in the budget. Is it?

CHAIR LEE: I don't know.

COUNCILMEMBER PALTIN: It's not specifically because it had to have matching funds and then a lot of um--

COUNCILMEMBER SUGIMURA: Dollar for dollar.

COUNCILMEMBER PALTIN: --the people paid their own way and what not, so it's not specifically that this, that 75,000 was for this conference. It's, it's a whole theme, but for more information I would suggest reaching out to the Chan-Hodges.

CHAIR LEE: Alright, any further questions or comments, or clarifications. Okay, if not then, all those in favor of filing this County Communication 20-136, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Next, Mr. Clerk.

NO. 20-137 - TAMARA PALTIN, COUNCILMEMBER,  
(dated February 6, 2020)

Relating to Councilmembers' report on the Hui No'eau Visual Arts Center's Annual President's Reception held on January 16, 2020.

CHAIR LEE: Ms. Paltin, how did you get stuck doing all these reports?

COUNCILMEMBER PALTIN: I didn't say not me.

CHAIR LEE: Okay, now you know. Alright, Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO FILE COUNTY COMMUNICATION 20-137.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Member Paltin, seconded by Member Sinenci, to file County Communication 20-137.

Member Paltin, discussion.

COUNCILMEMBER PALTIN: I'm providing this report again pursuant to the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes. On Thursday, January 16, 2020, Councilmembers Kelly King, Michael Molina, Shane Sinenci, and myself Tamara Paltin attended the Hui No`eau Visual Arts Center's Annual President's Reception at the Hui No`eau Visual Arts Center in Makawao.

The event was hosted by Hui President and members of the Board, and highlighted an advanced viewing of the Annual Juried Exhibition 2020, that opened the following day. This prestigious competition gives Hui visitors an opportunity to view current work by local artists, in all media, including ceramics, printmaking, sculpture, photography, drawing, jewelry, digital media, fiber, wood, and mixed media.

In addition, the Hawaii State Foundation on Culture and the Arts recognizes this exhibition each year through its Art in Public Places program.

A quorum of the Council was not present at this event, the meeting was not specifically and exclusively organized for or directed toward Members of the Council, but rather was open to members of the public and Hui supporters. No discussion related official Board business occurred nor commitment relating to a vote on any Council business was made or sought at the, at the meeting.

Madam Chair, that concludes my report, and I welcome other Members present if they have a different recollection.

CHAIR LEE: Any further questions, clarifications. No, very good. Alright, all in favor of the motion to file this Communication, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

For the next segment, Mr. Clerk, we were asked to bring CC 20-142 forward, yeah.

NO. 20-142 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated February 13, 2020)

Transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE TO SUPPORT BILLS RELATING TO CRIMINAL OFFENSES AGAINST SENIORS".

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for taking this up first. I wanted to ask the Council if we could adopt this resolution, proposed resolution. I think there was great testimony presented from the community, from all branches, all levels of government. I'm totally impressed. And we have Don Guzman, our Prosecuting—

COUNCILMEMBER MOLINA: Madam Chair, point of order.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Should, should Ms. Sugimura first make the request to, if she's going to take action, waive referral.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: Yeah, yeah, let's make the motion.

COUNCILMEMBER SUGIMURA: Sorry, okay.

SO I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 20-142  
INCORPORATING--

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Oh I'm sorry, yeah. I'm sorry, yeah, we needed to, to waive the Rules to bring it forward, right.

COUNCILMEMBER SUGIMURA: I don't know, okay.

CHAIR LEE: Well, well, let's have ruling from Mr., Mr. Krueger.

DEPUTY COUNTY CLERK: Madam Chair, as it pertains to the resolution attached to County Communication 20-142, the Rules of the Council do not apply as the resolution does not carry the force and effect of law.

COUNCILMEMBER KAMA: Okay, just do um.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: No, no Madam Chair, my, my point of order relates to, I assume Member Sugimura wants to take action on this matter that's going to be referred to my Committee. So I think the appropriate action would be to make a motion to waive referral to Committee and then go ahead and make a motion to adopt the resolution and then discuss. So that's my, what my point is about.

CHAIR LEE: Okay, why don't we do it that way.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'm sorry.

CHAIR LEE: We, if, well there, let me do it. If there are no objections--

COUNCILMEMBER SUGIMURA: Waive committee referral.

CHAIR LEE: --we would like to not refer this matter to the GET Committee as would normally be done, but instead--

COUNCILMEMBER KING: Is it a discharge?

COUNCILMEMBER MOLINA: No there's no discharge.

CHAIR LEE: Yeah, it didn't go yet, it didn't go yet. So we have a request that it be dealt with on the floor right now. Okay, any objections to that.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, you already made your motion.

COUNCILMEMBER KAMA: Right.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Seconded by Member Kama.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Now you can discuss your subject.

COUNCILMEMBER SUGIMURA: Thank you. We have Don Guzman in the audience, Prosecuting Attorney in case any questions and I think you, all of us heard by the testifiers that Senate Bill 2334 as well as House Bill 1874 are now going through the Legislature and is relating to criminal offenses against seniors. And the reason why I'm asking Members to take this up now is because of the urgency of time sensitive of the deadlines in the Legislature coming up. And thank you Keani for putting that in and doing the research, because it is time sensitive.

So anybody have questions, I have, you know, Don Guzman, is here if anybody has more questions and thank you for moving that forward, Mr. Guzman.

CHAIR LEE: Okay, do we have any questions or comments? Okay.

COUNCILMEMBER KING: Call for the question.

CHAIR LEE: Would you like, do you have anything to add to that Mr. Guzman.

PROSECUTING ATTORNEY DON S. GUZMAN: Thank, thank you, Chair. Thank you, Members for this . . . As Vice-Chair Fernandez mentioned, this is under a time constraint and I knew that if I could, if we could get a Council resolution, it would tip the scale to getting it agendized. The Senate Bill, which is Senate Bill 2334 has already passed through Human Services Committee and now is set for Judiciary. But, as you know, it's up to the Judiciary Chair to agendize it before the 27<sup>th</sup>. So, hopefully, I know that the Council carries that, that weight and especially Mr. Hokama if you could, could please network your, your--

COUNCILMEMBER SUGIMURA: Call President.

PROSECUTING ATTORNEY: --your contacts there, I would really appreciate it.

Our Elderly Justice Team, Maui County Justice Team was created back in May with the help of the Office of Aging, the Attorney General's Office, the Adult Protective Services from the Judiciary, Legal Aid Society, Maui Police Department, and our office. And this is a response to the, the high raise of criminal activity nationwide against our kupuna.

There are 24 other jurisdictions that have set these standards on the four crimes that we're, that actually target our seniors and that are in the bill, which are theft, economic exploitation, forgery, fraud, assault, family abuse, and unauthorized entry into a dwelling, that's breaking and entering. So if you, if, if the criminal activity is done by victims who are 60 years and over, then there's higher penalties and felony charges attached to it.

The age was actually, we presented this through the Kupuna Caucus at the Leg., and they vetted the age. So the various entities throughout the State, I, I actually put it at 65 when I first introduced the bill to the Kupuna Caucus, but they, they've lowered it to 60, which is only ten years for, for me. You know I'll be 60 in ten years, so it's, it's going to affect me. And it did affect my family, my mother was a victim last Spring of deception by fraud and, and she was called by one of those scammers.

So we definitely want to send that message statewide, we're the first in the, in the State to create an Elderly Abuse Team with the various agencies and we're ahead of Honolulu, although they were ahead of us in creating an elderly unit within the Prosecutor's Office, we did them one better by creating a team of agencies. So, and then creating legislation. So by your help I hopefully, if it doesn't make it through this session, it still stays alive for next session. So, hopefully, thank you, Riki, thank you, Mr. Hokama.

CHAIR LEE: Okay.



PROSECUTING ATTORNEY: Thank you, Chair.

CHAIR LEE: Thank you. Any more questions or comments?

Ms. Rawlins-Fernandez, then Mr. Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, really quick. So this type of legislation if passed by the State, would be the first in the country?

PROSECUTING ATTORNEY: No there's 24 other jurisdiction.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, 24 other, okay.

PROSECUTING ATTORNEY: California has the strongest, their age, they, they, they also indicate in their bill the four targeted crimes that are mostly used against our seniors. And their age is 65 and above. So we will do them better if this gets passed by the Leg. by lowering it to 60.

VICE-CHAIR RAWLINS-FERNANDEZ: Sixty.

PROSECUTING ATTORNEY: So, which causes more protection for those who are 60 and above. So, this was all vetted through AARP, the Kupuna Caucus, which is, they're part of it, and the other agencies, Department of Health, office of, the State Office of Aging. So initially I, I, I had a lot of backlash when I came in with 65, and they said no it's got to be 60, so we amended legislation so that it could be adopted through the Kupuna Caucus.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, for that explanation. I support this resolution and I'm happy to send this message that Maui County treasures our kupuna. Mahalo.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. No, questions for Mr. Guzman, I appreciate his efforts as well as Member Sugimura and I certainly would like to support this on the floor if it's been earmarked for my Committee, but of course due to the time sensitivity of this, by all means let's act on it. And when you deem it appropriate, may we have the Clerk read it, read the reso into the record.

CHAIR LEE: Sure. Any?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank, real, real quickly, yeah, Chair. And again, if Mr. Molina would like the subject to still be sent to his Committee, that is still a doable option, my colleague.

I would just ask one thing since the proposed bill is to create a felony or a new, define the felony better. Is there an age minimum where felonies can be, would be the, I guess the violation or the breaking of the law. And, and I bring up the age thing because I know we have jurisdictions now that look at 14 year olds as adults, and charge them as an adult on, for felony crimes. So, is this something we need to think of because it disturbs me that our younger teenage sector feels that they can just ride a bike up and rip off a purse of a senior and think nothing of it. That's the wrong message, so I'm with you, and whether or not we should also consider lowering the age of what a felon could be.

CHAIR LEE: Mr., yes, Guzman.

PROSECUTING ATTORNEY: Thank you, Chair. Thank you for the question, Mr. Hokama, Councilmember Hokama. The, let me break this down into two parts. Number one, juveniles can be charged with felonies, and so those felonies are held in juvenile court, and those are held in private and so the sentencing may, it may not necessarily be as severe as adults, but they do, they are incarcerated at times depending on the judge's discretion. So, they are charged with felonies.

The, the second prong is, is there a law out there that basically says if you're a certain age, and you commit a crime, it's an automatic felony. This bill will actually trigger that. So if a teenager commits a crime of the four crimes that are, that I've mentioned, against a senior, then that juvenile will be charged with a felony. So will an adult that does those crimes against our seniors.

And as Ms. Fernandez is saying, we should be, you know, the, the, the high mark, or the mark that shows the State, the other jurisdictions that we do cherish our elders and we will go after those syndicates cause there syndicates in Honolulu that are specializing purely on targeting our seniors. And there's an outcry from Honolulu saying look we, we got to do something. And look our small island did something, I mean we're doing something.

CHAIR LEE: Yeah, Mr. Hokama, do you have anything else?

COUNCILMEMBER HOKAMA: No, thank you, Chairman. I'm in support of a bigger and heavier stick.

CHAIR LEE: Okay.

Member King.

COUNCILMEMBER KING: Thank you, no I support it, thank you for bringing this forward, Mr. Guzman. Is the reason the, for, the change from 65 to 60, is that the age that the Kupuna Caucus, okay, so that's what, what they start at.

PROSECUTING ATTORNEY: Yes, yes.

COUNCILMEMBER KING: Okay.

PROSECUTING ATTORNEY: And like I said, I, I really got my, my tail between my legs when I, when I was proposing 65.

COUNCILMEMBER KING: Really, okay.

PROSECUTING ATTORNEY: So we lowered it, yeah.

COUNCILMEMBER KING: Well, I guess I'm eligible now so now I have to admit I'm a senior.

PROSECUTING ATTORNEY: We can always lower it to 45.

COUNCILMEMBER KING: I think 60 is good.

CHAIR LEE: Yeah, it's only for this group.

COUNCILMEMBER KING: I don't think, I don't think our 45 year olds want to call themselves seniors yet.

CHAIR LEE: Yeah. Yeah, bad enough we, people call you aunty at 45. Oh my God. So anyway, Ms. Sugimura. Before we take the vote, and Mr. Molina, did you want the subject matter to be referred to your Committee or are we good with the adoption of this resolution.

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'm, I'm hoping that we pass the reso today.

CHAIR LEE: No, we are.

COUNCILMEMBER SUGIMURA: Oh, okay. If Mr. Molina wants to take it up again, he can, but um.

CHAIR LEE: To discuss it further.

COUNCILMEMBER SUGIMURA: If he wants to discuss it further.

CHAIR LEE: I don't know. Do you?

COUNCILMEMBER MOLINA: Yeah, Madam Chair, I'm open to discussing it further but I think for the sake of time sensitivity in the State Legislature, let's act on the reso today and at a later point this year we can further explore this whole issue in the GET Committee.

CHAIR LEE: So you want the subject matter to go to your Committee.

COUNCILMEMBER MOLINA: Yeah, that's fine.

CHAIR LEE: Okay, okay. All those in favor of adopting the resolution right now say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Okay, and then we'll refer this matter to your Committee, subject matter.

COUNCILMEMBER SUGIMURA: Thank you, thank you everybody.

CHAIR LEE: Okay, thank you very much Don for coming.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record RESOLUTION 20-17.

(COUNTY COMMUNICATION NO. 20-142 WAS FILED LATER  
IN THIS MEETING. See pages 80 and 82 for discussion.)

CHAIR LEE: Okay, one second. Anybody else wanted anything out of order besides Ms. Sugimura.

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Consideration for CC 20-139.

CHAIR LEE: 139.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections, okay, so ordered.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, will, will, may I request the Clerk please call up the item.

NO. 20-139 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated February 13, 2020)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND, ALFRED "FLAKO" BOTEILHO, SR. GYM IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION; LANAI COMMUNITY PLAN AREA, LANAI YOUTH CENTER AND SKATE PARK; PAIA-HAIKU COMMUNITY PLAN AREA, ALFRED "FLAKO" BOTEILHO, SR. GYM IMPROVEMENTS"; and

3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), 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 - ALFRED "FLAKO" BOTEILHO, SR. GYM IMPROVEMENTS)".

CHAIR LEE: Ms. Rawlins Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7(G) OF THE RULES OF THE COUNCIL AS IT PERTAINS TO THE BILLS ATTACHED TO COUNTY COMMUNICATION 20-139.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King to waive the Rules of the Council. Any discussion?

Ms. Rawlins-Fernandez. No discussion? Okay, all in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE BILLS ATTACHED TO COUNTY COMMUNICATION 20-139 ON FIRST READING, AND TO FILE COUNTY COMMUNICATION 20-139.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay, moved by Member Rawlins-Fernandez, seconded by Member Hokama to pass the bill in 20-139. Discussion?

Rawlins-Fernandez, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These proposed bills will amend the FY '20 Budget by increasing the initial appropriation of 225,000 to \$1,897,880 from the Bond Fund to allow the project to move forward. Bids were opened at the end of the calendar year 2019, but the Department was unable to execute a contract upon bid opening because of a disqualification of the lowest bid.

CHAIR LEE: Any discussion, further discussion?

Mr. Hokama.

VICE-CHAIR RAWLINS-FERNANDEZ: And, we also have Budget Director Yoshimura in the gallery as a resource if anyone has additional questions. Mahalo, Chair.

CHAIR LEE: Okay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Madam Chairman. I speak in support of the motion as it regards to the Lanai component. Members we are just adding verbiage, there's no adjustments in the funding or the source of funding, we're adding the word planning or design in the narrative so that we can cover those requirements to move the project forward. Thank you.

CHAIR LEE: Thank you.

Ms. King.

COUNCILMEMBER KING: Just a question, on page 3 there's a, there's an addition of 1.8 million, so is that addi, is that not additional funding.

CHAIR LEE: Ms. Yoshimura.

Ms. Peters.

Would you like the question repeated? Huh, hui, okay. They know.

Ms. Yoshimura.

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, on the proposed bill, we are asking, so the bracketed amount is \$225,000 that's the Fiscal Year 2020 appropriation. We're now asking that that appropriation be \$1,897,880. So, the Department had \$1.5 million appropriated in Fiscal Year '19. They were unable to execute the contract before the funds expired in December, on December 31. So they ended up lapsing \$1,476,060. So what we did was take that amount, plus the 225,000 and another \$192,000 to come up with the \$1.89 million to fulfill the, the bid price.

COUNCILMEMBER KING: Oh, okay, so that bid, that was the bid that came in that was accepted.

BUDGET DIRECTOR: That was, that was the . . . bid for the project.

COUNCILMEMBER KING: Okay, no further questions. Thank you.

CHAIR LEE: Alright, any other questions. Sure? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries. Thank you.

COUNCILMEMBER SUGIMURA: Very good.



CHAIR LEE: Anything else, you want to move around? No?

Okay, Mr. Clerk. Oh, you do.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Consideration on County Communication 20-141.

CHAIR LEE: Okay, do you want to pass this today? I mean right now?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Well if, if Members would like.

CHAIR LEE: No, no, no I was just wondering what you were going to do, you know, just trying to figure it out. Alright, so we are going to move County Communication 20-141 up for consideration. So any objections to doing that?

MEMBERS VOICED NO OBJECTION.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk, read County Communication 20-141.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record as it pertains to the Bills attached to County Communication 20-139, those are BILLS, BILL 29 (2020), BILL 30 (2020), and BILL 31 (2020).

NO. 20-141 - DAVID C. THYNE, FIRE CHIEF,  
(dated February 12, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF \$80,000 FROM THE HAWAII PROFESSIONAL FIREFIGHTERS FOUNDATION TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FOR THE PURCHASE OF FIREFIGHTING EQUIPMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

CHAIR LEE: Ms. Rawlins Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7(G) OF THE RULES OF THE COUNCIL AS IT PERTAINS TO THE BILLS [SIC] ATTACHED TO COUNTY COMMUNICATION 20-141.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay, moved by Member Rawlins-Fernandez, seconded by Mr. Molina to waive the Rules of the Council. Any discussion? All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE BILLS [SIC] ATTACHED TO COUNTY COMMUNICATION 20-141 ON FIRST READING [SIC], AND TO FILE COUNTY COMMUNICATION 20-141.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member Rawlins-Fernandez, seconded by Member King to pass the bill, the resolution, excuse me, adopt the resolution in County Communication 20-141.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This item as the Clerk read is accepting of a donation of \$80,000. These, this funding will purchase skid mount tank and pump assembly, and utility task vehicles, and other equipment for our Fire Department, Fire and Public Safety Department. More details is on the equipment being purchased is available on the resolution and the attachment to the resolution. And we also have Budget Director Yoshimura here if Members have additional questions.

I thought this was an item that was coming to EDB, I didn't realize it was going to go to GET. I did speak with Member Molina to see if it would be okay and we both agree that our Committees could use the lightening of the load, especially with a lot of the things that are coming up and this is us, the County accepting the grant. So that's why Fire Chief Thyne is, is not in the gallery, but we have Budget Director Yoshimura.

CHAIR LEE: Questions, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I don't have a question, I just think it's very timely as the westside was shut down this morning due to a big fire in the Mile Marker 13 – 14 area. So I'm in full support, we got a lot of disruption on the westside this morning, so we, we could use this equipment.

CHAIR LEE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I would ask since Chief Thyne is not able to join us, if Budget Director Yoshimura could join us for some questions, please, Chairman.

CHAIR LEE: Yup, she's on her way down.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR LEE: Ms. Yoshimura.

COUNCILMEMBER HOKAMA: Okay, so thanks for joining us. My, I appreciate this gesture from an anonymous donor that is going through the Hawaii Professional Firefighters

Foundation. What I'm not clear, even if, and I read the reso, I read the letter, but I'm not too sure, so I'm trying to understand do we get \$80,000 and then the Department buys the equipment? Because if that is so, then I believe that Ms. Rawlins-Fernandez, and her Committee would have jurisdiction for a need to process a budget amendment.

Now if the County is getting the equipment and not the money, then we need to correct the resolution to make it clear and list the equipment as part of the "RESOLVE" clause. So I'm just asking what are we really getting? Equipment or the money because I don't know if the vehicle that has been sent to us is appropriate.

CHAIR LEE: Ms. Yoshimura.

BUDGET DIRECTOR: Thank you, Chair. Um, the Department is not going to receive the money. They are going to actually get the equipment. So they are going to advise the Hawaii Professional Firefighters Foundation on the type of equipment, and they will purchase the equipment, and then donate the equipment back to the County. So there is not going to be any receipt of the \$80,000 by the County.

COUNCILMEMBER HOKAMA: Okay, so we need to amend the resolution or rewrite the resolution because the "WHEREAS" clause says "donate 80,000 to the Department". And we not getting \$80,000 we are getting equipment.

CHAIR LEE: Ms. Yoshimura.

BUDGET DIRECTOR: Yes, um, Councilmember Hokama, I guess on the second "WHEREAS" clause where it says that the "Foundation wishes to donate \$80,000", I think that should be \$80,000 in equipment, and rather than, and maybe that clause, that, that area needs to be modified to say that, or to be clear that we are not getting \$80,000 in cash, but we are getting \$80,000 worth of equipment.

COUNCILMEMBER HOKAMA: Okay, and then the third "WHEREAS" clause too then we should be saying that the "WHEREAS, the firefighting equipment to be donated would include, but not limited to the following".

BUDGET DIRECTOR: Yes.

COUNCILMEMBER HOKAMA: Because we are not purchasing.

BUDGET DIRECTOR: Correct.

COUNCILMEMBER HOKAMA: Ah, so Chair, I take, take your, cause you know I don't want to delay accepting it but I want to make sure we're very clear on what is our agreement

with the donors. And that the Department understands what they asking Council for approval of. So--

CHAIR LEE: Okay.

COUNCILMEMBER HOKAMA: --so I'm sorry if I was a little more, too technical about it, but I just wanted to make it clear, Chair.

CHAIR LEE: No, good, good catch.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR LEE: Thank you.

Ms. Kama.

COUNCILMEMBER KAMA: So, the donation came in the form of \$100,000, with \$80,000 to go towards the equipment, and 20,000 was supposed to go towards a fund for the firemen's, in case they get injured or their families, or they die or whatever. So how does that \$20,000 come to the County?

CHAIR LEE: Ms. Yoshimura.

BUDGET DIRECTOR: Thank you, Chair. So, the total grant was \$100,000. \$80,000 was committed for the purchases, the 20,000 was committed for the fund to help with medical care and disaster. That 20,000 will remain with the Hawaii Professional Firefighters Foundation and the Department will work with the Foundation on using those funds for individual firefighters. So that, there is no transfer of money on that \$20,000.

COUNCILMEMBER KAMA: Okay. Well, thank you. Thank you, Chair.

CHAIR LEE: Okay, so Ms. Rawlins-Fernandez do you want to offer some amendments.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I guess I have a procedural question because if we make that appropriate amendment to the resolution, in the "WHEREAS" clause, we would all, I think we would also need to make that amendment reflected in the title as well. So, if we're amending the title, procedurally we would need to repost for Sunshine.

DEPUTY COUNTY CLERK: Madam Chair.

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Councilmember Rawlins-Fernandez is correct in that Rule 19C of the Rules of the Council says that if a resolution is amended at the time, at the same time it would be adopted, the Council cannot actually take that final action at the same meeting. So a reposting would be necessary unless the Rule is waived. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

CHAIR LEE: So, would this be tabled.

VICE-CHAIR RAWLINS-FERNANDEZ: No we could waive the Rule.

CHAIR LEE: Remain with the Council.

VICE-CHAIR RAWLINS-FERNANDEZ: Unless we waive the Rule.

COUNCILMEMBER HOKAMA: Yeah, yeah, yeah.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I would just support our Budget Chair but recommend that we defer action, allow the staff to rewrite the resolution and at the next meeting we can consider a motion substitute. Yeah.

CHAIR LEE: That's what I was thinking. Yeah, so we would, would keep it within the Council. Any objections?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Just curious, if, if it's a donation and, can't we just waive the Rules and take action today, or do you think it makes that much of a big difference.

CHAIR LEE: No, no we can't.

COUNCILMEMBER SUGIMURA: Okay, you're the boss.

CHAIR LEE: No I'm not the boss, James just said that.

COUNCILMEMBER KING: Chair, just point of order. I, I think he was quoting a Rule right, a, a Council Rules, so we could waive that Rule if we want.

DEPUTY COUNTY CLERK: That is correct the, the Council can waive its own Rules by a six, six Member majority vote.

COUNCILMEMBER KING: So, so we could, we could do a waiver of that Rule, that particular Rule if we wanted to pass this today and change the title.

CHAIR LEE: Is that what you want to do, Ms. Rawlins-Fernandez.

COUNCILMEMBER HOKAMA: I think it's State Statute.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, I, I actually, regarding Sunshine Law, my understanding is if you amend the title itself--

CHAIR LEE: Oh, yeah, that's right, that's right.

VICE-CHAIR RAWLINS-FERNANDEZ: --that it, it, it's above--

CHAIR LEE: The way it was posted.

VICE-CHAIR RAWLINS-FERNANDEZ: --our Council Rules.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: That HRS actually governs that action--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --and that it would prevent us from doing that. But I, I'm not a professional parliamentarian so I don't.

CHAIR LEE: So here's that answer, what we're going to do is we're going to defer this matter. Meanwhile, staff will do all the corrections and then we'll post it properly for the next meeting and take action at the next meeting. If there are no objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Clarification, Chair. So by deferring action, do you mean that we would not send it to committee and it would stay on--

COUNCILMEMBER HOKAMA: Stay with Council.

CHAIR LEE: Stay with Council.

VICE-CHAIR RAWLINS-FERNANDEZ: --Council agenda.

CHAIR LEE: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and then we would do a substitute.

COUNCILMEMBER HOKAMA: At posting.

CHAIR LEE: Yes, because I think everybody understands as Mr. Hokama pointed out, you know the, we need to be accurate, yeah. Not only in the title, but in, in the body of it and we're not receiving cash, we receiving equipment. So while the staff makes those corrections, we can take it up at the next Council meeting, without referring this to, to committee. Okay, is that okay with everybody.

COUNCILMEMBER SUGIMURA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER SUGIMURA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo, Chair.

CHAIR LEE: Alright, good. So are you clear, Mr. Clerk, what needs to be done.

DEPUTY COUNTY CLERK: Yes, Madam Chair. County Communication 20-141 will be postponed to the next Council meeting in March.

CHAIR LEE: Okay, very good.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair and mahalo Budget Director Yoshimura, for being here.

CHAIR LEE: Okay. Mahalo everybody for your collective, you know, knowledge.

Alright, Mr. Clerk.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-142

DEPUTY COUNTY CLERK: Madam Chair, before proceeding with communications for referral, staff did just have one question. As it pertains to County Communication



20-142, the Council adopted the resolution attached "URGING THE STATE LEGISLATURE TO SUPPORT BILLS RELATING TO CRIMINAL OFFENSES AGAINST SENIORS", however, staff would just like to request if the body had a, had an action, would like to take to dispose of the County Communication.

CHAIR LEE: Well--

COUNCILMEMBER SUGIMURA:

I MOVE TO FILE COUNTY COMMUNICATION.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Yeah, but the subject matter is going to be referred to GET Committee, yeah.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Right?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Thank you for that clarification.

COUNCILMEMBER SUGIMURA: All in favor.

CHAIR LEE: Thank you. Moving on.

COUNCILMEMBER SUGIMURA: We have to vote.

VICE-CHAIR RAWLINS-FERNANDEZ: Wait, we have to take the vote. Call for the question.

COUNCILMEMBER SUGIMURA: I, I, I sorry, I move to file.

VICE-CHAIR RAWLINS-FERNANDEZ: And I seconded.

COUNCILMEMBER SUGIMURA: County Communication 20-142, and she seconded.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Yeah, thank you.

CHAIR LEE: Any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Call for the question.

CHAIR LEE: Okay, question. All those in favor say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries. Okay, any other little details that we overlooked. Don't worry, James, this is just a, you know, nobody's going die. Little mistake here and there.

Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with County Communications for referral. The following County Communications are recommended for referral to the following Committees as noted.

NO. 20-138 - KELLY TAKAYA KING, COUNCILMEMBER,  
(dated February 5, 2020)

Relating to Water Filtration and Refill Stations.

The recommended action is that County Communication 20-138 be referred to the Climate Action and Resilience Committee.

NO. 20-140 - SHANE M. SINENCI, COUNCILMEMBER,  
(dated February 5, 2020)

Relating to an Axis Deer Management Plan.

The recommended action is that County Communication 20-140 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

(COUNTY COMMUNICATION NO. 20-140 WAS LATER REFERRED TO THE HEALTHY FAMILIES AND COMMUNITIES COMMITTEE. See pages 85 through 86 for discussion.)

NO. 20-143 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated February 6, 2020)

Relating to Waihe`e Well Source Development.

The recommended action is that County Communication 20-143 be referred to the Water, Infrastructure, and Transportation Committee.

NO. 20-144 - ALICE L. LEE, COUNCIL CHAIR,  
(dated February 12, 2020)

Relating to the enforcement of vehicle weight restrictions on County roads, Chapter 10.68, Maui County Code.

The recommended action is that County Communication 20-144 be referred to the Water, Infrastructure, and Transportation Committee.

NO. 20-145 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated February 11, 2020)

Transmitting a proposed bill entitled "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 LAND AND NATURAL RESOURCES, BOARD OF LAND AND NATURAL RESOURCES FOR A RIGHT-OF-ENTRY PERMIT FOR THE WEST MAUI WELL DEVELOPMENT".

The recommended action is that County Communication 20-145 be referred to the Water, Infrastructure, and Transportation Committee.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Correction, yeah, I think you said 20-138, you said something about request for proposals for shoreline retreat, but it says relating to water filtration and refill stations.

CHAIR LEE: Oh, it's not on our paper.

COUNCILMEMBER KING: My, my paper says water filtration and refill stations.

COUNCILMEMBER SUGIMURA: I don't, what is the, what is the number--

CHAIR LEE: Water filtration, what was that.

COUNCILMEMBER KING: And refill stations, 20-138.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Not sure what, where you got that other version.

CHAIR LEE: Alright, short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:09 P.M., AND WAS RECONVENED AT 12:10 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER PALTIN AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Okay, will the meeting please reconvene.

Mr. Clerk, can we have some clarification?

DEPUTY COUNTY CLERK: Yes, apologies Madam Chair. County Communication 20-138 does pertain to water filtration and refill stations and that is still recommended to be referred to the Climate Action and Resilience Committee.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Are there any objections to referrals as read by the Clerk?

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-140

COUNCILMEMBER HOKAMA: Madam Chair.

CHAIR LEE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: In discussions with my colleague, Mr. Sinenci, regarding Communication 20-140, your, your Committee already has an item under HFC-24, on animal management, so we've chatted since we already had an initial discussion on the general subject matter and discussed the axis deer issue within the County. Mr. Sinenci and I will be working cooperatively and together to hear this and he has no objections that the subject matter be retained within one committee, and the existing committee is HFC.

CHAIR LEE: Okay, any objections to that.

COUNCILMEMBER HOKAMA: So we ask that it be referred.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yes, we'd like to support Member Hokama, he has a similar, like he said he has a similar issue in Healthy Families Committee. Our interests lie in feral ungulates in the watershed and the impacts to environmental and ag fields. So, also, the cultural significance of Kamehameha III, the makana to the, as a food source and of course sustenance. So, we'd like to, in the spirit of collaboration work in tandem with Mr. Hokama's Committee.

CHAIR LEE: Thank you, thank you. Any objections, any questions. Alright, very good. So what happens to that refer, that communication goes to HFC. Okay. No objections to changing the referral to a different committee, yeah. Okay, the happy, I mean the Healthy Families Committees.

(Councilmember Paltin and Vice-Chair Rawlins-Fernandez returned to the meeting at 12:12 p.m.)

COUNCILMEMBER KING: Are we removing the referrals since it's already an existing item?

COUNCILMEMBER HOKAMA: No, we--

CHAIR LEE: The communication.

COUNCILMEMBER KING: Oh, the specific one will go to HFC.

CHAIR LEE: Okay, alright now, Mr. Clerk, where are we? Are we done on that part?

COUNCILMEMBER KING: Chair--

CHAIR LEE: Okay, Ms. King.

COUNCILMEMBER KING: No, I just, I have to leave because I have a, a . . . so, are you planning to continue on through or reconvene?

CHAIR LEE: Well, I was planning to ask everybody. I, I don't know, you know why because we have Chair's meeting after this, and then we have GET. So we got to, you know, kind of keep it going. Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Majority of these items are EDB's and I'd be happy to make, pass most of them in one motion. Not all of them, but most, most of them.

CHAIR LEE: Okay, so you, can you hang on Ms. King.

VICE-CHAIR RAWLINS-FERNANDEZ: So we can be fast.

COUNCILMEMBER KING: Yeah, well, I've got to leave in like two minutes.

CHAIR LEE: Okay, so you have any objections to any of these bills?

COUNCILMEMBER KING: Ah, well, I, you know some of them we had some testimony on so I'm assuming we'll be, we'll be having discussion, but.

CHAIR LEE: I'm afraid we can't take lunch right now. We want to finish this up and then take lunch.

COUNCILMEMBER KING: Yeah, I'm going, I'm going to have to leave it in your hands. Thank you.

CHAIR LEE: Okay, Mr. Clerk. Chop chop.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with Committee Reports.

(Councilmember King was excused from the meeting at 12:15 p.m.)

## COMMITTEE REPORTS

### COMMITTEE REPORT

NO. 20-21 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that County Communication 19-394, from the Budget Director, transmitting the following be FILED:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, MOLOKAI COMMUNITY PLAN AREA, DRAINAGE, BOND FUND, KAUNAKAKAI DRAINAGE SYSTEM B; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS (KAUNAKAKAI DRAINAGE SYSTEM B)";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – KAUNAKAKAI DRAINAGE SYSTEM B)"; and
4. "BID RESULTS COUNTY OF MAUI DEPARTMENT OF FINANCE – PURCHASING DIVISION, KAUNAKAKAI DRAINAGE SYSTEM B IMPROVEMENTS, JOB NO. 15-31".

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk also call up Committee Reports 20-22 through 20-27.

CHAIR LEE: Wow, alright. Yes, no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Go through, all, all the way to 20-27.

**COMMITTEE REPORT**

**NO. 20-22 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. That Resolution 20-18, entitled "RESTORATION OF THE MAUI COUNTY SEAL TAPESTRY IN THE COUNCIL CHAMBER," be ADOPTED;
2. That County Communication 20-68, from the Councilmember Yuki Lei K. Sugimura, be FILED.

**COMMITTEE REPORT**

**NO. 20-23 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. That Resolution 20-19, entitled "AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO REQUEST THE GOVERNOR OF HAWAII TO RE-DESIGNATE THE ISLAND OF LANAI AS AN ENTERPRISE ZONE FOR TWENTY YEARS DUE TO EXPIRATION OF THE PRIOR ENTERPRISE ZONE DESIGNATION, PURSUANT TO SECTION 3.80.030, MAUI COUNTY CODE," be ADOPTED;
2. That County Communication 20-47, from the Economic Development Director, be FILED.

**COMMITTEE REPORT**

**NO. 20-24 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending that Bill 32 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 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 HOUSING AND HUMAN CONCERNS (HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, DWELLING UNIT REVOLVING FUND, KAHULUI EMERGENCY HOUSING)," be PASSED ON FIRST READING and be ORDERED TO PRINT.



**COMMITTEE REPORT**

NO. 20-25 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 33 (2020), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI RELIABLE CAPACITY, FISCAL YEAR 2020 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 34 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, WEST MAUI COMMUNITY PLAN AREA, WATER SUPPLY, WATER FUND – RESTRICTED, WEST MAUI RELIABLE CAPACITY; STATE REVOLVING LOAN FUNDS, WEST MAUI RELIABLE CAPACITY; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 35 (2020), entitled " A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, WEST MAUI COMMUNITY PLAN AREA (WEST MAUI RELIABLE CAPACITY)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 20-49, from the Budget Director, be FILED.

**COMMITTEE REPORT**

NO. 20-26 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 36 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE,

SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CENTRAL MAUI LANDFILL EXPANSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 20-50, from the Budget Director, be FILED.

**COMMITTEE REPORT**

NO. 20-27 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 37 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CML PHASE VB EXTENSION LEACHATE RECIRCULATION SYSTEM)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 38 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CML EXTENSION OF PRIMARY LITTER SCREEN AND DRAINAGE IMPROVEMENTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That County Communication 20-52, from the Budget Director, be FILED; and
4. That County Communication 20-53, from the Budget Director, be FILED.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Good job, Deputy Clerk.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORTS 20-21 THROUGH 20-27.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve all of the recommendations--

VICE-CHAIR RAWLINS-FERNANDEZ: Adopt all the recommendations.

CHAIR LEE: --in, in the county communications *[sic]* as read. Discussion?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, relating to Committee Report 20-21, your Economic Development and Budget Committee discussed the proposed amendment to appropriate 3.2 million Bond/Lapsed Bond for the Kaunakakai Drainage System B project. Your Committee discussed the proposed project area being under water due to sea-level rise. The health of the existing wetlands to prior fill, to properly filter debris, pollution, and chemicals that could be expedited into the ocean through this project. And that no Federal funding for this project is available. For these reasons your Committee recommended the project not proceed and voted 6-0 to file the communication.

Relating to Committee Report 20-22, your EDB Committee supported returning the Maui County Seal tapestry to the chamber, as well as exploring ways to maintain and protect it. Your Committee voted 8-0 to adopt, to recommend adoption of the revised proposed resolution and filing of that communication.

Relating to Committee Report 20-23, your EDB Committee discussed the redesigning, redesignation of Lanai Island as an enterprise zone for a 20-year period. While supportive of promoting economic development countywide, your Committee expressed concern on designating the entire island, entire Lanai Island, including agriculture and conservation areas in the enterprise zone. Your Committee urged the Administration to better promote the program for improved results and more business involvement voting 9-0 to recommend adoption of the proposed resolution and filing of the communication.

Relating to Committee Report 20-24, your EDB Committee discussed amendment allowing the Department of Housing and Human Concerns to use \$5 million in Dwelling, Dwelling Unit Revolving Fund monies appropriated by the State Legislature last year to renovate the former college dormitory facilities owned by the County, and voted 8-1 to recommend passage of the proposed bill.

Relating to Committee Report 20-25, your EDB Committee voted 9-0 to recommend passage of the proposed bills and filing of communication, of the communication. The

bills would finance the West Maui Reliable Capacity project with a loan from the Drinking Water Treatment Revolving Loan Fund not to exceed \$4.25 million and to expand the project's scope to include design and construction for West Maui Well No. 2.

Relating to Committee Report 20-27 *[sic]*, on the Central Maui Landfill Expansion, and Central Maui Landfill Land Purchase project, both projects were included in the Fiscal Year 2020 Budget, but the Council withheld bond authorization. Your Committee agreed with the Budget Director's request for the land purchase bill to be deferred pending consideration of the entire 63-acre parcel. Your Committee agreed to support the landfill expansion project and voted 8-1 to recommend passage of the proposed bill and filing of County Communication 20-50.

And finally, Committee Report 20-27, relates to the Central Maui Landfill Phase VB Extension Leachate Recirculation System project in the amount of 650,000, 60, \$650,000 for the design and construction of infrastructure to expand the recirculation of leachate into the Phase VB Extension waste mass and the Central Maui Landfill Extension of Primary Litter Screen and Drainage Improvement project in the amount of \$500,000 to design and construct an extension to the 50-foot high litter screens along the Pulehu Road property line to service the new Phase VB Extension disposal cell. Your Committee voted 9-0 to recommend passage of the proposed bills and filing of the communications.

I respectfully ask the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Thank you. Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, on county, Committee Report 20-21, I want to know if you can send this subject matter item to my Committee, WIT, as I'm, you'll see in the next agenda for the Council, but I put a subject matter request in for drainage studies for the County of Maui.

And on County Communication *[sic]* 20-22, which is the tapestry, I contacted Linda Hee, who cleaned the tapestry because there was discussion about putting a glass over or something. And she said that although she did do a written report to us, she did say also that because it's been in our chambers for these, over, almost 50 years, and it's under, it's not outside in the sun, it doesn't collect dust, she didn't think it was, it's needed to send that protection, or to add protection to the tapestry once returned to the chambers just because the, it's a controlled condition and also she said when she cleaned it there wasn't that much dust. So--

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: --she didn't think you needed to cover it.

CHAIR LEE: Do you have any more items.

COUNCILMEMBER SUGIMURA: And--

CHAIR LEE: Cause we're going to take them one by one.

COUNCILMEMBER SUGIMURA: Oh you going take it one by one, okay, I'll wait then.

CHAIR LEE: Well how many more you have?

COUNCILMEMBER SUGIMURA: That's it.

CHAIR LEE: Oh, okay. Okay, so the first one, any objections to referring the subject matter to the WIT Committee. Yes, Rawlins, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I understand Member Sugimura, Chair of the WIT Committee wanting the subject matter. I spoke with her over the break on, you know, just, on her intention of going over the countywide, like master drainage plan, you know, with consideration of climate change and sea level rise. And, I, I, I guess, you know, if it's going to be countywide, I, I don't fully understand why the Kaunakakai Drainage System B subject matter would be separated out from the discussion. So that, that, that's my only question, cause if we're going, have a discussion countywide and then we're going to have a subject matter that's separate from the countywide discussion.

CHAIR LEE: Yeah, okay, so you're saying that this is already included in the countywide overview.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Um.

VICE-CHAIR RAWLINS-FERNANDEZ: In less words.

CHAIR LEE: Any concerns with that Ms. Sugimura. I mean you're, you're already going to include Molokai.

COUNCILMEMBER SUGIMURA: I was just thinking that because of whatever information that was gathered through, you know, this Public Works, that it could add to the

discussion because Kaunakakai is a important part of our, you know, community, our County. So that was my intention, I'm, I, I am going to take up or ask that it, if you would allow, you know drainage study and, and understanding of all of that as it relates to the County of Maui, so.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I would be happy to submit all the information that we received for this item under the master plan item.

CHAIR LEE: Will, will that suffice, suffice.

COUNCILMEMBER SUGIMURA: That's fine.

CHAIR LEE: Okay, thank you.

COUNCILMEMBER SUGIMURA: Information is what we're looking for, and facts so thank you.

CHAIR LEE: Okay, very good.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura.

CHAIR LEE: I like it when you guys collaborate. Okay, and then the other item, so, you're asking, are you making a reso, a motion that the restoration does not have to include some kind of glass case.

COUNCILMEMBER SUGIMURA: Just because of the nature of the Council chambers is what Linda Hee told me.

CHAIR LEE: Yeah.

COUNCILMEMBER SUGIMURA: And the condition that she cleaned it, it, she didn't think it would need cover.

CHAIR LEE: Okay, any objections to that, not having a glass case.

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I don't, I don't think that was written in the resolution.

COUNCILMEMBER SUGIMURA: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER SUGIMURA: But it came up in discussion on the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, so there wouldn't be a motion because there isn't anything to vote on.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Yeah, no need. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: It was just part of the discussion.

CHAIR LEE: Oh, okay. I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair.

CHAIR LEE: Very good.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR LEE: Okay, so we can proceed.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Alright. All those in favor of the motion say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries.

COUNCILMEMBER SUGIMURA: Good job.

CHAIR LEE: Very good. Wow, now let's see if Mr. Molina can top that.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record, as it pertains to Committee Report 20-22, that is RESOLUTION 20-18. As it pertains to Committee Report 20-23, that is RESOLUTION 20-19. As it pertains to Committee Report 20-24, that is BILL 32 (2020). As it pertains to Committee Report 20-25, those are BILLS 33 (2020), 34 (2020), and 35 (2020). As it pertains to Committee Report 20-26, that is BILL 36 (2020). And as it pertains to Committee Report 20-27, those are BILLS 37 (2020), and 38 (2020).

COMMITTEE REPORT

NO. 20-28 - GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE:

Recommending that Resolution 20-20, entitled "RELATING TO THE APPOINTMENT OF RUSSELL JOHNSON TO THE REAL PROPERTY TAX REVIEW BOARD," be ADOPTED.

*Approving the appointment of Russell Johnson to the Real Property Tax Review Board for a term expiring March 31, 2021.*

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I'm inspired by the Budget Chair's efforts to expeditiously take action on her Committee Reports so therefore, if there are no objections, I would like to ask if the Clerk could read out Committee Report No. 20-29 and 20-30.

CHAIR LEE: Any objections.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.



COMMITTEE REPORT  
NO. 20-29 - GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE:

Recommending the following:

1. That Resolution 20-21, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO CLIMATE CHANGE LITIGATION," be ADOPTED; and
2. That Committee Report 20-5, from the Governance, Ethics, and Transparency Committee, be FILED.

COMMITTEE REPORT  
NO. 20-30 - GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE:

Recommending the following:

1. That Bill 39 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-478, from the Mayor, be FILED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. All three of these committee reports relate to the February 4, 2020 GET meeting. First were Committee Report 20-28, this has to do with Mr. Russell Johnson being nominated to the Real Property Tax Review Board. Your Committee voted 9-0 to recommend the approval.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Yes, yeah--

VICE-CHAIR RAWLINS-FERNANDEZ: Real quit.

CHAIR LEE: Just yeah, just make the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER MOLINA: Oh, sorry about that.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA:

MOVE, MOVE TO ADOPT COMMITTEE REPORTS NO. 20-28,  
20-29, AND 20-30.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, thank you. Moved by Mr. Molina, seconded by Ms. Rawlins-Fernandez to adopt the Committee Reports 20-28, 29, and 30.

COUNCILMEMBER MOLINA: Okay, thank you very much Madam Chair. Sorry about that, got too excited here. So--

CHAIR LEE: Yeah, I know.

COUNCILMEMBER MOLINA: Any way, continuing on. Committee Report No. 20-29 relates to the special counsel authorization related to the climate change litigation. Your Committee voted 6-0 to recommend adoption of the proposed resolution.

And for Committee Report 20-30, this has to do with the revision related to attendance for boards, commissions, and committee meetings by appointed members. Your Committee voted 7-0 to recommend passage of the proposed bill and the filing of that communication.

So there you have it Madam Chair, with that I'd like to ask for the Members full support of these three committee reports. Thank you.

CHAIR LEE: No, thank you. Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I speak in support of the motion. I, I have a few specific comments as it regards to Committee Report 20-29. I'd like to thank Committee Chairman Molina for allowing the Committee or the Council one extra opportunity to

have the discussion. And for the record, I don't think any Member of this Council has an objection to the goal we trying to achieve.

What I appreciate Mr. Molina is some of the discussions we had in executive session regarding the specific terms or conditions that we discussed and I will not bring up the, at this, in this open meeting, was something that I thought was important enough that we have a clear understanding of what the responsibilities of our potential legal representative and this County will have in the future, and its impact on its budgetary process. So I thank Mr. Molina, and I thank you Chair for allowing that to happen, and I'm in full support of the motion. Thank you.

CHAIR LEE: Very good, any other comments or questions? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record, as it pertains to Committee Report 20-28, that is RESOLUTION NO. 20-20. As it pertains to Committee Report 20-29, that is RESOLUTION 20-21. And as it pertains to Committee Report 20-30, that is BILL 39 (2020).

COMMITTEE REPORT

NO. 20-31 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that County Communication No. 15-151, from the Planning Director transmitting Community Plan Amendment and Change in Zoning applications for the Chopra Hale Apartments, located at 190 Makaena Place, Kaunakakai, Molokai, be FILED.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'll just go one at a time.

CHAIR LEE: That's what I like about you, you're very methodical.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 20-31.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Ms., Member Sugimura, to approve the Committee Report 20, the recommendations in Committee Report 20-31.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use Committee convened on Molokai last month to discuss the proposed Chopra Hale Apartment project with the Molokai community. The landowner's consultant informed the Committee, the Change in Zoning and Community Plan Amendment applications had been withdrawn. In addition, community members testified in strong opposition to the project; therefore, the Planning and Sustainable Land Use Committee unanimously recommended filing the item. I respectfully ask the Members support for my motion. Thank you.

CHAIR LEE: Further discussion?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I support the motion on the floor and I just wanted to thank PSLU Chair for hearing this item on Molokai.

COUNCILMEMBER PALTIN: Any time.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries.

Mr. Clerk.

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

## RESOLUTIONS

RESOLUTION  
NO. 20-12

PROPOSING AN AMENDMENT TO SECTION 9-20  
OF THE REVISED CHARTER OF THE COUNTY  
OF MAUI (1983), AS AMENDED, RELATING TO  
THE AFFORDABLE HOUSING FUND

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS RESOLUTION 20-12 ON SECOND AND FINAL  
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Mr. Molina, seconded by Member Sugimura to pass the resolution on second and final reading.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO AMEND RESOLUTION 20-12 ON SECOND AND FINAL READING. I SHOULD JUST SAY AMEND, I SHOULD SAY AND I BELIEVE THE AMENDMENT, PROPOSED AMENDMENT HAS BEEN HANDED OUT TO THE MEMBERS.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: May I proceed and discuss?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yeah, thank you. You know, Madam Chair, I, I had to after I did some soul searching and some additional research after the action we took in Committee on this, with regards to the language which would set aside 50 percent, put some form of restriction. I came to the opinion that the, by doing this, by restricting the use of a portion of the fund for a specific income category, the Council, this would pretty much tie the hands of future Councils.

The intent of the Affordable Housing when it was first proposed was to leave it open and provide flexibility for the Councils along the way. The Council as we know has the ability to appropriate the, the funds for specific income categories and can accomplish this through the annual budget review process.

In addition, this concern with the current language, by specifying use of the funds for a specific income category, it has the potential eliminating a segment of our population for the use of these funds, especially if there's a project for families above the 100 percent income levels. In another issue the Council should consider, if this language is left in there is that if there's no proposed projects for individuals of 100 percent and below median income, the Affordable Housing Funds will just sit there dormant and cannot be used.

The 50 percent requirement also could be problematic in that it does not define if the 50 percent applies to a specific fiscal year's appropriation or if the 50 percent restriction applies to the remaining balance of revenues in the Affordable Housing Fund. So it could be a bookkeeping nightmare as well if its applicability is not appropriately defined.

I also made, made this proposal after having a, you know, taking a look at two viable studies, first the 2020 report from Harvard's Joint Center for Housing Studies which opined that the affordable, the affordability crisis is, is not just affecting the lowest bracket of renter households, it also impacts those for, in the more modest income household levels. And I'll take from the report, the largest jump in cost burden households has been among middle income renters earning between 45,000 to over 75,000 income levels. And the report also notes that those with incomes at or above 75,000 accounted for three-fourths of the growth in renters since 2010. So, in my mind the Harvard report reconfirms that we cannot turn our backs to, on our moderate and above moderate income families and friends.

And the other study that I looked at was the 2019 Hawaii Housing Planning Study that outlines the needs in each income category. In that study, it notes that Maui needs 10,404 units by 2025. Over half of the required units are needed for individuals and families making over 60,000 per year. And the study goes on to note that Maui County has over 54,000 households, and of those the highest percentage at 40, 40 percent of the households earn over 75,000.

So, if we keep this 50 percent restriction in this proposed Charter amendment, we will eliminate nearly half of the households that require housing. So, that's my little spiel, Madam Chair because the proposed changes in this housing fund which, which allows up, for up to 140 percent median income, which is I think at that time was a compromise, but still I, I believe we are turning our backs on the higher incomes by restricting 50 percent of the funding to a specific income level.

So therefore I feel it may be perceived as unfair. I see it as unfair to those who are trying to climb up the, the ladder, earning more money so they can better their lives and providing more resources for their families. In, in testimony there was, you know, there could be that concern with those in the voting public on this Charter amendment, it may deter them because it's almost like, okay, you going to leave us out of this potential, you know, benefit.

So, I, I, that is why I would like to have this language taken out of the Charter amendment. And I, I, you know, I thank Member King for putting out this proposal to increase, but it is of my opinion that I, it could be viewed as turning our backs on these folks who have climbed the, the social status ladder to better themselves.

But the reality, reality is that even people who make more money, they are still having some affordable, affordability issues here in Maui County. You know, when you look at the median income price of \$800,000 I mean, the reality is how, how can Police, people in the Police, Fire professions, nursing professions, it's still difficult for them to get a home. So I would rather just leave the language out, leave it as is and so it doesn't tie the hands of future Councils cause times and needs can change. So I would beg my fellow colleagues to consider this amendment. Thank you.

CHAIR LEE: I know somebody seconded that motion. Who was it?

COUNCILMEMBER KAMA: I did.

CHAIR LEE: You did, Member Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay, you seconded that amendment. Okay. Further discussion.

Member Kama.

COUNCILMEMBER KAMA: Thank you. I agree with what Mr. Molina has said because Madam Chair, the only thing that we need to take before the voters on the ballot is do they want to extend the life of the Affordable Housing Fund. That's the only question. The other stuff can be dealt with in Code.

CHAIR LEE: In the budget.

COUNCILMEMBER KAMA: And in the budget. So, I don't want to compromise the Affordable Housing Fund. If it gets too wordy that our people cannot understand. I think the question on the ballot should go, do you want to extend the life of the Affordable Housing Fund and that's it. And all the other stuff we take are of in Code. Thank you, Chair.

COUNCILMEMBER SUGIMURA: Interesting.

CHAIR LEE: Okay, but he's making an amendment. Alright, okay, so Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So I agree with, I, I'm very grateful that Member Molina put all this research in and I think that he's correct. And I really believe that we should leave the details of that discussion to future Councils and not tie their hands. I, I, if we do make it as simple as what Member Kama just said, the Charter question then should



be to extend the date period, and not deal with increase from two percent to three percent because the future Councils can do that.

And in the Charter, what is also said is that I agree with, that would leave the flexibility of future Councils to make that decision is, it talks about the "expansion and affordable housing and sustainable living environment of persons of very low to gap income, as defined by ordinance". So, for us not to fuss around with that and just leave it as is and just, if the Charter could just be extending it for, I think what, perpetuity or whatever the, this body wants to take on. And, not dabble with trying to figure out what AMI's should be or income, future income, median income should be. So--

CHAIR LEE: Alright, any more discussion. We seem to be kind of all over the place right now.

Ms., Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I believe this bill was initially, or it was introduced by Member King, yeah.

COUNCILMEMBER SUGIMURA: And she's not here.

VICE-CHAIR RAWLINS-FERNANDEZ: And I know she had to take a meeting. I actually kind of feel uncomfortable proceeding without the introducer of this bill.

COUNCILMEMBER SUGIMURA: But she couldn't be here, or she left.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, um, well it's 12:41 and I, I don't know how long her lunch meeting is, but I would presume it would be about an hour.

CHAIR LEE: Well there's no time sensitivity about this particular.

VICE-CHAIR RAWLINS-FERNANDEZ: We could move it to the end of the agenda.

CHAIR LEE: I think this is the end of the agenda.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh no, I have about 20 more items.

CHAIR LEE: Oh, you do? You kidding right. You have 20 more? Oh 10 more, okay. Okay. Alright, anybody, have any objections to postponing the Chair's meeting?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: I figured you'd say that.

COUNCILMEMBER SUGIMURA: I want to eat lunch.

CHAIR LEE: Yeah, yes.

COUNCILMEMBER PALTIN: Ah, I had an item on there that I was so looking forward to letting you guys know about it.

CHAIR LEE: Oh, you don't want to cancel, okay, that's fine with me because we have Mr. Molina's meeting right after, at what time, 3:00. So that's why I wanted to get through this as quickly as possible cause we have bang, two more meetings after this.

COUNCILMEMBER PALTIN: Maybe we can postpone the Chair's one till after Mr. Molina's one?

CHAIR LEE: Well, you want to stay that late? How about we, let's see, how much more time do you think we need. We, we could defer this item, you want to defer this item, Mr. Molina.

COUNCILMEMBER MOLINA: I'll leave it to you Madam Chair. But I see Member Rawlins point of not having the maker here--

CHAIR LEE: Yeah.

COUNCILMEMBER MOLINA: --of the proposal. But I, I leave it up to the body, you and the body.

CHAIR LEE: Okay, if there are no objections--

COUNCILMEMBER PALTIN: Can we move it to the end.

CHAIR LEE: --we defer this item okay to the next meeting.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Yeah, next Council meeting. No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered. Then now if we go back to the regular agenda.

Mr. Krueger.

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

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 17 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL  
PROTECTION AND SUSTAINABILITY PROGRAM – ENVIRONMENTAL PROTECTION  
AND SUSTAINABILITY FUND (VEHICLE DISPOSAL PROGRAM)  
TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS  
(OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk also call up Bills 18 through Bill 21, and Bills 23 through 27. All the EDB ones.

CHAIR LEE: Okay.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Any objection?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: Good job, Keani.

CHAIR LEE: I thought that was assumed. Okay, Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 18 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
GOVERNMENT FACILITIES, GENERAL FUND, KALANA O MAUI CAMPUS PARKING  
EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 19 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA  
(KALANA O MAUI CAMPUS PARKING EXPANSION)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 20 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, KIHEI-MAKENA COMMUNITY  
PLAN AREA (KIHEI-MAKENA SEWER EXPANSION)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 21 (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985,  
BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL  
OBLIGATION BONDS OF THE COUNTY OF MAUI  
ISSUANCE, SALE AND DELIVERY OF SAID BONDS  
(DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT – KIHEI-MAKENA SEWER EXPANSION)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 23 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY  
(ADMINISTRATION PROGRAM AND OCEAN SAFETY PROGRAM)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 24 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF PUBLIC WORKS, SPECIAL MAINTENANCE PROGRAM – GENERAL  
FUND; COUNTYWIDE, ROAD IMPROVEMENTS, HIGHWAY FUND;  
MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS,  
HIGHWAY FUND; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 25 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF PUBLIC WORKS (COUNTYWIDE TRAFFIC CALMING PROGRAM;  
OLD HALEAKALA HIGHWAY TRAFFIC SIGNAL UPGRADE AT PUKALANI STREET;  
GUARDRAIL AND SHOULDER IMPROVEMENTS AT VARIOUS LOCATIONS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 26 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX A, PART I,  
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND  
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,  
OFFICE OF THE MAYOR  
(HITACHI ADVANCED CLEAN ENERGY CORPORATION (HIACE))

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 27 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,  
ECONOMIC DEVELOPMENT PROGRAM (ENVIRONMENTAL PROTECTION)

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 17 THROUGH BILL 21 AND BILL 23  
THROUGH 27 ON SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Yeah. Moved by Member Rawlins-Fernandez, seconded by Member Sugimura.  
Discussion?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These bills will amend various parts  
of the Fiscal Year 2020 County Budget in various ways. And they passed first reading  
unanimously. Mahalo, Chair.

CHAIR LEE: Any further discussion? If not, all those in favor say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries.

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 22 (2020)

A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN  
THE MOLOKA'I COMMUNITY PLAN AREA

COUNCILMEMBER PALTIN: I'll just take this one at a time again.

CHAIR LEE: You're so good. Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 22 (2020) ON SECOND AND FINAL  
READING.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Kama. Was it Kama.

COUNCILMEMBER KAMA: Yeah.

CHAIR LEE: Oh, okay. To pass this on second and final reading.

Ms. Paltin.

COUNCILMEMBER PALTIN: This bill will establish that no Short-Term Rental Home permits will be allowed on Molokai. Currently there is no limit on Short-Term Rental Home permits on Molokai. The Planning and Sustainable Land Use Committee unanimously recommended disallowing any new Short-Term Rental Home permits, which means all current permits would be phased out and not renewed. Based on the testimony from the Molokai community, I ask for the Members support of my motion. Thank you, Chair.

CHAIR LEE: Any further discussion?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Again, I want to mahalo PSLU Chair for coming to Molokai and hearing the community in person. It really means a lot to our community. I, I, I've, I'm, I would like to make a compromise in showing that all members of our community, all, everyone on Molokai is valued and some of those that have STR permits do contribute to our community. And hope that's not a ho`ailona. And we, we appreciate, you know, those contributions. And for that reason, I would like to make a motion.

I MOVE TO AMEND SECTION 4 TO READ:

"SECTION 4. THE ORDINANCE TAKES EFFECT UPON APPROVAL. EXISTING PERMITS FOR SHORT-TERM RENTAL HOMES IN THE MOLOKA'I ISLAND COMMUNITY PLAN AREA WILL REMAIN VALID THROUGH DECEMBER 2020 AND ARE NOT ELIGIBLE FOR RENEWAL UNDER CHAPTER 19.65.070.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

AND DELETING EVERYTHING THAT FOLLOWS.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, moved by Member Rawlins-Fernandez, seconded by Member Paltin to amend Section 4.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So all 17 STR permits on Molokai are set to expire during various months before December 2020.

And my office worked with Deputy Corporation Counsel Hopper and Planning Director McLean, on developing this language. Allowing each of these permits to continue and to expire at the same time is a fair and efficient way to support a smooth transition for all those impacted by the legislation.



After hearing the challenges of the current permittees, I reached out to various departments to assess the impact, and it was determined that approximately 8 of the 17 permittees would be unable to operate be, for between four to six months in 2020, while also being taxed at the STR class rate, since assessments are done in January.

To offset this inconsistency, I requested feedback from RPT, as well as Planning Department and Corporation Counsel, and we agreed that this would be an acceptable solution for all involved, in order to promote a smooth transition for Molokai operators, employees, and enforcement. Mahalo, Chair.

CHAIR LEE: Okay. Just have a question. So the wording in red on the back page is that going to be a separate amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: No that is not, that is just for everyone's information.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So that it's clear what, in my motion I said "and deleting everything that follows".

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I figured it would be faster if I not read all that was stricken from that, yeah.

CHAIR LEE: Oh, okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, you're welcome.

CHAIR LEE: Any further discussion or comments? No, no, all those in favor of the amendment say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries. So the motion as amended. Any further discussion anyone?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Madam Chairman, thank you. I speak in support of the motion as amended. There's a reason why the County allows permits, it's a temporary use of a non-permitted activity in a specific zoning category. Okay, there is to be no assumption that a permit continues to go on, and that the County must agree to an extension, okay. If that's the case, then what the applicant is telling us is for the Council to support spot zoning via permit. That is not our policy, we are against spot zoning.

If the applicant feels they want long-term, then apply for the appropriate zoning, not the permit. A permit is a temporary use, that has always been a temporary use with expirations. There is no assumption that it gives you permanent use. Okay, non-permitted uses in a zoning category.

So, again, I just wanted that to be very clear because I have an issue with spot zoning. And that goes against community plan, it goes against our basic planning principles because each zoning category has conditions and subdivision requirements to fit appropriate uses. Businesses should never be in residential as far as I'm concerned.

Regarding the STR component, I would agree, I think I would be more open to a bed and breakfast because that tells me a local resident has ownership of a home. STR's I have an issue cause just within my house on Lanai, I think I've got at least five within 250 feet, okay, that's ridiculous for one island of our size. So I will be proposing a moratorium shortly for Lanai until we can get a cap as well. So I speak in support of this amended motion at this time. Thank you.

CHAIR LEE: Yeah, any further discussion? If not, all those in favor of the, oh, yes.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I, I want to echo everything Member Hokama said. I believe that spot zoning goes against our, the principles of, you know, use, land usage. And, you know, I look forward to Member Hokama's proposed bill.

I, I also wanted to because a testifier, you know, brought this up, I just, I wanted to make this clear that former Molokai Councilmember Mateo in 2012 did, and the other

Councilmembers at the time took the information that they got and made decisions at that time based on the information at that time.

Here we are eight years later, and you know, there, there's, I don't think it's fair to assume that anyone who took a vote eight years ago, you know, would automatically keep that same stance. People have a right to change their minds. And I, I think the insinuation that, you know, former Councilmember Mateo would continue to support it even though his community provided hours of testimony and expressed great concern over the impacts that we've experienced over the years because the intention was good in 2012. And, you know, it was, it was a, it was noble and I respect it.

And, but here we are in 2020, and we have different information now and we, the community has experienced the impact that that legislation has had on our community, and our community has a, a right to then propose something that is more appropriate for our island. Mahalo, Chair.

CHAIR LEE: Any further.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. And I want to dovetail off Member Rawlins-Fernandez comments regarding our late Member Danny Mateo. And that was 2012, here we are in 2020, now we've seen the, the effects of Short-Term Rentals as, as it has impacted the inventory of, you know, long-term rentals for our citizens. Who knows, if, if our friend Danny was here today, his mind, maybe his outlook would have been different, so to infer just because Mr. Mateo said it in 2012 that it's, may hold, you know the same truth for here in 2020, we don't know that.

And knowing Danny as well as I do and, he could possibly have had a different mindset on this whole issue of vacation rentals. So I just wanted to add that for the record. So, you know, I mean, it's one thing to bring up Mr. Mateo, but he's not here cause maybe he could have refuted some of these statements that were made by the testifier. So, just wanted to add that into the record, Madam Chair. Thank you.

CHAIR LEE: Thank you. We can continue with the discussion but I'm going to ask you, we needed to have voted on a waiver to take final action. So, but we'll take the discussion first.

Ms. Paltin, and then Ms. Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. And, you know, I think that we had some testimony on Maui pertaining to what goes on on Molokai, and I want to just reiterate

that each district is individual and separate and has its own character and unique qualities. And that's the reason why I'd like to hear Molokai issues on Molokai.

And for Lahaina, you know, it is a touristy area, but in the future I would like to propose legislation not to do away with the existing Short-Term Rental permits, but to bring the cap down because, it's really a misconception that 88 permits means 88 Short-Term Rentals in West Maui, considering the thousands we have on the Minatoya list. So that's my intention for Lahaina, but I don't intend to take existing Short-Term Rental Home permits and not renew them there because it is a tourist area. I just, you know, what to stop the bleeding in terms of Short-Term Rentals until we can phase out the Minatoya list.

CHAIR LEE: Alright, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Whenever I hear Minatoya list, I know Richard Minatoya is gone and I'm still glad we're talking about him. What a, what a impact he made.

But, you know, I wasn't there Keani for and, and Tamara for the hearing on this on Molokai but what I have heard after is that there is eastside, westside, that maybe there should, eastside should be zero, and the westside should have a cap? Is that something that you heard out there in the community? I don't know the differences with the, you know, the, the--

CHAIR LEE: Well can you answer? Who can answer that question?

Ms. Paltin.

COUNCILMEMBER PALTIN: Um, I did ask some questions because of the Minatoya list on Molokai has Ke Nani Kai and Wavecrest. And it seemed that folks were okay with that, but not the Short-Term Rental Homes, was my impression of the feedback when I asked those questions was, you know, in my research on phasing out the Minatoya list I just wanted to ask how the community had felt about Ke Nani Kai and Wavecrest because those are Minatoya list properties. And they were okay with those, but they weren't okay with the Short-Term Rental Homes.

COUNCILMEMBER SUGIMURA: Keani--

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: --is that, is that eastside, westside. I'm just curious what that means, eastside, westside in this discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: What Member Paltin said is true. So Wavecrest is on the eastside and Ke Nani Kai is on the westside.

COUNCILMEMBER SUGIMURA: Oh, okay, so it's not designated clearly.

CHAIR LEE: Any more questions or comments?

Ms. Kama.

COUNCILMEMBER KAMA: Just a comment. I think it's important for us to know that the Molokai community as far as I've heard and seen is not insensitive to the Short-Term Rentals, if at all they are, they are compromising. And so I think they are a strong community and we need to support them and "Molokai Strong". So let's vote.

CHAIR LEE: So I'm assuming everybody's ready to vote.

COUNCILMEMBER KAMA: Yeah.

CHAIR LEE: Okay, so in order to be legal, Mr. Krueger can you explain the waiver that's required.

DEPUTY COUNTY CLERK: Madam Chair, Rule 19.C. of the Rules of the Council states that if an amendment is take, is made to legislation that's posted for a final action, that final action shouldn't be taken at the same meeting. But the Council can waive their own Rules with a, a majority vote of six Members. Thank you, Madam Chair.

CHAIR LEE: Okay, so I need to take a vote.

Ms. Paltin, can you make the motion and then on the Rule, and I need second, we need to vote on it, then we can vote on the item itself.

COUNCILMEMBER PALTIN:

I MOVE THAT WE WAIVE OUR RULES.

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Ms. Paltin, seconded by Mr. Sinenci to waive Council Rules. Any discussion?

COUNCILMEMBER PALTIN: I think we've kind of vetted it out and this is a good compromise. Before Member Rawlins-Fernandez suggested it I was texting my staff and wishing that we had done that and so I was very pleased that she recommended this amendment. It's almost like she was right there in my brain.

CHAIR LEE: Oh, that's dangerous. Okay, alright, any more comments.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Just quickly, Chair. I support the motion because one, I don't feel this is substantive enough that it must go back to initial reading. I think if anything, we've made it more broader and more flexible since the period is now extended, instead of shortened. So, I don't believe there's a concern about process at this time since again I don't believe it's a substantive adjustment to the legislation. Thank you.

CHAIR LEE: Thank you, Mr. Hokama. But what is the County without red tape. Yeah.

COUNCILMEMBER HOKAMA: We wouldn't have jobs, Chair.

CHAIR LEE: I guess so. Keep the red tape coming. Alright, all those in favor of the waiver say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries. Now we go to the actual vote and we already have a first and we already have a second, right Mr. Krueger, or we have to do that again.

DEPUTY COUNTY CLERK: No, Madam Chair, that's correct, you are now on the main motion as amended.

CHAIR LEE: Yup, main motion as amended. Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want my question answered by Keani, so westside, eastside, so what I heard out there is eastside can have the zero cap because of the, the types of communities, I guess. And that westside should have some kind of cap of its own but not zero. So what is your thought on that, from your community.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. When we held our PSLU meeting on Molokai and accepted testimony, the testimony was a resounding zero cap from the residents on Molokai.

COUNCILMEMBER SUGIMURA: For both sides, okay. Thank you.

CHAIR LEE: Any more comments or questions.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura.

CHAIR LEE: Pardon. Any more, okay ready for the vote. All those in favor say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries.

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 28 (2020)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR  
TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
AMENDING THE MEMORANDUM OF AGREEMENT FOR  
LIFEGUARD SERVICES BETWEEN THE STATE OF HAWAII AND THE  
COUNTY OF MAUI FOR MAKENA BEACH PARK

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Let me get my microphone on here, sorry.

MOVE TO PASS BILL 28 ON SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Mr. Sinenci to pass the bill on second and final reading.

Mr. Molina.

COUNCILMEMBER MOLINA: No further discussion, Madam Chair.

CHAIR LEE: Any further comments?

Mr. Hokama.

COUNCILMEMBER HOKAMA: One, I want to thank Mr. Molina for pushing this through. But I would say I'm in support of, with my colleague from West Maui, Ms. Paltin, reimbursements means the County gets back what it expended. We are being shortchanged by the State of Hawaii again, we are getting a partial reimbursement for services rendered and I just bring that up because again, it just justifies my position with the State of Hawaii. Thank you.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: I fully concur and it's you know, shameful that the State is the one negotiating the contracts and then they chose not to reimburse the County in full. But other than that, much props to my fellow coworkers at Big Beach because they deserve every penny.

CHAIR LEE: Any further comments or questions? If not, all those in favor of the motion say "aye".



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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, there is no further business before the Council.

CHAIR LEE: Unbelievable. Any, any announcements you want to make? Anybody getting married, anything like that? If not I hope you have a wonderful weekend, and take care and God Bless. Meeting adjourned.

### ADJOURNMENT

The regular meeting of February 21, 2020 was adjourned by the Chair at 1:06 p.m.



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

## SUP / AG LOT

Leith Anderson Family, 75 Papapa Place, Kalua Koi, Maunaloa, HI 96770

Aloha, my name is Jay Anderson. My family owns one of the (3) six acre AG Lots, on the west end of Molokai, that have Short Term Rental permits. My family is a kamaaina family. This is our family home. We do not have a mortgage. And we have never made a profit from rentals. All income goes to workers, utilities, taxes and other expenses related to rentals.

So, I thought the spirit of the law, the reason for the SUP (conditional) permit was to encourage homeowners to do something productive with their large parcels of land, something that's also beneficial to the community.

Because the Molokai Community Plan calls for resort development in Kalua Koi (west Molokai), we thought renting our property on a short term basis would be beneficial. So, less than (3) years ago we applied for a SUP & STRH permit and The Molokai Planning Commission approved our "Special Use Permit" and The Maui Planning Department consequently approved our Short Term Rental Home permit. By the way, we did not just spend \$350 for our permits. We spent over \$10,000 for the permit applications, consulting fees, adjusted back taxes, etc. Why are we all of the sudden the bad guys? Why were we encouraged to get permits less than (3) years ago only to be chastised now. The STRH permit reapplication is a magisterial process. We did all the things we were supposed to do AND none of the things we were not supposed to do. Obtaining a permit renewal (for one year) should have been not only possible but simple. If we can make this program more beneficial to the community, please tell us how. Attach more conditions. Make us pay heftier fees to support more rigorous enforcement. If you are going to indeed eliminate all of the STRH's as well as the jobs they create, at least give us a (12) month Amortization Period to honor our contractual agreements and to allow all of the local people that work at these properties a chance to find employment elsewhere.

If you continue on this path of job destruction what government jobs are you going to bring to Molokai. Are you aware of how few jobs there are from Ho'olehua to Maunaloa and Kalua Koi? Just recently Coffees of Hawaii closed their cafe and their gift shop. Now as of January 31st Maunaloa General Store is closed due to decreased customer traffic.

There is now nowhere to buy groceries in all of Maunaloa town. And on April 1st the Trump Administration is going to dramatically cut Food Assistance to almost 700,000 people. This is going to create even more hardship for Molokai families.

I have heard people testify that there are no statistics to prove that these STRH's provide jobs. Well, they do and our tax returns show it. Just last month our cleaners made \$1,400. That is for just one month and just our home alone. The tree trimmers make over \$1,000 for one days work and we pay \$35/hour for continuous help with the maintenance of the (6) acres, the house repair and upkeep, etc. In addition, we will pay about \$20,000 in taxes for 2019 alone. We have never made a profit from rentals. It turns out that renting, under the conditions of the STRH permit, is very costly. But that's fine. We did not enter into this process to pay a mortgage or to get rich. We did so in the belief that it would be beneficial to all.

Honestly, when I took on the responsibility of maintaining our home and preparing it for renters over and over I was saying to myself "why are we doing this?" But, it has become a privilege. Because we are limited to just (4) adults, we usually have just a husband and wife. Some of them have stayed with us ten to twelve times and we are close friends. They are humble. They are extremely appreciative. And they tread lightly, spend lots of money and go home!

Thank you for your time.

Aloha,

Jay and the entire Anderson Ohana



Maui County Office on Aging  
Aging and Disability Resource Center



presents

# Elder Abuse Awareness

*We Can Make A Difference*



**A Guide to Understanding and Preventing Elder Abuse  
for Senior Citizens, their Families and Caregivers**

# About the Maui County Office on Aging Aging and Disability Resource Center

As the designated Area Agency on Aging for Maui County, the Maui County Office on Aging, Aging and Disability Resource Center (MCOA/ADRC) promotes and protects the well-being of older persons in Maui County.

MCOA/ADRC funds and manages an array of programs and services to serve the needs of frail older adults, their families and caregivers.

MCOA/ADRC also maintains an outreach team that takes calls and visits older persons in their homes to assess their service needs and explore options.

## For More Information

Contact MCOA/ADRC via email at [mcoa.adrc@mauicounty.gov](mailto:mcoa.adrc@mauicounty.gov) toll free in Hawai'i 643-ADRC (2372) on the web [www.mauicountyadrc.org](http://www.mauicountyadrc.org) or call or visit the office nearest you.



## MAIN OFFICE

### J. Walter Cameron Center

95 Mahalani Street, Room 20

Wailuku, HI 96793

(808) 270-7774

Toll Free in Hawai'i 643-ADRC (2372)

## WEST MAUI

### West Maui Senior Center

788 Pauoa Street, Suite 103

Lahaina, HI 96761

(808) 661-2387

## SOUTH MAUI

### Hale Mahaolu Ehiku

16 Ehiku Street, Suite 1

Kihei, HI 96753

(808) 875-0033

## HANA

### Hana Senior Center

Hale Hulu Mamo

5101 Uakea Street, Bldg. G

Hana, HI 96713

(808) 248-8833

## MOLOKA'I

### Home Pumehana

290 Kolapa Place, Suite 1

Kaunakakai, HI 96748

(808) 553-5241

Toll Free in Hawai'i 643-ADRC (2372)

## LANA'I

### Lana'i Senior Center

309 Seventh Street

Lana'i City, HI 96763

(808) 565-6818

Toll Free in Hawai'i 643-ADRC (2372)

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**Elders who are abused are twice as likely to be hospitalized,  
four times as likely to go into nursing homes and  
three times as likely to die.**

*Cover photo: A picture of healthy aging, Lana and Jose Queddeng of Keokea took advantage of the Office on Aging's Better Choices, Better Health Program and now enjoy a higher quality of life.  
Photo by Robin Pilus*



# Why Should I Care About Elder Abuse?

## Would You Recognize Elder Abuse?

At first, you might not recognize—or take seriously—the signs of elder abuse. They may appear to be symptoms of dementia or signs of an elderly person’s frailty—or caregivers may explain them away. In fact, many signs and symptoms of elder abuse overlap with symptoms of mental deterioration, but that doesn’t mean you should dismiss them.

While up to a million cases of elder abuse are received every year, **for every case of elder abuse reported, another 12 or 13 are not reported.**

## Why Elder Abuse is Under Reported

Many seniors don’t report the abuse because they fear retaliation from the abuser, or believe that they’d have no one else to care for them.

When caregivers are their children, they may be ashamed that their children are behaving abusively or blame themselves:

“If I’d been a better parent, this wouldn’t be happening.” Or they may not want their loved one to get into trouble.

## How To Get Help

It’s important for elders to seek refuge from abuse by calling Adult Protective Services (APS) or telling a doctor or trusted friend.

APS investigates abuse cases, intervenes, and offers services and advice. Call APS to get help at 243-5151. If the elder resides in a nursing home or adult residential care home, call the Long Term Care Ombudsman at (808) 586-7268.

In addition, information and referrals are available from the national Eldercare Locator: 1-800-677-1116 or the Maui County Office on Aging at 643-ADRC (2372).

[www.agelessalliance.org](http://www.agelessalliance.org)

**One in ten older Americans experience abuse each year—and many of them experience it in multiple forms.**

## What Caregiver Neglect Looks Like

*Adult Protective Services received a call from a former service provider that a 44 year-old Filipino man with an intellectual disability living in Lahaina was being neglected by his caregiver. The report was that the man was unbathed and wore the same clothes for weeks at a time. He was losing weight, so it looked like the caregiver was not tending to his needs. Upon investigation the allegations were found to be true. APS petitioned the Family Court for legal guardianship. The man was placed in an Adult Residential Care Home where he currently resides and receives all the care he needs.*

*Elder abuse is an under recognized problem with devastating and even life threatening consequences.*

## **Red Flags of Elder Abuse**

### **Learn The Warning Signs**

Does someone you know—an elder or adult with a disability—display any warning signs of mistreatment?

### **Neglect, Including Self Neglect**

- Lack of basic hygiene, adequate food, or clean and appropriate clothing
- Lack of medical aids (glasses, walker, teeth, hearing aid, medications)
- Person with dementia left unsupervised
- Person confined to bed is left without care
- Untreated pressure “bed” sores
- Home cluttered, filthy, in disrepair, or having fire and safety hazards
- Home without a stove, refrigerator, plumbing, or electricity

### **Physical/Sexual Abuse**

- Inadequately explained fractures, bruises, welts, cuts, sores or burns
- Unexplained sexually transmitted diseases

### **Financial Abuse/Exploitation**

- Lack of amenities that the victim could afford
- Vulnerable elder/adult “voluntarily” giving uncharacteristically excessive financial reimbursement/gifts for needed care and companionship.
- Caregiver controls elder’s money but fails to provide for elder’s needs.
- Vulnerable elder/adult has signed property transfers (Power of Attorney, new will, etc.) but is unable to comprehend what the transaction means.

### **Psychological/Emotional Abuse**

- Unexplained or uncharacteristic changes in behavior, such as withdrawal from normal activities, unexplained changes in alertness, etc.
- Caregiver isolates elder (doesn’t let anyone enter the home or speak to the elder)
- Caregiver is verbally demeaning, controlling, overly concerned about spending money, or uncaring.

If you or someone you know is in a life threatening situation or immediate danger, call 911 or the local police.

[www.agelessalliance.org](http://www.agelessalliance.org)



**70-90% of those who abuse elders are family members, loved ones or paid caregivers.**



# Tips to Reduce Risk of Financial Abuse



by Paul Greenwood, LLB  
*Deputy District Attorney, San Diego  
Elder Abuse Prosecution Unit*

- Choose** a caregiver carefully
- Inventory** all jewelry and valuables
- Shred** documents with your information
- Protect** your incoming and outgoing mail
- Credit** search yourself 2-3 times a year
- Have** caller I.D. on your telephone
- Don't** trust *get rich quick* schemes
- Get** duplicate monthly statements sent to a trusted family member or professional advisor
- Hire** only licensed handymen
- Install** a lockable screen door or chain guard on front doors

## Call Adult Protective Services

If you are an older adult and you think you might be suffering from abuse, or if you know of an older person who might be suffering from abuse, call:

**(808) 243-5151** on Maui & Moloka'i

**(808) 565-7102** on Lana'i

[www.agelessalliance.org](http://www.agelessalliance.org)



**A million reports of abuse against elderly Americans reach authorities every year, and millions more cases go unreported.**

# Koi

*like the fish*

## A Film That Educates About Elder Abuse

*Koi, Like the Fish* is a film based on a local theatrical production that raises awareness about elder abuse. The play tells the tale of Koi, a man struggling to keep his dignity when his choices have disappeared and his decisions are no longer his to make.

The Maui County Office on Aging has made the film available for local agencies, schools and churches to help educate the public about the various forms of elder abuse and helpful resources.

## Community Screenings

Film screenings are usually followed by discussions with aging network professionals so that audiences can share their experiences, debrief on the subject matter, ask questions and get more information.

Written by Keali'iwahine Hokoana and directed by Kim Compoc, the film includes themes of elder abuse, caregiver stress, and loss of independence, which affect everyone who is aging and all who love an aging person.

*Koi, Like the Fish* is available for public viewing as an educational tool on elder abuse through the Maui County Office on Aging. For more information, contact Jo Reyes at 270-7755.



*The storyline focuses on Koi, an elder who is diagnosed with a terminal illness and seeks live-in care from his niece. The play illustrates the various types of elder abuse and is available by request from the Maui County Office on Aging.*



# Let's Take a Stand Against Elder Abuse

## How Organizations Can Help

**Include a message** about elder dignity and the need for abuse prevention in your newsletter.

**Add** a link to the Ageless Alliance website on your organization's website.

**Train** staff about signs of elder abuse and neglect, and how to report suspected mistreatment to the local APS agency, Long-Term Care Ombudsman or law enforcement.

**Healthcare** clinicians can pledge to ask all patients about possible family violence in their lives.

**Homecare** agencies and residential care facilities can promote abuse recognition and prevention.

**Financial** institutions can train staff to detect elder financial abuse. Visit [www.centeronelderabuse.org](http://www.centeronelderabuse.org) and [www.ncea.aoa.gov](http://www.ncea.aoa.gov) for more resources.

**Print handouts** and reusable grocery bags with information about elder abuse prevention.

## How Individuals Can Help

**Donate** time at a day program, deliver meals to homebound, become a friendly visitor, or become a phone buddy to someone who rarely leaves home.

**Send** a short note or email to your elected officials telling them about your experiences with programs and services they are funding.

**Make** a voluntary contribution to the Maui County Office on Aging's programs. Any monetary amount helps to expand service opportunities to those needing assistance. [www.agelessalliance.org](http://www.agelessalliance.org)

## An Example of Psychological and Physical Abuse

*A concerned daughter called APS about her parents who were in their 90s. The Kihei couple had a loving relationship until they started declining in mental capacity, when the man became verbally and physically abusive to everyone around him. APS investigated and found that his spouse bore the brunt of his abuse. Services were brought in, but the providers backed out after the father brandished a gun. A second incident occurred where the man's spouse suffered bruises after falling out of bed, but due to his diminished capacity, the man would not allow anyone to help her up for half the day. Finally, the man allowed his wife to be placed into long term care. The daughter still resides in the home and provides care to her father who continues with his verbal abuse.*

## How Young People Can Help

**Visit** older relatives.

**Ask** your teacher to commemorate World Elder Abuse Awareness Day on June 15th by educating students on the signs of elder abuse.

**Create** an art, essay, or poetry contest for kids about the value and dignity of elders.

**Have** a Grandparents Day celebration at your school.

**Volunteer** at a nursing home.

**Post** a Facebook status or Tweet about elder abuse.

**Do** a service project to help elders in your community.

**Organize** a walk-a-thon to raise awareness about elder abuse.

**Provide** service to elders through your Boy Scout or Girl Scout troop.

**Have** your sorority or fraternity do a service project to help elders.

**Visit** a nursing home or senior center.

**Visit** isolated older adults in your neighborhood.

[www.agelessalliance.org](http://www.agelessalliance.org)

### A Portrait of Self Neglect

*A concerned neighbor called APS to report his concerns about a 60 year-old Caucasian woman who lived alone in Haiku. APS investigated and determined the woman suffered from mental illness. She refused services such as house cleaning, home delivered meals, or assisted transportation. Because the woman lacked the capacity to make decisions about her health care, APS could bypass the woman's protests to be left alone. APS brought a medical team to the woman's home where she was diagnosed with severe psychosis and advanced cancer. They obtained an emergency guardianship from the Family Court and the woman began receiving treatment for her conditions. Sadly, the cancer had progressed too far and the woman lost her life.*



# Preventing Elder Fraud



by Tung Chan  
*Hawai'i Securities  
Commissioner*

## Beware of Swindlers

Our kupuna and their nest eggs attract their fair share of swindlers. These unscrupulous scammers look to coerce or trick our seniors into investing their life savings in poor or improper investments. One of the most popular tactics includes luring victims in by giving them a free lunch or dinner, creating a sense of gratitude and trust that can lead to getting elders to invest. Another common tactic is to make the elder think he or she is privy to special information that can make him or her very rich if he or she acts right away.

In any of these cases, don't sign on the dotted line and don't hand over your money before you do a thorough check.

## Four Steps to Protect Yourself

**Take** your time and get it in writing.

**Check** that you understand the investment. If it's too complicated to understand, it's too complicated to invest in.

**Check** the sellers to see if they are properly registered with the Securities Commissioner and that they don't have complaints against them.

**Have** a neutral third-party to look over the investments.

## Contact the Securities Commissioner

Anyone can be the target of a scam. If this has happened to you or someone you know, call the Office of the Securities Commissioner at 1-877-447-2267 (1-877-HI-SCAMS). We are part of the State of Hawai'i Department of Commerce and Consumer Affairs (DCCA) and we are here to help. We have investigators and attorneys that prosecute securities fraud.

## A Case of Potential Financial Exploitation

*A service provider called APS to report that a 95 year-old Japanese woman was being financially exploited by a friend. Investigation showed that the friend who was helping the woman would accompany her to the bank to withdraw funds then take her shopping for essentials. The helper also paid the elder's bills. The allegation of financial abuse proved false. However, during the course of the investigation, it was determined the woman lacked sufficient mental capacity to make financial decisions. Further investigation showed that the woman had assets in the millions which were managed by a trust. A medical professional sent a letter to the Trustee, in this case a local bank, requesting the Trust begin to manage the woman's finances.*



## A Fitness Program

Last year, the County of Maui launched EnhanceFitness, an award-winning, evidence-based program that improves the health of older adults and adults with disabilities. Regular exercise has many benefits, including helping caregivers relieve stress and avoid burnout.

EnhanceFitness currently operates at five sites on Maui: Kalama Heights Retirement Community, Roselani Place, Kahului Union Church, Maui Adult Day Care Center in Lahaina, and Kaunoa Senior Center in Spreckelsville, with more sites being added incrementally. In addition to Maui, EnhanceFitness is offered on Oahu and Kauai, and in communities across the nation.

Certified fitness instructors lead one-hour classes three times weekly. This

format improves participants' physical function, including strength, balance, flexibility and cardiovascular endurance. Participation in EnhanceFitness programs can also reduce the risk of falls and lower health care costs.

## For All Fitness Levels

The program was designed by the University of Washington to meet the physical activity needs of adults of all fitness levels, from the frail in wheel chairs, to the most active adult. Participants are evaluated regularly to measure their progress.

A monthly voluntary contribution is requested but not required from participants, and scholarships are available. For more information, contact Paula Keele, EnhanceFitness Master Trainer at 870-5530.

**Elder Abuse is a violation of human rights and a significant cause of illness, injury, loss of productivity, isolation and despair.**

**– World Health Organization**

# Kupuna Care: Services For Frail Elders That Can Help



*The Maui County Office on Aging's Access and Assistance team visits elders and caregivers in their homes to link them to needed services and programs. From left, Zilpah Kaimiola, Gimberley Almeida, Elinor Takahashi, Cheryl Adolpho, Lori Shinsato, Vicki Belluomini, and Hyenie Martin.*



*The Access and Assistance team also includes Rachelle Ing Kupau (Molokai), Timmy Satot (Hana), and Cary Valdez (Lahaina).*

## Caregiver Burnout Can Lead To Abuse

Caregivers are often the nicest people. They put the care of others before themselves. Sometimes, they give so much of themselves that they get burnt out and that's when they might lash out.

That's how caregivers sometimes become abusive to the people they care for. Often family members are the ones who perpetrate elder abuse.

### Programs and Services Help Reduce Burnout

MCOA/ADRC offers programs and services to help frail elders and help relieve caregivers of some of their

burden. A big part of serving the needs of elders involves providing support for caregivers to manage stress and time to learn good self care.

### What is Kupuna Care?

Kupuna Care is a cluster of services offered through the Office on Aging that helps qualified elders, their families and caregivers with activities such as shopping, medical visits, transport to medical visits and shopping, house cleaning and meal preparation once the older person is no longer able to manage these tasks on their own. These services are outlined on the next page.

**In 2012 Kupuna Care served 7,000 individuals statewide.**

# Prevent Elder Abuse

## Adult Day Care

Supervised, group, daytime setting providing lunches and personal assistance to dependent elders

## Assisted Transportation

Transportation with the assistance of an escort

## Attendant Care

Help provided by a person trained to assist the elder with daily tasks when a caregiver cannot be present

## Chore

Help with heavy housework, yard work or sidewalk maintenance

## Home Delivered Meals

Nutritious meals delivered to the elder or caregiver's home

## Homemaker

Help preparing simple meals, shopping for grocery and/or personal items, managing money, using telephone, and doing light housework

## Kupuna Care Transportation

Transportation for elders needing minimal assistance and supervision

## Personal Care

Service to help clients who are unable to bathe, eat, dress, toilet, and/or transfer themselves safely

In addition to Kupuna Care services, the Office on Aging provides family caregiver support services, including counseling, friendly visiting, telephone reassurance, in-home respite, education, and adult day care respite.

To find out more about Kupuna Care and other programs and services for older adults, contact the Maui County Office on Aging, Aging and Disability Resource Center at (808) 270-7774 or toll free 643-ADRC (2372). You can also send an email to [mcoa.adrc@mauicounty.gov](mailto:mcoa.adrc@mauicounty.gov) or visit the web at [www.mauicountyadrc.org](http://www.mauicountyadrc.org) to complete an online referral or request for information form.



*Robert Lucas of Lahaina takes care of his 102-year-old grandmother Louise with the help of services that allow him to keep working. Maui Adult Day Care Centers Inc. photo.*





# Programs To Prevent Caregiver Burnout

## Better Choices, Better Health®

### When Health Declines

After losing a kidney to diabetes, Jose Queddeng's life was further compromised when he suffered a debilitating stroke that reduced his quality of life and left him with little hope for the future.

Like many folks living with chronic conditions, Jose only remembered to take his medications after constant reminding by his wife, Lana. He never questioned his doctors and he paid little attention to his diet and exercise.

### Getting Back on Track

Jose decided to take control of his chronic conditions by taking Better Choices, Better Health, an evidence-based self management course designed by Stanford University. Over the six week class he learned how to cope with his health challenges and better manage his health.

"I now read labels, ask questions, and exercise regularly," he said. "And I feel great!"

"This program gave me back the man that I married so long ago," said Lana. "It was only a six-week class, but it will last us a lifetime."

### Sign Up For a Workshop Near You

For more information or to sign up for a workshop, contact Better Choices, Better Health Coordinator Jan Roberson at 270-8221 or send an email to [jan.roberson@mauicounty.gov](mailto:jan.roberson@mauicounty.gov)

**Better Choices, Better Health:**  
A six week program that  
lasts a lifetime.

*Lana and Jose Queddeng of Keokea*  
*Photo by Robin Pilus*



## Powerful Tools for Caregivers®

### Thriving—Not Just Surviving

Caregiving is not an easy lifestyle. It is so demanding of a person's time, that it can become overwhelming, and lead to caregiver burnout.

Caregiver burnout is a state of physical, emotional, and mental exhaustion that may be accompanied by a change in attitude—from positive and caring to negative and unconcerned.

Burnout can occur when caregivers don't get the help they need, or if they try to do more than they are able—either physically or financially. Caregivers who are "burned out" may experience fatigue, stress, anxiety, and depression. Many caregivers also feel guilty if they spend time on themselves rather than on their ill or elderly loved ones.

Powerful Tools for Caregivers (PTC) is a program to help those who provide care to frail elders and dependent adults.

### PTC Teaches Caregivers To

- Take care of themselves
- Reduce personal stress
- Set goals, solve problems
- Reduce depression, guilt, and anger
- Make tough decisions
- Change negative self-talk
- Communicate with family, health care workers and others.

The 6-week PTC workshop costs \$25 but scholarships are available. All participants receive *The Caregiver Helpbook* manual. Classes are offered in different communities throughout the year.

### Sign Up For PTC Today!

Call to see if a class series is scheduled near you. Call the UH Cooperative Extension at 244-3242 ext 226 for more information.



*Brandi-Lee Gouveia takes care of her mother Barbara and grandmother Madeleine Carreira. The six-week program, Powerful Tools for Caregivers, helped Brandi-Lee better manage her caregiving duties and reduce her stress by giving herself permission to take personal time to enjoy movies and long walks.*

**Programs and Services are available to help elders  
and family caregivers manage their lives.**

**Call the Office on Aging at 643-ADRC (2372) to find out more.**



AgelessAlliance.org  
UNITED AGAINST ELDER ABUSE



**Maui County Office on Aging  
Aging and Disability Resource Center  
is a division of the County of Maui  
Department of Housing and Human Concerns**

Director: JoAnn Ridao  
Deputy Director: Jan Shishido  
Executive on Aging: Deborah Arendale  
Contributors: Paul Greenwood, Maui County Office on Aging Staff,  
Adult Protective Services, State Department of Commerce and Consumer Affairs  
Editor: Jan Roberson

This Elder Abuse Awareness booklet was made possible through funds from the State of Hawai'i,  
Department of Health, Executive Office on Aging.  
2013

**MICHAEL P. VICTORINO**  
Mayor

**DON S. GUZMAN**  
Prosecuting Attorney

**ROBERT D. RIVERA**  
First Deputy Prosecuting Attorney

**ANDREW H. MARTIN**  
Second Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
150 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

February 21, 2020

TO: Honorable Alice L. Lee, Chair, and  
Members of the Maui County Council

FROM: Jeffery Temas  
Deputy Prosecuting Attorney

SUBJECT: Agenda Item CC 20-142 (2020 Elder Justice Initiative)  
Hearing: February 21, 2020, 9:00 a.m.  
Maui County Council Chambers

Good Morning Chair Lee, and the honorable members of the Maui County Council. My name is Jeffery Temas, I have been licensed to practice law, here, in Hawaii, since 1987; and, I have now entered my fifteenth year as a Maui County Deputy Prosecuting Attorney; at present, I am in the felony screening division, where cases are in-taken, to decide whether and what to charge. As part of my duties, I am also one (1) of two (2) deputies assigned to Maui's Elder Crime Unit, which Prosecutor Don Guzman created to address what is now nationally recognized as an under-served area; the prosecution of those who prey on our elderly, one of the most vulnerable groups in our community.

Now, the reason I am here, today, is to respectfully ask this honorable body to join Councilmember Sugimura, Don, myself, and Maui's Elder Crime Unit by passing the Resolution before you, urging members of our Hawaii State Legislature to support Senate Bill 2334 and House Bill 1874.

The bottom-line is this, Maui is taking the lead in combatting elder abuse, read the article before you from Scott Spallina, a Honolulu career prosecutor, who wrote a glowing article

of what Maui, through Don's leadership, is doing to make Hawaii a safer place for our elders.

The proposals are not so much revolutionary, as evolutionary. What we are asking the legislature to do, is set the age of (60) as a watermark, if a person commits a certain financial, property, or violent crime, against a person aged (60) and older, then the consequences are felony level prosecution. We are asking the legislature to impose responsibility based on the victim's age, which we have had on one (1) law, since 2011.

Let's take an example:

Today, if a (60, 70, or 80) year old went to the post office and they forgot their purse or wallet, on a counter, which contained cash, exceeding (\$250) to pay their water/sewer and trash bills, the law would not care about their age and we would charge the person who took advantage of the situation with a Misdemeanor. However, the new law would give prosecutors discretion to charge, on that same fact pattern, a felony, because of the victim's age. We believe that can act as a significant deterrent to criminals, as under the new law, the possible consequences would increase by a factor of near five (5) times for our ability to argue incarceration, fines, and/or probation.

Criminals talk among themselves; and, if we can have this new legislation passed, criminals will learn committing a crime, against a person (60) and older, carries significantly greater penalties.

By now setting and lowering age, such expands our elders rights; such is our new law of the splintered paddle; a statement is being made, to the world, this is how Hawaii protects our growing elderly population.

Please help Maui snare the sun to shine on these amendments to show that we want to protect our elders on this beautiful island we call home. This is the inevitable future progress of the law; we just want that now.

For these brief reasons, I respectfully request our Maui County Council pass the Resolution supporting the House and Senate Bills.

If not now, when?

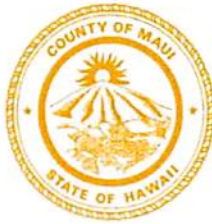
If not by us, whom?

**MICHAEL P. VICTORINO**  
Mayor

**DON S. GUZMAN**  
Prosecuting Attorney

**ROBERT D. RIVERA**  
First Deputy Prosecuting Attorney

**ANDREW H. MARTIN**  
Second Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
150 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

February 20, 2020

TO: Honorable Alice L. Lee, Chair, and  
Members of the Maui County Council

FROM: Lewis Ward Littlepage  
Deputy Prosecuting Attorney

SUBJECT: Agenda Item CC 20-142 (2020 Elder Justice Initiative)  
Hearing: February 21, 2020, 9:00 a.m.  
Maui County Council Chambers

Good day Chair Lee, and members of the Maui County Council Committee. As a prosecutor for the County of Maui Office of the Prosecuting Attorney and a member of the Prosecution Elder Crime Unit, I recognize that Hawaii Legislature Senate Bill 2334, Relating to Criminal Offenses Against Seniors, and its companion House Bill 1874, are a major step forward in fighting crime, including theft, embezzlement, and assault against our ever growing senior community. These Bills propose to standardize the age for crimes against seniors in different laws that now exist. In addition, these Bills provide greater protection for our seniors by making certain criminal offenses against seniors applicable regardless of the perpetrator's knowledge of the senior victim's age. These measures strengthen and standardize and the protections Hawaii offers our kupuna. Standardization of age in criminal laws is common sense so that all citizens of Hawaii clearly understand the laws.

Providing protection for seniors based on their age is a concept that already exists in our law and is a small change that provides a boundless source of protection to senior victims of

TO: The Honorable Alice L. Lee, Chair  
and Member of the Maui County Council  
Page 2  
February, 2020

violent crime and financial exploitation that they currently do not have. Section 708-812.55(1)(a) of the Hawaii Revised Statutes, Unauthorized Entry into a Dwelling in the First Degree, is a prime example of what this Bill hopes to achieve. Section 708-812.55(1)(a) states that a person commits this offense if they intentionally or knowingly enter into the dwelling of another and a person age sixty-two or older is lawfully present.

As noted in the COMMENTARY ON §708-812.55 in the Hawaii Revised Statutes Annotated:

Act 187, Session Laws 2011, established the offense of unauthorized entry in a dwelling in the first degree, a class B felony, for the unauthorized entry in a dwelling if another person, at the time of entry, was lawfully present in the dwelling and the person was sixty-two years of age or older, was an incapacitated person, or had a developmental disability. The legislature found that home invasions are traumatic experiences for the victims and may be especially frightening for vulnerable elderly and disabled individuals present during the intrusion. The legislature intended that the presence of a person lawfully in the dwelling shall be a strict liability element and that it shall not be necessary to prove that a defendant knew or had any reason to know that the person lawfully in the dwelling was sixty-two years of age or older, incapacitated, or disabled. Conference Committee Report No. 32. (Emphasis added.)

Not only are home invasions traumatic experiences for the victims and especially frightening for our vulnerable elderly, but also assaults, thefts, and financial exploitation of our most vulnerable citizens. The protection extended to our kupuna in H.R.S. §708-812.55 needs to be extended to the elder victims of these more frightening and traumatic crimes. For this reason, I humbly request the Maui County Council pass a resolution fully supporting making Hawaii Legislature Senate Bill 2334 and its companion House Bill 1874. We are judged on how we care for our keiki, our āina, and our kupuna.





February 21st, 2020 at 9:00 AM Council Chambers

**In SUPPORT of CR 20-29: Fossil Fuel Litigation**

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Aloha Chair Lee, and members of the committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports** authorizing the employment of an outside attorney as special counsel to represent the County of Maui in the litigation involving fossil-fuel companies. We agree that they should be held accountable for climate changes we are facing today and in the future.

Thank you very much for this opportunity to provide testimony in the authorizing employment of Special Council relating to the fossil fuel litigation.

Mahalo,  
Kecia Joy  
Maui Group Manager, Sierra Club

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**  
P. O. Box 339  
Honolulu, Hawai'i 96809-0339

February 20, 2020

TO: Honorable Alice L. Lee, Chair, and Members of the Maui County Council

FROM: Pankaj Bhanot, Director

SUBJECT: Agenda Item CC 20-142 (2020 Elder Justice Initiative)

Hearing: February 21, 2020, 9:00 a.m.  
Maui County Council Chambers

RECEIVED  
2020 FEB 20 PM 2:36  
OFFICE OF THE  
COUNTY CLERK

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of Item CC 20-142 (Elder Justice Initiative 2020) and offers comments.

**PURPOSE:** The Elder Justice Initiative 2020 urges the council to support Senate Bill 2334 relating to criminal offenses against elders.

DHS Adult Protective & Community Services Branch (APS) investigates allegations of abuse, neglect and exploitation of vulnerable adults, 18 years and older who cannot protect themselves. However, our statutory mandate is civil in nature, and we seek to ameliorate abuse by first trying to work with the family, and when that is not possible, we seek protective orders from the family court. However, findings of abuse and neglect by a family court in protective proceedings, do not have criminal consequences.

National statistics reflect that only 1 in 13 cases of elderly abuse are reported to authorities and only 1 in 44 cases of financial exploitation are reported. Given cognitive decline, embarrassment or fear of retaliation from the perpetrators, the elderly is especially vulnerable to financial exploitation and other forms of abuse.

Census data estimates nearly 18.3% of Maui county residents are persons 65 years and over. See <https://www.census.gov/quickfacts/mauicountyhawaii>. As we continue working collaboratively with the Maui Office of the Prosecuting Attorney and other agencies in Maui county as we develop the Maui County Elder Justice Team, The Department of Human Services, Maui Adult Protective and Community Services, fully support Councilwoman Sugimura's resolution.

Thank you for the opportunity to provide testimony on this resolution.

---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:45 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
mauicounty.us

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

From: segan808@everyactioncustom.com <segan808@everyactioncustom.com>  
Sent: Sunday, August 25, 2019 5:45 PM  
To: Kelly King <Kelly.King@mauicounty.us>  
Subject: Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

For example, the most recent National Climate Assessment reports that more than \$19 billion of property in Hawai'i is at risk from sea level rise by 2100. How will you hold fossil fuel companies accountable for the growing costs associated with climate change?

Recent polling by the Yale Program on Climate Change Communication shows that 64 percent of Maui County residents believe that fossil fuel companies are responsible for climate damages, and the same number want to see those companies pay their fair share of the costs.

Fossil fuel companies have known since at least the 1960s about the climate harms of their products. Instead of acting to protect our health and safety, they chose to spend millions of dollars spreading disinformation about climate science and obstructing climate policies. The evidence clearly shows that these companies are responsible for climate impacts that could cost Hawai'i billions.

Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
Ms Suzanne Egan  
1151 Kahului St Honolulu, HI 96825-2922 segan808@gmail.com


CC 20-142  
Don Guzman

Community Voice

# Valley Isle Leads The Way In Combating Elder Abuse

The Maui prosecutor’s proposed bill addressing elder abuse is a substantial effort to protect our kupuna.



By Scott Spallina  / About 12 hours ago  
🕒 Reading time: 5 minutes.



To say that criminals are targeting seniors these days is like saying that water is wet. It’s obvious. Just turn on the news and you’ll see videos of violent purse snatchings, and interviews of victims being conducted from hospital beds.



Our kupuna are seemingly walking around with targets on their backs — that is if they dare to go walking outside at all these days.

In just comparing the number of felony elder abuse criminal cases set for trial on Oahu in January 2019 (15 violent crimes, 29 property crimes, 17 financial crimes) to the current trial load being handled by

the Elder Abuse Unit at the Honolulu Prosecutor's Office (34 violent crimes, 52 property crimes, 19 financial crimes), it is apparent that the criminal trend against elders in our community is increasing.

This coupled with the realization that the number of elder abuse cases have increased to the point where they are now almost double the number of felony domestic violence cases currently being prosecuted screams that changes have to be made to how these matters are being handled.

Thankfully, in the summer of 2019, Maui Prosecuting Attorney Don Guzman hosted an elder abuse summit that brought together experts (both law enforcement and social services professionals) from across the state and the mainland to discuss how best to address elder abuse in our community.

One of the ideas that formed from this collaborative effort was a series of amendments to the current laws that would enhance the penalties for those persons who victimize our seniors. This package of amendments ([House Bill 1874](#), [Senate Bill 2334](#)) is before Hawaii lawmakers this legislative session.

Flickr: Forest and Kim Starr



The Maui Prosecutor's Office has proposed legislation to protect seniors from crime. Wailuku, pictured here, is where county offices are located.

In a nutshell, the Maui set of amendments hopes to modify the law in the following manner:

1. if a person assaults a senior causing him physical pain, that crime could be charged as a felony instead of only being treated as a misdemeanor offense (current law requires more serious injuries, like broken bones, in order for these crimes to be treated more seriously);
2. if a person steals over \$250 from a senior (current law says over \$750), that crime could also now be considered being charged as a felony matter; and
3. if a person forges a victim's name on a document or tries to cash a stolen check belonging to a senior, that matter is now a more serious felony.

Additionally, the Maui Prosecutor's Office is trying to standardize the age requirement for victims to receive these added protections. Currently, an elder is defined differently, depending on where one looks in the Hawaii Revised Statutes.



Maui Prosecutor Don Guzman.

While most criminal statutes place the age of a senior at 60, there are instances where the ages of 62 and 65 are mentioned as well in the definitions. The Maui Prosecutor's Office wants to unify this age across the board and make it 60.

While I realize many people might think 60 is too young to be considered a senior or question why a certain age even needs to be articulated, it is important to remember the intent of these laws: criminals should not even think about committing a crime against a senior, whether that senior is vulnerable or not.


Furthermore, with a specific age clearly expressed in statute, the police and law enforcement will have an unambiguous indicator of how to proceed in these cases.

Now the question might be asked, "what if the criminal doesn't know the age of the victim?"

Who cares?

Perpetrators of statutory rape have tried unsuccessfully for decades in the appeals courts to say that it should be a legal defense to have sex with children if they believed the children looked like adults. The same rules for those types of sexual assault cases applies to elder abuse cases as well.

In fact, there is already an existing statute in Hawaii, Unauthorized Entry Into a Dwelling Place in the First Degree, that makes it a felony crime if a person enters the residence without permission and there is a person 62 years old or older inside the home.



## Change is needed in how we are handling these crimes.

It doesn't matter whether or not the criminal even knew anybody was home or not much less their age. This is like the misdemeanor crime of trespass on steroids and has been successfully used repeatedly to hold accountable these intruders who enter the homes of our kupuna uninvited.

If our elected representatives and senators see fit to make this proposed bill into law, I foresee that the individuals and gangs that are targeting seniors are going to think twice about committing these crimes when they know they will be investigated by felony detectives from the police department, held in custody on felony bail, facing felony charges in a felony courtroom and be sentenced to felony consequences.

Again, change is needed in how we are handling these crimes. Advice to seniors on how to carry their purses or when to go shopping can only protect them so much.

Maui's efforts with this legislative proposal in combating elder abuse is a significant step in sending a message to those who wish to target our kupuna, "Don't. Even. Look. At. Them."



Community Voices aims to encourage broad discussion on many topics of community interest. It's kind of a cross between Letters to the Editor and op-eds. This is your space to talk about important issues or interesting people who are making a difference in our world. Column lengths should be no more than 800 words and we need a photo of the author and a bio. We welcome video commentary and other multimedia formats. Send to [news@civilbeat.org](mailto:news@civilbeat.org). The opinions and information expressed in Community Voices are solely those of the authors and not Civil Beat.

## About the Author



### Scott Spallina

Scott Spallina has been a Honolulu Deputy Prosecuting Attorney for over 26 years and was the supervisor of the Domestic Violence Team until 2008, when he created Hawaii's first Elder Abuse Unit, which he still supervises. He also teaches at the Honolulu Police Academy and regularly presents to senior groups and financial institutions about elder abuse prevention and current criminal trends.

[Use the RSS feed to subscribe to Scott Spallina's posts today](#)

### Comments

Aloha. Civil Beat readers. We appreciate your thoughtful comments. But in order

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---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:45 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
mauicounty.us

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

**From:** mdglopez@everyactioncustom.com <mdglopez@everyactioncustom.com>  
**Sent:** Friday, August 23, 2019 2:07 PM  
**To:** Kelly King <Kelly.King@mauicounty.us>  
**Subject:** Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

For example, the most recent National Climate Assessment reports that more than \$19 billion of property in Hawai'i is at risk from sea level rise by 2100. How will you hold fossil fuel companies accountable for the growing costs associated with climate change?

Recent polling by the Yale Program on Climate Change Communication shows that 64 percent of Maui County residents believe that fossil fuel companies are responsible for climate damages, and the same number want to see those companies pay their fair share of the costs.

Fossil fuel companies have known since at least the 1960s about the climate harms of their products. Instead of acting to protect our health and safety, they chose to spend millions of dollars spreading disinformation about climate science and obstructing climate policies. The evidence clearly shows that these companies are responsible for climate impacts that could cost Hawai'i billions.

Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
Mai Lopez  
91 -2170 Kanela St Ewa Beach, HI 96706-5962 mdglopez@hotmail.com

---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:46 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
mauicounty.us

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

**From:** davidsher@everyactioncustom.com <davidsher@everyactioncustom.com>  
**Sent:** Saturday, August 31, 2019 3:15 AM  
**To:** Kelly King <Kelly.King@mauicounty.us>  
**Subject:** Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

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Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
Ms. Sherry Pollack  
47 -185A HUI AKEPA PI Kaneohe, HI 96744 davidsher@juno.com

---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:45 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
maucounty.us

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

**From:** r.kiana@everyactioncustom.com <r.kiana@everyactioncustom.com>  
**Sent:** Sunday, August 25, 2019 2:39 PM  
**To:** Kelly King <Kelly.King@maucounty.us>  
**Subject:** Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

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Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
kiana rivera  
85 -1238 Kaneilio St Waianae, HI 96792-2519 r.kiana@gmail.com

---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:46 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
maucounty.us

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

**From:** davidpaulstarr@everyactioncustom.com <davidpaulstarr@everyactioncustom.com>  
**Sent:** Tuesday, August 27, 2019 6:58 PM  
**To:** Kelly King <Kelly.King@maucounty.us>  
**Subject:** Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

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Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
Mr. David Starr  
715 Umi St Honolulu, HI 96819-2321  
davidpaulstarr@gmail.com

---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:46 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
mauicounty.us

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

**From:** Fwaialae@everyactioncustom.com <Fwaialae@everyactioncustom.com>  
**Sent:** Tuesday, August 27, 2019 9:05 PM  
**To:** Kelly King <Kelly.King@mauicounty.us>  
**Subject:** Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

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Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
Ms. Felicia Waialae  
PO Box 1885 Waianae, HI 96792-6885  
Fwaialae@hawaii.edu

---

**From:** Kelly King  
**Sent:** Friday, February 21, 2020 10:46 AM  
**To:** County Clerk  
**Subject:** FW: Make polluters pay for climate damages

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
mauicounty.us

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

From: raychelwatkins5@everyactioncustom.com <raychelwatkins5@everyactioncustom.com>  
Sent: Tuesday, August 27, 2019 11:30 AM  
To: Kelly King <Kelly.King@mauicounty.us>  
Subject: Make polluters pay for climate damages

Dear Chair Kelly King,

I am writing to urge you to hold fossil fuel companies accountable for their share of the local costs of climate damages we face in Maui County. Climate change, driven by the reckless and deceptive practices of these companies, has brought rising seas and more extreme weather that threatens our homes, our culture, and our lives.

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Maui residents agree: the burden of local climate change costs should not rest solely on taxpayers like me.

Sincerely,  
Raychel Watkins  
86 -350 Pohakea Pl Waianae, HI 96792-2824 raychelwatkins5@gmail.com