

MINUTES

of the

REGULAR MEETING

and

PUBLIC HEARING

COUNCIL OF THE COUNTY OF MAUI

April 17, 2020

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD VIA BLUEJEANS, ON FRIDAY, APRIL 17, 2020, BEGINNING AT 9:06 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

CHAIR LEE: Will the Maui County Council regular Council meeting and three-Member public hearing please come to order.

I see we have our Vice-Chair here, Keani Rawlins-Fernandez. Thank you.

So, it is 9:07 and we are about to start the meeting.

Mr. Clerk, could you proceed with roll call.

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, CHAIR ALICE L. LEE.

CHAIR LEE: To my colleagues and everyone out there, mirëmëngjes, mirëmëngjes is Albanian for good morning. Well, we have a very long day ahead of us and I know you're very excited to get started.

Now that we've had roll call, we have everyone present, a quorum to conduct the business. And we are ready for opening remarks from Councilmember Tamara Paltin. Tamara, can you hear me? Tamara.

COUNCILMEMBER PALTIN: --some feedback. Can you hear me? Can you hear me?

CHAIR LEE: Okay, everybody, when you're not on, could you turn your, your microphones off please? And that goes for everyone out there also watching us. We're getting unusual feedback. So, for now, please mute your mics until you're ready to speak.

So, Tamara, you have opening remarks for us.

OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Paltin.

CHAIR LEE: Thank you, Member Tamara Paltin. I know many of us, if not all of us agree with you that we need to support our frontline workers.

And now, Mr. Clerk, let's see, it's time for our Pledge of Allegiance. Please everyone join me in the Pledge of the Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Thank you. 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.

Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with the presentation of agenda and public hearing items. Members of the public may testify by connecting to the Council's online meeting by phone or video conference through the information posted on today's agendas. Individuals connected to the Council's online meeting will be called on to

testify. If you do not intend to testify, you can watch the meeting on Akaku Channel 53 or on maucounty.us.

Testimony is limited to the items listed on today's agendas. When testifying, please state your name and the name of any organization you represent as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

Madam Chair, based on the individuals currently connected to the meeting, we currently have 15 testifiers listed, but there may be more. The first person to testify in the chamber is the individual calling from this phone number: 808-242-6006. I will unmute this individual so they can begin their testimony.

CHAIR LEE: Will the testifier begin please.

DEPUTY COUNTY CLERK: I repeat, the testifier who is now up to testify is the individual calling from this phone number: 808-242-6006.

CHAIR LEE: Mr. Clerk, call the next testifier please.

DEPUTY COUNTY CLERK: Yes, Madam Chair. The next person signed up to testify is the individual calling from this phone number: 808-264-9646. I will unmute you so you can begin your testimony. You are now unmuted. I repeat, the testifier calling from this number: 808-264-9646, please proceed with your testimony.

CHAIR LEE: Staff. Tracy, could you go in the other room and make a phone call and make sure this is working. Okay. Just double-check. Call us and then you be a testifier, a pretend testifier.

Meanwhile, call the next number please, Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, if okay, I'll proceed with testifiers connected by videoconference first and then we can return to the phone testifiers once we confirm it's working. So, the next person up to testify is Avery Chumbley, to be followed by Blake Moore. I repeat, the next person up to testify is Avery Chumbley.

CHAIR LEE: Mr. Clerk, I did see, I saw that Mr. Chumbley left the call.

DEPUTY COUNTY CLERK: Okay. Then the next person up to testify is Blake Moore. To be followed by Buddy Almeida.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. BLAKE MOORE [testifying on Bill No. 52 (2020)]:

Alright. Can everybody hear me okay?

CHAIR LEE: Yes.

MR. MOORE: Great. Well, thank you for the opportunity to join you today for this important hearing. My name is Blake Moore. I'm the director of commercial operations with PacWhale Eco-Adventures, Maui largest marine tourism company. It's both our organizational and personal missions to protect the oceans through science and advocacy, and to inspire environmental stewardship. So, on behalf of PacWhale Eco-Adventures and the over 320,000 guests that we serve each year, I'd like to express our full support for Bill 52, a measure restricting the use and sale of plastic disposable foodwares.

As Maui's largest ocean tourism operator, we understand our unique responsibility in helping to mitigate the growing mountain of trash along Pulehu Road, and to reduce marine debris that is found in and along our ocean shorelines. I'm sure you all have seen this. These measures will help us to avoid the pitfalls of so many other high-profile destinations that have succumb to their love affair with our throwaway society. At PacWhale Eco-Adventures, we're proud to have began taking common sense steps to tackle these issues about 20 years ago with our first purchase of bio-compostable products.

Being a forerunner often means acknowledging the necessary financial commitment that requires short-term sacrifices to ensure success in long-term strategic priorities. For PacWhale, this financial commitment two decades ago boiled down really to two choices for us; we can continue filling our landfills with plastic or make some, yea, I guess strategic innovative choices that would move us towards some long-term solutions that protect our island home.

In 2019, Pac-Whale Eco-Adventures hosted again over 300,000 guests on our vessels. And the decision to move away from plastics equated to about 15 cents per person. This . . . ended up being a quarter of one percent of our total revenue for the operation. But what that meant for us was that almost a half a million plastic cups did not enter our landfill because of a single decision made by our organization.

Our guests, in response to that, have had an overwhelmingly positive response to our plastic alternative initiatives. In fact, our stores have seen sales on these alternatives

to plastic that have recovered more than two times the revenue . . . for employing plastic alternative items throughout the operation. Our guests are re-thinking their use of single-use plastics.

The path has been forged by businesses like ours for over two decades, showing that businesses don't just make it by making earth for, earth first choices. We've demonstrated that businesses can thrive by doing this and the visitors support these initiatives with their purchases.

Addressing marine debris and diverting waste from our landfills is going to require some leadership at the highest levels. As the director of one of Maui's largest tourism operations, I can attest to the fact that these commonsense steps are feasible for businessowners and really necessary for the continuation of sustainable tourism in our islands.

I appreciate the opportunity again to offer our support for Bill 52. PacWhale Eco-Adventures looks forward to collaborating with you, our community partners and businessowners who, as we continue to reduce our solid waste and rethink plastics. Thanks for your time.

CHAIR LEE: Thank you very much for your testimony. Any clarifying questions?

If not, Mr. Clerk, please call the next testifier.

COUNCILMEMBER KING: Chair. Chair, I just had one quick question.

CHAIR LEE: Oh, yea, please, quick question, cause we have lots to cover.

Member King.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Member King.

CHAIR LEE: Thank you, Chair. Thanks for being here, Blake. I just wanted to clarify that you're with Pacific Whale Foundation.

MR. MOORE: Yea, I'm with PacWhale Eco-Adventures, which is a subsidiary of Pacific Whale Foundation. We're wholly owned and operated by Pacific Whale, but--

COUNCILMEMBER KING: Okay, just wanted to clarify cause I hadn't heard that name before, the, the, of your subsidiary, so thank you.

MR. MOORE: Yes. Thank you.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, the next person we have signed up to testify is Paul Janes-Brown, to be followed by Camry Gach. And just to reiterate for, our apologies, to inform the testifiers; testifiers have three minutes to testify. Staff has a timer running that will go off when your testimony time is over. Thank you.

CHAIR LEE: Mr. Janes.

MR. PAUL JANES-BROWN (testifying on Resolution No. 20-60):

Yea, well, I need, I needed to get unmuted. Can you hear me? Can you hear me?

CHAIR LEE: Yes, we can. Yes, we can.

MR. JANES-BROWN: Thank you. Thank you. Aloha kakakiaka *[sic]*, Madam Chair and Members of the Council. My name is Paul Janes-Brown. I reside in Kulamalu and have been a resident of Maui since October 1, 1997, which I'd like to refer to as my rebirthday.

This proposal to amend the Charter, I'm testifying on item J, Resolution No. 20-60. This proposal to amend the Charter is a direct result of the former Charter Commission's acts, of which Councilmember Sugimura was a member. The special committee recommended by the 2011-2012 was formed in 2016. All the work has been done and the proposal has been put through a rigorous vetting process, including numerous community association meetings, as well as other forms of public scrutiny.

The Mayor told us in a meeting that he wanted the people to decide and would not oppose this initiative. The result of this process demonstrated the need to amend the original proposal, which is the strength of our democracy. We allow for everyone to be heard, and oftentimes, we realize matters that weren't originally considered. That has been the case with this proposal before you. It is time to allow our people to express their opinion about the matter in the democratic form we have established for such issues.

The opponents of this proposal, while posturing they support the will of the electorate wish to do everything possible to thwart that will, by calling for another public hearing in the midst of a community-wide lockdown and a global pandemic, by suggesting the

new Charter Commission take up the matter and any other means at their disposal to prevent the people from having a say. What are they afraid of?

It is time to let the people decide whether they want to continue the current revolving door of directors, who when they depart and a new appointed director arrives with a new agenda, the job of those departments is put on hold at best, or thrown into chaos at worst.

What we recognize, once and for all, that the role of County government is to deliver services. It is a service organization and we need to professionalize that service organization to provide for continuity of those services. The possibility that civil servants can rise through the ranks on the basis of merit alone, to head a department without having to choose the right horse in election, and we get the best quality of services.

I urge you to vote for the people. Pass this proposal. Mahalo nui loa for your service, and everyone stay safe.

CHAIR LEE: Thank you.

Mr. Clerk.

COUNCILMEMBER PALTIN: Chair.

CHAIR LEE: Oh, Ms. Paltin, do you have a question?

COUNCILMEMBER PALTIN: Yes. It's for you. Can the teleconference testifiers unmute their video when they're giving the testimony?

CHAIR LEE: Sure. We'll ask them to do that.

MR. JANES-BROWN: The moderator, the moderator muted the video.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR LEE: Mr. Clerk, you can unmute the video.

MR. JANES-BROWN: Yea, let them see me for God's sake. I dressed up.

CHAIR LEE: You did. Well, thank you. You be safe too. You be safe too. Thank you.

MR. JANES-BROWN: Thank you.

CHAIR LEE: Next testifier.

DEPUTY COUNTY CLERK: Madam Chair, the next person signed up to testify is Camry Gach. To be followed by the individual calling from the phone number with these last four digits: 6448.

CHAIR LEE: Collie Gaft *[sic]*, did you say?

MS. CAMRY GACH [testifying on Bill No. 52 (2020)]:

Camry Gach.

CHAIR LEE: There we are. Hi.

MS. GACH: Hi.

CHAIR LEE: You can start talking.

MS. GACH: Thank you. So, I'm Camry, I'm 16, and I'm part of the Maui Huliau Youth Leadership Council. I would like this ban on single-use plastic to be passed for my future. When I am older, I want to be able to return back to Maui and witness the beauty around me, not the plastic that's scattered on our beaches.

I am aware of the concern that businesses have about survival during the ban, but I have a proposal; reuse, if, reuse. If all, if consumers take the initiative to bring their own reusable containers to restaurants for their leftovers, that will reduce compostable container expenses. And for the consumers that neglect to bring their own, they will have to pay a fee. And that would be just the same thing as what grocery stores are charging, the way that grocery stores are penalizing paper bag usage. It'll be the same, it'll be the same way.

This policy would direct citizens towards sustainable practices and provide the opportunity for either the County or the vendors to generate some revenue by, by selling these reusable containers. I would love to create a public service announcement to teach residents and tourists to bring their own to avoid high prices. If we make people aware of how businesses, all the businesses are trying to accommodate for this new legislation, then people will expect a new fee that's associated with our environmental consciousness and that will not interfere with individual business.

Personally, I was raised to bring my own containers, shopping bags, utensils, and water bottles. But from the experience that I have sorting waste at Huliau's zero waste events and attempting to convince my friends to bring their own, people opt for convenience. But this ban would awaken everyone to the change, the global change that needs to happen here, locally, on Maui, so that we can regain our harmony with the earth.

I humbly ask for your vote to pass this single-use plastic ban. And I'm enthusiastic about innovating solutions to really manifest what we want for our island. So, I'd be happy to converse with the Council in the future. Mahalo.

COUNCILMEMBER KING: Chair, you're muted. We didn't hear what you just said.

CHAIR LEE: Yea, I'll just say again, Camry, you're very impressive. We look forward to conversing with you in the future and good luck to you.

Let's see, who's our next testifier?

DEPUTY COUNTY CLERK: Madam Chair, the next person signed up to testify is the individual calling from the phone number with these last four digits: 6448. They will be followed by Cheryl King. I repeat, the next testifier is the individual calling from this phone number with the last four digits: 6448.

MR. MARK DEAKOS, HAWAII ASSOCIATION FOR MARINE EDUCATION AND RESEARCH [testifying on Bill No. 52 (2020)]:

Hi there. Can you hear me?

CHAIR LEE: Yes. Your, your name?

MR. DEAKOS: Sorry, it's Mark Deakos. I think I'm on the video and the call, so it's first time. I appreciate the opportunity to speak. I'll be speaking on Bill 52 today. And my name is Mark Deakos. I'm the Executive Director of the Hawaii Association for Marine Education and Research, a Maui nonprofit since 2004.

And I want to wholeheartedly applaud this Council for supporting Bill 52, to eliminate the sale of most plastic disposable foodware. As we say, we don't have a pollution problem, we have a design problem. And we're so fortunate that we have folks that are designing products with nature in mind; products that are functional and don't put the impact burdens on society and the environment. So, this bill not only incentivizes

those products that take responsibility for their social environmental impacts, but it also sends a message to manufacturers that think social environmental impacts are the next generations problem.

This bill does align with the State's 2030 solid waste reduction goals. And of course, if the City and Council, sorry, City and County of Honolulu can do this, we know Maui can certainly do this. So, thanks for putting our keiki and our aina first. And let's continue to incentivize responsible products and send a message to the others that they need to step up. Thank you so much for your hard work.

CHAIR LEE: Thank you, Mr. Deakos. Any questions?

If not, next testifier please.

DEPUTY COUNTY CLERK: Madam Chair, the next person signed up to testify is Cheryl King. She will be followed by the individual calling from this, with this phone number with the last four digits: 5701.

MS. CHERYL KING, HAWAII ASSOCIATION FOR MARINE EDUCATION AND RESEARCH
[testifying on Bill No. 52]):

Good morning, everyone. This is Cheryl. Can you guys hear me alright?

CHAIR LEE: Good morning. Yes, we can hear you.

MS. KING: Awesome. Thank you so much for facilitating this process and I'll keep it real quick. I just wanted to say thank you so much for supporting this. Mark just said everything. I'm also with the Hawaii Association for Marine Education and Research and also a Zero Waste Maui Coalition member, and a bunch of other different projects trying to save the ocean every day, so--

COUNCILMEMBER PALTIN: Can you unmute your video so we can see you?

MS. KING: Oh, yea. Hi.

COUNCILMEMBER PALTIN: Thank you.

MS. KING: I thought that was impossible. Cool. Yea, so I just wanted to say thank you. And Camry and Mark summed it up the best. And just really appreciate you guys and can't wait to see this pass and celebrate by not seeing as many single-use plastics on our beaches and on our reefs. So, thank you so much. We're here to help you and support

all community members that, you know, need to help with the transition. We're totally want to make this a good thing for everyone in our community. So, mahalo.

CHAIR LEE: Thank you. Any questions?

Mr. Clerk, next.

DEPUTY COUNTY CLERK: Madam Chair, the next person signed up to testify is the individual calling from the phone number with these last four digits: 5701. They will be followed by an individual who is logged on with the name Christopher. The individual calling from, oh, perfect.

MS. MARGE BONAR [testifying on Resolution No. 20-60 and Bill No. 52 (2020)]:

5701?

DEPUTY COUNTY CLERK: Yes, we can hear you. It's your turn to testify.

MS. BONAR: Okay. Sorry. This is Marge Bonar from Pukalani. And it's on multiple issues. Number one is the need for getting the County Manager issue out to the voters. I was very upset to find that Councilmembers are basically electioneering in, instead of leaving it up to the count, to the people. So, that is one. I've been on the record for that for a very long time.

And the other is to thank you all for your support for the issue of plastics, which you all know. I sent you written testimony and included in that with a picture of the paper fiber coolers . . . Igloo, major plastics manufacturer is putting out there, because the time has come. So, thank you for your support on both of these and everything else. And it's very courageous to be trying to do it this way. Thank you.

CHAIR LEE: Thank you, Marge. Any questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is the individual logged on with just the name Christopher. They will be followed by the individual calling from the phone number with these last four digits: 4376.

CHAIR LEE: Christopher.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair--

DEPUTY COUNTY CLERK: It is--

VICE-CHAIR RAWLINS-FERNANDEZ: The chat says that Christopher didn't sign up to testify.

CHAIR LEE: Oh alright. Christopher did not sign up to testify, so let's go onto the next one.

DEPUTY COUNTY CLERK: Okay. The next person who is up to testify is the individual calling from the phone number with these last four digits: 4376. They will be followed by Colleen Medeiros.

CHAIR LEE: Repeat please.

DEPUTY COUNTY CLERK: The person up to testify now is the individual calling from the phone number with these four, with these last four digits: 4376.

MR. DICK MAYER [testifying on Resolution No. 20-60 and Bill No. 50 (2020)]:

Can you hear me?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Yes.

MR. MAYER: This is Dick Mayer, and I thank you very much for allowing us to, to straighten this process given the medical circumstances in the community. Chair Lee and Members, two items that I'd like to briefly testify on. The first is the item that you have regarding bicycle tours. I'm hoping that you will raise the financial penalties that would have to be paid. Right now, there's a maximum of \$1,000. I think this is a trivial amount for these companies, which sometimes have several big tour groups coming down the mountain and can afford much more. And I would hope that the penalty matches the potential for their revenues, rather than just a little slap on the, on the wrist. Right now, the maximum you could penalize them is \$1,000 and it could even be as low as 200. So, please raise those dollar amounts.

The second item I'd like to testify on is the matter of putting on the ballot the resolution, the item to change our Charter to allow for the Managing Director position. I'm hoping that you will go ahead and vote today to put that on the ballot, give us all a chance to do this. Back with the last Charter Commission, as you've been told numerous times, they didn't handle it at that meeting, but recommended that separate committees be

set up to handle it. Those committees have met. The Council has debated, the community has debated, and now you have before you the possibility of putting that on the ballot. And I would urge you to go ahead and do that. I won't debate the item itself. That's what's going to be happening between, you know, July, August, or whatever, you could put on there, and November.

As the, the coordinator for the Alliance of Maui Community Associations, I'm going to make sure that this issue is well vetted fairly by all sides who have a, an opinion on this. And I'm going to urge all the community associations to take this up. I know in the past have conducted political forums. Hopefully we'll have some Charter revision forums that will also be able to, to help the public understand what the issues are and I will be welcoming, as I think you know I've done in the past, that all sides be able to, to speak out on issues to help the public understand what this would mean for the County. I think it's a, it's a good step forward.

And I know our own community association here in Kula, we debated this, and we decided to send you a letter, which I know you've received. And it was not unanimous. It wasn't a vote, I think it was something like 11-3 in favor of just sending you the letter asking you to put it on the ballot. And I think that's what's going to happen around the County, that people will debate in their associations and in their families. And we hopefully will be able to, to get a good vote in November for or against this proposition. I thank you very much and I wish you all much safety.

CHAIR LEE: Thank you, Dick, and we wish you safety as well. Any questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, the next person we have up to testify is Colleen Medeiros. She will be followed by the individual calling from the phone number with these last four digits: 9015.

CHAIR LEE: Ms. Medeiros, you can start now.

DEPUTY COUNTY CLERK: Oh, Madam Chair, it appears Ms. Medeiros might have disconnected. I do not see her in the list anymore.

CHAIR LEE: Alright.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual calling from the phone number with these last four digits: 9015. And they will be followed by Buddy Almeida. The next person up to testify is the individual calling from--

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI [testifying on County Communication No. 20-246, Resolution No. 20-60, and Bill No. 52 2020]:

Hello.

DEPUTY COUNTY CLERK: Oh, we can hear you.

MR. ECONOMOU: Hi. This is Jason Economou calling on behalf of the Realtors Association of Maui and our 1,700 members. I am testifying on behalf of the Realtors Association today and I would like to testify regarding a few agenda items.

First and foremost, let me talk about Bill 52. We support this bill. Especially now, it seems pretty clear that our economy and our environment are going to be closely linked from here on out. And we need to do the best we can to take care of our environment. So, we strongly support Bill 52 as a part of economic resilience. And it's also just the right thing to support.

In addition to that, I would like to take some time to discuss County Communication 20-246. This item is much more upsetting and concerning to me. The problem that the Realtors Association of Maui has with this item is that it is not the same bill that was reviewed and approved by the three planning commissions, even though the communication dated April 7, 2020, claims that it is.

I have brought this issue up with the Mayor's Office. I have brought this issue up with the Planning Director. And the Planning Director has even told me that she was surprised that the bill had undergone such a drastic change between the time it went to the planning commissions and the time it is being reviewed by Council. I don't know how our system can be subverted to such a high degree that one bill can get approved and vetted properly, and that bill can be transformed to the point where it's force and effect is not even similar to the bill that was vetted, and be sent to the Council without even an explanation as to why such changes were undergone.

I, the, the changes are, are numerous and they're pretty detailed, so I don't want to take my three minutes and, and try and get into it here. However, I did provide written testimony that takes excerpts from both versions of the bill and puts them up, you know, right beside each other. And, I mean, it goes from saying that the, the deadline to, to have been operating a short-term rental either began in 1991 with the Minatoya opinion, or suddenly it's at the effective date of this ordinance when it finally goes through. It raises questions like, if this ordinance goes through while the emergency rules are still in effect, does that mean all of those buildings are suddenly stripped of

their property rights because they can't operate short-term rentals currently? That seems like it would subvert property rights.

There are so many issues with this bill that I can't even really get into it, the, with the level of detail that it deserves right now. But just for the sheer sake of transparency and government responsibility, I implore you guys, please do not move this along to Committee. This was not the bill that was reviewed by the planning commissions. This has not been properly vetted by the public. And to pull a bait and switch like this during a global public health emergency, when very few people have the time or the inclination to review a bill that claims to have already been reviewed by three planning commissions, would just, it would really be abhorrent and irresponsible. So, that's, that's basically the gist of what I have to say about County Communication 20-246.

Would you, do you have any questions before I move onto the final item, or should I just move on?

CHAIR LEE: You can move on. Jason, we're, we're just going to refer that Committee.

MR. ECONOMOU: Council Chair Lee, I apologize, but I think that's a really terrible idea. This, this hasn't--

CHAIR LEE: Jason.

MR. ECONOMOU: --even gone--

CHAIR LEE: Jason.

MR. ECONOMOU: --to the planning commissions yet.

CHAIR LEE: Jason, what would you suggest we do with this county communication?

MR. ECONOMOU: I would, I would suggest you just disregard this county communication if you can. Or, or request that it be sent back to the Planning Commission. This bill is so dissimilar to what the county communication claims it is. What, what the county communication--

CHAIR LEE: Okay, thank you.

MR. ECONOMOU: --communication claims--

CHAIR LEE: Thank you, Jason. Thank you. Jason, we got that already. We will deal with it when we come up, when it comes up on the agenda.

MR. ECONOMOU: Okay.

CHAIR LEE: Any further, any other questions? Okay, you want to continue?

MR. ECONOMOU: Yes. I--

COUNCILMEMBER PALTIN: I had a question. Me, Tamara Paltin.

CHAIR LEE: Ms. Paltin. Member Paltin.

COUNCILMEMBER PALTIN: What I'm reading on page 4 of the agenda, it says that the Planning Director is transmitting it. And you said that the Planning Director was surprised? But isn't, I mean, from what it says on the agenda that they're transmitting it, so how are they surprised? I don't understand.

MR. ECONOMOU: Councilmember Paltin, that's a great question. When Council, when the Planning Director claimed to me in an email yesterday, which if, if she's okay with it, I would love to forward it to you, because it really, it identifies the problem here. The Planning Director claims that the changes were made by Corporation Counsel, but that she was unaware that the changes changed the force and effect so drastically.

And that she claims that she spent all day yesterday with her staff and Corporation Counsel trying to figure out how this happened. That's the real problem here. How is it that Corporation Counsel can unilaterally change a bill that surprises the Planning Director? And why did the Planning Director sign off on a county communication with a bill that's so dissimilar to the one that she sent to the Planning Commission.

COUNCILMEMBER PALTIN: Okay, so--

MR. ECONOMOU: This is highlighting some major issues with government transparency that you guys really have a responsibility to address.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. My question has been answered.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: I'll follow up on phone.

CHAIR LEE: Yea, thank you. We can discuss it when it gets to your Committee.

Anything else, Jason, on another subject?

MR. ECONOMOU: Yea. I, I just want to comment on Resolution 20-60, regarding the office of Managing Director. Historically, RAM has opposed such measures. And one of the main concerns that we have is that it, it disregards the traditional separation of powers that our Charter is set up with. I will admit that this current proposal is, is a lot more balanced than previous proposed Charter amendments. However, there, there is some concern as to who the ultimate boss of the Managing Director is, whether it's, it's Council or whether it's the Mayor's Office. And if it's Council, well, you know, you guys are the legislative branch and the Mayor's Office the executive branch. Then Office of Managing Director will be taking on executive functions from the Mayor's Office.

So, it seems, once again, to go against the basic principles of our government to have the Managing Director answering to the legislative branch and not the executive branch when all of their functions are really executive branch functions. However, I will say that Section 6-5 does address that in a decent manner, really allowing you guys a veto to override the Mayor's termination of the Managing Director. But even you guys being able to approve or deny the will of the executive branch within the executive branch, it seems opposed to how our, our Charter is actually--

CHAIR LEE: Okay. Thank you, Jason. Do you have any other comments on other items? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, the next person we have up to testify is Buddy Almeida. He'll be followed by the individual calling from the phone number ending with these four digits: 3358.

CHAIR LEE: Mr. Almeida, are you there?

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Mr. Almeida, your microphone is muted on your end. Moderators can't unmute on our end.

CHAIR LEE: Buddy, can you hear us? Well, we can always circle back to you.

Let's proceed.

DEPUTY COUNTY CLERK: The next person signed up to testify is the individual calling from the phone number ending with these four digits: 3358. They will be followed by Darryl Ng.

MR. MARK HYDE (testifying on Resolution No. 20-60):

Good morning, Council.

CHAIR LEE: Morning.

MR. HYDE: Morning. Good morning, Council. My name is Mark Hyde and I'm here to testify as an individual in support of the Managing Director proposal. I'd like to make a few brief points and remain available to you by phone throughout the day if necessary, in my role as a resource person to you should you want additional input.

CHAIR LEE: Mark.

MR. HYDE: A couple of comments--

CHAIR LEE: Mark, let me interrupt.

MR. HYDE: Yes.

CHAIR LEE: Mark, can I ask you a question? The last four digits of your phone number, are they 3358?

MR. HYDE: Yes, they are.

CHAIR LEE: Oh, okay. Alright. Thanks.

MR. HYDE: Very good. Yesterday, oh, yea, nothing further? Okay. Yesterday's Maui News ran a story on the County Manager proposal. And in the article, one Councilmember is quoted as saying he wants both branches of County government to continue to be led by elected officials chosen by the voters. That's exactly what the proposal ensures. It's not unlike the chain of command that you see in a military organization. And to reassure the recent testifier from REM [*sic*], the Mayor has the power to hire, to fire, to direct, to control every aspects of the Manager's work. So, I want to make that clear if I can.

Second, another Councilmember questioned the citizen participation in the Manager recruitment process, suggesting that citizens will replace the judgement of the elected Mayor in the Manager's selection. And the answer to that is that the proposal clearly states that the Mayor will pick the Manager. With that, I thank you for your time. And again, I'll remain available to you throughout the day should you seek additional input. Aloha.

CHAIR LEE: Thank you, Mark. Questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is Darryl Ng, to be followed by the individual calling from the phone number ending with these four digits: 3540.

MR. DARRYL BARRET NG (testifying on County Communication No. 20-246):

Good morning, Council. I decided not to put my video, oh, here's my video.

CHAIR LEE: Good morning.

MR. NG: I'll turn it off here for you. Good morning. So, my name is Darryl Barret Ng and, and--

CHAIR LEE: No, please put your video on.

MR. NG: --and I'm a real--

CHAIR LEE: Put your video on.

MR. NG: Oh, okay. I didn't want to bother everybody. Okay, great. My name is Darryl. Can you hear me?

CHAIR LEE: Yes.

MR. NG: How you doing? So, my name is Darryl Barret Ng and I'm a real estate broker living in Wailuku. I manage properties throughout Maui. And I'm testifying in shock to County Communication 20-246. I have already submitted more detailed testimony, so I'll try to make this brief.

If last, last month's Planning Commission meeting on short-term rentals was any indication, if this were normal times when people could come and testify in person, there would be hundreds of people testifying in opposition.

This is a major bill change that affects the housing values of thousands of homeowners, many of who owned units since before the Minatoya opinion. Although the communication states that the purpose of the bill is to prevent the further conversion of long-term rental and owner-occupied apartments into transient vacation rentals and apartment, light industrial, and heavy industrial district, districts, it is in fact changes the way Minatoya apartment and condos can operate.

In addition, this copy of the bill has major changes from those transmitted to the Maui Planning Commission's version of the bill that was submitted in December. These changes seek to subvert the process by changes made unilaterally by either the Planning Department or Corporate Counsel in defiance of recommendations by the Planning Commissions. The reason is clear, and this is an attempt to codify, repeal the Minatoya opinion legal uses in opposition to the Commission's recommendations to codify such legal uses.

The submitted bill makes small changes in Sections 1, 3, and 10, that seem to be minor, but have serious ramifications to the interpretation of the bill as written. It basically works together to remove the property protections to what we call Minatoya opinion condos. The Planning Department's statement is that by removing the right of Minatoya opinion condos to rent short-term will increase the number of affordable housing units and help bring rents and home prices down. This is a farce and will provide more economic windfall and power for hotels, which are not locally owned and who's profits will be funneled outside our community, and a huge detriment to our vacation rental owners, who are predominantly individuals with a large number of owners being from Hawaii.

In a, in a briefing last month, the Planning Department created a presentation that was filled with false statements and data from consultants showing that a majority of vacation owners reside outside of Hawaii, when in fact, a large number of vacation rental owners form LLC's to protect against unlimited liability and choose to incorporate in Delaware, or Nevada, or other states, because of more relaxed corporate requirements. They show up as non-residents, although in reality, they are owned by residents. These condos owners provide millions of dollars in property tax revenue to the County, making for a double whammy if rights are taken away.

The County really needs to understand the ramifications of these changes before forging ahead. I urge the Council to think of the livelihoods of these owners, the local management companies, cleaning companies, electricians, plumbers, contractors,

and other small businesses over the windfall profits that that's something like this, this law would bring to off-island corporations running hotels that would be able to raise prices and make more profits with lower supply, pulling away more jobs and revenues from hardworking local small business owners.

I, I really implore the Council to look at this communication. Maybe send it back to find out why these changes were made without the approval of, of the planning commissions. You know, they seem very, very small on their face, but if you look at these, just a word change, changes things, you know, changes the ability for these vacation owners to be able to continue renting their property short term.

CHAIR LEE: Thank you. Thank you. Are there any questions?

Yes, Ms. Tamara Paltin.

MR. NG: Yes.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Ng, for your testimony. My question is, how familiar are you with the process? Because it's a referral to the Committee, and we can take it up, and we can change whatever the Planning Commission had sent to us. But then whatever gets changed also needs to go back to the Planning Commission if it's substantially different from what happened in Committee. So, whether it's different or not, if it's different it still needs to go back to the Planning Commission. So, are you saying that you never want us to talk about this issue?

MR. NG: No, no, absolutely not. I mean, the whole thing is that changes were made to this, to this bill that were substantially different from those that were, the, the bill, copy that was provided by the planning commissions back in December. And how these changes, as Jason has said earlier, how these changes were made, there's no transparency.

All we see is, you know, we get this Communication 20-246, and we look at it and we see, wait a second, there's these three sections that were changed and it seems like they were changing such a minor matter that anybody who really skimmed over it wouldn't notice any of the changes. But they're major. They're, a single word changes things.

I mean, you know, it's, it's just a, the, the, the, what is it, the, the, what is it, the idea of the bill has completely changed with just these changing of these three sections. I mean, that's the thing that I'm, I'm most concerned about. And I think most of us out there who, who deal with these kind of units--

CHAIR LEE: Mr., Mr. Ng--

MR. NG: --are concerned about.

CHAIR LEE: I think you've answered the question. Thank you.

MR. NG: Okay. Sorry. Sorry, I was just trying to give more detail.

CHAIR LEE: Is there another question?

COUNCILMEMBER PALTIN: Thank you. No further questions. We'll look into that section of the issue as well. Thank you.

MR. NG: Excellent. Thank you.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have up to testify is the person calling from the phone number ending with these last four digits: 3540. They will be followed by the individual connected to the meeting under the name Franc.

MS. KELLY SWANSON (testifying on County Communication No. 20-246):

Good morning, Chair Lee and Councilmembers. This is Kelly Swanson. I'm a realtor on the island. And I'm also calling about--

CHAIR LEE: Good morning.

MS. SWANSON: Good morning. I'm also calling about County Communication 20-246. As the previous two callers have really, that have discussed this issue have really gone into depth over pretty much what I was going to say as well. I will just testify to the fact that instead of going to Committee at this time, it should go back to the Planning Commission before even coming to Council to go to Committee. The way it's written, this version is extremely misleading. It's confusing and it's very much different from the previous version.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual connected to the meeting under the name Franc. They will be followed by the individual calling from the phone number ending with these four digits: 5464.

CHAIR LEE: Franc, are you there? Okay, next.

COUNCILMEMBER KING: Chair.

DEPUTY COUNTY CLERK: Oh, apology, Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: I thought I saw, I thought I saw Stan Franco with that name. So, maybe he doesn't realize that that's what it looked like. It looked like he was being called Franc, F-R-A-N-C, but I think it's Stan Franco. There he is.

DEPUTY COUNTY CLERK: Oh, okay.

CHAIR LEE: Stan Franco.

MR. STAN FRANCO (testifying on Resolution Nos. 20-59 and 20-60):

Yes.

CHAIR LEE: Stan, are you there? Did you sign up to testify?

MR. FRANCO: I have.

CHAIR LEE: Okay.

MR. FRANCO: Yes, I did.

CHAIR LEE: You want to--

MR. FRANCO: Hi, I'm Stan Franco. I'm Stan Franco, and I speak for myself. Good morning to the Council and your work. I appreciate it very much. I'm speaking in favor of the County Manager and also the increase in the percentage of revenues to the Affordable Housing Fund. I think these two things are very important.

On the County Manager, we have grown so much as a County, it's getting so complex. We have 2700 employees and a budget of, of over \$870 million. And I believe that we need a professional to make sure that our monies are spent in the right way. And this is why I'm in favor of a County Manager position.

On the Affordable Housing Fund, I've spoken very much about this over a period of several meetings. I believe as much money as we can put away, so that we can use the money to build affordable housing, which is a critical need as everybody knows. You know, in the past two budgets, last year's budget and the current budget, we, we had it at three percent. Now, the Mayor is suggesting for 2021 a five percent of the revenues to go into the fund. So, I believe the fund should be at least three percent and then it can be added, additional monies can be added at each budget session. I think it's important that also that this fund be not every 10 years renewal, but it be set as a permanent fund. The housing crisis has been with us for years, it will take us years to come out of it. And I think we should make it permanent.

So, I thank you for your time. I, again, supporting the County Manager and the Affordable Housing Fund as it is written today. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, the next person we have up to testify is the individual calling from the number ending with these four digits: 5464. They will be followed by Helena Weltman.

MS. KING: 5464 was Cheryl King. And I had called earlier on the phone. Sorry, I hung up and went to BlueJeans. Sorry, guys.

CHAIR LEE: That's okay.

DEPUTY COUNTY CLERK: Then the next person up to testify is Helena Weltman. They will be followed by Kelly Lovato. The next person up is Helena Weltman. If you are intending to testify, your video and microphone is muted on your end. Staff cannot unmute you from our end.

Okay, proceeding with the next testifier. The next person up to testify is Kelly Lovato, to be followed by Laura McDowell. There does not appear to be, Kelly Lovato must have disconnected. They are no longer in the--

Then the next person up to--

MS. LAURA MCDOWELL: Hi James. This is Laura. Sorry, I'm just tuning in. Not here to testify. Thank you.

DEPUTY COUNTY CLERK: Okay.

CHAIR LEE: Okay, thank you. Next.

DEPUTY COUNTY CLERK: Then next we have Lauren Blickley. To be followed by Lucienne de Naie.

MS. LAUREN BLICKLEY, SURFRIDER FOUNDATION [testifying on Bill No. 52 (2020)]:

Aloha, this is Lauren Blickley. Got it. Me, go?

CHAIR LEE: Yes.

MS. BLICKLEY: Alright. Aloha, Councilmembers. My name is Lauren Blickley and I am testifying in support of Bill 52, to address disposable plastic foodware. I'm doing so on behalf of Surfrider Foundation as the Hawaii regional manager and as one of the founders of the Zero Waste Maui Coalition.

My testimony today consists of three mahalos. First, I want to mahalo each and every one of you guys. Many local governments have deferred bills and meetings during this time, so I just really want to extend an appreciation to you guys for adapting and adjusting and continuing to do the important work that you guys are doing for our community.

The second mahalo is for each and every one of you supporting Bill 52 out of first reading and for your "yes" vote today. During our polystyrene discussion a few years ago, this conversation came up of are we going to just continue to ban a different plastic each year and show up and ask you guys to ban things very piecemeal. And that's what the beauty of Bill 52 is. It's a very comprehensive bill, it addresses this piecemeal approach and also, we're ready for it. I don't know if you guys realize, but 10 years ago we passed our single-use plastic ban here in Maui County. And we weren't, at that time, ready for a Bill 52. But today, the alternatives are widely available. The price points are there, our businesses are there, and we're ready for this bill.

And finally, I just want to say mahalo to you all for holding us accountable. As environmental and local organizations and community Last summer, a group of seven of us launched the Zero Waste Maui Coalition in direct response to the feedback

that we received from the polystyrene foam bill. And we understand that policy is critical to addressing plastic pollution on our island, but that it doesn't operate in a vacuum. And if we're pushing you guys to make these policy decisions, then we also must hold ourselves accountable in terms of addressing plastic pollution, much more holistically driving a much more holistic conversation. And also looking much more broadly at waste management here in Maui County.

And I think sometimes people think that we just come to these things and, and we're just against things, right; we're against plastic, we're against things. But we founded Zero Waste Maui Coalition . . . for something. And, and we're trying to focus that on being for and supportive of filling in the policy gap, so not only looking at alternatives to single-use plastics, the reusables, also to promoting large scale and local composting, providing education to our community more broadly, and also tools for businesses so they can make those sustainable choices.

So, a yes vote today on Bill 52, I want you to know that you're voting yes to support cleaner ocean . . . and beaches for our community, that you're voting yes to a more resilient and healthy community, and that you're voting yes to setting a positive and sustainable example for our youth and their future. So, mahalo for your support.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Chair--

CHAIR LEE: Are there any questions?

COUNCILMEMBER KING: --just one quick question.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Lauren. It's good to see you. I just wanted, I thought I heard you say that you were the new manager of Surfrider Maui. So, I just wanted to clarify that.

MS. BLICKLEY: Yes, I'm actually the new Hawaii Regional Manager for Surfrider Foundation; so, help manage our five chapters across the Hawaiian Islands.

COUNCILMEMBER KING: Okay. So, you're taking Stewart's place?

MS. BLICKLEY: I am the new Stewart, but I'm owning it; I'm Lauren.

COUNCILMEMBER KING: Awesome. Thank you.

MS. BLICKLEY: Thank you, guys. Mahalo.

CHAIR LEE: Thank you. No more questions? Thank you, Lauren.

Next, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is Lucienne de Naie, to be followed by Rob Weltman.

CHAIR LEE: Ms. de Naie? Well, we can come back to her. Shall we go to Rob Weltman?

Mr. Clerk, call up Rob Weltman.

DEPUTY COUNTY CLERK: Yes, Madam Chair. The next person up to testify is Rob Weltman. Mr. Weltman, your microphone is muted on your end. Staff cannot unmute you on our end. After Rob Weltman is the individual connected to the meeting under the name Shelby.

MR. ROB WELTMAN, SIERRA CLUB MAUI [testifying on County Communication No. 20-242, Resolution No. 20-60, and Bill No. 52 (2020)]:

Aloha mai kakou.

(Spoke in Hawaiian.)

Good morning, Chair Lee and Members of the Council. My name is Rob Weltman, and I'm going to speak briefly about three items on the agenda today.

First one is County Communication 20-242, the Earth Day resolution. In 1962, Rachel Carson's book was published, "Silent Spring". And it caused an earthquake, I would say, in the United States, thinking and realizing things which no one had thought about before. I re-read that book two years ago. I was so shook, shook, shaken by it, and it's still a very valid and, and important book. But what Rachel had discovered was that pesticides were causing devastation among the wildlife in the United States; animals, birds, plants. But at that time, it was still not clear what the effects of poisoning the, the land, and the water, and the air were on human beings. But that became clear during the 60's.

And by 1970, when the first Earth Day happened, it was clear that these things were bad not just for plants and animals, but for human beings as well. So, 1970 and the

start of, of Earth Day was kind of a turning point. We got the Clean Water Act, we got many other things happening, which had turned around a lot in terms of, of the quality of our air, and land, and ocean. Still a lot to be done, and there's still threats to those things.

But now we have a, of course, an even bigger challenge, which is climate change which is really the biggest existential threat to humanity ever. And the resolution mentions the Paris Climate agreement and the need to continue supporting that.

And speaking for Sierra Club and also speaking for ReTree Hawaii, of course, we strongly support Maui continuing to do, to participate and, and do what it can for the environment and for the goals of the Paris Climate Agreement. The resolution names ReTree Hawaii the

And I just wanted to mention that we are participating in, and everyone can listen into, Earth Day Live 2020. Now, we can't, there can't be any gatherings of human beings as there have been in the past 50 years because of the Coronavirus, but there are many things happening online. And one of them is if you go to the website, Earth Day Live 2020, you'll see that among national events happening all during the day, actually for three days, Wednesday, Thursday, Friday, there's also a number of local events and one of those is that ReTree Hawaii will be having an event starting at 1:00 on Thursday, so you're welcomed to tune into that.

The second item I wanted to talk about, and this is just as myself, is Resolution 20-60, for putting the Maui, the County Manager on the, on the ballot. And I think that this is not a perfect solution, in my opinion. I think I have slightly different opinions from the way it was formulated. But I think that's true of pretty much anyone looking at this. And so, the beauty of this is that it takes into account experience from many different directions, many possible solutions, and it focuses on the core thing, which is how do we get to selection of management, which is based on professional qualifications rather than political allegiances? And that has to happen. So, I support this bill. And, and more than anything else, I support putting it on the ballot and letting people vote on it.

And finally, Bill 52, for Sierra Club, we're very happy to see that Maui continues to be committed to being a leader in, in getting plastic out of our environment. Not just out of the, the water, but also out of the landfill. And as Lauren said, there is not technology to do that, to allow us to shift to things, which are, which break down in the environment and, and which don't leave a lasting legacy which will hurt us and hurt our future generations. So, thank you for putting all these things.

And actually, one final thing I wanted to say is thank you, Council, for taking the step of making it possible for people to continue to participate in, in this democracy through BlueJeans and through phone, phone testimony. Aloha.

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

Next testifier.

DEPUTY COUNTY CLERK: The next person we have up to testify is Sherri Dodson, to be followed by the individual connected to the meeting under the name Steve.

MS. SHERRI DODSON, HABITAT FOR HUMANITY MAUI (testifying on County Communication 20-239)

Aloha, can you hear me?

CHAIR LEE: Yes. Hi, Sherri.

MS. DODSON: Hi. Good morning.

CHAIR LEE: Good morning.

MS. DODSON: This is Sherri Dodson. I'm testifying both on behalf of myself and as the Executive Director for Habitat for Humanity Maui. I'm testifying on the Communication 20-239, in support of the appointment of Laksmi Abraham. I have known Laks for over 10 years both personally and professionally. Professionally when she was the CEO and President of Maui United Way and also the President of Maui Non-profit Directors Association. In both those roles, she had leadership role and served both organizations very well professionally. She was honest and open and I, I had never heard a complaint about her.

Through my professional relationship with her, we became friends on a personal level. She's just an amazing human being. She's so passionate about our community. She's passionate about her work, her family, and I think she would make a great addition as a legislative analyst, because she does bring so much passion to everything she does. So, I just wanted to chime in and say I'm super excited for her and for you guys, and hopefully, you know, she'll do good work for you. That's all.

CHAIR LEE: Thank you, Sherri. Are there any questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual connected to the meeting under the name Steve, to be followed by Tom Blackburn-Rodriguez.

MR. STEVE GOLDSMITH (testifying on Resolution No. 20-60):

Good morning, can you hear me?

CHAIR LEE: Yes. We can't see you.

MR. GOLDSMITH: Thank you. Hi. Let's see, you can't see me. My video is being unmuted by the moderator. There we go. Can you see me now? Oh well, let's just get to the hearing. My name is Steve Goldsmith. And before I testify in favor of Resolution 20-60, to allow us to vote on a Managing Director, I'd like to give my sincere kudos and mahalo to the Council and the entire Maui County government that is making it possible for us to testify today.

I was on a Zoom video call on Wednesday with about 15 people statewide from the Hawaii Common Cause Organization. They specifically mentioned how great a job Maui County is doing in using this BlueJeans software to enfranchise us to testify and bringing in the sunshine. They're having a lot of issues on Oahu, many meetings that are not getting out to the public. Again, mahalo.

My history goes back more than 13 years with this topic. I was appointed to the Maui Cost of Government Commission at the end of Mayor Arakawa's first term. I was there during the changeover of Mayor's from Arakawa to Charmaine Tavares in January of 2007. I got to see it firsthand, the chaos of having a new Mayor, a new County manager, and new department heads. They were all too busy fighting fires during their first year, rather than able to do any long-term planning or problem solving or even responding to our questions.

Everyone on the Cost of Government Commission acknowledged the problem was not the attitude of the people, but rather the form of government that they were working under. We needed a professional manager with historical knowledge of the County that did not get fired every four or eight years when there's a new Mayor and was not a new political appointee with newly appointed department heads under them.

I and others, including Mayor Arakawa, then testified early in the process to the 2012 Charter Commission to change the form of our government. The Charter Commission agreed for the need, but the topic was overwhelming and could not be handled in the time they had. The Charter Commission only meets every 10 years.

Actually, Councilmember Yuki Sugimura was on the 2012 Commission, to which I testified nine years ago. And which, according to the transcript, she seconded the motion to remove it from the Charter Commission's agenda as it was too complex a topic.

The Charter Commission suggested a special Committee to study the topic of a professional County manager. That group was created and spent months on the topic. And that Committee, through various compromises, many compromises, after all the perspectives were heard, recommended to put it on the ballot. The Council has now dealt with this for years, so here we are today.

And I've heard some recent objections to this; one being put it on the Charter Commission. Obviously, it's too big of a topic; that's not an option. Don't do it now because of the Coronavirus. I believe the opposite is true. This is a great time to put it on the ballot. More Mauians vote during a Presidential election and many people, unfortunately, are at home watching and reading the news online and have more time to do it, to interact and research this topic. And finally, how much will it cost? Can we afford it? Initially, a good question, but not if you spent more than a few minutes learning about this topic.

The current Manager makes 150,000. The average professional manager in the U.S. makes \$180,000 for our population size with no golden parachutes. Maui County spends over \$800 million per year. Some studies say we would receive as much as a 10 percent in savings; that's \$80 million. Even if they're off by a factor of 10, we're talking about \$8 million. So, you see--

CHAIR LEE: Steve. Steve, can--

MR. GOLDSMITH: --we can't afford not to have a professional manager.

CHAIR LEE: Steve, can you summarize please? Please summarize.

MR. GOLDSMITH: Yes. Thank you. Thirteen years is long enough, please vote yes. Mahalo for listening.

CHAIR LEE: Thank you. Questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Tom Blackburn-Rodriguez, to be followed by Tom Croly.

MR. TOM BLACKBURN-RODRIGUEZ, GO MAUI, INC. (testifying on Resolution No. 20-60):

Hello, Council Chair Lee. My name is Tom Blackburn-Rodriguez. Can you hear me okay?

CHAIR LEE: Yes. Yes, Tom.

MR. BLACKBURN-RODRIGUEZ: Thank you very, thank you very much. I live in Kihei, I'm testifying as a representative of Go Maui, Inc. on Resolution No. 20-60. And more information about Go Maui can be found at our website at gomaiiinc.org.

Go Maui respectfully submits its strong opposition to the resolution for the following reasons. First, this is not the time to attempt a radical, untested reorganization of our government. It is a time to slow down, take a deep breath, and hope that we may be out of the COVID-19 pandemic within the next year. Since this idea was proposed, COVID-19 is becoming the leading cause of death in the United States, and so far has reached a record of 4,591 deaths in just the past 24 hours. In the United States, there have been more than 684 COVID-19 cases and 35,878 deaths according to John Hopkins University. And Maui may just have reported from the Maui Now at 9:26 a.m., two more cases on Maui. The President is right, we are at war. Is a new County manager the answer to winning that war? Is this a distraction we need now?

Second, given the need for social distancing and the stay at home emergency orders, it is not fair to the community to attempt a meaningful discussion on a proposal that makes wide ranging changes in our Constitution, our County Charter, when the safety and well-being of the people of Maui County is our primary focus. Many Maui citizens who deserve a careful review of this newly prepared change, will be unable to pay full attention and have full access to any discussion on the amendment. Ten percent of Maui households do not have a computer in their home. How will they participate? Low-income households have even less access to the internet. Will this rush to judgement disenfranchise them because of where they live and how much they earn?

This proposal should be referred to the Charter Commission to consider all aspects of the amendment, including cost, any impact on public services, ensure a balanced community dialogue, and make sure the amendment does not include any changes unrelated to the changes being proposed.

I sincerely respect and honor the passion of those who are demanding this change right now. But there is no need to rush in the midst of the worst public health emergency in 100 years, and one that has also begun to grow on Maui. Sadly, in just the past three minutes of my testimony, another four people in the United States have

died from the COVID-19 virus. This proposal comes at the wrong time. Thank you for the opportunity to share the views of Go Maui. And thank you again for your work on behalf of the people of Maui County. Aloha.

CHAIR LEE: Thank you, Tom. Any questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is Tom Croly. To be followed by the individual calling from the phone number ending with these four digits: 4736.

MR. TOM CROLY (testifying on County Communication No. 20-246 and Resolution No. 20-60):

Okay. Are you waiting on me?

CHAIR LEE: Yes.

MR. CROLY: Okay. Tom Croly, and I'm testifying on my own behalf on item 20-60, the Charter amendment to consider the County manager. I testified about this issue a couple years ago when it was last proposed. And I said that the proposed changes to a County manager would essentially require a significant rewrite of the County Charter to implement this. And the rushed revision that was presented at that time really needed a whole lot more work and more vetting.

I see in the proposed version that significant thought has been given to the Charter changes necessary to implement a shared responsibility, if you will, between the Mayor and the, and the County manager. And in general, I like the changes that have been proposed here. I don't know who did this work, but my compliments on this proposal. This proposal has merit and I would like to see more and hear more about this proposal before deciding if this is a better alternative to our present executive structure.

However, the devil is in the details and there are many things in this proposal that I do have concerns about, like the three-member, three members of the public who would have the power to select who our County manager is. I really need more details about who they would be, how they would be selected before I'd be able to say whether this is a good idea.

Ultimately, after I gave a lot of thought to this, I think that it would be wholly irresponsible to forward this particular Charter amendment to the ballot at this time.

What I would prefer you to send, to forward to the ballot, would be a measure that would say that the upcoming Charter Commission shall come up with a proposal for this, so that they, the next upcoming Charter Commission can't ignore it.

First and foremost, the COVID-19 situation we find ourselves in, and the meeting that we're holding today that's really not in conformance with the Charter and is only able to be held in the manner that we're holding it because of the emergency proclamation, brings questions as to whether this is the way that we want to be vetting something as, as important to this. This is an unprecedented situation and likely will cloud the judgement of many until things settle down.

I suspect over the next year that many of us are going to learn a lot about ourselves, about our islands, and about our priorities as this whole COVID thing settles down. And I really appreciate what Dick Mayer said. He said, I want to vet this in the various community meetings and so forth out there. But are we going to even be able to have those community meetings? Will people be afraid to go to those community meetings this summer? So, I don't think that this is really the time that, that we want to do this.

Second, as has already been stated, in less than 12 months, our decennial Charter Commission will be empaneled to consider matters exactly like this. And that is the place that this thing should be vetted. I like the proposal that's come forward. I think they should start right there with this proposal and work it, you know, whether there are changes to be made or not. But vet it in that, in that session. I'm sure those that, that's my conclusion on this subject.

I do have comments to make on Communication item 20-246 after this if there's no questions.

CHAIR LEE: There are no questions.

MR. CROLY: Okay. So, I'd like to provide some comments on County Communication 20-246, from the Planning Director, concerning short-term rental uses in the apartment district. I don't expect, and I did not expect, that this Council would do anything other than send this to Committee today. However, I would encourage you to file this item today and here is why.

When a, a change to Title 19 is proposed by a Councilmember, you guys send it to Committee and then you are required by Charter to send it to the Planning Commission for review. When a change is suggested by the Administration to Title 19, they send it directly to the Planning Commission in order to be vetted at that time, okay. So, that's what they did with this item; they sent it to Planning Commission, Planning Commission heard the item, then it's supposed to come to you.

But as you've already heard, what's coming to you doesn't resemble in any way, shape, or form, what was discussed at the Planning Commission. So, the Administration should be told to follow the proper procedure, which would be if they want to make a change to Title 19, that change should be sent to the Planning Commission directly.

Now, you can, you can send it to Committee today if you want. But at Committee, you're just going to have to bounce it right back out to Planning Commission. So, a shortcut to this right now would be to file this item today and send it back with instructions that they should be following the proper procedure for a change to Title 19. Thank you, Chair.

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

Next testifier.

DEPUTY COUNTY CLERK: The next person we have to testify is the individual calling into the meeting from the phone number ending with these digits: 4736. They will be followed by the individual calling in with this phone number, ending in these four digits: 1727.

CHAIR LEE: 4736. Okay, next one; 1727. 1727.

Mr. Clerk, the next one.

MS. TE'SHA MAKAMAE KAIKAMAHINE MARTINES-MELIM [testifying on Bill No. 22 (2020)]:

Oh, hello.

CHAIR LEE: Oh, alright. What is your last four digits?

MS. MARTINES-MELIM: 1727.

CHAIR LEE: Okay, very good. And your name?

MS. MARTINES-MELIM: Te'sha Makamae Kaikamahine Martines-Melim. I'm calling on behalf of Surfrider Foundation Maui Chapter also. I'm calling in great support of Bill 52, for the same reasons I supported Bill 40 here in Honolulu, because it's going to affect all islands with this single-use plastics, and cause all of the trash that lands on the ground in Maui is eventually going to go out to the outer islands, which is also why I'm calling from Honolulu right now; to say hey we care about the bill that's passing in

Maui just to let you guys know . . . But I just want to keep my testimony as short as, please support Bill 52, guys. Thank you so much. Aloha.

CHAIR LEE: Thank you. Any questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual calling in from the phone number ending with these four digits: 6753. They will be followed by the individual connected to the meeting under the name Clint.

MS. ALEXIS CHAPMAN [testifying on Bill No. 52 (2020)]:

Alexis from the Hawaii Food Industry. Hi, this is Alexis Chapman for the Hawaii Food Industry Association.

CHAIR LEE: Good morning.

MS. CHAPMAN: Good morning.

CHAIR LEE: You can start talking.

MS. CHAPMAN: Chair, Vice-Chair, Councilmembers, thank you for the opportunity to testify. We are in opposition to Bill 52. In March, we sent out a survey to Members asking what questions they had about Honolulu Bill 40. One of the responses we got back said simply, why are you asking me about this right now? I'm losing my business. My employees are losing their jobs.

Since March, the COVID-19 situation has only gotten more dire. Many of our member businesses are in crisis right now and are not able to testify today. This is not the right time to take action that will make things more expensive for Maui food businesses, or to limit their options for safe sanitary foodware. We ask that this measure be held. And thank you for the opportunity to testify.

CHAIR LEE: Any questions? I don't see any.

Mr. Clerk. Thank you.

MS. CHAPMAN: Thank you.

COUNCILMEMBER SUGIMURA: I have a question, Chair.

CHAIR LEE: Oh, alright.

COUNCILMEMBER SUGIMURA: Sorry.

CHAIR LEE: I hope we still have her.

MS. CHAPMAN: Yes, I'm here.

CHAIR LEE: Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Your, your statement about, because of COVID-19 and things having to be, you know, sanitary and, and we're all worried about the spread of the virus. But did any of your members mention anything of that nature, in relationship to this, this kind of single-use plastic?

MS. CHAPMAN: Our members are, we've had questions about single-use plastic bags, about surfaces, about all types of sanitation. So, yes, there's a lot of questions about how those things relate to the virus, yes.

COUNCILMEMBER SUGIMURA: And, and does it add to their concern about the virus in relationship to making this change?

MS. CHAPMAN: There is, I think that there is concern, yes, about how, how to implement some, this type of change in the midst of not understanding fully anywhere like how the virus interacts with certain surfaces. And as, I think has been mentioned in this discussion, like reusable bags were kind of used as a model for a reusable item. But across the country, reusable bags are now banned at a lot of stores, because customers, employees, they don't feel safe handling a bag that someone else has handled. And that's just a bag.

We're talking about something, you know, like a fork or a spoon that's been in someone's mouth, or a bowl that someone's eaten out of. So, you know, how reusables interact with this virus is a total unknown at the moment.

CHAIR LEE: Are you done?

MS. CHAPMAN: Yes.

CHAIR LEE: Sugimura. Ms. Sugimura. Okay. Thank you. Thank you to the testifier. Thank you to Member Sugimura.

Next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual connected to the meeting under the name Clint. They will be followed by Liam Grist.

MR. CLINT HANSEN (testifying on County Communication No. 20-246):

Aloha, this is Clint Hansen with Maui Real Estate Radio. I was calling to communicate my opinion on the County Communication 20-246. It, it completely seems to change what the initial communication was. And I was a little shocked when I saw it come across my emails last night. I think that we need to have it revisited and corrected back to its original meanings. Aloha.

CHAIR LEE: Thank you. Any questions?

If not, Mr. Clerk, how many testifiers do we have left?

DEPUTY COUNTY CLERK: Madam Chair, apologies. Oh okay, Madam Chair, we have four people left signed up to testify. Staff would like to ask people who have already testified that are still connected to the BlueJeans meeting, if it's possible if they could instead view the meeting on Granicus or on Akaku, that way we can look through the list. It'll clean up the list and we can identify some other folks who might be waiting to testify. Thank you.

CHAIR LEE: Okay. So, who's the next testifier?

DEPUTY COUNTY CLERK: The next person we have up to testify is Liam Grist, to be followed by the individual connected to the meeting under the name Robert H.

MR. LIAM GRIST [testifying on Bill No. 52 (2020)]:

Aloha, Chair and Council. Can you hear me?

CHAIR LEE: Yes. Hi.

MR. GRIST: Thank you. I run a little café in Paia called Paia Bay Coffee. I hope some of you have visited. And our efforts to conduct more business, more business sustainably there, have not only helped our little environment there, but also been an extremely positive marketing initiative and economic success. And I want to let other businesses know, and the County know that this can be possible.

When we began switching to all-natural compostable products for our service, and stopped using single-use plastics, customers definitely noticed. When we recycled 100 percent of our recycled products, and customers noticed again. When we introduced a menu full of locally sourced ingredients *[sic]*, ingredients, customers rejoiced, and the community of local farmers got busy. When we received help from organizations such as Surfrider and Maui Huliau Foundation, who helped send a message to customers that our small café took sustainability seriously, and made a big impact on the environment. It has actually been one of the most valuable marketing campaigns for our café. So, I want to let other businesses know that it's a great marketing tool to be able to tell customers that you care about the environment and it's important.

Also, after we converted to selling our menu items with the natural palm leaf plates, and compostable drink containers, and paper straws, we began to make an effort to drive towards the goal of zero waste, which did not seem possible before. But we now have most of our menu items coming out of the kitchen with reusable plates and drinks and reusable mugs and glasses. So, in the short run, we had to do more dishes, yes. But in the long run, we actually saved \$17,000 last year, which is huge for our small café. And I just finished the accounting, so we are really excited about that.

But we would like to see more direction from Maui County to encourage restaurants like ours to both see the marketing and economic impacts from moving towards a goal of zero waste. It is and can be a very positive decision for a restaurant. And I don't think the, the cost of having to not use single-use plastics is a bad thing or worth it at all. So, this is in support of Bill 52. And thank you so much for allowing me to testify.

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

Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, quick one. Aloha, Mr. Grist. Mahalo for your testimony today. Really quickly, what was the name of your restaurant?

MR. GRIST: Paia Bay Coffee.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. That's all.

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

MR. GRIST: Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual connected to the meeting under the name Robert H. To be followed by Lucienne de Naie.

CHAIR LEE: Robert H.

DEPUTY COUNTY CLERK: Robert H., it is your time to testify. We cannot, you have your video and microphone unmuted. Staff cannot unmute you from our end.

CHAIR LEE: Let's go with Ms. de Naie.

MS. LUCIENNE DE NAIE, HAIKU COMMUNITY ASSOCIATION [testifying on County Communication No. 20-241, Resolution Nos. 20-59 and 20-60, and Bill No. 52 (2020)]:

Can everybody hear me?

CHAIR LEE: Okay. Somebody trying to talk?

DEPUTY COUNTY CLERK: Ms. de Naie, we have your, she's calling in on phone. We have you unmuted, but we cannot hear you.

MS. DE NAIE: . . . second. It looks like it . . . My screen shows it's . . . Can you hear me?

DEPUTY COUNTY CLERK: You're coming in through, you're coming through very, the connection's spotty.

MS. DE NAIE: Oh, I'm sorry. . . . further away. . . . to get further away from the building. Can you hear?

DEPUTY COUNTY CLERK: Yes, that's, that's a little better, yes.

MS. DE NAIE: Okay, very good. I'm getting further away from the building and the reception . . . Well, thank you for convening this meeting. I can watch it fine on BlueJeans, but I guess my microphone doesn't work for something for this particular thing. It works for other conference calls. I'd like to testify on four items today.

Resolution 20-59, which is about the Affordable Housing Fund, and strong support of having that be permanent three percent. And if it's, more is needed, a . . . can be added year to year. Mr. Franco made all the reasons. But this is something that is not going to go away. We've had a need for support of affordable housing for many years. Can you folks still hear?

CHAIR LEE: Yes.

MS. DE NAIE: Alright. Resolution 20-60, the Charter amendment for managing director. I've heard the pros and cons today. But as the president of the Community Association in Haiku, we're already planning our first virtual meeting for May. And I think that most of the associations would have the ability to reach out to people. It is true that there are people who do not have computers and will not have access to meetings by computers. Although, of course, they can call in, as I am doing right now.

And, but I believe that even in past campaigns for Charter amendments, often there are people who never get the word. One way or the other there's, I don't think that's a reason not to put it on the ballot. Also, by November, I think that we will have a far more normalized situation. This is something that's been well thought out and given a lot of time and it should be supported. It's come this far.

On Bill 52, we stand in strong support. We really do need to move forward and not make more waste. As the person who has conducted numerous, numerous, numerous, hundreds of community cleanups on beaches, on, you know, open spaces, on parks, we really need to reduce what people just throw away and get away from being the throw away economy. So, anything we can do in, in that regard, to just make the statement now. Our young people want it and those of us who are older have, have seen this come up in our own lifetime, we never had this kind of stuff when I was a kid, you know. You, you used forks, you used knives, you used plates. But now everything is throw away and we're just kind of piled under trash.

And the last item was County Communication 20-241, which is just a referral to the Council Affordable Housing Committee. I think that this concept really needs to have considerations. The statistics are clear that our strongest need are in these lower income ranges. So, if we are doing 201H, where we're giving significant incentives to builders to avoid different fees and costs and review processes, we should really try to aim at the people who need the housing most.

So, thank you so much for your consideration. I hope my phone held up during this time. And I'm going to try to get a better connection for this afternoon. Mahalo nui for making it possible for us to weigh in.

CHAIR LEE: Thank you. Do any of you have questions, Members? If not, thank you, Lucienne.

And next, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have up to testify is Kawai Kapuni. To be followed by the individual calling in from the phone number ending with these four digits: 7637.

MS. KAWAI KAPUNI [testifying on Bill No. 52 (2020)]:

Aloha, Councilmembers. My name is Kawai Kapuni. I am testifying here on behalf of the Maui Huliau . . . , as the Hawaii Youth Climate Coalition. And I am here to support Bill 52. So, I first wanted to point out that within the past few days, I had started a petition to ban single-use plastics in Maui County, of which I got a total of 954 signatures in support of Bill 52. So, just to set a precedent for how much our community really needs this sort of change within their lifestyle.

This past February, I had the opportunity to fly to California to the Plastic Pollution Summit with Maui Huliau, of which it was an international summit of people that were very passionate about plastic pollution and were advocates for the issue. And it was incredible to see everyone from different parts of the world, how people are subject to trash every day, how many people are subject to living in landfills. Where they don't have a safe drinking source, because plastic has polluted their waters. And how many of them are not going to school because they have to sustain their environment and worry about getting clean water for the day, or getting food for the day, because plastic is everywhere.

It would break my heart to see Hawaii turn into that sort of environment, which is why I'm testifying here today; to create a better community, more sustainable choices, and just to create a press, a precedent as I had once mentioned, as well as breaking those habits. Plastic is definitely a habit that we have, many of us have grown up with. We've had it at our disposal. And it is about time, especially during COVID-19, to shift towards compostable products. If we cannot use reusable products, then it is absolutely incumbent to make sure that we are using products that aren't polluting our earth and that are sustainable.

And I hope that Bill 52 definitely makes a difference within our, within our community. And I absolutely know it will. So, that is my testimony for today. And I appreciate you listening and being here to listen to everyone who had to testify as well. Mahalo.

CHAIR LEE: Thank you, Kawai. Anybody else?

Oh, yes, Member Sinenci. All the way from East Maui.

COUNCILMEMBER SINENCI: Mahalo, Chair. And aloha, Kawai.

(Spoke in Hawaiian.)

We received your petition, so mahalo for sending that in. My question was, while, while at the conference, was there a lot of businesses that were promoting more sustainable and plant-based products?

MS. KAPUNI: At the Plastic Pollution Summit?

COUNCILMEMBER SINENCI: Yes.

MS. KAPUNI: Yes. So, actually, there are a lot of sponsors there that were, including Maui Huliau, that were there to showcase, or not showcase, but provide the compostable materials that they had. There were also a lot of students who had come with things that they had created within their schools.

A group of kids from Sri Lanka made plates out of Kurundu Trees that were reusable, washable, and microwavable. And for them, that's a very prominent plant that they have there, and they utilized it and made something really awesome out of that.

There was also a girl there who had worked with her chemistry teachers at her local high school. And she made plas, it wasn't, it was, it looked like plastic, but it was made out of seaweed, and then when you put it in water, it dissolved. And people are coming up with amazing ideas. And I, I know that when this petition passes through, it'll open all kinds of doors to that sort of potential.

COUNCILMEMBER SINENCI: Mahalo, Kawai. And I like the, the name Huliau; a time of change. So, I appreciate all your efforts in educating the public. Mahalo, Chair.

MS. KAPUNI: Thank you very much.

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

Mr. Clerk, next.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual calling in from the phone number ending with these four digits: 7637. To be followed by the individual connected to the meeting under the name Guest.

CHAIR LEE: Next.

MS. FRANCINE "AUNTY MOPSY" AARONA, PROTECT PAIA [testifying on County Communication No. 20-246 and Bill No. 50 (2020)]:

Aloha. Aloha.

CHAIR LEE: Aloha. A little louder.

MS. AARONA: Okay. Aloha, Chair, Vice-Chair, and Councilmembers. Can you hear me?

CHAIR LEE: Yes.

MS. AARONA: Okay. My name is Francine Aarona, also known as Aunty Mopsy, Protect Paia. I am in support of Bill 50 (2020), amending Section 5.22.50 and 60, relating to the increase of fines for bike tour operations.

The town of Paia has experienced unsafe situations with the bike riders who ride down Baldwin Avenue onto Hana Highway, to Lower Paia Park, where the vans pull off to retrieve the bikers and pick up the riders. There were pictures and videos sent to Councilmember Molina to show the unsafe conditions and bad decisions made by the tour operations.

And mahalo to Mr. Molina that this bill is in its second reading right now to increase the fines to make these tour operators aware of the illegal, unpermitted things that they're doing. And we also want to mahalo the Maui Police Department for their assistance in doing this. There are very little or no bike lanes that are safe for bikers.

And again, mahalo for Council Molina to work on the project creating a bike and walk path along Hana Highway into Paia. The project is almost complete, and hopefully another phase going down to Kaunoa Senior Center will continue. But I support this bill. And although I would have wanted a stiffer fine, but I think graduating fines will make it known to the operators that we mean business, so mahalo for that.

And the next item that I want to touch base on is the CC 20-246, with amendments to Charters 19.12, 24, 26, and 37. If the intent of the Planning Director is to restrict further conversions of long-term rentals and owner-occupied apartments into TVR's, short-term rentals, etc., then I am in full support of this bill. But I also support a moratorium for the TVR's and short-term rentals.

I know that I've heard testimony today regarding unethical situations in this bill. And if the bill was rewritten, then by all means, it should go back to the Planning Commission

for further viewing, to allow other community people to come and share their mana`o on this, this bill and on the changes.

We need to step up enforcement with citations instead of warnings. Realtors and owners are well informed of the law in what they're allowed to do.

Unfortunately, the Charter language is not written in layman's language. The community is at a disadvantage if they don't understand what was and what is being amended. Will it benefit the community or the realtors?

There are many residents who have experienced good and bad with the short-term rental industry. I believe it's time to say no more. And now is a good time to stop approvals of any TVR's, short-term rentals for Maui, and start thinking of how we can provide homes for our families. We have enough rentals to provide for tourists and locals to vacation.

I have faith and trust that this Council will make the right decisions for the community. Now is the time to clean house and look at other avenues, make adjustments, and live within our means. We did it for a month, and we're learning. I ask for Ke Akua's blessing to continue to be with all of us, as we regain our culture and move forward. Mahalo.

CHAIR LEE: Thank you, Aunty Mopsy. Are there any questions?

COUNCILMEMBER MOLINA: Chair. Chair.

CHAIR LEE: Oh, yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair and aloha Aunty Mopsy. Just wanted to say thank you very much for bringing to the attention of the Council all these illegal bike tour operations and how it's affected Paia. So, mahalo for continuing to keep an eye out for us out in the north shore area. Aloha.

MS. AARONA: Aloha. Mahalo.

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

MS. AARONA: Okay.

CHAIR LEE: Mr. Clerk.

MS. AARONA: Aloha.

CHAIR LEE: Aloha to you.

DEPUTY COUNTY CLERK: The next person we have up to testify is the individual connected under the name Guest. To be followed by the individual connected under the name Management Department.

CHAIR LEE: Hello.

DEPUTY COUNTY CLERK: The person under the name Guest, you are unmuted. It is your turn to testify if you so wish to testify.

CHAIR LEE: Okay, Guest left the call. So, who's the next one?

DEPUTY COUNTY CLERK: Then, we have, we see someone connected under the name Management Department, if they would like to testify.

MR. SANDY BAZ, MANAGING DIRECTOR (testifying on Resolution No. 20-60):

Aloha, everybody, Sandy Baz, Managing Director. Hi. So, I'm testifying on behalf of Resolution 20-60. And I'm testifying on behalf of Mayor Victorino and myself. Honestly, I've been trying to stay out of discussion of the County manager, managing director, because I am the current Managing Director.

But I do believe that this proposal is not ready to go the voters at this time. I have questions about the, the lines of authority and accountability that are set forth within the resolution. In reviewing it, there are some, some items that make it so that it's not clear whether, you know, the Mayor, who by the definition in the proposed amendment, is called the CEO, the executive with the chief decision-making authority in the organization, has that ability to be the chief decision-making authority, or that the Managing Director has the ability to manage.

A lot of, there, there's items in there, they say "in consultation with". You know, between the Managing Director, and the Mayor, and the Council, without a clear identification of who's the final decision-maker or if there's conflict between those people that are in consultation. So, I can definitely see a potential conflict when it comes to the budget proposal, budget amendments, implementation of the budget. There's some clarity that needs to be defined in there.

Another thing that just came up was that a contract is supposed to be negotiated with the person hired as the Managing Director, but the Salary Commission is still charged

with setting the salary of the Managing Director. And honestly, salary is one of the chief items that's negotiated in a contract, especially for a chief . . . of a community.

Looking through it, there's also questions about the appointment process and timing of the appointment of administrative heads and deputies. There's the limitation of 60 days has been removed, from what I can tell. And so, what does that happened? The appointment of an administrative head is they can't take office until the Council approves them, so does that mean that the department does not have an administrative head at that point? Do we automatically assume that a deputy director is going to be the chief manager until the Council either approves or denies?

You know, those are the kind of things that really, I need to, you know, I think the community needs to understand the, the Administration, you know, Councilmembers, we should try to understand all of these things before presenting it to a vote at the, at the community.

I don't disagree with putting a vote to the community, but I think that presenting it in this manner, in this, doesn't really provide them the opportunity to make good decisions. Just looking at the, at the actual question and then some of the changes that are made, I don't think it's clear that they'd be making a decision based on that question of everything that's presented in this resolution.

So, you know, and, and I, trying to, to define what the problem is in applying this solution, still, I can't, you know, quite put two to two together. So, if it's trying to take politics out of government, you know, politics is the way that people living in groups make decisions. So, as a government, you know, we are a political body that is coming together to make decisions for the benefit of our County, right, of our community. So, just trying to apply those in this situation, find it challenging, so I ask that this item either gets referred back to Committee so we can have this discussion, or again, maybe there was a previous testifier about changing the question itself to present it so that the Charter Commission has to actually make the decision on this . . . the community. So, Madam Chair, that's my testimony for today.

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

MANAGING DIRECTOR: Thank you.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, returning to an individual who did not respond last time. That is, up next to testify would be the individual calling in from the phone number ending with 6006. I repeat, the individual calling in from the phone number ending with 6006, it is your turn to testify if you so wish to testify.

Madam Chair, we do not have any other testifiers noted. If an individual connected to the meeting has not testified, but would like to do so, please identify yourself now. Staff will be unmuting everybody that moderators have on muted just for this, just to check to see if anyone wishes to testify. You can also inform us via chat if you wish to testify.

This is the last call for testifiers. Please indicate if you would like to testify.

Madam Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Members, are there any objections to receiving written testimony into the record, and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

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

1. Paul Janes-Brown;
2. Camry Gach;
3. Marjorie Bonar;
4. Jason A. Economou, Realtors Association of Maui, Inc.;
5. Mark Hyde;
6. Darryl Barret Ng;
7. Lauren Blickley;
8. Stephen E. Goldsmith;
9. Tom Blackburn-Rodriguez, Go Maui, Inc.;
10. Liam Grist;
11. Lucienne de Naie;
12. Kawai Kapuni;
13. Francine Aarona;
14. Barry Aoki;
15. Alan S. Arai, Carol Y. Arai, and Sheryl-Lynn K. Suzuki;
16. Lauren Armstrong, Maui Metropolitan Planning Organization;
17. Courtney Avichouser;
18. Emmanuel Baltazar;

19. Christopher Barca;
20. Michael Baskin;
21. Hannah J. Bernard and Megan R. Lamson, Hawai'i Wildlife Fund;
22. Laura Berthold;
23. Michael Bohan;
24. Susan Bradford;
25. Kaimana Brummel;
26. Sarah McLane Bryan;
27. Leo Kaniela Caires;
28. Nicole Chatterson, Zero Waste O`ahu;
29. Dyson Chee;
30. Loren Clive;
31. Gabby Constantino;
32. Thomas M. Cook;
33. William F. Crockett;
34. Caitlin Matteson da Silva;
35. Nancy Jaqua Dein;
36. Christopher Delaunay, Pacific Resource Partnership;
37. Heidi Dollinger;
38. Tatiana Ebro;
39. Alan Espiritu;
40. Don R. Gerbig;
41. Hokuaoka`ale Gilman;
42. Marion Haller;
43. Bob Hansen;
44. Donna Hansen;
45. Mark A. Harbison;
46. Pamela Harima;
47. Hilary Harts;
48. Frank Heller;
49. Michelle Heller;
50. Cheryl Hendrickson;
51. Carissa Holley;
52. Spencer Hyde;
53. Patrick Ihu;
54. Kecia Joy, Sierra Club Maui Group;
55. Leila Kawano;
56. Cheryl King, Hawai'i Association for Marine Education and Research;
57. Stanley Kunitake;
58. Jill LaBram;
59. Ellen Levine;
60. Vincent Linares;

61. Lauren Loor;
62. Greg Mebel;
63. Colleen P. Medeiros;
64. Kristi Meyer;
65. Ryan Montemerlo;
66. Mike Moran, Kihei Community Association;
67. Lee Morrison;
68. Ipo Mossman;
69. Glenn K. Muranaka, Meadow Gold Dairies;
70. Mae Nakahata;
71. Dayton M. Nakanelua, United Public Workers, AFSCME Local 646;
72. John Naylor;
73. Mike Nishimoto;
74. Marilyn M. Niwao;
75. Michael Randall;
76. Terrance M. Revere;
77. Velva Ribble-Padgett;
78. Carol and Ronald Riccio;
79. Christine Roberson, Surfrider Foundation;
80. Debra Rothrock;
81. Kiera Ryon;
82. Anna Severson;
83. Mika Sharratt;
84. James R. Smith;
85. Bill Snipes;
86. Lillian Solano;
87. Elizabeth S. Stahl;
88. Patricia and Jefferson Stillwell;
89. Michael D. Stone;
90. Julie Strong;
91. Kathleen K. Suzuki;
92. Warren A. Suzuki;
93. Darrell Tanaka;
94. Margit Tolman;
95. Mary Trotto;
96. Michael Trotto;
97. Julianna Trowbridge;
98. Pamela Tumpap, Maui Chamber of Commerce;
99. Roy Vandoorn;
100. Susan Varsames;
101. Suparna Vashisht;
102. Joycelyn M. Victorino;

103. Flo Wiger;
104. Winsome Williams;
105. Karen Williamson;
106. C. Miki Yokouchi;
107. Sonya M. Yuen;
108. Alana Yurkanin; and
109. Lauren Zirbel, Hawaii Food Industry Association.

CHAIR LEE: Okay. So, Members, if there are no objections, the Chair will now adjourn the three-Member public hearing and take a 15-minute recess before we proceed with the rest of the regular meeting. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. So, ordered. Fifteen minutes.

ADJOURNMENT

The public hearing of April 17, 2020 was adjourned by the Chair at 11:06 a.m.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:06 A.M., AND WAS RECONVENED AT 11:27 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting please reconvene?

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 20-231 - ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated March 20, 2020)

Transmitting a copy of the Request for Project Authorization, Agreement, and/or Modification approving the Federal funds to commence research activities for the assessment of Maui County Coastal Roads for effects of climate change, sea level rise, and shoreline erosion.

CHAIR LEE: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up County Communications 20-232 through 20-234?

MEMBERS VOICED NO OBJECTION.

NO. 20-232 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated March 31, 2020)

Transmitting a copy of the grant modification from the Office of National Drug Control Policy for the 2019 High Intensity Drug Trafficking Areas (HIDTA) grant to increase the budget by \$25,000.

NO. 20-233 - DON S. GUZMAN, PROSECUTING ATTORNEY,
(dated March 27, 2020)

Transmitting a copy of the grant agreement from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division, for the Domestic Violence Investigation Program in the total amount of \$73,283.

NO. 20-234 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated March 30, 2020)

Transmitting the following documents from N&K CPAs, Inc.:

1. COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS SECTION 8 HOUSING CHOICE VOUCHERS PROGRAM: INDEPENDENT AUDITOR'S REPORT ON SUPPLEMENTARY INFORMATION, Fiscal Year Ended June 30, 2019;
2. COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS FAMILY SELF-SUFFICIENCY PROGRAM: INDEPENDENT AUDITOR'S REPORT ON SUPPLEMENTARY INFORMATION, Fiscal Year Ended June 30, 2019; and
3. COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES, Fiscal Year Ended June 30, 2019.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-231
THROUGH 20-234.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Second. Okay, moved by Vice-Chair Rawlins-Fernandez, to, let's see refer, do you have a question?

COUNCILMEMBER KAMA: Chair.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KAMA: Could I have, could I have number 1, 2, and 3 from 20-234 referred to the Affordable Housing Committee?

CHAIR LEE: Okay, well, let's get the first motion finished first, okay?

COUNCILMEMBER KAMA: To file?

CHAIR LEE: So, the, Vice-Chair Rawlins-Fernandez asked that 20-231, 232, 233, 234, be filed.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Yea? And then it was seconded by?

COUNCILMEMBER SUGIMURA: Member Hokama.

CHAIR LEE: Who second? Oh, Mr. Hokama. Member Hokama.

Now, discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. All these communications are for informational purposes only. No further action is required by the Council.

BUT I'D ALSO BE OPEN TO AMENDING MY MOTION TO EXCLUDE ITEM CC 20-234 AND ALLOW THAT TO BE REFERRED TO OUR AFFORDABLE HOUSING COMMITTEE, IF THAT IS WHAT PRO TEM KAMA WAS REQUESTING.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay. Any objections, Mr. Hokama?

COUNCILMEMBER HOKAMA:

NO OBJECTIONS TO THE AMENDMENT, TO THE REVISION.

CHAIR LEE: Okay, any further discussion?

Ms. Kama, did you want to say something? No?

COUNCILMEMBER KAMA: I just want to say thank you to EDB Chair, and for you Chair, and for Member Hokama. Thank you.

CHAIR LEE: Okay, you're welcome. 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.

Alright. Next, Mr. Clerk.

NO. 20-235 - MICHAEL P. VICTORINO, MAYOR,
(dated April 6, 2020)

Informing of a vacancy on the Urban Design Review Board due to the resignation of Christopher Curtis on April 2, 2020.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION 2, 20-235.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Molina, seconded by Councilmember Rawlins-Fernandez, to file County Communication 20-235.

Mr. Molina, discussion.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. The purpose of the communication is to inform the Council, via the Mayor, of the resignation of Mr. Christopher Curtis from the Urban Design Review Board. I'd like to thank Mr. Curtis for his service. Thank you, Madam Chair.

CHAIR LEE: Okay. Any further discussion? If not, oh, yes, Ms. King.

COUNCILMEMBER KING: Yes, thank you, Chair. Mr. Molina, is this the, did we just approve him?

COUNCILMEMBER MOLINA: Madam Chair, yes. Thank you very much for that question, Member King. Yes, Mr. Curtis was just recently approved. And for, I guess, personal reasons, he's unable to serve now.

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

COUNCILMEMBER HOKAMA: Jordan, it's 11:00. Oh, try on, I going watch the Senate's Special Committee on COVID. I like know what Kochi guys talking about, please.

CHAIR LEE: Okay. I noticed he turned his sound off. Alright, all those in favor, say "aye".

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

CHAIR LEE: Okay, opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Alright. Next, Mr. Clerk.

NO. 20-236 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 25, 2020)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 51-C-11-C,
Mailepai Hui Lands, TMK: (2) 4-3-003:048 POR.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. If there's no objections, I would like to
ask the Clerk to also bring up 20-237 and 20-238.

CHAIR LEE: Mr. Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objection. Okay.

Mr. Clerk.

NO. 20-237 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 2, 2020)

Informing of the acceptance of the Dedication of Sewerline Easement "S-1", Kahului
Townsite Subdivision being a portion of grant 3343 to Claus Spreckels affecting
Lot 1-B, TMK: (2) 3-7-005:003 POR.

NO. 20-238 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated April 2, 2020)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for February 2020 for all registered well reporters in the County of Maui.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-236
THROUGH 20-238.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay, moved by Member Sugimura, seconded by Mr. Hokama, to file County Communications 20-236 through 20-238.

Any discussion, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yea, thank you. These communications are informational for the Council. I'd like to thank all the Members for their support. Thank you.

CHAIR LEE: Anymore discussion? 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. 20-239 - ALICE L. LEE, COUNCIL CHAIR,
(dated April 8, 2020)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF LAKSMI ABRAHAM AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RESOLUTION FOR LAKSMI ABRAHAM, AND TO FILE COUNTY COMMUNICATION 20-239.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Vice-Chair Council, I mean Vice-Chair Rawlins-Fernandez, and seconded by Ms. Sugimura, to adopt the resolution contained in CC 20-239. Discussion?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Abraham received her Bachelor of Arts Degree in Political Science and Government at San Francisco University, San Francisco State University. She was most recently employed as a Community Program Manager with the Blue Zones Project. Prior to that, she was President and Chief Professional Officer for Maui United Way and was a business agent for United Public Workers.

Ms. Abraham's experience in policy, project management, and community collaboration will make her a great asset in the Office of Council Services. I ask for the Members full support. And Ms. Abraham is on the call should Members have any questions for her. Mahalo, Chair.

CHAIR LEE: Thank you. Any questions or discussion? 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. Mr. Clerk.

NO. 20-240 - ALICE L. LEE, COUNCIL CHAIR,
(dated April 8, 2020)

Transmitting a proposed resolution entitled, "APPROVING THE APPOINTMENT OF NICOLE SIEGEL AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RESOLUTION FOR NICOLE SIEGEL,
AND TO FILE COUNTY COMMUNICATION 20-240.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the, to adopt the resolution contained in CC 20-240.

Discussion. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Siegel received her Bachelor of Arts degree in Political Science from Shippensburg University. She is currently employed as a Committee Secretary with the Office of Council Services. Prior to that, she was employed as a legal assistant with Yanagida & Associates.

Ms. Siegel's Committee Secretary and legal experience will continue to make her a great asset in the Office of Council Services. I ask for the Members full support. And we do have Ms. Siegel on the call if Members have any questions for her. Mahalo, Chair.

CHAIR LEE: Thank you. Are there any questions? If not, all those in favor of the motion--

COUNCILMEMBER SINENCI: Chair.

CHAIR LEE: --say "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci.

CHAIR LEE: Oh.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER MOLINA: Aye.

CHAIR LEE: You have a question, Mr. Sinenci?

COUNCILMEMBER SINENCI: No, I just wanted to speak to the motion, Chair, really quickly. In the past year, we've seen Ms. Siegel grow professionally as our Committee Secretary. She's been an astute and thorough worker. And we're going to miss her in our Committee, but I'm sure she's going to prove to be an asset in her new position. Mahalo, Chair.

CHAIR LEE: Any further discussion? 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.

DEPUTY COUNTY CLERK: Madam Chair, for the record, the resolution that was attached to County Communication 20-239, that is RESOLUTION 20-62. And the resolution that was attached to County Communication 20-240, that is RESOLUTION 20-63.

Madam Chair, proceeding with County Communications for referral. The following County Communications are recommended for referral to the following committees as noted.

NO. 20-241 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated April 7, 2020)

Transmitting proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO WORKFORCE HOUSING AND 201H HAWAII REVISED STATUTES HOUSING PROJECTS".

The recommended action is that County Communication No. 20-241 be referred to the Affordable Housing Committee.

CHAIR LEE: Thank you, Mr. Clerk. Mr. Clerk. Mr. Clerk, I'm just going to take this one first. Any objections to referring this county communication to the Affordable Housing Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Okay, Mr. Clerk.

NO. 20-242 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated April 9, 2020)

Transmitting a proposed resolution entitled "RECOGNIZING EARTH DAY'S 50TH ANNIVERSARY AND PLEDGING TO CONTINUE MAUI COUNTY'S EFFORTS TO BUILD UPON THE PARIS CLIMATE AGREEMENT".

The recommended action is that County Communication No. 20-242 be referred to the Climate Action and Resilience Committee.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: I would like to ask, is this a good time to ask consideration of the County Communication 20-42 *[sic]*?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Okay. Thank you. I would like to ask for consideration. Thank you, Madam Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR, AND REPORT FOR THE RESOLUTION ATTACHED TO THE COMMUNICATION IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Councilmember King, seconded by, seconded by Councilmember Sinenci, to waive the Rules of the Council.

Any discussion, Ms. King?

COUNCILMEMBER KING: Madam Chair, approval of my motion by a two-thirds vote of the entire membership of the Council will enable this body to consider the proposed resolution today. Since April 22 is designated as Earth Day, this is the only chance we'll have prior to the day to make clear that the County Council stands firm in its commitment to building upon existing environmental policy and making environmental protection and climate action a priority. I ask for the Members support.

CHAIR LEE: Any questions, discussion? 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: Okay. Oh, that was for the waiver, right?

COUNCILMEMBER KING: Right.

CHAIR LEE: So, now you can make your motion to pass the, adopt the resolution.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Councilmembers.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 20-242,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
TO FILE COUNTY COMMUNICATION 20-242.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Member King, seconded by Member Sinenci, to adopt the attached resolution.

Any further discussion? Member King?

COUNCILMEMBER KING: Thank you, Chair. Thank you, Chair and thank you, Councilmembers for your support. May I please request the Clerk read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

COUNCILMEMBER HOKAMA: Jordan, what is better? Samsung--

DEPUTY COUNTY CLERK: Apologies, I'm just getting a copy of the resolution.

(The resolution was read in its entirety.)

CHAIR LEE: Okay. Any further discussion?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Mr. Deputy Clerk. So, we all know this is the 50th Anniversary of Earth Day. It was first celebrated by more than 20 million Americans back in 1970, on April 22. And today, is celebrated and observed

by over one billion people across the globe, from different political religious alignments, social economic backgrounds and ages.

We, as a Council, have focused deeply on our efforts to combating the new and continuing challenges presented by climate change, sea level rise, pollution, and environmental degradation through our actions, including our commitment to Paris Climate Agreement, support of the global climate strike on September 20 of this past year, and so far, getting the plastic ban all the way to the second reading today.

I, I basically am asking us to observe this virtually like we're doing with all of our other business. It's sad that all of the in-person celebrations across the State and the County cannot be held. We heard today that Sierra Club has mentioned a website called "Earth Day Live 2020". And I'll be participating that way and encourage all my Councilmembers, my fellow Councilmembers to do the same. But I would like to ask the Councilmembers support in continuing our efforts through the passage of this resolution and reminding us that we must not pass on to future generations a world beyond repair. Thank you, Chair. Thank you, Councilmembers.

CHAIR LEE: Thank you, Member King. Anymore?

Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. This morning, I want to speak in support of the motion. First, I want to thank Ms. King for the proposal. And I appreciate some of the testifiers this morning, cause I can recall in the 50's and 60's when silverware and all the food things was real Chinaware, real glassware, real plates. And, soda bottles, right? We drank from soda bottles and everything else. So, I can under, appreciate us trying to get down to zero plastics.

I just hope that the legislation doesn't in anyway, and again, we have unique situations, wouldn't have any type of negative impact on the need for us to produce sufficient medical, healthcare equipment during these difficult times. So, that would be just my only concern, that we don't hinder any way the health, health improvements that we need to beat this virus, so that's my only concern.

But other than that, I support the proposal by Ms. King. And I think that we all can get back to the old days. And what's so hard about washing dishes and washing your hands? Thank you.

COUNCILMEMBER KING: Chair, can I respond?

CHAIR LEE: Thank you. Thank you.

Yes, Ms. King.

COUNCILMEMBER KING: Thank you so much, Councilmember Hokama. I just wanted to remind everybody that when we do get to the plastic ban, that doesn't go into effect for like a year and a half, so it doesn't affect anything that's happening right now. But I appreciate the support.

CHAIR LEE: Okay. Any more comments or questions? If not, all those in favor of the motion to adopt the attached resolution, 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 unanimously.

COUNCILMEMBER KING: Thank you, Councilmembers.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record, that is RESOLUTION 20-64.

Continuing with County Communications for referral.

NO. 20-243 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated April 2, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.34, MAUI COUNTY CODE, HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND".

The recommended action is that County Communication No. 20-243 be referred to the Economic Development and Budget Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 20-243 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 55 (2020). COUNTY COMMUNICATION NO. 20-243 WAS THEN FILED. See pages 69 through 72, and 75 for discussion and action.)

NO. 20-244 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated April 6, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".

The recommended action is that County Communication No. 20-244 be referred to the Economic Development and Budget Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 20-244 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 20-65. COUNTY COMMUNICATION NO. 20-244 WAS THEN FILED. See pages 67 and 68, and 72 through 75 for discussion and action.)

NO. 20-245 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE,
(dated April 8, 2020)

Transmitting a proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2020".

The recommended action is that County Communication No. 20-245 be referred to the Economic Development and Budget Committee.

(See pages 75 through 77 for discussion.)

NO. 20-246 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated April 7, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS", and related documents.

The recommended action is that County Communication No. 20-246 be referred to the Planning and Sustainable Land Use Committee.

(See pages 77 through 85 for discussion.)

CHAIR LEE: Okay, on, with regard to, with regard to

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-244

COUNCILMEMBER HOKAMA: Communication on 244, is this supplemental or, or this is just a regular annual block grant, or is this a supplemental for the virus? The one that--

CHAIR LEE: Mr., Mr. Hokama, yes, I was just about to ask that same question. So, Ms. Rawlins-Fernandez, was this supposed to be passed on the floor; CC 20-244?

Is the Budget Director watching?

VICE-CHAIR RAWLINS-FERNANDEZ: I wasn't planning to pass it on the floor.

COUNCILMEMBER KAMA: Is she going to take this up in Budget?

CHAIR LEE: Pardon me, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: I wasn't planning . . . it on the floor.

CHAIR LEE: You weren't planning?

VICE-CHAIR RAWLINS-FERNANDEZ: Not 244.

CHAIR LEE: Okay. Not 244? Alright. So--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry. Yes, I was planning to pass it on the floor.

CHAIR LEE: Oh, okay. So, going back to 20-244. The Chair will entertain a motion Ms. Fernandez, Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: You want me to take up 244, first?

CHAIR LEE: Well, you going to do more?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, 243, 244, and 245. I can do 244 first.

COUNCILMEMBER KAMA: No, do Do it in order.

CHAIR LEE: Wait, wait. I'm sorry, but why would you take 245 up on the floor now?

COUNCILMEMBER KING: It's a referral.

CHAIR LEE: Is that what you want to do? Regarding the Fuel Tax?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, to defer.

CHAIR LEE: That's to refer right?

VICE-CHAIR RAWLINS-FERNANDEZ: Defer.

CHAIR LEE: No, no, refer is 245, and take action on 243 and 244?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Is that what we're doing?

VICE-CHAIR RAWLINS-FERNANDEZ: And, and defer 245 to May 15.

CHAIR LEE: Defer to May 15. Okay, let's take 243 and 244 up.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-243

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. 243 is from Director of Housing and Human Concerns.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, it's been moved by Vice-Chair Rawlins-Fernandez, seconded by Ms. Sugimura, to waive the Rules of the Council, to take up CC 20-243. Any discussion?

Ms. Rawlins-Fernandez. No?

VICE-CHAIR RAWLINS-FERNANDEZ: No discussion.

CHAIR LEE: Okay. Any other 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: Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING, AND TO FILE COUNTY COMMUNICATION 20-243.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. On the previous motion, the motion carried. I failed to say that. Motion carried on the previous motion to, to waive the Rules.

Now, this motion is to pass this proposed bill attached to 20-243. And it was moved by Council Vice-Chair Rawlins-Fernandez, seconded by Sugimura.

Discussion, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would enable the Department of Housing and Human Concerns to continue to maintain and expand existing programs and create new ones to meet the needs of Maui County residents qualified to participate in the First-Time Homebuyers Program, and similar, similar future programs as approved by the Council. I ask for the Members full support of this motion.

And we do have Housing Administrator Buddy Almeida available on the call if anyone has questions.

CHAIR LEE: Does anyone have questions?

Ms. King.

COUNCILMEMBER KING: Chair, thank you. So, thank you for the proposal, Ms. Rawlins-Fernandez. Do we, where's the money coming from that's going into this revolving fund? How does this fund get, get funded? Maybe we can ask Mr. Almeida.

CHAIR LEE: Well, we have Mr. Almeida on the line. Shall we ask him?

Buddy, are you there?

ASSISTANT HOUSING ADMINISTRATOR BUDDY ALMEIDA: Yes, I'm here. Good morning, Chair. Good morning, Members. The main purpose for this particular bill is, is focused on the First-Time Homebuyer's Program. We want to ensure that when repayments are made due to refinance or if the properties ever get sold, the deed restrictions run in perpetuity. So, we want to recapture those funds and return them to this revolving account so they can be used for future borrowers.

COUNCILMEMBER KING: Okay. So, just to, I just wanted to clarify that this is not something that we're trying to fund with General Funds, but this would be whatever comes out of those, those unfulfilled requirements for deed restriction affordability.

ASSISTANT HOUSING ADMINISTRATOR: That's correct. That we're not asking from, you know, funding from the General Fund, correct.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Any other questions?

ASSISTANT HOUSING ADMINISTRATOR: Thank you.

CHAIR LEE: If not, all those in favor--

COUNCILMEMBER HOKAMA: Chair.

CHAIR LEE: --of the motion, say "aye". Oh, oh, Ms. King, I mean, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And then Member Hokama also had a question. This was an item that we talked about in Pro Tem Kama's Committee, in Affordable Housing, when we had Mr. Almeida and another staff that was on the chamber floor with us. And they, they talked about how this would be needed for, you know, the program, and would answer some of the concerns that we had at that time. Mahalo.

CHAIR LEE: Okay, thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I just wanted to say I speak in support of the motion and that I, I have a great respect and I do support the concept and use of revolving funds. That means that it'll be recycled, and we can benefit greater amount of residents than just outright grants. Thank you.

CHAIR LEE: Very good point.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Yes, in, Keani Rawlins-Fernandez is correct, this came up during discussions. And the person who actually managed the First-Time Homebuyer who was there, her name is Jessica Crouse. And she answered

the Committee's questions, right, remember that? Yea, and she's, when we went through, going through pulling of, you know, the names.

COUNCILMEMBER KAMA: Screening process, yea.

COUNCILMEMBER SUGIMURA: And she mentioned that. So, I, and I want to commend the Department, and to see this happen, I totally support it. I like revolving funds too, so, thank you.

CHAIR LEE: Okay. Any more 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 unanimously.

Next item, Ms. Council Chair Rawlins, Council Vice-Chair Rawlins-Fernandez.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-244

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. CC 20-244 from Community Development Block Grant Program Manager.

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

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Member Rawlins-Fernandez, seconded by Member Sinenci, to waive the Rules of the Council, regarding 20-244.

Discussion? 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 to waive the Rule.

Now, Ms. Rawlins-Fernandez, again.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION, AND TO
FILE COUNTY COMMUNICATION 20-244.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Rawlins-Fernandez, seconded by Mr. Finen, Sinenci, with regard to CC 20-244.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed resolution authorizes the filing of an application with the Department of Housing and Urban Development that includes the recommended project and amounts for CDBG Program funding for the Program Year 2020, which started, starts July 1, 2020 through June 30, 2021. These projects were selected for recommendation through a competitive application and panel evaluation process and approved by the Mayor.

It is appropriate that these CDBG projects be noted in the Fiscal 2021 Budget, Appendix A, Part I, Grant Revenue currently being reviewed by your EDB Committee. I ask for the Members full support of my motion. And we also have Budget Director Michele Yoshimura on the line if Members have any questions. Mahalo, Chair.

CHAIR LEE: Thank you. Any further discussion? All those in favor of the motion, say "aye".

COUNCILMEMBER HOKAMA: Chair.

COUNCILMEMBER KING: Oh, Mr. Hokama.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama.

COUNCILMEMBER HOKAMA: Chair.

CHAIR LEE: Pardon me.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama.

CHAIR LEE: Mr. Hokama. I'm sorry, I didn't see you. I didn't see you. Thank you.

COUNCILMEMBER HOKAMA: No. Thank you.

CHAIR LEE: Question.

COUNCILMEMBER HOKAMA: Just a quick question. Just a quick question for Budget Director. This is, is this the annual CDBG request from Mr. Pontanilla, or is this anything to do as a supplemental from the Federal CARES Program?

BUDGET DIRECTOR MICHELE YOSHIMURA: Councilmember Hokama--

COUNCILMEMBER HOKAMA: Yes.

BUDGET DIRECTOR: This is, oh, this is the, the annual appropriation from HUD. We haven't had a notification yet for the CARES Act.

COUNCILMEMBER HOKAMA: Okay. And if I can ask, I, of course I support my sister rural districts like Hana. So, is the two fire apparatuses replacement equipment or expansion equipment?

BUDGET DIRECTOR: They are replacement equipment.

COUNCILMEMBER HOKAMA: And the balance for, like item number 6, we are putting up the balance of almost a million dollars in General Fund? Is that the approach for the rescue pumper?

BUDGET DIRECTOR: Yes. When we put the budget together, we did not know if the pumper was going to receive any funding from CDBG. So, we did include the funding in the Department's budget.

COUNCILMEMBER HOKAMA: Okay.

BUDGET DIRECTOR: So, knowing here that they get 266, it can be reduced in the Operating Budget for the County.

COUNCILMEMBER HOKAMA: Okay. I'll trust my colleague, Mr. Sinenci, to make that appropriate adjustment. So, thank you very much, Budget Director. Thank you, Chair.

CHAIR LEE: Okay. Any more questions? 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.

DEPUTY COUNTY CLERK: Madam Chair, for the record, the bill attached, that was attached to County Communication 20-243, that is BILL 55 (2020). And then the resolution that was attached to County Communication 20-244, that is RESOLUTION 20-65.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-245

DEPUTY COUNTY CLERK: Staff would also just like to confirm that there were no objections to the postponement of County Communication 20-245 to May 15, 2020.

CHAIR LEE: Oh, I'm sorry. I didn't think we got there yet.

DEPUTY COUNTY CLERK: Oh, okay.

CHAIR LEE: Okay, can you read, call that up, because I took 243, 244 separately. And I was going to take 245 separately. Okay?

DEPUTY COUNTY CLERK: Okay. Yes, Madam Chair. Then, bringing back up County Communication 20-245 from the Chair of the Economic Development and Budget Committee, transmitting a proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2020".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the resolution be deferred until May 15, the date of the public hearing on fuel tax rates?

COUNCILMEMBER MOLINA: No objections.

COUNCILMEMBER KAMA: No objection.

CHAIR LEE: Any objections?

COUNCILMEMBER KING: Chair, question.

COUNCILMEMBER SINENCI: No objection.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: So, if we defer it, then it comes back to full Council. Don't we want it to go to Committee? I'm just kind of confused on, I thought the referral would put it in EDB Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: No, we already have--

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: --in Committee. Oh, mahalo, Chair. We already have a resolution in the EDB Committee.

COUNCILMEMBER KING: Oh, okay. So, this just keeps it in Council level?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

COUNCILMEMBER KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: For the public hearing.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Any other questions? If not, those in favor, say "aye", to defer this item.

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.

DEPUTY COUNTY CLERK: Madam Chair, were there any objections to the other referrals to Committee as read by the Clerk?

COUNCILMEMBER KAMA: No.

COUNCILMEMBER PALTIN: I don't have an objection, but--

COUNCILMEMBER HOKAMA: No objections.

CHAIR LEE: What about the Planning one?

COUNCILMEMBER PALTIN: Yea.

CHAIR LEE: 246.

COUNCILMEMBER KAMA: We not pau yet. We never get there yet.

CHAIR LEE: Ms., Ms. Tamara Paltin.

COUNCILMEMBER PALTIN: I believe we're on 20-246 now. And I was wondering if we can get a comment from Corporation Counsel. There were some pretty serious charges, accusations made to what Corporation Counsel did in the transmission from the Planning Commission to the County Council. And I just was wondering if we can have a statement from Corporation Counsel about those accusations that were made?

CHAIR LEE: Okay. Ms., Ms. Paltin, we're going to have the Clerk read it, read it up for the record, first.

Mr. Clerk.

COUNCILMEMBER PALTIN: Okay.

DEPUTY COUNTY CLERK: Yes, Madam Chair. What's being recommended for referral to your Planning and Sustainable Land Use, County Communication 20-246.

NO. 20-246 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated April 7, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS", and related documents.

CHAIR LEE: Okay. Ms. Paltin has some questions for Corp. Counsel. Are you on the line, Ms. Lutey?

CORPORATION COUNSEL MOANA LUTEY: Hi everyone, I am. And so is Mike Hopper, who advises them, so I'm going to ask Mike to weigh in on that.

CHAIR LEE: Alright. Thank you.

Mike.

DEPUTY CORPORATION COUNSEL MICHAEL HOPPER: Hello, can you hear me?

CHAIR LEE: Yes.

DEPUTY CORPORATION COUNSEL HOPPER: Okay. Did you, I can basically go over a bit of background here if you want me to. Would you want me to just do that or do you have specific questions?

COUNCILMEMBER PALTIN: I don't mind a bit of background, but . . . can you please . . . quickly address the accusations by, made by Mr. Jason Economou, if you were watching the show at the time?

DEPUTY CORPORATION COUNSEL HOPPER: You know, I didn't hear all of what he said. I read his testimony which seemed to talk about changes that happened after the Planning Commission review, and then after transmittal. So, what happened with this, normally what happens after Planning Commission review of a draft ordinance. And so, Planning Department enacted an ordinance, sent it to the Planning Commissions for review. The Commissions provided their recommendations and then they are transmitted to our Office after the Commissions make their recommendations for our review and approval.

The version we got from the Planning Department that requested our approval was significantly different than the version that the Planning Commissions had, had recommended. The Planning Department had added some things to it. When we got that version, or when I got that version, I discussed it with the Department and got it to a position where it could be approved, where the Department recommendations could be approved, so I was comfortable approving them.

They did, were not transmitted to us the, the same way that they were recommended from the Commission. And in those situations, the Planning Department is free to make whatever recommendation to the Commissions it would like, except that it looks like in this case, from the transmittal to you, the actual bills from the Planning Commissions weren't included. One of the requirements is that whatever recommendations the Commissions make, that has to be included. And the Department can make its own recommendation as well. That's the version we approved as to form and legality.

Our office did not advocate for making changes from the version the Commission had approved. We got, got it from the Department with significant changes to it and we're asked to approve that version with the changes. We approved a version with, that was I think watered down from that version. It didn't include all the changes requested from the Department. But it was not, I did not have a strong opinion on, on the changes that were being requested by the Department after it went to the Commissions.

In this case, what you have, from what I see from the link, is that you have that bill and a statement of recommendations from the, the Commissions. But I don't see that you

have the actual version of the bill or the minutes from the Commission meetings, which I think you normally get whenever the Commission makes a recommendation on an ordinance. So, I don't know why that wasn't transmitted to you. I have, in the office, copies of the version that was sent to us for approval originally, and you have what was approved by us. So, you can see it was different than what the Commissions had had recommended on.

You, of course, as Council, can decide to approve any version that you want, or make changes to any of the versions that you like. So, I, I was surprised to hear, I didn't hear earlier in the meeting, but I was surprised to hear there were accusations that, that we changed the ordinance from Commission approval because of some reason we wanted to have those changes made. So, that's, the version that was approved is different than what the Commissions recommended, so that's why I think you do need to get a copy of what the Commissions had recommended to you, because, and again, that version was originally drafted by the Planning Department as well.

So, again, that's essentially the background. If you want to refer to Committee, I don't know what your intent is, but that's the background that I had on this based on my memory. Again, I can go back and check out my emails and other items that we can look at.

In addition, I would, I would also state that the version we approved was discussed with the Planning Department. It was shared to the Planning Department. If there were issues with it before transmittal, the Department certainly could've discussed those with us before they were transmitted, so.

COUNCILMEMBER PALTIN: I had two questions based on that background. And the first is, is it legal to get that information that you're saying that is normally transmitted through this process at a later time, or should it be included at the time that it's referred to Committee? So, that's my first question. Does it need to be included at the time it's referred, or can we get it later as part of the packet and still be legal?

DEPUTY CORPORATION COUNSEL HOPPER: I, I think since you're not taking action to approve the ordinance, you can refer it and then also get that supplemental information from the Commissions, including minutes and things. So, I wouldn't see a problem, with, if the action you're going to take is to refer it, I don't see that as a problem. If the action you're going to take is to approve it, there may be an issue there.

COUNCILMEMBER PALTIN: And then, thank you. And then my second question is, if we were to act on the, the version that you signed off as to form and legality, would it then need to go back through all the Planning commissions?

DEPUTY CORPORATION COUNSEL HOPPER: I don't think so in this case, because I think those issues were discussed at the Committees. I think the Department did go over; I don't think they went over phasing out all TVR's in apartment districts. But I think they did go over that this apply only to, that new TVR's wouldn't be allowed; that existing ones would be, would be allowed to continue to operate. So, I think that that was discussed at the Committee.

Again, I was comfortable signing off at the time of the ordinance that I did sign off. There, there were additional, I think, changes that the Planning Department . . . make. But we had, had some issues with those and were not able to approve those at that time.

COUNCILMEMBER PALTIN: Thank you, Chair. That concludes my questions for the Corporation Counsel. I understand other Members may have additional questions. I think after that is through, if . . . can hear Director McLean's side of the story, because she was at, also accused of some wrongdoing as well.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Take it to Committee.

CHAIR LEE: Do the Members really want to have a full discussion on this at this time? I know, you know, I'm sorry that accusations were made but, you know, this could be fully vetted in Committee rather than on the floor of the Council.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Who's talking?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

COUNCILMEMBER KAMA: Keani.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I agree that I would not like to have a full discussion on the merits and of the content of the bill. But I think with the accusations made by testifiers, I think it would be only fair to allow Director McLean, who has joined the call, to explain what inadvertently happened and explain what Members, testifiers were talking about.

My understanding is it wasn't as extensive as it, as they claim it was, and that they're currently transmitting to PSLU; the memo report, original bill, and Commission minutes for the Members to review. But I do see Director McLean on the call, so if you would, if we would like to just give her a couple of minutes, I, I think that would be fair since those accusations--

COUNCILMEMBER KAMA: Are public.

VICE-CHAIR RAWLINS-FERNANDEZ: --were pretty serious.

CHAIR LEE: Alright.

COUNCILMEMBER KAMA: Chair. Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KAMA: I concur.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: I concur with Vice-Chair.

CHAIR LEE: Anybody else? Okay.

Ms. McLean, are you on the line?

PLANNING DIRECTOR MICHELE MCLEAN: Yea, I am.

CHAIR LEE: Okay, you want to give us a concise version of, of your perspective.

PLANNING DIRECTOR: I'll try to be concise. When I saw the realtor's letter, I was really surprised. And I spent most of yesterday looking at the bill that was transmitted to the Council and the bill that went through the Commissions, trying to see where the changes were. And it, it does seem that the bill that was transmitted to you goes a little bit farther than the bill that went through Commissions.

And when I say it goes a little bit farther, it means that we would end up regulating some vacation rentals on a unit by unit basis, as opposed to how we do it now which is an entire property. And that's not really something we want to do. And so, we will be sending the Council language so that it applies to entire properties, not individual condo units, which is exactly what the Commissions reviewed.

Mike Hopper is correct that what we did discuss with the Commission was that we wanted to see no new vacation rentals in the apartment districts. And so, with that being the intent, it could be interpreted that that would go on a unit by unit basis. But we don't want to do that and so, we'd like for it to be property by property so that entire properties that have never done vacation rental can't start.

And so, we'll be sending up language and also the transmittal to the Council also didn't include some of the referenced documents, like the Commission minutes. So, we'll be sending those to, to Committee as well, assuming it gets referred to Committee at today's meeting. Thank you, Chair.

CHAIR LEE: Thank you. Any further comments? Alright. Any objections to referring this to Committee; to the Planning and Sustainable Land Use Committee?

COUNCILMEMBER HOKAMA: No objections.

COUNCILMEMBER KAMA: No objection.

COUNCILMEMBER MOLINA: No objection.

CHAIR LEE: Okay, so, oh, did you have a question, Ms. King?

COUNCILMEMBER KING: Yea, yea, I think I'm not showing up on your screen. But no, I just wanted to see if we could get Ms. McLean to speak to the process, cause I think the question was what was the process that happened between the Commission, that what the Commission transmitted to the Department, what the Department transmitted to Corp. Counsel. That's kind of where I think the question was. Were, were the changes made by the Planning Director from the Commission, before, to Corp. Counsel?

CHAIR LEE: Michele. Ms. McLean.

PLANNING DIRECTOR: Yes. Thank you, Chair.

CHAIR LEE: Are you still--

PLANNING DIRECTOR: Yup. Should have hung up. The, when we take bills to the Commissions, we draft them, we do the best job that we can, but they're not typically signed by Corp. Counsel at that time. And so, the bill that went through Commission was not signed by Corp. Counsel. After the Commissions made their comments, and I think that's because Commissions can often make changes. So, after the

Commissions gave their comments, we sent the bill to Corp. Counsel for signature. And so, changes always happen at, or typically happen at that point. There's some structural changes between what we sent to Commission and what came out.

We did talk to Corp. Counsel about changes to the bill going beyond what the Commissions reviewed. And Corp. Counsel rightly said, "No, you can't do that. If you want to do that, you have to go back to Commissions". So, we did have that discussion with them, and those changes did not get put in the bill. Other changes did take place because that's what Corp. Counsel does. They make sure that the bill is sign-able as to form and legality. And so, there are typically changes that happen, and there was discussion, but Mike kept us in line and kept the bill narrow.

CHAIR LEE: Okay, we got it.

COUNCILMEMBER KING: Okay. Can I just follow up, Chair? Okay, I just wanted to make clear, because I think what's not clear to the public is what I had heard was that there was a bill form that came out of the Commission, but what I'm hearing doctor, or Director McLean saying is that no bill came out of the Commission, only review comments. And then that she was able to put her changes in and transmit it to Corp. Counsel. Is that correct, Ms. McLean?

PLANNING DIRECTOR: No, the Commissions actually did review a bill. It's just--

COUNCILMEMBER KING: --did they transmit a form of that bill that then got changed before it got to Corp. Counsel?

CHAIR LEE: Okay, we're going beyond clarification now. We're going into--

COUNCILMEMBER KING: Well, I'm trying to clarify--

CHAIR LEE: --deep discussion.

COUNCILMEMBER KING: I'm trying to clarify the process; cause I don't understand the process of what comes out of the Commission, and what gets transmitted to Corp. Counsel. I think that's where the public confusion is.

PLANNING DIRECTOR: Well, if, the Commission--

COUNCILMEMBER HOKAMA: Does Committee . . .

CHAIR LEE: Just kind of wrap it up, Ms. McLean, please.

PLANNING DIRECTOR: Okay. If the Commissions make changes, then yes, we are going to put changes in the bill before we send it to Corp. Counsel, or if we realize changes that need to be made that don't affect the substance of it. So, often it isn't the exact same bill that gets sent to Corp. Counsel. That, that's not uncommon.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay. Thank you very much. Alright, so we, there's no objections to referring this to Committee.

Now, Mr. Clerk.

Any objections to any of the referrals read by the Clerk, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Mr. Clerk. Mr. Clerk. So, ordered. Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 20-46 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That County Communication 20-43, from the County Auditor, transmitting a report, entitled "DEPARTMENT OF WATER SUPPLY COUNTY OF MAUI (A Proprietary Fund of the County of Maui): FINANCIAL STATEMENTS AND SUPPLEMENTARY INFORMATION WITH INDEPENDENT AUDITOR'S REPORT Fiscal Years ended June 30, 2019 and 2018," submitted by N&K CPAs, Inc., be FILED; and
2. That County Communication 20-44, from the County Auditor, transmitting a report, entitled "COUNTY OF MAUI, STATE OF HAWAII COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2019," submitted by N&K CPAs, Inc., be FILED.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN THE
COMMITTEE REPORT 20-46.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Motion by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Report 20-46.

Discussion, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, your EDB Committee reviewed the audit findings of the Department of Water Supply Audit Report in Fiscal Years ending June 30, 2019 and 2018, respectively; and the Comprehensive Annual Financial Report for Fiscal Year 2019 as submitted by N&K CPA's, Inc., the County's contractor.

The CAFR focused on two programs; the Section 8 Housing Choice Voucher Program, Department of Housing and Urban Development; and the Crime Victim Assistance Program, Department of Justice. Deficiencies resulting from the five statement findings were correct, through corrective, were corrected through corrective action plan.

Your Committee voted 9-0 to recommend filing of the communications. I respectfully ask the Members for the support of this motion again. Mahalo, Chair.

CHAIR LEE: Thank you. Any questions or comments? If, 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. Motion carries, the vote is unanimous.

COMMITTEE REPORT

NO. 20-47 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 56 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO EXISTING STREETS," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Water and Infrastructure Committee Report 19-100 be FILED;
3. That County Communication 19-228, from Councilmember Tamara Paltin, be FILED; and
4. That County Communication 20-25, from Councilmember Tamara Paltin, be FILED.

CHAIR LEE: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-47.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Second.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to approve Committee Report 20-47.

Discussion, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use Committee discussed this proposed bill, which requires subdivisions creating two developable lots to improve the surrounding existing streets in compliance with Maui County Code Chapter 9, 18.20.

The Planning and Sustainable Land Use Committee received a presentation from the Department of Public Works and discussed how the current two lot subdivision exemption pushes the cost of needed improvements to existing streets from the developer onto County taxpayers. Therefore, the Planning and Sustainable Land Use Committee unanimously recommended the bill be passed on first reading. I respectfully ask the Members support for my motion. Thank you.

CHAIR LEE: 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.

COUNCILMEMBER PALTIN: Thank you, Members.

CHAIR LEE: Okay, Mr. Clerk. We're heading down the homestretch, everybody.

DEPUTY COUNTY CLERK: Madam Chair, for the record, that is BILL 56 (2020).

Proceeding with resolutions, second and final reading.

RESOLUTIONS

RESOLUTION
NO. 20-59

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 WHITE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT RESOLUTION 20-59 ON SECOND AND
FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to adopt
Resolution 20-59.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Resolution 20-59 will
place the following question before the electorate at the next General Election. "Shall
the County: 1) continue the use of a portion of real property tax revenue for affordable
housing in perpetuity; and 2) increase the annual percentage appropriated to the
Affordable Housing Fund from two percent to three percent from real property tax
revenue."

I believe it is now imperative that we continue to make housing affordable. The
pandemic of COVID-19 has increased unemployment to record levels. Residents are
struggling to feed their families and keep a roof over their heads. And with the
continuation of appropriating funds to Affordable Housing and the increase in
appropriation, I believe we can continue to provide vital assistance to families in needs.
So, therefore, I respectfully request your consideration for approval of this resolution.
Thank you, Madam Chair.

CHAIR LEE: Any further discussion?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I wanted to amend the resolution. And the reason is with all this COVID-19 that's happening in our community now, and seeing what is happening with us going from a very prosperous economy to one that we're down with 30,000 residents not working, and a lot of uncertainty in the community, I thought that we can let future Councils decide what the minimum of the, of the Affordable Housing percentage should be. As well as, instead of perpetuity, to give it a, like what the previous Charter amendment was for a 13-year period.

SO, I WANTED TO AMEND THAT TO GO, THE THREE PERCENT BACK TO TWO PERCENT, AND LET FUTURE CHARTERS, FUTURE COUNCILS DECIDE WHAT THAT WOULD BE. AND THEN TO ALSO SET A TIME PERIOD OF . . . INSTEAD OF INPERPETUITY. TO, TO TAKE UP THOSE TWO AMENDMENTS

CHAIR LEE: Okay. So, we, do you have a second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, been moved and seconded to revise the, to make an amendment to, to Mr. Molina's motion. Moved by Member Sugimura, seconded by Ms. Kama.

COUNCILMEMBER KAMA: So, Chair.

CHAIR LEE: Discussion, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so--

CHAIR LEE: Wait, let her **have** her discussion first.

COUNCILMEMBER SUGIMURA: Just for clarity, it would, it would, what I'm trying to do is insert Fiscal Years 2022 to 2035, which is the same amount of years that the previous Charter was; it's 13 years. And by striking three percent and inserting two percent,

which is what the previous Charter was in terms of the starting percentage. So, that's, that's what I'm trying to explain to you why.

CHAIR LEE: Okay, those two items.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Okay. Alright. Now, we have discussion. Did I see, I saw hands.

I, yes, Ms. Kama.

COUNCILMEMBER KAMA: Thank you, oh shoots, thank you, Chair. So, I'm supporting this because I too believe that I think we know, as a Council, that we can always increase the percentages. At any given year, we could do that. But can we, for this year, wait one year, and keep it at two percent? And for one year, 12 months from today, increase it to three or four, or whatever, whatever it might happen in another year?

But like Mr. Molina said, I'm thinking about the issue that our people are facing today. You know, a lot of the things we talked about on the floor today, people are not even considering things like this. They're too worried about their jobs, their kids, how are they going to educate their kids if they don't have a laptop or a computer. I just heard that parents are going out and trying to get money so they can get it. And now that they've got their stimulus, they're going to use that to buy laptops for their kids, so that their kids can have something that they can use to study with. I mean, people's minds are somewhere else.

And once we, once we put this before the people, they're going to have to make a decision. And sometimes in this day and age, I think it's just too risky to do that. I think we're, we're, we're casting the dice thinking that everything's all honkey-dory and it is not. My sense is that our people are concerned with other things and this might be not the time for them. We should consider where their hearts and their minds are at.

And I know sometimes if you're not in that situation, that you can't experience the feeling that these families are in unless you yourself are there. And sometimes many of us are not there. We're not the ones who's raising lots of kids, and trying to put food on the table, going to work, and all those kinds of things.

But just for those reasons, Madam Chair, I want to be able to say let's go back to two percent. The Charter already says that; it's a given. We can increase it whenever we want; that's a given. And also, but, but keeping this means that you'll never be able to evaluate after 10 years or 12 years. Once this goes into the Charter, it's set already. And we all know how difficult it is to change the Charter, to get it back into the, the

hands of the people. So, my sense is that I would not be able to support that unless we did these amendments. Thank you, Chair.

CHAIR LEE: Any other comments?

Ms. Tamara Paltin, and then, Ms. King.

COUNCILMEMBER PALTIN: Thank you. I don't, I mean, I, I don't have a comment at this time. My, I had a question. Is it, you have to take the two together, the drop it to two percent and set it to a set time period? Is that how it is right now, that we have to do that?

CHAIR LEE: Well it's, well, no, really. It's up to you, the body, the majority, what you want to do. Just so happens that Mr. Molina's is going to be, well, has been discussed and was proposed some time ago. The--

COUNCILMEMBER PALTIN: My preference.

CHAIR LEE: The amendment, the amendment is something that has been proposed today. So, you, you agree with Mr., either you agree with Mr. Molina or you agree with Ms. Sugimura, or you want to propose your own changes?

COUNCILMEMBER PALTIN: Oh, just my preference would have been to take up one issue per amendment. Like, drop it to two percent, set the timeframe. But if we're past that, we're past that.

CHAIR LEE: Well, we're not past that. It's up to you. It's up to you, this body what you want to do. Why don't you think about it. Let me call on Ms. King.

COUNCILMEMBER PALTIN: Okay, thank you, Chair.

COUNCILMEMBER KING: Thank you, Chair. Yes, and the, if the amendment doesn't pass, then Ms. Paltin could propose another amendment. But I just wanted to speak in support of the proposal that came out of GET Committee, because I think we had full discussion of it. And the proposal is on the floor that Mr. Molina is proposing, I think shows our support for affordable housing. If we're not going to support it in this manner, you know, I, I support the three percent, I support the having in perpetuity. This is not something that you can change any given year.

And it's not something that we're even going to change with this movement. It's going on the ballot for the public to decide. If the public doesn't like something about it and doesn't vote it in, it doesn't mean that we can't put affordable housing monies in any

year that we want to put it in. We, it's just saying that we're not committed to it. So, I think what we're saying with this motion that came out of the GET Committee, the proposal is that we are committed to affordable housing at this level of a minimum three percent and we want it, we understand that this is a long-term need beyond 10 years. So, I support that.

And I think if it doesn't, if it doesn't pass on the ballot, then every year we just make that decision as a Council, do we, how much do we want to put in? Do we want to put anything in? But, you know, for me this is a commitment to the public and letting the public say to us, yes, we see this long-term need; yes, we see the need for a minimum of three percent. So, so, anyway, I wanted, I just wanted to support the original motion that's on the floor, not the amendment.

CHAIR LEE: Okay. Anybody else have something to say?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I'll be, I'm very open and supportive of the proposed amendment. But first, I want to thank Mr. Molina. Mr. Molina has always tried very strongly, efforts to address the affordability component of our community, and he's been very consistent, so I appreciate that.

My thing in this discussion though, people is, as we started the Affordable Housing Fund and we started collecting revenues and required contributions, my dismay is that just collecting and throwing money in a pot and distributing it hasn't really resulted in the end benefit we had all hoped to achieve, which was to actually see a lot more constructed units in the community in the various districts. And so, for me, just adding a amendment to increase money doesn't for me give me confidence that it'll equate to some success in achieving constructed housing units. And I say that just by watching our track record of 20 years.

I would say right now, the main concern for this Council should be the maintaining our flexibility in responding to this unknown duration of virus impacts, as well as the future liquidity of us to be able to fund, including those that we need to borrow projects for. And so, right now, with the revenue generation uncertain as from, its impact on the State, which will impact us a lot more, but I think we should be looking at how to reduce the need to generate more cash than required at this time.

You know, right now, the State Senate is talking about things that, I would say would turn you so white you'd be worried about turning over in graves. The State has a carryover potential of 700 million of General Funds for this year. But they spend more

than \$550 million of General Fund cash a month for expenses, including payroll and obligations.

So, what is the Senate talking to us today about, that impacts our ability to consider housing financing? They willing to suspend OPED payments. And you just heard the report we got from our ERS OPED representatives on the duration to get fully funded. They also looking at deferring our collective bargaining increases, including those that was given in Fiscal Year 20, 2020. They're looking at pushing early retirement for government workers. They're looking at wiping out non-essential exempt positions. They're also ready to consider rifting non-essential programs and personnel.

If this is the state, status of the State government, then our, what is then the reliance on this County to perform within its limited cash capacity; everything that we discussing today? How can we talk about ownership when there's no jobs? We should be considering cash to go into other temporary areas than looking at a normalcy that will never return back to this County. We will never go back to where we were last year. The world is going to change where there is no new old normalcy. We will have a new status and a new situation that we got to respond to.

And so, Members, my thing to you today is, give your future Councils, give this County the chance of flexibility and liquidity to respond in uncertainties, because it's hard to plan for something we've never experienced. Thank you, Chair.

CHAIR LEE: So, Mr. Hokama, which version did you support?

COUNCILMEMBER HOKAMA: I'm, I'm supporting the amendment at this time, to give us the flexibility of future considerations in response to the virus, Chair. Thank you.

CHAIR LEE: Oh, okay. Anyone else?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, Chair, thank you. I'd like to speak on the proposed amendment. While I, I certainly can appreciate this proposal, but it is coming rather late in the process. This whole issue was vetted out in Council, where a number of percentages were considered. And now, here we are at second and final.

Again, we're just trying to establish the minimum amount to go from the current two percent and, to three percent. And I'm just, very committed towards housing, because, yea, we have the pandemic, but people still need houses. And I know there was discussion in Budget before about the need to build some temporary houses. Maybe we can tap into this fund to, to offset some of the costs for developers when building

these tiny homes or affordable homes or what have you. It's still going to be a pressing need, pandemic or not. So, I, regrettably, Madam Chair, I cannot support the amendment. Thank you.

CHAIR LEE: Anyone else?

COUNCILMEMBER HOKAMA: Chair, just second and last time. Oh, Mr. Sinenci--

CHAIR LEE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I don't think Mr. Sinenci spoke, so I was going to ask for my second and final. But I'm happy to let you allow Mr. Sinenci his first opportunity.

CHAIR LEE: Okay. Thank you. For some reason I don't see him on the screen, on my screen. I have a big shot of your calendar in the back, but not.

Anyway, Mr. Sinenci. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I was just going to, I support, although I appreciate the Members discussion on this, but I'm going to support Member Molina only because I know the, the Mayor has proposed, you know, an additional 10 million for the COVID-19 pandemic. So, there are monies for that. And so, I just wanted to support affordable housing at this time. Thank you, Chair.

CHAIR LEE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank, thank you. And again, Chair, the merits of the proposal, original proposal from Mr. Molina is still sound and still strong. My concern is the ability to pay for it. And currently, our projections and, you know, we're going to need to revise, but we're looking at hopefully about 370 million from real property taxes, that again depending on the appeals, I'm sure your appeals went up, so Mr. Teruya has to place additional cash in the Contingency Fund for appeals.

But the key point I want to make, my fellow Members, is currently at least a third, almost 35 percent of our cash is already obligated for principle and interest of bond payments and those that we've already borrowed. And just for employee obligations, that's another 20 percent of that cash. So, just on cash for obligations of two components, not including the actual daily payroll, is 33 percent of your total budget; \$168 million a year from the 370 we collect. This doesn't give us a lot of wiggle room right now to take care of anything but essential.

And I agree with you, Mr. Molina, people got to have a shelter, a house. My concern is how do you maintain ownership when we have 25, 30 percent unemployment? We need to put the cash to, for me, in temporary assistance where we can either save those that already have the house or find a temporary shelter for those that need, need a roof over their heads. So, again, it is just my fiscal philosophy of how I'm approaching this on how, with our ability to pay. But I appreciate all of you folks' positions and thoughts on this. Thank you, Chair.

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

COUNCILMEMBER KAMA: Last comment, Chair.

CHAIR LEE: Yes, Ms. Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. And I just want to say thank you to my colleagues in how we talk about issues that are difficult to talk about, and how we discuss issues that tug at our heart strings. And how in the end we vote the way that we believe is the best for the people to whom we serve. So, I just wanted to get that message out to everybody that we all believe that what we're doing and what we're saying, and how our thought processes go along is the best that we have. And that's all we can ask for. So, I just wanted to say that, Chair. Thank you.

CHAIR LEE: Anymore? Okay, I just have a couple comments. I'm going to support Mr. Molina's resolution. I, I fully appreciate everybody's comments and especially in this day and age where there's so much uncertainty. These kinds of decisions become harder and harder. But looking at the long-term, yes, the normal is going to change. It's going to be redefined. But one thing that's not going to change is the need for housing. And we've had this problem from, for years and decades and decades.

And we've always been sort of in competition with the Big Island. And one thing the Big Island always had more than us, and that was housing. And what we had more than them was jobs. So, you know, they wish they had the strong economy we've always had. And we wish we had the job, the housing they had.

Because when we want, let's say we move in the direction of healthcare or doctors and scientists, and, they have to live someplace. And if we can't provide housing for the new industries that are going to come about, then, then we're not going to succeed in those areas.

So, for me, yes, we are going to need to save a lot of money like Mr. Hokama said. But housing does generate funds. It does generate real property taxes. It also

provides infrastructure for, for people to come here and start new businesses. And, and hopefully, some of the cash that we were going to use in the budget can be swapped out with Federal monies. So, you know, if we just tighten our belts and, but yet, plan for the future in such a way that we have, we will give ourselves more potential by providing the basic infrastructure that people need in order to start new businesses. I think, I think this is a head start.

And besides, money is not the only thing that we need in terms of housing. We need to, you know, we need water, we need better roads, we and we need, we need to expedite our processes, and that's something that we have to look at ourselves. How are we impediments, you know, to, to progress? So, you know, we can't be blaming everybody else and not looking inward. So, as I said earlier, I will be supporting. And is everybody ready for the vote or do you have more to say on this subject? If not, all those--

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yea, we're, we're voting on, we're voting on the amendment, yea?

CHAIR LEE: Yes, we are.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR LEE: We're voting on Ms. Sugimura's amendment. All those in favor of the amendment, say "aye".

COUNCILMEMBER KAMA: Aye.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER HOKAMA: Aye.

CHAIR LEE: Roll call, Mr. Clerk.

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, PALTIN,
AND SUGIMURA.

NOES: COUNCILMEMBERS KING, MOLINA, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

CHAIR LEE: The vote is--

DEPUTY COUNTY CLERK: Madam Chair, there are four "ayes", five "noes"; motion fails.

CHAIR LEE: Alright. Thank you. So, to the original--

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: --motion, to the original motion, all those in favor, say "aye".

COUNCILMEMBER MOLINA: Oh, Madam Chair. Madam Chair. Sorry. Sorry. I'd like to speak to the motion, second and final. Just wanted to mention to the Members, it's actually Member King's proposal, I was just the Committee Chair, so she deserves credit for that. I know Ms. King must feel like the abandoned vehicle analogy we talked about the other day. So, just want to set the record straight. So, appreciate, this was Member King's proposal. Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Okay. So, now on the main, back to the main motion.

COUNCILMEMBER HOKAMA: Yea, Chair.

CHAIR LEE: Mr. Hokama, you have a question?

COUNCILMEMBER HOKAMA: No, no, I just want to speak on the main motion now as before the Council.

CHAIR LEE: Okay. Go ahead.

COUNCILMEMBER HOKAMA: Again, I appreciate every Member's heartfelt decision on this. It's not easy. I agree. We all have our philosophies of financial discipline and what not. I hope you guys all prove me wrong. I really want to be wrong on my forecast regarding the future of the money and this County are. I really would like to be wrong on this one, to be honestly with all of you as friends and neighbors and fellow residents. But I cannot tell you, I, it is my greatest fear that this will be the world's worst depression in history. And that is my greatest fear, that not only we are going to be suffering, the whole world population is going to suffer. And so, I just say that in caution, that, you know, I've had a great batting record over 20 years of making financial calls. And again, I hope you folks really prove me wrong this time. Thank you.

CHAIR LEE: Fair enough. Anybody else?

COUNCILMEMBER PALTIN: Chair.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN:

I PROPOSE JUST KEEPING IT, THE HOUSING FUND, IN PERPETUITY AT TWO PERCENT WITH THE OPTION EACH YEAR TO GIVE MORE THAN THE TWO PERCENT.

CHAIR LEE: Okay. Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: It's been moved by Ms. Paltin, seconded by Ms. Sugimura, to reduce the amount from three percent to two percent. And did you say with, in perpetuity? Or what did you say about that time limit?

COUNCILMEMBER KAMA: In perpetuity.

COUNCILMEMBER PALTIN: In perpetuity.

CHAIR LEE: Is there a time limit?

COUNCILMEMBER PALTIN: No time limit.

CHAIR LEE: In perpetuity. In perpetuity. Okay. Alright.

Now, I saw a hand up. Yes, Ms. Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Can I speak to that motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly, I just wanted to remind Members that we do have a 1:00 p.m. EDB meeting, and it's 12:54. So, I don't know what the Council would like to do about that 1:00 meeting if we continue to have these long discussions.

CHAIR LEE: Ms., Vice-Chair Rawlins-Fernandez, Scott is willing to come at two, if it's okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. But it's still agendized, so we would still have to gavel in and then recess.

CHAIR LEE: Okay. Members, can we--

VICE-CHAIR RAWLINS-FERNANDEZ: And then Akaku will need to switch meeting, call, ID's, so that we need to give them a few minutes at least to switch over to EDB meeting ID.

CHAIR LEE: Okay, Members, what do you want to do? Do you want to take lunch now, or you want to continue this?

COUNCILMEMBER HOKAMA: Chair.

CHAIR LEE: Pardon me?

COUNCILMEMBER HOKAMA: Chair. Chair Lee.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: I would ask you to take this in consideration with my fellow colleagues. I would, I wouldn't mind hearing the 1:00 certification number, because that may help crystalize for some of the Members what our actual cash position potentially will, well, it will be, because that is going to be the certified number. And maybe we might get to be able to have some sense of direction we're going to go as far as where Council is going to need to be in 12 months. So, I, it may be to our advantage to hear the certification at 1:00 and then reconvene and finish up the business that's before the body. Thank you, Chair.

CHAIR LEE: Any other ideas? Anybody? Okay, seems like everybody agrees with you. So, we are going to recess our meeting if there are no objections, like right now, and then reconvene at 2:00 or what time would you like to reconvene? Don't forget, we have a nighttime public hearing tonight.

VICE-CHAIR RAWLINS-FERNANDEZ: Maybe 3--

CHAIR LEE: --at six o'clock.

VICE-CHAIR RAWLINS-FERNANDEZ: 3 or 3:30.

COUNCILMEMBER KING: I agree, I agree with 3:00, and that way we can have a lunch. We still haven't had our lunch break, so.

CHAIR LEE: Okay. We have a 3:00 and we have a 3:30. Any other times?

COUNCILMEMBER MOLINA: 2:30. I don't know, I'll throw out 2:30.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Chair, how long do you think that we're, maybe Ms. Rawlins-Fernandez can tell us how long we think we're going to be in session with Scott Teruya?

VICE-CHAIR RAWLINS-FERNANDEZ: It will depend on how many testifiers we get, because it's a new meeting, and it will depend on the number of questions Members ask and how long the discussion will be in . . . discussion--

COUNCILMEMBER KING: Okay, we might need to go to 3:30.

CHAIR LEE: 3:30? Did I hear 3:30?

COUNCILMEMBER KAMA: 3:30 for me, Chair. I got to go to the bank.

COUNCILMEMBER HOKAMA: Yea, the Finance Director is only going to give us the certified number, Chair. There's no argument about the certified number as presented by the Finance Director. It's a statement of factual position, so there shouldn't be any discussion or questions on the certified numbers.

CHAIR LEE: So, 3:00. How's 3:00?

COUNCILMEMBER HOKAMA: Good.

CHAIR LEE: Alright, 3, 3:00.

COUNCILMEMBER KAMA: I'm fine.

CHAIR LEE: No objections. Recess until 3:00.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Members.

MEMBERS VOICED NO OBJECTION.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:57 P.M., AND WAS RECONVENED AT 3:38 P.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER KAMA EXCUSED.)

CHAIR LEE: Will the Maui County Council meeting of April 17 please reconvene.

Okay, Members, where we were when we recessed, we were on Resolution 20-59. Mr. Molina made, initially made a motion, and then Ms. Sugimura attempted to do an amendment, which failed. Then Member Paltin attempted another amendment, and that's where we are now. Member Paltin moved to change the amount from three percent back to two percent, and then in perpetuity, right? Did you say in perpetuity? So, those two things. So, you had, you made the motion and then who seconded that motion?

COUNCILMEMBER PALTIN: I think it was Member Sugimura.

CHAIR LEE: Okay, Member Sugimura. So, we're in discussion. Okay, anybody have questions? Wait, you talked already, but maybe somebody else can talk.

COUNCILMEMBER PALTIN: I didn't talk yet.

CHAIR LEE: You didn't talk yet? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: No, I spoke.

CHAIR LEE: You spoke. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Cause we had our EDB meeting.

CHAIR LEE: Okay. Ms. Paltin.

COUNCILMEMBER PALTIN: So, you know, the thing is that I think we need the flexibility. I'm committed to the Affordable Housing Fund in perpetuity. I think that, you know, housing is a basic need. But we got to remember that the County is the employer of 2500 employees here in Maui County. And you know, when the State starts talking about RIF's and things like that, and all the layoffs that we're seeing, we don't want to compound the problem by having to layoff our workers, having to furlough our workers to the point where they need to also become recipients of the Affordable Housing Fund or become homeless.

So, I think, you know, while I don't support the level of tourism that we've, we've had, I think that, you know, with a circular economy, we can do a lot of great things. But we

need flexibility like Member Molina said and we need liquidity. And we need to be responsible employers to all of our employees and make sure that we can fund their positions. And when we do have the flexibility to add more into the affordable housing fund, I'm all for it. So, I just am making a plea for flexibility, and commitment to having the Affordable Housing Fund in perpetuity. And that's my statement.

CHAIR LEE: Thank you. Anybody else?

Yes, Ms. Sugimura, then Mr. Hokama.

COUNCILMEMBER SUGIMURA: Yeah, thank you, I support this. I had originally on my amendment, and I just want to acknowledge Kelly and, Kelly King and Mike Molina. So, thank you for doing this, because it's something we, we had to fix. And so, we are at the point of realizing that, you know, we are also facing what's happening in the community. So, appreciate your, your thoughts, Tamara and Mr. Hokama. So, I support this.

I had kind of wanted it to have a framework of being other Councils could look at it, you know, and, and give it like ten-year periods or do something like that, instead of doing it in perpetuity. But if that's what the Council, this Council wants to do, to see something happen in perpetuity and as long as it's responsible, then that's fine.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Again, to my colleagues, I would agree with our Chair Lee. This is one of the few times in my 21 budget County reviews that the certification has become a big challenge for this Committee, as we craft the final version of the County budget. Again, I think the results of this certification has shown that we need to have, we maintain a reasonable level of flexibility and liquidity, and you know, I would say I can adjust.

I always felt that the Council should be legislating annually on its fiscal status. But I'll, I can support Ms. Paltin's I guess, compromise; go with perpetuity, two percent at this time. And again, see where it goes when the next Charter Commission convenes in ten-plus years. So again, Members, the uncertainty of times, I would say requires us to maintain the flexibility for our future decisions that we are going to be required to make. Thank you.

CHAIR LEE: Alright. Anybody else?

Ms. King and then Ms. Paltin.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to say that I appreciate the, the comments on flexibility. But I think what we're, you know, the Council is giving, just putting this on the ballot. So, we're giving the opportunity for the people to speak, and to say if we do have a limited budget, that this is where their priority is on the affordable housing. And if folks vote against this, then we just do year to year and that gives us the greatest flexibility.

So, I look at it as an opportunity for people to make that statement about where they want the money to go. Because we're just, we're talking about a percentage, not a set amount every year, we're talking about a percentage of the real property tax. And that percentage, that dollar amount is going to change depending on what the real property tax is.

So, I'm in favor of putting this on the ballot like it is and, you know, let the people decide if that's the top priority of what, you know, which, which some of us think it is, or if there are other priorities that we do need that flexibility for? So, I appreciate all the, all comments, but that's kind of my position.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So, for my second and final, I think, you know, putting it on the ballot is the choice between having an Affordable Housing Fund funded annually or not, not necessarily three to two percent. And the situation that we're looking at with the unknown future that this pandemic is just one of the first realities that we're facing of climate change.

And, you know, in the future, the idea of homeownership might be the luxury, you know. We may be looking at even more basic needs than homeownership, we may be talking about basic needs, such as, you know, food, shelter, and that's, that's not homeownership. It's taking care of our 150,000 residents, and making sure that they can stay alive, and, and have food to eat, and have, and you know, sustenance. Homeownership may in the future be a luxury that we can't afford when we're looking at taking care of our residents. So, just, you know, putting it out there.

CHAIR LEE: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to make the point that the Affordable Housing Fund isn't only funding for homeownership. It also helps to, you know, build shelters, and rentals, and just affordable projects for our residents. And in moving forward, you know, if this is as bad as, as we're projecting it to be on

the economy, I think we're going to expect more need of our residents to help with, with shelters, and with tiny homes, and with whatever kind of ideas, like we can be creative with. And, you know, this funding will be available for us to access for those projects. So, you know, I'll be fine, you know, voting on the resolution as it is. Mahalo, Chair.

(Councilmember Kama returned to the meeting at 3:48 p.m.)

CHAIR LEE: Alright. Anybody else?

I understand Tasha Kama is back. Member Kama? I don't see you, but you texted me you're back. Okay.

COUNCILMEMBER KAMA: Yea, do you see me? I'm, I'm here.

CHAIR LEE: Okay, I see you now. Okay. So, we're about ready to vote. You want to say anything?

COUNCILMEMBER KING: Shane got, Shane has his--

CHAIR LEE: Oh, Shane. No, I don't see him at all.

Okay. Ms. Kama, what we're voting on is that, the second amendment, which was offered by Member Tamara Paltin, okay. And that had to do with changing the three percent to two percent in perpetuity for the Affordable Housing Fund. So, you know, here's your last opportunity to discuss it before we vote.

COUNCILMEMBER KAMA: So, it's to keep the, the, the two percent in perpetuity. Is that what that is?

CHAIR LEE: Yes, two percent. And so far--

COUNCILMEMBER KAMA: But doesn't, but the Council--

CHAIR LEE: In all fairness, in all fairness, so far one, two, three; three people have said that they support it.

COUNCILMEMBER KAMA: So, the two percent is in perpetuity, but doesn't that still allow the Council to increase that each year?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER KAMA: The two percent is, it's in perpetuity, whatever that might be?

CHAIR LEE: The two percent is a, is a, it's not a ceiling. It's a minimum.

COUNCILMEMBER KAMA: It's a minimum, yea.

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI: Chair.

CHAIR LEE: Done. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yea, so it looks like, looking at a one percent differential of upwards of \$3 million that's being added to the Affordable Housing Fund. So, I see it as, you know, possible economic stimulus to help developers who, who might be in a bind, and might need some additional help with, with pushing through some affordable housing. So, I'm, I'm supportive of the, what's on the, or what was presented by Mr. Molina of just as an economic stimulus to, to the industry. Thank you, Chair.

CHAIR LEE: Okay. Any more comments or questions? Again, this vote is on two percent in perpetuity. Alright? All those in favor of the motion, say "aye".

COUNCILMEMBER PALTIN: Aye.

COUNCILMEMBER HOKAMA: Aye.

CHAIR LEE: Against?

COUNCILMEMBER MOLINA: No.

VICE-CHAIR RAWLINS-FERNANDEZ: No.

COUNCILMEMBER SINENCI: No.

CHAIR LEE: Okay, we need a roll call. We need a roll call.

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, PALTIN,
AND SUGIMURA.

NOES: COUNCILMEMBERS KING, MOLINA, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

DEPUTY COUNTY CLERK: Madam Chair, there are four "ayes", five "noes"; motion fails.

CHAIR LEE: Alright, getting back to the original motion, which includes the three percent in perpetuity. Okay, all, roll call.

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci?

COUNCILMEMBER SINENCI: Clerk, can you repeat?

DEPUTY COUNTY CLERK: Oh, the body is now voting on the main motion on the floor to adopt on second and final reading the resolution entitled, "PROPOSING AN AMENDMENT TO THE SECTION 9-20 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE AFFORDABLE HOUSING FUND".

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBERS HOKAMA, KAMA, AND
SUGIMURA.

DEPUTY COUNTY CLERK: Madam Chair, there are six "ayes", three "noes"; motion, motion
succeeds.

CHAIR LEE: Alright. Moving on, Mr. Clerk.

RESOLUTION
NO. 20-60

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO REORGANIZE THE
EXECUTIVE BRANCH TO ESTABLISH AN
OFFICE OF THE MANAGING DIRECTOR AND
PROVIDE FOR THE APPOINTMENT OF THE
MANAGING DIRECTOR AS THE COUNTY'S
CHIEF OPERATING OFFICER

CHAIR WHITE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT RESOLUTION 20-60 ON SECOND AND
FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. King, to adopt Resolution 20-60 on second and final reading.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. We've been apprised of a concern from Corporation Counsel with regards to this resolution. I'd like to ask if Corporation Counsel could give comments on their concerns, which was sent to my office? I don't know if it was sent to any other Members, but before proceeding with my spiel for this particular item.

CHAIR LEE: Corporation Counsel. Ms. Lutey, are you there?

DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: This is Richelle, hi. Moana is here, she's just attending to another matter. And so, some of the concerns that we had in looking at it, one of the concerns is whether it would be a description that is on the last page, that would be put on the ballot, whether that is descriptive enough of all of the changes? The way that we read it, is that, you know, it's simply setting up, you know, expanded managing director's position, but there are also many other changes that are incorporated into this Charter amendment. So, having the language on the ballot encapsulate all of the changes, we think would be important.

There are other, you know, there are other concerns. Some of them are more policy concerns. And then . . . we can get into, you know, more of the details on that, but sort of wanted to, you know, bring that initial concern . . . for ballot . . . see if that may be something that we would defer to, I guess, subsequent meeting and then--

CHAIR LEE: Okay. Mr. Molina.

CHAIR LEE: Yes, thank you, Madam Chair. So, I, it's difficult to hear Ms. Thompson. But my guess is there's concerns about how this matter was agendized.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: My first question is at first reading--

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yes.

CHAIR LEE: Wait, wait, wait.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: Everybody mute yourselves, everybody.

Try again, Mike.

COUNCILMEMBER MOLINA: Okay. Thank you. Am I coming out much more louder and clearer? Okay. So, like I stated earlier, so I'm, I'm taking this from Corporation Counsel that there is a concern with how this resolution was agendized today. But my only question is at first reading, that problem didn't seem to exist. Now I'm, I, I haven't seen, I can't recall looking at the agenda at first reading. So now my question is why is this coming up now? It didn't seem to be a problem at first reading and now here we are at second reading and now, you know, we're being told that there's problems. Cause it was the same proposal at first reading, so can I get a response from Corp. Counsel, or maybe even Office of Council Services, Mr. Raatz, if he's available?

DEPUTY CORPORATION COUNSEL THOMSON: So--

CHAIR LEE: So, let's hear from Richelle. You first, and then David Raatz.

DEPUTY CORPORATION COUNSEL THOMSON: We're also asking Ed Kushi to come down, since he was sitting through the first reading of this reso.

CHAIR LEE: Ms. Thomson, you talked about an item on the last page of the resolution as not being posted. Are you referring to the, the effective date?

DEPUTY CORPORATION COUNSEL THOMSON: Not necessarily the effective date, but the description that's on the last page of the resolution, which is the text that would appear on the ballot. You know, when I read through that, some of my concerns are that that description, you know, it does talk generally about the Office of the Managing Director and what the changes are. But it doesn't go into some of the other changes that are fairly substantial, that relate also to the operation of certain departments, so within the, within the County.

CHAIR LEE: Okay. Is Mr. Raatz on the line? David? He's not?

VICE-CHAIR RAWLINS-FERNANDEZ: I see him on the list. Oh, there he is.

LEGISLATIVE SUPERVISOR DAVID RAATZ: Hi, Chair. This is David Raatz, Office of Council Services.

CHAIR LEE: Okay. Have you, did you hear the question from Mr. Molina?

MR. RAATZ: Yes, I did.

CHAIR LEE: Okay. Can you share with us your comments?

MR. RAATZ: Sure. The issue of ballot questions is a difficult one. There's a long history of challenges to ballot questions. Sometimes, they're regarded as not comprehensive enough, and sometimes they're regarded as being too comprehensive; there's too much information for the voters to readily understand the question, and to be able to decide whether they should vote yes or no. So, it's a tricky proposition to draft ballot questions.

This proposed question is actually one of the longer questions that we've seen. We, we usually try to be a little bit more concise to make it an easy up or down question for the voters. You know, and there's probably arguments on both sides, again, because it's a frequent question, is the ballot question both comprehensive enough and concise enough to help the voters understand what's being put before them and to allow them to make a clear decision.

We did vet this question pretty closely with the First Deputy Corporation Counsel as, as it was proceeding through Committee and being passed out for first reading. So, we haven't conducted additional research today based on the questions that are coming up now. But previously we had a meeting of the minds between our Committee staff, and the Department of the Corporation Counsel. Thank you, Chair.

CHAIR LEE: Wait, wait. Did you answer the question? Mr. Molina, are you, did he answer your question?

COUNCILMEMBER MOLINA: Yeah. But you know, Madam Chair, I'll leave the floor open for any Members who have questions for Mr. Raatz or Corporation Counsel.

CHAIR LEE: Ms. Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So, my question is if there's problems, why was the bill signed off on by Corporation Counsel? Like, isn't that the point of having . . . Corp. Counsel that there's not problems later on, or else why, why even bother with that?

CHAIR LEE: Ms. Thomson.

COUNCILMEMBER PALTIN: Just wondering, you know, procedurally, isn't that the reason why we get Corporation Counsel to sign off on the bill, so we're not wasting everybody's time here?

CHAIR LEE: Okay. We're going to ask Ms. Thompson to answer that question.

CORPORATION COUNSEL MOANA LUTEY: Actually, I'm back. It's Moana, and I have Ed pre--

CHAIR LEE: Oh, okay.

CORPORATION COUNSEL: Hello. The beginning part of Member Paltin's question, I couldn't understand; it sort of zipped out. I got the end part about isn't that why you have us sign off. But what was the first part? I'm sorry.

CHAIR LEE: Pretty much the same.

COUNCILMEMBER PALTIN: The purpose, the purpose of Corporation Counsel signing . . . is not, isn't, wouldn't that have been, come up when they sign off on it, so we're not wasting everybody's time? Like, they bring up these issues before they sign the bill for form and legality?

CORPORATION COUNSEL: I've got Ed present. There he is.

COUNCILMEMBER PALTIN: I'm asking, like, wouldn't that have been the appropriate . . . to bring up these concerns? You need me to repeat my question?

CHAIR LEE: Oh, no. No, we heard it.

FIRST DEPUTY CORPORATION COUNSEL ED KUSHI: What do you mean? I signed off on this bill, on this reso. And the issues that are being brought up, which I understand we received yesterday from, from the 9th floor. I haven't seen it before. I will confirm that I did have various, multi, multitude of discussions with David Raatz and his staff, and we came up, we came up with this amended resolution which you have before you.

COUNCILMEMBER PALTIN: And you stand behind it?

FIRST DEPUTY CORPORATION COUNSEL KUSHI: I signed it. As is.

COUNCILMEMBER PALTIN: Good. We're good then.

FIRST DEPUTY CORPORATION COUNSEL KUSHI: Now, if you want to go over the, the, what Mr. Molina has said that there's some issues or remaining questions, now is the time to do it. But I've seen it, I've just seen it today. . . . issues Mr. Molina bring up . . .

CHAIR LEE: Ms. Lutey, do you have anything to bring up?

CORPORATION COUNSEL: Nope. I, no, I'm pointing out that Mike Molina was waving his hand.

CHAIR LEE: Oh, I see. Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Chair. If I could ask Corporation Counsel, with the Governor relaxing the Sunshine Law, so even with that, there's a problem with the posting of this resolution as presented on the agenda?

CORPORATION COUNSEL: The issue wasn't with the posting itself, Member Molina. It was with the content. The, yeah, the very last page that is going to be on the ballot.

COUNCILMEMBER MOLINA: And, and what is, what is that content? Is it because it's not on the agenda, the contents as to why you have concerns about us taking action on this today?

CORPORATION COUNSEL: No. Yeah, hold on. Switching seats.

DEPUTY CORPORATION COUNSEL THOMSON: Hi. Richelle again. So, what I was saying earlier is that the language that's on the last page, it's the language that would be on the ballot, if this passes. You know, when, when I was taking a look at it, and this was also brought up by Managing Director Baz, that some of the changes that are in this reso are, they're, they exceed just establishing a Managing Director's Office, but they actually really go into many other ways that the County, the County works right now in terms of, you know, just, some for examples: you know, who determines the three-member citizen group? Some of these are policy considerations, but, and I apologize if these have been fully vetted while this was in Committee, but looking at this with fresh eyes, you know, there are some things that when I look at it, you know, as someone who would have to implement it, there are things that I think are difficult . . .

COUNCILMEMBER MOLINA: So, Ms. Thomson, if I may ask one question? Theoretically, if this, if we were to take action, this gets on the ballot, the public passes it, then those concerns that were expressed by Mr. Baz, can that be changed by ordinance down the road in theory?

DEPUTY CORPORATION COUNSEL THOMSON: These are some of the, some of the texts of the actual Charter amendment. So, it would be, it would be in the Charter, and it would take another Charter amendment to change them.

CHAIR LEE: I'd like to interrupt here. I'd like to, does everybody have a copy? It helps if everybody has a copy of, of what Corporation Counsel is talking about. Okay.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes. Yes, Ms. King.

COUNCILMEMBER KING: Thank you. I haven't been able to get into my Granicus today, so I don't have a copy available. I was, I'm assuming they, they're saying, are they, have they made changes since first reading? Cause I'm assuming--

CHAIR LEE: Okay, yea, let me, let me read you something.

VICE-CHAIR RAWLINS-FERNANDEZ: You have access to your email.

CHAIR LEE: I would like to read you something.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll email it to you.

CHAIR LEE: I'll read you something. The third item; "making the Mayor the County's chief executive officer responsible for supervising the managing director's work, representing the County in intergovernmental affairs, having the authority to approve or veto bills". Now that's very, kind of confusing.

COUNCILMEMBER KING: Chair.

CHAIR LEE: The Managing Director is not going to have the authority to veto bills, right?

COUNCILMEMBER KING: Right. But I just, are you reading off questions or are you reading off something actually in the bill?

CHAIR LEE: I'm reading off this, what was distributed and posted.

COUNCILMEMBER KING: Okay. But that's not in the bill itself?

CHAIR LEE: Well, I'm seeing this for the first time. So, maybe it's somebody's interpretation is what I'm saying. And I think that is what the issue is. I didn't realize it myself until I

just read it. And I'm going to ask the Clerk, I'm going to ask the Clerk if everybody, if the public got this handout and if, you, Members got the handout?

Mr. Clerk, you know what I'm talking about?

VICE-CHAIR RAWLINS-FERNANDEZ: What handout?

CHAIR LEE: Yes, yea. Say it on the record.

DEPUTY COUNTY CLERK: Yes, Madam Chair. What you are referring to right now is the digest that's attached to the end of the resolution, that's what's we, that's the Charter-mandates that the Council, before it takes action on these sorts of things to publish a digest of it in the newspaper of general circulation. So, this language was published in the Maui News on April 4, April 13. Thank you.

COUNCILMEMBER KING: So, Chair, I, I don't see this as a change in the bill. I see this as someone's concern coming up late. And I realized we heard from the Managing Director. He had many chances before today to come before us and be part of the discussion. I feel like this bill has been vetted over and over again. We've already discussed these details. Mr. Kushi stands behind it, he signed it. Our core, our Office of Council Services has vetted it. And I feel like this is a, it's another attempt to throw a monkey wrench in this thing. But I think we should go ahead and take the vote because I don't, I don't appreciate these last-minute concerns when they had so many, so much opportunity to come before us with, with, if they had concerns. I mean, they, this has been signed off on.

COUNCILMEMBER KAMA: Chair.

CHAIR LEE: Yes, Vice-Chair Rawlins-Fernandez, and Ms. Tasha Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, just for clarification, we're not talking about the actual ballot question, which I think was discussed just a little bit ago? We're talking about what our County Clerk Kathy Kaohu signed off on, which is the digest, the last page?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Of the file?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: That's the concern? Okay. Mahalo for that clarification.

CHAIR LEE: That's the concern, because that's, that is what was posted, right? That's what was posted, see? The public hearing notice was, it has this digest at the back of the page. Look at it, read it. That's what we're talking about. Oh, let me, while the Members . . . before I get to you, Tasha. Richelle, okay what if, what if the digest is somewhat inaccurate?

COUNCILMEMBER KAMA: It is inaccurate. It is.

CHAIR LEE: Okay, but did somebody, somebody summarized the bill; right? Somebody tried to summarize the bill? Okay. But that's really not the essence of the bill. The bill is, is something different from the digest. So, so how do we handle things from, from there?

DEPUTY CORPORATION COUNSEL THOMSON: The bottom line is that in, in my point of view, I would recommend recommitting this, and doing a more thorough vetting in Committee. I can tell you some of the other issues that, you know, that I see . . . when I took a look at, what I'm looking at it is I have to live with this document and I have to advise the Departments, the Directors, Managing Director, Council. And how am I going to do that? And there are, there are certain parts of it that I, that I find--

CHAIR LEE: Okay. Okay, Richelle. Richelle, I understand the part, Richelle, I understand the part about you have issues with things. But we need you to be very specific, like one, two, three, you know, like--

COUNCILMEMBER PALTIN: Yea, and is she talking about the digest or the bill itself?

CORPORATION COUNSEL THOMSON: I'm actually talking about both.

CHAIR LEE: You're talking about both?

DEPUTY CORPORATION COUNSEL THOMSON: Yes.

CHAIR LEE: Well, I can see where there's a problem with the digest, but I don't know about the problem with the bill itself, with the resolution itself.

DEPUTY CORPORATION COUNSEL THOMSON: So, I can go over a few of, a few of them. One kind of big one that sticks out to me, since we're in budget session right now, is if you turn to the Section 9-10.3.

CHAIR LEE: 9 dash, 9-10. Okay. Number what? 9-10, Appropriations?

DEPUTY CORPORATION COUNSEL THOMSON: Okay. So, if you read, so if you read 9, 9-10.3, it says, "The managing director, or the mayor, or the council may initiate changes to executive or legislative operating budget, respectively." So, the way that I, the way that I read that is that the Managing Director or the Council can initiate changes to either the executive or the legislative budgets. Right now, the Council does not have the ability to change the executive budget and vice versa. So, that, to me, is a pretty substantial change. There are others, I can give you kind of a list of them. There's quite a few.

So, you know, section 8-16.1, Mayor selects and supervises the MD, but only the Council is to be consulted on his salary to be paid to the MD and the deputy. But if the Mayor is basically in charge of overseeing the MD, why isn't the Mayor? So, same thing with the, why is the Managing Director not consulted on the pay for Deputy Managing Director. Because the MD at that point would know, you know, what the deputy, his actual, his or her actual work is. There are some other changes that are fairly substantial.

So right now, our director's term-out concurrent with the Mayor's term. This takes away the term limits. So, a director would continue on until the limit, right? And that may be, that may be the full intent. But I think that that would be something that should probably be in the description of this change on the ballot, because it's a, it's a very major change. And it's not just solely with the Managing Director is in the office; it's how the department directors are chosen and then removed, also.

There's some smaller things, you know? Right now, if the Mayor is absent from the State, the Managing Director takes over. In this change, the, if the Mayor is absent from the County, so if the Mayor is in Honolulu, the Managing Director is the Acting Mayor. So, just, you know, some, I don't know if that's a giant deal? I mean, there are a few others. Some of them are, I think the budget one is a pretty substantial issue.

There's another section, this is Section 6-5.4, requires termination of the managing director because of administrative leave longer than thirty days. Administrative leave is not a defined term in the Charter. But you could say that it could be, you know, if the MD is put on administrative leave for an investigation that could be longer than thirty days. So, that would result in automatic termination. So, there are just some things in here that, in my opinion, needs more work.

CHAIR LEE: Ms. Thompson, is it possible to remedy these issues that may be incongruent with the Charter now, through Administrative Rules?

DEPUTY CORPORATION COUNSEL THOMSON: No, I don't think so. Some of these would not be able to be, because any, you know, any rules, or, you know, even in the County Code. So, the County Code can't conflict with the Charter. Administrative Rules can't conflict with County Code. And so, if the Charter says what the Charter says, like about the budget, if that means that either Council or the Administration can propose changes to each other's budgets, you know, that, that is, that's just the way it is and couldn't be fixed by Admin Rule later on. There are some--

CHAIR LEE: If you were to, if you were to list all of these issues, how many would you say there are?

DEPUTY CORPORATION COUNSEL THOMSON: I would say probably, you know, 5 to 10 major issues, and maybe about 10 more just, you know, wordsmithing that to me it's not clear. But in terms of the ballot question, I think that the ballot question, if we are doing, you know, such a . . . really revamping of the structure that we should be more specific and clear on the ballot question itself, so that the people know what they are voting on.

CHAIR LEE: So, one last question. If there are 5 or 10 major issues, if we were to defer this item one more time, leave it on the Clerk's table, would you be able to fix those 5 or 10 issues when we have our next Council meeting?

DEPUTY CORPORATION COUNSEL THOMSON: So, then you would be making, potentially making amendments on second and final. Again, we may have to, it may have to take, you know, another, another one beyond that; another meeting. You know, it would, these changes would require all of your input. But I can certainly, you know, point out, you know, what the issues are, you know.

CHAIR LEE: Okay. Ms. Paltin, and Mr. Molina.

COUNCILMEMBER KAMA: Chair.

CHAIR LEE: Oh, I'm sorry. Did I miss you, Tasha?

COUNCILMEMBER KAMA: You did.

CHAIR LEE: Go ahead. Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to just remind, you know, our Members that the purpose, for me anyway, to be able to have second readings is so that we can truly have for the last, last, last, last time the great discussion as to where we are in these bills. And the, and so, looking at today, to me, seems like that's why

we have second readings. So, that we don't get through them so fast on the first get, go around that we skip, we forget, and don't know, or things like this come up.

Granted, we're all human beings, so let's just move forward. But I think that the thorough vetting of a bill is what we're supposed to do. Yea, it takes time. Yea, we don't want to do it. But we got to do it, because we want to give our people the best that we have to give them. And to me, this is not our best. We should give them the best. So, we should take the time to do what we got to do, as expeditiously as we're able to do, and do what you want to do with this. Thank you, Chair.

CHAIR LEE: Okay. I believe I called on Ms. Paltin, and then Mr. Molina.

COUNCILMEMBER PALTIN: Thank you, Chair. I agree with Ms. Kama. But the thing that I don't understand is that our First Deputy Corporation Counsel and our Corporation Counsel has no problem with the form and legality, but then a Deputy Corporation Counsel has a problem with the form and legality. So, what, what are we wasting time in Committee for, with the First Deputy when we should have had a Deputy Corporation Counsel that would have vetted it with us in Committee, so that we're not wasting time? Isn't that the place where Corporation Counsel is supposed to help us vet it, in Committee? And so, if the First Deputy Corporation Counsel and the Corporation Counsel don't have a problem, what are we here for? Who, who is in charge? What is the chain of command?

CHAIR LEE: Ms. Thompson, or Ms. Lutey.

DEPUTY CORPORATION COUNSEL THOMSON: So, Ms. Lutey is here, and she can obviously speak for herself on this one. But, you know, I think one of the things is that, you know, every attorney who reads a document will have things that stand out to them. I went through, you know, I didn't actually look at this. I knew it was on agendas, but I didn't, it wasn't assigned to me, I didn't pick it up. But I did see it on, you know, this agenda, and went through it pretty carefully.

And also, had the benefit of, you know, having the Managing Director and the Deputy Managing Director's thoughts. And when we were, you know, looking at it, we were really looking at it as in, so this passes and this is the new reality, and what does this really mean? You know, and are there any things in this that are problematic? And when you look at it, I think from the standpoint of really having to use it as a living document, you want to make sure that it's clear, especially something that, you know, the Charter, like you were saying, it's, you know, it can't change very easily. It's, you know, it takes quite an effort to make these changes. So, you know, to me, you want to make sure that the changes that you're making, that you fully thought them out.

You know, another thing, just another for example, about, you know, movement of the Budget Office to the MD's Office, so the Managing Director would control the operations, the budget, and most of the departments, but then may not have the . . . request for appropriations.

COUNCILMEMBER PALTIN: Follow-up?

CHAIR LEE: Okay. Ms. Paltin. Okay, well, quick follow-up, because I have to call on Mr. Molina.

COUNCILMEMBER PALTIN: What Ms. Kama was saying is the people deserve the best and so does the Council in order for us to give the people the best. And if the First Deputy is not up to the job, then replace him with you. That's all. Thank you.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. You know, right now, I'm just, I don't know what to say. I'm having a hard time understanding the review process of not only this bill, but other bills, because this is something that really came out of left field. Here we are at second reading, there were two prior Committee meetings on this, where this matter was assumed to have been vetted, not only by the Council but by Corporation Counsel. We have the Corporation Counsel and Deputy signing off on it and now we have another Deputy disagreeing.

And I'm echoing Member Paltin's frustration with this. So, you know, with all due respect, Madam Chair, this is just unbelievable that we're here now, and with the admission that someone from the 9th floor gave maybe Corporation Counsel a directive on this now. I don't know. It's just creating a cloud of doubt. I mean, granted this is a very difficult, difficult decision that has divided the community, but I'm extremely, extremely disappointed, we're, we're at this juncture. And so, I don't know, I, I may have more to say at a later point. But I will yield the floor to the Members, Madam Chair. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

Oh, okay, Ms. Thompson first, then Vice-Chair.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you. Just very quickly. So, if this bill only had the opportunity for two Committee meetings, I can tell you that, and I would not, I would not have been able to have worked on this bill and have gotten it all the way through. It would have taken, you know, hours and hours. Realizing a lot of work was done by OCS and, and by Member King when she was Chair, so I realize that a

lot of work has gone into this version. But, you know, only having two sessions to go through something of this magnitude, to me, is incredibly short.

You know, and like I said, you know, every attorney that you run a document by is going to have other opinions on it. In terms of any directives from the 9th floor, there were no directives given to us at all regarding this advice. This is, this is my take on it. It's not, I'm not a mouthpiece for anybody. This is my own take on this bill.

CHAIR LEE: Did someone else have his or her? Vice-Chair Rawlins-Fernandez, did you have something? No?

Oh, Ms. King.

COUNCILMEMBER KING: Oh, thank you, Chair. Yea, I just wanted to say just I agree with my colleagues that this is highly irregular, and to have something like, and we have this disagreement. I mean, it's been signed off on. Our, the head of our legal department in OCS doesn't see a problem with this, doesn't see a conflict in the digest even. And so, I'm, you know, I'm comfortable with the way it is. It's been vetted for not just the two meetings, but for years before that and, and the first reading after the two Committee meetings.

But, you know, this is, the, the concerns, these kinds of concerns coming up at last-minute are highly irregular are disturbing. The concern that, I had the same feeling when our Managing Director came and testified because he didn't come to any of the Committee meetings or the first reading. And if he had those concerns, it should have been brought up then. But I, you know, just I've made my peace with this a long time ago.

And the previous, it's interesting how the, both the last two Mayors supported this idea when they were Councilmembers and then, you know, came out against it once they became Mayor. It's not meant to be a referendum on the Mayor. It's meant to be a way to move forward to get more professional leadership from our Managing Director's Office for the logistical things, the operational things that happen in our County.

So, I'm just, I'm really distraught by these continual attempts to, to postpone this item. You know, that's my, I, I, I support the, the reso as it came out of GET Committee and I appreciate all the work that the GET Committee did to, to vet this and other Charter amendments. Thank you.

CHAIR LEE: Before I call on you Vice-Chair, I, I just want everybody to know that in order for this to proceed, we need, we need six votes. And the way I'm feeling now is, is I really believe this, things need to be fixed within the resolution. And I would prefer that you

give me time to work with Corp. Counsel. Five or ten things is not insurmountable. Give me time to work with them and, and see if we can't address all of the major issues that could be challengeable, you know, if we let this go forward today.

I do support this, I've said it before, and I'll say it again. But I'm not going to support it in, in the form it's in. And if I don't support it today, if you insist on moving it today, you won't have the six votes. So, I just want to let you know that.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And that's fine. I'm fine with it being recommitted since we don't have all of the votes. But my read on this whole thing is a directive came down from the Administration, likely the Mayor, who doesn't support this. And I know that deputy directors don't just go perusing through resolutions that they aren't assigned to. And so, it's obvious that Ms. Thomson was assigned to look through this resolution, to find problems with it, to point out reasons that we should not pass it today. It's very clear to me. And that there will never be a resolution that the Corporation Counsel will support. There will never be enough fixes.

So, we can take it back to Committee, but my read on it is that no matter what we do to it, they'll never support it. They'll never, like, say it's okay. Like they are going to thwart all of our efforts like they are doing right now. I think that the Mayor didn't expect there to be six votes, and when there was, then that directive came down. Because we were really close in passing it. So, that, that's how I see all of this happening, and I will just call it for what it is; calling a spade a spade. Mahalo, Chair.

CHAIR LEE: Thank you. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, I can live with your recommendation and I understand, and I respect your position on it. So, now my preference would be to table rather than recommit. I know we have our next two Council meetings are scheduled for May 8, and May 22, whatever your preference is. But my preference is I think we, we can, well, we'll allow Corp. Counsel to make the adjustments. I, I'm not sure if the changes are substantive enough to refer back to Committee. In my opinion, I, I don't believe they are, but that's just my opinion. Tabling it, okay, fine. But then when we do bring this back, I'm hoping we can take action on it, Madam Chair. Thank you.

CHAIR LEE: Anybody else?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Just wanted your thoughts on whether this is, you know, I mean, I, I, I can live with the proposal to table it, and you know, but in your opinion, you know, we've heard from two Corp. Counsel members that this is fine the way it is. We've heard from one there is going to be substantive changes and it needs to go back to Committee. So, I just wanted to get your take on it, whether your, your preference is to send it back to Committee, or to, you know, just bring it back to the, and, and pass it on second reading the next time?

CHAIR LEE: Well, I would need to get clarification on the record from Ms. Thompson. My feeling is we are going to correct, to make corrections, not change anything in substance, but make corrections to the language so that it conforms to Charter, yea? And so, in my mind, they are not substantive. They are just mere corrections. And that's why I would, as Mr. Molina said, table this item, make these corrections, and come back.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Now, I need, I need to find out from you, Ms. Thompson, if I'm correct. Because we don't want to be dealing, you know, be next charged with making substantive changes on second reading. So, Ms. Thomson, can you comment on that, please?

DEPUTY CORPORATION COUNSEL THOMSON: I think that some of these changes would be substantive changes.

CHAIR LEE: Okay. Like what? Like what?

DEPUTY CORPORATION COUNSEL THOMSON: So, one for example, is in 9-10.3, whether the mayor, and you know, this is, I'm not saying which one you want to do. I'm just saying that the way that it reads to me is that either the Mayor, that either the MD or the Council can amend each other's budgets. And I don't know if that's the intention. If that is the intention, that's how I read it. I just want to clear that language up. If it's not the intention, then it would be a substantive change.

COUNCILMEMBER PALTIN: Isn't the language the Mayor in consultation with the Managing Director? Not either the Mayor or the Council.

COUNCILMEMBER KING: Chair? Chair, if I still have the floor? Thank you. So, you know, my concern is that we're, we're hanging all of our, all of these decisions on one person's objections when we have two other people in the same office that don't have the same objections. So, I think, you know, if we can leave it up to you to make sure that what the, the, you know, we don't have major substantive changes that are going to send

this back to Committee. Because, we have agreement right now the way it is from some of Corp. Counsel, as well as Mr. Raatz and OCS that this is ready to go forward.

So, I'm, I'm just, I'm just, I guess, you know, I'm feeling like Vice-Chair Rawlins-Fernandez that this is a way to try to derail this, this piece of legislation. But I've never seen this happen before, where we have the support, the support of staff for this Committee sign off on it, and then somebody else comes from that office and throws all these monkey wrenches in it. So, you know, I would just say can we leave it up to you to make sure that the, we're working on non-substantive changes and that we could bring it back to Council?

CHAIR LEE: I'll do my best. I'll do my best. We'll, let's see--

COUNCILMEMBER PALTIN: Point of information, please.

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: Point of information on that section that Ms. Thomson referred to.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: It says, "The Managing Director, in consultation with the Mayor, or the Council may initiate--executive or legislative operating--changes to executive or legislating operating budgets, respectively." So, it's not saying that the Mayor can change the Council's budgets and the, I mean, I'm not even a lawyer and I can figure out what they're saying. What are you, what are you talking about? You weren't even reading--

CHAIR LEE: Alright, you guys, don't get testy.

COUNCILMEMBER PALTIN: Fine.

CHAIR LEE: I'll, I'll do it. I'll take care of this.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin is correct.

CHAIR LEE: Okay. I'll, I'll take care of this. And then when is the next Council meeting? Is there enough time?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

DEPUTY COUNTY CLERK: Madam Chair, the next Council meeting is scheduled for May 8, and the next one after that is May 22.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I support tabling it; that's fine. But may I request that you also get the guidance of our OCS attorneys, and not just one attorney in Corporation Counsel? But also, we have very competent, excellent attorneys in our OCS Office that have weighed in on this and they, they've been working on this, so they know this very well. And this one corporation, Deputy Corporation Counsel just reviewed it, so she is not intimately aware of the details of this. And Member Paltin is correct. She just read it correctly and Ms. Thomson is the one who read it wrong. Mahalo, Chair.

CHAIR LEE: Alright. Ms. Thompson, how about May 8? Are you, would you be ready before that? Can we shoot for that date?

DEPUTY CORPORATION COUNSEL THOMSON: I can, so, what I can do is, because I can I can point out the things that I see. So, I'm happy to put all of these into a memo, if they are just simple changes to clarify what I believe the intent. I can, I can definitely do that. There are some issues that I think are going to need more work and I'll put all of that into a memo as quickly as possible. So, I'll get that to you by early next week.

CHAIR LEE: Okay. So, you're, so you're not only going to point out the problems, but you are going to propose the remedies?

DEPUTY CORPORATION COUNSEL THOMSON: Yes.

CHAIR LEE: Okay. By, can you give me a date?

DEPUTY CORPORATION COUNSEL THOMSON: Could you give me till Wednesday?

CHAIR LEE: Yes.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you.

CHAIR LEE: And, and then, then we'll work on it, and get it ready for the May 8 Council meeting.

DEPUTY CORPORATION COUNSEL THOMSON: Okay.

CHAIR LEE: Okay. So, if there are no, thank you very much.

Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair. . . . background noise again. Okay. Sorry about that. Madam Chair, then for the sake of procedure, I will withdraw the motion.

CHAIR LEE: Okay, thank you. Who did the second? Oh, Ms. King. Okay.

COUNCILMEMBER KING: Yea, I mean Chair--

CHAIR LEE: If there are no objections--

COUNCILMEMBER KING: I think once the motion is withdrawn, the second doesn't have to be withdrawn.

CHAIR LEE: Okay. The, if there are no objections, we'll table this item--

COUNCILMEMBER KING: I think Mr. Sinenci--

CHAIR LEE: --until May 8.

COUNCILMEMBER KING: I think Mr. Sinenci had his hand up.

CHAIR LEE: Okay. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: I'm sorry, I didn't see you.

COUNCILMEMBER SINENCI: Yea, thank you, Chair. I'm with the fellow Members. I mean, I think we can, I would like to recommend that Mr. Mitchell be part of that OCS team as well. He's been helpful in, in going through all of the changes. So, that was my recommendation, Chair. Thank you.

CHAIR LEE: Okay. Thank you. So, if there are no objections, we'll table this item until May 8. Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: So, ordered. Alright, now moving on, we have--

COUNCILMEMBER SUGIMURA: Chair, I was trying to get your attention. Chair.

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: I was trying to get your attention, so sorry. I did hear what you said, you were going to table it. But if the changes are substantive, right, which is what I'm hearing Corp. Counsel say, then, and if it gets sent back to Committee to vote, I mean, to review again, so it can be done correctly, we still have up to August 20, to send this item to, to the Clerk's Office. You can check with our Clerk's Office. So, we have time on our side. It's not like we're trying to rush this through to get on the November ballot. I think we have enough time to discuss it correctly. Or, we're going to, I mean, the thing that I'm afraid of is we may run into some constitutional changes, or some, or some lawsuits if we don't handle this correctly.

CHAIR LEE: Well, yea, thank you for your concern, Ms. Sugimura. That August date was the previous County Clerk's deadline. The new County Clerk has a newer deadline. So, we need to move our schedule up as well.

COUNCILMEMBER SUGIMURA: So, what is the date?

CHAIR LEE: And honestly, honestly, yea, this is kind of a rush. But I believe it's necessary, because it's been years that people have been working on this. And we need to finish it, and, and move it forward and move on to other important matters of the day. Okay? So anyway, the, no objections to move it, to table it and then move it to May 8 Council meeting.

Alright. Mr. Clerk. Mr. Clerk.

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 50 (2020)

A BILL FOR AN ORDINANCE AMENDING SECTIONS
5.22.050 AND 5.22.060, MAUI COUNTY CODE,
RELATING TO PENALTIES FOR UNLAWFUL BIKE TOUR OPERATIONS

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE FOR THE APPROVAL OF BILL NO. 50 ON SECOND
AND FINAL READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to move Bill 50 on second and final reading. Any discussion?

COUNCILMEMBER MOLINA: Yes, Madam, yes, Madam Chair. Bill 50 will double penalties for a lack of prominent display of bike tour permits and those operating without a permit. The current penalties were established in 1995, roughly 25 years ago, and are seriously outdated. I introduced Bill 50 as a result of concerns expressed by Paia residents regarding the escalation of bike tour operations.

Back in November of 2019, the Maui Police Department, Maui Police Department's Paia community officer advised me that several bike tour operations in Paia Town did not have proper bike tour activities permits. The community police officer also suggested that increased penalties could act as a deterrent to illegal operations. And penalties for under-permitted bike tour operations right now are so low and insignificant that the fines are not enough to serve as a deterrent. I believe this bill will put more teeth into preventing illegal operations. So therefore, Madam Chair, I respectfully ask for you and my fellow colleagues' consideration of approving Bill No. 50 on second and final reading. Thank you.

CHAIR LEE: Any other comments or questions? 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.

ORDINANCE NO. _____
BILL NO. 52 (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.26,
MAUI COUNTY CODE, RELATING TO THE SALE AND USE
OF PLASTIC DISPOSABLE FOODWARE

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO PASS BILL NO. 52 ON SECOND AND FINAL
READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Mr. Sinenci, seconded by Member King, to move Bill 52 on second,
to pass Bill 52 on second and final reading.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Yes, Bill No. 52 has been discussed at three Committee meetings and at our last Council meeting. We've received many more letters in support for this measure as evident this morning. The bill was modeled after Honolulu's to make it easier for statewide businesses. We have given, and address the food industry with this bill including asking to have it delayed, the implementation to 2022. So, we are happy to promote public policy that protects the aina and includes our keikis in the, in the process, and their wishes for a cleaner environment. Thank you, Chair.

CHAIR LEE: Any others? If not, all those in favor of passing Bill 52 on second and final reading, 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 SINENCI: Thank you.

CHAIR LEE: Final bill, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 54 (2020)

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

CHAIR LEE: Mr., Ms. Sugimura. Member Sugimura.

COUNCILMEMBER SUGIMURA: I'm sorry. I thought I was unmuted. Thank you, Chair.

I MOVE TO PASS BILL 54 FOR SECOND AND FINAL
READING.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, moved by Ms. Sugimura, seconded by Ms. Kama, to pass Bill 54 on second and final reading.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. As you all remember, this is for West Maui, Ms. Paltin's area, for an intergovernmental agreement for a time-sensitive, not time, well, it's time-sensitive because we need water in West Maui. It will allow for right-of-entry permit for the West Maui Well Development. Board of Land and Natural Resources, at a meeting on December 13, 2019, granted the Board of Water Supply the right-of-entry for the construction of this West Maui Well Development project. I look forward to your support on this. Thank you.

CHAIR LEE: 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.

Okay. That brings us to the end of the calendar, everybody. We've had a, kind of a mixed day today. Any final comments?

COUNCILMEMBER PALTIN: See you at six.

CHAIR LEE: Oh, I cannot get rid of you guys, I swear. In one hour and eight minutes I'm going to see all of you again. How lucky am I?

COUNCILMEMBER MOLINA: Lucky you.

CHAIR LEE: Yea, I know. Okay. But, but the good news is all we do is have to listen tonight. Okay. We're going to listen to the people.

COUNCILMEMBER KAMA: Really, really? We're all going to do that? You all promise that?

CHAIR LEE: Yes. Yes. Thank you everyone for, for your hard work today. I know it was tough, and we didn't all get what we wanted, but we're getting there.

COUNCILMEMBER KING: Chair.

CHAIR LEE: As long as we have forward progress.

Yes, Ms. King?

COUNCILMEMBER KING: I just wanted to say I appreciate you working on this, the Charter amendment for the County Manager. It was a tough discussion. It was a tough thing thrown at us at the last-minute, but I appreciate your support on trying to get this done. And I also want to thank all the Councilmembers for getting through another Charter amendment on the affordable housing. But I do think that there's so many Charter amendments on Mr. Molina's docket that we do need to move through these as quickly as possible, especially the ones that have been vetted. So, anyway, I just wanted to express my appreciation for your going forward, even though some of us were not happy with this process.

CHAIR LEE: I know. And thank you. I promise you I'll do my best. Alright, very, everybody, we'll see, I would say bye, but I'm going to see you in a little while. So, for this meeting, for this Council meeting it is adjourned--

COUNCILMEMBER KAMA: It is a hui hou.

CHAIR LEE: --as of what time? What time is it? 4:52. Okay. See you in a little while.

ADJOURNMENT

The regular meeting of April 17, 2020 was adjourned by the Chair on at 4:52 p.m.



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

County Clerk

From: Paul Janes-Brown <janesbrownp@gmail.com>
Sent: Thursday, April 16, 2020 7:57 AM
To: County Clerk
Cc: Alice L. Lee; Kelly King; Tamara A. Paltin; Shane M. Sinenci; Keani N. Rawlins; Mike J. Molina; Riki Hokama; Tasha A. Kama; Yuki Lei Sugimura
Subject: April 17, 2017 Public Hearing on Managing Director & Council Agenda Item J. Resolutions #20--60

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2020 APR 16 AM 8:02

OFFICE OF THE
COUNTY CLERK

TESTIMONY ITEM April 17, 2017 Public Hearing on Managing Director & Council Agenda Item J. Resolutions #20--60

My name is Paul Janes-Brown, I reside in Kulamalu and have been a resident of Maui since 1997, which I like to refer to as, my rebirth date.

This proposal to amend the charter, is a direct result of the former Charter Commission's acts, of which Council Member Sugimura was a member. The Special Committee recommended by the 2011-2012 was formed in 2016. All the work has been done and the proposal has been put through a rigorous vetting process, including numerous community association meetings as well as other forms of public scrutiny.

The result of this process demonstrated the need to amend the original proposal, which is the strength of our democracy. We allow for everyone to be heard and oftentimes, we realize matters that weren't originally considered. That has been the case with the proposal before you. It is time to allow our people to express their opinion about the matter in the democratic form we have established for such issues.

The opponents of this proposal, while posturing they support the will of the electorate wish to do everything possible to thwart that will, by calling for another public hearing in the midst of a community wide lock down, by suggesting the new Charter Commission take up the matter, by any other means at their disposal to prevent the people from having a say. What are they afraid of?

It is time to let the people decide whether they want to continue with the current revolving door of directors, who when they depart and a new appointed director arrives with a new agenda, the job of those departments is put on hold at best, or thrown into chaos at worst.

Or we recognize, once and for all, that the role of County Government is to deliver services, it is a service organization and we need to professionalize that service organization, to provide for continuity of those services, the possibility that civil servants can rise through the ranks on the basis of merit alone to head a department without having to choose the right horse in an election, and we get the best quality of services possible.

I urge you to vote for the people, pass this proposal. Mahalo nui loa for your service.

County Clerk

RECEIVED

2020 APR 16 AM 7: 58

From: Camry Gach <camrygach@gmail.com>
Sent: Wednesday, April 15, 2020 6:35 PM
To: County Clerk
Cc: Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Single Use Plastic Ban 52 Written Testimony

OFFICE OF THE COUNTY CLERK

Dear Maui County Council,

Mahalo for passing Bill 52 in the previous hearing! My name is Camry Gach, I am 16 years old, and I am part of the Maui Huliau Youth Leadership Council. I would like the single-use plastic ban to be passed in Maui County for my future.

I want to be able to come back to Maui when I am older and witness the beauty of the island, not the plastic scattered along the beaches. I want this bill to be passed for my future on a global level because manufacturing plastic, a petroleum-based product, increases carbon dioxide emission into the atmosphere thus expediting climate change, which negatively impacts all of us: Natural disaster sweeps populations from the earth. Polar ice caps melt, so the tides rise and many animal species become extinct. The ocean acidifies, bleaching the coral reefs and eliminating the opportunity for marine life to persist.

Single-use plastic does not only harm the environment, but eventually, will destabilize our own economy. In 2018 alone, Maui County generated about 338,000 tons of solid waste. Since plastic takes between 500-1000 years to decompose, continuing at this rate would be unsustainable, consuming vast amounts of land space that could instead be used for affordable housing or local farming so that our island does not depend on barges from the mainland to supply our food. Additionally, the tourist industry will begin to decline when visitors observe the colorful microplastics layering the sand and the way that we have disregarded the abundant environment around us, but we can change today and ban single-use plastic.

Although businesses may have doubts about how the increased cost in the food ware that they distribute will allow them to continue producing profits, this ban would change the markets on Maui. If all the restaurants are required to change, then many of them may respond by increasing their prices. However, the consumers will not choose selectively or judge their choices because all of the restaurants will be making this transformation together. I, for one, as a consumer am willing to pay 15 cents more so that a turtle does not swallow part of a plastic container that someone neglected to dispose of properly.

I personally have been raised to bring my own reusable containers to restaurants and shopping and produce bags to grocery stores, but from my experience sorting waste at Huliau Green Events and attempting to convince my friends at school and dance class to bring their own, many people opt for convenience, but this ban would awaken everyone to the global change that needs to start occurring locally, here on Maui, in order to live in harmony with the earth again. I humbly ask for your vote to pass the single-use plastic ban.

Mahalo,
Camry Gach
camrygach@gmail.com

Source: <https://dashboard.hawaii.gov/stat/goals/5xhf-begg/7rpz-qst3/fbb5-6tss>

County Clerk

From: Marge Bonar <margebonar@gmail.com>
Sent: Wednesday, April 15, 2020 4:08 PM
To: County Clerk
Subject: Agenda Item 20-60

RECEIVED

2020 APR 15 PM 4:16

OFFICE OF THE
COUNTY CLERK

Aloha Council,

Put it on the ballot.

This is a reiteration of my position that a professional manager is necessary part of the government, which has been lacking for a long while. That said, it is long past the time when kicking this can down the road is no longer acceptable.

Why are we once again up against a deadline for the electorate to have the final say. What is the threat, whether you agree with the proposal or not, to letting it appear on the ballot for scrutiny by the people? We keep hearing from politicians that the people should have a voice. Here is the exercise of that voice.

Marjorie Bonar, Pukalani, 573-1960

County Clerk

From: Marge Bonar <margebonar@gmail.com>
Sent: Wednesday, April 15, 2020 3:57 PM
To: County Clerk
Subject: Bill 52 support
Attachments: IMG_20200415_154658.jpg

RECEIVED
2020 APR 15 PM 4:16
OFFICE OF THE
COUNTY CLERK

Aloha Council,

Just reaffirming my appreciation for your forward thinking action on this bill. We will come out of this pandemic and return to a new normal. We should not lose sight of the importance of our environment to the future of both tourism and quality of life for residents.

The accompanying no picture shows where the impact if ridding plastics from our life is headed. When a major plastic product company is producing paper fiber coolers for the single use market, we can see the house replacements are already there.

Unlike the EPS foam, these will not turn into everlasting snow.

Mahalo,

Marjorie Bonar, Pukalani, 573-1960



RECEIVED

2020 APR 14 PM 2: 49



OFFICE OF THE
COUNTY CLERK

Jason A. Economou
Government Affairs Director

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

April 14, 2020

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

RE: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," and related documents.

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

I am submitting the following testimony on behalf of the REALTORS Association of Maui (RAM) and the 1,700+ REALTORS and affiliates that we represent. This testimony is in opposition to County Communication 20-246 and the proposed bill attached thereto (hereinafter, the "Bill"). Specifically, we oppose the proposed amendments to 19.12, as well as the deceptive tactics used by the Department of Planning in switching the Bill from what was recommended for approval by the Planning Commissions to this unvetted version presented in CC 20-246.

In truth, I had not anticipated a need to testify regarding this Bill when it was presented to the Planning Commissions, nor after the various Planning Commissions had an opportunity to provide comment. Nevertheless, the need has arisen because the version of the Bill presented to the Council in CC 20-246 is drastically different from the Bill that was recommended for approval by the Planning Commissions. Should this Council choose to adopt the Bill as it was recommended by the Planning Commissions, RAM would support such efforts. However, RAM must strongly oppose the Bill in its current form, and ask that it be sent back to the Planning Commissions for review and comment in its new form, as it is far too different from what they had previously recommended for approval.

To provide more context, I would like to highlight three portions of the bill that were reasonable as recommended by the Planning Commissions, but have been altered drastically to the point of unconscionability. First, Section 1 of the Bill has undergone a fairly substantive change

since it was recommended for approval by the Maui Planning Commission on October 22, 2019. In the October 2019 version, Section 1 began like this:

SECTION 1. Findings and purpose. The purpose of this ordinance is to prevent the conversion of long-term rental and owner-occupied apartments into transient vacation rental apartments in the apartment, light industrial and heavy industrial districts, by prohibiting transient vacation rentals on properties on which transient vacation rental use had not been conducted in lawfully existing dwelling units prior to the enactment of Ordinances 286 and 1797.

This language is reasonable, and its means of achieving the stated purpose is in line with the vested property rights of condo owners impacted by the “Minatoya Opinion.” However, this reasonable language is altered dramatically in the version of the Bill sent to Council in CC 20-246, which appears as follows:

SECTION 1. Findings and purpose. The purpose of this ordinance is to prevent the conversion of long-term rental and owner-occupied apartments into transient vacation rental apartments in the apartment, light industrial and heavy industrial districts, by prohibiting transient vacation rentals on properties on which transient vacation rental use had not been conducted in lawfully existing dwelling units as of the effective date of this ordinance.

The above version presented to Council in CC 20-246 does not time the prohibition on transient vacation rental activity in the Apartment District from the enactment of Ordinance 286 and 1797, as it should, but instead moves the timing to “prohibiting transient vacation rentals on properties on which transient vacation rental use had not been conducted in lawfully existing dwelling units as of the effective date of this ordinance.” Such language is not well defined and can be interpreted in such a manner as to strip property owners of a vested property right without due process. This alteration in language is not in line with the recommendations put forth by any of the Planning Commissions, and only serves to muddy the waters surrounding the issue of short-term rentable condominiums in Apartment Districts.

The second, and most egregious, of the changes I would like to highlight occurs in Section 3 of the Bill, which amends Section 19.12.020 of the Maui County Code. The version of the Bill reviewed and recommended by the Maui Planning Commission on October 22, 2019 appeared thusly:

SECTION 3. Section 19.12.020, Maui County Code, is amended to read as follows:

19.12.020 - Permitted uses. Within the A-1 and A-2 districts, the following uses are permitted:

- A. Any use permitted in the residential and duplex districts.
- B. Apartment houses.
- C. Boarding houses, rooming houses, and lodging houses.
- D. Bungalow courts.
- E. Apartment courts.
- F. Townhouses.
- G. [Transient vacation rentals in buildings and structures having building permits, special management area use permits, or planned development approval that were lawfully issued by and valid on April 20, 1989. Buildings and structures with such permits and approvals may be reconstructed, and transient vacation rental use shall be permitted, provided that:
 - 1. The reconstruction conforms to the original building permit plans, special management area use permits, or planned development approval; and
 - 2. The reconstruction complies with the building code and all other applicable laws in effect at the time of the reconstruction.]

Transient vacation rentals in building and structures meeting all of the following criteria:

- 1. The building or structure received a building permit, special management area use permit, or planned development approval that was lawfully issued by and was valid, or is otherwise confirmed to have been lawfully existing, on April 20, 1989.
 - 2. Transient vacation rental use was conducted in any lawfully existing dwelling unit within the building or structure prior to April 20, 1989 and has continued in compliance with nonconformity requirements.
 - 3. If any such building or structure is reconstructed, renovated or expanded, then transient vacation rental use is limited to the building envelope as it can be confirmed to have been approved or lawfully existing on April 20, 1989. The number of bedrooms used for transient vacation rental shall not be increased.
- H. Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title

As you can see, the Bill recommended for approval by the Planning Commissions removes the current language of Section 19.12.020(G), but replaces it with language that provides more clarity and accomplishes the stated intent of the Bill. This was a commendable approach on the part of the Department of Planning that did not appear to garner any negative feedback from the Planning Commissions. Nevertheless, the Department of Planning pulled that language from the Bill in CC 20-246, which further confuses the vested property rights of owners living in short-term rentable Apartment zoned condominiums under the Minatoya Opinion.

For the purpose of comparison, here are the amendments to Section 19.12.020, which were not recommended for approval by the Planning Commissions, but were still included in the Bill accompanying CC 20-246:

"19.12.020 Permitted uses. Within the A-1 and A-2 districts, the following uses are permitted:

- A. Any use permitted in the residential and duplex districts.**
- B. Apartment houses.**
- C. Boarding houses, rooming houses, and lodging houses.**
- D. Bungalow courts.**
- E. Apartment courts.**
- F. Townhouses.**
- [G. Transient vacation rentals in buildings and structures having building permits, special management area use permits, or planned development approval that were lawfully issued by and valid on April 20, 1989. Buildings and structures with such permits**

3

and approvals may be reconstructed, and transient vacation rental use shall be permitted, provided that:

- 1. The reconstruction conforms to the original building permit plans, special management area use permits, or planned development approval; and**
- 2. The reconstruction complies with the building code and all other applicable laws in effect at the time of the reconstruction.]**

[H]G. Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title.

[I]H. Short-term rental homes, subject to the provisions of chapter 19.65 of this title."

As you can see, this new version of the Bill does not serve to clarify the vested property rights of affected property owners, but instead seems to be setting the groundwork for a broader repeal of the Minatoya Opinion and its subsequent codification. The differences in this section make it alarmingly apparent that the Planning Department pulled a "bait and switch" with the Bill in order to get it past the Planning Commission review. I sincerely hope that it is only a matter of coincidence that it is being transmitted to Council during a global pandemic that is keeping our residents distracted and crippling countless industries that our residents depend on for their livelihoods. However, based on the drastic nature of these changes and the lack of transparency, I cannot make such assumptions.

The third notable difference between the Bill as it was presented to the Planning Commissions and the Bill as it was transmitted in CC 20-246 relates to Section 10. Section 10 of the Bill as it was recommended for approval by the Planning Commissions is as follows:

SECTION 10. Existing lawful transient vacation rental uses in the Apartment Districts may continue to operate as allowed by Ordinance 4167. The initiation of new transient vacation rentals in the Apartment Districts is prohibited as of the effective date of this ordinance. Building permits for stand-alone apartments or apartment houses in the Light Industrial District submitted within six months of the effective date of this ordinance may be processed and approved pursuant to the zoning restrictions and standards in effect immediately prior to the effective date of this ordinance.

However, the version transmitted to Council on April 7th as part of CC 20-246 reads like this:

SECTION 10. Lawful transient vacation rental units in the Apartment Districts in operation as of the effective date of this ordinance may continue to operate as nonconforming uses pursuant to Subsection 19.500.110(C). If any such building or structure is reconstructed, renovated or expanded, then transient vacation rental use is limited to the building envelope as it can be confirmed to have been approved or lawfully existing on April 20, 1989, and the number of bedrooms used for transient vacation rental shall not be increased. The initiation of new transient vacation rentals in the Apartment Districts not in operation as of the effective date of this ordinance are prohibited, notwithstanding Section 11 of Ordinance 1797 (1989).

The differences between these two paragraphs may seem miniscule, but in practice they change the Bill massively.

The most important difference is in the first sentence, where the language was changed from “Lawful transient vacation rental *uses* in the Apartment Districts may continue to operate as allowed by Ordinance 4167;” to “Lawful transient vacation rental *units* in the Apartment Districts in operation as of the effective date of this ordinance may continue to operate as nonconforming uses pursuant to Subsection 19.500.110(C)” [emphasis added]. This difference takes this Bill from regulating entire buildings down to regulating individual units within buildings, and it transforms a vested and recognized property right for current owners into a “nonconforming use.” Had the

Planning Commissions known that this Bill would be changed so drastically on its way to the Council, it is doubtful they would have recommended it for approval.

In the interest of transparency and good government, I ask that you do not validate the bait and switch that occurred regarding the Bill transmitted to you in County Communication 20-246. If the Department of Planning wanted the Bill in its current form to be presented to Council, they should have allowed that Bill in its current form to be properly vetted by the Planning Commissions. Instead, the Department of Planning had the Planning Commissions recommend a much different version of the Bill for approval, and didn't bother to point out the significant revisions that have since been made in their correspondence dated April 7, 2020. Such a lack of transparency is deceptive, unethical, and unbecoming of a government body in the State of Hawaii.

Nevertheless, if the Council decides to validate such deceptive tactics from the Department of Planning and chooses to pass the Bill along to committee, I implore you to ultimately adopt the language that was actually vetted and recommended for approval by the Planning Commissions before taking any votes. Though I'm sure the Department of Planning had its reasons, it still subverts the integrity of our system when our Planning Commissions and County Council are purposefully misled, and a Bill that was supposedly "recommended for approval" was never even seen by Commissioners. Please do not allow such dubious behavior to become further normalized at a time when we need to be able to trust our government.

Mahalo,

Jason A. Economou
Government Affairs Director

County Clerk

From: Mark Hyde <hydem001@hawaii.rr.com>
Sent: Wednesday, April 15, 2020 11:09 PM
To: County Clerk
Cc: Alice L. Lee; Kelly King; Tamara A. Paltin; Shane M. Sinenci; Keani N. Rawlins; Mike J. Molina; Riki Hokama; Tasha A. Kama; Yuki Lei Sugimura
Subject: April 17, 2017 Public Hearing on Managing Director & Council Agenda Item J Resolutions #20--60

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2020 APR 16 AM 7:59

OFFICE OF THE
COUNTY CLERK

At the County Council's First Reading of the Managing Director Charter Proposal, Resolution Item #20-60, Council Members **Hokama, Kama and Sugimura** posited that the proposal should be delayed and deferred to the next charter commission.

To be clear, this matter **was squarely and early put before the 2011-2012 Charter Commission for consideration**, offered up by citizens and by then Mayor Alan Arakawa who appeared in person on August 29, 2011, to pitch consideration of a form of county manager government.

Council Member Sugimura was a member of the 2011-2012 Charter Commission, was present during Mayor Arakawa's presentation and participated in the unanimous vote to delete the subject matter from the Commission's consideration on the basis that the issue was (1) too complex for the Commission, (2) the Commission lacked necessary resources to do the subject justice and (3) it would require considerable dedication of time which the Commission lacked. See the remarks preceding the vote by Member Moikeha at page 204, lines 7 - 22. Relevant minutes of the October 10, 2011, Charter Commission meeting where it acted to delete the question from consideration are copied verbatim below.

Significantly, the Commission felt so strongly the question merited thorough study, its final official report called for study by a separate task force with focus on this single issue alone. This became the work of the Special Committee on County Governance in 2016, which was likewise composed of 11 esteemed citizens just like that of any charter commission. The Special Committee's work provided initial groundwork and an important administrative stepping stone leading to the current proposal now before the council at this moment for Second Reading. It is ready for decision by this council and by the voters in November without any further delay.

Mark Hyde
4320 E. Waiola Loop
Kihei, Hawaii 96753
(808 874-3839

1 MEMBER BAXA: Okay. I go with that.
 2 CHAIR STONE: Okay. So, again, show of hands,
 3 please, all in favor. Okay. It's unanimous. Wow.
 4 Very good. Moving on, Subject Matter,
 5 Structure of Office of the Executive.
 6 Commissioner Moikeha.
 7 MEMBER MOIKEHA: This is something that I have
 8 always been very interested in. And I think, at some
 9 time in the future, could really, really benefit this
 10 County. I don't think we have the time to explore it.
 11 I think it needs -- although I've heard a little bit of
 12 support for it, and, also, from the Mayor, proposed it,
 13 I think this is something that needs a lot of homework
 14 done. I would like -- I would hope that the
 15 Administration right now would start to explore this and
 16 start to form some kind of committees to look into it,
 17 and prepare for that day. Because I think once this
 18 happens, it's going to change the entire Charter. And I
 19 just don't think we have the time or the resources to
 20 really delve into this. So I'm -- I support this and
 21 I'd like to see it happen one day in my lifetime, but I
 22 don't think it's going to happen this time around.
 23 CHAIR STONE: Thank you, Commissioner.
 24 Commissioner DeLeon.
 25 MEMBER DELEON: I agree with Commissioner

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1 MEMBER BAXA: Okay. I go with that.

2 CHAIR STONE: Okay. So, again, show of hands,
3 please, all in favor. Okay. It's unanimous. Wow.

4 Very good. Moving on, Subject Matter,

5 Structure of Office of the Executive.

6 Commissioner Moikeha.

7 MEMBER MOIKEHA: This is something that I have

8 always been very interested in. And I think, at some

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12 support for it, and, also, from the Mayor, proposed it,

13 I think this is something that needs a lot of homework

14 done. I would like -- I would hope that the

15 Administration right now would start to explore this and

16 start to form some kind of committees to look into it,

17 and prepare for that day. Because I think once this

18 happens, it's going to change the entire Charter. And I

19 just don't think we have the time or the resources to

20 really delve into this. So I'm -- I support this and

21 I'd like to see it happen one day in my lifetime, but I

22 don't think it's going to happen this time around.

23 CHAIR STONE: Thank you, Commissioner.

24 Commissioner DeLeon.

25 MEMBER DELEON: I agree with Commissioner

1 Moikeha on this item. However, as proposed earlier, I

2 would like to see a commission formed that would take

3 this into -- into another realm. This Commission, of

4 course, doesn't have the time to try to deal with this.

5 Our community is not ready to have this conversation,

6 because we have no experience with this form of

7 government. But the experience around the country is

8 that this works, it's an efficient form. And Maui News

9 wrote an editorial in opposition to this based on the

10 way this thing is written.

11 I'm not talking about a ceremonial mayor, I'm

12 talking about the kind of mayor that the Mayor Arakawa

13 spoke about, which is a -- the Chair of the County

14 Council would be Mayor and that would be the oversight

15 body for Administration that would be a professional

16 Administration. But we're not ready for that

17 conversation. We're not ready to push it out of here.

18 But I agree with Susan that this is an important issue

19 that would have real relevance and that should be

20 studied as a forward thinking community should be doing,

21 looking at all forms out there to improve its efficiency

22 and function.

23 And I want to point out that we lost three

24 mayors in a row to elections. I mean, three incumbent

25 mayors were defeated. That kind of speaks to a

1 leadership issue. And I think -- I think that's --
2 that's relevant enough -- I mean, relevancy enough to be
3 able to make the argument we should have as a
4 Commission.

5 CHAIR STONE: Thank you.

6 Commissioner De Rego.

7 MEMBER DE REGO: I want to agree with
8 everything that's been said here. I just had a
9 conversation with the Mayor last night, actually said to
10 him, in Zippy's, that there needs to be a blue ribbon
11 commission or some kind of organization that actually
12 looks at these issues. At least -- I know we're
13 discussing at some point, you know, 18 months for the
14 Charter Commission, but this is the kind of an issue --
15 since you're actually asking for a wholesale change in
16 the Charter, you're actually asking for a complete new
17 Charter, that this -- this be looked at, at least three
18 years out, at minimum, in terms of making a change of
19 government, something like this, and to investigate all
20 the implications of what that means.

21 So we just don't have the time or the ability
22 at this point to deal with it, but I do think -- and I
23 keep asking if we have the ability to make
24 recommendations at the end, little spiritual nosegays or
25 whatever into the Council, saying maybe this is

1 something the Mayor can think about doing, even though
2 we weren't able to deal with it. So --

3 CHAIR STONE: Thank you, Commissioner.
4 Commissioner Okamoto.

5 MEMBER OKAMOTO: I move that we take this off
6 the Active List. I don't know if it's possible to make
7 recommendations, but I think we have to take it off of
8 our Active List.

9 CHAIR STONE: Okay. Thank you. Do I have a
10 second?

11 MEMBER DE REGO: Second.

12 MEMBER SUGIMURA: Second.

13 MEMBER CRIVELLO: Second.

14 CHAIR STONE: Oh. Okay. Who shot first,
15 guys?

16 MEMBER DE REGO: The birthday boy.

17 CHAIR STONE: We'll give that one to
18 Commissioner Crivello because she's closest.

19 (Laughter.)

20 CHAIR STONE: All right. The motion is to
21 move Subject Matter, Structure of Office of the
22 Executive off of the Active List. Any further
23 discussion on that?

24 (No Response.)

25 CHAIR STONE: No. By a show of hands, all in

10/10/2011

208

favor of moving this off the list, say "aye" -- or show hands. Sorry. "Aye" and show hands. Okay, unanimous. That's off the subject list -- Active List. Excuse me.

County Clerk

RECEIVED

From: Mark Hyde <HYDEM001@hawaii.rr.com>
Sent: Monday, April 13, 2020 9:07 AM
To: County Clerk
Cc: Alice L. Lee; Kelly King; Tamara A. Paltin; Keani Rawlins; Shane M. Sinenci; Mike J. Molina; Riki Hokama; Tasha A. Kama; Yuki Lei Sugimura
Subject: 4/17 Council Agenda Item J. Resolutions, #20-60, and Same-day Public Hearing

2020 APR 13 AM 9:19

OFFICE OF THE
COUNTY CLERK

Below is a copy of a letter I sent to the Maui News today, April 13, 2020. I offer it as additional written testimony to the county council in support of agenda item J. Resolutions, #20-60, and as testimony in conjunction with the same-day public hearing on the topic.

Did you notice the political cartoon appearing just above the Viewpoint in Sunday's Maui News? The Viewpoint argues that due to the coronavirus outbreak, now is not the time for voters to decide, in November, whether the county charter should be amended to provide for a professional county manager hired by the mayor. Above it appeared a political cartoon picturing Rosie the Riveter wearing a protective mask and shouting "We Can Do It!" I agree with Rosie. The November election is 7 months away and ballots will be by mail-in only, from the safety of our homes. Furthermore, **because we will elect the next president of the United States this November, large voter participation can be expected ensuring the charter amendment proposal will be decided by the greatest number of citizens.**

As a back up, the Viewpoint argues for deferral of the charter amendment proposal to the next charter commission, omitting that it was put squarely before the 2011-2012 Charter Commission which opted not to take up the matter due to its complexity but took the unusual step of recommending a future task force be convened to study the issue separately. This happened in 2015-2016 by the Special Committee on County Governance which was empaneled by 11 citizens just like a charter commission. This in turn led to the revised and refined proposal now before the council on second reading.

Suggestions to delay consideration of the proposal now 9 years in the making should be seen for what they are. As a member of the 2011-2012 Charter Commission put it to a council committee in 2016, deferral/referral of a question to another committee is one way to send it to "never-never land."

Mark Hyde
4320 E. Waiola Loop
Kihei, Hawaii 96753
(808) 874-3839

MANAGING DIRECTOR CHARTER PROPOSAL Q & A

RECEIVED

2020 APR 13 AM 7: 54

Q. What does the managing director charter proposal do?

A. It elevates the role of the present managing director from a mere aide to the mayor into one with real responsibilities and control over many departments.

OFFICE OF THE
COUNTY CLERK

Q. Will we retain an elected mayor?

A. Yes.

Q. Will this lessen the role of the mayor in county government?

A. No. Our elected mayor will remain accountable to the people for the performance of county government as currently defined in the charter.

Q. Why should we adopt a charter proposal to change the role of managing director?

A. Maui County has changed significantly since adoption of the current charter over 50 years ago and the world has become more complex. Most American cities and counties our size now employ professional managers for reasons of competence, transparency, accountability, and retention and to separate day-to-day business from politics.

THE MANAGING DIRECTOR'S RELATIONSHIP TO THE MAYOR

Q. Will the managing director continue to report to the mayor?

A. Yes.

Q. Can the mayor fire the managing director?

A. Yes.

Q. Will the reporting relationship of department directors change?

A. Yes. The directors of finance, public works, parks and recreation, planning, housing and human concerns, water supply, transportation, and environmental management will report directly to the managing director. Once hired, continued employment will depend on their job performance and not mayoral election cycles.

The chief of police, the fire chief, director of personnel services, and director of the department of liquor control will continue to report to their commissions. Corporation counsel and the prosecuting attorney will continue to be appointed by and report to the mayor.

The Auditor will continue to remain independent of both the mayor and council.

HOW THE MANAGING DIRECTOR WILL BE RECRUITED AND SELECTED

Q. How will the managing director be recruited?

A. An *ad hoc* search committee of 5 will be created, including the mayor (who will chair the committee), the county council chair and three citizens.

Q. Why are three citizens included in the search committee?

A. Citizens are included for transparency and to provide input into the process, just as we have in all other aspects of county government.

Q. How will citizens be chosen to serve on the search committee?

A. The charter proposal requires the county council to determine the process by separate ordinance.

Q. Will the search committee pick the managing director?

A. No. The mayor will select the finalist among candidates vetted by the search committee.

MANAGING DIRECTOR'S CONTRACT

Q. Will the managing director be appointed or hired?

A. The managing director will be hired by the county subject to an employment contract that must be approved by the county council much like the county auditor.

Q. How will the managing director's compensation, term of employment and employment benefits be determined?

A. They will be determined by the Salary Commission in consultation with the county council.

Q. How much does the current managing director earn?

A. The current managing director is paid \$148,714 per year plus benefits.

Q. Are city and county managers paid large amounts of money?

A. According to a recent study, median salary for managers in counties with populations between 100,000 and 250,000¹ is in the range of \$180,000.

Q. I've heard the University of Hawaii paid huge sums of money to a departing president and to a football coach. Will the managing director have a "golden parachute" clause in his or her contract?

A. No.

Q. Won't this just cost the county more money?

A. Assessing the cost of a professional county manager involves much more than just looking at salary. Better administration will produce savings and greater efficiency.

¹ Maui County's population is approximately 167,000

Q. Are employee turnover costs real? If so, how are they calculated?

A. Human resource professionals recognize the cost of employee turnover. As a rule of thumb, the cost of director level employee turnover = 1 x annual salary. Significant director turnover costs will be avoided by basing director job retention on performance, not on arbitrary four-year mayoral election cycles.

Q. How will we know if the managing director is doing a good job?

A. The Charter Proposal requires the mayor to assign annual goals to the managing director and to post them on the county's website. The mayor must annually assess the managing director's performance to these goals and post the assessment online as well.

TIMING

Q. Why not delay this until the next charter commission convenes in 2021?

A. The subject was brought to the attention of the 2011-2012 Charter Commission. It concluded the matter was too complex for commission review. Its official report recommended study in a separate forum.

Q. Was it studied and was a recommendation made?

A. Yes. The county council formed a Special Committee on County Governance, which recommended a charter change to create a professional manager hired by the council and retaining a largely ceremonial elected mayor.

Q. Is the current proposal the same as that made by the Special Committee?

A. No. The current charter proposal retains a strong, elected mayor to whom the managing director reports.

Q. If approved by the voters, when will the charter amendment be effective?

A. It will be effective January 2, 2023, except that the mayor and council can begin working toward implementation beginning January 2, 2022.

Q. What will happen to current directors?

A. Once the charter proposal becomes effective, they may apply as candidates for the same positions they currently hold.

**Darryl Barret Ng, RB - 22762
Darts Properties, Inc.
415 Dairy Rd E641
Kahului, HI 96732**

April 17, 2020

**Council Chair Alice Lee
Council of the County of Maui
200 South High Street, 8th Floor
Wailuku, HI 96793**

RE: CC 20-246 Written Testimony in Opposition

Aloha Chairperson Lee and the Members of the Council,

I am writing in testimony in opposition to County Communications 20-246 and the proposed bill attached to it.

We are specifically opposed to the amendments to 19.12 and the Bill which do not follow the letter of the recommendations provided by the Planning Commission, which submitted their version of the bill on October 22, 2019.

County Communication 20-246 falsely represents that changes were approved and properly vetted by the Planning Commission, when in actuality, the bill was changed, and sentences omitted to allow for a re-interpretation of the law than what was approved by said commission. The planning department submitted this bill as being recommended by the planning commission when it was not in its current form. There are three major deviations that may allow the county to take the rights of landholders in a thinly-veiled push to increase the supply of affordable housing, when in reality a majority of these units are luxury properties that would be unaffordable at market long-term rental prices, especially those in the resort areas of Wailea and Kapalua.

In Section 1, the bill removes the reference to timing of the prohibition of transient vacation rentals. The new bill changes "if rentals had not been conducted before the enactment of Ordinance 286 and 1797" to "conducted in lawfully existing dwelling units as of the effective date of this ordinance." This rewording is not inline planning department's recommendations, nor is it in line with any community input and hearings that have taken place thus far.

In Section 3, the Bill also makes a major change and deviation from Planning Commission recommendations to change 19.12.020 G to clarify codes along with the Minatoya Opinion. Specifically, stating as long as a building received a permit, SMA use permit, or PUD approval issued or valid on April 20, 1989, and Transient vacation rental use was conducted prior to April 20, 1989, it would fall under permitted uses. The current bill removes the entire section protects owners who purchased properties grandfathered under the Minatoya Opinion.

Finally, in section 10, there was a change from Existing lawful transient vacation rental uses in Apartment Districts to Lawful transient vacation rental units in the Apartment districts. This is a clear change to make it possible to legislate the Minatoya Opinion out of existence and is not in line with how the Bill was presented to the Planning Commission.

This is a willful and deliberate plan by the Planning department to make changes requested by certain lawmakers to subvert the Planning Commission recommendations and present to the council so that these egregious changes could be made under the radar during this time when we are all effectively home quarantined.

My request is that the council look into the possibility of sending back the bill for changes according to Planning Department recommendations to show that this use of a general emergency to pass legislation without proper review cannot be tolerated.

The planning department had no idea that hundreds of people would show up to their last information session about possible changes to short-term rental laws and it behooves the council to wait and see how many people are affected by this subversion of the process by the planning department. It is NOT how our democracy works, waiting until a time where testimony will be difficult at best to quell any rebuttal against an improperly vetted bill.

Mahalo,

A handwritten signature in black ink, appearing to read 'Darryl Ng', with a long, sweeping horizontal line extending to the right.

Darryl Barret Ng, R(B)-22762
Broker-In-Charge
Darts Properties, Inc.

County Clerk

From: Lauren Blickley <lblickley@surfrider.org>
Sent: Wednesday, April 15, 2020 3:52 PM
To: County Clerk
Subject: Mahalo for supporting Bill 52!

RECEIVED

2020 APR 15 PM 4:16

OFFICE OF THE
COUNTY CLERK

Aloha Council Members,

I want to express my sincerest mahalo for your support of Bill 52 to address disposable plastic foodware. **Surfrider Foundation strongly supports the passage of Bill 52.**

Surfrider Foundation has worked hard over the past decade to support efforts (from the policy level down to grassroots actions) to protect Maui's ocean, waves, and beaches from plastic pollution.

We have put in hundreds of hours talking to restaurants, launching the (now Nationwide) Ocean Friendly Restaurants Program, and teaching our community about how to reduce their single-use plastic footprint. Your support of Bill 52 will further these efforts and ensure that Maui County is healthy and clean for our native wildlife, ecosystems, keiki, and communities.

I am proud of our community and for Maui County setting a worldwide example of sustainability.

Mahalo again for voting YES on Bill 52,

Lauren Blickley

--

Sincerely,
Lauren Blickley | Hawai'i Regional Manager | [Surfrider Foundation](#)
t: 808.280-4736 | lblickley@surfrider.org

County Clerk

From: Steve Goldsmith <stevegoldsmit77@gmail.com>
Sent: Friday, April 10, 2020 10:56 AM
To: County Clerk
Subject: Please vote YES on Second and Final Reading, item No. 20-60 Professional County Manager

RECEIVED

2020 APR 13 AM 7:52

OFFICE OF THE
COUNTY CLERK

Dear County Council,

MAHALO for all your time and hard work in getting the Professional County Manager Resolution to this stage.

Please vote YES on Second and Final Reading, item No. 20-60 Professional County Manager.

Aloha,
Steve

Stephen E. Goldsmith
44 Kanani Rd #3-304
Kihei, HI 96753
808-879-7576 Home
808-283-3166 Cell
SteveGoldsmith77@gmail.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

**Testimony of Tom Blackburn-Rodriguez
Go Maui, Inc.
Friday, April 17, 2020**

RE: Resolution No. 20-59

My name is Tom Blackburn-Rodriguez and I am testifying on behalf of Go Maui, Inc. a their registered representative with the County of Maui.

Go Maui strongly endorses and supports for placement on the next General Election ballot the proposition that Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, be amended to authorize an increase in the minimum annual appropriation to the Affordable Housing Fund from 2 percent of real property tax revenue to 3 percent, and that the appropriation remain effective in perpetuity.

Go Maui, Inc. supports the language offered in Resolution No. 20-59.

Since its inception by Council action the fund has been repeatedly supported by the voters of Maui County and it is the true measure of change in that it has become institutionalize change.

Now, the measure can be strengthened and become a permanent weapon in the struggle to create affordable attainable workforce housing. With an estimated 10,404 homes needed in the next five years.

Thank you for the opportunity to testify.

County Clerk

From: Paia Bay Coffee <paiabaycoffee@gmail.com>
Sent: Friday, April 17, 2020 12:54 AM
To: County Clerk
Subject: Written Testimony for Bill 52 Final Reading

Aloha,

Our efforts to conduct business more sustainably have not only helped the environment but also been an extremely positive marketing initiative and economic success. Let us explain.

When we began switching to all-natural, compostable products for our service, customers noticed. When we recycled 100% of recyclable products, customers noticed again. When we introduced a menu full of locally sourced ingredients, customers rejoiced, and the community of local farmers got busy. We received help from organizations such as Surf Rider, and Maui Huliau Foundation who helped us send the message to customers that our small cafe, took sustainability seriously, and made a big impact on the environment. It has been the most valuable marketing campaign for our cafe.

After we converted to selling our menu items with natural palm leaf plates, compostable drink containers, and paper straws, we began to make an effort to drive towards a goal of zero-waste. We now have most of our menu items come out of the kitchen on reusable plates and drinks in reusable mugs and glasses. In the short run, we had to do much more dishes. In the long run, we saved \$17,000 last year by reusing - a huge financial achievement for our small restaurant!

We would like more direction from Maui County to encourage restaurants like ours to see both the marketing and economic impacts from moving towards a goal of zero-waste. Tourists and locals are appreciating our efforts and expect Maui to lead in caring for the environment.

Thank you,
Liam
Owner of Paia Bay Coffee

--

Paia Bay Coffee

Join us in our Tropical Garden Setting, Open for Breakfast, Lunch, & Happy Hour!

Liam Grist 808-298-2725

Danny Keevil 808-214-0005

County Clerk

From: Lucienne de naie <laluzmaui@gmail.com>
Sent: Friday, April 17, 2020 11:03 AM
To: County Clerk
Subject: Additional testimony for 4/17/2020 Council meeting 9am

aloha Kakou Council Chair Lee and council members

This is Lucienne de Naie. Mahalo for your patience in accepting my testimony.

I forgot to add support for one more item:

CC 20-242 the Earth Day Resolution. It is so important in this time of disruption to offer messages of unification and hope.

Remembering our joint kuleana for this planet, our home, is so needed.

Our Mayor has agreed to support the goals of the Paris Climate Agreement and Maui County should let this be official.

Mahalo for your consideration

Lucienne de Naie

Lucienne de Naie
laluzmaui@gmail.com
808 214-0147

County Clerk

RECEIVED

From: Kawaiolaakealii Kapuni <Kawaiolaakealii.Kapuni@imua.ksbe.edu>
Sent: Thursday, April 16, 2020 10:52 AM
To: County Clerk
Subject: EACP-16

2020 APR 16 AM 11:14

OFFICE OF THE
COUNTY CLERK

Aloha e Council Members,

I support the Single Use Plastics Ban because I believe that it would revolutionize the lifestyles and routines of residents and visitors in Hawai'i. As we progress into the future, I believe Hawai'i can and will set the standard for other countries when it comes to plastic consumption. We have waited and prolonged this process of banning plastics long enough, and it's time that change takes place.

Mahalo,

Kawai Kapuni

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From: Kawaiolaakealii Kapuni <Kawaiolaakealii.Kapuni@imua.ksbe.edu>
Sent: Thursday, April 16, 2020 11:59 AM
To: County Clerk; Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: EACP-16 Petition

Aloha e Council Members,

My name is Kawai Kapuni. I am a junior at Kamehameha Schools Maui, and am contacting you on behalf of the Hawai'i Youth Climate Coalition (HYCC). My position at HYCC is City Council Coordinator, which is to manage and track all legislation at my local city council. Within this position, my job consists of testifying for city council legislation, rallying the community to testify, and most of all, meeting with council members.

In light of tomorrow's hearing on EACP-16, I started a petition on Change.org. This petition was in fact very successful in bringing awareness to the Maui County Community. The petition I started rounded up a total of 735 signatures in support of banning Single Use Plastics. I hope that this brings extra backing and support to the bill, and would like to mahalo the Council Members for pushing Maui County into a sustainable future! I will leave the link below!

<http://chnng.it/X2x5tc42>

On another note, I understand that many of you are extremely busy during this time, but if you are open to meetings, or perhaps communicating via email about sustainable efforts in Maui County, I would really appreciate it! Please let me know if you are available.

Mahalo,
Kawai Kapuni

Contact Information:

Cell: (808)-283-9216
Email: kawaiolaakealii.kapuni@imua.ksbe.edu

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County Clerk

From: Kawaiolaakealii Kapuni <Kawaiolaakealii.Kapuni@imua.ksbe.edu>
Sent: Friday, April 17, 2020 8:20 AM
To: County Clerk; Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Re: EACP-16 Petition

Aloha e Council Members,

As of this morning, the Single Use Plastics Ban petition has received a total of 944 signatures in support of banning single use plastics. I will leave the link below.

<http://chng.it/X2x5tc42>



Sign the Petition

Ban Single Use Plastics in Maui County

chng.it

Mahalo,
Kawai Kapuni

From: Kawaiolaakealii Kapuni
Sent: Thursday, April 16, 2020 11:58 AM
To: county.clerk@mauicounty.us <county.clerk@mauicounty.us>; alice.lee@mauicounty.us <alice.lee@mauicounty.us>; keani.rawlins@mauicounty.us <keani.rawlins@mauicounty.us>; tasha.kama@mauicounty.us <tasha.kama@mauicounty.us>; riki.hokama@mauicounty.us <riki.hokama@mauicounty.us>; kelly.king@mauicounty.us <kelly.king@mauicounty.us>; mike.molina@mauicounty.us <mike.molina@mauicounty.us>; tamara.paltin@mauicounty.us <tamara.paltin@mauicounty.us>; Shane.Sinenci@mauicounty.us <Shane.Sinenci@mauicounty.us>; yukilei.sugimura@mauicounty.us <yukilei.sugimura@mauicounty.us>
Subject: EACP-16 Petition

Aloha e Council Members,

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<http://chnq.it/X2x5tc42>

On another note, I understand that many of you are extremely busy during this time, but if you are open to meetings, or perhaps communicating via email about sustainable efforts in Maui County, I would really appreciate it! Please let me know if you are available.

Mahalo,
Kawai Kapuni

Contact Information:

Cell: (808)-283-9216

Email: kawaiolaakealii.kapuni@imua.ksbe.edu

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County Clerk

From: Francine Aaronson <mopsaarona@gmail.com>
Sent: Friday, April 17, 2020 2:15 AM
To: County Clerk
Subject: Testimony (CC 20-246)

Aloha Chair, Vice Chair and Council Members;

My name is Francine Aaronson also known as Aunty Mopsy/Protect Pa'ia.

I am testifying on item CC 20-246 with amendments to charters 19.12,19.24,19.26 and 19.37. If the intent of the Planning Director is to restrict further conversions of long-term rentals and owner-occupied apartments into TVR's, STRH's etc., then I am in full support of this bill. I also support a moratorium for TVR's, STRH's.

We need to step up enforcement with citations instead of warnings. Realtors and owners are well informed of the law in what they are allowed to do.

Unfortunately the charter language is not written in laymen's language. The community is at a disadvantage if they don't understand what was and what is being amended. Will it benefit the community or the realtors.

There are many residents who have experienced good and bad with the STRH industry. I believe it's time to say "No More" and now is a good time to stop approvals of any TVR's, STRH's for Maui and start thinking of how we can provide homes for our families. We have enough rentals to provide for tourist and locals to vacation.

I have faith and trust that this council will make the right decisions for the community. Now is the time to clean house and look at other avenues, make adjustments and live within our means. We did it for a month and were learning.

I ask for Ke Akua's Blessings to continue to be with all of us as we regain our culture and move forward  .

Mahalo/Aunty Mopsy

County Clerk

From: Francine Aarona <mopsaarona@gmail.com>
Sent: Friday, April 17, 2020 3:07 AM
To: County Clerk
Subject: Testimony (Bill 50)(2020)

Aloha Chair, Vice Chair and Council Members;

My name is Francine Aarona also known as Aunty Mopsy/Protect Pa'ia.

I am in support of Bill 50 (2020)amending sections 5.22.050 and 5.22.060 relating to the increase of fines for bike tour operations.

The town of Pa'ia has experienced unsafe situations with the bike riders who ride down Baldwin Ave. onto Hana Hwy to lower Pa'ia Park where the vans pull off to retrieve the bikes and pick up the riders. There were pictures and videos sent to CM Molina to show the unsafe conditions and bad decisions made by the tour operators.

Mahalo to MPD for their assistance.

There are very little or no bike lanes that are safe for bikers...Mahalo to CM Molina who has worked on a project creating a bike and walk path along Hana Hwy into Pa'ia. The project is almost complete and hopefully another phase going down to Kaunoa senior center will continue.

Mahalo/Aunty Mopsy

County Clerk

From: Barry Aoki <barry.aoki@yahoo.com>
Sent: Tuesday, April 14, 2020 2:00 PM
To: County Clerk
Subject: County Manager proposal

Hi,

I am Barry Aoki, a life long Lahaina resident.

I am opposed to the proposal of shifting our local government to include a County Manager.

Reason is I don't have a say (vote) for selecting this person for the position.

I believe the current form of government we have now (Mayor and Council) is sufficient. At least I get to vote for candidates in these positions.

Thank you,
Barry Aoki

Sent from my iPhone

RECEIVED
2020 APR 14 PM 2:15
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Alan Arai <alan_arai@yahoo.com>
Sent: Thursday, April 16, 2020 9:59 PM
To: County Clerk
Subject: Opposition to Resolution 20-60, Proposed revised Charter Amendment Regarding County manager
Attachments: 200417p1.pdf

To Whom It May Concern:

Our written testimony is submitted in opposition to Resolution No. 20-60 which proposes to change our current form of governance in the County of Maui to a County Manager as the Chief Operating Officer.

A few years ago, a similar proposal was considered and rejected by a previous County Council. Questions still linger as to what the County manager position is or will be and how such a significant change in governance benefits or will it benefit our community at all. What kind of impact will it have on our community in general and county specifically? Our community is entitled to being informed on the proposal and its advantages or disadvantages. Public dialog is a must on this major charter amendment proposal. We believe this proposal is for the Charter Review Commission to review and come up with its recommendations if the County Manager/Chief Operating Officer position will be better than the present system.

We also find it hard to believe that the Maui County Council would be taking up this amendment when the whole world and our community is facing the COVID 19 virus crisis. Is this a very responsible thing to do while the community is more concerned with their personal, social, and financial well being from the virus scare? It's looks like the County Council is taking advantage of the pandemic situation by trying to pass the resolution.

We respectfully request that the County Council NOT approve Resolution No. 20-60.

Sheryl-Lynn K. Suzuki
Kula, HI

Carol Y. Arai
Kula, HI

Alan S. Arai
Kula, HI

Sent from my iPad

RECEIVED

From: Lauren Armstrong <lauren@mauimpo.org>
Sent: Thursday, April 16, 2020 11:47 AM
To: County Clerk
Subject: Testimony for April 17 agenda item H.1.CC 22-239
Attachments: Testimony CC 20-239 Laksmi Abraham.pdf

2020 APR 16 PM 12: 00

OFFICE OF THE
COUNTY CLERK

See attached.

Best,
Lauren

Lauren Armstrong, AICP, Executive Director
200 South High Street, Wailuku, HI 96793
Direct line: 808-270-8216
www.mauimpo.org



Date: April 16, 2020

To: Alice Lee, Chair
Keani Rawlins-Fernandez, Vice Chair
Members of the Maui County Council

Re: Support for Agenda item H.1.CC 20-239 Approving the Appointment of Laksmi Abraham as Legislative Analyst in the Office of Council Services

Hrg: Maui County Council Meeting April 17, 2020

My name is Lauren Armstrong and I am the Executive Director of Maui Metropolitan Planning Organization. I support Agenda item H.1.CC 20-239 Approving the Appointment of Laksmi Abraham as Legislative Analyst in the Office of Council Services.

Over the past three years that I've worked with Laksmi in her capacity as Community Program Manager with the Blue Zones Project, she has consistently shown herself to be a capable and passionate advocate for the health and well-being of Maui residents. Her analytical skills enabled her to quickly learn about built environment initiatives like Complete Streets and roundabouts, and create and execute a work plan to leverage the reach of Blue Zones Project to enhance Maui County efforts.

Laksmi collaborated effectively with the Maui Metropolitan Planning Organization and Healthy Eating Active Living Coalition through our Built Environment Committee to engage with community and County leaders. One example was the 2019 Onehe'e Avenue Complete Streets Demonstration Project where students painted the street to highlight solutions for people walking, biking and catching the bus. The unveiling of the Complete Streets improvements also included the launch of Vision Zero, an initiative to eliminate traffic deaths on Maui's roads. Laksmi and her Blue Zones Team lent incredible support with media, logistics and strategic leadership on this project and many others.

Laksmi's abilities to analyze, communicate, work as a team member, and lead will be a great asset to the Office of Council Services. She has a deep knowledge of Maui and is able to connect with residents from diverse backgrounds and uplift the concerns of those in need. Laksmi is one of the most compassionate and intelligent people I've ever worked with, and she will be an excellent legislative analyst for the County of Maui.

County Clerk

From: Courtney Avichouser <makenaandhunter@aol.com>
Sent: Thursday, April 16, 2020 8:21 AM
To: County Clerk
Subject: I support bill 52

RECEIVED
2020 APR 16 AM 11:14
OFFICE OF THE
COUNTY CLERK

I support bill 52. I picked up plastic straws And other plastic items, from the beach all the time. Please save our beaches and our sea life by passing Bill #52.

Aloha
Courtney

County Clerk

From: Emmanuel Baltazar <emanbaltazar74@yahoo.com>
Sent: Wednesday, April 15, 2020 7:28 PM
To: County Clerk
Subject: County Manager

RECEIVED

2020 APR 16 AM 7:59

OFFICE OF THE
COUNTY CLERK

Personally I strongly OPPOSED for the proposed amendments on the COUNTY MANAGER... we really need a Mayor as a CHIEF EXECUTIVE of the County of Maui. We need an elected MAYOR to be ACCOUNTABLE to the people of Maui and it's community. I urge to the members of the council headed by Council Chair ALICE LEE to leave as it is the same as now.

Hope you will have consideration on this matter.

EMMANUEL BALTAZAR
Concern Citizen

Sent from Yahoo Mail for iPhone

County Clerk

RECEIVED

From: Christopher Barca <christopher.barca@gmail.com>
Sent: Thursday, April 16, 2020 3:31 PM
To: County Clerk
Subject: Testimony on CC 20-246

2020 APR 16 PM 3:40

OFFICE OF THE
COUNTY CLERK

Why is the Planning Dept. Attacking Maui's only Viable Economy especially during these unprecedented times where we are near economic collapse.

The bait and switch pulled by Michele McLean regarding this bill is completely unacceptable, and I want to ask the Council to send this bill back to the Planning Commission for actual review.

Christopher Barca
REALTOR® (Broker) Lic.# 20936
Broker-In-Charge (Maui Branch)
Hawaii Homes International
www.MauiPropertyForSale.com
☎ +1.808.269.1053 Direct
📷 @ChristopherBarca.Realtor



County Clerk

From: Michael <baskindesign@gmail.com>
Sent: Thursday, April 16, 2020 9:01 AM
To: County Clerk
Subject: Testimony on Reso 20-60 - County Manager
Attachments: County Manager.pages

RECEIVED
2020 APR 16 AM 10:22
OFFICE OF THE
COUNTY CLERK

April 16, 2020

Time for a change to a Professional County Manager System.

During this time of reflection on our economy and on the performance of the Maui County its time for us to consider major changes. The planning department and zoning and enforcement need to be reviewed. We need a professional manager to be in place to do the hiring and firing of the directors The directors need to be reviewed regularly for performance and held accountable for their actions.

A perfect example is we need a new planning director right now.

Maui County has one of the worst reputations for processing permits and being fair and reasonable across the board to its community.

The current system of allowing neighbors and competitors to make complaints against parties puts hard working people into a web of having to deal with the county in an unequal enforcement capacity. We have experienced firsthand how the county has abused its power by determining, based on their relationships, whether someone is grandfathered, or has an existing non-conforming property and if enforcement is necessary . The planning department chooses to go after with notices of violations and fines and penalties to extract what they can or in our case attempting to shut us down. We have had to fight on all levels just to keep and preserve our family run business and keep our local employees. A complete lack of transparency of what's really going on is the problem and it's time for new leadership. It's time to get rid of Michele McLean and John Rapacz and any others in the department that are a cancer to the actual benefit of the community. Look how long it's taking to get an SMA permit or determination on your application. The SMA area covers a huge part of the island and gives too much interpretation by planning to make its decisions, some of which are punitive.

This is one of the most poorly run and managed planning departments, that deserves a complete re-organization. Get rid of the current planning director and allow the deputy planning director to take over immediately to help maui heal from tremendous damage that has already been done. Now is the time.

We have seen firsthand how Michele McLean has been on a mission ever since her husband Paul Mclean lost out on a Celebrity lucrative job that he had proposed to do for my design. When we found out that he was not licensed we had to cancel him from doing the job. Michele Mclean has been focused on shutting down our businesses ever since including coming onto our properties with eight inspectors to oversee any possible violations on old building stating back to the 20s and 30s before Permits even existed on Maui. This has been going on now for over 5 years. She has used the county system cooperating with neighbors and meeting in neighbor locations related to my matters and clearly abusing her power. It is for these reasons that a new county manager would be able to recognize and fire a planning director for this exact type of behavior.

Many professionals fear coming out against the planning director for fear of retribution for either themselves or for their clients. This crosses over into the professionals that are architects, attorneys, landscape architects, and other consultants trying to do the best for their clients. The current system does not allow for any complaints driven against the actual directors themselves of the County of Maui and a new county manager system will address this matter by having specific performances and reviews as part of a hiring and firing process.

We were forced to pay one of the largest Settlements in the history of the County of Maui or be faced with closing down our family run business. This has led to major confusion in the community we serve and damaged our good reputation unfairly. We have vast experience in this matter and we hope that the council will consider adopting this new legislation and giving the public the opportunity to vote for it on the ballot.

We hope that a new County Manager will be able to quickly recognize Deceptive practices by the planning department.

Those of us that are professionals in this field know that the current codes are subject to much interpretation. However, the planning department has used that to its advantage in singling out certain parties and yet waving standards for others that they like. This is why it's very common that people state that things are arbitrary and capricious and the Enforcement is unequal as there is a serious abuse of power by the Planning Department and Zoning and Enforcement.

Mahalo,

Michael Baskin
Paia Inn - Owner

808.870.1800 - Direct



RECEIVED
2020 APR 15 AM 8:26

OFFICE OF THE
COUNTY CLERK

Hawai'i Wildlife Fund

Post Office Box 70 • Volcano, HI • 96785

Celebrating 24 years of protecting Hawai'i's native wildlife
through research, education and conservation.

14 April 2020

e: county.clerk@mauicounty.us

Re: Bill 52 April 17th -- Maui County Council Hearing

Aloha Maui County Council Members,

We are in strong SUPPORT of Bill 52 related to the sale and the use of plastic disposable foodware. This is the third time we are voicing our support for this important initiative. As a reminder, we testified in person in early March at the Committee hearing (EACP-16), and previously submitted written testimony before the March 27th Council hearing. In addition, our team members were big advocates for a similar measure to reduce the amount of single-use plastic containers that passed within the City and County of Honolulu in December 2019, and we are working with members of the Hawai'i County to push forward a similar measure in the coming months.

Plastic in and of itself is not bad, nor good. Since the 1950s it has presented us with many novel innovations in the medical, technological, and transport industries. However, our increased dependence on plastic for everyday and single-use items has skyrocketed out of control. Using a product (like plastic) that is designed to last forever for a single-use, "one and done" product like foam take-out containers, utensils, straws, or water bottles is a clear design failure. We are choosing the thoughtless convenience of plastics over the health of our planet.

Hawai'i has long been the leader in sustainability for the Pacific region. Governor Ige's "Hawaii Sustainability Initiative" that was launched in 2016, strives to protect / manage 30% of our marine ecosystems and watersheds by 2030 (the "30 x 30" plan), and commits that Hawai'i will be 100% carbon neutral and relying on 100% renewable energy by 2045. We need to continue along this path in the hopes that other communities, big and small, will follow suit. **Did you know that the creation, transport and disposal of plastics are significantly contributing to our global carbon footprint and the growing climate change crisis?**

Plastic pollution is detrimental to our environment and may even negatively impact human health. Recent studies have shown that small to microscopic plastic particles are now found in samples of sea salt, bottled water, dust that settles from the atmosphere and even beer.

Hawai'i Wildlife Fund is a small (but mighty) non-profit organization that is committed to protecting native wildlife and their ecosystems in Hawai'i since 1996. During that time, we have removed 337 tons (yep, that's 673,988 pounds!) of marine debris from the shores of Hawai'i Island, Maui, Midway and the French Frigate Shoals through the help, participation and support of thousands of volunteers, local businesses, agencies and other NGOs. In 2018 and 2019 alone, we have already removed over 134,000 pounds during 140 cleanup events –the majority of the debris recovered (over 90%) is plastic – and we have already pulled another four tons off the coastline during 2020 before the covid19 crisis grounded our fieldwork operations. In short, this is a continuous problem all across Hawai'i nei, but we can take steps here locally to reduce the amount of plastic entering our environment (and even coming to our islands in the first place).

Based on our survey data, we prefer calling marine debris “plastic pollution” as that is the bulk of what is washing up along our shorelines and getting entangled in our coral reefs. It is a man-made problem that will take the dedication of everyone to solve, something that Bill 52 is beginning to address. Granted, much of the debris that we see in the plastic-laden beaches like Kamilo on Hawai'i Island (see photo below), Kahuku on O'ahu, Ka'ehu on Maui, and sites interspersed along the northeast shore of Kaua'i do wash in from remote places. However and most importantly, some of this debris comes from local sources^{1,2}, and other beaches along the leeward coastlines of all the Main Hawaiian Islands are more impacted from land-based (local) sources of debris made of the floating plastic polymer type³. This gives us hope, as we cannot just point our fingers out to sea and blame others ... but we can take small steps to mitigate and reduce the problem. **Bill 52 allows for Maui County leaders to think globally, but act locally.** Single-use or disposable plastics are something that we can do without, they are mindless uses of plastic, and there are already numerous viable alternatives for the items planned for this phaseout.

Mahalo for your support of this bill that takes the first step in combating one of the common culprits of plastic beach debris: disposable foodware. **We strongly endorse and are in FULL support of Bill 52 and hope that you will join us and vote “AYE” and stand for native wildlife, our environment and future generations of keiki and communities here in Hawai'i nei.**

Sincerely,



Megan R. Lamson, M.S.
Hawai'i Wildlife Fund – Honalo, Hawai'i
President & Program Director
megan@wildhawaii.org
(808) 217-5777



Hannah J. Bernard
Hawai'i Wildlife Fund – Paia, Maui
Co-founder & Executive Director
wild@aloha.net
(808) 280-8124

References cited:

1. Carson HS, Lamson MR, Nakashima D, Toloumu D, Hafner J, Maximenko N, and KJ McDermid. 2013. Tracking the sources and sinks of local marine debris in Hawai'i. *Mar Environ Res.* 2013 Mar; 84:76-83. doi: 10.1016/j.marenvres.2012.12.002
2. Blickley LC, Currie JJ, and GD Kaufman. 2016. Trends and drivers of debris accumulation on Maui shorelines: Implications for local mitigation strategies. *Mar Poll Bull* 105 (2016) 292–298. doi: 10.1016/j.marpolbul.2016.02.007
3. Brignac KC, Jung MR, King C, Royer S-J, Blickley L, Lamson MR, Potemra JT, and JM Lynch. 2019. Marine Debris Polymers on Main Hawaiian Island Beaches, Sea Surface, and Seafloor. *Env Sci & Tech* 2019 53 (21), 12218-12226. doi: 10.1021/acs.est.9b03561



The above photo was taken in September 2019 at Kamilo Point at a relatively “clean” stretch of this debris-ridden beach where we’ve been conducting ~ monthly debris surveys for over three years. Please use your voice and your vote to do what is pono and support Bill 52. PC to M. Lamson / HWF.

County Clerk

From: Laura Berthold <laurakb24@gmail.com>
Sent: Friday, April 17, 2020 9:20 AM
To: County Clerk
Subject: Bill No. 52

To whom it may concern,

I am writing in support of Bill No. 52, which would reduce plastic waste.

As many of us know, our beaches are covered in tiny little plastic pieces. I go to the beach every day and try to pick up as many of these as possible but it's a never ending battle. Even though we are just a small community, this is such a large act that can have impacts felt around the world. Hopefully our good actions will be a model for others to follow and we can reduce overall dependence on these disposal, wasteful products.

Another thing that many of us are aware of is the amount of plastic that is ingested by our native wildlife, like the Laysan Albatross and the sea turtles. We should help to protect these unique species and reduce our plastic use.

We have alternatives to plastic and we should use them now. People just need the encouragement to do so.

Thanks for your time.

Best,
Laura Berthold
803 Olowalu Village Road, Lahaina, HI 96761
808-269-9381

RECEIVED

April 16, 2020
Office of the County Clerk
200 S High St # 708,
Wailuku, HI 96793

2020 APR 16 PM 12: 02

OFFICE OF THE
COUNTY CLERK

Michael Bohan
785 Kekaulike Avenue
Kula, Hi, 96790
(808) 463 - 5455

Re: Support for Bill #52 - Restricting the use and sale of single-use plastic disposable foodware

Aloha,

I am a working resident of Maui County and I support Bill 52. I work Monday through Saturday, and due to my busy work schedule often pick up food from local businesses for breakfast and lunch. These food items are all prepackaged in plastic shells with plastic utensils (forks, spoons, knives, and straws), without any alternative. I want to support my lifestyle and support local businesses without contributing to plastic pollution, especially single use plastics. I support a culture of sustainability that values our resources and environment.

I am in support of Bill 52 that will restrict the use and sell of single use plastic disposal food ware. I would also like to add an amendment to restrict the use and sell of cup lids to the bill. All single use plastics, given readily in the food service industry, contribute heavily to the plastic pollution devastating our ocean, rivers, and landscape. This is a great opportunity to create a sustainable alternative that is also aligned with what we support as a community. This alternative can be the use of compostable food containers and utensils, or items that can be washed and reused. Another alternative can be encouraging the use of personal containers and utensils. Let's move away from the "throw-away" culture that we have become for one that values what we invest in.

Life on Maui will change with Bill 52. There will be less trash. This will contribute to the litter on the streets, on the beaches, and in the waters. There will be less trash in the trashcans and in the landfill, and less work for the county in the public sanitation division. There will be fresher, higher quality of food available because without the plastic, food will have a shorter shelf life and by necessity be made fresh. Businesses in the food service industry will also benefit financially without having to continually purchase single use plastics. We all benefit by not being part of the problem, but part of the solution.

Thank you for listening to my statement. I am proudly in support of Bill 52 for Maui County.

Aloha,
Michael

County Clerk

From: Susan Bradford <sbradfordmaui@gmail.com>
Sent: Thursday, April 16, 2020 10:52 PM
To: County Clerk
Subject: Please vote YES to put the office of county manager on the ballot in November

Dear Councilpersons,

I am in support of replacing the current Department of Management with an Office of the Managing Director.

The Director would be chosen on the basis of qualifications... not just relationships and friendships.

I think our county government would move more efficiently toward future needs with the help of a professional person.

Please vote yes to put the office manager on the ballot for the approval of the people.

Thank you, Susan Bradford

Kihei



Virus-free. www.avast.com

County Clerk

From: Kaimana Brummel <kaimana.brummel@gmail.com>
Sent: Thursday, April 16, 2020 12:29 PM
To: County Clerk
Subject: Testimony in support of LAKSMI ABRAHAM AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES

Aloha Chairperson Lee & Council Members,

I am writing in support of the appointment of Laksmi Abraham as a legislative analyst in the office of Council Services.

I have know Laks for over twenty years, and most recently was her colleague at Blue Zones Project Maui from 2017-2020. Laks was the community program manager and oversaw our entire project while focusing on BZP's work in policy and schools.

When I think about all of the positive qualities of Laks, the one that sticks out the most in my mind is that Laks gets stuff done. She is persistent. She produces quality work. She knows who to call and where to find the answers. She does not stop until she sees a project through to the end. Mix her never-give-up attitude with integrity, intellect, and curiosity and you have an appointee who will serve this County in a meaningful way.

I strongly support Laksmi Abraham's appointment as a Legislative Analysis. We will be so lucky to have a public servant of her caliber serving the people of Maui County.

Me ka ha'aha'a,
Kaimana Brummel
Pukalani

RECEIVED
2020 APR 16 PM 12:38
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Sarah McLane Bryan <mclane@makaliigroup.com>
Sent: Friday, April 10, 2020 11:34 AM
To: County Clerk
Subject: Support for Bill 52

RECEIVED

2020 APR 13 AM 7: 52

OFFICE OF THE
COUNTY CLERK

Aloha! I am in full support of Bill 52. It is simply not necessary to have plastic disposable silverware. There are other biodegradable options nowadays or you can bring your own. We need to be setting the example for the rest of the world. Everyone was so afraid of getting rid of plastic bags and plastic straws and life still went on!

This is a no-brainer next step. Thank you for supporting this bill!

Sarah Bryan
Haiku, Hawaii

Sarah McLane Bryan
Founder/Consultant
The Makali'i Group
808-268-6680
mclane@makaliigroup.com
www.makaliigroup.com



Reasons:

1- Many of dialogue has been based on some "hopeful" idea that this alternative world will be better with a manager. Thats not enough. Things are not going to magically get better. It takes leaders to work together to make it better for the county of maui.

2- You can't easily remove a county manger, and a majority of the council would control the functions of the manager and it would be harder for the citizenry to vote in another majority to remove the manager. A county manager is having a lifelong mayor in favor of the majority.

3- While the goal is to remove power away from the Mayor, it adds an unequal greater balance to the council.

4- A manager is different than a leader.

5- A mayor/leader has a vision for the county, a manager is just an executing body.

6- If this was such a great idea, the other counties would have also adopted the same structure.

7-We are not the mainland.

Suggestions:

1- Why doesn't the county issue an RFP for a another firm from some other state to develop a plan in the eyes of a county manager and see how a layout of the responsibility is different than a manager in a real application.

2-Please use dedicate more energy to help diversify our economy in this COVID crisis. The future will not be kind to maui county if we dont start dedicating efforts to restructuring our economy around this kind of unforeseen events. Maui has an opportunity to do greater things with a Mayor than a county manager.

For these reasons, I dont find a lot of value in changing the structure

If you should have any questions or concerns please email me or call me

Please confirm receipt.

leogizmo50@yahoo.com

808-220-8538

Leo Kaniela Caires MBA, D.Ed.



Nicole Chatterson
Director, Zero Waste O'ahu
oahu.zerowaste@gmail.com
808.561.7730

April 16, 2020

Re: Support for Bill 52—Council Hearing: April 17, 2020 at 9:00 am

Aloha Maui County Councilmembers,

Zero Waste O'ahu, a community coalition on O'ahu, is in strong support of Bill 52.

Our hui supported Bill 40—the City and County of Honolulu's single-use plastic phase-out policy—which passed council and is undergoing the rule-making process as Ordinance 19-30. We sit on the Rulemaking Advisory Committee for Ordinance 19-30 and we are a member of the Statewide Plastic Reduction Working Group (created via SB 522 in the 2019 state legislative session), which aims to reduce plastic packaging in Hawai'i. Collectively, these experiences have allowed us to become intimately familiar with single-use plastic in Hawai'i.

While opponents of plastics reduction repeatedly highlight the slight increase of cost between polystyrene and other alternatives, they often minimize how much it costs tax-payers to manage the endless stream of single-use plastics. Through the lens of cost and public welfare, Bill 52 will reduce the burden tax-payers bear to manage the wide-spread impacts single-use plastics have on our public health, our public infrastructure, and on the environment (to which our own health is inextricably linked). While the cost for a business to switch to non-fossil fuel based and compostable containers is currently a few cents more, the cost tax-payers are shouldering is estimated in the millions. Supply and demand shows that the cost of compostable alternatives will drop in price over time. Meanwhile, the externalized health and infrastructure costs (i.e. landfills) created by overuse of single-use plastic will continue to rise if we do not shift the way our food is served.

Polystyrene reduction has been recommended locally by the State Department of Transportation in their 2016 Waste Management Plan (see in Appendix A: Figure 1 below) in order to prevent flooding from storm drain blockage produced by polystyrene and plastic bags. Numerous other local and national research groups have also suggested single-use plastics reduction as a pressing need because of human health concerns. We thank the council for listening to this vast body of research that has called for single-use plastic reduction.



Bill 52 is comprehensive with a reasonable timeline that **targets the only single-use plastics for which widely available and high-quality alternatives already exist.** This bill would generate a massive positive impact for Maui County. We are particularly excited about the “by request only” clause for utensils, which would save businesses money while reducing waste.

Global and local evidence that plastic reduction bills work and that they are safe for businesses small and large. In Hawai'i we have over **200 businesses** through the **Ocean Friendly Restaurants** program that have already voluntarily made many of the changes required by this bill. These restaurants (both small and large) have not gone out of business, but are instead thriving as they meet the demand from consumers to use products with a lower environmental impact. **It is important to remember that the design of our economy is such that consumers are supposed to drive the market—it is the job of our business sector to adapt.** At this point, there are widely available, high-performing alternative products to replace the single-use plastic utensils and polystyrene phased-out in this bill.

The leadership on Maui through the Environmental Service and Sustainability Division of the Department of Environmental management is well poised to see the resulting ordinance through. Mahalo for your time and consideration, as well as your leadership and bravery.

A handwritten signature in black ink, appearing to read "NCh", with a long horizontal stroke extending to the right.

Nicole Chatterson,

Director of Zero Waste O'ahu

Appendix A: Figure 1



CONTROL MEASURE	TIER OR CONTROL MEASURE DESCRIPTION	REDUCTION CREDIT
Single-Use Carryout Plastic Bag Ordinances	Tier 1 – Prohibit Distribution at Large Supermarkets	6%
	Tier 2 – Prohibit Distribution at Retail Establishments that Sell Packaged Foods	8%
	Tier 3 – Prohibit Distribution at All Retail Establishments (with the Exception of Restaurants)	10%
	Additional Credit	2%
Polystyrene Foam Food Service Ware Ordinances	Tier 1 – Prohibit Distribution at DOT-HWYS-sponsored Events and DOT-HWYS-owned Property	2%
	Tier 2 – Prohibit Distribution by Food Service Vendors	8%
Uncovered Loads Enforcement	Require Municipal Trash Haulers to Cover Loads	1%
	Enhanced Enforcement Program	4%
Anti-Littering and Dumping Enforcement	Anti-Littering and Illegal Dumping Enforcement Program	2%
	Tier 1 – 20-50% of Identified Hotspots Under Camera Surveillance	1%
	Tier 2 – > 50% of Identified Hotspots Under Camera Surveillance	2%
	Tier 1 – Physical Barriers or Improvements Implemented at 20-50% of Identified Hotspots	1%
	Tier Impl	2%

County Clerk

From: Dyson Chee <cheedyson@gmail.com>
Sent: Saturday, April 11, 2020 9:33 AM
To: County Clerk
Subject: Please Pass EACP-16

RECEIVED
2020 APR 13 AM 7:54

OFFICE OF THE
COUNTY CLERK

To whom this concerns,

My name is Dyson Chee, and I am a high school senior living on Oahu. I, as well as Hawaii Youth Climate Coalition, the organization I represent, stand in strong support of EACP-16, which would reduce Maui County's consumption of specific single-use plastics. In the December of 2019, the City and County of Honolulu passed Ordinance 19-30, which phases out single-use plastics similar to those in EACP-16. While Ordinance 19-30 was a step forward to protecting the people and the planet, it alone will not be enough. Our collective effort will be much more powerful, and therefore we urge the Maui County Council to pass EACP-16 and be a part of that step forward.

For me personally, I have always looked up to Maui County as an example of a progressive inspiration for my county to follow. I have heard many other people here express similar sentiments. I sincerely hope that your actions on EACP-16 will continue to inspire people around the state, and help to secure a better future for our keiki.

Mahalo for your consideration, and I wish you the best.
Dyson Chee

County Clerk

From: Loren Clive <loren.clive@gmail.com>
Sent: Friday, April 17, 2020 7:43 AM
To: County Clerk
Subject: A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS, AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS

Dear County Council:

I am writing in opposition to agenda item CC20-246 regarding legal short-term rentals.

My main reason for opposition is the following:

This bill is not intended to affect existing, lawful transient vacation rentals in the Apartment Districts ***if they are in operation as of the effective date of this ordinance.***

With the Mayor's current prohibition on short-term rental operation, this would effectively render ALL vacation rentals illegal.

As a real estate broker, I have helped many clients purchase short-term rental condos, as well as owning several myself. It is totally unfair to change the zoning when folks have made decisions to purchase based upon the vacation-rentability of a property.

Please do not destroy our tourist economy! Short-term rentals provide income and jobs for local families, as well as sizeable tax revenue. Thanks for your attention to this matter.

Cordially,

Loren E. Clive, Broker
Loren Clive Realty
exclusively Maui real estate

Direct 808-250-6891
Private fax 678-791-4123

[Long-term rentals on Maui](#)

[Kauai Plaza N shore vacation rental](#)

[Kihei Alii Kai 1br vacation rental](#)

[Kihei Alii Kai ground floor 1br](#)

[Kamaole Sands 2br vacation rental](#)

From: Gabby Constantino <gabbyconstantino@icloud.com>
Sent: Thursday, April 16, 2020 11:51 AM
To: County Clerk
Subject: Testimony 4/16/2020

RECEIVED

2020 APR 16 PM 12: 00

OFFICE OF THE
COUNTY CLERK

Aloha,

My name is Gabrielle. I am a full time Maui resident and support the single use plastics ban.

Thank you.

TOM COOK

18 Poailani Pl, Kihei, HI · (808) 870-2205
cooksynergy@gmail.com

RECEIVED

2020 APR 15 AM 8:26

OFFICE OF THE
COUNTY CLERK

Maui County Council members

April 15, 2020

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

I am asking you all to PLEASE defer Resolution NO. 20-60 till next year when our community is past this Global COVID 19 virus pandemic.

Our community continues to be turned upside-down with our lives, work, family all in a state of extreme unknown future. How to pay our bills: rent, medical, insurance, food, tuition for collages that are doing online classes but still charging tuition payments.

Please do not put this on the ballet this year. The first year of vote by mail. Shelter at home mandates, curfews.

It is simply not the appropriate time to vote yes Friday.
Please do the responsible action as our Representatives and defer this important issue to a time after this global crisis and allow the community to be truly involved.

I am not opposed to the concept of a County Manager position. I have questions and concerns of how it is proposed. I do not have a comprehensive understanding of how it will work with the sunshine law and other aspects of implementation.

It is inappropriate to put such an important issue on the ballet at this time.

PLEASE VOTE TO DEFER RESOLUTION NO 20-60 To next year when our lives are hopefully back to our new normal with this virus mitigated.

Sincerely,
Thomas M Cook
Resident Kihei, HI
870-2205

RECEIVED

Not Time To Vote On New Charter

2020 APR 14 PM 4:19

Six council members want to force a November 2020 vote on a new County Charter. Is this a proper time to vote on a new County Charter?

OFFICE OF THE
COUNTY CLERK

All of us are in the fight against the corona virus. Many of us have lost income and struggle to buy food, pay rent/mortgage debt, and real property taxes.

The first Charter Commission was appointed in the early 1960s. The voters turned down the charter proposed by that commission. The Board Of Supervisors appointed a second commission. The voters approved the charter drafted by that commission, which became the original County Charter. Mayor Hannibal Tavares appointed a commission in the 1980s. The voters approved the Revised Charter drafted by that commission. I served on those three commissions.

The vote on the charters proposed by those commissioners was preceded by six months (or more) of robust community debate on the new proposed charter. Are we prepared to engage in such a measured debate over a new County Charter?

Mayor Victorino will appoint a new charter commission within the next twelve months. That commission will have 16 months to prepare a new charter or amendments to the existing charter.

These are troubled times. We are in a life or death existential crisis.

This is simply not the time to force a November 2020 vote on a new County Charter.

4/8/2020



William F. Crockett
38 S. Market Street, Wailuku
crockettlaw@hawaiiantel.net

County Clerk

From: caitlin matteson <caitlinyoga@gmail.com>
Sent: Thursday, April 16, 2020 6:56 PM
To: County Clerk
Subject: Bill 52

Aloha,

I am writing to urge you to please pass bill 52 to reduce plastic waste on our island. It is time!!

Thank you!!!
Caitlin Matteson da Silva

Sent from my iPhone

County Clerk

From: Nancy Jaqua Dein <nancyjdein@gmail.com>
Sent: Monday, April 13, 2020 1:10 PM
To: County Clerk
Subject: County Manager Proposal feedback

RECEIVED
2020 APR 13 PM 1:13
OFFICE OF THE
COUNTY CLERK

For the record, I am in favor of the county manager proposajl, and I do not believe it is prudent to make a decision on this at this time of Covid crisis.

With Aloha, Nancy Jaqua Dein

Nancy Jaqua Dein, Realtor(S)



Maui Real Estate Advisors
161 Wailea Ike Place, A102,
Wailea, HI 96753 (808) 298-3780

Testimony of
Pacific Resource Partnership

Council of the County of Maui
Councilmember Alice L. Lee, Council Chair
Councilmember Keani Rawlins-Fernandez, Council Vice Chair

RECEIVED

2020 APR 16 PM 3:02

OFFICE OF THE
COUNTY CLERK

Re: Resolution No. 20-59

Friday, April 17, 2020

9:00 a.m.

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

Pacific Resource Partnership (PRP) writes in support of Resolution No. 20-59, which places on the next General Election ballot the question of whether Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, shall be amended, effectively July 1, 2021, to require an increase in the minimum annual appropriation to the Affordable Housing Fund from 2 percent of certified real property tax revenues to 3 percent, and that the appropriation remain in perpetuity.

Amid an existing housing crisis and uncertainty of the long-term economic impacts that COVID-19 will have on Maui residents, we believe that it would be prudent to consider an amendment to the Charter that would put money aside annually to build more affordable housing for Maui's residents. According to the 2019 Hawaii Housing Planning Study, the County of Maui needs to build 10,404 new homes over the next five years (2020-2025) to satisfy its housing demand.

Given the above, we respectfully request this Council's favorable decision on Resolution No. 20-59. Thank you for this opportunity to provide written testimony.



County Clerk

From: Christopher Delaunay <cde launay@prp-hawaii.com>
Sent: Thursday, April 16, 2020 2:55 PM
To: County Clerk
Cc: Jill Baptist
Subject: Pacific Resource Partnership Testimony in support of Resolution 20-59
Attachments: PRP Testimony_ Resolution 20-59_Affordable Housing Fund (4-17-20).pdf

Importance: High

Aloha,

Attached please find PRP's testimony in support of Resolution 20-59 for the Council of the County of Maui meeting tomorrow. Please contact me on my cell, if you have any questions.

Thank you,

Christopher Delaunay

Government Relations Manager
DIRECT 808.380.8838
EMAIL cde launay@prp-hawaii.com



Pacific Resource Partnership

1100 Alakea Street, 4th Floor
Honolulu, HI 96813
www.prp-hawaii.com

County Clerk

From: Heidi Dollinger <heidi.dollinger@gmail.com>
Sent: Thursday, April 16, 2020 9:45 PM
To: County Clerk
Subject: Testimony in opposition to the TVR amendment Bill

I strongly oppose limiting short-term rentals in complexes and communities that already have a history of allowing short-term rentals - these include numerous apartment-zoned condominium properties that are on the Minatoya list that have already been established as allowing vacation rentals. **I think there is a serious conflict and inequality if there are different rules for different owners within the same condo development.** This would unfairly penalize local Maui owners who have been living in their units or renting their units long term because their market value will be significantly diminished if the future owner no longer has the option to vacation-rent the unit if they choose. Current owners of vacation rentals, even if they were protected, would then be incentivized *never* to allow a long-term rental or live in their property for fear of lessening its value and reducing the marketability of their property in the future. The result would be a penalization to local residents by immediately reducing their equity in their homes if they happen to live in one of these communities where others are doing vacation rentals. Limiting future short-term rentals would further penalize landlords who have been renting to long-term renters (through lowered property values.) It would also have a wider negative effect on our local economy.

37% of residents are unemployed right now. We need to Protect LEGAL short-term vacation rentals as a backbone of our economy. Jobs are created and many livelihoods are supported - many residents own these short-term rentals and nearly all owners of short-term rentals employ other small business owners - cleaning companies, property managers, storage providers, locksmiths, pest control companies, maintenance workers, and hardware stores. Retail, restaurants, activities and tour providers, grocery stores, and other businesses that serve the visitor industry benefit from short-term vacation rentals. GET/ TAT taxes and higher property taxes are collected for short-term rentals. Now is NOT the time to make it even more difficult for Maui residents. Many of these short-term rental properties in apartment zoned areas are waterfront properties - small condos with high HOA's and high maintenance costs that would not be economical or desirable affordable housing anyway.

Don't keep changing the rules - Go after the illegal rentals. We need to support (NOT LIMIT) legal vacation rentals in Apartment Zoned areas with established histories of allowing vacation rentals so our local economy can get back on its feet when its safe to travel.

Heidi Dollinger
3710 Lower Honoapiilani Rd. F40
Lahaina, HI 96761
808-359-4245

County Clerk

From: Tatiana Ebro <tatiebro21@icloud.com>
Sent: Monday, April 13, 2020 3:19 PM
To: County Clerk
Subject: Single Use Plastic Ban

Aloha,

My name is Tatiana and I SUPPORT the single use plastic ban on Maui! We need to recognize that we only have one planet and it is our duty to mālama this 'āina! Banning single use plastic is a vital step we must take in order to preserve this land/ocean/world for future generations. Let's set an example for the rest of the world. BAN SINGLE USE PLASTIC!!!

Mahalo,

Tatiana

Sent from my iPhone

RECEIVED
2020 APR 13 PM 4: 21
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Bruce, Alan, Bodhi and emma <email@butchnbabe.com>
Sent: Friday, April 10, 2020 11:23 AM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

RECEIVED
2020 APR 13 AM 7:53
OFFICE OF THE
COUNTY CLERK

Aloha Honorable Council Members! As a resident of Maui County, I strongly urge you once again to support EACP-16. I participate regularly in beach and reef cleanups. Everyday I see plastic utensils, food containers, straws and so much more blanketing our aina. You step out your door and walk down the side walk and see plastic forks or spoons or food wrappers and containers. Go for a snorkel and you will find an endless supply of plastics turned into marine debris and consumed by our honu, Kohola, monk seals, and other precious creatures of our oceans, leading to their suffering and even death. Our community has become desensitized to the litter and trash surrounding us. Everything becomes disposable. Use it once and throw it away. Please support this bill. We only have one Maui, one Hawai'i and one Planet. The time has long passed to take care our our aina. Now you have the opportunity to make a difference! Mahalo for your time and I hope you continue to support this bill and make the right decisions!

Alan Espiritu
Resident of Maui County

Don R. Gerbig
6 Tulip Place
Lahaina, HI 96761-8233
April 15, 2020

RECEIVED

2020 APR 15 AM 9:31

Testimony
MAUI COUNTY COUNCIL
April 17, 2020
RESOLUTION NO. 20-60

OFFICE OF THE
COUNTY CLERK

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983),
AS AMENDED TO REORGANIZE THE EXECUTIVE BRANCH TO ESTABLISH AN OFFICE OF THE
MANAGING DIRECTOR AND PROVIDE FOR THE APPOINTMENT OF THE MANAGING
DIRECTOR AS THE COUNTY'S CHIEF OPERATING OFFICER

CHAIRPERSON ALICE LEE and COMMITTEE MEMBERS:

Looking at the hearing date of this resolution and the Coronavirus pandemic we are in makes me very suspicious of the scheduling of this hearing. This is not a simple issue that should be heard by a skeleton crew of council members and very few voter participants.

As we all know, six council members are in favor of pushing this resolution through in order to get it on the ballot with little input from any opposition during this pandemic. Due to the pandemic, there is a large doubt in my mind that public participation will be present at this hearing.

This is a MAJOR issue and should be evaluated by the Charter Commission, to insure it is fiscally responsible, does not incorporate unrelated issues into the Charter, and includes safeguards that ensure the County Manager will meet its objectives.

Without such an evaluation by the Charter Commission, this resolution should not be passed at this time. I strongly request that you have the Charter Commission evaluate it before putting it on the ballot.

Sincerely,



Don R. Gerbig
6 Tulip Place
Lahaina, HI 96761

RECEIVED

From: h gilman <hokuagilman@gmail.com>
Sent: Thursday, April 16, 2020 11:52 AM
To: County Clerk

2020 APR 16 PM 12: 00

OFFICE OF THE
COUNTY CLERK

Aloha, my name is Hokuaoaka'ale Gilman and I live in Kula, Maui.

Mahalo for the opportunity to testify on this very important matter.

I am testifying on Bill 52 relating to the sale and use of plastic disposable food ware.

I support the single use plastics ban for Maui county. I believe that the ban of single use plastics will make a huge impact on our community and will help us move forward with eliminating and lessening the amount of trash that goes into our landfills. There are many reusable and less harmful alternatives to single use plastics and incorporating them into our lives could positively affect our community as a whole.

Mahalo,
Hokuaoaka'ale Gilman

County Clerk

From: Marion Haller <marion.haller@gmail.com>
Sent: Wednesday, April 15, 2020 12:00 PM
To: County Clerk
Subject: Testimony regarding: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS ND DWELLI..."

Dear Members of the County Council,

I am writing to express concern on behalf of clients who are current owners of condos allowed to do vacation rentals as per the current ordinances. Some of the owners are having to consider long term tenants to cover their mortgage costs while the Country, Hawaii and Maui recover from the Covid-19 crisis. Based on my reading of the Bill in question, it would appear that they would not be able to revert back to vacation rental use if they are doing long term rentals when this Bill is enacted.

This can't be true. This is like tricking someone into losing their rights. I can't imagine that your intent is to take away property rights in this fashion. Let alone during a crisis such as we are having.

I understand you do not want condos that have not been used for vacation rental to be able to do vacation rental. But I hope you don't mean to take property rights away from people who have been doing vacation rentals up until now and must go to long term rental for a relatively short period of time.

Please change this Bill to allow established use to be based on the original 1989 criteria.

Respectfully and with Aloha,
Marion

Marion Haller, R(B)
Broker In Charge & Productivity Coach
Keller Williams Realty Maui
285 W. Kaahumanu Ave.,
Kahului, HI 96732
Cell: 808-250-8553
marionhaller.kw.com

To Schedule a Coaching appointment with me [Click Here](#)



RECEIVED
2020 APR 15 PM 1:28
OFFICE OF THE
COUNTY CLERK

County Clerk

From: dad@mauirealestate.net
Sent: Sunday, April 12, 2020 11:18 AM
To: County Clerk
Cc: dad@mauirealestate.net
Subject: Testimony regarding County Manager

RECEIVED

2020 APR 13 AM 7:56

OFFICE OF THE
COUNTY CLERK

Hi Council Members,

I am totally against the idea of a County Manager. I voted for the Mayor so that they could do the job of Mayor. All you would do is create more DEEP STATE people who cannot be fired by the people. Yes the county council can fire but the County Manager reports to them and will probably do the bidding of the majority of the council to keep their job. This is not what I voted for.

It failed once before, and for good reasons. Please stop this foolishness for all time. I want the Mayors functions to be from someone whom I voted for, not appointed by the council.

Cheers,

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

County Clerk

From: dad@mauirealestate.net
Sent: Thursday, April 16, 2020 2:59 PM
To: County Clerk
Subject: Testimony for reorganizing the executive branch

RECEIVED

2020 APR 16 PM 3:40

OFFICE OF THE
COUNTY CLERK

Aloha council members.

Regarding a managing director, please know that I voted for the Mayor to do these things. I am totally against taking duties and responsibilities away from the Mayor. This idea was turned down once before. Please do not attempt to do this again.

Cheers,

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

County Clerk

RECEIVED

From: dad@mauirealestate.net
Sent: Thursday, April 16, 2020 2:04 PM
To: County Clerk
Subject: April 17th Meeting

2020 APR 16 PM 2: 57

OFFICE OF THE
COUNTY CLERK

Dear Council,

I do not want to see more conflict by any type of County Manager adding to the issues that the personality of the Council has which is not "Aloha County". It is very sad to see the Council trying to cause more of a downfall than they already have. Shame on you.

Donna Hansen

Donna D. Hansen, Realtor® (S) RS 49765
The Hansen Ohana Real Estate Group
Maui Luxury Real Estate LLC
Certified Luxury Home Marketing Specialist
www.MauiRealEstate.NET
808-280-1650

County Clerk

From: info@realestatemauihawaii.com
Sent: Wednesday, April 15, 2020 11:54 AM
To: County Clerk
Subject: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE
Attachments: REALTORS Association of Maui Testimony Regarding CC 20-246 aka Minatoya Loophole Bill (2).docx

Aloha Council Members. I attach the testimony of Jason Economou, Government Affairs Director of the Realtor Association of Maui. As Realtor representing many property owners who have purchased Minatoya properties, I fully support the testimony offered by Jason in the attachment. It is especially cruel during a period in which condo owners are already facing dramatic reductions in rental income. Many of these owners have been coming to Maui for years, often for stays of three months or longer. They fully deserve to be considered members of the Maui Community. Moreover, I believe that to retroactively deprive them of the legal status of their properties is a gross violation of the intent of the original ordinance and subsequent legislation. I fully understand the urgency of the housing crisis on Maui—but depriving owners of their legal rights, jeopardizing their ability to make payments on mortgages designed for investment properties, and thus putting them at risk of foreclosure by financial institutions eager to financialize real estate on Maui is not the answer.

Mark A Harbison, Realtor Broker, RB 19776
808-283-3785

Info@RealEstateMauiHawaii.com

www.RealEstateMauiHawaii.com

Certified International Property Specialist (CIPS), Accredited Buyers' Representative (ABR), e-Pro
Coldwell Banker Island Properties, Shops at Wailea

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2020 APR 15 PM 1:28
OFFICE OF THE
COUNTY CLERK

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

My written testimony is submitted in opposition to Resolution No. 20-60 which proposes to change our current form of governance in the County of Maui to a County Manager, putting this matter on the November 2020 General Election Ballot which is a few months from now. Currently, our community together with the rest of the world face a public health crisis and now people are also dealing with the personal, social and financial consequences from the COVID 19 virus. Our community's attention and focus is squarely on this crisis. For the County Council to take action on Resolution No. 20-60 which advances the County Manager form of government in the midst of this pandemic is neither fair to this community or responsible government action.

There are those of us in this community who are surprised that the County Manager proposal is being taken up by the Council at this time. A similar proposal was previously considered a few years ago and in the final end rejected by a different Council. Questions still linger as to what a County Manager is, as well as why and how such a significant change in governance benefits our community. Also, what financial impacts have been assessed in this proposal? The community deserves a meaningful public dialog process on the debate surrounding this County Manager proposal. People are entitled to being educated and informed on exactly what this proposal is about and its ramifications. Advancing such a significant proposal in the midst of this crisis which is impacting every aspect of our lives is a great disservice to the public.

Sending this matter of the County Manager to the Charter Commission which will be convened in near future, is appropriate. As we face this public health emergency, in the interest of transparency and fairness, I respectfully request that the Council not approve Resolution No.

20-60.

RECEIVED

2020 APR 16 PM 2:55

OFFICE OF THE
COUNTY CLERK



Pamela Harima

Kahului, Maui, HI

County Clerk

From: Hilary Harts <hilarymaui@icloud.com>
Sent: Friday, April 10, 2020 11:20 AM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

RECEIVED

2020 APR 13 AM 7: 53

OFFICE OF THE
COUNTY CLERK

It is necessary to not use one time use plastic items. Too much in our oceans and dumps.

Hilary

Sent from my iPhone

RECEIVED

2020 APR 16 AM 11:14

FRANK HELLER

40 Kapuahi St. Makawao, HI 96768 · (808) 357-0017
upcountry02@me.com

OFFICE OF THE
COUNTY CLERK

Maui County Council members

April 15, 2020

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

I am asking you all to PLEASE defer Resolution NO. 20-60 till next year when our community is past this Global COVID 19 virus pandemic.

Our community continues to be turned upside-down with our lives, work, family all in a state of extreme unknown future. How to pay our bills: rent, medical, insurance, food, tuition for collages that are doing online classes but still charging tuition payments.

Please do not put this on the ballet this year. The first year of vote by mail. Shelter at home mandates, curfews.

It is simply not the appropriate time to vote yes Friday.

Please do the responsible action as our Representatives and defer this important issue to a time after this global crisis and allow the community to be truly involved.

I am not opposed to the concept of a County Manager position. I have questions and concerns of how it is proposed. I do not have a comprehensive understanding of how it will work with the sunshine law and other aspects of implementation.

It is inappropriate to put such an important issue on the ballet at this time.

PLEASE VOTE TO DEFER RESOLUTION NO 20-60 To next year when our lives are hopefully back to our new normal with this virus mitigated.

Sincerely,
Frank Heller
Resident Makawao, HI
357-0017

Testimony submitted via email: county.clerk@mauicounty.us

RECEIVED

MICHELLE HELLER

2020 APR 16 AM 11:14

40 Kapuahi St. Makawao, HI 96768 · (808) 214-4470

dakinepaints@gmail.com

OFFICE OF THE
COUNTY CLERK

Maui County Council members

April 15, 2020

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

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It is inappropriate to put such an important issue on the ballet at this time.

PLEASE VOTE TO DEFER RESOLUTION NO 20-60 To next year when our lives are hopefully back to our new normal with this virus mitigated.

Sincerely,
Michelle Heller
Resident Makawao, HI
214-4470

Testimony submitted via email: county.clerk@mauicounty.us

From: cheryl hendrickson <chermcmaui@gmail.com> on behalf of chermcmaui@aol.com
Sent: Friday, April 10, 2020 7:02 AM
To: County Clerk
Subject: Ordinance Bill 50 2020

Aloha-

I am writing with concern over the proliferation of bike companies sending their clients east of Baldwin Ave. On Makawao Ave onto Kapakalua rd. I've seen some, with maps, going it alone on commercial bikes. In the last year, I have seen many being guided.

These activities are encroaching in local neighborhoods and confusing our flow of traffic. They are also a hazard. Many do not realize they are on a functioning thoroughfare between Makawao and Haiku. They tend to stop in the middle of the road or group on the sides making passing not safe. These roads are not large enough to support commercial activities.

Our island is undergoing a state of over tourism. These bike companies are wandering out of commercial areas into our rural local neighborhoods. Our quality of life is at stake. Please impose large fines to discourage these companies. They clearly have selfish interests of profit and to the detriment our upcountry way of life.

Mahalo,
Cheryl Hendrickson
Haiku, Maui

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2020 APR 15 PM 4: 32
OFFICE OF THE
COUNTY CLERK

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2020 APR 16 PM 12: 04

April 16, 2020

OFFICE OF THE
COUNTY CLERK

Chairperson Lee and Members of the Council,

My name is Carissa Holley, a community member and a former colleague of Laks Abraham up until the end of March 2020. I am strongly supporting the appointment of Laksmi Abraham to the Office of Council Services as a Legislative Analyst, CC 20-239.

Laks was the Community Program Director of Blue Zones Project – Central Maui and my direct supervisor for three years. I've known her to be a very accomplished and results driven professional, and have been fortunate to witness some of her most admirable traits that I attempt replicate in both my professional and personal capacity.

Laks has remarkable skill in researching, drafting, and gathering support from community members, organizations, and various councilmembers for a number of legislative issues, projects, and bills. Throughout her time with Blue Zones Project, she has made significant impacts in the areas of food policy, built environment policy, and supported anti-tobacco policy.

The thoughtfulness and consideration with which Laks works cultivates solid partnerships and alliances, and bridges relationships across divides. Laks has successfully led the movement alongside HEAL to establish a Maui Nui Food Alliance in May 2019. The Maui Nui Food Alliance was created to strengthen food sovereignty, create effective collaborations that lead to sustainable food systems, and build healthier communities. Laks convened over 90 diverse stakeholders at an Inaugural Action Planning Meeting with attendees representing Maui County's current food system - including legislators, food systems experts, farmers, ranchers, healthcare workers, and public health professionals. The most powerful outcome from this initial meeting was breaking down silos. Groups of organic and conventional farming leaders discussed how they together could find solutions for the problems within our food system. These leaders continue to work collaboratively to propose legislation that will move Maui's food sustainability forward.

Laks has a strong commitment to ensuring open and productive working relations, and excels at connecting with the public to ascertain support for legislation. She does this skillfully all while leveraging exceptional written and verbal communication skills to propel project success. One of the most successful Blue Zones Project campaigns coordinated by Laks was the Give Healthy to the Maui Food Bank Campaign that launched in the Fall of 2019. Laks brought together the Office of the Mayor, the HEAL Coalition, and the Blue Zones Project to launch a campaign for businesses and individuals to give healthy foods to the Maui Food Bank. This was a big leap in changing people's mindset from the habitual Spam and corned beef donation to canned and fresh fruits and veggies, and other healthier options. The Maui Food Bank continues to receive

healthy donations, including large increases in fresh produce, and businesses are beginning to launch their own Give Healthy campaigns.

Laks will be a tremendous and valuable asset to the County of Maui as a Legislative Analyst. Not only does she have strong research, planning, written and oral communication skills. She is a critical thinker, and makes sound judgments. And most of all, she has experiences throughout the cycle of finding a problem, researching, convening stakeholders, presenting to councilmembers, gaining public support, and seeing the project through. Laks is a bridge-builder, is unafraid to find out the facts, and is a supportive leader with strong moral character. She has left an incredible legacy through her work at Maui United Way and at Blue Zones Project. There is no doubt in my mind that she will continue to be a valuable asset to the County of Maui.

Based on Laks' extensive experience, community involvement, and solid track record, I strongly support the appointment of Laksmi Abraham as a Legislative Analyst for the Office of Council Services.

Sincerely,


Carissa Holley

County Clerk

From: Spencer Hyde <spencer_hyde3@hotmail.com>
Sent: Saturday, April 11, 2020 11:53 AM
To: County Clerk
Subject: 4/17/20 Testimony SUPPORT County Manager Proposal Item #20-60

RECEIVED
2020 APR 13 AM 7:54
OFFICE OF THE
COUNTY CLERK

Aloha Maui County Council

I am writing to thank you for your support of the County Manager Proposal, "J. Resolutions, Second and Final Reading, item No. 20-60." The citizens of Maui County have the right to decide how their county is managed, either based on politics, or expertise.

Thanks,
Spencer
4320 E. Waiola Loop
Kīhei, HI 96753
(808) 344-8299

County Clerk

RECEIVED

From: Patrick Ihu <patrickihu@msn.com>
Sent: Wednesday, April 15, 2020 7:39 PM
To: County Clerk
Subject: County Manager

2020 APR 16 AM 7:59

OFFICE OF THE
COUNTY CLERK

Aloha,

I'm Writing to oppose putting the county manager proposal on the ballot. Right now we have people losing their jobs, losing their homes, losing their businesses and this is what the county council is voting on.

Get real !!!!! people are hurting and literally wondering where their next meal is coming from. Focus on reopening the economy and push this nonsense of a county manager down the road. Nobody cares!!! Get your priorities straight.

-Patrick Ihu

Sent from my iPhone



SIERRA CLUB

MAUI GROUP

April 15, 2020

To: **Maui County Council**
Re: **Maui's Single Use Plastic Ban**

Aloha Chair Alice Lee and Council Members,

Mahalo for all your hard work going over the County budget for 2020-2021 and all that you are doing for the Covid 19 crisis here on Maui. You all have done an excellent job and we are all very thankful for your efforts.

The Sierra Club is in full support of the Single Use Plastic Ban. Please vote yes for Bill 52

Our public health, our public infrastructure, and our environment are now more important than ever!

Nonprofits such as ours and community groups, and taxpayers, have been burdened with the cost of cleaning plastics off our beaches and out of our streams and storm drains for many many years. We are asking your assistance to help reduce the amount of plastic on our island now.

While some restaurants argue that this bill will increase their costs, it is important to note:

1. Increased demand for certified compostable alternatives will decrease their overall market price in the near future.
2. The possibility of an increase in price for alternative products (e.g. a possible \$0.10 or \$0.15 increase) are costs passed on to consumers. Customers will be happy to pay an additional quarter for their meal to ensure Maui's environment stays healthy for all. This will relieve local restaurants of the additional costs that may be associated with this bill.

Certified Compostable alternatives to single-use plastic containers have already been introduced to the local market by hotels, restaurants, and suppliers. Globally, there is also an aggressive drive to develop environmentally friendly alternatives and promote their use.

This ban will provide an opportunity to reduce plastic waste sent to landfills which are already overloaded here on Maui. These single use plastics that are used for mere minutes, take between 500 and 1000 years to break down!

We request the passage of Bill 52 as it will support our community greatly!

Mahalo nui loa for your consideration.

Kecia Joy, Maui Group Manager
Sierra Club Maui Group

PO Box 791180, Pā'ia, Hawai'i 96779 | 808-419-5143 | contact@mauisierraclub.org | mauisierraclub.org

Emailed correspondence reduces paper waste. If you do print this letter, please recycle. Mahalo.

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

My written testimony is submitted in opposition to Resolution No. 20-60 which proposes to change our current form of governance in the County of Maui to a County Manager, putting this matter on the November 2020 General Election Ballot which is a few months from now. Currently, our community together with the rest of the world face a public health crisis and now people are also dealing with the personal, social and financial consequences from the COVID 19 virus. Our community's attention and focus is squarely on this crisis. For the County Council to take action on Resolution No. 20-60 which advances the County Manager form of government in the midst of this pandemic is neither fair to this community or responsible government action.

There are those of us in this community who are surprised that the County Manager proposal is being taken up by the Council at this time. A similar proposal was previously considered a few years ago and in the final end rejected by a different Council. Questions still linger as to what a County Manager is, as well as why and how such a significant change in governance benefits our community. Also, what financial impacts have been assessed in this proposal? The community deserves a meaningful public dialog process on the debate surrounding this County Manager proposal. People are entitled to being educated and informed on exactly what this proposal is about and its ramifications. Advancing such a significant proposal in the midst of this crisis which is impacting every aspect of our lives is a great disservice to the public.

Sending this matter of the County Manager to the Charter Commission which will be convened in near future, is appropriate. As we face this public health emergency, in the interest of transparency and fairness, I respectfully request that the Council not approve Resolution No. 20-60.

Leila L. Kawano

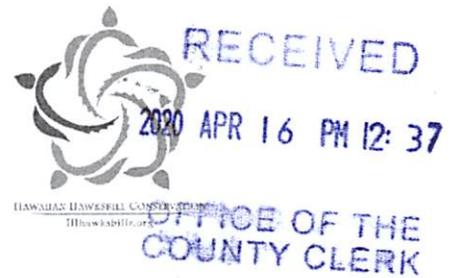
Wailuku, Maui, HI

RECEIVED

2020 APR 16 PM 12:01

OFFICE OF THE
COUNTY CLERK

Testimony submitted via email: county.clerk@mauicounty.us



April 15th, 2020

Dear Maui County Council Members,

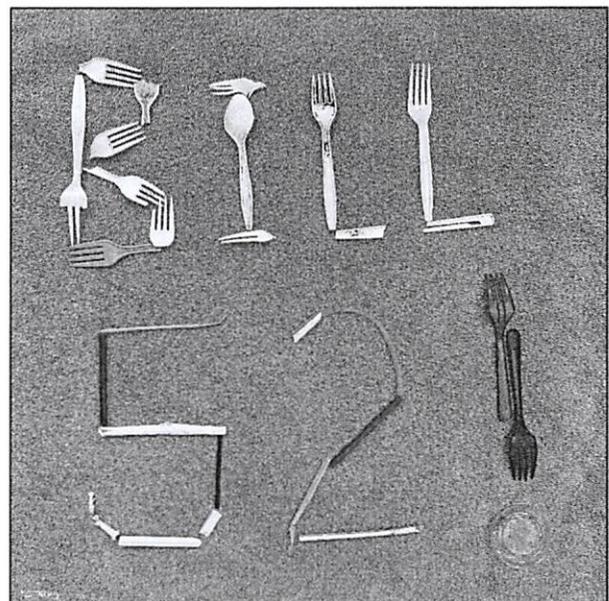
My name is Cheryl King with the Hawai'i Association for Marine Education and Research (HAMER), and I'm also a Zero Waste Maui Coalition member. I completely support **BILL 52: A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.24, MAUI COUNTY CODE, RESTRICTING THE USE AND SALE OF PLASTIC DISPOSABLE FOOD WARE!**

As stated in my more extensive last testimonies, Bill 52 has the power to significantly reduce the amount of wasteful plastic in our lives, which is better for the environment and us. These legislative changes will inspire wonderful movements towards greener living, and we're so proud of your decision to pass this bill tomorrow. Maui County and our Planet appreciate it!

Mahalo nui loa,

~CSK

~Cheryl King, MSc.
HAMERinHawaii.org
SHARKastics.org
Hihawksbills.org



RECEIVED

From: Stanley Kunitake <stanleykunitake@gmail.com>
Sent: Thursday, April 16, 2020 3:47 PM
To: County Clerk
Subject: 9:00 am hearing 4/17/2020

2020 APR 16 PM 3: 52

OFFICE OF THE
COUNTY CLERK

I am in favor of putting Managing Director plus Mayor County administration. on November ballot for the voters to decide. Arrigato!

County Clerk

From: Jill LaBram <jill.labram@gmail.com>
Sent: Friday, April 10, 2020 4:12 PM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.26, Maui County Code, restricting the use and sale of plastic disposable foodware

RECEIVED

2020 APR 13 AM 7:52

OFFICE OF THE
COUNTY CLERK

I support Bill 52: "A bill for an ordinance amending Chapter 20.26, Maui County Code, relating to the sale and use of plastic disposable food ware."

This is SO important. There are too many single-use plastics in our world and many of these are completely unnecessary, especially plastic disposable food ware. These wreak havoc on our earth in every possible way. The Ocean Conservancy lists cutlery as among the items "most deadly" to sea turtles, birds, and mammals, and alternatives have proven particularly difficult to come by, though not impossible.

From a Texas Tech professor Chris Whitmore: "When plastics turn out to be everywhere and ingested by everything, the only direction one can go is reduction."

Mahalo to all of our awesome Council Members who have supported this bill so far.

Mahalo,
Jill LaBram

County Clerk

From: Ellen Levine <tao__el@hotmail.com>
Sent: Saturday, April 11, 2020 5:07 PM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

RECEIVED
2020 APR 13 AM 7:55
OFFICE OF THE
COUNTY CLERK

IT IS SO CRUCIAL FOR THE HEALTH OF OUR OCEANS AND OCEAN WILDLIFE, AND LIFE ON THE PLANET-AS-WE-KNOW-IT ---TO CLEAN UP THE OCEANS AND NOT ADD MORE PLASTIC

TO THE MESS!

KEEP OUR BEACHES AND DUMPS FREE OF MORE DISPOSABLE PLASTIC.....THEY DON'T DIS-POSE!

County Clerk

From: Vincent Linares <linares@hawaii.edu>
Sent: Friday, April 10, 2020 10:35 AM
To: County Clerk
Subject: County Manager

RECEIVED
2020 APR 13 AM 7: 52
OFFICE OF THE
COUNTY CLERK

Please pass the County Manager ballot initiate on second reading, allowing the citizens to decide on their government
--

I am seeking Compatible Dysfunction.....

We are all lying in the gutter, but some of us are gazing up at the stars..Oscar Wilde

There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right." Martin Luther King

Dr. Martin Luther King, Jr.

RECEIVED

2020 APR 16 PM 12: 04

4/17/20

Aloha members of the Maui County Council,

OFFICE OF THE
COUNTY CLERK

My name is Lauren Loor and I am submitting testimony for item CC 20-239 for the proposed resolution "APPROVING THE APPOINTMENT OF LAKSMI ABRAHAM AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

I have had the privilege of working with Laksmi Abraham for over two years in her role as Community Program Manager for Blue Zones Project Central Maui. When I was newly hired as the Community Coordinator for the Healthy Eating + Active Living Coalition, Laks welcomed me with open arms. As we navigated the new partnership that had formed between our organizations we aligned our goals so that we could work together on health initiatives, projects and policies. We felt that if we could unite and partner then we would be able to accomplish all of our goals together. It was such a breath of fresh air to have a partner I could lean on in public health work. During my time working with Laks we were able to achieve our goals, but I gained more than a partner, I gained a true friend.

Blue Zones Project Central Maui and the HEAL Coalition Maui, Molokai and Lānaʻi have been able to work collaboratively on Food Policy work, Built Environment work and policy because of the leadership of Laks Abraham. The work that would have taken over 5 years to plan and implement was done in 2 years because of the team at Blue Zones Project Central Maui under the leadership of Laks Abraham.

Laks is the prime example of a community leader who listens and fights for the good of her community. She has taught me what it means to be a leader, communicator, and listener as a community organizer. Laks has taught me to know my worth through the work we have done together and if I ever faltered or doubted myself she always snapped me out of it. She is able to lift others up with her kindness, compassion, tenacity and drive.

Laks is perfect for the position as Legislative Analyst in the Office on Council Services because she understands the value of connection and compassion within our community. She will be an outstanding asset in this position and will do a fantastic job. Laks does not work any other way. I thank you members of Maui County Council for giving me the opportunity to share my support for Laks Abraham. I ask you to please approve her appointment as Legislative Analyst in the Office of Council Services. Mahalo for your time.

Best,
Lauren Loor

county.clerk@mauicounty.us

4/15/2020

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

RECEIVED

2020 APR 16 AM 8:00

OFFICE OF THE
COUNTY CLERK

Re: CC 20-246 – Transmitting a Proposed Bill Entitled “A Bill for an Ordinance Amending Chapter 19.12.19.37 Maui County Code Relating to TVR’s in the Apartment Districts and Industrial Districts and Dwelling Units in the Industrial Districts” and related Documents.

Aloha Chair Lee and Vice Chair Rawlins Fernandez and Members of the Council,

This proposal should **NOT** be considered.

I don’t have a TVR in the apartment district, but this proposal is important to comment upon for a couple reasons:

- 1) It is significantly different than the bill that passed through the Planning Commissions. So significant are the differences, it must be brought back to the Commissions or risk a violation of the rules of Title 19. We should not spend time and energy on proposals that upon challenge, won’t stand up. Better to get them right the first time.
- 2) It appears to set up a structure that would severely reduce existing property rights of too many.

The original proposal would have closed a loophole. This proposal sets up a tenuous non-conforming use.

Thank you for your consideration and service,

Greg Mebel

April 17, 2020

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

Subject: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," and related documents.

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

This is my testimony regarding the subject proposed bill:

I oppose the current language in this bill as it has not been reviewed and vetted properly by the Planning Commission.

The current unvetted version of this bill significantly changes the intention of the bill and should not move forward in this form.

Mahalo,
Colleen P Medeiros

County Clerk

RECEIVED

From: Kristi Meyer <itmatterstokristi@gmail.com>
Sent: Saturday, April 11, 2020 5:34 AM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

2020 APR 13 AM 7:54

OFFICE OF THE
COUNTY CLERK

Please consider Bill 52 for Maui County. Plastic, especially single use is one of Mother Nature's biggest enemies. People did fine without straws and plastic ware before, so let's do it again! The long lasting effects of plastic on sea animals and the environment are devastating. Please stop the use of single use plastic. It's a start. Thank you

Kristi Meyer - REALTOR
Granite Real Estate
CABRE 01421981
Voice/Text 916.847.5128

"If it matters to You, It matters to Kristi"

Serving by Referral, Thank You

Sent from my iPhone

County Clerk

From: Ryan Montemerlo <b4sslife@icloud.com>
Sent: Friday, April 17, 2020 9:16 AM
To: County Clerk
Subject: Single use plastic ban

Aloha,

Please ban single use plastics in MAUI before it's too late, we need to protect what we have.

Mahalo
Sent from my iPhone

County Clerk

From: Mike Moran <mmmmahalo2000@aol.com>
Sent: Tuesday, April 14, 2020 2:06 PM
To: County Clerk
Subject: TESTIMONY from KCA for April 17,2020

RECEIVED
2020 APR 14 PM 2:15
OFFICE OF THE
COUNTY CLERK

Aloha Chair Lee and Council Members;

Mahalo for hanging tough in these VERY tough times
This is Mike Moran testifying for the Kihei Community Association (KCA) in support on 2 items:

NO. 20-60 'PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REORGANIZE THE EXECUTIVE BRANCH TO ESTABLISH AN OFFICE OF THE MANAGING DIRECTOR AND PROVIDE FOR THE APPOINTMENT OF THE MANAGING DIRECTOR AS THE COUNTY'S CHIEF OPERATING OFFICER"

This is IT, 2nd and final reading that can, after nearly a decade, allow the voters to be able to make their choice. This is long overdue. Please support this measure

BILL NO. 52 (2020) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.26, MAUI COUNTY CODE, RELATING TO THE SALE AND USE OF PLASTIC DISPOSABLE FOODWARE"

We all know the situation. We have a product we do not need destroying all creatures in the kai. So again we find ourselves in that deep hole trying to escape while we are digging deeper every day. Stop digging!! Stop allowing even more plastic junk flowing in every day, while we figure how to reverse this mess. We have to stop going forward before we can go in reverse. No more studies; no more delays but yes no more plastic. Please support this.

Mahalo

Mike Moran, President, Kihei Community Assoc www.gokihei.org

County Clerk

From: Victoria Morrison <lee.morrison52@gmail.com>
Sent: Friday, April 10, 2020 1:58 PM
To: County Clerk
Subject: In support of Bill 52

RECEIVED

2020 APR 13 AM 7:52

OFFICE OF THE
COUNTY CLERK

Aloha Maui County Council Members,

I grew up on the mainland in the 1950's and 60's. Throwing trash on the ground was common. When the anti-litter campaign got started many people said it was a waste of time. No one would pay any attention. But they did. We still see trash on the ground but nothing like it used to be.

As I got close to retirement I became a tourist here. I remember the vacation mindset. It's short term, short sighted and often very harmful to our fragile island. For almost four years this has been my home and my perspective has shifted dramatically. Most visitors and many locals don't seem to think about the needs of our aina. Many think our drinking water is going to make them sick. So they buy bottled water and generate mountains of plastic bottles. It's painfully obvious that tons of plastic and other trash finds its way into the ocean and much of it into the fish and back into the people. We have to stop this tragic cycle.

With COVID-19 demands Safeway has pallets of bottled drinking water outside their doors. That tells me sales are off the charts. It's not hard to imagine a new mountain filled with plastic bottles. And there's no reason for it. Educational efforts have been persistent and wide-spread but apparently not as effective as they need to be.

Thank you for your efforts to date. I'm confident that greater efforts will make a greater difference. Please stop single use plastics and save Maui.

Mahalo,
Lee Morrison

192 Waipahe Street
Kihei, Hawaii 96753

RECEIVED

County Clerk

2020 APR 16 PM 2: 57

From: Ipo Mossman <ipo.mossman@yahoo.com>
Sent: Thursday, April 16, 2020 2:01 PM
To: County Clerk
Subject: County Manager Position

OFFICE OF THE
COUNTY CLERK

I am totally against a County Manager administered government. Having a check and balance form of county government creates a very balanced platform of community leadership. Having a county manager creates a dictatorial base of control that has no place in Maui.



Meadow Gold Dairies



Testimony by: Glenn K. Muranaka

Bill 52, A Bill for An Ordinance Amending Chapter 20.26, Maui County Code, Relating to the Sale and Use of Plastic Disposable Foodware

Maui Council Regular Meeting

Friday, April 17, 2020 – 9:00am

Position: Request Deferral Until Further Information Obtained

Chair Lee, Vice-Chair Rawlins-Fernandez, and Members of the Maui Council:

My name is Glenn K. Muranaka, President and General Manager of Meadow Gold Dairies, with operations on Maui, Hawaii Island, Kauai and Oahu. Our company has been in Hawaii since 1897—123 years, providing Hawaii consumers with a variety of milk products and juices. Meadow Gold's long history has not come without effort. We continually adapt to our customers' and consumers' ever-changing needs, and we constantly evolve along with our industry, our community and our market. Over the years, this has required that we struggle, tighten our belts, innovate and work extremely hard, making us a better company in the process. The foundation of this work rests with the 300 employees that are committed to providing superior quality products.

Bans on single use plastic disposable food ware will harm small businesses, many of whom are not represented in this discussion and yet will be the most impacted. Caution is expressed about harm to small businesses that are a vital segment of our state's economic engine that if not supported, excise taxes; income taxes; property taxes - taxes in general would increase which would hurt all businesses and the community.

In this unprecedented time of Covid-19, we respectfully ask that this bill be deferred until more information is obtained for further discussion. We urge you to note that Bill 52, formerly EACP-16, discussion began before the COVID-19 epidemic, which accelerates the short supply of various packaging materials globally. Much of alternative packaging materials come from China and other Asian countries. Food Packaging is an integral part of food safety and sanitation. Please consider the following:

1. We note that Maui County instituted a foam food service ware ban bill effective January 1, 2019. Ordinance 4457 requires Council review in 2021. While that does not specify the details of the review, it is suggested that it include an economic and environmental analysis to determine its impact on Maui small businesses and consumers and goal achievement of promoting public health, reducing litter and limit harmful materials from entering the environment.

Further it is noted that Bill 52 20.26.090 page 7 eliminates Council review of this proposed measure. It is prudent to assess Bill 52's impact on businesses and consumers. We suggest:

20.26.090 Council Review. The council shall review this chapter in 2023 and provide an economic and environmental analysis to determine its impact on Maui small businesses and consumers and goal achievement of promoting public health, reducing litter and limit harmful materials from entering the environment.

20.26.091. Effective date. Except for polystyrene foam food service containers, the prohibitions of this chapter related to plastic disposable foodware take effect January 1, 2022.

2. This opportunity to analyze the foam ban on business and community gives better understanding and guidance for reducing single-use plastic disposable foodware. As noted, Ordinance 4457 requires council review in 2021.

2. Alternative packaging is limited in availability, costs more and are not environmentally friendly as some might suggest. The City of Portland (Oregon) Bureau of Planning and Sustainability 2019 report, Food Service Ware LCA Harmonization indicates that the type of material for single-use service ware is not a predictor of reduced environmental impacts. Bioplastics are the most common alternative to replace plastic food service ware; however, it is expensive, is not biodegradable and cannot be composted.
3. Covid-19 has delayed discussions that Honolulu County began on March 11, 2020 to work with stake holders for the administrative rules to implement (Bill 40) Ordinance 19-30. It is prudent to wait for completion of this process and see how Ordinance 19-30 is implemented. Distributors, retailers and food operators are confused about definitions of pre-packaged, prepared foods, exemptions and carve outs.
4. It is not known how Covid-19 will delay the State Work Group on Single-Use Plastic Source Reduction, facilitated by Peter Adler, which began on November 14, 2019 nor its mandate to make recommendations to the 2021 State Legislature. It provides environmental groups, business, manufacturers and state and county representatives—which includes Maui County’s Environmental Protection and Sustainability Division Manager, a forum for developing practical solutions for plastic reductions. We urge the committee to support that effort and defer this bill.

Covid-19 places extreme burden on businesses and consumers. Policy makers should do everything possible to ensure business and consumer survival through this epidemic. Even more so, the seriousness of the proposed policies requires thorough and systemic overview and discussion with suppliers, local manufacturers, wholesalers and distributors, convenience stores, grocery stores, the different types of food operators—food trucks, schools, dine-in restaurants, mom/pop eateries, and ultimately the consumer.

Thank you for the opportunity to voice our concerns. If you have any questions, please contact me at 944-5911.

County Clerk

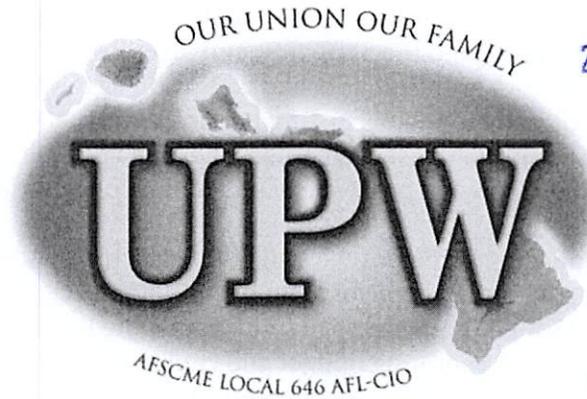
From: Mae Nakahata <mnakahata@gmail.com>
Sent: Thursday, April 16, 2020 6:41 PM
To: County Clerk
Subject: TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60

While there have been groups of individuals and members of the Council actively investigating and passionately involved in the issue, the average person does not understand the implications of this decision that will affect by future generations. Some will say the public gets a voice on the ballot. But, given these chaotic times, will the average person take time to understand the pros and cons of the issue? There is a general consensus that we need to be transparent. That means every citizen feels that their opinion is considered and taken seriously. There seems to be a significant number of people that feel they have not had a chance to voice their opinion on moving forward.

Thank you for this opportunity to comment on this important matter.
Mae Nakahata

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2020 APR 15 AM 9:31

OFFICE OF THE
COUNTY CLERK

Council of the County of Maui
200 S. High St. 8th Floor
Wailuku, Hawaii 96793

Regular Meeting: April 17, 2020
Time of Hearing: 9:00 a.m.
Place of Hearing: Online via Bluejeans

Honorable Alice L Lee, Council Chair
Honorable Members of the County council

Testimony in **Opposition** to Resolution 20-60, entitled, "Proposing An Amendment to the Revised Charter of the County of Maui (1983), As Amended, to Reorganize the Executive Branch to Establish An Office of The Managing Director and Provide For the Appointment of The Managing Director As Chief Operating Officer"

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

The UPW is the exclusive bargaining representative for approximately 13,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members in the private sector.

The UPW respectfully and strongly opposes Resolution 20-60 that proposes to establish the Office of the County Managing Director. We support the right of the voting public to propose and vote on county charter amendments that the people of Maui want. This opposition relates to the contents and intent of Resolution 20-60.

1. The Resolution has the potential of having a major negative impact and structural changes to the operations of the county government at a time where the entire focus of the County, the State, and our country is on stopping the pandemic Covid-19 damage to the lives and health of all our citizens and the economy. The county energy, resources and time must not be

diverted from fighting the pandemic. The debate and conversation must be on stopping Covid-19 in Maui County and the State first and foremost.

2. The Resolution creates serious doubts and confusion as to who will be in charge, responsible and accountable directly to the tax paying public. It pits the Mayor, the proposed Managing Director and the Council against each other. The Managing Director only needs to "consult" with the Mayor then, do what he or she wants to do. Consultation is not seeking approval as written in the Resolution.
3. The proposed Managing Director who will not be elected by the people, will not be accountable directly to the people of Maui but will have the power to expend untold sums of tax monies. Resolution 20-60- states that the Managing Director "shall" ... "Control, manage, and execute the annual operating budget and capital program".
4. The current system of a responsible and elected Mayor with appropriate checks and balances by the County Council and legal office, works best for the people of Maui. It is not perfect, but it is Democracy at work. Resolution 20-60 weakens the authority and standing of the Mayor to act in the best interest of the public.
5. The position of Managing Director, for the size of the County of Maui, will be redundant, cause split loyalties and trust, and create employee and cabinet level morale issues. The Director of Finance is capable of running the County temporarily, if need be, in teamwork with the County Engineer and other cabinet members. These cabinet members are the experts in their field and actually perform the work with the Mayor, not the Managing Director.

For these reasons and more, the UPW strongly **opposes** Resolution 20-60 which proposes to make a major alteration to the operations of the County of Maui.

Thank you for the opportunity to submit this testimony

County Clerk

RECEIVED

From: John Naylor <jdancer@kula.us>
Sent: Friday, April 10, 2020 7:00 AM
To: County Clerk
Subject: Single use plastic ban

2020 APR 13 AM 7:52

OFFICE OF THE
COUNTY CLERK

Aloha Chair & Council members,

Please pass the ban bill on single use plastic. I'm sure you agree it's a no brainer for Maui County, Hawaii Nei and the Planet!

Mahalo,

John Naylor PO Box 1749, Makawao

County Clerk

From: John Naylor <jdancer@kula.us>
Sent: Friday, April 17, 2020 7:22 AM
To: County Clerk
Subject: YES! to Single use Plastic BAN !!!

Aloha Chair and Council members,

Hope all are staying safe. Mahalo for doing Maui Counties business!

I fully support the ban on single use plastic!

It's the right thing to do!

John Naylor Makawao

County Clerk

From: Mike Nishimoto <m_nishimoto@yahoo.com>
Sent: Sunday, April 12, 2020 10:44 AM
To: County Clerk
Subject: Comments for County Manager proposal

RECEIVED

2020 APR 13 AM 7:55

OFFICE OF THE
COUNTY CLERK

The timing of this proposal appears to be an effort by some to sneak in an action while Maui residents are focused on covid-19. Furthermore, it was only four years ago that a similar proposal was rejected. What happened in the past four years that makes this proposal so urgent? The county like the rest of the nation was not prepared to respond to a pandemic. This, I think, should be the priority of the council.

Mike Nishimoto Maui Nui Wildlife Co-op Kahului, HI

N I W A O

 &

R O B E R T S

Certified Public Accountants, A Professional Corporation

April 16, 2020

The Honorable Alice L. Lee, Council Chair, and Members of the Maui County Council
200 S. High Street
Kalana O Maui Bldg, 8th Floor
Wailuku, Hawaii 96793

Re: OPPOSITION TO RESOLUTION NO. 20-59, entitled "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"

Dear Chair Lee and Members of the Maui County Council:

I and my CPA firm oppose placing on the next General Election ballot the question of whether Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, shall be amended, effective July 1, 2021, to require an increase in the minimum annual appropriation to the Affordable Housing Fund from 2 percent of certified real property tax revenues to 3 percent, and that the appropriation remain in perpetuity.

I am licensed CPA and attorney in the State of Hawaii, and have been practicing public accountancy on Maui for over 39 years, with extensive experience working with Maui residents and small businesses. Although I am also Vice Chair of the Council on Revenues for the State of Hawaii and State Director and Legislative Committee Chairperson of the Hawaii Association of Public Accountants (which represents small to mid-sized CPA firms and tax practitioners throughout the State of Hawaii), I am testifying here solely as a long-time resident of Maui and on behalf of my CPA firm.

We are in the midst of battling a historic pandemic which is causing unprecedented economic damage to the State of Hawaii and to Maui County. Many of my clients own or lease Maui real estate, and are now either unemployed or are on the verge of losing their businesses. There will be too many people in need of Affordable Housing on Maui (including those from the mainland who want to move to Maui), and now is not the time to allocate resources toward a need that cannot be met at the expense of those who are struggling on Maui to pay mortgages, put food on the table, and meet everyday bills.

We are currently in an extraordinarily deep recession, and Maui is particularly impacted since we are so dependent on tourism (which has been cut off) and do not have

The Honorable Alice L. Lee, Council Chair, and Members of the Maui County Council
April 16, 2020
Page 2

significant military funding and other industries to support our economy as compared to the other Hawaiian islands. The economic pain of having so many unemployed and so many businesses likely to go bankrupt will require Maui County to focus its resources on other needs of its residents, particularly restoring the Maui economy and its tax base. Spending money on new social services at this time is tantamount to consuming our economic seed crop.

If you have any questions concerning the above, please do not hesitate to contact me at (808) 242-4600, ext. 224 or at niwao@mauicpa.com.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Marilyn M. Niwao". The signature is written in a cursive style and is positioned above a horizontal line.

Marilyn M. Niwao, M.S.P.H., J.D., CPA, CGMA, ATA
President

County Clerk

From: Michael Randall <randallm001@icloud.com>
Sent: Monday, April 13, 2020 6:59 AM
To: County Clerk
Subject: County Manager

RECEIVED

2020 APR 13 AM 7:55

OFFICE OF THE
COUNTY CLERK

If a qualified person can be found to fill the position as the County Manager and there was some way to keep politics out of selection process, I'm all for it!

I feel that it should be either or and not both! Maui County hires a County Manager and gets rid of the Mayors position or sticks to the Mayor running the County. What I don't feel we need is paying the Mayor for being a figure head, government is too big as it is and wastes a lot of tax payers money.

It's been a trend in the Mayor's office to have a large staff of cronies doing nothing!

My experience with the Mayor's office and for that matter the Council and the Department of Water Supply is that none of you respond to emails or phone messages!

Michael Randall

Sent from my iPhone

REVERE & ASSOCIATES, LLLC
A LIMITED LIABILITY LAW COMPANY
PALI PALMS PLAZA, 970 NORTH KALAHEO AVENUE, SUITE A301
KAILUA, HAWAII 96734

RECEIVED

2020 APR 16 AM 10:22

OFFICE OF THE
COUNTY CLERK

TELEPHONE: (808) 791-9550
FACSIMILE: (808) 791-9551

MAGDALENA BAJON
AMANDA L. DUTCHER
CLARISSE M. KOBASHIGAWA
TERRANCE M. REVERE
PAUL SMITH
MAUREEN WILKOM

April 15, 2020

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

RE: CC 20-246 - Transmitting A Proposed Bill Entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," And Related Documents

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

This testimony is submitted on behalf of the Maui Vacation Rentals Association ("MVRA") that we represent, to oppose the County Communication 20-246 regarding "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.37, Maui County Code, Relating To Transient Vacation Rentals In The Apartment Districts And Industrial Districts And Dwelling Units In The Industrial Districts" (hereinafter the "Loophole Bill") because it appears that the commission is being misled by the Department of Planning.

The Loophole Bill in its current form is noticeably different from the one recommended for approval by the Planning Commissions and therefore must be sent back for approval to the Planning Commissions. The risks of adopting this honey trap version of the bill seem irreversible for the owners relying on their vested rights confirmed by the Minatoya Opinion as further codified. The core principles of the legislative process are at risk if the Commission validates these deceptive practices of the Planning Department. No hearing, no testimony and no notice of these even more restrictive changes. Therefore, the Loophole Bill must be sent back for approval to the Planning Commissions.

Very truly yours,



TERRANCE M. REVERE

cc: MVRA

County Clerk

From: Velva Ribble-Padgett RS <velvaribble@live.com>
Sent: Friday, April 17, 2020 4:13 AM
To: County Clerk
Subject: NO to tax hike for affordable housing

Sent from Mail for Windows 10

The county cannot afford to carry the general public let alone an increase for affordable housing. No one will be able to afford to keep their home right bow let alone purchase. Our State may be bankrupt soon. Can we afford to all be like Molokai with 1/3 of the population before coronavirus to be on unemployment? Really? And do you think agriculture makes a profit? Sugar cane was subsidized by the Feds.

No increase.

County Clerk

From: Velva Ribble-Padgett RS <velvaribble@live.com>
Sent: Friday, April 17, 2020 4:16 AM
To: County Clerk
Subject: NO Managing Director

There is NO way another paid official or person not already in a position in our County should be hired. Too many opinions already. Leave the Mayor to do his job. Not at this time there will be no money for this position.

Sent from Mail for Windows 10

County Clerk

From: Riccio <ricciomaui@gmail.com>
Sent: Saturday, April 11, 2020 1:13 PM
To: County Clerk
Subject: Support Bill 52

RECEIVED
2020 APR 13 AM 7:54
OFFICE OF THE
COUNTY CLERK

Hello,

We am writing to support Bill 52, to end the use of PLASTIC disposable foodware in Maui. We pick up rubbish and marine debris on a regular basis, and there are always plastics in what we pick up. There are available alternatives to the plastic ware that is currently being used and these alternatives should be mandatory to protect our beautiful island, and to protect the oceans globally. Let's help Maui be on the forefront of change for the better, like we were with our plastic bag ban.

Aloha,

Carol Riccio
Ronald Riccio

8 Kilolani Lane #302
Kihei, HI 96753



RECEIVED
2020 APR 15 PM 4: 32

OFFICE OF THE
COUNTY CLERK

To: Maui County Council

Re: Bill 52 April 17th -- Maui County Council Hearing

Aloha Maui County Council Members,

Surfrider Foundation Maui Chapter is in strong SUPPORT of Bill 52 related to the sale and the use of plastic disposable foodware. We appreciate your overwhelming support of the bill and passing it out of first reading.

Surfrider Foundation Maui Chapter has long been a local advocate of Maui County policies to reduce our community's use of (and dependence on) single-use plastics. Plastic pollution is a serious issue plaguing our island. As a grassroots organization, our efforts focus on educating the public about the impacts of plastic pollution through community-based beach cleanups, debris removal, and local education/outreach.

In 2016, Surfrider Maui Chapter helped launch the statewide Ocean Friendly Restaurants initiative to highlight local businesses who have reduced their plastic dependence. This program now boasts 26 local businesses committed to eliminating single-use plastics like straws, forks/knives, and to-go containers.

In the last 10 years, the number of compostable, plant-based products has increased significantly and are now widely available to restaurants throughout Maui County. At the same time, the cost of alternative products has dramatically decreased. Bill 52 is an incredible step forward for our community in supporting businesses switching to alternative products as well as eliminating single-use plastic waste streams.

Mahalo again for your support of Bill 52 and efforts to reduce single-use plastic waste streams on our island. We appreciate your forward thinking and voting YES on Bill 52 to support Maui's native wildlife, our environment, and future generations of keiki and communities. We are proud that Maui can be a leader not only in Hawaii but throughout the world to end our dependence on single-use plastics.

Sincerely,

Christine Roberson,
Vice Chair
Surfrider Foundation Maui Chapter

County Clerk

From: Debra Rothrock <debra.rothrock@gmail.com>
Sent: Wednesday, April 15, 2020 2:29 AM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware.

RECEIVED
2020 APR 15 AM 8:26
OFFICE OF THE
COUNTY CLERK

Please support this bill. We were full-time residents on Maui for many years and saw what a big difference it made to the community and environment when the plastic bags were banned. As a frequent participant in beach clean-up, we see many straws discarded, which are so detrimental to marine life. We also see some take-out plastic items such as silverware tossed aside, and know that it damages the environment for many years.

We still own a timeshare and would appreciate a cleaner Maui for all.

Mahalo,
Debra Rothrock
Maui Sunset B320

Sent from my iPad

RECEIVED

2020 APR 13 AM 9:19

3/26/2020

Written Testimony in Support of;

**EACP-16: A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.24
RESTRICTING THE USE AND SALE OF PLASTIC DISPOSABLE FOODWARE**

Kiera Ryon

Maui Huliau Foundation - Huliau Green Events

kiera.ryon@gmail.com

808-633-6067

Aloha,

My name is Kiera and I am the program director for the Huliau Green Events program. We work with events such as Friday Town Parties, Made in Maui County, Ag Fest, Ho'olaule'a's and Craft Fair's all over the island. This program is designed to see our waste as a resource, and divert an average of 80% of the event's waste from the landfill!

My testimony is not going to go into detail about why plastic is bad, because I am sure you will receive plenty of those. I would instead like to share my personal experience in working daily with food trucks, vendors and restaurants as they switch to compostable food ware.

Over the past three years our program has diverted **27,000 lbs** of waste from our landfill and this is because the chefs and businesses we work with have already stopped using plastic disposable foodware. We have worked with over 95 food vendors across the county and the response/outcome is consistently positive.

The reason why this bill is so important is because it will eliminate the sale of "greenwashing" products. Greenwashing is a form of false advertising which is used to persuade the public that their products are "green" by using misleading terms and design tactics. Therefore there are foodware products that are tricking us by saying they are "environmentally friendly" when really they are just made with plastic.

Greenwashing is the biggest issue that we run into in our program because our businesses want to do the right thing, but they are getting tricked. Often these

greenwashing products are more expensive and so it is also adding to the myth that all compostable products cost more than plastic.

In closing, I want to ensure you from working in this industry, that this transition will not be difficult for our local food vendors. All of the businesses that I have worked with want to do the right thing, but “greenwashing” products are what is making it difficult.

I support bill **EACP-16**.

Mahalo Nui Loa for your time,

Kiera Ryon

County Clerk

From: Anna M Severson <annaseverson@hawaiiilife.com>
Sent: Thursday, April 16, 2020 11:21 AM
To: County Clerk
Subject: Bill 52

RECEIVED

2020 APR 16 PM 12: 02

OFFICE OF THE
COUNTY CLERK

I support the bill to reduce plastic waste on Maui! We don't need to drink water out of plastic bottles at all the sports games! Install more water fountains for reusable bottles and educate our Ohana. We drank Maui tap water when we were kids and we are happy and healthy!!

Anna Severson - West Maui

County Clerk

From: Mika Roberts <honuakaisun@gmail.com>
Sent: Thursday, April 16, 2020 3:55 AM
To: County Clerk
Subject: Notice of Public Hearing

RECEIVED

2020 APR 16 AM 8:00

OFFICE OF THE
COUNTY CLERK

The council of the county of Maui should be embarrassed for doing this during the Coronavirus outbreak. You are taking advantage of a crisis and this should be illegal. The state is basically on lockdown and you are suggesting somehow that you should call a meeting to order that bears importance to so many who will be restricted from attending. This needs to be stopped. You are taking your local economy that is already on it's knees and holding a gun to its head. How thoughtless and greedy can you be. If you think this is representing your people you are so mistaken. People are going to loose jobs permanently and your economy is going to tumble because of your bad choices. I would strongly suggest reconsidering this action.

Mika Sharratt
130 Kai Malina Pkwy
Lahaina, HI

County Clerk

From: Jim or Belinda <2jbhome@hawaiiantel.net>
Sent: Thursday, April 16, 2020 8:41 PM
To: County Clerk
Subject: Testimony RE Resolution No 20-60

Katy L.Kaohu

Clerk of Maui County

Please provide this testimony to Members of the Maui County Council.

Mahalo, Jim Smith

Testimony regarding proposed Charter Amendment to
establish County Manager structure of governance.

Aloha, Council Chair Alice L. Lee and Members of the Maui Council,

Please take no action on the subject of restructuring our political structure by establishment
of a county manager and subsequent changes to Department structures..

I want to testify in person on this subject. But, Governor Ige's and Mayor Victorino's declared state emergency
as related to legislative deliberation and public participation interferes with that desire.

More importantly, these dictates harm my statutory right as provide by our Sunshine Law to be there in person if I
choose to participate.

I request that action on the proposed subject of the public hearing be deferred.

Mahalo

James R. Smith

572-0218

Haiku, Maui Hawaii 96708

County Clerk

From: Bill Snipes <billsnipes808@gmail.com>
Sent: Wednesday, April 15, 2020 8:47 PM
To: County Clerk
Subject: Proposed Ballot Initiative to Create a County Manager Position

RECEIVED
2020 APR 16 AM 7:59
OFFICE OF THE
COUNTY CLERK

To Council Chair and Members:

In 2016, the Maui County Council formed a Temporary Investigative Committee to study a variety of governance structures and to consider whether to change our County's form of governance. The Committee provided an array of information to the Council and recommendations for a proposed ballot question. However, the Council decided not to adopt the recommendation at that time.

This new proposal is scheduled to be heard, in "virtual"-session on Friday morning, April 17, due to the current emergency situation arising from the COVID-19/coronavirus. It seeks to make deep changes to our County Charter (unrelated to the public health crisis). Given the simultaneous gravity of both the proposal and the COVID-19 crisis, the public will not have adequate opportunity to consider the matter and express their views. The Council should, in the interest of open government, adopt a process that allows for full community deliberation and input.

Moreover, it seems appropriate for a matter of this magnitude to be referred to the Charter Commission, a body whose role is to review the operations of the County government and weigh in on proposed changes to our constitutional document that result in significant changes for our community. Several years have passed, and since then improvements have been made to the existing form of government. It is my belief that the current proposal could use further review and refinement to ensure that its stated outcomes are achieved.

In particular, I believe the Charter Commission needs to consider whether or not the proposal is fiscally responsible in terms of costs for public services, and whether or not it includes safeguards for taxpayers in the event that the County Manager fails to meet stated objectives. The Commission should also obtain broad-based community input, and incorporate methods to

assess the success of the newly-created office. The Commission would then provide a thorough report based on a transparent, deliberative process to ensure the proposal does not incorporate other miscellaneous, unrelated, or even unintended changes into the Charter.

The people of Maui County deserve the best possible county government that achieves its stated objectives without unduly burdening its citizens financially. In order to achieve this, we must wisely consider the form of our administration, which includes careful and sound vetting of the proposed changes, public education, broad community input, and accountability for those we empower to govern our community. Passing a proposal to make wide-ranging changes to our County Charter during this state of public health emergency does a great disservice to our diverse constituents, who deserve to have full attention on this major proposal and to be able to provide their input. To consider this matter without the Commission's work, and while both the community and the Mayor are understandably preoccupied by a health crisis now ravaging our State and the nation, would be beyond unfortunate.

I strongly urge that this matter either be referred to the Commission or at least tabled until such time as the deadly health crisis has subsided.

Mahalo for your consideration.

G. W. Snipes (sent via fax and email)

County Clerk

RECEIVED

From: Bill Snipes <billsnipes808@gmail.com>
Sent: Wednesday, April 15, 2020 9:04 PM
To: County Clerk
Cc: Yukilei Sugimura
Subject: Proposed Establishment of a County Manager Position

2020 APR 16 AM 7: 59

OFFICE OF THE
COUNTY CLERK

To Council Chair and Members:

I fully support the comments of Member Sugimura on this issue, as recorded in her Press Release today entitled "County Manager Proposal Should be Properly Vetted by Charter Commission".

Passage of this proposal at a time when both the public and Mayor are preoccupied with the literally deadly implications of the COVID-19 health crisis, would be beyond unfortunate.

I strongly urge the Council either to refer the matter to the Commission, or table the matter until the health crisis has abated.

Mahalo for your consideration.

G.W. Snipes (via fax and email)

County Clerk

RECEIVED

From: Lillian Solano <lsolano@hawaii.edu>
Sent: Thursday, April 16, 2020 9:50 AM
To: County Clerk
Subject: Mahalo- Bill 52!

2020 APR 16 AM 10: 22

OFFICE OF THE
COUNTY CLERK

Aloha,

I support Bill 52 in the passage of banning single use plastics. Let's continue leading the way and be the solution giving our community and keiki a brighter future.

Thank you for your time.

Lily Solano

County Clerk

From: LIZ STAHL <lovethesea99801@yahoo.com>
Sent: Friday, April 10, 2020 12:53 PM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

RECEIVED
2020 APR 13 AM 7:53
OFFICE OF THE
COUNTY CLERK

Hello> First I would like to say how much I appreciate and respect this council. I appreciate that you are respectful of our delicate ocean environment. I believe that banning single use plastic food ware is the next step to ensuring a safer environment for all sea life. I walk and swim and snorkel the waters around Maui and I am saddened by the amount of plastic debris that is floating and that washes up on our shores. I pick up trash on all of my walks and I can say that at least a third if what I find is food ware.

Please stop the use of plastic disposable food ware. I believe that we all will benefit.

Thank you so much for your time and interest in this matter.

Sincerely,

Elizabeth S Stahl
140 Uwapo Rd 11-105
Kihei, HI 96753
808-419-6005
Owner/Substitute Teacher/Ocean volunt

County Clerk

From: Stillys <stillys@hawaii.rr.com>
Sent: Tuesday, April 14, 2020 1:16 PM
To: County Clerk
Subject: Testimony for Council Meeting April 17, 20 Item 20-60

Esteemed Council,

Much appreciation to you all for continuing to govern responsibly during this time. We wish to express our support of Item 20-60, the proposed charter change regarding a county manager position. This proposal has been in public discussion for over 9 years through official and community channels and debate. In 2015-2016 the Special Committee on County Governance was empaneled by 11 citizens to research the pros and cons. This in turn led to the revised and refined proposal now before the council on second reading. Please vote to pass the item. A large voter participation can be expected in November ensuring the charter amendment proposal will be decided by the greatest number of citizens. Now is the time for the voters to decide.

Thank you for your service.

Patricia and Jefferson Stillwell
227 Kamakoi Loop
Kihei, HI 96753

RECEIVED
2020 APR 14 PM 1:59
OFFICE OF THE
COUNTY CLERK



Virus-free. www.avast.com

14 April 2020

TO: Maui County Council Chair Alice Lee
Vice-Chair Keani Rawlins Fernandez
Maui County Council Members

SUBJECT: Bill 52 related to the sale and the use of plastic disposable foodware

Aloha Maui County Council Members,

My name is Michael D. Stone, I am a graduate student in the Tropical Conservation Biology and Environmental Science Program at the University of Hawaii at Hilo studying the global impacts of plastic pollution.

First, I would like to thank you all for this opportunity for my voice to be heard. I hope by doing so I can help the cause and get more fellow colleagues and students familiar with the process of exercising our voice within the community. I am in **strong support of Bill 52** related to the sale and the use of plastic disposable foodware.

In the field of conservation biology, there is a common theme of hopelessness. I have learned dozens of issues regarding the current health of our planet, including record amounts of CO₂ in our atmosphere, high extinction rates, and extreme weather conditions happening all over the world. I personally witnessed the droughts and wildfires wreak havoc to ecosystems in California, observed the coral bleaching in Australia and in Hawaii, and it's especially discouraging when it feels like there is nothing that can be done on an issue. Out of all the issues I have studied, I find humans' unsustainable "waste culture" leading to plastic pollution globally particularly worrisome. Furthermore, each year the amount of solid waste from humans entering the oceans increases. Just about everywhere scientists have looked from the Arctic and Antarctic to the deepest point of the ocean there have been traces of plastic pollution, traces of humans. Plastics are being consumed by everything from the smallest plankton to massive whales thus entering our own food chain at multiple levels. Research shows that 90% of seabirds contain some type of trash in their guts. Not only is this continued cycle of consumption and disposal of this trash killing wildlife, but it is also altering their behaviors in troublesome ways.

I witnessed this issue in person during my beach cleanup activities with Hawaii Wildlife Fund on "Kamilo" beach otherwise known as the trash beach here in Hawaii. We found trash from all over the world. After removing truckloads of waste from the beach I was told within a week or two it would all look the same. This made me want to act even more on the issue. However, if you think about the grand scheme of things; no matter how many beach cleanups are

conducted it won't stop the real issue. That brings the question of **how might a stressed out, broke graduate student attack such a global issue such as plastic pollution?**

Well, without a doubt, there is enough literature and evidence to convince anyone who reads that plastic pollution is extreme. To change the world, we must act locally and within our own communities. The time to act is now, and I believe that the legislative process and prevention policy is the weapon of choice. No waste or recycling station in the world is equipped to deal with the ever-increasing volume of plastic pollution we are creating. Too much single-use packaging is being produced with no plan for what to do with it afterward.

Furthermore, it is critical that we act to **prevent** any further impact, versus **react** later which will be far more expensive, and perhaps too late. Recently, the US EPA instructed the Hawaii Department of Health that it must consider plastic a pollutant in their bi-annual assessment of "impaired" waters. The state must begin monitoring coastal waters for plastic pollution and come up with ways to prevent such an impact like this Bill clearly proposes. I believe that passing Bill 52 will set a great example for the generation to come and will help combat such pollution. The people of Hawaii have always been progressive on the issues regarding the environment, and I hope we can continue to keep that legacy of protecting our land and oceans.

Mahalo for your time and consideration on an issue impacting all walks of life.

Michael D. Stone
UH Hilo Masters Candidate
Tropical Conservation Biology and Environmental Science (TCBES)

County Clerk

RECEIVED

From: Michael Stone <mstone2@hawaii.edu>
Sent: Thursday, April 16, 2020 11:30 AM
To: County Clerk
Subject: Bill 52 April 17th -- Maui County Council Hearing

2020 APR 16 PM 12: 02

OFFICE OF THE
COUNTY CLERK

Mahalo, for taking time out of your busy schedule to hear to the voice of the community.

 Stone-Testimony

--

Michael .D Stone

UH Hilo Masters Candidate

Tropical Conservation Biology and Environmental Science (TCBES)



April 16, 2020

RECEIVED

2020 APR 16 PM 4: 34

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

OFFICE OF THE
COUNTY CLERK

RE: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS ND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," and related documents.

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

It is unacceptably unclear what this Bill is written to try to accomplish.

Left in its current evolution, it appears only to be a desire to impose someone's will upon others without a clear economic gain for either the state or residents of Maui county. What exactly is the legislative benefit, with regard to creating rules, procedures or implementing mechanisms that will help with the process of long-term or short-term rentals in Maui county.

The million-dollar question that has been asked since the first meeting, is asked at every meeting, and is never answered, is WHY?!

WHY is this Bill being presented?

Unless this can be articulated in a convincing and attractive way, the rest of the Bill is moot, and all other discussions are putting the cart before the horse. It should be not just the starting place, but the gate keeper to validate the rest of the dialog. Yet it proves to be the hardest place to engage the Planning Department at any level.

And I am left to wonder if the resistance to answering this question, is only and exactly because of an acute awareness of the inability to both reveal that answer and gain or maintain any support for it at the same time.

Which leads me to believe the impetus of this Bill may be very well driven by an obscured ulterior motive that serves very few, and perhaps even just one. And that deserves the highest priority of transparency and illumination.

Else, why not just simply answer, "WHY?".

Sincerely,

Julie Strong

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

My written testimony is submitted in opposition to Resolution No. 20-60 which proposes to change our current form of governance in the County of Maui to a County Manager, putting this matter on the November 2020 General Election Ballot which is a few months from now. Currently, our community together with the rest of the world face a public health crisis and now people are also dealing with the personal, social and financial consequences from the COVID 19 virus. Our community's attention and focus is squarely on this crisis. For the County Council to take action on Resolution No. 20-60 which advances the County Manager form of government in the midst of this pandemic is neither fair to this community or responsible government action.

There are those of us in this community who are surprised that the County Manager proposal is being taken up by the Council at this time. A similar proposal was previously considered a few years ago and in the final end rejected by a different Council. Questions still linger as to what a County Manager is, as well as why and how such a significant change in governance benefits our community. Also, what financial impacts have been assessed in this proposal? The community deserves a meaningful public dialog process on the debate surrounding this County Manager proposal. People are entitled to being educated and informed on exactly what this proposal is about and its ramifications. Advancing such a significant proposal in the midst of this crisis which is impacting every aspect of our lives is a great disservice to the public.

Sending this matter of the County Manager to the Charter Commission which will be convened in near future, is appropriate. As we face this public health emergency, in the interest of transparency and fairness, I respectfully request that the Council not approve Resolution No. 20-60.

Kathleen K. Suzuki
Wailuku, HI

RECEIVED
2020 APR 15 PM 1:29
OFFICE OF THE
COUNTY CLERK

Testimony submitted via email: county.clerk@mauicounty.us

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

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Sending this matter of the County Manager to the Charter Commission which will be convened in near future, is appropriate. As we face this public health emergency, in the interest of transparency and fairness, I respectfully request that the Council not approve Resolution No. 20-60.

Warren A. Suzuki

Wailuku, HI

Testimony submitted via email: county.clerk@mauicounty.us

OFFICE OF THE
COUNTY CLERK

2020 APR 15 PM 1:29

RECEIVED

To: Chairperson Alice Lee

RECEIVED

From: Darrell Tanaka
Haiku

2020 APR 16 AM 7: 59

RE: Resolution 20-60 , creation of County Manager position. Hearing date April 17, 2020, regular council meeting.

OFFICE OF THE
COUNTY CLERK

This testimony is in opposition to Resolution 20-60 as it seeks to create a County of Maui Manager position...this will not only cost taxpayers more money, but will create an unbalance of power in the County Council's favor. Furthermore, something this important should'nt be discussed at a time when the public is in lockdown due to the Covid 19 crisis. Also, your stance on video or audio testimony is faulty, if said testifier is cut off and the council does not hear the entire testimony of said individual, it violates that individuals rights to testify, the meeting should not proceed if such problems occur.

Respectfully submitted,
Darrell Tanaka
Haiku, Maui.

TESTIMONY – County Council Meeting – April 17, 2020

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

Council Chair Alice Lee

Council Vice-Chair Keani Rawlins-Fernandez

Council Members

Tasha Kama

Riki Hokama

Kelly Takaya King

Mike Molina

Tamara Paltin

Shane Sinenci

Yuki Lei Sugimura

RE: CC 20-246 - Transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS ND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS,” and related documents.

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

My name is Margit Tolman; I am a Real Estate Broker on Maui.

I am strongly oppose the acceptance of this bill for following reasons:

1. The original drafted bill which was presented to the Planning Commission had different language.
The alterations to the bill presented now are changing the purpose and outcome.
Either use the original version of the bill which was recommended by the Planning Commission, or send this modified version back to the Planning Commission for their review and possible recommendation.
2. This new version of the bill is misleading the public and lacks transparency. There is no reason to bypass the function and purpose of the Planning Commission.
3. Why is this bill getting rushed in a time when residents are coping with life challenges connected to the Covid-19 Disaster Proclamation and have limited access to the Planning Commission and County Council Meetings and process?
4. This draft has nothing to do with closing “loopholes” as explained by the Planning Department. It is reversing a law.

5. The alterations are putting us back to the time before the Minatoya Opinion which clarified that the uses are determined by complex and not individual units. The Codification put the Opinion into law.
6. Home owners purchased their property with certain property rights. Putting them into a “non-conforming” status could create issues with refinancing and sales.
7. The economic effect of COVID19 for Maui County is unknown at this time. Maui has a long road in front of it. Residents are scared, have lost their jobs, and did not get unemployment money or stimulus checks. Tenants cannot pay rent, Landlords cannot pay their mortgages. Businesses are waiting for promised grants and loans in order to re-hire. In the meantime, small and larger businesses are closing for good. The financial stress is noticeable in growing tension in the community. This is not the time to close doors; it is a time to open opportunities.

I herewith ask the Council to recognize that the alterations to the original draft are considerable and this new draft needs to go back to Planning Commission.

Thank you for your consideration,

Margit Tolman R (B)
Hookipa Properties
(808) 264-0814

County Clerk

From: Margit Tolman <home@Hookipa.com>
Sent: Thursday, April 16, 2020 7:48 PM
To: County Clerk
Cc: Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Testimony/County Council Meeting 4/17/20
Attachments: 4.17.20TestimonyCC20-246.pdf

TESTIMONY – County Council Meeting – April 17, 2020 Testimony is attached as PDF file Council of the County of Maui
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Council Chair Alice Lee
Council Vice-Chair Keani Rawlins-Fernandez Council Members Tasha Kama Riki Hokama Kelly Takaya King Mike Molina
Tamara Paltin Shane Sinenci Yuki Lei Sugimura

RE: CC 20-246 - Transmitting a proposed bill
entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO
TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS ND DWELLING UNITS IN THE
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I herewith ask the Council to recognize that the alterations to the original draft are considerable and this new draft needs to go back to Planning Commission.

Thank you for your consideration,

Margit Tolman R (B)
Hookipa Properties
(808) 264-0814

HO'OKIPA HAVEN VACATION SERVICES, LLC
Margit Tolman, Manager
P.O.Box 791658 Phone: 808-579-8282
62 Baldwin Ave. # 2A US/CAN: 800-398-6284 Paia, HI 96779 Fax: 808-579-9953 USA info@hookipa.com
<http://www.hookipa.com>

Since 1990, our professional staff provides personal concierge services and is detailed oriented to create your dream vacation.

Specializing throughout the Hawaiian Islands for accommodations (hotels, condos, private homes, B&B's) cars, island hopping tours plus island activities.

We are located in the little town of Paia on Maui's North Shore. Please feel welcome to stop in anytime Monday to Friday, 9 am to 5 pm.

Aloha nui loa

County Clerk

RECEIVED

From: Mary Trotto <Mary.Trotto@liu.edu>
Sent: Friday, April 10, 2020 10:30 AM
To: County Clerk
Subject: Support of the. Proposal for placing the county manager proposal on the ballot

2020 APR 13 AM 7: 52

OFFICE OF THE
COUNTY CLERK

I support the council's decision to move forward with the proposal to have a county manager and look forward to it on the ballot. Who will educate the public about the proposal both pro and con?
Aloha from Dr Mary

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2020 APR 15 PM 2:09

OFFICE OF THE
COUNTY CLERK

April 15, 2020

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

RE: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," and related documents.

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

My name is Michael Trotto and I am a permanent resident of Kihei. Thank you for allowing me to provide the following testimony on behalf of myself in opposition to County Communication 20-246 and the proposed Bill for an ordinance amending Chapter 19.12, 19.24, 19.37, Maui County Code, relating to transient vacation rentals in the apartment districts and industrial districts and dwelling units in the industrial districts, and related documents. I strongly oppose the proposed amendments to Chapter 19.12, because of the deceptive manner utilized by the Department of Planning in altering the Bill from the way it was ultimately recommended for approval by the Planning Commissions, and then submitting this unapproved version as presented in County Communication 20-246.

The version of the Bill now being presented to the Council in County Communication 20-246 is so drastically different from the Bill that was approved by the Planning Commissions, that in the interest of complete transparency and fairness to the public, the only Bill this Council should be considering is the original Bill as it was recommended and approved by the Planning Commissions. Again, thank you for this opportunity to provide testimony on this important item.

Respectfully submitted

Michael Trotto
Kihei, HI

County Clerk

From: Julianna <julianna.trow@gmail.com>
Sent: Monday, April 13, 2020 4:29 PM
To: County Clerk
Subject: In Support of Bill 52

RECEIVED
2020 APR 13 PM 4:34
OFFICE OF THE
COUNTY CLERK

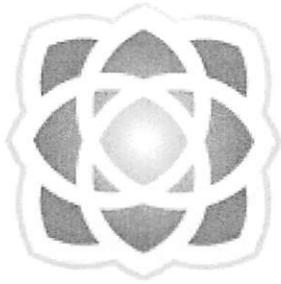
Dear Maui County Council,

I am emailing you all in support of Bill 52, the ordinance amending chapter 20.26, relating to the sale and use of plastic disposable food ware. It is essential that this bill be passed for the future health of our islands and the sustainability of our economy. Please help us protect the ocean and the land (the source of our livelihood and income) by supporting Bill 52. And mahalo to all those that have supported this bill so far!

Thank you for your time and consideration and for investing in our future.

Best,
Julianna Trowbridge

Sent from my iPhone



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Resolution 20-60

RE: Ballot Question on County Manager

Friday, April 17, 2020

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

With our current crisis with the COVID-19 pandemic, now is not the time to educate voters on this issue between now and the election. We feel a considerable amount of public education is needed on this issue, especially with this being the first year of mail in voting.

The public also needs to understand that they will not be voting for this Managing Director, who will hold significant power in the County, but will be leaving that in the hands of 5 committee members. With the new Council process, we saw the tremendous delays for getting Director appointments approved, with considerable disagreement, which hugely delayed administration and government functions from moving forward. There is concern that this would be repeated in the process of hiring a Managing Director, which would further exacerbate the problem.

Substantially more thought and vetting the pros and cons of this process need to be flushed out and provided to the public before they vote on this charter amendment and with so many other urgent situations they are dealing with to sustain their families during this difficult time, now is not the time to do so.

Further, it is important to revisit the findings of the 2016 Cost of Government Commission, Special Committee and TIG. The Cost of Government Commission, summarizing its draft 2015-2016 Annual Report, recommended the Council not propose to change the form of governance. The summary recommends: (1) updating department-level performance measures to make them more operational, accessible, frequent, and commensurate with countywide plans; (2) empowering the Council with the right to vet mayoral appointments (which the Council is now doing, which caused great delays in this administration getting started and people were treated poorly); and (3) utilizing the Charter Commission to propose any change in form of governance for the County. The Special Committee noted, while presenting three possible forms of County Manager governance, that the Temporary Investigative Group (TIG) stated a preference for a form of governance wherein a Managing Director would function as the chief operating officer and an elected Mayor would represent the County in intergovernmental relations, have veto power, nominate members of board and commissions, and could declare a County emergency or disaster. The TIG reasons this option would "put the right person with the required skills and experience in the position to manage the County's operations, while retaining a Mayor with significant responsibilities and maintain checks and balances between the legislative and executive branches."



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Reso. 20-60 Ballot Question on County Manager

Friday, April 17, 2020

Page 2.

However, the Special Council noted concerns that: (1) changing the form of governance to a County Manager structure would not necessarily result in improved County management or continuity of leadership; (2) there does not appear to be a strong correlation between effectiveness in core functions and form of governance; and (3) objective parameters, such as bond rating, indicate the County of Maui is currently working well (which is still true today as we have a AA+ bond rating).

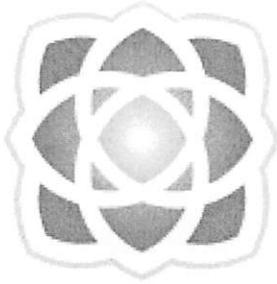
Given the notes from the Special Council that are still applicable today and the timing of this, we urge the Council to defer this bill at this time.

Mahalo for the opportunity to provide testimony on these matters.

Sincerely,

Pamela Tumpap
President

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



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**Testimony on CC 20-246
Relating to Transient Vacation Rentals in the Apartment Districts and
Industrial Districres & Dwelling Units in the Industrial Districts
Friday, April 17, 2020**

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

We have concerns about the process and transparency in regards to CC 20-246.

The process dictates that proposed bills from the Planning Department first be reviewed and approved by the Planning Commission before moving on for review by the County Council. This bill was approved by the Planning Commission, but was changed before moving forward to the County Council. We would understand if they were minor nonsubstantive changes for clarification. However, these particular changes and omissions between versions changed major parts of the bill.

These changes are clear in Section 1, Section 3 (where an entire paragraph [Part G] was removed) and Section 10.

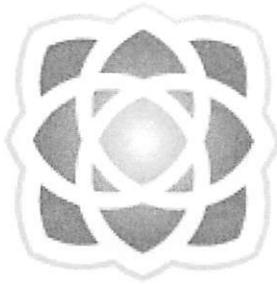
Given the Council's drive for transparency, we ask the Council to either review the correct language that was approved by the Planning Commission or defer this version of the bill and send it back to the Planning Commission for their review of the new language.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

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



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

**Testimony on CC 20-241
Relating to Workforce Housing and 201H Hawaii Revised Statutes
Housing Projects
Friday, April 17, 2020**

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

Mahalo for the opportunity to provide testimony.

We are deeply concerned with this proposed bill to increase the percent of required affordable housing units to 75%.

When the Council adopted Chapter 2.96, Maui County Residential Workforce Housing Policy, it required that 50% of units be affordable. The results of this chapter were damaging with only 1 workforce housing agreement executed and only 3 homes built between 2006-2014. Given the appallingly low results, the chapter was later amended to 25% (where it currently stands) and hundreds of affordable houses have been built as a result.

While inclusionary zoning does work in some counties and cities, it does not work for all and arbitrarily increasing the percentage while disregarding historical data certainly will not work for Maui County. Why would we want to go back to a dark time in our history when affordable housing and rentals is a critical need and top priority?

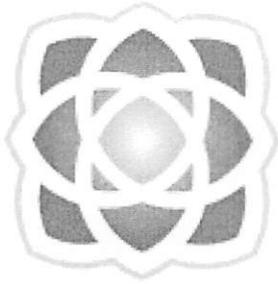
We urge the Council to look at the historical data and not increase the percentage of required affordable housing. The results of doing so will be a devastating blow to the affordable housing progress we have made and halt future projects.

Please defer this bill.

Sincerely,

Pamela Tumpap
President

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



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Testimony on Bill 52

Re: Restricting the Use and Sale of Single-Use Plastic Disposable Foodware
Friday, April 17, 2020

Dear Chair Lee, Vice Chair Rawlins-Fernandez &
Members of the Maui County Council,

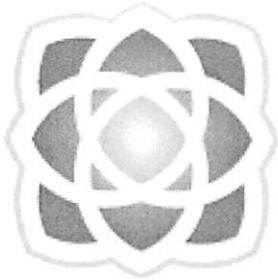
Aloha and Mahalo for the opportunity to provide testimony on this bill.

First, it is currently not the time to even consider a bill like this during the COVID-19 pandemic. Businesses are overwhelmed and many restaurants are having to completely change their operations, lay off workers and are dealing with the stress of a slow and uncertain next few months with the County under stay at home orders, and even further with the recession to follow. Now is not the time to ask them to make significant and costly changes. We urge you to defer this bill for at least a year and wait for the State Task Force's findings and recommendations.

It seems the intent of this bill started with a focus on restaurants, cafes and grocery stores who sell hot prepared food items, but the bill morphed into a broader version that ties into the manufacturing realm and could cause significant problems for local manufacturers. Given that there is already a State Plastic Source Reduction Working Group in place, we feel this bill is premature as they are having meetings on this very topic. It would be prudent to wait and allow the task force to provide recommendations first before preemptively passing a bill that could have many negative unintended consequences.

Additionally, we are at a time when we are trying to expand manufacturing in Maui County and commerce statewide, domestically and internationally therefore, inconsistencies between this law and what is allowable in other counties in the state would be problematic for statewide commerce.

Waiting on the results of the task force would also allow us to reexamine our waste facilities and identify if we are achieving our goals of composting and seeing these compostable materials break down as anticipated. We are concerned that composting containers in residential areas with home composting is allowed as it appears to assume people know what it takes to break these containers down and that they are breaking down in a safe and timely manner, following required procedures.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on Bill 52 Page 2.

Another benefit to waiting for the task force is their results may contain solutions for various food types that do not do well in compostable containers. We have seen that since the polystyrene ban, many of the compostable containers restaurants use now will leak with hot foods and sauces. As a result, many are lining the containers with aluminum foil or plastic wrap, which still goes in the landfill and can be harmful to consumers. This was not considered when reviewing polystyrene.

In addition, there are specific areas of the bill where we have concerns. While we appreciate the exemption on significant hardships due to no reasonably affordable alternatives, we feel the definition of reasonably affordable is too high at 40% and does not allow for consideration based on individual circumstances, including size and operation of the business. Given the margins that many restaurants have to run on to stay in business, this would be damaging. At a time when small businesses are already facing a potential increase in the Maui County GET, a possible minimum wage increase, and an economic downturn from COVID-19, now is not the time to add another expense without understanding the effects it will have.

Further, in section 20.26.050 Exemptions, Part A, we believe the way the paragraph is written could lead to complications. We understand the words "unless provided for consumption without further food preparation (e.g. sashimi and poke)" is supposed to refer to seafood. However, because "unless provided for consumption without further food preparation (e.g. sashimi and poke)" is placed at the end of the sentence, it then appears to apply to all of the food exemptions. As it is now, strawberries that are grown and packaged in Maui County could not be packaged in plastic, despite it being "unprepared produce" because strawberries can be consumed without further food preparation. To address this, we recommend putting those words specifically after seafood.

We appreciate the opportunity to provide testimony on the bill and we ask that this bill be deferred so necessary research and discussions can be had. We also hope that the County will work to address litter control and expanded recycling programs which can be positive steps moving forward and help to avoid the need for bans.

Sincerely,

Pamela Tumpap

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

RECEIVED

2020 APR 16 PM 2: 57

April 16, 2020

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

OFFICE OF THE
COUNTY CLERK

RE: CC 20-246 - Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, 19.24, 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS ND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," and related documents.

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and Members of the Council:

My name is Roy Vandoorn, I am a resident of Wailuku and am a member of the REALTORS Association of Maui (RAM). I am not allowed to speak for RAM, however, I wanted to communicate that I agree with the attached testimony that our Government Affairs Director, Jason Economou, submitted.

As you are all painfully aware, we are living in unprecedented times. During this time where we are practicing social distancing, it is even more important that government at all levels provide total transparency and to make it abundantly clear when previous positions change along with the rationale for the change.

For the Department of Planning to send to the County Council a proposed bill that is significantly different from what was previously communicated to the public and what was approved by the Planning Commission without clearly highlighting those changes and the rationale for those changes is in my opinion unacceptable in normal times and to do so now in the middle of a worldwide pandemic is just plain **wrong**.

Please return this bill to the Department of Planning with instructions to take the new version back to the Planning Commission along with a clear message that this behavior will not be tolerated.

Respectively,

Roy Vandoorn

County Clerk

From: Susan Varsames <susan@holisticlc.com>
Sent: Wednesday, April 15, 2020 12:28 PM
To: County Clerk
Subject: Testimony for Bill 52

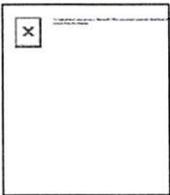
Dear Maui County Officials,

I am writing in support of plastic elimination in all areas of use: utensils, food displays, food packaging, ALL OF IT! There are so many times when it's not needed at all, such as buying ten mushrooms in a plastic box covered in plastic wrap....that can be in a pile for us to pick and put in our own containers....When it is needed, such as a beverage for a child's lunchbox, it can be replaced with hemp or cardboard.

I am in support of plastic elimination on all fronts.

Thank you for caring about our planet, our county, and the future of the environment for our kids and our kids' kids!

Warm Regards,
Susan Varsames, M.A.,Ed., owner



Holistic Learning Center of Maui, LLC
808-222-7981
www.HolisticLC.com

RECEIVED
2020 APR 15 PM 1:28
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Suparna Vashisht <suparnavashisht@yahoo.com>
Sent: Friday, April 10, 2020 12:29 PM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

RECEIVED
2020 APR 13 AM 7:52
OFFICE OF THE
COUNTY CLERK

Hello!

I am a frequent visitor to Maui and I am continuously dismayed by the prolific use of plastic-ware and disposable plates by restaurants, coffee shops, hotels, street vendors, food trucks etc.

Maui is so beautiful, there is no place for trash like that. The environmental damage from single-use products is well documented.

Please ban the use of all single use plastic products and also other single-use plates and containers. There are better alternatives available.

Restaurants like Moku Roots (Lahaina) are leading the way and can show other restaurants the way to operate profitably without the use of any single-use products, not even take-out containers.

Thank you,
Suparna Vashisht
California

COUNTY MANAGER POSITION

RECEIVED

2020 APR 16 AM 8: 01

I vehemently oppose the County Manager position.

I do not understand why the council members want this form of governance. Is it that they want more control than the Mayor?

OFFICE OF THE
COUNTY CLERK

The real issue here is the separation of powers. The Executive Branch is the Mayor and the Legislative Branch is the Council. All are duly elected by the voters to do what the Charter says are their duties. A County Manager, reporting to the Council will obliterate the lines of separation and run counter to the Constitution. This separation of powers delineates governmental responsibilities and provides for checks and balances to ensure accountability and transparency.

Having two people be considered as leading the County will cause confusion. The public will not understand that the Mayor is a "symbolic" or "figurehead" leader and that the real power lies with the County Manager and the County Council.

Why is it that the Council needs so much power? If so, then run to be Mayor!

A Mayor is someone who has gone through the ranks, has lived and grown in the County and has established their resume through community involvement with schools, churches, athletics, nonprofit agencies, the business community, etc.

This person has probably served on numerous other boards or commissions in the public and/or private sector, gaining experience and knowledge of the three islands and its people. A Mayor is someone with heart because he/she has the heartbeat of the people.

Submitted by:

Joycelyn M. Victorino

Phone #: (808) 281-5638

RECEIVED

2020 APR 13 AM 11: 58

I support County Council Agenda item J. Resolutions, #20-60 which if approved will finally give the voters the right to decide whether to amend our charter to provide for a hired, professional managing director, and **I oppose deferring the question to the next charter commission**

OFFICE OF THE
COUNTY CLERK

Been there. Done that. I know because I was a member of the 2011-2012 Charter Commission where the issue was squarely put in front of us early in the proceedings by none other than then-current mayor Alan Arakawa (and others) who testified in support of elevating the role of the managing director into that of a hired professional. Mayor Arakawa noted how Maui County had changed since adoption of the current charter. Here are some of his remarks to the Charter Commission, quoted from the minutes of August 29, 2011:

A professional group would be there and be very consistent no matter who the Mayor was. You would have control of all departments, you would be able to have someone that had the institutional knowledge.

Right now, every four years, you could have a change so that the direction of the County shifts a lot. When you're going to try and budget for long-term, and try and create policy long-term, it may be worth considering long-term type of positions so that there is consistency in what's happening. Other jurisdictions have it, but this would also mean having to restructure how our County Government is done. And that would be very, very complicated in a short discussion.

In the end, we unanimously agreed with the mayor's assessment of the complexity of the issue, and we recognized its importance. So the Commission's final report to the county council included a recommendation that a separate task force be established to review the effectiveness of county government, research other models of local governance and issue a separate report.

This happened when in 2015 the county council created a Special Committee on Governance, which was empaneled by 11 esteemed citizen leaders in much the same way charter commission members are selected. The Special Committee met over several months in 2015-2016 during which it took hours of public testimony and engaged in vigorous debate. Ultimately it recommended a charter change to convert the current managing director position into a manager hired by the council coupled with an elected mayor with mostly ceremonial duties. Many in the community were concerned with this structure, largely out of worry it would weaken the balance of power between the executive and legislative branches of government. Others simply wanted to have a strong, elected mayor in charge, one accountable for performance at the ballot box every 4 years.

Recognizing these concerns, the current charter change proposal now before the council strengthens the managing director's role while retaining a strong, elected mayor who will select, hire, fire, direct and control the managing director. The managing director in turn will select, hire and fire many department heads, but not those already under the direction of commissions, corporation counsel or the prosecuting attorney. The effect will be to accomplish the aims articulated by Mayor Arakawa back in 2011, preserve the balance of power and keep the mayor in charge of the executive branch of government.

This change is long overdue, particularly given the complexity of the world in which we now live, one entirely different from that which existed 50 years ago when our current charter was enacted.

The fact that we are in the midst of a coronavirus outbreak should not deter us, as some suggest. Likewise it will not keep us from electing, by mail in ballots, the next president of the United States and multiple state and county officials in November. In fact, the presence of the epidemic is just another piece of evidence why we need greater stability and continuity in county government, stability which we can attain through a hired, professional managing director.

Flo Wiger

Former Member of the 2011-2012 Maui County Charter Commission

County Clerk

RECEIVED

From: Winsome Williams <windstorm808@gmail.com> 2020 APR 13 AM 7:55
Sent: Saturday, April 11, 2020 7:48 AM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

OFFICE OF THE
COUNTY CLERK

Mahalo for all those who have supported this so far! Please keep momentum flowing for the health and protection of our Aina and the animals who depend on its health! Lets amend chapter 20.26 and set the example for the world about sale and use of plastic disposable food ware.

--
Winsome Williams
Lā Kāhea LLC

County Clerk

RECEIVED

From: Karen Williamson <mauikaren808@gmail.com>
Sent: Wednesday, April 15, 2020 4:31 PM
To: County Clerk
Subject: EACP-16: A bill for an ordinance establishing chapter 20.24, Maui County Code, restricting the use and sale of plastic disposable foodware

2020 APR 16 AM 7:58

OFFICE OF THE COUNTY CLERK

Aloha County Council members, thank you for your time,
I support Bill #52 and hope that you will also support it. Having worked in the Banquet departments at numerous hotels for the last 25 years, I see the increased use of single use plastic utensils on an everyday basis. In Banquets it would be very easy and acceptable to provide silverware for our guests but since it's easier not to have to wash this silverware, we are asked to fill bins with thousands of peices of plastic ware for our guests. Of course all of this ends up in our rubbish dump and creates huge unnecessary waste. This doesn't occur in just one hotel, all the hotels on the island that I know of do it... Many thousands of utensils daily. This is just one small example of the waste that is created from single use plastic foodware in Maui County. If there were a ban on single use utensils, the hotels would quickly abide by providing metal utensils for our guests.
Thank you for supporting bill 52 and protecting our aina.
Karen

--
Karen Williamson
Direct 808-281-5253
466 Mikioi Pl
Kihei HI. 96753



Virus-free. www.avast.com

TESTIMONY IN OPPOSITION TO RESOLUTION NO. 20-60 (PROPOSED REVISED CHARTER AMENDMENT REGARDING COUNTY MANAGER) SCHEDULED FOR APRIL 17, 2020 AT 9 A.M. BEFORE THE COUNTY COUNCIL

My written testimony is submitted in opposition to Resolution No. 20-60 which proposes to change our current form of governance in the County of Maui to a County Manager, putting this matter on the November 2020 General Election Ballot which is a few months from now. Currently, our community together with the rest of the world face a public health crisis and now people are also dealing with the personal, social and financial consequences from the COVID 19 virus. Our community's attention and focus is squarely on this crisis. For the County Council to take action on Resolution No. 20-60 which advances the County Manager form of government in the midst of this pandemic is neither fair to this community or responsible government action.

There are those of us in this community who are surprised that the County Manager proposal is being taken up by the Council at this time. A similar proposal was previously considered a few years ago and in the final end rejected by a different Council. Questions still linger as to what a County Manager is, as well as why and how such a significant change in governance benefits our community. Also, what financial impacts have been assessed in this proposal? The community deserves a meaningful public dialog process on the debate surrounding this County Manager proposal. People are entitled to being educated and informed on exactly what this proposal is about and its ramifications. Advancing such a significant proposal in the midst of this crisis which is impacting every aspect of our lives is a great disservice to the public.

Sending this matter of the County Manager to the Charter Commission which will be convened in near future, is appropriate. As we face this public health emergency, in the interest of transparency and fairness, I respectfully request that the Council not approve Resolution No. 20-60.

C. Miki Yokouchi
Wailuku, Maui, HI

Testimony submitted via email: county.clerk@mauicounty.us

RECEIVED
2020 APR 15 PM 4:15
OFFICE OF THE
COUNTY CLERK

April 16, 2020

Dear Maui County Council:

SUBJECT: BILL 52 - PLASTIC FOODWARE BAN

Thank you for the opportunity to express our concern and opposition to Bill 52 - Plastic Foodware Ban. We are opposing this bill. We feel that this is not time to take action to proceed with this bill. Our industry has been hit very hard with COVID-19. Our operating cost has increased substantially during this period. We are absorbing majority of this increase in operating cost and am not sure if we will be able to recoup these cost. So we are opposing this Bill.

Sincerely,

Sonya M. Yuen

Kualapuu Market, Ltd.
Sonya M. Yuen

RECEIVED
2020 APR 16 AM 10:22
OFFICE OF THE
COUNTY CLERK

April 16, 2020
Office of the County Clerk
200 S High St #708,
Wailuku, HI 96793

Alana Yurkanin
785 Kekaulike Ave
Kula, HI 96790
808-269-2545

RECEIVED

2020 APR 16 AM 10:22

Re: Support for Bill #52 - Restricting the use and sale of single-use plastic disposable foodware

Aloha,

OFFICE OF THE
COUNTY CLERK

I SUPPORT Bill #52, with an amendment to also restrict the use and sale of cup lids.

A new species of deep-sea amphipod was discovered a few weeks ago in the Mariana Trench, one of the deepest and most remote places on the planet. They named the amphipod *Eurythenes plasticus* after the plastic found in its gut.¹ To me, this exemplifies the extent to which our disposable treatment of plastic has far-reaching, unknown impacts and requires legislative change to address.

I am testifying today as an individual with a master's degree and a professional career in environmental science and management, and with a lifetime of growing up in Maui's saltwater. I am testifying as a millennial who has witnessed the use of excessive, disposable plastic become normal – until we realized that this is not normal – this is a crisis. The average global citizen, Hawai'i included, is likely and unwittingly ingesting plastic at a rate of 2,000 particles a week via our food, water, and air, many consisting of chemicals linked to cancers, hormone disruption, and developmental delays.² We are eating a credit card of plastic every week – and we are using our dollar to do it.

The good news is, there are many price-comparable plastic alternatives out there, enabling this timely Bill to succeed, whereas 10 years ago there were little to no other options. Businesses impacted by Bill #52 will have a variety of alternative, environmentally friendly products to choose from, many of which are within in a 10-cent price range above and below what businesses are currently paying for their plastic items.³ Costs to the County associated with this Bill would likely involve outreach and education, where funding has been offered from the Zero Waste Maui Coalition to support these outreach efforts.⁴

This is not business versus the environment – we are a community, and we want to do the right thing for our community. We are an island ultimately importing our trash in the form of disposable plastic foodware - we have to be more sustainable.

Similar policies have been implemented in other countries, municipalities, and cities around the world with little or no impact to local food suppliers and restaurants. As we move away from single-use plastics in Hawai'i, a movement that is happening world-wide, we will spark innovation to create better products and waste management systems. Passing this Bill would also help the State meet their Aloha+ Challenge goal to reduce solid waste in Hawai'i.

O'ahu passed their disposable plastic foodware ban, and so can Maui! The alternatives are here, and we are a community and environment asking for the wide-spread restriction of plastic NOW.

I SUPPORT Bill #52, with an amendment to also restrict the use and sale of cup lids.

Mahalo for this opportunity to comment.

Sincerely,
Alana Yurkanin

¹ Evening Standard. March 11, 2020. *Eurythenes plasticus: Tiny newly discovered sea creature named after plastic found in its gut*. Accessed: <https://www.standard.co.uk/news/world/new-sea-creature-plastic-gut-eurythenes-plasticus-a4384581.html>

² Rolling Stone. March 3, 2020. *Planet Plastic*. Accessed: <https://www.rollingstone.com/culture/culture-features/plastic-problem-recycling-myth-big-oil-950957/>

³ Maui Huliau Foundation. Personal communication on March 6, 2020. <https://mauihuliaufoundation.org/>

⁴ Zero Waste Maui Coalition. Personal communication on March 6, 2020. <https://www.zerowastemaui.org/>



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

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Joe Carter, Coca-Cola Bottling of Hawaii, *Chair*
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TO:
Maui County Council
Alice L. Lee, Chair
Keani Rawlins-Fernandez, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: April 17, 2020
TIME: 9am
PLACE: Council Chamber

RECEIVED
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OFFICE OF THE
COUNTY CLERK

RE: Bill 52 amending Chapter 20.26, Maui County Code, to regulate the use and sale of plastic disposable foodware.

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

This is not the right time to take action that could hurt Maui food businesses.

Businesses across our state, including in Maui County have closed their doors, many will not be able to reopen. Restaurants are struggling to stay open while their dining rooms are closed, they are trying to find ways to continue to provide jobs and benefits to their employees, to pay rent, to continue to be economic drivers in their communities. These businesses are doing everything they can to keep their employees, their customers, and their communities safe. That is their top priority and we don't believe that it is the right time to be asking them to shift focus and try and defend the foodware they use.

When the current crisis has passed. We would like to work with the Council to ensure that any new regulation put in place will not be detrimental to Maui's local food industry.

As the current COVID-19 pandemic progresses our local food industry has made a number of changes to help keep our customers and employees safe. Because of the way this virus spreads food retail employees are rightfully concerned about handling reusable bags and reusable foodware¹. The COVID-19 pandemic has changed the way we do many things, including and especially how we buy food. This virus has brought up safety questions that were not thought of six months ago and it has shown very clearly that there are some circumstances where having customers provide their own foodware or bags is not safe for employees or other customers. Scientists are still trying to understand how long this virus lives on different surfaces and how it is transmitted.

To prevent the spread of the virus many governments and businesses have chosen to stop allowing customers to bring their own foodware and bags, and other counties and states have suspended their plastic bag bans². We believe this situation underscores one of the undeniable advantages of single use foodware and bags, which is that they are safe and sanitary. We are very concerned that the types of foodware allowed under this measure will not be available to meet demand in the timeframe specified, which could lead to shortages of sanitary foodware for Maui County once this measure take effect. PLA shortages are noted by various suppliers, as shown by this letter dated August 5, 2019 issued by World Centric³.

During the Committee hearing for this measure Corporation Council mentioned that products manufactured and then sold directly to consumers on site would be subject to this ban. The example they gave was that musubi packaged in Maui County could not use plastic film if it was sold directly to consumer, but if it's packaged on Oahu, or outside the County the film is allowed. We believe this is a good example of how this measure would create an **unfair disadvantage for local producers, especially those who sell directly to customers.**

HFIA strongly supports a holistic approach to responsible waste management in Hawaii. We believe in the need to find local solutions like incentives and consumer driven initiatives, or local recycling and composting that would allow us to create resources out of waste from any source.

We believe that true progress towards a more sustainable future for Hawaii will involve cooperation at the State level. Maui County along with the food industry, environmental groups, and other stake holders are currently part of a statewide Plastic Working Group. Maui businesses would benefit from a statewide consistent approach provided by

¹ https://www.cdc.gov/coronavirus/2019-ncov/prepare/transmission.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Ftransmission.html

² <https://reason.com/2020/03/20/state-governments-are-delaying-their-plastic-bag-bans-during-covid-19-pandemic/>

³ <https://link.zixcentral.com/u/8d2a930b/oMhMnUcz6hGtctYX0S6LPw?u=https%3A%2F%2Fall3dp.com%2F1%2Fpla-plastic-material-poly-lactic-acid%2F>

active involvement from business and community leaders, such as what is being proposed by the State's Working Group. Please allow this process to work. We would like to avoid more piecemeal legislation on this subject which confuses businesses and customers. Please wait less than a year and allow the State legislation to pass.

Currently there are hundreds or thousands of tourists and millions of tourist dollars missing from our state. Right now, just staying open is enough of a challenge for Maui food businesses. We ask that you not add to their burden.

If this measure is passed, in order to minimize negative impacts on our local food companies we respectfully ask that at minimum that the definitions and exemptions in this bill be revised accordingly:

"Plastic disposable foodware" means plates, bowls, "clamshells," or other hinged containers that contain plastic and are designed to be discarded after a single use. The term does not include disposable plastic condiment packets; food-related bags or wrappers, including, but not limited to, musubi wraps, plastic film, poi bags, chip bags, cracker and cookie wrappers, bread bags, meal kits, or ice bags; beverage-related bottles or cartons; non-plastic foodware that contains a polyethylene or plastic coating; packaging for unprepared food; and packaging for wholesale distribution of prepared food, baked goods or dairy products."

"Prepared food means, foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" is restaurant style food that is packaged after an item is ordered or offered for sale, and is ready to be consumed with no additional heating or cooking on or off the premises of a food vendor. "Prepared food" does not include raw eggs, raw butchered meats, raw fish, raw poultry, or prepackaged foods."

"Prepackaged food means foods that are sealed or wrapped in a container prior to being or ordered or offered for sale. Prepackaged foods are presealed or contained items, including but not limited to food for wholesale, breads, cookies, milk, juice, snacks, candy, nuts, fruits, frozen meals, poi, musubi, vegetables, fruit or other items typically sold in a grocery store or a food manufacturer's retail location."

Finally, in order to maintain consistency with Honolulu's Ordinance 19-030 below we've provided for your reference the exemption application language used in that measure:

(a) The department may grant an exemption from compliance with the restrictions of Section 41-27.2 upon application and the provision of sufficient evidence that there are no reasonable alternatives available to the food vendor to comply, or compliance with the restriction would cause significant hardship for the food vendor.

For purposes of this subsection, exemptions may be granted for a specified term of up to two years, and may be subsequently renewed for specified terms of up to two years thereafter, provided that during the term of the exemption, diligent efforts are made by the food vendor to become compliant.

(1) In situations where there are no reasonable alternatives available, a food vendor may submit an application, preferably on a form provided by the director, and shall set forth with specificity:

(i) The food vendor's name and address, and a copy of the food vendor's most current business registration certificate;

(ii) A description of the polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware at issue;

(iii) The factual basis to support the requested determination that there is no reasonable alternative to the use of the non-compliant product at issue, which for example, may include packaging necessary for safely containing food that is of significantly high or low temperature, impact to Hazard Analysis and Critical Control Points plan applicable to the food vendor, or specific transportation requirements or safeguards; and

(iv) Copies of all exemptions issued to the applicant under this article.

(2) In situations where compliance would cause significant hardship, a food vendor may submit an application, preferably on a form provided by the director, and shall set forth with specificity:

(i) The food vendor's name and address, and a copy of the food vendor's most current business registration certificate;

(ii) A description of the polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware at issue;

(iii) The factual basis to support the requested determination that the use of a compliant product at issue would cause the applicant significant hardship and that there is no affordable compliant alternative; and

(iv) Copies of all exemptions issued to the applicant under this article.

(b) The department may grant an "industry exemption" from compliance with the restrictions of Section 41-27.2 upon application and the provision of sufficient evidence that compliance with Section 41-27.2 would cause hardship to the food service industry. "Hardship" under this subsection will be construed to include, but not be limited to: situations where there are no acceptable alternatives to providing polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware to customers; or situations where acceptable alternatives are not readily available due to market supply constraints.

For purposes of this subsection, an "industry exemption" may be granted for a specified term of up to two years, and may be subsequently renewed for specified terms of up to two years thereafter, provided that during the term of the exemption, diligent efforts are made by the industry applicant to become compliant.

As we all face the current and future uncertainty of a global pandemic together, one thing has become very clear, our food industry is essential, and having a strong local food industry that we can rely is not just desirable, it is key to our safety and wellbeing.

We ask that if passed, the effective date for this measure be changed to July 1, 2022.

Any version of this measure will create challenges for Maui food businesses. We thank you for working with us to ensure that it will not be more burdensome than is necessary for our local companies.