

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

March 5, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, MARCH 5, 2021, BEGINNING AT 9:00 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the regular Council meeting of March 5, 2021, please come to order.

Okay, we need some people to turn off their mics. A lot of feedback. Okay, so we're going to say good morning to every, well, in Maori, you can say Kiaori [*sic*]. I'm sorry, Kiaora. Kiaora. And that means hello. And the reason why I picked this particular language is it's actually the language used in New Zealand by many people. And also, language used where the earthquake happened yesterday. So, just for your information, the earthquake was near the island of Kermadec, Kermadec. And just for your information, there are approximately six people on the island. Okay. Ready to go, everybody? Kiaora.

Madam Clerk.

ROLL CALL

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

COUNTY CLERK KATHY L. KAOHU: Chair, there are nine Members present. And a quorum is present to conduct the business of the Council.

CHAIR LEE: Okay. Proceed.

COUNTY CLERK: For the record, I am County Clerk Kathy Kaohu. And also present today this morning from the Office of the County Clerk is Deputy County Clerk James Krueger; and Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

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

This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19.

If connectivity affecting quorum is lost, the Council will be in recess. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically recess to Tuesday, March 9, 2021 at 9 a.m., using the same virtual connections, unless the Council announces a different date and time.

CHAIR LEE: Offering opening remarks this morning is Councilmember Gabe Johnson.

OPENING REMARKS

The opening remarks were offered by Councilmember Gabe Johnson.

CHAIR LEE: Member Johnson, those were very beautiful remarks. Thank you.

Now, please join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, proceeding with the presentation of testimony on agenda 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 agenda.

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones muted and should unmute when it is their time to testify.

Testimony is limited to the items listed on the agenda, and individuals may testify for three minutes per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, only the Councilmembers, staff, and designated resource persons will be connected to the meeting through BlueJeans. All other individuals will be disconnected and may view the remainder of the meeting through Akaku Channel 53 or on mauicounty.legistar.com. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first person to testify is Reta Chin. And Ms. Chin will be followed by Julie Strong.

CHAIR LEE: Good morning, Ms. Chin. Oh, you're muted. Turn, turn your microphone on. Okay, good.

PRESENTATION OF WRITTEN TESTIMONY

MS. RETA CHIN, [testifying on Bill No. 10 (2021)]:

Okay. Good morning. Can you all hear me?

CHAIR LEE: Yes.

MS. CHIN: Good morning. My name is Reta Chin and I am not a lobbyist. I am just a mama. Aloha, Councilmembers. I just want to thank you for this opportunity to testify. I've lived on this beautiful island since 1990 and I'm here to give testimony on Bill 10.

My 26-year-old son was born and raised here, and he now resides on the mainland. I humbly come here to testify, admittedly nervous, because this is my first time. I've been in the title and escrow industry since 1990. And part of what I do, actually, is I keep Maui real estate statistics, and I educate my clients and the public as I, while I share informational tips.

While I know that there is great intention for this Council to increase housing opportunities, Bill No. 10, as it's written with both the increase in the 75 percent workforce housing requirement and the income qualifications would actually decrease the number of housing units, as it's referenced in the Grassroot Institute testimony and the UHERO report.

By passing this bill, this streamlined process, which actually doesn't feel streamlined cause it takes about three to seven years to get housing built, will actually only continue to harm our local residents who work so hard to own their property.

To me, it feels like a simple economics function of supply and demand, because we know when the supply is dwindling and the demand is up, prices increase. So, I keep stats and then I just want to share with you in December of 2019, the median sales price for a home on Maui hovered around 750,000. As of last January, that went to 980,000. That's the middle price of a house. So, when I think about my son and if he ever wants to move here and if he can even qualify for a five percent down loan, loan, he'd have to come up with \$50,000 to try and live here, to own a median sales price home. And I don't know if your children, or grandchildren have that kind of money, but mine does not.

I'm just asking the Council to please pause on voting this through, because I realize that the housing study, that we as taxpayers have spent \$300,000 to pay for, will be out in the next couple of weeks. And so, I'm asking that you guys just pause and not push this through yet. And we wait until that housing study gets reviewed, and so that we can truly start, you guys can start creating bills that would seriously move Maui in solution for our local residents so they can own a home and raise their children and come back to Maui. That's it. Thank you so much for your time and consideration. And I know that most of you probably have, probably made a decision. But I'm hoping that with some testimony, you will actually have an open heart to just pause on that bill. And so--

CHAIR LEE: Thank you, Ms. Chin.

MS. CHIN: Thank you.

CHAIR LEE: Thank you. Let's see, Members, please ask clarifying questions, okay?

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And thank you, Ms. Chin, appreciate your testimony. You mentioned that it would increase workforce

housing requirements. Did you actually read the bill, or are you just going off what the Grassroots Institute is saying?

MS. CHIN: No, I actually read it, and it was hard. And I'm a layman and I'm a commoner, so I don't propose that I know much of anything. But I do, I did read it and I do see that, what other experts have said. I, you know what the thing is, Mr. Molina? I guess it's the fact that can we just pause until the study comes out, which is going to be in the next couple of weeks? And then, propose it again.

COUNCILMEMBER MOLINA: Okay. Just for, as an FYI, the study does not include the 201H process, and that was told to us by Mr. Gilbreath who's doing the study, and that we commission. So, it does not include the 201H process. So, it's, it's, you know, two totally different things. But, just as an FYI to you.

MS. CHIN: Well, actually, yea, it is--

COUNCILMEMBER MOLINA: Okay, I have, I have no more questions, but thank you. Thank you, Madam Chair.

MS. CHIN: So, do I now click off, Ms. Lee? Is that the instruction? I'm sorry, I can't hear you. You're muted, so.

CHAIR LEE: I'm going to ask if anybody else has a clarifying question.

MS. CHIN: Thank you.

CHAIR LEE: Any hands? If not, thank you, Ms. Chin. Are you calling from Lanai?

MS. CHIN: No. I'm calling from Maui. I'm home.

CHAIR LEE: Oh, from Maui? Oh, okay.

MS. CHIN: I get to work from home.

CHAIR LEE: Okay. Thank you.

MS. CHIN: Okay, thank you so much, everyone. Okay, bye now.

CHAIR LEE: Thank you.

Madam Clerk.

COUNTY CLERK: The next testifier is Julie Strong. And Ms. Strong will be followed by Christopher Delaunay.

CHAIR LEE: Ms. Strong? Madam Clerk, did you say Strong?

COUNTY CLERK: Strong.

CHAIR LEE: Strong.

COUNTY CLERK: Julie Strong.

CHAIR LEE: No response. Please move to the next one.

COUNTY CLERK: Okay. Our next testifier is Christopher Delaunay.

MR. CHRISTOPHER DELAUNAY [testifying on Bill No. 10 (2021)]:

Aloha, Councilmembers. Oh, sorry.

COUNTY CLERK: Followed by Raymond Michaels.

CHAIR LEE: You may begin, Mr. Delaunay.

MR. DELAUNAY: Yea, Delaunay. Aloha, Councilmembers. Chris Delaunay, Pacific Resource Partnership. I'm an employee and registered lobbyist for the organization. I'm here to testify on Bill 10, and we are in strong opposition to this bill. These types of policies will not support the working-class. The best way to help them, the working-class, is to pass policies that produce more affordable housing and jobs. And you do have our testimony.

And, you know, some points I want to make is that this bill will remove an important tool in the toolbox from home builders who choose not to use government, which are State and County funds, government financing, to build affordable housing units. If this important tool is removed, projects may need to depend on public funds in order to pencil out. Housing projects on Maui that are 100 percent affordable have relied on government subsidies in order to make them work.

Another thing is, I raised in the last, the last hearing about the implementation of a policy that require 50 percent units for residential development projects, or 50 percent workforce housing for projects, and that didn't work out, you know, as most of you

know. And also, we lost a lot of construction jobs during that time, and we produced very little housing.

And in my testimony, I have a graph that I provided. And, you know, this is, we're in a pandemic, we need more housing, we need more jobs. And if you're not, we're not building affordable housing, that's lost work, too right? And like I said, this policy is going to make developers or builders more dependent on government financing, and government financing is scarce right now. So, why take this toolbox away for, from the developers who want to use all private funds to build, but they just need exemptions through the 201H process, you know? So, I think we're going to see a reduction of housing.

And let's wait for the study, you know? The study is a holistic view of everything. Let's not piecemeal things. That's bad policy. That's all I have. Thank you.

CHAIR LEE: Thank you. Any questions, Members?

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Delaunay. I just, it sounded like you thought that exemptions weren't government funding. Where did you think the money came from for the exemption?

MR. DELAUNAY: Yea, it comes from HHFDC, rental housing fund, home funds. There's a number of them. Even County Affordable Housing Fund. Like for instance--

COUNCILMEMBER PALTIN: But you said, that's--

MR. DELAUNAY: Pardon?

COUNCILMEMBER PALTIN: Okay, never mind. I just--

MR. DELAUNAY: Should I list all the funding?

COUNCILMEMBER PALTIN: Yea, that affordable housing funding is government funds, and you said--

MR. DELAUNAY: Right. Right. That's what I'm talking about. I said--

COUNCILMEMBER PALTIN: But never mind. Thank you. You answered the question.

MR. DELAUNAY: Okay. You're muted, Chair.

CHAIR LEE: Thank you.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Delaunay, and thank you again for coming by to express your thoughts on this bill. Just to make it clear, it's not my intent to drive a wedge or anything between the building industry and government. But you mentioned about other policies or other ways to generate affordable housing. Now, as a lobbyist for the building industry, then what legislation can you share with us in lieu of this attempt to increase affordable housing? What is your suggestion from your colleagues? What type of policies can we then consider? Because I haven't found none. And maybe you guys have more, you know, better suggestions than I have. Is there anything?

MR. DELAUNAY: Yea, there's some at the State-level. I think it may be, I think it might be House Bill, no sorry, it's a Senate Bill. I think it's Senate Bill 39. And it speaks specifically to the 201H, I think it's 201H-36(a)(5) HRS. So, there's a bill there that would allow a lot of developers for, that build rental housing for people who can't afford a down payment to allow them to stack up on County waivers and exemptions, and at the same time getting the GET. And it's kind of like a fast-track kind of a thing. So, you wouldn't necessarily go through the Council. But if you meet certain qualifications, you get automatic waivers. You would have to pass an ordinance, though, on the, on the city level, the County level, like, Honolulu has. That was ordinance--

CHAIR LEE: Okay, thank you, Mr. Delaunay. Mr. Delaunay, thank you very much. We're only supposed to ask clarifying questions on what you already stated.

Okay, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And I appreciate that suggestion from Mr. Delaunay, but that is targeting rentals. This is more, this, my proposal is more targeting more homeownerships. So, anyway, but thank you. Thank you, Madam Chair.

CHAIR LEE: Any other questions?

If not, thank you.

Madam Chair. Madam Clerk.

COUNTY CLERK: Our next testifier is Raymond Michaels. And Mr. Michaels will be followed by Ms. Julie Strong.

MR. RAYMOND MICHAELS, CONSTRUCTION INDUSTRY OF MAUI [testifying on Bill No. 10 (2021)]:

Good morning, Council. Can everybody hear me?

CHAIR LEE: Speak again. You're not clear but keep trying. Mr. Michaels, can you say something? Okay, you know, Mr. Michaels, your, your audio is not strong. Can you turn off your video? Sometimes that helps to strengthen--

MR. MICHAELS: Can everybody hear me?

CHAIR LEE: Yea, we can hear you now.

MR. MICHAELS: Sorry, is that, is that better?

CHAIR LEE: No, can you turn off your audio, I mean, your video?

MR. MICHAELS: Turn off my video.

CHAIR LEE: Okay, now speak. Okay, proceed.

MR. MICHAELS: Good morning, Council. My name is Raymond Michaels. I'm the Vice-Chair of the Construction Industry on Maui. Thank you for this opportunity to testify. The CIM agrees and wants affordable housing projects. Thus, we strongly oppose this bill and here is why.

We believe there is a grave and staggering disconnect between our elected officials and the group of contractors and developers who execute on the physical building of housing. The disconnect is fair. Many of our elected officials do not come from a building or contracting background. Additionally, many of our contractors and developers are not involved in the complex world of politics and serving the ever-growing demands of the constituents.

For one perspective, the Council simply raising the requirements to 75 percent seems like a logical conclusion. This, in theory, will force contractors and developers to adapt, if they so choose to produce affordable housing. In contrast, from a contractor's and developer's perspective, this increase will make a potential affordable housing development simply not worth doing.

If government mandates how many units can be sold at a certain price threshold, developers will either A) stop building, which will more like, more than likely be their choice, or recoup their losses by pricing their market rate units as completely unattainable by the Maui middle-class.

If you study the overall soft costs and hard costs associated with the project; there are a lot of daunting risks, the challenge of, challenges of permitting, design costs, surveying, infrastructure, legal fees, interest, construction labor costs, material costs, sales, marketing studies, environmental studies, land costs and these are just to name a few.

A developer actually has little to no control over any of these costs. Here's an example, a brief look into the increase of raw commodities such as lumber, iron ore or copper since COVID-19 yields a staggering result. These commodities have increased 200 percent since April. If you are a developer with construction contracts executed, you would recognize that the law sides with COVID-19 impacts as Force Majeure claims; meaning that the contractor who, the contractors who are performing the work are entitled to a contract price increase. This alone would be a reason why a developer may elect to pull out of a potential development with a 50 percent affordable unit requirement. If the requirement is increased to 75 percent, this makes the development almost impossible.

We don't fault elected officials for not knowing all these difficulties. However, we are sounding the alarm that if this measure passes, you will most certainly see a decrease in the number of new homes available for Maui families.

Despite this disconnect, we can attest the County needs help to bind our community goals and deliver what the community needs. So, we are proposing a solution we feel is amicable for both elected officials, contractors and developers, and delivers on a promise for more affordable housing.

Our proposal is this: the County of Maui becomes a partner in affordable housing projects. Land costs are hardly discussed, yet they have--

CHAIR LEE: Mr. Michaels, can you conclude your testimony in one minute, please?

MR. MICHAELS: Yes. Land costs are hardly discussed, yet they are the component artificially inflated in value during the rezoning process. The extent of the County's partnership would be land, permit expediting, and infrastructure. The County could graciously step in to assist developers by gifting parcels of County-owned land for a developer to develop. If this was combined with the County having the necessary

infrastructure and expedited permitting in place, it would make developers more eager to take on affordable housing projects.

In doing this, the County could then stipulate rough design guidelines and quantity of units, and then create a competitive bid environment for developers. This is similar to the Hawaiian Home Lands model, which has proven successful. The CIM fully believes that the intent of our elected officials is to provide truly affordable housing for Maui families. We believe that with your help, a program as robust as this could not only fix the issue we face today, but also for years to come. Thank you.

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

Yes, Mr. Sinenci, then Ms. King, then Ms. Sugimura.

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Mr. Michaels, for your testimony this morning. I was just wondering, you know, would developers be also open to, you know, gifting us a section, a portion of their developments to nonprofit builders? We've seen a lot of nonprofit builders who are able to bring in more money from outside the State, and they're able to go ahead and create 100 percent affordable homes. So, do you think that some of the developers might be open to, to that section of the affordable housing to, to nonprofit builders?

MR. MICHAELS: I'm not quite sure how that would work. You're asking a developer who owns land to gift a portion of that land--

COUNCILMEMBER SINENCI: Correct.

MR. MICHAELS: --to a nonprofit developer to build 100 percent affordable units. Is that what you are asking?

COUNCILMEMBER SINENCI: Well, so that they could meet the affordable housing portion of, of the project.

MR. MICHAELS: I don't think that solves the problem of land costs for a developer, right? The problem is land costs. And let's say, you or somebody, the developer were to gift a portion of that land, they'd still have to recoup those costs in some form.

COUNCILMEMBER SINENCI: Okay, thank you. Thank you, Mr. Michaels. Thank you, Chair.

CHAIR LEE: Ms. King. Oh, you're muted. You're muted.

COUNCILMEMBER KING: Okay. I did, I'll click on it again. Thank you for being here, Mr. Michaels, and for your testimony. I didn't catch what group you're with?

MR. MICHAELS: Construction Industry of Maui.

COUNCILMEMBER KING: Construction Industry.

MR. MICHAELS: We're a trade group under the Maui Chamber of Commerce.

COUNCILMEMBER KING: Okay. So, I just, did you, were you able to participate in any of the meetings, the community meetings with Mr. Jeff Gilbreath and his, you know, his meetings he had in the community about the comprehensive affordable housing plan?

MR. MICHAELS: Personally, no, I was not able to participate in those.

COUNCILMEMBER KING: Okay, cause I was going to ask you if, if your suggestions were possibly posed to them while they're making up this plan. But I guess if you weren't there, then you wouldn't know. Okay, thank you.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you very much, Mr. Michaels, for being here. And I was just wondering if you could, if you did, or if you could submit your testimony in writing?

MR. MICHAELS: I did not. And I can certainly do that.

COUNCILMEMBER SUGIMURA: Yea, good.

MR. MICHAELS: What is the best way to do so?

COUNCILMEMBER SUGIMURA: CountyClerk@mauicounty.us.

MR. MICHAELS: CountyClerk@mauicounty.us. Okay, will do.

COUNCILMEMBER SUGIMURA: Is that correct? Right? Maui County, County Clerk at, thank you.

MR. MICHAELS: Thank you.

CHAIR LEE: Ms. Kama.

COUNTY CLERK: Excuse me.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: Ms. Kaohu. Wait, excuse me, Ms. Kama. Kathy, did you have something?

COUNTY CLERK: Just that our email address is County.Clerk@mauicounty.us.

CHAIR LEE: Okay.

COUNTY CLERK: I don't know if the dot was thrown in there.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you, Clerk.

CHAIR LEE: Okay, fine.

Okay, Ms. Kama.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair. Thank you, Mr. Michaels, for being here. So, if I'm understanding you, you're saying that maybe a potential solution is the land that if the County, similar to Hawaiian Home Lands, that if the County has the land that was free, and partnered to build the homes on these lands, the cost of the housing would be cheaper; therefore, would be affordable; and therefore, would be able to increase the housing inventory?

MR. MICHAELS: Yes. We were basically asking for the County to become a partner, because the land costs is such a huge cost in providing housing.

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

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Michaels. And thank you for your suggestions and testimony. That solution with becoming partners with the County, have you approached the Administration about this proposal that you are presenting to us right now?

MR. MICHAELS: We have, we have submitted this proposal through the Maui Chamber of Commerce to the Administration, yes.

COUNCILMEMBER MOLINA: And how long ago was that?

MR. MICHAELS: That was about three weeks ago.

COUNCILMEMBER MOLINA: Three weeks ago. Okay, thank you. Thank you, Madam Chair.

CHAIR LEE: Anyone else? If not, thank you, Mr., oh, one more question.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Michaels. I just was wondering, you know when you were talking about DHHL being a success. Are you aware of how many wait-listers have died waiting for housing?

CHAIR LEE: Mr. Michaels? Okay, let's not get into any debates now. Mr. Michaels, did you hear the question?

MR. MICHAELS: I did. My answer was no.

CHAIR LEE: Oh, okay.

COUNCILMEMBER PALTIN: Oh. And if you support the County providing land and infrastructure for any homes, do you also support it for Hawaiian Homes?

CHAIR LEE: Mr. Michaels, did you answer?

MR. MICHAELS: Yes. We would support that.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR LEE: Any further questions? If not, thank you, Mr. Michaels.

MR. MICHAELS: Thank you.

CHAIR LEE: Madam Clerk, may we have the next testifier, please?

COUNTY CLERK: Next testifier is Ms. Julie Strong. And Ms. Strong will be followed by the telephone with the last four digits 7158. Ms. Strong.

MS. JULIE STRONG [testifying on Bill No. 10 (2021)]:

Aloha, mai kakakahiaka kakou. Can you guys hear me?

CHAIR LEE: Yes.

MS. STRONG: Awesome. Thank you for giving me the time to testify this morning. I'm Julie Strong, and realtor with Hawaii Life. And my experience with this topic comes from working with many first-time homebuyers. And those homebuyers qualified for workforce housing. They want, really wanted to make that very important purchase in their lives, and it fell out of system for avoidable reasons.

For them, on Maui, these opportunities come maybe once-in-a-lifetime, and they too often involve consequences like having to move off island from some of their family if it doesn't work out. Watching their disillusionment, disappointment, and frustration about such a great loss that was avoidable is something that will stick with me in my heart and in my mind for years to come. And I had hundreds of such buyers that I was trying to help.

From my experience, a fundamental question about this bill arises from that experience. And that is why increase the percent to 75 percent when you can just make the process work better at the current 50 percent rate and achieve the same thing, an increase in workforce homes? In my experience, there was significant room for improvement in the process to ensure a higher percentage of workforce homes end up sold to workforce qualified clients, and at workforce affordable prices.

In the current system, there are conditions that result in unnecessary thinning out of qualified workforce buyers, who then fall out of the system. And this is largely due to a need for more coordination between the County, exclusive lenders, and developers. This coordination will help qualified buyers not fall through the cracks, and end up being able to purchase their home in the end.

By simply working on the process so it's more effective, a higher number of workforce homes is achievable at the current rate of 50 percent. And developers won't be incented away from Maui to other islands. Mahalo for your time and consideration of these observations and idea. E malama pono ko okou maukino.

CHAIR LEE: Any questions for the testifier? If not, thank you, Ms. Strong.

Madam Clerk.

COUNTY CLERK: Next testifier is the last four digits of phone number 7158. And 7158 will be followed by Victoria Cheromcka.

MS. JO ANNE JOHNSON WINER (testifying on County Communication No. 21-89; and
Committee Report Nos. 21-9 and 21-10):

Hello, Councilmembers and Chair. And kiaora.

CHAIR LEE: Hello. Hi. Very good.

MS. JOHNSON WINER: It's, it's Jo Anne Johnson Winer, and I spoke on this last time, so I really want to thank you for the opportunity again to testify. The items that I am in support of, and because I gave my testimony last time I won't reiterate that, but it's on CR 21-9, which is in support of the affordable housing issue. Which contains flexibility, I believe, that will allow people to come forward and build homes. And also, CR 21-10, which is, I believe, Na Hale O Maui. I support that as well.

The other items that I'm going to testify on is County Communication 21-89, which is the purchase, or considered purchase for the Maui News Building. And I, I had an opportunity to do a little bit of homework since my last testimony. And I definitely would not, if I was sitting in your shoes, I would not consider a purchase of the Maui News Building at this time. I think after listening to the long conversation, hearing what the Mayor had to say, and this open-ended, you know, lack of knowledge and the unanswered questions. I really don't think it is a good idea.

But I wanted to give you an example of some of the, you know, and I won't say they're mistakes, but they're learning experiences that I had when I was on the Council. And we have done, we had done property purchases, which we had an opportunity to do due diligence on, and they had much more scrutiny than this particular property has had. But as I mentioned earlier, the old post office adjacent to the County Building in Wailuku was so contaminated with asbestos, that when we stored documents there, we actually had some people complain of illness. They had to go in wearing masks in order to just retrieve documents. So, that was not a very good situation.

A couple properties that we were not directly involved in, but County money was being solicited for those were the Filipino community center in Central Maui. And that one, of course, is on Sandhill as was the Nisei Veterans Center and burials were an issue there. And also because Maui News is located in the Sandhill, I have no idea what may be, you know, beneath the foundation of that building.

We have our old Pioneer Mill Building in Lahaina, which is adjacent to the senior center. It's, that building is still sitting vacant. It's boarded up. It's filled with asbestos. You know, I have no idea what will ever happen with it.

There was the site of the old . . . property which we purchased from a company called Just Do It, and that was to prevent development. And that site is adjacent to Mokuhinia and Moku'ula. And we had been led to believe by the Administration that the monies that we would gain from putting up parking would be sufficient to carry the loan on that property.

I just have a short, if you would allow me to conclude?

CHAIR LEE: Of course.

MS. JOHNSON WINER: Okay. We had the Doug White property on Front Street, and it was a result of a mapping error by the Planning Department. The list goes on and on. But according to our County records, the County owns 842 properties. My suggestion to you is to have a subcommittee formed to do a complete analysis and review of all of our County-owned properties, County-leased properties in each region because the, the analysis needs to be done looking at the whole picture. And once that's completed, you can evaluate the needs of both the County employees and then make recommendations to the full Council. And that would be my recommendation. Thank you.

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

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here Jo Anne, and for that little bit of history lesson. I just kind of wanted to kind of pick one of those projects out that you said is still sitting there, the Pioneer Mill Building that you talked about. What were, were you on the Council when the County purchased that?

MS. JOHNSON WINER: Yea. Actually, it was done at the same time that we actually had the senior center being built. And it was part of the proposal. And then there were family lands, actually adjacent to that building as well, and the kuleana parcels we actually ended up having to put the parking area right over, you know, those kuleana parcels in case the families came forward to reclaim their lands, their Hawaiian Home Lands.

COUNCILMEMBER KING: Okay, so, so, I think you answered my question. I was going to ask what was the intent you were given for the Pioneer Mill Building when you purchased it? And then, I guess--

CHAIR LEE: Ms. King, I think we're kind of steering off the subject here of the Maui News.

COUNCILMEMBER KING: Well, I just wanted, she was giving the example of not, you know, having all these empty buildings because we've made bad purchases. So, I just wondered was there a plan that you were given for the Pioneer Mill Building at the time of purchase?

CHAIR LEE: I believe I can explain that when the time comes, because I was the, I was the Housing Director at the time and was responsible for that piece, that parcel she's talking about.

COUNCILMEMBER KING: Okay. But that one is still empty, correct?

CHAIR LEE: It is.

MS. JOHNSON WINER: Yes.

COUNCILMEMBER KING: Okay. Well, thank you so much for being here. And I really appreciate giving us the wisdom of your experience.

MS. JOHNSON WINER: Thank you. Are there any more questions?

CHAIR LEE: If not, thank you very much, Ms. Winer. Good to hear you from.

MS. JOHNSON WINER: Alright. Thank you so much. Aloha.

CHAIR LEE: Okay. Madam Clerk.

COUNTY CLERK: Our next testifier is Victoria Cheromcka. Followed by Carol Lee Kamekona.

CHAIR LEE: Ms. Cheromcka?

MS. VICTORIA CHEROMCKA [testifying on Bill No. 10 (2021)]:

Hello, can you, can you hear me?

CHAIR LEE: Yes.

MS. CHEROMCKA: Terrific. Terrific. Aloha, Chair and Councilmembers. I am Victoria Cheromcka here to testify today on Bill 10. You know, from meetings and testimony in the past, I am, I love helping first-time homebuyers get into homes. I truly appreciate your time and your sincere desire to help address our housing crisis.

My first thought though that you have commissioned a housing implementation study to be done, with a draft of the study promised soon, and the final study completed in June. After meeting with Jeff Gilbreath I am so excited to see what he's going to come up with. He's very impressive. Since \$300,000 of taxpayer money are being spent on this plan, it seems to make sense to wait for the study before passing non-essential housing bills.

Timing is everything and I think you should take the time to get the expert advice that you commissioned. Why not put the items proposed in Bill 10 on hold until we see the recommendations? Passing Bill 10 prior to receiving the study seems counterproductive to creating strong informed policy to develop much needed affordable housing.

If you are determined to act now, why not do something you know will be an improved action presented by Jeff Gilbreath already? Funding a pilot IDA program, which many of you I have spoken to about, I just think it's a great for, it's my favorite tool in the affordable housing toolbox. And IDA's will be included in Jeff's plan. Waiting for the study will also avoid any unintended negative consequences of moving forward without proper research and due diligence.

Affordable houses do not fall from heaven. We need developers to build them and if the numbers don't make sense, developers will take their projects to other islands. No one wants that.

I am humbly requesting that you put this bill on pause and wait for the housing study to be complete. Thank you so much for the chance to testify today.

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

May we have the next testifier, please?

COUNTY CLERK: Next testifier is it Carol Lee Kamekona. Carol Lee will be followed by Cassandra Abdul.

MS. CAROL LEE KAMEKONA (testifying on County Communication Nos. 21-137, 21-138, and 21-139; and Committee Report Nos. 21-9 and 21-13):

Aloha kakahiaka . . . Kiaora, Madam Chair, Madam Vice-Chair, and Councilmembers. My name is Carol Lee Kamekona and I am not a paid lobbyist. I am coming before you regarding the following: Council correspondence 21-137. I am in support of

repealing any ordinance that excludes trenching for underground utilities in its grading and grubbing permits. Evidence has shown in the recent excavation in Kauaula where a kupuna was found during the layering of a water line.

Regarding 21-138, I am in support of this ordinance asking for the renewal and extension of water and sewer credits to DHHL for both residential and agricultural lots in Lahaina. I would hope that the County can work in partnership with DHHL and developers in all developments and projects Countywide that help to fulfill the vision of Prince Jonah Kuhio Kalanianaʻole and the Hawaiian Homes Commission Act of 1920.

21-139. I am in support of Councilmember King's ordinance, prohibiting the citing of new public infrastructure in sea level rise exposure areas. I also support the expeditious planning for managed retreat of existing public infrastructure. I would ask to amend by adding, if it is at all possible, the closure of County parks in sea level rise exposure areas where iwi kupuna are surfacing, i.e. the current Puamana Beach Park that is closed and Hookipa Beach Park where kū ka paila iwi kupuna are surfacing.

Regarding AHC 21-9, I support the passage of first reading to the proposed bill relating to an exemption to DHHL for developments on homestead land. This bill also falls in line with Prince Jonah Kuhio's vision of the Hawaiian Homes Commission Act of 1920, to provide for the betterment of Native Hawaiians.

Regarding 21-13, No. 17, although I am not a mutual friend of Travis Tancayo, I understand he is a Molokai firefighter and currently wishing to be the representative for Molokai. I support his nomination on behalf of friends and family who are Molokai residents. With regards to Jeff Ueoka, a lawyer, an attorney for Peter Martin, a'ole. Madam Chair, I yield the floor to you. Mahalo.

CHAIR LEE: Thank you. Thank you, Carol Lee. Are there any questions? If not, thank you very much for coming, and for your information.

MS. KAMEKONA: Mahalo.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Next to testify is Cassandra Abdul. Ms. Abdul will be followed by Grace Shigetani.

MS. CASSANDRA ABDUL, NA HALE O MAUI (testifying on Committee Report No. 21-10):

Aloha.

CHAIR LEE: Aloha.

MS. ABDUL: Okay. So, can you hear me clearly? Am I too soft? Hang on a sec, I'm trying to turn up my volume.

CHAIR LEE: We can hear you. Cassandra, we can hear you.

MS. ABDUL: Okay.

CHAIR LEE: We just can't, we can't see you, but we can hear you.

MS. ABDUL: I don't know how to turn that back on. Hang on one second. There we go. Okay. Good morning. It's nice to see you all again. And I know that I keep coming back to talk to you about this, but this is a very, very important committee report and, and transaction that we're talking about. You know, we want to continue this great relationship and, and partnership we have with the County. Together with your help, we've been able to provide 46 homes that have--

CHAIR LEE: Cassandra. Cassandra. Cassandra.

MS. ABDUL: Yes.

CHAIR LEE: Which item are you speaking on?

MS. ABDUL: I am talking about Committee Report 21-10.

CHAIR LEE: Okay.

MS. ABDUL: The grant of real property to Na Hale O Maui in Lahaina.

CHAIR LEE: Ok, thank you. Thank you.

MS. ABDUL: Okay. Sorry. So, you know, this is another great opportunity. We have to take a house that is temporarily affordable up to 10 years, there's about seven years left of that time period, and convert it to something that will be perpetually forever affordable to income-qualified families. And we really appreciate the opportunity to do this with you again.

So, you know, we are, we just completed 12 homes out there in Kahoma. And as you know, what we do is we sell it at a much more affordable price. The first thing we do is delete the value of the land. Now, the earlier houses that we had, we were fortunate

enough to buy those lots from West Maui Land at \$130,000 per lot, which obviously, was less than the development cost. But the first thing we do is we make an adjustment to the price based on land values. And then we take a look at what our families in that income category can afford and adjust it further. So, in the Kahoma 12 homes that we did there, we had appraisals, leasehold appraisals that were actually pretty close to \$750,000, \$800,000, and those homes were sold, the most expensive, were sold at \$460,000.

So, we don't know the condition of the house that we're talking about. We first get an independent inspection done to go through, look at all the systems, see if there's work to be done. And from what I understand, you know, the house looks good from the outside, but until we have an inspection done, we really don't know.

The last house we received in-kind from the County was in Waikapu Gardens Phase II. It was about the same age, and we spent an additional \$30,000 on that house to get it ready for our homeowners. And on that one, too, we had a leasehold appraisal of \$672,000 on that house. And we sold it to our family for \$385,000. So, you can see that our prices truly are affordable to begin with So, we urge you to approve the authorization and help us have one more truly affordable house for a Lahaina family. Thank you.

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

Next testifier.

COUNTY CLERK: Next testifier is Grace Shigetani. And Ms. Shigetani will be followed by Mr. Bruce U'u.

CHAIR LEE: Good morning, Ms. Shigetani.

MS. GRACE SHIGETANI (testifying on Committee Report No. 21-13):

Good morning. Aloha mai kakou. This is my first time speaking to this body, so thank you for the opportunity. Just to let you know a little bit about myself, my background is practicing as an indigent criminal defense attorney. I am a fourth-generation resident of Wailuku. My grandparents and parents were born and raised in Wailuku. And I went to law school at Berkeley and I have five years of experience being a criminal defense attorney in the Bay Area. And I have lived here on Maui, here in my ancestral home, or most recent ancestral home for the last two years.

And I have been, in that time, involved in the community; mostly with, in regards to police issues in the community with black lives matter protesting and also standing with the kanaka maoli through our, who have experienced many, both communities on the continent and as well here on Maui and throughout Hawaii Nei have experienced extreme ongoing difficulties with the police department, Maui Police Department here.

CHAIR LEE: Ms. Shigetani, which item are you speaking on?

MS. SHIGETANI: Sorry. I'm speaking about item CR 21-13.

CHAIR LEE: 21-13? Okay.

MS. SHIGETANI: About the approving, approval of Travis Tancayo and Jeffrey Ueoke *[sic]* to, Ueoka, to the Police Commission for a five-year term. Sorry, I should have started with that. What I'd like to say is that I was extremely disturbed watching the interviews for particularly Mr. Ueoka and his confirmation to the Police Commission. Something that, that was raised by Councilmembers and their questions was issues of transparency, accountability and, of course, public safety. And also, questions regarding the new social host ordinance, and whether the candidates would be able to fulfill their duties appropriately.

And also, in consideration of, you know, the situation that has been alluded to, but perhaps not, not given the importance of this moment in our country's history. And it does affect us locally, which is the uprisings and the extreme lack of trust between, basically, the institution of the police and the communities in this country. And that's, that's an extremely deep issue that, that the approval of two commissioners at this point, this County Council has an opportunity to address. And, and I can say as a member of this community, who's been deeply involved in this issues and who has dedicated, I have dedicated my life to this for the last, I would say seven years I've been dedicated to these issues throughout law school and beyond.

And by approving a candidate, who said in regard to Councilmember Rawlins-Fernandez. If I could just finish this one last sentence? Councilmember Rawlins asked Jeff, Jeffrey Ueoka what his thoughts were on the social justice issues and the police Department. And he said, I quote, "I don't think there's a problem with it right now." And if there is a concern that, you know, the Police Commission is, is supposed to fulfill this role in the community of ensuring a greater, greater willingness to establish trust, and there cannot be public safety without trust between the community and, and the police department. And at this point, I can definitively say that that trust is broken.

So, please reconsider the approval of these two police commissioners, delay, open up the process. And please consider candidates that do have an interest and a dedication to, to social justice issues that that truly can bridge, bridge the gap in this very difficult and important time . . .

CHAIR LEE: Thank you. Are there any questions from the Members, clarifying questions?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Ms. Shigetani. Thank you for being here. I know it's not easy to give that kind of testimony. But you're testifying against both of these, these gentlemen for the Police Commission? You gave us reasons for Mr. Ueoka. You didn't, was there a specific reason for, that you were against the other appointment?

MS. SHIGETANI: I would say regarding Travis Tancayo . . . does seem to have more, more of a history throughout his firefighting career of going to community meetings and being involved with the community. I am, I am concerned that there, that he does not have, that he, that his history is very aligned with the police department. He, in fact, said that the police department and the fire department go hand in hand. And I do think that this, to the, to the community, to the public, this is, this is, you know, I think Councilmember Kama said, you know, oftentimes it's perceived that the Police Commission is just a rubberstamp for the Chief. And I have objections to both.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Anymore, any more questions?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for being here, Ms. Shigetani. And did, you, you're practicing law, you said? Are you practicing law right now on Maui?

MS. SHIGETANI: I'm currently taking a break from practice, actively practicing criminal law. I'm actually planning to transition my legal practice here to Hawaii and pursue some of, some of the issues here more directly. But I've been, yea, my career is in transition as I kind of decide where I want to be, and what issues I, I'd like to focus on. But my whole career has been dedicated thus far to international human rights issues, and most recently in my legal career all about criminal defense. And I have been actively involved with, with issues of lack of police accountability for, like I said, about seven years.

COUNCILMEMBER SUGIMURA: Okay, thank you. I wondered if you were practicing now on Maui. Thank you.

MS. SHIGETANI: I, I do currently work at the court at the self-help center. But I, I have, I'm not actively practicing.

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

Next testifier.

COUNTY CLERK: Next testifier is Mr. Bruce U'u. And Mr. U'u will be followed by Pamela Tumpap.

CHAIR LEE: Good morning, Bruce.

MR. BRUCE U'U [testifying on Bill No. 10 (2021)]:

Aloha, everybody. Good morning, Aloha Friday. Eh, first of all, my name is Bruce U'u. I'm a lifelong resident of Maui. I'm testifying on the housing Bill 10. And my background is second generation owner of a low-income housing in Pa'ia, called Hale Nani. So, and my goal is to make it three generations. That's the goal, right? So, so, I, the background will be, I served on Na Hale O Maui as a volunteer. Again, the passion is homes. And again, living the experience of, I guess, low-income housing.

And by the way, Gabe Johnson, good job with your opening remark. One thing we all get in common, I think, right now, is that we all are passionate about housing and there's different ways to approach the housing issues here on Maui. And so, I think that's the common bond we got between everybody.

I like to say that this morning on the news, as I was, on Oahu news, but they said 90, 920,000 the houses went up to on Oahu, the median. And they said the lack of supply, the lack of market, I should say, and the lack of inventory, and just the reasons that combined with the pandemic and uncertainties of tomorrow with this pandemic is, I feel, I feel again, my unprofessional experience was, would not to approve the 75 percent. I would rather have the developers come up and say why they cannot achieve the 75, or therefore the 100. I'd rather have all 100 percent. Let's face it, if everybody said they could make 100 percent work 100 percent of the time, I would stamp that every time.

And unfortunately, it's not the case. And some of cases it might be the infrastructure cost as comparison to where the tie-ins of infrastructure is, to where the development

could be. Some of the problems we have, when we was on Na Hale, is the interventions that happened over time and the carrying costs of the projects. Even for Na Hale, partnering with developers that took three years to get Kahoma, the carrying costs over the years of intervention, not to mention the condition carries a lot of costs. And again, we not even talking about the material, the interest rates, the labor rates. It all fluctuates.

I am on the same team with the Council. I want more housing, that's for sure. I think everybody is for that. And I guess everybody's viewpoint on a perspective of how we achieve that might different. I'd say wait if this the case. I like the word holistic, never used it before until now, but I like the holistic approach on taking all factors in and coming up with something that hopefully works. I think we passed the trial stages.

And I going end with this, the housing that I live on was built by Elmer Cravalho, low-income housing in '74. And in 1974, we built 3,000 homes just in that year. Last year, we built 654 homes. So, I'm saying this, I don't know what the answer is. I hope you guys make the right decisions and I wish you guys the best. Aloha.

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

MR. U'U: Aloha.

CHAIR LEE: And, Aloha Friday to you.

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Next.

COUNCILMEMBER SINENCI: Chair.

CHAIR LEE: Yes? Oh, I'm sorry, did you have a question? Did somebody have a question?

COUNCILMEMBER SINENCI: No, I just thought that Mr. U'u had other testimony on other items as well? Oh, no. Okay, that's Ms. Tumpap. Excuse, excuse me, Chair. Okay, go ahead.

CHAIR LEE: Ms. Tumpap, are you there? Ms. Tumpap?

Ms., Madam Clerk, please move on to the next testifier.

COUNTY CLERK: Next testifier is Jordan Hocker, Hocker. And Jordan will be followed by Ms. Janet Six.

MS. JORDAN HOCKER (testifying on Committee Report No. 21-13):

Aloha, Council. Hope you're well today. Thank you for everything that you're doing. Thank you for, can you hear me?

CHAIR LEE: Yes.

MS. HOCKER: Okay. So I am here to testify on item agenda CR 21-13, item 17. I'm here to urge the Council to reconsider the nomination of Jeff Ueoka for the Police Commission. A little bit of context; I feel very concerned by Jeffrey's community contacts and his business contacts. You know, similar to Grace, I was present for the arrest of five elders in, in Kauaula. And, you know, my main issue with the way that the, the force functions is that it seems like in certain occasions it's considered acceptable for the police to act as a private security force for developers.

Jeffrey's ties to the specific developer who encouraged the arrests in this case, which were unlawful, which we did have to go in front of the Police Commission to file our complaints on officer conduct, it makes me very concerned to have the Commission, maybe stacked is not the good word for it, but to have members on the Commission, who aren't, their number one priority isn't social justice. Their priority isn't making sure that the police force is operating within the proper or ethical standpoint.

And so, you know, I'd really like to urge the Council to reconsider that nomination, because I'm, I'm concerned due to the community affiliation. And that is all I have to say today.

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

Yes, Ms. King.

CHAIR LEE: Thank you, Chair. Thank you, Ms. Hocker, for your perspective. What was the, you mentioned that you had to go before the Police Commission, what was the decision that they were making?

MS. HOCKER: Yea, so we were, I had to file a complaint on officer conduct. And, and to be honest, I, I'm not even really sure what decision they came out. They went into executive session, and I'm very busy, and forgot to follow-up. But essentially, you know, my complaint was centered around that it really did seem like the officers were engaged in already biased behavior and were making those arrests as a private

security force. I mean, that's what they said, essentially, we're making a citizen's arrest on behalf of a developer.

And if you have people who are associated with that developer on the Police Commission, there's a high likelihood, just based on the way that things generally function, that the Commission is not going to be as effective at addressing these complaints, or really making decisions that honor the people involved.

COUNCILMEMBER KING: Okay. Alright. Thank you.

CHAIR LEE: Any other questions? If not, thank you very much, Ms. Hocker.

MS. HOCKER: Thank you, Council.

CHAIR LEE: May we have the next testifier, please?

COUNTY CLERK: Next testifier is Ms. Janet Six. And Ms. Six will be followed by Pamela Tumpap.

CHAIR LEE: Okay. Ms. Six? Ms. Six? Let's have Pamela Tumpap.

COUNTY CLERK: She's, she needs to unmute on her side.

CHAIR LEE: Oh, okay. I don't even see her.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE [testifying on County Communication No. 21-131; Committee Report 21-13; and Bill 10 (2021)]:

Aloha. Can you hear me?

CHAIR LEE: Yes.

MS. TUMPAP: Okay. I understand I'm unmuted. Can everyone hear me?

CHAIR LEE: Yes.

MS. TUMPAP: Thank you. Aloha, Chair Lee, Councilmembers, and happy Aloha Friday. I'm Pamela Tumpap, the President of the Maui Chamber of Commerce, and advocacy is one of my many duties. I have signed up on five measures today. The first few will be brief and not need the full three minutes. So, if I can follow Junya's prior example and,

and start and then pause in between in case there's any questions. I can go forward with that.

CHAIR LEE: Sure, go ahead.

MS. TUMPAP: Thank you. So, the first is on the appointment of Donna Joyce Kawakami to the Commission on Healing Solutions for Homelessness. As a disclosure, I am a board member of Feed My Sheep, as well as a friend of Joyce Kawakami. And I've worked with her for many different years. Joyce is an amazing person, and I and the Maui Chamber of Commerce strongly support the Mayor's appointment of Joyce to the Commission on Healing Solutions for Homelessness.

Joyce cares so deeply about our community and when she saw a need for food help, working with students at a church, and giving them snacks, but later found that their families needed additional food support and help, that's how she started creating deliveries and took action and later established Feed My Sheep. But initially she was delivering out of her own vehicle and storing food in the trunk of her vehicle.

She constantly puts others before herself and works full-time without pay or a benefits package, allowing all of the donations to go to the organization for the services that they administer. Her selflessness is truly incredible.

She works on a daily basis with the homeless population, acknowledging them as friends, not clients, to offer comfort and prayer when needed. She well understands the heart of the issues they face, and has consistently shown an ability to create solutions that improves their lives. And that's what makes her an ideal candidate for this position. So, I just wanted to share that and appreciate the opportunity to testify in support.

CHAIR LEE: Thank you, Pam.

MS. TUMPAP: Our, my next--

CHAIR LEE: Oh, okay.

MS. TUMPAP: Thank you. My next testimony is on CR 21-13. And this is regarding the appointment of members to the Board of Ethics. I appreciate the opportunity to testify in strong support of the nomination of Steve Sturdevant to the Board of Ethics for the County of Maui. Steve Sturdevant and Sturdevant Refrigeration & Air Conditioning, Inc. has been longtime members to the Maui Chamber of Commerce and supporters of the community. They've also served on the Feed My Sheep Board. So, I've worked alongside him there as well.

He and his company have been tremendous supporters of Feed My Sheep for well over a decade and have ensured that their longstanding truck office, when they were still working out of the truck, was always well air conditioned, so people could work there, and the company did not need to rent an office. Through my interactions with Steve, his deep care for the community comes through as he engages with diverse groups, listens to all sides and works for further solutions for community improvement. I found him to be a man of high ethics and standards, and feel that he will be a tremendous asset to the Board of Ethics.

My next testimony is on CR 21-13, item 12. I also wanted to strongly support the approval for nomination for Sylvia Ho to the Liquor Commission. She is a tremendous leader and she is also on the Maui Chamber of Commerce Board, currently serving as Treasurer and Chair-Elect.

Sylvia's a strong advocate with extensive community service and nonprofit experience, particularly in the events arena. With a background in financial and insurance industry, she's also knowledgeable about liability issues and risks. Sylvia's diverse background is, she has a diverse background and forges quick connections with everyone she meets. She is a, she's very thorough in her research and does her homework at all times on the issues. And it's very important to her to make informed decisions.

She well understands the need to weigh business and community concerns with the risk of hazards and alcohol consumption. She is fair and balanced and always willing to listen to all sides, making her a perfect candidate for this commission. So, given this is my and the Chamber's strong recommendation of support to Sylva Ho for the Liquor Department to serve with the liquor, to serve on the Liquor Commission and support the work that the Liquor Department is doing to make needed changes.

So, I can move on to CR 21-13, item 18. I and the Maui Chamber of Commerce would also like to strongly support the approval of the nomination for Josh Berlien and Alberta de Jetley for the Public Works Commission. Josh Berlien is extremely experienced and has filled many roles in the construction industry. He is currently the Chair of the Construction Industry of Maui, a trade council of the Maui Chamber of Commerce. And his leadership skills, and drive have brought the trade council to new levels of success, especially . . .

CHAIR LEE: Okay.

MS. TUMPAP: Thank you.

CHAIR LEE: Can you please conclude on that particular resolution, because that resolution is really one, the same, one in the same.

MS. TUMPAP: Okay. I will. And, and, and I think, I If I can, may just say, and since I didn't get to talk about Alberta. I think Alberta is also an ideal candidate and cares deeply about the community and has a strong standing within her community. So, I'd like to support her nomination as well.

CHAIR LEE: Thank you.

MS. TUMPAP: And then my last testimony, thank you, Chair. My last testimony is on Bill 10. The Maui Chamber of Commerce is a huge champion of affordable housing and rentals, and that is why we strongly oppose this bill. Our hope is to call attention to important information and share why this bill is not helpful.

I know that we all agree that we have an affordable housing and rentals crisis and delays in building units only escalates prices later on. With COVID-19, many new people are moving in, and the median home price has now risen in January to \$980,000. This means that the trend that we earlier thought would be, take longer will escalate the home price, the median home price to \$1 million, which we thought would happen in 2024, but may happen this year, and over \$2 million in 2042.

We are in a crisis state and our residents need homes. We want all hands-on deck. So, we want working solutions to help, which takes understanding the historical data, listening to our home builders and construction industry experts, and rationally looking at what works and does not work so that we can create winning solutions. We don't want to see history repeat itself.

While today's 201H bill is different from 2.96, it mirrors the situation very closely in three important ways. First, a major change was made to an affordable housing policy mandating a higher affordable percentage. Second, the concerns of home builders, the Chamber, other organizations and top State economists even back then, were shared and said that it would hurt development of, and hurt the development, and many units would not pencil out and it could slow things. But those were overlooked. And third, passionate Councilmembers and none of whom were home builders or industry experts, but wanted a higher amount, and believed they were doing the right thing passed 2.96.

However, sadly, we now know today that Chapter 2.96 caused a severe decline in the building of affordable housing and rentals as was predicted. The great recession contributed. It was not the full cause. And State economists have long viewed that

change as a key factor, independent from the recession, as why we have the crisis and catastrophe we're still dealing with today. We don't want to fall far again. We need to know better this time.

We realize that there are projects in 201H that are at higher levels, and that's fantastic. But the development community is telling you there is concerns. So, why push for a higher level which you can still do a different way to incentivize further affordable units? Why not just keep it as-is, and let the development community have the assurances they need to move forward? The expenses are too high for them to take a risk that you might change your mind when it's well-noted you're looking for 75 percent.

We are also alarmed that the home building experts weren't really included in the revision process. And we need to be working with our experts on this. I'll finish quickly.

CHAIR LEE: Please conclude.

MS. TUMPAP: The bottom line is we're in crisis and we need everybody at the table. So, we're asking the Council to defer this bill and rework it, bringing the experts together to find better solutions. We appreciate the opportunity to testify today.

CHAIR LEE: Are there any questions for Ms. Tumpap?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks, Pam. I don't see where you are on the, this, but I think . . .

MS. TUMPAP: I'm sorry, my internet went down, so I'm calling in by phone.

COUNCILMEMBER KING: Oh, okay. So, I just wanted to ask you the same question that I asked of, you know, the Raymond Michaels. Were you involved in any of the meetings on the comprehensive affordable care, affordable home plan?

MS. TUMPAP: No, I wasn't. But I have worked with Jeff Gilbreath before and find them to be a wonderful and solutions-oriented group, taking into account different views. And I do know that different industry groups had submitted many different views at that time.

COUNCILMEMBER KING: Okay. You, you didn't, the Chamber didn't give any input to the plan?

MS. TUMPAP: No, we did not.

COUNCILMEMBER KING: Okay. Alright. Thank you.

MS. TUMPAP: Thank you.

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

MS. TUMPAP: Thank you. Aloha.

CHAIR LEE: Aloha. Next testifier, please?

COUNTY CLERK: Next testifier is Ms. Janet Six. Ms. Six will be followed by Mr. Keeaumoku Kapu.

CHAIR LEE: Ms. Six. Ms. Six, are you there?

COUNCILMEMBER KING: She's asking if she can . . .

MS. JANET SIX (testifying on County Communication Nos. 21-89 and 21-137):

Here, we all. Here I am. Okay, it wouldn't let me unmute. I'm sorry. I'm here to testify on two different bills. The first is CC 21-89, and that's regarding the Maui News building. And I just wanted, as principal archaeologist for the County of Maui, I did some research using my cultural sensitivity overlay map with data provided by the State Historic Preservation Division, and there are no known cultural sites in the immediate area. I know it's a very sensitive area of the sandhills, but from what I understand, there'll be some renovations done to the building. They're not looking to tear it down and put something up, which would probably require some testing. But there are no immediately adjacent burials or other cultural sites. So, that's my testimony on that.

The other one I'd like to testify is CC 21-137. That's the bill to repeal the grading and grubbing utility exemption. And this bill was written with my help in response to some of the problems we've been discussing in the, I guess it's called the APT Committee now, the Agriculture and Public Trust. And it was first discussed with the context of the Maui Lani and water lines, and more recently having to do with the water line installation in Lahaina, where a burial was hit. I think this is ground-altering activity, for sure, even though they are not changing the grade. And putting an item like this in the proper Committee is really important, and I think the Ag and Public Trust Committee has this issue already in it and has a good relationship.

I'm working with a bunch of different individuals, and Gina Flammer, out of Shane's office, on an archaeological district ordinance that we're drafting, which would work with the cultural offlay map that I'm creating with our GIS Team; Dan Sereno in Management. And there's about 40 of these utility installations a year. So, I would propose, and that we're working on is someone like myself, who's in the principal archaeologist, could look at each one on a case-by-case, and say using our cultural sensitivity layer to inform us, that that may need review. That would not, you know, get rid of the exemption. It doesn't mean people can't put utilities in. We would just simply use the data that we have to determine where, and in this case, with using the pipeline in West Maui, it's going between three known historic cemeteries.

There's three other burials that were inadvertently discovered in a previous survey. So, it would immediately trigger, you know, that that's something that needs to, you know, be looked at by the State. Cause right now nothing goes to SHPD, because it doesn't trigger 6E under this ordinance as written. So, I really would like to support that we go forward with this. It's not something that's going to stop people from putting utilities in. It would just put another layer where someone in my position could take a look with our expertise, and State data, and then make recommendations as whether it needs to go for 6E review or if could just be done with a County permit. And I would work directly with the permitting agency, and the applicant. So, that's my testimony. Thank you very much.

CHAIR LEE: Any questions? Ms. Six, I, my question to you is would you be opposed to having a dual referral, because permits for grubbing and grading really are under the Department of Public Works, which is, which the, the Committee, the standing Committee with the Council is Infrastructure and Transportation has oversight over Public Works. So, knowing all of that information, would you be opposed to a dual referral?

MS. SIX: My understanding, I'm not opposed to it, if that's what's best. But just another thing that we are currently working on with the State Historic Preservation Division is to come with a memorandum of understanding, similar to the one that City and County of Honolulu has. It's a five-year agreement for curbs, sidewalks and ramps, so that in some cases we could go without 6E review where we're going into a previously disturbed context that's not known to be culturally sensitive.

So, we are working on different ways to streamline it, but I don't have a problem; whatever this body thinks is best. But I really think that having, saying putting in any kind of utilities going down four, five, six feet and then putting the dirt back is not a ground altering activity is really short-sighted. I know it doesn't change the grade.

CHAIR LEE: Okay. Thank you. Thank you.

MS. SIX: Yea, thank you.

CHAIR LEE: Thank you very much for your clarification. We have another question from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Chair, you actually asked her my question, because of my Committee. And I would like to take this up. So, thank you for your important work, Ms. Six.

MS. SIX: Oh, you're very welcome.

CHAIR LEE: Okay. Are there any other questions?

Ms. King.

COUNCILMEMBER KING: Chair, mine was along the same lines, just because I know that this has a bill attached to it and the bill cannot be referred to two Committees; the subject matter can. And so, I was going to ask Ms. Six if she saw this, the bill as being more related to infrastructure, or more related to cultural preservation? Because it seems like a lot of these issues have to do with digging up cultural sites, and iwi kupuna. So, you know, when we look at where we're going to, subject matter can be referred to more than one Committee, but the bill has to go to one Committee or the other.

MS. SIX: Well, then, I definitely think it should go to Ag and Public Trust, because the real concern is the desecration of iwi kupuna, and desecration of cultural sites. And that's where someone with my expertise and the ability to take a quick look at the data at hand could make a quick determination based on cultural sensitivity. You know, so I think that if, if we had to choose one, that I would like to see it in Agriculture and Public Trust, because I think the, the big gist is to protect the cultural resources. That's my job, anyway.

COUNCILMEMBER KING: Okay, great. Thank you.

CHAIR LEE: Okay. And then let's see, if anybody from the Administration is on the call, since we've heard from Dr. Six, I would like to hear from Public Works, because I'd like to know--

COUNCILMEMBER KING: Point of order, Chair?

CHAIR LEE: I'd like to know, I'd like to know--

COUNCILMEMBER KING: Point of order.

CHAIR LEE: Yes?

COUNCILMEMBER KING: We're in testimony right now. So, when we get to that subject, we can call on Public Works. But I don't think it's appropriate to start--

CHAIR LEE: Well, I want, I would like to make sure that we have Public Works, you know, notified to be, to attend the meeting, so we can have, perhaps that person as a resource person.

COUNCILMEMBER KING: When we get to the item.

CHAIR LEE: When we get to, not, not now. I'm just saying.

COUNCILMEMBER KING: Oh, okay. Okay. Sorry, I thought you were calling--

CHAIR LEE: . . .

COUNCILMEMBER KING: I thought you were calling them in now. Sorry.

CHAIR LEE: No, no, no, please. I'm trying to avoid Committee work as it is.

Okay. Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Can we also request Water? It does have, also includes water as well. So, if we could include the Department of Water Supply?

CHAIR LEE: Sure. And I'm just hoping that the Administration is listening so that we can have these two resource people when we take up the item later on. Okay?

COUNCILMEMBER SINENCI: Thank you.

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

MS. SIX: You're welcome.

CHAIR LEE: May we have the next testifier?

COUNTY CLERK: Our next testifier, Chair, is Keeaumoku Kapu. And Mr. Kapu will be followed by Mr. Stan Franco.

MR. KEEAUMOKU KAPU (testifying on County Communication No. 21-137; and Committee Report No. 21-13):

Hi. Aloha. Can you hear me?

CHAIR LEE: Aloha. Yes, we can hear you.

MR. KAPU. Hi. Good morning, everybody. Kala mai. First of all, I'm not driving. I'm stuck in the parking lot while my wife is in the doctor's office, so just want to make that clear I not breaking any laws right now. So, mahalo for allowing me this time to testify. I want to testify on two items; CR 21-137 and CR 21-13, number 17.

So, on CR 21-137, I really believe there should be an overhaul in the County when it comes to any type of exemption. Because the area that has been heavily impacted has been, you know, a great concern of not only mine, but a lot of the residents that live in Lahaina. I've been a long-time strong advocate for historic preservations. And a lot of the information that I've submitted to the Planning Department, as well as the Public Works, that this, this area shouldn't be exempted had a lot to do with the borders of jurisdictions on how they determine this area to be placed under the National Historic Register, which is only a few feet away. And because of that, it didn't trigger any type of 343 or didn't even trigger anything in the State Historic Preservation's review.

So, my whole concern was that because of the exemption a lot of things came about. The formation of our Hui Kia'i Kauaula needed to take a, a necessary stand to make sure our issues were addressed. And one of those issues that I'm having a hard time right now is that when, through the State Burial Council, when they put together a cease-and-desist order, so the Burial Council and SHPD could go into the site and look on what was the issues of contention, not only mentioning the three cemeteries that were definitely being impacted. And one of them, they laid the line right across, right across the whole cemetery. And that's the . . . cemetery, which I literally gave them a map, an 1884 map, showing the depiction of the cemetery.

The thing that really is heart-wrenching for me is that I had to see my wife jump into the hole and get arrested with four of my ohana. And only on the basis that they were trying to see if, you know, there's a possibility that an Archeological Inventory Survey needs to be done. And I had to stand on the side and watch that because of a pending TRO that was placed on me by west, what was that, Wainee Village, the owner, Peter Martin. And what is even more troubling for me is that there is no transparency on the

issues pertaining to what we brought forward. That was a contentious issue to inform this company that all we have to do is . . . especially in the public Can I conclude?

CHAIR LEE: Mr. Kapu. Mr. Kapu, can you please conclude. Thank you.

MR. KAPU: Okay. So, I just want to mention that I'm really in support of, there shouldn't be any exemptions, especially in that area on the multitude of lele's and the land commission awards is in the hundreds. And they also reflect the land commission awards that surround Moku'ula. So, that's my testimony. I'm totally in support of Mr. Sinenci's, all kine, looking at the exemption to, that there shouldn't be any exemption in that area, especially for Lahaina. So, mahalo for that. Okay.

CHAIR LEE: Thank you. Are, yes--

MR. KAPU: Thank you.

CHAIR LEE: --Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Kapu, for your testimony today. So, my clarifying question for you is, you know, and, and having that experience in West Maui, are all cultural inventory within those historic boundaries? I mean, we're working to create those boundaries and we're finding that not all inventory are within these protected areas?

MR. KAPU: Yes. And I really feel strongly. Mahalo to Janet Six for talking about, you know, there should be a cultural overlay done. And mahalo to the County for also setting that as the streamline to make sure that we don't miss these kind of things, because it's important. And that's the whole reason why I think the historic corridor should be extended from what is placed on the National Historic Register in Lahaina, that it should be extended mauka of Piilani Highway.

COUNCILMEMBER SINENCI: Okay. Mahalo. Mahalo, Chair.

MR. KAPU: Mahalo. Thank you.

CHAIR LEE: Any more questions for Mr. Kapu? If not, thank you so much for co--

Oh, one more question. Ms. King.

COUNCILMEMBER KING: Yea, I thought Mr. Kapu, aloha Keeaumoku.

MR. KAPU: Hi. Aloha.

COUNCILMEMBER KING: I thought you had a, I thought you had a second item you were going to testify on?

MR. KAPU: Yes, I do.

COUNCILMEMBER KING: Oh, okay.

MR. KAPU: Yes, I do. Can I do that now?

CHAIR LEE: Sure.

MR. KAPU: Okay. And I'd like to testify on CR 21-13, item 17, the appointment and nomination of Jeff Ueoka. Nothing against, you know, this whole regime based on politics, but my whole hopes is that if we're going to appoint certain nominees to sit on certain commissions and boards, this is one I really take very seriously. Because these, this is one of those items that a lot of our kiah'i, especially the wahine got arrested in the trench went before the Commission.

And mind you now, the Council, I really do know that you guys understand the situation that Mr. Ueoka once worked for the County and now works for Geiger and Welch. Geiger and Welch has been very impossible for me and my ohana. Back in 2001, on a declaratory ruling on the Pu'unoa Subdivision, where we filed a declaratory ruling with the State Land Use Commission on a lot of exemptions on a 201G fast-track project. And, it's been impossible, you know, for us, knowing that there is some kind of conflict. People that have an affiliation, especially to the fact that Jeff Ueoka was a representing attorney for Peter Martin when they took me to court for TRO.

So, I'm just saying that, you know, if we're going to appoint anybody, we also put in a resolution a few years ago that a lot of people that are nominated to these so-called boards and commissions, at least has some kind of quality, or criteria behind them that understands the ahu moku system. We put that in front of the County years ago and I kind of like a lot of things that is being placed on the Maui General Plan, especially for the Lahaina, West Maui General Plan, the ahu moku system.

I'm, I'm totally not in support of the nomination of Jeff Ueoka sitting on the, the Commission because it'll only amplify the Police Department to not to consider the concerns of kanaka maoli. And that we really need to look at how we can resolve the issues by putting people in that is sensitive to a lot of these issues. So, I'm really in, not in support of the nomination of Jeff Ueoka to sit on the commission for, the Police Commission. So, mahalo, everyone for allowing me to testify at this moment. I thank you very much on behalf of my ohana of Kauaula. Aloha.

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

MR. KAPU: Okay. Thank you.

CHAIR LEE: Next testifier. Next testifier.

COUNTY CLERK: Next testifier is Stan Franco. Mr. Franco will be followed by Noelani Ahia.

MR. STAN FRANCO [testifying on Bill No. 10 (2021)]:

Good morning. Can you hear me? Hi, Chair, Chair Lee and Members. I'm Stan Franco. I speak for myself and I support Bill 10.

Let me share with you a story. Back in 1972, a man married a woman, and they moved into a rental apartment in Wailuku. The man and his wife worked in government jobs. He for the County of Maui, and she for the State of Hawaii. They did not earn much, but they had enough to pay their rent, pay for their living cost, including diapers for their new baby, and to save a few dollars. And after three years and with a few dollars of saving, they sought a place to buy so that they could have a place of their own.

For sale, there were two places in Kihei. One, a development in, by Arisumi Brothers, and another by another firm. They went to Arisumi Brothers to check on the homes for sale in the . . . Lani Subdivision, with great concern that they may not be able to afford to buy a home. Butch Arisumi showed the couple a map of the subdivision and encouraged them to buy. Butch even took them to Maui Savings and Loan and introduced them to Donald, who were their loan officer. They bought their first home, a 1,000 square foot, three-bedroom, two-bath home on 500 square foot lot in Kihei.

2021, many of our young families do not have that chance that I had buying an affordable home. Jeff Gilbreath from Hawaiian Community Assets has said that in the virtual community meetings held in every community in Maui County, over 600 people have participated. I have sat in all of those meetings except for one. I have heard over and over again, the cry of our people to build more affordable homes for them. I believe that you, the Maui County Council, is reacting to this cry for more homes in the affordable range. And your initial response is increasing 50 to 75 percent in the affordable homes built under 201H.

I applaud your efforts and I believe that when the Comprehensive Affordable Housing Plan is revealed to you, Jeff and Hawaiian Community Assets will recommend that we

take further steps in creating more affordable homes. Let us together give our people the opportunity to thrive in a home that they can afford to buy.

I am Stan Franco. I speak for myself, and speak for support for Bill 10. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

CHAIR LEE: There doesn't seem to be any questions, so next testifier.

COUNTY CLERK: Next testifier is it Noelani Ahia. Oh, e kala mai.

CHAIR LEE: I think they were waving.

COUNTY CLERK: Noelani Ahia will be followed by Evelyn Goo.

MS. NOELANI AHIA (testifying on County Communication Nos. 21-137 and 21-138; and Committee Report 21-13):

Okay. I keep getting unmuted, or muted. Okay, can you, oh.

CHAIR LEE: We can hear you and we can see you.

MS. AHIA: Oh, they just mute, the computer is automatically, there we go. Okay. Okay, I think we're good. I'll try to be brief. I have three items today. Thank you, Council, for being here to hear our testimonies. The first thing I'd like to testify on is 28-138 *[sic]*, the Department of Hawaiian Home Lands resolution. I'm in full support of this. Anything that we can do to get kanaka maoli in housing, I think we need to do. My father has been on the list for some 40 years. I'm never going to be able to buy a house. Hopefully, if my father gets one, I may be able to inherit that someday. But, otherwise, that's probably my only chance to, to have that kind of housing. So, I totally support, support this water and sewage credit proposal, or reinstatement of something that had already happened.

Okay, I'm going to go to CC 21-137. I am in support of this to remove the exemption for trenching to the same grade. I was there on October 13, when the five women were arrested. I watched these machines trench through this land that's in between all of these cemeteries, and on these kuleana land awards, which . . . is a high likelihood of finding burials. And this company was able to do this because there is an exemption in the grading and grubbing code that allowed them to not get a permit, because it was for infrastructure that was going to be filled to the same grade.

As Dr. Six said, this is definitely ground-altering activity. In some places they were down seven to eight feet, four-foot-wide, we're talking about giant machines with huge buckets with the teeth that scrape through. They did not have an archeological monitor until the community came out and complained. And then eventually they did get a monitor. But the monitor didn't stop the desecration from happening because they still hit a burial. Had this exemption not been in place, they would have triggered 6E, it would have gone to SHPD and they would have required a new AIS to look at the entirety of the project. But that is not what happened. And as a result, burials were desecrated.

I'm going to move onto CR 21-13, number 17. They're kind of related. So, this is about the nomination and appointment of Jeff Ueoka who, as other testifiers have said, is an attorney for Peter Martin. And of course, it's Peter Martin's land company that used this exemption to do this waterline with the trenching, with no archaeological studies whatsoever. I, I feel like there's a really strong conflict of interest here. We did go before the Police Commission, because when the police came to the site on October 13, they, they said that they were going to do a citizen's arrest on behalf of the construction company, excuse me, which was illegal and which we informed them of.

And we showed them the letter from the Police Chief that Tamara Paltin had garnered when we're dealing with an issue of title. And that the police are not supposed to make arrests. If there's a title interest, it's supposed to go to court and be adjudicated in court. The police, however, did not listen to their own Police Chief in that letter. They blamed everything on Moana Lutey. And they said that they had every right to do a citizen's arrest, even though they weren't the citizens; they were the law enforcement officers.

So, we did take this to the Police Commission. We have not heard back yet from the Police Commission, although we're not expecting to, because this is a commission that let the same officer that we complained about, they let him off, they actually promoted him after a police misconduct charge and abuse charge. He was actually promoted. And this is the same person that we made a claim against. So, I think we have some issues with the Police Commission to begin with it. And to put somebody else on the Police Commission who is hired by a developer, who had folks arrested on his behalf, I think is highly immoral.

And it goes to, you know, we have this issue in the County, that's been going on for a long time. This is not new. But we have certain people, it's kind of like a racquet really. We've got people that worked in the County, then they go into the private sector and they uphold systems of power that continue to oppress kanaka maoli. Kanaka maoli have been criminalized and arrested on our own lands since, since the overthrow. And

this is a continuation of that. And putting someone like Jeff Ueoka in a position of power, he already has too much. These guys all have too much power. This is the opposite of social justice. This is upholding, upholding settler power. So, I would urge you, please do not, please do not approve his nomination. I think it's, it's highly immoral. And that's all. Thank you.

CHAIR LEE: Thank you. Any questions for the testifier? If not, thank you, again. Oh, one question.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ahia, for your testimony. And I just was wondering if the nominee recuse himself on all matters that are related to his employment, is that not sufficient?

MS. AHIA: I don't know. I mean, I think we're talking about, about morals and character. And I think that, that the mindset of the people who go in and out of County, whether it's Corporation Counsel, or Public Works, or people who have institutional power that then end up in a community position, if they haven't shown a record of using that power to uplift the community and restore justice to the community, then I would say no. If they have a record of restoring justice in the community, and balancing the power dynamic that exists in Hawaii because of settler colonialism, I would say that's fine. But I, I don't believe that Mr. Ueoka has a track record of empowering kanaka maoli in particular.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

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

MS. AHIA: Thank you so much. Aloha.

CHAIR LEE: Next testifier, Ms. Kaohu.

COUNTY CLERK: Next testifier is Evelyn Goo. Evelyn Goo will be followed by Junya Nakoa.

CHAIR LEE: And then, how many after that?

COUNTY CLERK: Five more at this moment.

CHAIR LEE: Okay. Okay, where is the testifier? Would you call the name again?

COUNTY CLERK: Evelyn Goo, last four digits of telephone number 7594.

CHAIR LEE: Evelyn Goo. Just go to the next one and she can come back after.

COUNTY CLERK: Our next testifier is Junya Nakoa.

MR. JUNYA NAKOA [testifying on County Communication Nos. 21-137, 21-138, and 21-139; Committee Report Nos. 21-9, 21-10, 21-13; and Bill No. 10 (2021)]:

Howzit? You guys can hear me?

CHAIR LEE: Yes. Hi.

MR. NAKOA: Yessah. Howzit? Howzit? Yea, I get seven items I like talk about. And I going follow da lady, Pamela da kine. What her name? Da one?

CHAIR LEE: Yea, she only spent one minute on each one now. Just kidding. Go ahead, Junya.

MR. NAKOA: How, about all seven I going talk about all seven and I going take my time, so I no screw up again. Okay. I going talk about the CC 21-137, you know, the grubbing one, the Shane Sinenci one. Yea, I mean, you guys heard all the stories that they just when talk about. You know, here in Lahaina, they when screw us up. And, you know, and yea, that stuff no can happen, eh, like that, with the police doing all that kind stuff.

And I think the thing, again, tie in with that nomination of Jeff, Jeff Euoka *[sic]*, or whatever that name, that guy's name. Him too is related to the same thing, yea? So I going talk about the two things, is that we gotta stop that, eh cuz, I sorry but us Lahaina people, we're losing some faith in our government yea cause we getting screwed every time here in Lahaina. So, you know what I mean? Stop screwing us up, you know what I mean? And these exemptions screw us up. You get Jeff Euoka *[sic]* who, who supporting da developer. And, you know, yea, this, this kine stuff no can. That's why get, that's why the Hawaiians get all nuts. That's why we all mad. So, yea, that's a, that's my, that's, that's two of em.

And then, the 21-10, the support for the Kahoma, the Kahoma housing. Brah, I know couple local families who when get houses from this that, I don't know the name of em. I kind of screwed, I just came from one nada meeting, sorry. But any support for that kine housing, you know, for the Lahaina people, come on, you know guarantee I going do that, I going support that buggah.

But, and then 21-139, the sea-level one, yea. Oh, come on man, that's kind of, kind of common sense, eh? Like my daughter says, you no have to go to college for learn common sense. No build stuffs on da kine where you going get sea-level rise. And yea, so no build houses on the, or anything on the sea, where going get sea-level stuff, okay? And then, okay, that one pau.

K-den, I going talk about, I guess going be two at one time, too. 21-138, the water sewer one for the DHHL, da kine. Yea, c'mon, like, like we been fighting for houses for us Hawaiians to get back on our land. I've been on the list 25 years, but dats nothing compared to the other people who's been on the list, yea? So, yea, we gotta find a way for get us Hawaiians on the land. So, you know, tell, tell your guys' stupid Mayor for make the water and sewer, sewer thing, you know, for make em so we can get Hawaiian Homes.

And then, the 21-9, the exemption, DHHL exemption to the 2.96. You know, da kine, us guys not like that. Us, you know, what I mean? We Hawaiians. We . . . to give us what is ours. No, no, no put any kine other kine stuff on top em. But, yea, . . . okay.

Now, I going talk about this one. This going be a little bit long. Sorry, my bad. Bill 10, k, this is the 201H one. I've been working with all kine, sometimes I was against da 201H projects, and there was some projects that I was supporting the 201H. Because, you know, the buggah, the buggah can help out eh. But every time when I when, you know, support or go against, I always said for make the affordable higher.

And I support the 75 percent increase, or whatever. And, you know what, no amend this buggah. This buggah is good. You guys, you guys did good by making this bill. No let nobody tell you guys nothing. No let these developers and all these other guys think they smart. Eh, us guys, us Hawaiians, we know what the heck we doing. K, stop screwing us up already. I mean, I serious, I kind of passionate about this buggah. I been working on this for over, almost 19 years, brah. And so, this is one positive way, not, this not the solution, but this is one positive solution for, positive stuff for make it happen. Better for us Hawaiians. You know, what, not only Hawaiians. I get plenty haole friends. They, they good too.

But, just for support the local people, you know, what I mean? Get, get 75 percent is good, you know. No let these, I tell you guys right now, you guys is all bad ass. I told you guys that. No let these developers, no let these other guys fool you guys to tell you that they not going build um. No, I dealt with plenty developers. They like build. They like money. They can put em to the market homes. I seen that happen at the Makila Kai. I seen that happen on Makila Kai one. They when put all the money, you know, make em the market more high. Cause that's what, that's da kine dummies going buy um, the kine guys can afford. The, the market going be all da kine expensive.

So, no listen to all this sad stories, because they when screw us up for years, and years, and years. And we get, we shit out of luck. We lose every time, especially people here in Lahaina. K guys, I think I pau. Yea, I done. Okay, mahalo, guys.

CHAIR LEE: Okay, Junya. Are there any questions? If not, have a wonderful weekend, Junya.

MR. NAKOA: You guys too. . . . again. Yessah.

CHAIR LEE: Next testifier.

COUNTY CLERK: Next testifier is Evelyn Goo. And Evelyn will be followed by Marnie Masuda-Cleveland. Evelyn Goo.

CHAIR LEE: Okay, I think we need to go to the next testifier. Ms. Masuda?

MS. MARNIE MASUDA-CLEVELAND (testifying on Committee Report No. 21-13):

Hi, everybody.

CHAIR LEE: Hi.

MS. MASUDA-CLEVELAND: My dog immediately starts barking when it's my turn. But anyway, hope you're all doing well today. I'm testifying against the appointment of Travis Tancayo and Jeffrey--

CHAIR LEE: Okay, could you just state your name, please?

MS. MASUDA-CLEVELAND: Oh, Marnie Masuda-Cleveland.

CHAIR LEE: Okay. Great.

MS. MASUDA-CLEVELAND: Sorry, I thought you said it. I'm testifying against the appointment of Travis Tancayo and Jeffrey Ueoka. And this is in response to CR 21-13, number 17, sorry. The appointment of these two men would mean there would be one less woman on the nine member committee, bringing it to just two female commissioners. So, just looking at balancing and equity of representation on the Committee. I think there was some qualified women applicants who applied to be on the Police Commission.

And, and also, just looking in general at criteria and possible conflicts of interest on the Commission. I think continuing to stack the Commission with people who are members of groups that are overrepresented already is really not in keeping with the, really focus right now, on social justice and police forces on a national-level and certainly here in Maui as well.

So, I'd like to just stress looking more long-range and looking to diversify our Police Commission with young voices, more diverse, culturally, and diverse backgrounds and diverse levels of representation culturally and socially here on Maui, so that, you know, people that are underrepresented and oftentimes have issues with their level of social justice can be more empowered instead of less empowered through the, the Police Commission. So, that's really all I wanted to say, is I am not in favor of these two appointments. And hope that we'll go back to the drawing board and look for some, you know, some qualified applicants.

CHAIR LEE: Thank you. Are there any questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Masuda-Cleveland. I just was, wanted to clarify, when you said that you had thought there were some qualified female applicants. We didn't get that information. Where, how did you get that information?

MS. MASUDA-CLEVELAND: I, I, I knew at least one applicant who is a woman, who applied. But, and so that's, just I knew through the, you know, through her telling me she was going to apply. But my testimony really isn't about one particular person. It's really about a long-range kind of vision, and mission, for the Police Commission, who has, you know, the opportunity to really create reform and have a huge ripple effect throughout our community, based upon the voices and backgrounds of those commissioners. And, and really making Maui County as, as great as we can possibly be with respect to representing all of our citizens equally.

COUNCILMEMBER PALTIN: Thank you so much for sharing that information with us.

MS. MASUDA-CLEVELAND: Thank you.

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

May we have the next testifier, please?

COUNTY CLERK: Next testifier is Suzette Montalvo. Ms. Montalvo will be followed by Kaniloa Kamaunu.

CHAIR LEE: Repeat the name, Ms. Kaohu.

COUNTY CLERK: Suzette Montalvo.

CHAIR LEE: Next testifier. Next testifier is Kaniloa Kamaunu. Followed by Wello.

MR. KANILOA KAMAUNU (testifying on County Communication No. 21-137; and Committee Report No. 21-13):

Aloha. Good morning, Council.

CHAIR LEE: Aloha.

MR. KANILOA: Kaniloa Kamaunu, Waihee Valley. So, hopefully my stuff will be real brief. CC 21-137, oh excuse me, CC 21-137. I wanted to relate the State Preservation's Administrative Rules on burial sites. The reason for this, we dealing with the iwi all the time, excuse me, kind of hoarse this morning. But dealing with the iwi throughout these years, you know, this type of things have really, as far as utility and, you know, these guys being exempted from doing these things to get the permits. You know, if you look at Phase 6 of Maui Lani, because there's really no oversight of what they're doing. I mean, they run into iwi all the time. In fact, there's still a discussion of how they move forward but them going to Kauaula.

So, HAR 13, 1300-283 [sic], and this is the burial policy of, in purpose for this osteology report that needs to be done. But in here is some of the definitions. It talks about burial sites. And it says, "Burial sites with human skeletal remains have cultural significance and are sensitive historic properties, significant to the descendants and to the relevant cultural group". It also goes on to say, "American common law states it cannot be owned; rather the burials are held in trust for their descendants". So, that's important to understand, because when these permits are given or not issued, this is what happens. Jeopardy for us, because there's no oversight.

And as you go down to 13-283-2, definitions, it states plainly burial site means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burials, if any, are interred, okay. Okay, so what that means is, and I looked up what the statement of skeletal remains. And it just means it has to be one person. It has to come from one skeleton. Then, in that definition, if I look at it, from

what I interpret, it states once that skeleton or remains of the skeleton is found under this HAR is considered a burial site. Right? And it doesn't say it has to be marked, it says, "unmarked" location. So, this becomes very important because when things like this, and with Shane, so, I support what Mr. Sinenci is doing with that amendments. So, I support that for that one. But I'll ask you to look at these, because it does come into play. So, thank you for that one.

And then, the next one, of course is, oh excuse me, lost my place, is the, it's about the assignment to, for the Police Commission. I also will jump on the bandwagon with everyone else in Lahaina, as far as Mr. Ueoka. It does come into question when they have affiliations, especially in a heavily disputed area and this person is a legal representative of a company that's enthralled in a very highly public thing going on in Kauaula, that he should be put onto the board. I mean, this comes down to ethics.

Because, I mean, if he has a relationship, a paid relationship with a developer that had gone to the extent to use the Police Department in a wrongful manner, and that this person is on his attorney's staff or counsel, and he didn't see anything wrong with that? And didn't see anything that could be questioned about the action that was taken by that company in Lahaina is highly, I mean, I mean, that would be ethically wrong to even consider this person.

And when I sat in that meeting with the land, with the Commission, you know, I felt that they weren't interested in what we were saying. I felt that they were very disconnected with what was bringing out and the concern of the, of the people that came there, cause I knew there was a lot of us. And they even took away our, our right to have our full-time to, to be heard at that meeting. And I think it was irregular of how they held that meeting, because we actually put in a complaint, and they just made us as public testifiers.

I went through one of the Commissions before, where the incident here in Waihee and we had a hearing. This wasn't a hearing. It was just oh, come and, and give public testimony. But there were over 20 complaints that went in. And we weren't heard in the hearing. We weren't even given a hearing. We were called as the public to give three-minute testimony, when that's incorrect. There should have been a contested case given to us, so that we could have presented the case to them. It wasn't even presented.

So, it, I have highly concerns of the ethics of this Commission to fail to give the public who actually pay for the support of the law enforcement not to be heard. If you weren't, . . . If you don't mind, Chair, I'll just take a few seconds? That we weren't listened to by the Police Department in Lahaina, and then we weren't listened to the Police Commission when we came forward. We weren't afforded justice. And then, we still

haven't heard anything back from our case. In fact, there is no case. It was just public testimony. So I, I, you know, again, to this appointment, I would say a'ole because of the ties, ethically, that he has. Thank you. Mahalo.

CHAIR LEE: Alright. Are there any questions? Okay. Thank you, Mr. Kamaunu.

MR. KAMAUNU: Mahalo. A hui hou.

CHAIR LEE: Mahalo. Next testifier.

COUNTY CLERK: Chair, our next testifier is Wello. And Wello will be followed by Suzette Montalvo again.

MS. CONSUELO APOLO-GONSALVES (testifying on County Communication Nos. 21-137, 21-138, and 21-139; and Committee Report No. 21-13):

Aloha.

CHAIR LEE: Aloha.

MS. APOLO-GONSALVES: Can you guys hear me?

CHAIR LEE: Yes, we can.

MS. APOLO-GONSALVES: Okay. Well, my name is Consuelo Apolo-Gonsalves and I was one of the wahine's that got arrested. So, I'm going to talk about 21-13, 17. I feel that Ueoka shouldn't be on the Commission. To me that's a conflict of interest. I did testify at the commissioners, the Police Commissioners meeting that we had and nobody got back to us. And I feel that, yea, we weren't being heard.

But as far as Mr. Ueoka, I just think that that's a conflict of interest, cause he does work for Peter Martin. So, yea, I, I agree with what uncle and Noelani Ahia guys was talking about.

And then moving on to bill 21-137, 21-138, 21-139, I support those bills. You guys are doing awesome, just like Junya said. And don't listen to these developers, cause they not the ones who suffering, we suffering, our people suffering. We cannot afford da kine homes that is priced today. Like I said, 20 years ago when I bought my home, I bought for \$179,000. To me, that's affordable. You can't get that nowadays. To me, it's not affordable, five hundred something thousand. So, yea, you guys are doing awesome. Thank you for letting me speak today. Keep on doing a great job, cause

they will be coming after you guys, because you guys doing what should be done for us, you know? Mahalo.

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

And may we have the next testifier, please?

COUNTY CLERK: Next testifier is Suzette Montalvo. And Suzette will be followed by Sommer Paulson.

CHAIR LEE: And then, how many after that? Cause we're going to take our break after that.

COUNTY CLERK: Two, three more.

CHAIR LEE: Okay. Montalvo, Ms. Montalvo. Let's go to the next testifier.

COUNTY CLERK: She's still--

CHAIR LEE: Let's go to the next testifier.

COUNTY CLERK: Okay. Suzette, for the record, is still muted on her end.

CHAIR LEE: Oh, you see her?

COUNTY CLERK: Yes.

CHAIR LEE: Suzette, are you there?

COUNTY CLERK: She just unmuted yourself.

CHAIR LEE: She just unmuted herself? Okay. Suzette?

MS. SUZETTE FELICILDA (testifying on Committee Report No. 21-13):

Hello, can you hear me?

CHAIR LEE: Yes, we can.

MS. FELICILDA: Okay. Thank you. Sorry. I am also in my car. I'm on lunch break. But I just want to share--

CHAIR LEE: Could you please state your name for the record, and who you represent, if you do represent anyone?

MS. FELICILDA: Oh, yes. Okay. So, I know my phone says Suzette Montalvo, but I am also Suzette Felicilda, that is my name. And I'm a kanaka maoli of Lahaina. And I am addressing CR 21-13, item 17. I am, I am opposing the appointment of Jeff, Jeffrey Ueoka. I am greatly moved by his expertise and we always look forward to people that understands the law greatly, the truth, and to protect the people.

However, Jeff services a great amount of developers who do not abide by the laws, who they think they are above the law, and uses a highly, uses or highly pays these expertise personnel to benefit their bullying and suppression to the people of Maui County. These developers have already stacked the West Maui Community Planning Committee, the Planning Commission, and many other boards. Now the Police Commission. We need help and we need support as a kanaka maoli, especially of Lahaina.

I have, I have a family history within the police force. I have plenty family members. And I do hope that they follow the duty to protect and to serve justice to the people from being bullied. I urge you to highly not approve this appointment. I want to thank you for giving me the opportunity to testify. Mahalo and keep up the great work. Aloha.

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

If not, may we have the next testifier, please?

COUNTY CLERK: Next testifier is Sommer Paulson. And Sommer Paulson will be followed by Ivan Lay.

MS. SOMMER PAULSON (testifying on Committee Report No. 21-13):

Aloha. My name is Sommer Paulson. I want to speak on CR 21-13, item number 17. I want to testify against the appointment of Jeffrey Ueoka. I am a birth worker and a proponent of social justice and police reform and accountability. I believe that there needs to be more representative, more representation for the kanaka maoli on the Commission, and also, more women on the board. There are only, with these appointments, there is only two. And I feel like domestic violence is a big issue where complaints can come to the Police Commission often and the people who are coming with those complaints may not feel comfortable if they don't feel represented in a, in a good way to be able to speak their complaints in a way that is heard and held. I think that there could be social workers perhaps, instead of lawyers who work for big

developing companies on the Commission. And I think you are all doing a very great job. Thank you so much. And that is all I have to say.

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

May we have the next testifier, please?

COUNTY CLERK: Next testifier is Ivan Lay. And Mr. Lay will be followed by Adisa Camara.

MR. IVAN LAY [testifying on Bill No. 10 (2021)]:

Good morning, everyone. My name is Ivan Lay and I'm testifying on Bill 10. I appreciate all the hard work that you guys have done with affordable housing. And, yes, on Maui, we need a lot more affordable housing being done. But I think it's a fine balance when you have the market value and the affordable housing. We all know that the market value helps with the affordable housing development because it helps to distribute money towards the affordable housing from the market value to them, to help to uplift that section of the development.

Previously in the past, we've had where there are more, you asked for more affordable housing and it had a difficult time making those projects happen. Currently, what's going on, the projects are going well, we've had a lot of affordable housing come up, which is great for all our kids, our keikis. And, you know, and even our grandchildren have high hopes that they can live here in Maui. But playing with that balance, you might disrupt it where, like, like we've heard, that the developers might be not interested in it because it's just too difficult to try and pan out.

So, if we could just work on what we have now to make it better, I think that would be the better idea. And again, I appreciate all the due diligence that you guys are doing and getting all the information on these, on the, on this proposal. But please think it out. Think of history. Think how it hasn't worked in the past and how it's working right now. I appreciate your time. Thank you.

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

Next testifier.

COUNTY CLERK: Next testifier is Adisa Camara. And Ms. Camara will be followed by Kanani Higbee.

MR. ADISA CAMARA (testifying on Committee Report No. 21-13):

Good morning, good afternoon.

CHAIR LEE: Good morning.

MR. CAMARA: Listen, first off, I want to say thank you very much for the job that all of you are doing. Because it is, you are under the magnifying glass all the time. Now, I am calling in concerns to CR 21-13, number 17, with the appointments of the fireman and the attorney; Travis and Jeffrey. I disapprove of this appointment. And I think the committee has an opportunity right now to just become a beaming bright light within our community, because of all that's transpired within the last year or so with social justice, now we have the opportunity to allow someone from the community, someone from, that represents the people, that represents us versus corporation.

Now, I'm not totally sure the attorney represents corporation, but I do know that, I do have some information that says that he is, you know, attorney of a large corp. Now, the fireman, a fireman is also seen as an officer, a badge wearer. So, he also would not represent the people. I would like to have someone from the community, preferably a woman, and the only reason why I say that is because here in last few years, we've had so much turnover of justice, some good justice.

And so, a lot of times, when it comes to the police, when it comes to rape, people don't get, the women don't get justice. When it comes to sexual abuse, women just don't get justice. And when you put more men together, that's just more guys from the country club. So, if we could get more balance, then the women on the Committee would also help the men to become more balanced in their opinion, I believe. So, there's not just a macho, but we got the male and the female, the male and the feminine. And so, that's what I would prefer, not just the same 'ol.

But if we could make an announcement that we have chosen someone from the community to represent the community, then the people will appreciate that. I would definitely appreciate it. And I thank you for your time.

CHAIR LEE: Are there any questions? Any questions? No questions.

Can we have the next testifier, please?

COUNTY CLERK: Our next testifier is Kanani Higbee. And Kanani will be followed by Evelyn Goo.

CHAIR LEE: Okay.

MS. KANANI HIGBEE (testifying on County Communication No. 21-138; and Committee Report No. 21-13):

Hello. Aloha. Thank you for having me today. I'm going to testify on two items. One, is the Hawaiian Homes. Let's see, that one I would like to support. And I'm so glad that we have Tamara Paltin helping us Hawaiians. I now have four generations on the list. Well, as soon as my daughter turns 18, she will be on the list, with no lot given to our family. My mom's been on the list since the '80's. My grandparents died on the list. Myself and my siblings are all on the list and we're all waiting for Lahaina. We also have many cousins on the list. We're actually waiting for residential, but we would like to support both agriculture as well as residential. So, we support the water credits and the sewer credits, if you can get the Mayor to approve that.

And then the other thing that I need to testify was the Police Commission. I would like more women on the Police Commission. I fully support females in the Police Department. Actually, I've been treated much better my females than men. I'm a victim of sexual assault, and I reported that to the police and they victim-blamed me. And they didn't just victim-blame me, they retaliated against me, because of how they treated me and because I reported some of them for how they treated me. So, I know if there was more females, when I go to report it, I would have a female, not a man who's related to a person who I reported, so, he could tell me to my face that he can't do a criminal investigation, cause it's a civil matter when it's not. When you are in surgery and get sexually assaulted, that is not a civil matter. That is a criminal, as well. I have daughters and I care about them and I don't want things like that to happen to them. I don't think any of us do. Nobody wants the female in their family to be mistreated like that. We need more representation in the police, with females.

We had somebody who was interested in being a police commissioner, who looks out for marginalized people. We need people like that in the Police Commission. We actually, it seems like we have a pretty good County Council. So, instead of having the Mayor appoint a police commissioner, I mean, I know the County approves it, but I just feel that there needs to be better representation of females in the Police Commission. And I would feel a lot better. I would feel safer that there's justice being done, not this anesthesiologist still out there sexually assaulting his patients. That's all I have. Does anybody have any questions?

CHAIR LEE: Do we have any questions, Members? If not, thank you Kanani.

MS. HIGBEE: Thank you.

CHAIR LEE: Mahalo, for coming.

Next testifier.

COUNTY CLERK: Next testifier is Evelyn Goo. Evelyn Goo will be followed by Gabriel Hoeffken.

MS. EVELYN GOO [testifying on County Communication No. 21-89; and Bill No.10 (2021)]:

Aloha. Can you hear me?

CHAIR LEE: Yes. Aloha.

MS. GOO: Yay. Good morning. Good morning, Council Chair and Councilmembers. I'll be testifying, my name is Evelyn Goo and I'm testifying as an individual. And I'm testifying on two things this morning. One is Bill 10 and the other is 21-89.

First of all, I would really like to thank this Council for having the courage to stand up for the working-class by getting this Bill 10 this far. I'm asking that you please stand firm in your support of this bill, and cast your final vote in favor, as it stands written. I know it's not the perfect bill, and it doesn't completely solve our current housing crisis, but it's a good solid start. The current state of affordable housing process has not worked. It has allowed the developers to build expensive homes. My husband passed away waiting for Hawaiian Homes. My children's grandmother is 100 percent Hawaiian. My children will probably never see a home here unless we take measures like this to move this bill forward.

As I said, the current state of affordable housing process has not worked. It's allowed the developers to build expensive homes at the expense of the working class. Developers think that 140 percent is affordable, and it isn't. They don't like 75 percent of the housing, houses to be built as affordable homes because it cuts into their money. They want to make only 50 percent of affordable housing. They build, list it as affordable homes. Developers can ignore the building codes and the permit fees. They make them cheap and fast. They get all the tax breaks and put them into mansion tax credits. The working class are fighting for the crumbs when the developers get the cookies.

It's very interesting to note that the only people who testified against this part of the bill were representing development, construction, and real estate; people who make the

money off the housing. All of the testimony in favor of this part of the average, were the average Maui citizens who understands what it's like to struggle with housing.

What we need is for you, the Councilmembers, to vote in favor of our workforce, and not development interests. This bill won't fix the housing crisis by itself, but it is one step in the long process of turning our housing crisis around, and protecting the interest of the workforce over those, over those of investors. It's an important step that will result in better products, projects that preserve, that serve our working-class. I humbly ask you folks to vote yes and move this bill forward.

One last quick thing on this, I keep hearing prior testimony of the wait for a survey, wait for a survey. Well, it's my understanding that this bill is written, and the 20H *[sic]* is not a, not a part of that survey. So, why would we want to wait for that survey? Anyway, I again humbly ask you guys to please vote yes and move this bill forward. Thanks for allowing me to speak on this issue, you guys. I really appreciate it.

CHAIR LEE: Thank you. Are there any questions?

If not, may we have the next testifier, please?

COUNTY CLERK: Next testifier is Gabriel Hoeffken.

COUNCILMEMBER KING: Chair. Chair. I believe Ms.--

MR. GABRIEL HOEFFKEN: I believe Ms. Goo had two items that she was going to testify on.

CHAIR LEE: I thought she did testify.

MS. GOO: I was going to testify--

CHAIR LEE: Do you have another item, Ms. Goo?

MS. GOO: Yes, I do. I've got item 21-89, the purchase of the Maui News Building.

CHAIR LEE: Okay. Why don't you proceed with that then?

MS. GOO: Thank you. I must come forward and voice today how thoroughly disappointed I am in how the purchase of the Maui News Building has transpired and progressed, as it has the appearance of being steamrolled through by Members who have met with the Mayor without other Councilmembers' knowledge, only to surface before Council with a decision to purchase to be expected in one month's time. Rules, procedures,

and standard practices that have been in place for previous sitting Councils appear to be set aside to facilitate a quick decision for the Ogden Newspaper of Wheeling, West Virginia.

Committee meetings have been held within Council meetings in order to push this purchase through. I thought that Committee work was to be done at Committee level before being brought to the Council floor? Clearly due diligence has not been done. You have several Councilmembers who are asking important questions, and the information they request is not being provided. They've been criticized with sarcasm and pushback instead of allowing the process of due diligence to be completed.

The Mayor was brought in to answer questions at the 11th hour and he couldn't even answer those questions. This is not due diligence. It's not that I don't trust the Mayor, it's just good business to have everything in writing. And it's never good business to purchase and then deal with whatever follows. At one point, it even seemed that Council was bartering with the Mayor over space. To me, the responsible thing to do is to have all the facts, the figures, as well as full disclosures, strategic plans, remodeling expenses, long term issues and so on. I don't know of anyone in a successful business who operates in this manner.

The building was sold a little over a year ago for slightly over 8 million, and now all of a sudden it's a hot buy at 9.8 million. That doesn't quite seem like the fire-sale price to me. To say that you acquire it first, and find out what is wrong with it, and what you have to spend to make it right makes no sense. The risk you are taking is not yours, but Maui County taxpayers.

You need to consider how the public feels by listening to our testimony. As one taxpayer, I've come forward and posed some very valid questions. You've also heard from a former Councilmember, who was actually on Council during the One Main issue. In addition to someone else who ran for Council in the past election, testified all in opposition based on valid points and serious questions. Yet only few Councilmembers asked for these answers from the Mayor. It was as if we never testified.

If you are truly doing the work of the people, then send this back to Committee, so the due diligence can be completed and all the answers to valid questions posed be answered to the satisfaction of the Members and the public. The Council's job is--

CHAIR LEE: Could you con--

MS. GOO: One more sentence, please.

CHAIR LEE: Yes. Please conclude.

MS. GOO: One more sentence. Thank you. The Council's job is not to bail out mainland corporations that are having financial difficulty, but to work for the people of Maui County, and to serve their interest. Thank you very much for allowing me to testify, you guys. I really do appreciate all the hard work you folks have been doing.

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

May we have the next testifier, please?

MS. GOO: Thank you.

COUNTY CLERK: The next testifier is Gabriel Hoeffken. Followed by Linda Maglianes.

MR. GABRIEL HOEFFKEN [testifying on Bill No. 10 (2021)]

Good morning. Can you hear me?

CHAIR LEE: Yes, we can.

MR. HOEFFKEN: Hello, Councilmembers and Council Chair. My name is Gabe Hoeffken. I am not a lobbyist and I am against Bill 10 in its current form. I was born and raised in Maui. I am an excavation contractor, and I am currently in the process of trying to develop an affordable housing project which was approved through the 201H process. This experience has given me a unique perspective on affordable housing, and housing in general. My interest in affordable housing comes from having had friends and family move away because they cannot afford to own a home, and seeing the hardships caused by our lack of housing inventory, especially in rural communities like, like Hana.

I think we all have the same goals of having more affordable housing for our community, but I'm against this bill and I have some recommendations of other places we can look to improve our housing inventory. First off, you know, I, I think, you know, granted not all developers are good, but I don't think all developers are bad either. And the reality is developers, and contractors, and all the people in this industry, we're businesspeople, and we hire people, we employ people, we are a big part of the economy. And the idea that, you know, developers are greedy and evil and all of this stuff, I think that's a misrepresentation of the industry as a whole. Secondly, and along with that point is, if affordable projects don't make financial sense, i.e., you know, you only have 25 market rate units to offset the cost of 75 affordable units, developers will not do those projects. It has to make sense financially.

And I would even go as far to say that if most developers, not all, if they can make the same profits doing affordable and workforce housing project as they can on high-end luxury units, and hotels, and high-end condos, and those sorts of developments, they would do the market-rate and the workforce housing projects. But the numbers aren't there. They don't work out.

When you're developing large projects with all the infrastructure, it's very costly and it's very hard to make the numbers work out. And then, when you change the math and say now you, you know, basically, with a 50 percent requirement, you're looking at one for one. So, you have one market rate unit to offset the loss on the affordable unit. If you change that math, it, it doesn't work out. My recommendation is to improve affordable housing, I think more housing the better. It'll, it'll overall increase what's available in the lower or at least stabilize costs. Thank you. I got a bunch of other stuff. I'll just figure out some other way to get it to you guys.

CHAIR LEE: Well, you can always send, email your testimony to us.

MR. HOEFFKEN: Okay.

CHAIR LEE: You have one minute to conclude, if you can conclude in one minute?

MR. HOEFFKEN: Okay. Let's see, currently, it takes too much time and money to get a project through the approval stages. You've got not only the initial stage of entitlements, then you've got the design phase and permitting, and then you've actually got the construction phase. So, even fast-track projects end up taking, you know, four to seven to ten years. It's very time consuming. And during that time, prices go up, and regulations and procedures change that cause more, more expense.

Let's see, yea, I would say if you want, I wish the County would look at looking at all the rules that slow and impede housing development, streamline the permitting process. Maybe even have a project pre-approval process to limit the time and the money wasted during the proposal process, cause it costs a lot just to get to the point to propose a project.

CHAIR LEE: Okay, Mr. Hoeffken, can you, could you just send us an email? Those are very good ideas.

MR. HOEFFKEN: Yea, I, I will. I will.

CHAIR LEE: Thank you.

MR. HOEFFKEN: I'm very passionate about this. I really hope that this bill doesn't go through, cause I think it will lower our inventory. Thank you.

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

Yes, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Hoeffken. Did you, were you able to participate in any of the meetings that, for the affordable housing plan?

MR. HOEFFKEN: Honestly, I didn't hear about that until I found out about this bill. I work a lot. I'm in the construction industry, and it's slowed down a lot. And I've been doing everything possible to keep working and not have to lay off my staff. So far we haven't had to do layoffs, but I'm pretty much on the verge right now of having to do layoffs, because construction slowed down significantly.

COUNCILMEMBER KING: Okay. Well, maybe we can transmit your suggestions to Mr. Gilbreath, cause it's, he'll be finished with his draft plan.

MR. HOEFFKEN: Yea, I was trying to figure out how to get in touch with him. I actually filled out the survey on the website, but I couldn't find--

COUNCILMEMBER KING: Oh, good.

MR. HOEFFKEN: --direct contact.

COUNCILMEMBER KING: Oh, good. Okay.

MR. HOEFFKEN: I think I'll email him as well.

COUNCILMEMBER KING: Okay, great. That's, that's really helpful. And then, my other question to you that, if you do do that, since you do, since you have put some information in, you know, we're waiting for this, the draft plan to come out later this month. And the draft plan may say, you know, may recommend 75 percent or maybe even 100 percent. But whatever it recommends would you support that draft plan as part of a holistic plan going forward?

MR. HOEFFKEN: I would have to know who, who gave impact and feedback and, and recommended those things. I mean, I agree in the perfect world we would have projects that are 100 percent affordable. But it doesn't make financial sense currently. Like, like, one of the other testifiers, I think it was, oh what was his name, he was

recommending land being provided by the County for projects. And then that would lower the development costs. Things like that would have huge impact and help.

But currently, if a developer has got to buy the project, get the entitlements, do the design, go through permitting, do all these steps, it's not, it's not financially viable 75 or 100 percent. Without, let me, let me say without significant help from grants or nonprofits or something of that sort. Our project, we've actually partnered with Habitat for Humanity, and that's the only reason we have been able to, we're doing 100 percent affordable. But it's only because of that partnership. Without that partnership, there is no way we could do it.

CHAIR LEE: Okay. Thank you, Mr. Hoeffken.

COUNCILMEMBER KING: Thank you. Thank you. Thanks for that work.

CHAIR LEE: Anybody else? Ms., Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair and thank you, Mr. Hoeffken. There's something you said that kind of caught my attention. You're saying the construction industry is slowing down. I've seen a lot of people working and I just recently talked to a contractor. It's hard finding, getting people off the bench. I mean, there's people not on the bench. There's a lot of people working. So, when was this information shared with you, or how do you make that assessment?

MR. HOEFFKEN: There's a lot, government contracts are way down, both on the State and the County level. We do a lot of County and State work. And we went from having, you know, I don't really want to say what the volume of, of contracts, but it's way down. Even the amount of bids that have been coming out recently have been much lower than previous years. My guess is just because of tightening of the belt because of COVID and, and lower, you know, less, less finances for construction projects.

COUNCILMEMBER MOLINA: Okay. Thank you. Cause the reason I asked that . . .

MR. HOEFFKEN: Yeah, some guys are still busy, yea.

COUNCILMEMBER MOLINA: Yea, I was just having a door installed and just to find a carpenter, it's like, it's hard cause everybody's working now. So, anyway, but thanks for that information.

MR. HOEFFKEN: The remodelers are super busy and it's good, I'm happy for them, yea.

CHAIR LEE: Any more questions? If not, next testifier.

MR. HOEFFKEN: Thank you, guys. Thanks, Council. Thanks, Chair. Appreciate it.

CHAIR LEE: Thank you. Thank you.

Next testifier.

COUNTY CLERK: The next, the next testifier is Linda Magalianes. And Linda will be followed by La'akea Low.

MS. LINDA MAGALIANES (testifying on Committee Report No. 21-13):

Aloha. Can you hear me?

CHAIR LEE: Yes, we can.

MS. MAGALIANES: Aloha. Thank you, Madam Chair Lee. My name is Linda Nahina Magalianes and I was one of them that got arrested on October 13, in Lahaina. For me, you know, when the police all first came, they gathered all by . . . which is part of West Maui land. And I am against the CR 21-13, 17, of Jeff Ueoka. And I do want to see more ladies in that Commission. We did, we also met with the commissioners and we didn't get any response yet, and we probably won't.

But it's heartbreaking of how we were treated on the situation that had happened. We tried every which way to do it the right way, and I just for one, I speaking on myself, couldn't see them trenching through cemeteries or any iwi kupuna. And for them to say they hired an archaeologist, yes, they did. That archaeologist was so far away from where they were digging, he was not watching what was being dug. And we've been watching them for several weeks throughout that time. And again, the archaeologist were not there.

But, you know, back to the, I wouldn't want to see Jeff on there, only because the ties he has with Peter Martin, that we were arrested because of them. That's all I wanted to say to you folks, that I was against that. Thank you.

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

Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I just have a quick question. Thanks you for coming to testify. And I'm just wondering, so the complaint that was filed with the Police Commission, we've heard from other testifiers that you haven't heard back. But what is the name that it was filed under? I would love to inquire with the Police Commission.

MS. MAGALIANES: Well, we all filed separately.

COUNCILMEMBER SUGIMURA: Oh. Okay.

MS. MAGALIANES: So, when I did my complaint, I had to fill out an application under my name. So, we all did one each under our own name. It wasn't like a group or anything.

COUNCILMEMBER SUGIMURA: Okay.

MS. MAGALIANES: We just filed it all together.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Thank you. Okay.

MS. MAGALIANES: Thank you.

CHAIR LEE: May we have the final testifier, please.

COUNTY CLERK: Final testifier signed up--

CHAIR LEE: Oh, Mr. Sinenci, did you have a question?

COUNCILMEMBER SINENCI: No question, Chair. Thank you.

CHAIR LEE: Oh. Okay.

COUNTY CLERK: Our final testifier signed up is La'akea Low.

MR. LA'AKEA LOW [testifying on County Communication Nos. 21-89, 21-133, 21-137, and 21-138; Committee Report Nos. 21-10, 21-11, and 21-13; and Bill No. 10 (2021)]:

Spoke in Hawaiian.

I'm going to be testifying on a few agenda items. So, first, for CC 137, just want to mahalo Member Sinenci for proposing this bill. I think it'll help remedy some of the

unintended consequences related to that one with the trenching. So, I'm in support of that one.

And then for CC 138, I want to mahalo Member Paltin for bringing this one up in relationship to the DHHL credits. I'm in support of this one, too. And, you know, I know a lot of the County's earmarking, like millions for other affordable housing projects. So, I appreciate Member Paltin for supporting kanaka maoli communities on the waitlist, dying on the waitlist. And so, I hope we can get that one passed through, too.

And then for moving on to CC 133, for the Planning Commission, I just wanted to oppose the nomination. The nominee expressed that they're multi-generational real estate professional ohana. So, you know, a lot of our families are getting priced out of the market. We see what a median price of homes, like, upwards of like a million, a million dollars soon. So, a lot of real estate professionals have been profiting off of that, and off of the, off of our family members, pricing our families members out of the market, having to move to America and other places. I think the Planning Commission already has real estate professionals on it. So, I think there'd be an overrepresentation of real estate professionals on the Planning Commission.

Also, in terms of the nominee's position with the Redevelopment Agency. I know that they strongly support the hotel in Wailuku that a lot of community members are against. So, I just don't think this nominee is, reflects the community at large, and the direction the community wants to move in. And I understand the Council's preference to include more wahine and young people, and I'm all for that. But I think a greater consideration is their profession and how they make a living. I'm more concerned with that than how old they are or what gender they are or they identify with. You know, I think there's a lot of young wahine who would do well in that position, who aren't related to the speculative real estate industry. So, I just wanted to oppose that nomination for the Planning Commission.

And then moving on to CR 21-10, the Na Hale O Maui. Just wanted to say that I was waiting in the Committee for like discussion and, like, maybe even a presentation on that one. I was hoping to hear a little bit more and maybe hear them field some questions from the Council. But I think you folks just voted to pass that one without discussion. So, I don't know much about that one.

But I know one of the testifiers in support mentioned, like, it's Hawaiian Homes for the rest of us or something like that. And I don't know about that. Like, a lot of the community hasn't dealt with the problems that the kanaka community has had to deal with, so, like dying on the waitlist and stuff. So, and of course, we know that the affordable housing projects aren't just for local communities. Like, you could, I don't know what the residency requirement is, but you could live here for just like not even

that long and still qualify for one of these houses. And like the financial requirement, I think ices out a lot of community members right off the bat. Like, they don't make enough money for whatever the requirement is. So, I just think that we could have heard more about their project in the Committee meeting.

And then, moving onto 21, CR 21-11, Haiku, the bathrooms. I heard in the meeting that it was going to be like a million dollars or something. I don't know if the community was expecting that. Or, cause if you look at the bathroom now, it's, I don't know, pretty rundown, and I don't know where the million dollars comes from. But also, hope that like contractors from the area would be given priority, cause I think, like, a company like West Maui Land was like on the list to do that project. And I just hope that a contractor from the area could be given priority. And I know \$1 million sound like a lot for a bathroom. I know, if it's the bathroom I'm thinking of, there's a bathroom at the community center right there too. So, I don't know if the community would be wanting to spend a \$1 million just for a bathroom over there. And I don't think very many people even use that park especially during COVID. So, I don't know if the price tag is worth it over there.

And then, for CR 21-13, for the nominations, number 8 for the Fire. I wanted to come out against the nomination. I think the nominee is another one where a young wahine was given preference. And that's good, but I'm more concerned with how they make their living. And this nominee works for Frampton and Ward, who strongly support development projects in fire-prone areas. The nominee also expressed that they don't really have any experience in this area, Fire and Public Safety. They did mention they are married to a firefighter. But I don't think someone who's like married to a teacher is necessarily qualified to serve on the Board of Education. So, I don't know if you took that into account?

The nominee also, so for that, for Fire and Public Safety, I would just hope that like there's lots of firefighters, lifeguards, paramedics, who have more experience and would bring more to the Fire and Public Safety. And even I would consider DLNR, DOFAW employees, they're often on the frontlines of the wildfires we see in those areas. So, I think they should be considered too, for that Commission.

And then, for 17, Police Commission, I just want to echo a lot of what everyone else was saying about the attorney who works for Geiger and Welch, who are in court against the Kia'i, who were defending iwi kupuna. And so, as people said, that was an illegal arrest. And the police pretty much kidnapped all the Kia'i over there. And so, I just would, I would just hope you folks disapprove the nomination of the lawyer with Geiger and Welch, because of their ties to developers, who often, who often come out against kanaka communities.

And then, Bill 10, I just want to mahalo Member Molina for this one. I think it's a good bill. I think people are saying to wait. And I don't know how long we're going to wait until something is pushed forward. I don't think we have time to wait, especially like I said with the median price of homes nowadays nearing \$1 million. I think developers, contractors, and real estate professionals will always come out with a reason, no matter when you take this item up. They'll always have a reason to come out against it. So, I just hope you folks would follow the will of the people and pass Bill 10.

And then, lastly, mahalo for bearing with me, I want to come out in support of CC 21-89, the purchase of Maui News Building. You know, our parents always tell us that it's better to own than to rent. And so, I think this would be a move in the right direction, especially when we heard Director Teruya mention over \$20 million in rent over 14 years or something. So, to me, that's a lot of money not to have any equity in the property. So, I think if the County can build equity with this property, with the purchase and then even if it needs renovations, I think you folks would still come out in the black considering how much rent you folks pay. So, even if you needed to do like five or ten mil in renovations, I think it would still be worth it.

I don't think it's as far as people have said. Like, they're saying oh it's so far. Like, for someone who lives in the kuahiwi up here in Kula, you know, it's right down the road from Wailuku. It's like a stone's throw away. So, I don't think that argument holds water. I think it's close enough. It's right next to the health care and the Police Department over there. So, I think it's a good location. And I look forward to you folks making a move on that.

I know there's a sense of urgency, because of the deals or whatever. And I know Mayor Victorino can't review everything, cause they are in negotiations or whatever. So, I just want to voice my support for the purchase, and hope we can build equity, instead of building, paying rent. And, of course, it's a building for the people. So, you know, it's not like your folks' personal playhouse. So, it is for the community and I think it will be a good purchase. Mahalo.

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

MR. LOW: Aloha.

CHAIR LEE: Next, next testifier.

COUNTY CLERK: Chair, there is nobody signed up to testify as of this moment.

CHAIR LEE: One last call.

COUNTY CLERK: One last call. If an individual connected to the meeting has not testified but would like to do so, please identify yourself now. We are unmuting everyone on our end now. And you can also inform staff via the meeting chat. Please indicate if you would like to testify.

CHAIR LEE: Alright. Move on, Ms. Kaohu.

COUNTY CLERK: Chair, no one has indicated that they wish to testify, and we have received written testimony into the record.

CHAIR LEE: Members, if there is no objections to receiving written testimony into the record, and to closing public testimony, any objections?

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. Reta Chin;
2. Christopher Delaunay, Pacific Resource Partnership;
3. Raymond Michaels, Construction Industry of Maui;
4. Julie Strong;
5. Victoria Cheromcka;
6. Cassandra Abdul, Na Hale O Maui;
7. Pamela Tumpap, Maui Chamber of Commerce;
8. Suzette Felicilda;
9. Kanani Higbee;
10. Francine Aarona;
11. Marygrace Agapay;
12. Roger Alconcel, Pulama Lanai;
13. Kristen Alice;
14. Kari Bogner;
15. Debbie Cabebe, Maui Economic Opportunity;
16. Gantt Charping, Sensei Ag;
17. Beth Clapper;
18. Keiki-Pua Dancil, Pulama Lanai;
19. Alberta de Jetley;
20. Jason Economou, Realtors Association of Maui, Inc.;
21. Gail Fujiwara;
22. Jeff Gilbreath, Hawaiian Community Assets;
23. Sandi Ioakimi;

24. Joe Imhoff;
25. Leslie Jaramillo;
26. U'ilani Kapu;
27. MaryLou Kaukeano;
28. Elton Kinoshita, Lana'i High & Elementary School;
29. Jenna Majkus;
30. Ku'uleinani Maunupau, KAEHU;
31. Abner Nakihei Jr.;
32. Larry Nixon, The Sensei-Lanai Farms;
33. Charles H. Palumbo;
34. Diane Preza, Pulama Lanai;
35. Linda Schatz;
36. Michelei Tancayo;
37. Michael Keolamau Tengan;
38. Mike Tihada; and
39. Jeff Ueoka.

CHAIR LEE: Okay. So, ordered.

Ms. Kaohu.

COUNTY CLERK: Chair, did you want to proceed with the minutes, prior to--

CHAIR LEE: Yea, just the, just the minutes, and then we'll take a break.

COUNTY CLERK: Proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of January 15, 2021 was presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Council Chair, Chair Vice, I mean, Vice-Chair Rawlins-Fernandez, to approve the minutes, and seconded by Member Yuki Lei Sugimura.

Any discussion? If not, all those in favor of the motion, signify by saying "aye", and raising your hand.

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

NOES: NONE.

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

Members, we're up to communications now. So, we're, we're really needing to move quickly, as quickly as we can, through the rest of the agenda.

Vice-Chair Rawlins-Fernandez, are you going to be leaving the meeting at 2:00?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, I, I got kind of snagged into something that I hadn't completely agreed to. So, I'm going to have to leave at 2.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I, I can try to be back as quickly as possible if we--

CHAIR LEE: Okay. No, because I'm wondering if we should take, if we should take a lunch break at this point, or just a brief break, considering that you're leaving at 2:00?

Members?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Yes?

COUNCILMEMBER KING: Can we take a . . . have a break to, for lunch?

CHAIR LEE: I didn't hear the first part of what you said, Ms. King.

COUNCILMEMBER KING: Sorry about that. Can we take at least a half an hour break so we can get our lunch and just break in there?

CHAIR LEE: Okay. Is, is that okay with everyone? Take a half hour break and then just try and power through afterwards.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Okay, no objections. So, ordered. It's just about 12. So, come back at 12:30? Okay, the meeting is in recess until 12:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:57 A.M., AND WAS RECONVENED AT 12:30 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of March 5 please reconvene.

Alright, Madam Clerk, let's proceed with communications.

COUNTY CLERK: Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 21-126 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated February 19, 2021)

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

CHAIR LEE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-126.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Councilmember Sinenci, seconded by Member Sugimura to file--

COUNCILMEMBER SINENCI: Mahalo.

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

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

NOES: NONE.

CHAIR LEE: I see, no hand, couple hands not up. Ms. Kama?

Okay, nine "ayes", zero "noes"; motion carries.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Madam Clerk.

NO. 21-127 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated February 24, 2021)

Transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2021, through December 31, 2020.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up County Communication 21-128 through 21-130?

COUNCILMEMBER PALTIN: No objections.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Ms. Kaohu.

NO. 21-128 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated February 16, 2021)

Transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Combating Domestic Violence and Sexual Assault in Maui County grant for the period of January 1, 2021 to May 31, 2021 in the amount of \$110,452 which includes \$27,613 in matching funds.

NO. 21-129 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated February 25, 2021)

Transmitting a summary and detailed report of the Special Management Area (SMA) Revolving Fund as of December 31, 2020.

NO. 21-130 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated February 25, 2021)

Transmitting the Hawaiian Cultural Restoration Revolving Fund annual revenues and expenditures report.

CHAIR LEE: Vice-Chair Rawlins-Fernandez. Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I move to, am I frozen?

CHAIR LEE: No. You, not anymore.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

I MOVE TO FILE COUNTY COMMUNICATIONS 21-127
THROUGH 21-130.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file County Communications 21-127 through 21-130.

Vice-Chair Rawlins-Fernandez, discussion?

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

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

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

NOES: NONE.

CHAIR LEE: Okay. All "ayes", no "noes"; Motion carries.

Ms. Kaohu.

NO. 21-131 - MICHAEL P. VICTORINO, MAYOR,
(dated February 19, 2021)

Informing of the appointments of Donna Joyce Kawakami and George Kaimiola to the Commission on Healing Solutions for Homelessness.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 21-131.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Councilmember Mike Molina, by, seconded by Vice-Chair Rawlins-Fernandez, to file County Communication 21-131.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Mayor has appointed Donna Joyce Kawakami and George Kaimiola to this Commission, each for a one-year term beginning April 1, 2021 and expiring on March 31, 2022.

Ms. Kawakami is the founder and board president of the nonprofit organization Feed My Sheep. And Mr. Kaimiola is employed as a homeless outreach worker at Family Life Center since 2017 and was also employed there in the same capacity from 2006 to 2012.

I'd like to thank the Mayor for appointing these two very willing and capable individuals to serve on this very important Commission. Mahalo.

CHAIR LEE: Anymore discussion?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I, I support these nominations. One of em was my pick, so maybe I get to pick another one. But I just was wondering if we were aware of them fulfilling any of the roles that are needed? Like, I think members of the Homeless Alliance or if they, if, will we know if they fulfill any of the needed roles that are requirements?

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Well, actually, these two we have no control of as far as appointment authority. But I know for the cultural aspect . . . the requirement, Mr. Kaimiola is, I was informed that he's a member of the Royal Order, so he could fulfill that. And I guess, Ms. Kawakami, I'm, I think her residency I believe is in Kihei or Wailuku, so.

COUNCILMEMBER KAMA: In Kula.

COUNCILMEMBER MOLINA: I guess it all depends on what happens at our GREAT Committee meeting on March 9, where we're going to consider our nominees and to see where everyone is placed as far as filling the requirements of the respective categories such as clergy and district and so forth. But, but the bottom line is we really

have no control or authority over these two nominees. So, I'm confident that Mr. Mossman did vet these two nominees and try to make, make them, you know, fit within our parameters. So, it's a wait and see thing for next week.

COUNCILMEMBER PALTIN: I wasn't--

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: I wasn't suggesting that we have control. I just, like, for our knowledge, whatever of the requirements that they can satisfy, if they could let us know. You know, like if they have any specialties that we aren't aware of or something that, that fits any of the criteria, if they could let us know.

COUNCILMEMBER MOLINA: Okay. We'll be happy to make that request of them. Thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Well same line as Mr. Molina. Don't we have their application? Do we have their applications, or were we just given their names from the Mayor?

COUNCILMEMBER MOLINA: I think we were just given their names. I'd have to doublecheck with staff. But typically, any of the Mayor's nominees, their applications stays in the Mayor's Office if there's no requirement for Council approval.

COUNCILMEMBER KING: Okay. Well, just, you know, just, it would be helpful for us to know what their, what's on their application so that we can work around that with our nominees. Thank you.

CHAIR LEE: Anybody else? Okay. Are we at, did we vote on this? I, I can't remember. No? Okay. All those in favor of the motion to file, please raise your hand.

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

NOES: NONE.

CHAIR LEE: All, all "ayes", no "noes"; motion carries.

Okay. Now we are on 21-132.

NO. 21-132 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated February 24, 2021)

Relating to Councilmembers' report on the Maui Metropolitan Planning Organization
Policy Board meeting on January 29, 2021.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I am reporting the, according to
Sunshine, the Members from the Council who are attending the January 29, 2021
meeting; Tamara Paltin, Shane Sinenci, and myself. And no matters of the Council
were taken up. So, this is just to inform you about that meeting and our attendance.

Councilmembers, if anybody wants to see the minutes from that particular meeting of
January 29, you can check the Maui MPO website, and you can find our minutes.
They're pretty good minutes. Thank you.

CHAIR LEE: So, are you going to--

COUNCILMEMBER SUGIMURA: File.

CHAIR LEE: --make a motion to file?

COUNCILMEMBER SUGIMURA: Yea, sorry.

PLEASE, YEA, FILE COUNTY COMMUNICATION NO. 21-132.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Any second?

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Tasha, Pro Tem Tasha, to file this item.

I saw, wait, before I call on you, Ms. King, anything else Ms. Sugimura?

COUNCILMEMBER SUGIMURA: No. I think I said all my, all I needed to. Thank you.

CHAIR LEE: Okay. Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I think all these three Members are members of the MPO.

COUNCILMEMBER SUGIMURA: Yea.

COUNCILMEMBER KING: So, I would just question why we have to do this, because this is already a meeting that's noticed under Sunshine Law and the minutes are posted? And so, I don't think it qualifies as a, as a superfluous meeting that, that some Members attended. You know, we, we've never, when I was on the MPO we never had to report the Members present, because we're already following Sunshine Law in that respect.

CHAIR LEE: Okay. Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, we checked. Yes, Ms. King, you are absolutely right. And so, I checked with Corp. Counsel because I thought it was pretty odd to have three of us as members, which was okay by the bylaws. But we were notified that according to Sunshine we were supposed to be making this report to the Council after every one of our meetings for Maui Metropolitan Planning Organization. And I've never done it for all the, all the years that I've been on MPO and neither did you. And so, I'm just trying to now comply with Sunshine; Tamara, Shane, and I.

COUNCILMEMBER KING: Who is, who was it that requested that? Was it OIP, or?

COUNCILMEMBER SUGIMURA: I checked with--

COUNCILMEMBER KING: Who told you?

COUNCILMEMBER SUGIMURA: --Corp. Counsel. We checked with Corp. Counsel.

COUNCILMEMBER KING: Okay. Cause I would, I would question that, but whatever. I mean, it just, you're already complying with Sunshine Law, so.

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Yes, Ms. Paltin. Ms. Paltin.

COUNCILMEMBER PALTIN: I just have a point of information. My, my mouse button isn't working very well. And I wanted to switch devices, so I was wondering if they could let me in with a secondary device.

CHAIR LEE: Staff, did you hear the request?

COUNTY CLERK: Yes, Chair.

CHAIR LEE: James? James?

COUNTY CLERK: That's okay. You can get in with a second device.

CHAIR LEE: Okay. That's fine. That's fine.

Okay, anymore discussion on this? Any more questions? Yes, Ms. King.

COUNCILMEMBER KING: Yea, I just, can we, on this issue, cause, you know, it sounds like it's something that's going to have to keep coming up. Can we send a request to OIP to make a ruling on this? You know, it's in, it's in State Statute and it's in our Council ordinance about the membership. And everything's being noticed, and minutes are being taken, so I just don't understand why they're requiring that we treat it like it's, you're going to an educational meeting or a social gathering or something. It's, it's an official meeting.

CHAIR LEE: Ms. Sugimura, would you mind checking further with OIP?

COUNCILMEMBER SUGIMURA: I will. Yea, we, we just had a meeting on it, but I will definitely send something so that the Council will feel that we need to do this, I guess. That's what you're wondering.

CHAIR LEE: And then you don't have to, yea, you don't have to report anymore.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KAMA: Or maybe you do.

CHAIR LEE: Okay. Alright. No more questions? All those in favor of the motion to file this, say "aye", raise your hand.

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

NOES: NONE.

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

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Ms. Kaohu. Ms. Kaohu.

NO. 21-133 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE,
(dated February 23, 2021)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF ASHLEY AWAKEA LINDSEY TO THE MAUI PLANNING COMMISSION".

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-133.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Second? Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to discharge the Committee of this matter. All those in--

Any more discussion?

COUNCILMEMBER MOLINA: Yea, Madam Chair, just briefly. The 60-day deadline for the Council to approve or disapprove the nomination of Ms. Lindsey to the Maui Planning Commission is April 12, 2021. So, the discharge is needed to enable the Council to consider action on this matter today. Thank you.

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

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

NOES: NONE.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Councilmember Mike Molina, seconded by Vice-Chair Rawlins-Fernandez, to waive the Rules of the Council, 17.G *[sic]*.

Mr. Molina?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Approval of this motion by a two-thirds vote of the Council will enable the Council to consider this matter today. Thank you.

CHAIR LEE: Anymore discussion? All those in favor of the waiver, say "aye".

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

NOES: NONE.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION NO. 21-133 AND
TO FILE COUNTY COMMUNICATION 21-133.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by, moved by Councilmember Mike Molina, seconded by Vice-Chair Keani Rawlins-Fernandez, to adopt the attached resolution.

Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Because the Mayor is also nominating Ms. Lindsey to fill a five-year term to the Maui Planning Commission beginning on April 1, 2021, and expiring on March 31, 2026, the Council must first approve or disapprove Ms. Lindsey's nomination to the same board for a term expiring on March 31, 2021.

Your Committee met with Ms. Lindsey at a recent GREAT Committee meeting on February 2, 2021. And Ms. Lindsey has a background in property management, real estate, and Hawaiian studies. And she stated to the Committee she can bring a new perspective to the Commission as a multigenerational landowner.

I would like to ask for the Members full support of this nomination. Thank you.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion to adopt the resolution, raise your hand, say "aye".

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

NOES: NONE.

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

Ms. Kaohu. Ms. Kaohu?

NO. 21-134 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated February 18, 2021)

Reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of January 31, 2021.

The recommended action is that County Communication No. 21-134 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Members, we're going to take these one at a time, because there's all kinds of possibilities here.

So, I would say this is Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I request the referral please.

CHAIR LEE: Okay. Any, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Next.

NO. 21-135 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated February 24, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

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

Any discussion, Vice-Chair Rawlins-Fernandez? Uh oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, frozen. Am I still frozen?

CHAIR LEE: No, you, you not. You not.

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

CHAIR LEE: Move fast, so then you won't be frozen.

VICE-CHAIR RAWLINS-FERNANDEZ: It will allow the Department to, okay, . . . amendment.

CHAIR LEE: Okay. Did any?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, am I--

CHAIR LEE: I don't think we got--

VICE-CHAIR RAWLINS-FERNANDEZ: --still frozen.

CHAIR LEE: --all of it in one, you know, one gulp. Can? Try again.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. The, it's time sensitive, so that the departments can--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --move forward with their--

CHAIR LEE: Why, why don't we try--

VICE-CHAIR RAWLINS-FERNANDEZ: --funding.

CHAIR LEE: Keani, why don't we try turning off your video, okay? Yea, okay, let's try, try that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. It's time sensitive, so that the depart, the departments can move forward with their projects.

CHAIR LEE: Okay. Anymore?

VICE-CHAIR RAWLINS-FERNANDEZ: That's the time--

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

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

NOES: NONE.

CHAIR LEE: Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND FILE COUNTY COMMUNICATION 21-135.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Vice, by Councilmember Sugimura, to pass this bill.

Any more discussion? Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just let me know if you, if I start to freeze or you can't understand me, okay? The proposed bill would amend Fiscal Year 2021 Budget, Department of Finance, Countywide, Other Projects, Bond Fund, Countywide Equipment, to decrease the appropriation for two roll-off trucks, a water truck, a landfill compactor for the Central Maui Landfill, and increase the appropriation for a dozer for the Lanai Landfill.

The equipment for Central Maui Landfill was purchased at less than the appropriate amount while the, appropriated amount, while the low bid for the dozer for the Lanai Landfill came in \$45,828 over the appropriated amount. The Department did consider the purchase of a smaller dozer but determined that it would not be sufficient for the work needed at the landfill.

Representatives from the Administration, specifically Budget Director Michele Yoshimura, is available for any questions the Members may have.

CHAIR LEE: Any further discussion? All those in favor--

Yes, Ms. King.

COUNCILMEMBER KING: Just a quick question. Is that, so are the reductions covering the increase or are they going to use other funding, other carryover/savings?

CHAIR LEE: Vice-Chair Rawlins-Fernandez, did you hear the question?

VICE-CHAIR RAWLINS-FERNANDEZ: I did. Mahalo, Chair. I can call on Budget Director Yoshimura to answer Member King's question.

COUNCILMEMBER KING: Thank you.

BUDGET DIRECTOR MICHELE YOSHIMURA: Thank you, Chair.

CHAIR LEE: Okay. Michele, go ahead.

BUDGET DIRECTOR: Councilmember King, so there was savings of \$183,000 from the other three equipment. And so, it will cover the increase for the dozer.

COUNCILMEMBER KING: Okay. Great. Thank you.

CHAIR LEE: Alright, all those in favor of the motion, say "aye" and raise your hand.

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

NOES: NONE.

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

Ms. Kaohu.

NO. 21-136 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated February 24, 2021)

Relating to remote offices for Councilmembers.

The recommended action is that County Communication No. 21-136 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Okay. Any objections to this referral?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Next.

NO. 21-137 - SHANE M. SINENCI, COUNCILMEMBER,
(dated February 22, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO REPEAL THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES".

The recommended action is that County Communication No. 21-137 be referred to the Agriculture and Public Trust Committee and the subject matter relating to Grading and Grubbing Permits for Trenching for Underground Utilities be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Okay. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Is it, wait before, before I call on you, my recommendation is going to be to refer the bill, the bill to APT and the subject matter also to IT.

COUNCILMEMBER SINENCI: Okay. We're, we're open to that.

CHAIR LEE: Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Okay. The Department under question is part of my Committee, so I thought it would be referred to my Committee.

CHAIR LEE: Okay. But we're going to send the bill to APT, okay?

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Subject matter to your Committee. Any objections to that referral?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Next.

NO. 21-138 - TAMARA PALTIN, COUNCILMEMBER,
(dated February 25, 2021)

Transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO RENEW AND EXTEND WATER AND SEWER CREDITS TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR HOMESTEAD AND AGRICULTURAL LOTS IN LAHAINA, MAUI, HAWAII".

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 21-138, INCLUDING ANY NONSUBSTANTIVE REVISIONS, AND TO FILE COUNTY COMMUNICATION 21-138.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Ms., moved by Ms. Paltin, seconded by Member King, to adopt the resolution in Communication 21-138.

Ms. Paltin, I know you're going to speak to the motion, but I'm also going to ask Mr. Nakagawa to comment on this, okay?

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

CHAIR LEE: Ms. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: So, Ms. Paltin, did you write that by yourself?

COUNCILMEMBER PALTIN: I had a little help from my friends.

CHAIR LEE: Should, do you want to comment first, or can we have Eric Nakagawa make comments?

COUNCILMEMBER PALTIN: I'll do my first comment first. And then if I need to do a second one, I'll wait till after he does.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Okay, thank you, Chair. Thank you, Madam Clerk. The resolution includes the history of Department of Hawaiian Home Lands and its relationship with the State and County to remind the public that fulfilling the Department of Hawaiian Home Lands' mission is a condition of Statehood. Everyone who benefits from Statehood should care about Department of Hawaiian Home Lands.

This year marks 100 years, a full century, since the Hawaiian Homes Commission Act signed into law by U.S. President Warren. And this month, on March 26, we'll celebrate the 150th Anniversary of the birth of Prince Jonah Kuhio Kalaniana'ole, who championed Hawaiian Home Lands at the U.S. Congress. Over a century ago, Prince Kuhio was concerned with the health and welfare of kanaka maoli, all of them. The blood quantum requirement was a western imposition. Those concerns remain, and in many ways, have become amplified over the past century.

Many residents on the DHHL waitlist have passed away waiting for a home. And it saddens me that many more may die waiting. Recently, at a Hawaiian Homes Commission meeting, it was stated that there are approximately 971 applicants born between 1905 and 1930 on the waitlist. One of them resides in my own household.

In 2008, the County and DHHL signed an agreement establishing sewer credits at the Lahaina Wastewater Treatment Facility for the Villages at Leiali'i 1A and 1B, which is attached as Exhibit "C" to this resolution. The allocation has since expired, 89,000 gallons per day. And supporting the development of Hawaiian Home Lands in West Maui will positively impact the housing supply throughout Maui County. We have waited for over two decades for West Maui to move forward with Honokowai DHHL. If DHHL and the Federal government can see that the County is ready to partner with them in West Maui, then projects there can be brought to the forefront.

As this global pandemic has shown, now is the time for agricultural subsistence and the creation of affordable housing for DHHL beneficiaries. For these reasons, I

respectfully ask for the Councilmembers strong support of my motion. Thank you, Chair.

CHAIR LEE: Thank you.

Director Eric Nakagawa.

DIRECTOR OF ENVIRONMENTAL MANAGEMENT ERIC NAKAGAWA: Hello, Chair, Members. So, I guess, I guess you want me to speak a little bit about this agreement, and it expired, and that kind of stuff, I guess? Or how would you like me--

CHAIR LEE: Yes. We would like your comments, because this is up for a vote to pass--

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: Okay.

CHAIR LEE: --today. So, you know, you can start with, is there capacity to honor these credits?

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: Okay. Yea, yea, so we'll start there. So, yes, 89,000 gallons per day. I believe it won't be a problem for the Lahaina Treatment Plant, right? So, that's an easy question. But I think just, I was kind of explaining and chatting with Member Paltin that I don't really think we really need to renew or, I don't know what it said, renew, extend or renew, I guess an old agreement. Only because we are, I guess as she put it, you know, partner with DHHL. We already expressed interest with DHHL in trying to figure out, they want capacity, and we needed some easements for the, remember for the West Maui recycle water lines going up to the reservoir? And our lines kind of goes along their property that, I guess, she, potentially I think that's part of what she's talking about, these larger agricultural lots.

And so, we already have a understanding of, you know, we'll allow them to utilize this portion if they need all that eight, 9,000 or not. And then, we also just wanted to, some easements for those recycled waterlines going up. So, I think, in general, I don't think renewing that, not in a negative way, but renewing that old agreement is really applicable because really I think both sides already kind of knows like, okay you guys want capacity, we have capacity, that's fine. We need easements, yea, we're willing to give you easements cause we want the R-1 water also. So, not trying to speak against it, but just kind of letting you guys know I think we already in discussions that if a new one is required, cause I mean I don't know, only time will tell how much capacity will actually, you know, be used up cause it's a first-come first-serve. We tell everybody, we don't have sewer credits. We don't have any of that kind of stuff.

But as soon as they're ready to build and they want to tie in and that kind of stuff, we can. I mean, it's not a problem, right? I mean, we don't treat them any different than we would treat affordable housing or anybody else, yea? So, hopefully that kind of clears it up a little, yea.

CHAIR LEE: Any questions, Members, of the Director?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I, I just was saying that I put this forward because under the Arakawa Administration, there were a couple of correspondences from DHHL to Mayor Arakawa asking when their sewer allocations expired, if they could be extended. And they said that they had received no response from that Administration.

If it's a different policy with this Administration where the eight, nine, 89,000 gallons per day could be extended under the old agreement, that would be wonderful. So, that was part of the reason for the resolution. The Department of Hawaiian Home Lands had written several letters to former Mayor Arakawa and asked to extend that allocation and they got no response.

CHAIR LEE: Director Nakagawa, do you know anything about that?

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: I, I guess I know it to a certain extent, since I, as you all know, I was division chief, right, for the Wastewater Division. So, I do know that there was a, there had to have been some type of inquiry, right, to extend these agreements? I, I guess though, from the divisional level, when I was down there, it's basically we have these sunset dates, I guess that's what they're, those are called, right, when they expire? Only because whatever various reason goes into it, right? I'm not the attorney, it goes into it.

But as far as our side goes is the allocation was, I guess we did, I didn't think it was a big deal in a sense of the, we already kind of was moving forward and we kind of knew that we had a capacity for them. And that we, kind of same thing I already told you, right, and we needed some easements and that kind of stuff. So, we kind of were going to, I imagined would have a different, you're not going to have the same agreement, but same results, I guess. Only thing that we needed the easements, yea? So, I can't really mention on how the response was, I guess, for the previous Administration.

But I can tell you that I've, me personally, I've already talked to Stewart Matsunaga, who is the, with DHHL, as part as our side. And we kind of already understand what is needed to go forward, yea. I don't know if it's changed since then, or not, yea.

CHAIR LEE: Ms. Kama, and then Ms. King.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Eric, for being here. So, you know, I, I remember having a discussion with Stewart years ago about this issue. So, one of the things is I think it's really great. But, you know, I've known Stewart since 1980's, and I know he's getting ready to retire. So, my concern is, in the event he retires and no, and somebody else brand new comes and, oh, then we go back to 1921 again with the Department. So, I think I would feel so much better if I knew there was something like that in writing. And that's why I think what's great about the resolution is that it actually puts it in black and white.

And while it has nothing to disparage against whether we trust you, or we like you, or not, but it's all about making sure that for future we have references. And I think that's what we've been trying to do, is get things in writing, so that irregardless who's here, I'm not here, you're not here, anybody, this is what it is. We get credits for our sewer capacity. Understanding that you do need easements. Understanding that, you know, we do need capacity and that it's a fair trade and it's a good partnership. But having it in writing is always good policy, I think. So, that's what, so, I'm really supportive of the resolution. And I think that the history is wonderful and it's great.

But, Chair, but Member Paltin, I think in your, the transmittal to certain people, I think Robin Danner and Kammy Purdy, I think it goes to the Sovereign Councils of the Hawaiian Home Lands Assembly, that's what SCHHA is. So, just wanted to let you know that. But thank you, Chair. Thank you, Eric.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. So, Eric, thanks for being here. I, I just wanted to ask you what would be, cause I appreciate the fact that you're working with DHHL and you feel like it's not necessary, but what would be the harm in extending these credits, renewing and extending? Is there, is there, is some, is there some harm that could come or some unintended consequence if we do, if you guys do do this? I mean, you have to do it, because we're just, our reso is just urging you to do it. So, what would be the harm in having you renew and extend?

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: So, Member King, I guess I just feel like, well, if we are going to try to move ahead, like, I just feel that we should probably have a referral to a Committee. Only because it's, I think it's a complex, in a way, a complex thing where, so what happens in the future if you guys want to start giving certain allocations to everybody. You know what I mean? Like, I don't know, I know

it's only urging, so I quite frankly don't think it's as much of a big deal. Plus it's such a small amount, capacity wise.

But I think just in general, just when we talk about, like, we don't do sewer credits, yea? There is no, we don't do that kind of thing. And then, when you talk about allocation in the past, allocations have always been when we do a large capital investment in, in a treatment plant. And then someone puts in money and then certain allocations are given. And, and then, so it's just a more complex thing than just saying whether we have the capacity or not. You know what I mean?

So, I mean if we really want to discuss it more in detail, I just was thinking maybe we try to get it referred to, I don't know who it would be, IT or some kind of infrastructure so that we can have a little more discussion before you guys vote on it. That's, that's maybe the best way, I guess.

COUNCILMEMBER KING: Okay. Well, I, I guess I see this as, you know, we can go ahead and pass this resolution since we're just urging you--

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: Yea, that's true too, yea.

COUNCILMEMBER KING: And if you want to write up an agreement, you know, that that has whatever, whatever protections. Cause I'm sensing that you think it might open up a Pandora's box of all these different people. That's kind of what I'm getting from you. And so, if you wanted to write an agreement and then send that to Committee for, you know, for discussion, then you could get it, you could get a discussion of the actually agreement once you guys, you know, propose it.

And then we can have, I mean, cause this is not, you know, we're not going to complete anything but, with this reso. But then that would give you the impetus to go ahead and write the agreements and have those discussions with DHHL and then come back to Committee and say, you know, is this what you guys were thinking . . . for the intent of the reso. Which might be a good way to do it, because I, I understand about the whole idea of, you know, maybe you're opening up a door where you think a lot of other people are going to try to push through it behind DHHL.

But this specifically says for "homestead and agricultural lots in Lahaina, Maui". So, it's, it's a finite area that had an agreement before. And then what we're, what we're asking you to do is to consider renewing and extending that particular agreement. So, anyway, I just, I think that's a, that might be a good way to do it, is if you could just support the reso and then you guys figure out what the agreement actually looks like and bring that to Committee, that we could have that discussion maybe?

CHAIR LEE: Yea, you know, Director, I think what Member King mentioned is a good idea.

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: Okay.

CHAIR LEE: And we don't have a whole lot of time to talk about this now, yea? So, you know, maybe you could come up with some kind of a draft agreement that, that you, we could give you some input on. But this reso and this situation is not, I don't believe, going to open, you know, a can of worms or issues that will invite other people to try and do the same, because we are just reinstating credits that were given before. So, this is not a brand new, you know, transaction. This is, you know, this is just renewing the credits that they had before. So, we see this as just that.

COUNCILMEMBER KING: Right.

CHAIR LEE: So, you know, if there are no objections, we, we look forward to hearing from you again. If there are no objections to moving forward with the vote, Members?

COUNCILMEMBER PALTIN: Oh, I just wanted to add.

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: If I could? I did also run this reso by Mr. Jeff Gilbreath. And he said that it aligns with what they're looking at for the housing plan, affordable in perpetuity. And, you know, just, I think our first water treatment facility built on Hawaiian Home Lands, we didn't even have permission for that one, and then now our second one. So, it's just, you know, giving a little bit back to these lands that support the whole West Maui community. I think it, it's, it's a good thing. So, just respectfully ask the Members support of this reso.

And I'm open to, you know, referring the subject matter to the Affordable Housing Committee or, you know, to talk about if there needs to be any kind of compensation. Because, you know, a lot of the projects that we use the Affordable Housing Fund for . . . and whatnot, people can move from the mainland and take advantage of that housing. And so, it's not necessarily that the people that move to Maui County have been paying in property taxes that result in the use of the Affordable Housing Fund. Whereas, you know, these beneficiaries, a lot of them do live in Maui County. So, just putting that out there. Thank you.

CHAIR LEE: Anybody else? Okay, any objections to referring this matter to the Affordable Housing Committee, and then voting on the resolution right now?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Alright.

All those in, all those in favor, raise your hand, of the motion, and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. Motion carries. All "ayes", no "noes"; motion carries.

(THE SUBJECT MATTER WAS REFERRED TO BOTH THE
AFFORDABLE HOUSING COMMITTEE AND THE
INFRASTRUCTURE AND TRANSPORTATION COMMITTEE
COMMITTEE. See page 99 for discussion.)

CHAIR LEE: Eric, we will be back in touch with you. And, and we will try not to open any more doors to give you any more headaches, okay?

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: No worries.

COUNCILMEMBER PALTIN: Thank you, Members. Thank you, Director.

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: Alright. Thank you.

CHAIR LEE: Thanks, Eric.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes?

COUNCILMEMBER MOLINA: Madam Chair. Yes, Madam Chair, before we continue with the county communications, I would like to ask for consideration, if we could take the agenda out of order because we are going to lose Vice-Chair Rawlins-Fernandez at 2:00. If we could bring up Bill 10, like real soon before she has to leave.

CHAIR LEE: Vice-Chair? Is that the order? Would you like to take? Okay, we see you now.

Mr. Molina is--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have no objections.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: To Member Molina.

CHAIR LEE: Okay, very good.

Yes, Ms. King.

COUNCILMEMBER KING: Yea, can we just finish the last two communications before we move onto that? There's only two more and they're just, I think they're just both referrals.

CHAIR LEE: Oh, because one is yours?

COUNCILMEMBER KING: Right. Well, it's just a referral. But I just want to make sure it gets referred, because I want to put it on my next agenda.

CHAIR LEE: Okay. Madam Clerk, why don't you just read the last two and then we'll go straight to Bill 10. I mean, not Bill 10. What was the other one? Which one did you want to take up?

COUNCILMEMBER KING: He wanted to take up Bill 10.

CHAIR LEE: Bill 10? Okay.

COUNCILMEMBER MOLINA: Bill 10.

CHAIR LEE: Alright.

NO. 21-139 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated February 24, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO PUBLIC INFRASTRUCTURE IN SEA LEVEL RISE EXPOSURE AREAS".

The recommended action is that County Communication No. 21-139 be referred to the Climate Action, Resilience, and Environment Committee and the subject matter relating to Public Infrastructure in Sea Level Rise Exposure Areas be referred to the Infrastructure and Transportation Committee.

NO. 21-140 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated February 24, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.35, 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO ACCESSORY DWELLING, BED AND BREAKFAST HOME, AND SHORT-TERM RENTAL HOME PERMITS", and related documents.

The recommended action is that County Communication No. 21-140 be referred to the Planning and Sustainable Land Use Committee

CHAIR LEE: Okay, just for clarification on 21-139, we're looking at referring the legislation to the CARE Committee and the subject matter to IT.

COUNCILMEMBER KING: The subject matter to--

CHAIR LEE: Any objections?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes?

COUNCILMEMBER KING: The subject matter to both Committees.

CHAIR LEE: Okay.

COUNCILMEMBER KING: But the bill to just the CARE Committee.

CHAIR LEE: Subject matter to both Committees.

And then the last one is to the Planning and Sustainable Land Use Committee. Any objections to that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: None? So, ordered on the last two.

Okay.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-138

COUNCILMEMBER SUGIMURA: Can I add something before you move on?

CHAIR LEE: Oh, yes. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, on, on the reso that Tamara introduced, can, can the subject matter be referred to my Committee, cause I have that in my Committee? Just to IT, the subject matter. If you could just send it over.

CHAIR LEE: Oh, I see. I see.

COUNCILMEMBER SUGIMURA: No?

CHAIR LEE: Wait, wait, wait, wait, wait. I thought we were going to wait for Mr. Nakagawa to send us a, you know, draft. But if you want the subject matter, any objections for the subject matter to go to IT?

COUNCILMEMBER KING: Chair.

COUNCILMEMBER PALTIN: That would be a dual referral, yea?

COUNCILMEMBER KING: Yea, it would be a dual, because we just said, we just said we were going to refer this subject matter to the Affordable Housing Committee.

CHAIR LEE: That's right. Dual referral, okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: No objections to that.

Alright. Ms. Kaohu, we are now going to Bill 10. Taking things out of order.

COUNTY CLERK: Chair, ordinance for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 10 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES

CHAIR LEE: Okay, let's see. Whose is this? Vice-Chair. Wait, wait, I'm sorry.

Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO PASS BILL NO. 10 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: It's been moved by Member Johnson, seconded by Member Molina, to pass Bill 10 on second and final reading.

Discussion, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Bill 10 (2021) would increase the percentage of residential workforce housing units required for projects developed under the Chapter 201H process from 50 percent plus one to 75 percent.

The required units would be for households with moderate, below-moderate, low, or very-low incomes. This bill applies to developments that seek fast-track approval through 201H process, which provides extensive incentives for developers, including exemptions from fees and other cost savings.

Bill No. 10 was one, is one step towards increasing truly affordable home opportunities for our residents. I respectfully ask for the Council's support of this motion. Thank you.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. As the proposer of this bill, I'd like to make some clarifications about the information that's out there that may be misleading the public. One post states that a measure being considered by the Council to increase the County's inclusionary zoning requirement from 50 percent to 75 percent, that's what's being said. But that's misleading because Bill 10 does not impact the inclusionary zoning requirements in 2.96.040C. The bill focuses on 201H affordable units.

Another scare tactic is that Bill 10 will impose a burden on Maui taxpayers. Madam Chair, I'm not sure where they're getting that information. If there's anything to do with taxes, providing people the opportunity to own a home, that will generate tax revenue, right? They become payers into the real property tax system. So, that, to me, if you're going to talk taxes, that's a benefit there.

And again, my intention on this proposed bill is to create more affordable, attainable housing opportunities, and not to make it difficult to develop housing, or take away incentives, or increase taxes. Some, yes, have compared the previous 50 percent requirement for inclusionary housing in 2.96 as a disaster. Well, I guess in hindsight it was. But to compare the old 2.96 to--

CHAIR LEE: Wait, wait, wait. You're muted.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Molina.

COUNCILMEMBER MOLINA: Oh.

CHAIR LEE: You must've hit the button by mistake.

COUNCILMEMBER MOLINA: Oh, okay. Sorry. Where did I leave off on before I got cut off?

CHAIR LEE: The last sentence.

COUNCILMEMBER KING: You left off "but to compare". That's what we heard.

COUNCILMEMBER MOLINA: Oh, okay. Okay. Sorry. It's like comparing apples and oranges, okay, the 2.96 to this bill. In 2.96, there, there were no fast-track processes like 201H has. 2.96 did not have exemptions for permits like this 201H process has. And 2.96 did not weigh permit fees and assessments like 201H has. So, therefore, you can't say that what happened with the 50 percent inclusionary requirement will happen with this 201H revision. There is no comparison, okay.

And again, Bill 10 does not impact any of the incentives within the 201H process. And one more thing, Madam Chair. I'd like to draw attention to, again, 2.96.040C with the income group distribution, which identifies income requirements for housing projects. This section allows the Director, the Housing Director, to exempt income requirements. So, even though above-moderate is not in Bill 10, it appears that the Director has the discretionary authority to include above-moderate income households in any proposed 201H projects. And the Council can consider it by conditioning to, conditioning it as well by including this group. So, the door is not completely closed on this particular concerns.

So, again, as I've mentioned earlier, I know some of you would prefer to wait until the affordable housing presentation is made by Mr. Gilbreath. But he did state to us that his scope of work is not on the 201H process. So, my feeling is, let's take action now. I mean, there's members of the public that like, would like to see this move forwards. It's like, how much longer do we have to wait? And, you know, as leaders, Madam Chair, we sometimes have to shake the proverbial trees, especially when it comes to important issues and crisis's like the affordable housing crisis right now.

We've heard it in the news, 900,000, almost \$1 million for a median price of a house. And what's the great tragedy about all of this is, you know, our next generation of kamaaina, descendants of the host culture, and descendants of long-time families who have been here to create Maui County and blaze the trails to make this a special place, they're going to be left out of the equation. The gap between the haves and the have-nots will only get wider. And what's going to happen in the future. What will Maui County look like then, when our own children and future generations cannot afford a house, a simple house here in Maui County?

So, this is why I think sometimes we need to take the bold steps like this and not be afraid, not be afraid. And we need to take the side of the people who need houses. While I under, I appreciate the developers' perspective, but at some point, we gotta take the side of the people who are crying for houses right now or at least something that is attainable. And this one proposal is not the total solution. But it's just another tool to add to our proverbial toolbox. So, I think I've said enough on this, Madam Chair. Thank you for letting, allowing me to have my say.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Mr. Molina, for bringing this forward and for your passion and commitment, and Mr. Johnson.

SO, I WANT TO AMEND THE BILL TO INCLUDE THE "ABOVE-MODERATE INCOME" CATEGORY IN SUBSECTION F, AS IN "FRANK", OF THE PROPOSED BILL.

And the above-moderate income classification includes households making more than 120 percent, but not more than 140 of the area median income as established by HUD. Including this classification addresses housing needs for critical members of our workforce, including first responders, teachers, healthcare workers such as nurses, as well as County, State, and other workers.

And I believe that the, by not having the above-moderate income when the bill was first generated, I don't know if it was a typo or whatever, but I believe that this is the important group that I would like us to include as Councilmembers who represent the people. As you know, these are the hardworking people in the community, which we all want to preserve, to maintain the strength of our, our neighborhood and safety. And they're our fellow workers that we work with and represent.

So, Members, I'd like to ask for this amendment. So, I amend this bill to include the above-moderate income category in subsection F of this proposed bill.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second?

COUNCILMEMBER KING: Yes, I'll second it.

CHAIR LEE: Okay.

COUNCILMEMBER KING: And if I could just ask, just say a few words, I guess?

CHAIR LEE: Sure. Sure.

COUNCILMEMBER KING: Yea, I just wanted to--

CHAIR LEE: Okay. It's been--

COUNCILMEMBER KING: Because this is the--

CHAIR LEE: It's been--

COUNCILMEMBER KING: The, this is the --

CHAIR LEE: I just want to say for the record, it's been moved by Member Sugimura, seconded by Member King, to add this amendment to the main motion.

Member King.

COUNCILMEMBER KING: Yea, this is the, I think this was the motion that was made, Member Molina in the Committee, or in the previous Council. I can't remember if it was Council or Committee now, but that did not pass. So, I had voted for it, because what I, this is the piece I wanted to see how it fits in with our Affordable Housing Comprehensive Plan. And Mr. Gilbreath had brought up that there are pieces it affects, there are pieces of the plan that affect both 201H and the 2.96. So, even though he was assigned to do 2.96, that there are portions that affect 201H. So, it's not that I, I don't support it. It was actually a recommendation that came out of an earlier study. But I kind of want to see how it fits in the whole, just holistically, in the whole plan.

And I appreciate Mr. Molina bringing forward the 75 percent, because I think that's a really important component with or without the plan. That the, the, I think the argument that we're all having and with the, with each other and with testifiers has to do the, everybody wants the same in the end, but everyone has different ideas on how to get there. So, kind of interesting hearing we need affordable housing, we can't pass this bill; we need affordable housing, we have to pass this bill.

But I think the intent of the 75 percent is to continue getting what we're, what we've been getting. We've been getting a lot of 100 percent affordable projects. So, we know it's doable, you know. And we know it's doable within these, the framework of what we have right now. We're just, what we're doing is we're saying that we want more, we want to focus on this. If we're going to have housing construction, let's have it be affordable housing.

And I personally don't believe that the 50 percent requirement was, was what kept people from building houses back then. I think it, you know, it had a lot to do with the recession we were in, because all construction kind of came to a halt. It wasn't just houses. And so, I think that, I, I kind of cringe everybody, every time someone says that that was the law that kept us from getting more affordable housing. I think there's a lot of other things.

And the main thing that I've seen for my, at least for my community is just a lack of willingness back then for developers to communicate with the communities they're trying to develop in. And now we've seen, since they've been talking to the communities, the community associations, and the community groups, we're getting a

lot more affordable housing done and we're getting projects that are focused on the lower end which we haven't had before and are focused on 100 percent affordable.

So, I support the 75 percent. I, I hope the, and if the amendment passes, then I will support this bill. But I hope we can, you know, maybe we'll end up passing it after we see the entire bill, or the entire plan. But I'm just kind of not ready to go there yet. I want to see the plan first. Thank you.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Johnson, for putting this on your housing agenda, so we can have a really great discussion on this. And thank you, Mr. Molina, for allowing us the opportunity to keep on talking until we come to a place where we have a greater understanding of what's actually taking place. My sense is that we did have testifiers this morning on both sides of an issue. And it kind of reminds us of us too, right? I mean, they're saying yes, and the other guy is saying no, and we're like that too; some of us saying yes, some of us saying no. But in the end, if we continue the dialogue, I think we'll get to where we want to be, is with more affordable housing.

But my whole sense is that I, I didn't understand, first of all, why we went ahead and commissioned a plan for \$300,000 and not included the 201H projects? I mean, if you're going to do a plan, everything should be included in that. And so, it kind of makes me stop and wonder and think why did we not do that? But I don't know, I didn't, I didn't write the RFP. And I thought from the beginning that it was going to be what I thought it was. But I can see now a lot of things are not what I assumed it. So, I'm not going to make any more assumptions.

But I also want to know is, I think Mr. Johnson is going to bring the Comprehensive Housing Plan to us in the next couple of weeks, at least for a draft for us to take a look at. I do not know what that plan looks like. I only got, I was only asked to, to respond to my districts part of the plan, the Kahului portion. And that's all I responded to. I haven't seen the rest of it.

But I don't also want to feel like I'm being hurried into doing something that I'm not sure that's what I want to be doing. And so, I would fathom, I would rather that, you know, we wait a few more weeks, see what the plan says. Because if there's some legislative recommendations that he has for us, I don't want to, I don't want us to be doing a recommendation now and then later on figure out we got to undo what we've already done. As opposed to looking at all of what we need to see and what we need to get done, and then we plan accordingly what those pieces of legislation or policymaking might be. But I'm so much in favor of just waiting a few weeks. I don't, I don't see what

the harm is. I don't see what the rush is. So, if someone could help me to understand that I think I would be a lot more at ease and at peace with that. So, thank you, Chair.

CHAIR LEE: Mr. Johnson, and then Ms. Paltin.

COUNCILMEMBER JOHNSON: Thank you, Chair. Again, I appreciate my Councilmembers comments. I just want to say I strongly oppose this amendment. I appreciate the dialogue that we're having. But right now, the highest demand is in the lower end of, of the income. It's kind of like a chart that drops, as the highest demand is here and all that, all with 140 is the least demand. There is a demand, I hear you. But the biggest demand is for our waiters and our waitresses. That's the number one job in our County. Waiters and waitresses right now make fifty grand a year. That's not the 140 mark. They're way down in the 100 percent mark area. So, this, when we talk about shaving off the top end, that's going to translate into more of where the demand is. So, that's my biggest concern is there's a lot of people just dying on the vine and we need to help those folks.

I said it before in these chambers, if your hair is on fire, you got to act like it. There's an, a housing emergency and I'm just going to fight for that. I appreciate everyone's concerns, but that's really where I'm coming from as a, as a member of the working core. It's those folks that are needing our help and that's where I'm going to stand, in strong opposition of this amendment. And I hope the bill passes as is. Mahalo. Thank you, Chair.

CHAIR LEE: Okay. I see Ms. Paltin, and then Ms. Kama.

COUNCILMEMBER PALTIN: Thank you, Chair. First, I wanted to clarify then, if we do have the amendment and it passes, then it reverts to first reading, right? It can't pass today, so it would be up for second reading in two weeks? That was, I guess, a point of information.

CHAIR LEE: That is my understanding, but I can ask Corp. Counsel to verify. Do you want me to ask Corp. Counsel?

COUNCILMEMBER PALTIN: I'll take your word for it, I guess. I mean, or, I don't know, Ms. Kama was nodding. So, okay, sure, let's ask Corp. Counsel.

COUNCILMEMBER KING: I'll, Chair, just a point of order, point of process. I think if we wanted to go ahead, if we pass the amendment and we wanted to go ahead and pass the bill, we could waive the Council Rules. That's come up before where, you know, the Council Rules are what say that if we make a change in, in second reading. That's what--

CHAIR LEE: I, I, I don't really believe so. Be, you know, we're talking about a substantive change. So, let's get an opinion, how about that?

Corp. Counsel, are you on the call? Yes? Deputy, Deputy Corp. Counsel. First Deputy, I should say, Richelle Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. And yes, and so we agree that this, it would be a substantive amendment and should come back for a second reading in two weeks.

COUNCILMEMBER PALTIN: Okay, thank you so much. That was my first question. And then, to say my comment. I supported this amendment the first time it came around when it was Mr. Molina's amendment. And while I, I do agree with Mr. Johnson, many of our essential workers don't get the waiter, waitress types of pay. And referring specifically to, you know, the EMS, lifeguards, fire fighters, police, teachers with master's degree or higher, and if they're a married couple in similar professions, ICU nurses for example. And I kind of feel like those specialized people who do make that higher income level, we need them in our society. And as this is a 201H, I'll support it, the amendment again, for the second time. Thank you.

CHAIR LEE: Anybody else? All those in favor--

Ms. Kama, we're about to take the vote.

COUNCILMEMBER KAMA: I know, but--

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: --last--

CHAIR LEE: Okay, do you want to say something else?

COUNCILMEMBER KAMA: Yes, please. Thank you. So, I just wanted to make sure I was understanding clearly that when I looked at item F, because that's what we're looking at, that this, to me, was referring to homeownership. And, and what we're trying to provide in the low-income areas is actually rentals. So, a lot of people who are maybe at 80 percent or below, those are your rental markets. And anything above 100, 120, those are your homeownerships. And so, in this pandemic, I don't see a whole lot of people going to be buying homes unless we help to support them through this amendment. But if we don't do this, then the gap will be greater, because you'll have the people who can't afford it and then you'll have the people who come from away

who can. And there you create the bigger divide between us. So, I just want to make sure I'm understanding what this is actually saying to me.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Upon hearing the comments from Corp. or the confirmation from Corp. Counsel that if we, this amendment is substantive, that it has to go back, or the second and final. Regrettably, I'm not going to support the amendment. I see it more now at this point as a compromise.

As I stated earlier in my first go around, the Director has discretionary authority that they could consider including this income group as part of the application for, for the applicant, or the Council can condition it. So, you have that as an option. So, maybe an amendment is not needed if that's the case. But again, we, the amendment passes, then we're going to, we're going to have a delay in second and final.

So, and another thing, out of respect for my colleagues who are not in favor of this amendment, because I certainly understand too, the greater need of being in the, or the folks in the lower income levels. And an applicant can ask for an exemption. So, keep that in mind. They can ask for this exemption in their projects, okay. So, if the project is good enough, then the Council can certainly consider adding this income group into their proposed project. So, there's, there's different ways we can go about this.

So, for the sake of moving this forward, I will not support the amendment. Although, I do thank Member Sugimura for trying to resurrect this attempt, which I first tried and didn't get the votes. So, again, out of respect for my colleagues who have concerns about the, this amendment, I will yield and compromise and not support the amendment. Thank you, Madam Chair.

CHAIR LEE: Okay. All those in favor, all those in favor of the amendment, say "aye" and raise your hand.

AYES: COUNCILMEMBERS KAMA, KING, PALTIN,
SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Okay, there are five "ayes".

Those opposed, raise your hand.

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

CHAIR LEE: Okay, there are four "noes". Five "ayes", four "noes"; motion carries.

Okay, are there any more amendments to the main motion?

Yes, Ms. Sugimura. Okay, you're muted. You're muted.

COUNCILMEMBER SUGIMURA: Sorry. Thanks. So, I have one more amendment. And my amendment is to include language to exempt projects that are already submitted to the department for review, because it's already in the pipeline, sort of like grandfathering.

AND SO, THE EFFECT WOULD BE THAT, IN SECTION 3. THE ORDINANCE WILL TAKE EFFECT ON APPROVAL, PROVIDED THAT THIS ORDINANCE WILL NOT APPLY TO PROJECTS UNDER 201H, HAWAII REVISED STATUTES, THAT HAVE BEEN SUBMITTED TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS FOR REVIEW PRIOR TO THE EFFECTIVE DATE.

So, I'm just trying to make sure that projects that have already submitted, they don't have to start all over and, and redo their math, if we could put it like that, because that's what it would take so--

CHAIR LEE: Okay, is there a second?

COUNCILMEMBER SUGIMURA: --that's what my amendment--

CHAIR LEE: Okay, is there a second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama--

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: --to further amend the motion.

Any more discussion, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I think I explained it. But the project that's already been submitted, you know, to be still considered, you know, prior to the effective date of this bill, so.

CHAIR LEE: Any more discussion?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Can we hear from, is there anybody from Housing here? Because I thought that was sort of an automatic thing, that all of these bills that we're doing on housing already have in them. So, I don't know what, if we need to actually add that in. Maybe Ms. Munsell, if she's here.

COUNCILMEMBER SUGIMURA: Or Lori Tshako.

CHAIR LEE: Ms. Munsell, are you on the call? Anybody from Housing on the call? Oh, Linda Munsell. Okay. I see her.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR LEE: Linda. Ms. Munsell, you're ask, you've been, did you hear the question?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS LINDA MUNSELL: I did, thank you.

CHAIR LEE: Okay.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: And thank you for the question. Generally, we would not have a, we would apply the new law to everything that hasn't been passed by Council. So, this is, if it's true that you want this to be applied to anything that's been submitted, that this is a good amendment, yes.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KING: Can I follow up, Chair?

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Okay, so, so Linda, what do you consider anything submitted? So, you know, I mean, do they have to have spent, because, you know, I don't want you to get a big rush of people coming to you in the next couple of weeks to get under the, you know, under the deadline. So, what do you consider, what would you consider exempt? Any, anybody who spent money or who has, you know, had certain amount of transactions? What would that be?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: So, we would, thank you, for the question, we would consider something submitted that has been officially provided to our office. We require three copies of a proposal to be submitted and it would be stamped as a, as having arrived.

COUNCILMEMBER KING: Okay. And then if it's not complete, you just send it back to them? You don't just accept every piece of paper? I, I, what I'm just trying, I'm just trying to make sure that we're not going to have, you know, a bunch of people coming and giving you pieces of paper just so that they can be exempt from this if, if it passes.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yea, I appreciate that. We would have to figure out what a substantial complete application was. Typically, when they are submitted, they are substantially complete. But you are correct, this could cause an avalanche.

COUNCILMEMBER KING: Okay. Alright. Thank you.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, Ms. Munsell, how many projects do we have that is in the pipe already, that would probably meet these particular criteria?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: So, at this point, we have one application that's in our office currently under review. I'm assuming that you are, that you are intending that this amendment would apply only to things that have been submitted to the department, not necessarily transmitted to Council, is that, is that correct?

COUNCILMEMBER KAMA: Correct.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: So, at this point, we have one sitting on our desk pending review. We have a, an environmental assessment that is sitting here under review that they could submit a 201H application for. And we've

been in conversations with at least two other developers who are considering submitting 201H applications at this point.

COUNCILMEMBER KAMA: Chair, I really like this amendment, because these projects planned out these projects years before they even came to the department, in terms of planning design. What we've heard, what it takes for developers to plan out a project before they even get to the department. And these were all based, all their numbers, all their projections, were all based on what they knew what the law was at the time. So, things pencil out because of the projections and the numbers that they used at that time.

So, now if they're going to have to change the rules, we're changing rules in the middle of the lake. Then that means that they're going to have additional costs and things like that, and I think it's not fair to do that. I mean, they should at least be able to just continue to cross the river and then when new projects come if need be. But that's my sense of things.

CHAIR LEE: Well, yea, I honestly don't think there's going to be an avalanche of applications in two weeks. I don't think so.

Okay. Any more discussion? All those in favor of the amendment, say "aye", and raise your hand.

AYES: COUNCILMEMBERS KAMA, KING, PALTIN,
SUGIMURA, AND CHAIR LEE.

CHAIR LEE: One, two, three, four, five; five "ayes".

Those opposed.

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

CHAIR LEE: Four. Okay, Five "ayes", four "noes"; motion carries.

So, we have the two amendments plus the main motion. Anything else? Anything else? If not, all those in favor of the, the main motion as amended--

COUNCILMEMBER MOLINA: Madam Chair, very quickly.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: My understanding is now with these amendments made that we cannot, we're not going to be voting on this today. We have to wait till--

CHAIR LEE: I'm sorry. Thank you for stopping me.

COUNCILMEMBER MOLINA: Yea, okay. Okay. Sorry.

CHAIR LEE: Thank you. Okay, we will put this matter on the Clerk's table and deal with it at our next Council meeting.

Yes?

COUNCILMEMBER PALTIN: I just was wondering, we don't pass this amended version as first reading of the amendment, amended motion?

CHAIR LEE: No. Because the main motion was passed on first reading. So, now we added two more motion, amendments. So, now we have to do it, we can't pass it on second reading.

COUNCILMEMBER PALTIN: So, we're still on first reading?

CHAIR LEE: Yea, until the next Council meeting.

COUNCILMEMBER KING: Yea. Chair, so--

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: --I think that was the clarification. So, when we bring this back in two weeks, it will be second reading? It will be second and final, right?

CHAIR LEE: Yes. Second and final.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Provided you don't add anymore amendments.

Okay, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to comment on Member Paltin's concern. And perhaps that's something that we can address in Council Rules when we do amendments to Council Rules, cause I feel the same. It

feels so incomplete. It feels weird to just not, like take another vote with the amendments to it. Mahalo, Chair.

CHAIR LEE: Okay. Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: I'm sorry, as a freshman and new guy, I'm kind of confused. Can, can we ask, I'm just asking for clarification. Do we have to send it back, or can we get an opinion from OCS or someone? Or is that in the Council Rules there--

CHAIR LEE: Mr. Johnson, we're not sending anything back. It just remains on the Clerk's table until the next Council meeting.

COUNCILMEMBER JOHNSON: Okay.

CHAIR LEE: It's not, it's not being recommitted.

COUNCILMEMBER JOHNSON: Okay.

CHAIR LEE: Okay?

COUNCILMEMBER JOHNSON: Thank you, Chair.

CHAIR LEE: Alright. Okay, Madam Clerk, where are we?

Did anybody have a request to move the order of anything else?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Before we go into the CR's, since the BFED CR's are up first, I was hoping that Budget Director Yoshimura or OCS would be able to explain the order that I would need to take up the bills on first reading.

CHAIR LEE: Who did you want? Who did you want? Director Yoshimura?

VICE-CHAIR RAWLINS-FERNANDEZ: Director Yoshimura.

CHAIR LEE: Okay. Director Yoshimura, are you available? Are you on the call? Michele, are you--

VICE-CHAIR RAWLINS-FERNANDEZ: While we're waiting--

CHAIR LEE: Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: --for Budget Director. While, while we're waiting for Budget Director, I just wanted to explain. So, the way that we received the, the budget bills, it had incorporated the budget amendment for the \$9.8 million for the acquisition of the Maui News. So, the order we would have to take it in is the Maui News item first before the budget bills, which incorporates the \$9.8 million into it. But I, I don't want anyone to think that I'm up to anything sneaky, cause I'm not. It's just the way that it was drafted. So, I wanted someone that's not me to explain.

CHAIR LEE: So, besides--

COUNCILMEMBER KING: Chair.

CHAIR LEE: Oh, there she is. Okay. Budget Director Yoshimura, did you hear what just hap, what Vice-Chair Rawlins-Fernandez just said?

BUDGET DIRECTOR: Chair, thank you.

CHAIR LEE: Can you explain the budget bills?

BUDGET DIRECTOR: Okay, so when we did do the budget bills, the, the bills relating to the acquisition of the Maui News Building had been submitted and was on, up for discussion. And so, when we sent subsequent bills, we had taken, we had already incorporated those bills as passing or, you know, taking into consideration those bills.

So, we can, and normally when you pass the budget bills, you give the Chair the ability to make nonsubstantive changes into the totals, pending what has been already submitted. And sometimes we submit bills that don't even get heard or, you know, get delayed. And so, there's always changes to the totals that need to be made. And so, depending on the sequence that you or the Council approves the bills, then we will make the necessary revisions according to the passage. So, if--

CHAIR LEE: Okay, but we are, we are relying on you to help us with this sequence, okay? So, just tell us which one first, second, third, okay?

BUDGET DIRECTOR: So, I guess in this case, the easiest, because it's sequenced, the Maui News Building is incorporated into the other bills, if that's how you're going to proceed then that's, that would be the easiest. If not, we'd have to revise all of the bills at a later, before second and final reading. Thank you.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Budget Director Yoshimura. And so that no one feels like I'm forcing this item to be taken up in this sequence, if the Members would prefer not to take up the Maui News item before the other budget bills, what, what will we need to do for the budget bills?

BUDGET DIRECTOR. Thank you, Chair, Vice-Chair Rawlins-Fernandez. So, if you took up all of the bills that are in your committee report and second and final first, and then did the Maui News bill, we would then provide you revised bills for your posting for second and final. And you would ask the Council to give us the flexibility to make adjustments, non, it would be just adjustments to the totals to reflect the proper passage. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And then, last follow-up question, Chair. So, if we don't do it that way and then we give you the flexibility to send us the revised bills, will it be able to pass on second and final reading at the next Council meeting? And I don't know if it would be a question for Budget Director Yoshimura or our OCS attorneys, or.

BUDGET DIRECTOR: Chair, we've always made the adjustments to the totals depending on how it's passed in Council. And it's being, it's been something that the Chair of the BFED Committee in this case, would request that we make nonsubstantive changes and changes accordingly to the totals based on what amendments have passed, and the sequence it's passed in.

VICE-CHAIR RAWLINS-FERNANDEZ: Got it. Mahalo, Budget Director.

BUDGET DIRECTOR: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I guess the recommended sequence would be to take up the Maui News item before the budget bills. But I'll leave it up to the body.

CHAIR LEE: Any objections to doing that?

Yes, Ms. King.

COUNCILMEMBER KING: I just have a question. So, you're just talking about the budget bills under "Unfinished Business"? Not the other budget bills under first and second reading?

VICE-CHAIR RAWLINS-FERNANDEZ: On first reading.

COUNCILMEMBER KING: First reading, you have the, the No. 21-11. That's one of the budget bills.

VICE-CHAIR RAWLINS-FERNANDEZ: I guess I'll defer to--

COUNCILMEMBER KING: Just looking under "Committee Reports" and then it goes into "Second and Final Reading". And then, and then there's the section "Unfinished Business". And that looks, "Unfinished Business" looks like where all the budget bills and the resolution for the Maui News purchase are, are. Or are you saying that they're somewhere else as well?

VICE-CHAIR RAWLINS-FERNANDEZ: I will defer to Budget Director Yoshimura.

BUDGET DIRECTOR: Chair. Councilmember King, so all of the bills that are listed on your agenda on second and final are, the Maui News acquisition is not reflected in any of those bills. So, it would be just to the bill that is in CR 21-11 that would have to be revised for the sequencing.

COUNCILMEMBER KING: CR 21-11? That refers to Park Assessment Fund and Paia-Haiku Community Plan area. What does that have to do with the Maui News?

BUDGET DIRECTOR: Chair. It would, it would make a difference on the front page on "Estimated Revenue".

COUNCILMEMBER KING: Okay. So, you're just saying that the total amounts are what would be affected? Is that what you're saying, by the other bills?

BUDGET DIRECTOR: Member King, yes. I think on the Bond/Lapsed Bond, Estimated Revenues, right now is reflecting the Maui News acquisition. So, if 21, if CR 21-11 passes before the Maui News, then we would have to make changes to the bills in 21-11. If the Maui News Building passes before 21-11, then we wouldn't have to make any changes. But it all depends on whether or not the Maui News acquisition bills are passed.

COUNCILMEMBER KING: Okay. So, if they're not passed, then you won't have to make any changes either?

BUDGET DIRECTOR: Oh, Chair. If the, if the Maui News acquisition bills are not passed, then the bills in 21-11 would be revised before second reading to show the deletion of the Maui News acquisition under the Bond Fund.

COUNCILMEMBER KING: Okay, so right now, they reflect that, they reflect as if the, those bills had passed? I'm getting confused here.

BUDGET DIRECTOR: Correct.

COUNCILMEMBER KING: So, you're assuming that they're passed and then that's reflected in those--

BUDGET DIRECTOR: Yea, I think by the time we had submitted this bill for the two parks projects, the Maui News acquisition bill was on your agenda for two meetings. And so, when we had drafted it, we just put those in just in sequence. But we can always take that out and make the amendments.

COUNCILMEMBER KING: Okay. I think I understand now. Thank you.

CHAIR LEE: Alright. Okay, everybody got that?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yes, so my request would be to take up the Maui News item if, if we would like to proceed then.

CHAIR LEE: Any objections?

COUNCILMEMBER KING: Well, I'm confused, because I thought you had to leave at 2:00.

VICE-CHAIR RAWLINS-FERNANDEZ: I do. But it's a presentation, so I'm just going to be in both and just try to make it work.

CHAIR LEE: Okay, let's take it up so we can finish up.

Vice-Chair. Oh, Madam Clerk, please call it up.

Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: I'm sorry. I got to, there's a bit of a problem over here, a tech problem that I think half of the Lanai City is out of power right now. So, I just want to let the body know that I don't know, we'll see what happens. So far, I'm going well, but that's just a little FYI for the body. That's all.

COUNCILMEMBER KAMA: So, are you going to say your early goodbyes?

CHAIR LEE: Well, is your phone, is your phone working?

COUNCILMEMBER JOHNSON: I have a hotspot and a phone and I'm on.

CHAIR LEE: Okay.

COUNCILMEMBER JOHNSON: So, we'll see how the battery lasts.

CHAIR LEE: Yea, you'll, you'll be fine. You'll be fine.

Ms. Kaohu, where are you?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Yes, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: If we can take up the resolution first, before the bills?

CHAIR LEE: Yes. I'm wanting her to call it up.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Yes, Ms. Kaohu.

COUNTY CLERK: Chair, I need to take us back to Bill 10 first. Because there was a vote, an amendment vote, but the main motion was never voted on. So, there needs to be a vote on Bill 10, Draft 1, at, on first reading.

CHAIR LEE: We didn't change--

COUNTY CLERK: It's still--

CHAIR LEE: We didn't change the vote from the last time on the main motion. The only things that happened were two new amendments. So, now we're leaving the whole thing on the Clerk's table until the next Council meeting, just like we did at the previous Council meeting. We did exactly the same thing. So, who, who is advising you?

COUNTY CLERK: The Legislative staff. And it's something similar that that we did with the social host bill.

CHAIR LEE: Okay. Forget the social host bill. This is what we did with this bill at the previous meeting, yea. We, we had the main motion, then somebody made an amendment. So that meant we weren't going to pass it on second and final reading until the next meeting, which was today, yea?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Looking under Council Rules 18, 18.C says we can't act on it because we took the amendments, yea?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yea, yea, okay. So, just wanted to, to further clarify this situation. But that's, that's what it says on the Council Rules 18.C.

CHAIR LEE: Right. So, you know what Ms. Kaohu, let's continue because we, what we did today was exactly the same thing we did at the previous Council meeting.

COUNTY CLERK: Chair, can we have a short recess please? Just real short.

CHAIR LEE: Well, we don't have a lot of time, okay? Let's make it really fast; five minutes.

COUNTY CLERK: Yes. Okay. Thank you.

CHAIR LEE: Short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:13 P.M., AND WAS RECONVENED AT 2:29 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the regular Council meeting of March 5, please reconvene. Okay, everybody, sorry, we had technical issues. Now, let's resume.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with unfinished business. You have before you County Communication 21-89.

COUNCILMEMBER KING: Chair, point of, of process.

CHAIR LEE: Yes, Ms. King?

COUNCILMEMBER KING: Did we ever clear up what, I thought we went into recess because of the questions on Bill 10. So, did we ever resolve those? Can you, can you tell us what got resolved that--

CHAIR LEE: Yea. What happened was the Clerk asked, thought we should vote again on Bill 10 on first reading. And I felt, and I think David felt, that no we already voted first reading at the last meeting. So, we're putting this matter on the Clerk's table because we have the two amendments. So, we will vote on second reading in, at our next Council meeting.

COUNCILMEMBER KING: Okay. I want to make sure that we, everybody understood what we were doing. Thanks.

COUNTY CLERK: Sorry about that.

CHAIR LEE: Ms. Kaohu.

COUNTY CLERK: Proceeding with unfinished business. You have before you County Communication 21-89.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Oh, Ms. Rawlins-Fernandez. Yea, I think we're taking it out of order again, yea?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Oh, shoots.

VICE-CHAIR RAWLINS-FERNANDEZ: So, if, if, if the County Clerk will please read the resolution, first. It's the resolution that we amended at the last Council meeting.

CHAIR LEE: Down below.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Below, Kathy. The revised proposed resolution. Okay, we're going to take that up first. Yea, take that up first.

UNFINISHED BUSINESS

RESOLUTIONS

RESOLUTION
NO. 21-32

AUTHORIZING THE ACQUISITION OF
APPROXIMATELY 273,382 SQUARE FEET
IDENTIFIED AS TAX MAP KEY NO.
(2) 3-8-046:011 SITUATED AT WAILUKU,
MAUI, HAWAII, FOR AN AMOUNT NOT TO
EXCEED \$9,800,000

(The resolution was read in its entirety.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE REVISED PROPOSED RESOLUTION
AS AMENDED.

CHAIR LEE: Any second?

COUNCILMEMBER PALTIN:

SECOND.

COUNCILMEMBER MOLINA: Second, for discussion.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin,
to adopt the resolution as amended.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As the Clerk read, the revised
proposed resolution would authorize the County to acquire 273,382 square feet,
identified as was read, for an amount not to exceed \$9,800,000. And reflects the
amendment passed at our last Council meeting to allocate an additional floor in the
Kalana O Maui Building and 30 parking spaces to the Maui County Council.

So, and again, the reason we're taking it up in this order is because we took up, we made those amendments at the last Council meeting and so it would amend the current resolution under CC 21-89.

And we do have Managing Director Sandy Baz, as well as Finance Director Scott Teruya, on the line to answer Members questions, as well as to present the requested plan. That plan was sent to all Councilmembers by the County Clerk at 1:05. So, if you didn't check your email yet, it came in at 1:05 p.m. today. And you can open up that attachment, which is the PowerPoint for which we requested from the Administration. Mahalo, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I have a couple of amendments to propose.

AND THE FIRST IS, I MOVE TO AMEND THE PROPOSED BILL ENTITLED "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO"--

CHAIR LEE: Okay, wait. Mr. Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yes.

CHAIR LEE: We're only on the reso.

COUNCILMEMBER MOLINA: Oh. Okay.

CHAIR LEE: We'll get to your part.

COUNCILMEMBER MOLINA: Alright. Okay. Thank you, sorry about that.

CHAIR LEE: No, that's okay. Anybody--

Yes, Ms. King?

COUNCILMEMBER KING: So, Chair, we're going to have a presentation by Mr. Baz. Can we ask him to present his slides and then, so we can ask him questions?

CHAIR LEE: Mr. Baz, can you give us a short presentation?

MANAGING DIRECTOR SANDY BAZ: Thank you, Madam Chair. Yes, do you want me to share my screen?

CHAIR LEE: If you can, please.

MANAGING DIRECTOR: Sure. Let's get this going here. Alright, does that work? Can you see that?

CHAIR LEE: Yes, we can.

MANAGING DIRECTOR: Okay. So, thank you, Members, for the opportunity. We'll go through this pretty quickly. It's just eight short slides.

And just to reiterate, you know, this isn't a full detailed plan analysis that I would be likely prepared if it was going to be a full acquisition by the Administration that we had prepared for, for the months that we had. Again, you know, understanding the Council's desire for a location, the Mayor had opted to provide the opportunity for you guys to look at that building first. And since you deemed that the Administration would be moving down there solely, we started working on this and want to present this as quickly as possible to you with as much information as we could within the last short period of time here.

So, just to reiterate, the acquisition is approximately 273,000 square feet, or 6.28 acres parcel. As you can see in the picture, not all of it is buildable, but is a very large parcel here in Wailuku, approximately 44,000 square feet of building space.

Building 1 is what we're identifying is that front building closest to Mahalani Street that is the, I guess the red roof if you want to call it that. And then Building 2A and 2B are the warehouse building, and the building right attached to that. And then Building 3 is the small part of the last building towards Kaahumanu Avenue.

And so, those are how we're identifying the buildings themselves. \$9.8 million is the purchase price and we're estimating \$50,000 in closing costs.

So, looking at the current leasing in Central Maui of office space, this is, we are proposing to relocate the Departments of Environmental Management, Housing and Human Concerns, and Department of Planning. You can see those square footages

total up to about 40,000; 43,521 square feet. And the current annual lease cost is a little over \$1.5 million. Because of the, the current size of the buildings at the Maui News lot, we're looking at just housing those three at this point. There are others that will continue to be renting; OED, Maui Metropolitan Planning Organization, Department of Water Supply has some rental, and the Finance Department also has rentals as well. That total is 7; 7,262 square feet and another \$326,000.

When we look at the renovations required to house the County offices at that location, we're looking at approximately \$1 million in design, permitting, and other development costs. Renovation and construction for those three buildings would be approximately \$5.8 million. And added to the acquisition cost, the total estimated costs of us being able to relocate there is about \$16.6 million.

So, when we look at that, the acquisition, debt service cost, as you were told before, was about \$630,000 annually. When we add in the design, construction, and other costs that would be financed, that's another \$434,000. So, a little over \$1 million estimated debt service.

When we look at those three Departments that are moving in, current costs, again \$1.5 million. An estimated \$350,000 increase in operational costs, utilities, maintenance, you know, employees to maintain the facility those kind of things, would be included in that. So, as of, you know, the, the first year that we occupy it, we would be already saving around \$180,000 or so in cost to the County.

Estimated timeline. When we look at just the appropriation side of things, you know, we were hoping to get the appropriation to acquire it this month. Then looking at design and other developmental costs, the appropriations starting in July, as well as the Phase 1 renovation of the building, CIP Project so that we can get the design, get those permitting pieces in and start construction on Phase 1. Phase 1 would be that first building, you know, the Building 1 area that can be occupied in a shorter period of time.

Debt service timeline would be the first interest only payment, would be April 2022. This is based on our debt issuance plan the Department of Finance is working on right now. The principle interest payments if we do issue bonds for the total amount of . . . in Phase 1, excuse me, from Phase 1 and Phase 2, would start October of '22 and again a little over \$1 million.

As far as departmental moves and where we would see lease savings, actual really realize, Phase 1 would be the end of year 2022 is what we're estimating to be able to move our Department into there. Phase 2, depending on Maui News and when they move out of the back buildings would be somewhere between 2023 and 2025 based on the agreements that we have in place.

Just some other considerations, we did not include lease escalation in any of these estimates. You know, there's been some concern about, you know, whether or not lease costs are going to go down or up. We can tell you, in general, they've always gone up. Small fluctuations here and there, but we didn't include that escalation. So, those escalations should save us more money.

We, you know, continue to discuss the options of lease versus owning. You guys heard from, about One Main Plaza and how much we've paid in rent over there compared to what we would have acquired it for.

I just wanted to provide another example. Maui Mall Service Center is, we went into that in 2005 at paying \$275,000 annually in rent. And I think we've paid at least \$2 million in leasehold improvements, you know, just to get us in there to move in. And 2019 was the last, total annual was \$565,000. So, over 100 percent increase in rent over the, the 15 years that included just there. And the total rental we've paid at Maui Mall is a little over \$7 million. And again, that doesn't include the leasehold improvements originally and the money that we've invested since then in improvements to the, some of the other units that we occupy over there, estimated between 4 and \$5 million of leasehold improvements on top of the \$7 million that we've invested in that rental.

The total debt service over the next 20 years for the acquisition and renovations is approximately \$21 million. And the total estimated rent, if we continued to rent those, rent out for those departments over the next 20 years, and again, this is without escalation, would be around \$30 million. So, that's it for my presentation. Any questions?

CHAIR LEE: Member King, you have a question?

COUNCILMEMBER KING: Yea, Chair. I think Mr. Sinenci had his hand up first, so I'll let him go first.

CHAIR LEE: Oh, I'm sorry. Mr. Sinenci, you can go first.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Member King. And no, my questions for Mr. Baz was, so if we're just planning to send those three departments in the first year, so there is no opening at 200, up in Wailuku? There wouldn't be 9,000 square feet available at, at the High Street, County Building?

MANAGING DIRECTOR: At this point, yea, no, there's not 9,000 square feet available in Kalana O Maui. You know, we would be, these departments are all renting in Central Maui right now, mostly in Wailuku.

COUNCILMEMBER SINENCI: They have prior, they would have priority and, and it looks like the footage, the square footage that they have, 43,000 square feet, is the total of the Maui News Building? Is that correct? From 40; 44,129 square feet.

MANAGING DIRECTOR: Yes. That's about the current square footage footprint at Maui News. And we would, and you know, again, you know, we, I do have an analysis of a possible expansion of County offices as well over the years. And that was done when we were, you know, the growth that we've had in the past and what's projecting for the future. And so, the 43,000 square feet that they're occupying now is, is really what they're occupying now. Moving them in 44,000 square feet doesn't really increase the capacity, you know, growth area. But with teleworking and other consolidations that we can do, we expect that they'll be able to be housed in there for a long period of time without future expansion.

COUNCILMEMBER SINENCI: Right. Thank you, Chair.

CHAIR LEE: Ms. King, and then Mr. Molina.

COUNCILMEMBER KING: Yea, thank you. So, Sandy, I, I asked you also to include the value of the rent, because they're asking for two years of free rent, one year of reduced rent, for the Maui News. And my calculations, just at the bare minimum of what it's going for commercially, which is about \$1.25 a square foot. And they told me that they were going to be keeping about 25,000 square feet. So, it came up to somewhere just short of \$1 million with the value. And is that in addition? Is that \$9.8 million less the free rent, or is the free rent included in that \$9.8 million.

MANAGING DIRECTOR: The, I think Director Teruya can correct me if I'm wrong. But I believe the \$9.8 million is a negotiated price, including the free rent. And the, it's in the appraisal. They did value it and discuss it in the appraisal. I'd have to go back to find the page number. Mr. Teruya, I don't know if you remember it off the top of your head, but--

COUNCILMEMBER KING: So, you're saying the resolution allows us, would have us pay up to \$9.8 million, plus another \$1 million in free rent? Or the \$1 million would come out of that \$9.8?

DIRECTOR OF FINANCE SCOTT TERUYA: Chair.

CHAIR LEE: Mr. Teruya.

DIRECTOR OF FINANCE: Thank you, Chair. The renegotiated price down to 9.8 included in the appraisal, no rent for two years with the \$10,000 on the third year. So, all of the considerations are in the \$9.8 million already. Thank you, Chair.

COUNCILMEMBER KING: Okay, so that means that they're getting an extra somewhere around \$1 million worth of value of free rent on top of what we're paying them? Is that correct?

CHAIR LEE: Mr. Teruya.

DIRECTOR OF FINANCE: Yea, the appraisal took into consideration the no rent for two years and therefore the value came out to the \$10 million in the value. The 9.8 is the final negotiated price.

COUNCILMEMBER KING: Well, what were you valuing the free rent at per square foot?

CHAIR LEE: Scott?

MANAGING DIRECTOR: Madam Chair.

CHAIR LEE: Yes, either Scott or Sandy.

MANAGING DIRECTOR: If, it looks like on page 26 of the appraisal, the monthly modified gross unit rent estimated at \$1.88 per square foot per year.

COUNCILMEMBER KING: And then, and then, what the, is it right that they're, they're keeping 25,000 square feet for the first three years approximately? That's what Chris told me when we went on the tour.

MANAGING DIRECTOR: It looks like 24,755 square feet leaseback area is indicated in this.

COUNCILMEMBER KING: --755. Okay, I'll do that math. And then so, so we would, so the soonest you have estimated that one office could move in 2022. If it's 44,000 square feet, we would only have access to 20,000 even if we had it all fixed up. But it looks like the bulk of it, your, it's going to be four years till we actually even move in the rest, till, till it's ready to be fully occupied?

MANAGING DIRECTOR: Yea, there's a range, because the Maui News has the option to stay there up to three years. But the, yea, the earliest that we would be getting, especially people into the first Building 1, would be the end of 2022.

COUNCILMEMBER KING: Okay. So, then we, I guess that's four years of debt service before we get Okay, I'll yield for now. Oh, I'm sorry, what did you say?

MANAGING DIRECTOR: Well, the, as I mentioned, the debt service doesn't start, the full debt service doesn't start until October of 2022.

COUNCILMEMBER KING: October 2022? . . . negotiation point. Okay, thank you. I'll yield for now.

CHAIR LEE: I think it was Mr. Molina next?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just a general question. So, again, we just got this now today at 1:00, your plan. And if I'm correct, at the last Council meeting, that request was made to Administration, so you had some ample time to get this to us before today, am I not correct? Mr. Baz.

MANAGING DIRECTOR: Yes, Mr. Molina. The, the discussion at the last Council meeting was two weeks ago and we've been working on it since then.

COUNCILMEMBER MOLINA: Yea, and, and, and I'm asking this only because it doesn't give us a lot of time. Some of us would like to analyze this plan and formulate, you know, questions. And not only us, but the public would like to see this plan. Cause, cause here we are ready to make a decision and it's, you know, it got to our offices at 1:00. And so, that's my displeasure about getting this plan only now. It almost seems like it's at the eleventh hour. But anyway, I'll just leave it at that. Thank you, Madam Chair.

CHAIR LEE: Anyone else with questions?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Managing Director Baz. Mahalo for your presentation. I have a question on slide 7, where it says, total debt service over the next 20 years is estimated at \$21.1 million. Does that include the cost of renovations?

MANAGING DIRECTOR: Yes, that is the acquisition and renovation costs.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. And then, I, I know we're talking about free rent, but I think that's a disservice to the public by calling it free rent where

it was part of the negotiating. And so it's not that we're giving anything and anyone anything for free, rather it was part of the negotiating so it's basically the rent that is kind of paid upfront by foregoing a higher selling price. So, in, in, it's basically rent that is included into the negotiating price that we would be purchasing it.

MANAGING DIRECTOR: Madam Chair, that's correct. You know, when we're negotiating the sale, you know, I don't know if it was mentioned, but when we first started negotiating the sale, the price that they were willing to sell it to outright was higher, definitely significantly higher than even the rent that the consideration that's in there right now. And so, that was, you want to give Mr. Teruya credit. You know, he had been working on negotiating this with them to be able to reduce the overall cost and this was the, one of the considerations in that negotiation.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Managing Director Baz. Mahalo, Chair.

CHAIR LEE: Anymore questions?

Yes, Ms. Paltin, and then Ms. King.

COUNCILMEMBER PALTIN: Thank you, Chair. Just clarifying, is Building 2A the unfinished upstairs?

MANAGING DIRECTOR: Building 2A is the front part of the warehouse that is basically the two story. So, it includes, there's some office space and warehouse space on the first floor of that section, and there is the unfinished area on the second floor.

COUNCILMEMBER PALTIN: The unfinished area is 2B or 2A?

MANAGING DIRECTOR: They're all 2A. Both of the sections are 2A. 2B, then, is where the printers are. You know those big, the open area with the big printers in it, that's 2B.

COUNCILMEMBER PALTIN: And, I guess my question is, you know, when you spoke of, like, the renovations and getting it to be ready to move in. Is the plan, cause I didn't see elevator to the second unfinished story. Would it be the plan to make it all ADA accessible?

MANAGING DIRECTOR: That's something we would have to evaluate at the time of the analysis of doing the design for 2A for that second building. For the first phase, Phase 1 and the use of the Building 1, there wouldn't be an, like a elevator being planned for that. But for Phase 2, that, there's a likelihood. It really depends on what we're going to utilize that space for and the requirements of accessibility. We'd have to review that with DCAB, you know, with the State and see what areas.

So, if we could do it without having to get a elevator, that would probably be, you know, the first situation because the cost of elevators are fairly expensive. If we have to put in an elevator then we might want to come back to you and, and evaluate putting a second floor throughout the whole Building 2. And then, we could get more square footage out of that. We did a rough cost analysis and right now that would be fairly expensive per square foot to do. But, you know, should we need to, should we have the use, need for the space, then that may be something that we could do in the future.

COUNCILMEMBER PALTIN: And can you just remind, refresh me which of the areas is the Maui News leasing. Is it Building 3 or is it 2A?

MANAGING DIRECTOR: So, from the appraisal, it's listed as all of Building 2 and most of Building 3.

COUNCILMEMBER PALTIN: Okay. So, then only Environmental Management would be able to move in for the first phase? Cause Building 1 is 14,000-something square feet.

MANAGING DIRECTOR: Yea. We haven't made a full determination on that. The Mayor hasn't made the decision about who's going to move first. From a financial standpoint, actually, the Planning Department moving there would be, you know, the most advantageous. They pay the most in rent. And that square footage included, for the Planning Department, does not include the Planning conference room, which is in Kalana Pakui right now. So, if we did put Planning Department in there, then the Planning conference room could be built along with it in Building 1 and that would pretty much take up all of that space as is.

And then, the other areas would be for Housing and Human Concerns and, and DEM. Other considerations are the use of the building as far as public interface. And if we evaluate it from a public interface standpoint, Department of Housing and Human Concerns would take priority, because they are the ones that interact with the, you know, Office on Aging and Immigration and all the others too. So, those are the kind of things that Mayor would make a final decision on once we give him some more detailed analysis of it.

COUNCILMEMBER PALTIN: I will yield. I have a couple more, but I don't want to hog the questions.

CHAIR LEE: Ms. King. Was it Ms. King next?

COUNCILMEMBER KING: Is there anybody else? Anybody else has a question that hasn't asked yet?

CHAIR LEE: Anymore, anyone else have a question? No?

Oh, it seems like Mr. Molina has one.

COUNCILMEMBER MOLINA: Yea, I finally formulated one. On the \$1.5 million that you were talking about saving in rents, how long do you think it will take for us to realize these savings? And, and as far as phasing in the departments, if that be the case, how long, what's the plan for length of time to phase in three departments as you're proposing?

MANAGING DIRECTOR: Yes, as we proposed the, in Slide C, Phase 1 would be the end of your 2022. And so, you know, if it was, say if it was the Planning Department, we'd be saving, you know, the \$514,000, you know, in that space from, you know, with that aspect right on, at the end of, so beginning of calendar year 2023, we would have a full savings of over \$500,000. And then, when we looked, again, it's variable as far as the rest of the departmental moves because Maui Electric, excuse me, Maui News has the option of staying their longer or shorter. And that would range between 2023 and 2025 before we would see the full \$1.5 million lease savings.

COUNCILMEMBER MOLINA: That's interesting. So, it could be a while before we get a full team, so to speak, in there, yea?

Okay. Thank you, Mr. Baz. Thank you, Madam Chair.

CHAIR LEE: Member Kelly.

COUNCILMEMBER KING: Thank you. It's okay, you can call me by my first name. So, so yea, I think it's very fair to add in that free rent, because that's the valuable of purchasing it for. So, I just did the math real quickly and rounded it off to, looks like \$1.6 million in free rent that we'd be offering. So, if we, if we're paying \$9.8 million cash and \$1.6 million free rent, then that comes out to about \$11.4 million that we're really purchasing it for with that other value.

And then, have you guys done the, any environmental assessments, or asbestos, or lead paint? Because that may affect the build-in, or the build-out. Is that included in, you know, if you have to, if you have to remove asbestos, if you have to remove all the paint and repaint it, if you have to do environmental, kind of, ground field assessments? Did you figure out how much, I mean, have you guys done any of those assessments on this building?

MANAGING DIRECTOR: So, just a couple things. We're waiting for the analysis that the Department of Finance has, you know, retained somebody to evaluate doing the assessment on that. The first building was built, I believe in the 80's. So, the likelihood of lead paint, asbestos, is very, very low and shouldn't be there at all, basically, because it's a new building.

The other one is, you may have some consideration for that. And also, you know, the type of ink they used and if it would, did get into the ground, you know, stuff like that. So, we're getting that analysis done. We would have that before we close, so we'll have a good idea before we actually give them the full money that we're going to be, what, what the environmental impacts are going to be on that.

COUNCILMEMBER KING: Okay.

MANAGING DIRECTOR: The appraisal does list the net present value of the annual deficit rent of \$1,130,000 is the value that they included as a part of the appraised, appraisal system itself.

COUNCILMEMBER KING: Okay. You might want to redo that math, because I used the number you just gave me, 1.88 a square foot times 24,755, which is what . . . square feet. So, maybe that math needs to be redone.

MANAGING DIRECTOR: Well--

COUNCILMEMBER KING: But I came up with a total of \$1.6 million, or roughly \$1.6 million.

MANAGING DIRECTOR: Sorry, Madam Chair. So, it looks like they, they've start paying rent. It's not just three years' worth of free rent, right? They just start--

COUNCILMEMBER KING: Right, I, I allotted for that third year being reduced, cause I saw that on your original proposal. So, that was already in there.

And then the other thing, another, the big, one of the other big worries I have about this project, because it's so intense on design and buildout is that, you know, are you, is this going to be done in-house or are you going to be hiring a consultant to do that? And is that figured into the cost you gave us? And if not, you know, I have real worries about all the other projects we have on the books right now that could be set aside to do this build-out, the design and build-out.

And I'm already hearing that the North-South Collector Road is going to be pushed two years out because there's not enough engineers. So, just can you, what is the plan for

that and how are you going to stay on track with all your current projects that we're supposed to be doing?

MANAGING DIRECTOR: Sure. How we would manage this project would be that the CIP staff in Department of Management would be managing consultants. So, we would be hiring consultants to do that work and that's the million dollars that we put in there for design and permitting and other developmental costs. So, we'd cover the cost of those contracts.

COUNCILMEMBER KING: Okay. And that's going to be all Bond funded as well?

MANAGING DIRECTOR: Correct. It's included as a total cost of the asset itself.

COUNCILMEMBER KING: Okay. So, we, we don't, we, do you anticipate having to put any cash out of General Fund into this?

MANAGING DIRECTOR: No. Not, other than the normal loan from the General Fund to Bond Fund that we do on a regular basis before we issue bonds, I don't foresee that we would have to spend any additional cash, General Fund cash on this project.

COUNCILMEMBER KING: Okay. So, it won't affect, I just want to make sure it's not going to affect anything else in our budget, you know, our social services and things. And while we're all here, we're going to have to tighten our belts and then, you know, we're, we're doing this on the side. So, okay, I think that's, I'll yield for now, Chair.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: Chair, I just had a real curious question. You know, you allocated the, the square footage for all of the offices that you have need of now, and where all of your County or your Administration's in position right now. And then you're going to switch them around, and then you'll know how much space you're going to need wherever you're going to go. Did you also include all the parking for all the fleets that the County has? And for all the parking for not just your employees but for cars that, like you know DMV owns cars, a lot of the County agencies own cars and vehicles and fleets. So, did you anticipate that too?

MANAGING DIRECTOR: Yes, we haven't done a complete analysis of the fleet plus employees that would be moving there. But based on the square footage, there is an allowable amount of parking on that campus. And there's space to be able to add more parking as well on, on that Maui News facility there.

COUNCILMEMBER KAMA: So --

MANAGING DIRECTOR: There's some cracking noise. Sorry, I'm not sure where that came from.

COUNCILMEMBER KAMA: So, for the additional parking, are you going to have to create a parking lot, or you just going to park it on the available space that you're going to have after the buildout?

MANAGING DIRECTOR: We would be parking in the available space, yea.

COUNCILMEMBER KAMA: Okay. So, you won't be moving any dirt?

MANAGING DIRECTOR: We should not be moving any dirt.

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

CHAIR LEE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, Mr. Baz, my office has received some phone calls and some emails regarding the Council's amendment, which is in the reso, about the 30 parking stalls. And I wondered if you've heard anything like we've heard, well my office has received comments?

MANAGING DIRECTOR: I don't know exactly what comments your office has received, but yes, we have had employees express concern about the available stalls here on campus. You know, we do anticipate, as we've discussed, and I think you brought it up in your Committee, you know, that there is going to be some vacating here, fleet and employees based on going to the new service center. But the list is still going to be fairly long even once those people vacate. So, but we do, I mean, you know, as we've discussed a number of times, creating more parking stalls on, around this campus is a priority. Just financially wasn't feasible for the original project that we discussed.

COUNCILMEMBER SUGIMURA: So, by your list of the departments that are moving, are they basically all at One Main Plaza? You're trying to save rent at One Main Plaza or places like that, so it wouldn't necessarily open up any parking here or create any vacancies here then? Is that what you're doing?

MANAGING DIRECTOR: That's correct. DEM is mostly at One Main Plaza and at the Promenade. Housing and Human Concerns is in One Main Plaza and the old Kress Store. And Planning Department is mostly in One Main Plaza.

COUNCILMEMBER SUGIMURA: Oh, okay. So, it doesn't, it doesn't alleviate any, any parking here of people moving down to like the new service center or whatever. So, what you see is--

MANAGING DIRECTOR: It may. The employees in those departments may have tenure here to have assigned parking stall on this campus. But that's a further evaluation. We'd have to go back and through each one of the employees that we'd be moving, and if they do have a slot, and all that.

COUNCILMEMBER SUGIMURA: Okay. I mean, I guess the rental space is one thing. But the parking issue seems to be pretty controversial. And again, when this came up during our last meeting, it reminds me of our water meter list Upcountry. It's pretty controversial and people watch, you know, to see who's parking and how come they got a, well, Upcountry is how come they got water meters and I've been on this list for 30 years. You know, and kind of feels like it's going in that direction by the comments that I've been hearing. But you'll let us know. Thank you.

CHAIR LEE: Any other questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Baz. I just was wondering, like, you know, over here everybody, all us gotta pay our parking money, even though some of the testifiers thought we get free parking or something. I just was wondering if that would be a similar situation? Like, if there is parking for employees, I think 174 marked stalls and then there would be some for public. But would it be a similar situation over there where they would have to pay just like all the other campus?

MANAGING DIRECTOR: Yes. We do plan on that working, you know. It's unfortunate. Free parking is a wonderful thing but, you know, it's going away, you know, as space gets more and more tight. The, you know, I know people are, especially Maui, we're really, really used to free parking. You go to Honolulu and you got to pay for every spot you go to. But here, yes, we would be looking at making, not making County employee charge, but just charging them. There is a cost to maintain the parking stall. I mean, and yes, everybody here who parks on this campus, the Kalana O Maui, does pay a parking, whether you get a gravel lot spot, you get a grass lot spot; you got to pay.

COUNCILMEMBER PALTIN: Yea, I read some of the testimonies. I think they thought we got free parking or something. But I just was wondering, you know, if we weren't on the list for 10 years and then we got elected, and then we were waiting on the list for 10 years, then we probably wouldn't make it to the building for the meetings, right? Or, I mean, you can't be on the list for 10 years--

MANAGING DIRECTOR: And that's why--

COUNCILMEMBER PALTIN: --and then try to get elected. So, I mean, I just, I, I was like, that was kind of a mean statement.

MANAGING DIRECTOR: And that's why there is consideration, especially for the elected officials, directors. You know, because they are, you know, required to be off-campus, on-campus on a regular basis and finding a stall is challenging. And so, that's why the parking plan includes consideration for those.

COUNCILMEMBER PALTIN: The, the vehicles that are County fleet, was there any plans to be able to tandem park some of those on too? Cause 174 marked stalls is a lot. And then, in that back section, I learned that tandem would, would that, could possibly open up more stalls.

MEMA moving to Hawaiian Tel Com would open up more stalls. And the demolition of that building in the other one would open up more stalls. So, there's a lot of things influx altogether. And it's difficult to pinpoint any of that right now. If MEMA moves, who's going to take up their area and all sorts of other things? So, I can appreciate that this is like a draft plan, and that there's a lot more opportunity that isn't being concretely laid out because of all the things that are influx. Thank you.

MANAGING DIRECTOR: Thank you.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Aloha, Mr. Baz. Thank you for joining us today. Just to piggyback off of Councilmember Paltin's questions, you mentioned you have a parking plan for this? Or, you just, I just heard, overheard you mention parking plan. That's a parking plan for this property?

MANAGING DIRECTOR: We have a parking policy, yes. There is a parking policy for the Kalana O Maui Campus that identifies the list, that identifies, you know, what you do to get signed up and what you pay, those kinds of things. There's some considerations in there.

COUNCILMEMBER JOHNSON: I'm sorry. The parking plan for Maui News is?

MANAGING DIRECTOR: No, for the Kalana O Maui Campus.

COUNCILMEMBER JOHNSON: That's what I was asking, for that. So, when I did the tour, it looked like there was a lot of potholes and a lot of, it's going to need some renovations to their parking lot. And in your renovations estimates, did you include the parking lot?

MANAGING DIRECTOR: Yes, we did.

COUNCILMEMBER JOHNSON: So, if your, okay, if you did, then are you going to have it like, you know, big modernized parking lots nowadays where you have your economy-sized cars and then you have your, your electric cars and all of that, all of that stuff that fits in the baskets of, of managing your parking. Is, do you think that's going to change the 170 and--

MANAGING DIRECTOR: I hope so. You know, there is a requirement for electric stalls now, and you know, that's one consideration. There's another requirement for stalls for people with disabilities. So, we need to make sure we're considering all of those. And when we look at the, and that's not just the total stalls available. It also includes the square footage required, of the building itself, right? So, we'd have to evaluate that to make sure.

Member Paltin's idea about tandem parking the fleet vehicles, maybe towards the back of the property, I think it's something that takes very good consideration that we should be able to do.

COUNCILMEMBER JOHNSON: The back has, like a, a truck loading and unloading. So, it's, yea, it takes on big vehicles back there. So, okay, thank you. Thank you, Mr. Baz. I have no further questions, Chair.

CHAIR LEE: Thank you. Anymore, anybody else?

Yes, Ms. King.

COUNCILMEMBER KING: Okay. So, thank you, Chair. So, you know, one of my big concerns with this is that we, we didn't sit down with a strategic plan that said look at all the rent we're paying, and we need to move these, and then go look for that property. And did, is there even an inventory of how many vacant, how many buildings we have, you know, that the County owns that are vacant right now? You heard from our former Councilmember that we have quite a few buildings and that we bought that ended up not being very good purchases because now they're just sitting there years later.

And, you know, certainly we're not planning to move into the Pioneer Mill building cause that's in Lahaina. But, you know, the, there's a history, yea Tamara would like us to, there's a history of, you know, we're not a, we're not a real estate investor and so we

do make mistakes sometimes. And it sounds like there have been some mistakes made. I don't want this to be one of them. And so, if, is there an inventory somewhere that we can see of how many vacant buildings we have and how much land we have that, you know, might even be more strategic than what we're looking at right now.

And also, a consideration for, you know, right now we're looking at bailing out a mainland company that, you know, owns the Maui News. And, you know, we know that they have a network on the mainland, so I doubt that money is going to actually stay here in the County. And we, have we looked at the rentals that we're actually renting from? And if those are locally owned, you know, at least we're supporting local businesses, or if we can look at buildings.

And I wanted to share with you that someone sent to me information about, there's a lot of commercial property available right now. And there's the Maui County Federal Credit Union just went up for sale for about 10,000 square feet for \$4 million. And that's basically move in ready with parking. So, you know, if we had a strategic plan where we said here are our needs and then we go look for the areas that fit those needs, we might be able to get into something quicker that would pay back quicker that doesn't, doesn't need all this renovation. And by the way, the Maui County Federal Credit Union building is like, you know, really close to the County Building so, you know, much more convenient. So, that's just one example of other, you know, of what's becoming available, and rather than just rushing into this property.

And we don't know the owners and we don't know how it fits in, and we know that it's going to take four years at the least, probably longer, to get into this building because we don't, right now we don't know. We don't know, we don't know what we have to fix on top of what we have to build out. So, that's one of my concerns, is have you, have your, has your Administration ever done that, sat down and done a strategic plan and looked at where all the vacant buildings are? And can we see that list if there is one?

MANAGING DIRECTOR: The Director of Finance, Scott, may be able to answer as far as the list itself. We are aware the, been looking at parcels for affordable housing that County owns for years and also, the ability to build more. The plan in the past, the prior Administration, had bought 100 acres in, by Waikapu, to be able to build, you know, extra warehouses and base yards and things like that. The, you know, so that, there's further evaluations to that that may or may not make that feasible, right?

Yea, you know, I think you mentioned, you know, the Pioneer Mill. I don't believe that was, the purchase of that was necessarily for us to just go put offices. We did build a West Maui Senior Center around that area. Well, and, you know there's other considerations, historic, I think you probably want to evaluate in that piece.

But as far as Central Maui goes, yea, we have been looking at, you know, what land is available, what the opportunities are. You know, we've looked at the, starting from scratch with the vacant land in for the, where the new service center is. The cost analysis of building and timeframe of building that from scratch was significantly more that four years. And so, you know, this, having the ability to, for us to purchase Maui News and renovate and get moved in there is something that's good.

I'm glad that you brought up the Maui, Maui Employees Federal Credit Union, Maui County Employees Federal Credit Union, because it's, it is a possibility. I mean, you saw in my analysis, there are going to still be locations, County, you know, administration offices that we'll be renting. And it's not quite 10,000 square feet. But, you know, when you look at the space and expansion requirements and things like that, maybe, you know, that's a good purchase for us to completely get out of rentals. You know, it's something . . .

You know, when we look at, as far as a strategic plan goes, you know, the, both the prior Administration, and the current Administration, their, the main goal of that is to, we wanted to reduce the amount of money that we pay in rent or eliminate it if possible and move into County offices that we own. And that's been the major goal. As things moved on, you know, there's been fluctuations in the original plan. And there have been strategic plans in the past. And I can, have volumes of them I can share with you. You know, one of them included--

COUNCILMEMBER KING: You don't have to share volumes, just one or two would be good.

MANAGING DIRECTOR: I mean, it, you know, one of them included reconstruction of the Old Wailuku Post Office property. And, you know, so that was the prior Administration's goal, objective was to reconstruct that building. And, you know, there was some challenges with that politically and financially, and just the capability of that land itself. And so, you know, those are the kind of things. So, we have to be able to adjust based on information that we receive, you know, things that we come across throughout time.

Mr. Teruya has an assistant now in his, in, you know, his purview, that is looking at the availability of lands for various purposes. And maybe he can answer that. And he's waving his hands . . .

COUNCILMEMBER KING: Is that Riki Hokama? Is that who you're talking about?

CHAIR LEE: Mr. Teruya.

DIRECTOR OF FINANCE: Thank you, Chair. I have online, Mr. Hironaka, who is our Real Property Specialist. And I don't know of any County property owned that we could move into for lease space. So, if you would allow me to let Guy Hironaka, I'm not sure if he's on, I can't see it. But if you could release it if he's on.

CHAIR LEE: He's on.

DIRECTOR OF FINANCE: Okay. Guy, could you explain if we have any inventory that we could be moving into? I don't know.

COUNCILMEMBER KING: Well, you know, and, and it doesn't have to be move-in ready, cause now we're talking about buying this other piece of property and not moving in for four years. So, you know, do we have anything that already existing that we could do in this way?

CHAIR LEE: Mr. Hironaka.

REAL PROPERTY SPECIALIST GUY HIRONAKA: Madam Chair, so, you know, the only one that we know of is that Pioneer Mill Building, which is vacant. All other buildings that the County owns, we have leased it out to nonprofits.

COUNCILMEMBER KING: We've leased our property out to nonprofits?

REAL PROPERTY SPECIALIST: Right. You know, for example, you know, where Paia Youth Center is, we acquired it, they're in that building. Some of the other buildings that we own are, have been leased out to nonprofits.

COUNCILMEMBER KING: Okay. So, so we have no other property. We have property that we own, but nothing with a building on it right now?

REAL PROPERTY SPECIALIST: No. It's all vacant land. And a lot of it is for either park or open space purposes.

COUNCILMEMBER KING: Okay. And how, how long did it take us from, because, you know, I remember in my first term which was not, which was, you know, I came in in 2017, 2018 was when we approved the service center. So, and we're, and I guess we're already starting to move people in, so I don't think that quite took four years to do from, from the ground up. I know it was really expensive. You know, it was \$25 million. But it, it seemed like it went faster than four years and then we were in, then we're in. Are we completely into that one yet? Or are we still move, doing the move in?

REAL PROPERTY SPECIALIST: So--

MANAGING DIRECTOR: We're still--

REAL PROPERTY SPECIALIST: Go ahead.

MANAGING DIRECTOR: Sorry, Madam Chair. So, we are still, it's not fully occupied at this point. The second floor is nearing completion. We should be able to get people into the second floor by the end of this month, or early next month at the latest.

COUNCILMEMBER KING: Okay. And Sandy, I know you weren't, you weren't in this position back then but, you know, when we approved it, there was a plan of what, you know, who was going to go in there. And I think they even thought they would get it done quicker. Do you feel like we met those expectations of that plan, as far as the amount of, the timing of it and the amount of . . . we were going to cover, relative to what debt service we were paying into? You feel like that was a success that we fulfilled.

I know we didn't fulfill the mission exactly as it was described to us, because originally we were going to have the County Clerk's Office move in and that didn't happen. But whoever did move in there, did that, did that fulfill the expectations as far as covering the debt service with rent? Or, or has it been, you know, delayed longer than, you know, so it's cost us a little bit more than we thought?

MANAGING DIRECTOR: As far as the original proposal the prior Administration had put for who was going to be in that location, it is different now. There were some shifts that had to happen, you know, prior to, that made it not feasible for those departments to move into the service center as planned. But overall, I feel like it's a success. You know, we do have a lot of departments that will be moving down in there. You know, the space is going to be occupied fully. It's going to be the new facility that will last for many, many decades to come for the County. And so, you know, it's something that the overall goal, yes, it did meet those overall goals.

CHAIR LEE: Okay. We're going to have to wrap this up. Any final questions?

If not, Vice-Chair Rawlins-Fernandez, are you on the call? Vice-Chair Rawlins-Fernandez? Okay. I'm going to call for a five-minute break while I give her a call, okay? Oh, wait I see her. Okay, there you are. Can't hear you. Can't hear you. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: We're ready to move forward.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: So, any final comments, questions, before we take a vote on this resolution?

Yes, Ms. King.

COUNCILMEMBER KING: Yea, Chair, I still feel like I haven't been given enough information. And, you know, the, all the information that I was asking for in this plan hasn't been there. But I also, I don't feel that there's a definitive strategic goal for this building. So, I'm not ready to, I think it still feels like rushed to me. I'm not ready to, and I have a lot of people that have been contacting me that also feel the same way.

But my, one of my biggest concerns is I've seen this movie before in a larger scale on Oahu. And they take an idea that sounds really good, and on Oahu it was mass transit. Who doesn't want mass transit, you know? And so, they slapped a cost on it of \$2 billion and they got it passed the County Council. And now, they're halfway through this thing, it's a big boondoggle and it's costing \$10 billion. So, that's why I've been trying to get some more harder numbers on this.

And I also want to see where it's going to benefit our local folks. Because you know the sales, the sales are going to benefit the mainland owners of that building. But I want to make sure that it's a good, I don't feel comfortable in saying that this is a good purchase for the County at this point, for the people of Maui County. And I look at some of the other properties that have been sitting around that we've made deals for, one of them being Maui Lani. And we have those 52 lots that have been languishing for four years. You know, and it's not the same, you know, County move-in, but we, at one point thought we were going to put affordable housing there.

So, I'm not comfortable that we really know what we're doing on this purchase. And maybe some of you have had more intimate conversations with the Mayor and Administration might, might feel different. But I haven't been given anything that tells me that, you know, we should rush into this sale. So, I can't support this resolution.

And I also think that we should be negotiating a better price than \$11.4 million, because right now there's so much commercial property available and there are move-in properties available. You know, if you told me that you wanted to, to buy the Maui County, you know, now that I know that, that is a beautiful building, I wish I could put a picture of it up here, move-in ready with parking down the road. I would say, yea, let's go for that because we can move in, you know, within a few months, we could move our departments in. But this one is a really long-term. It's going to, it's going to double in price just in the investment in the buildout and the maintenance. So, I'm just not comfortable with that, with this going forward and authorizing this right now. Thank you.

CHAIR LEE: Okay. Anybody else? Okay, ready for the vote?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I was monitoring but I was kind of off and on. And right when you were calling me, I was finishing up my, my speech. So, I just, I wanted to check with you before we voted, if you explained the Pioneer Mill situation that was brought up in testimony?

COUNCILMEMBER PALTIN: I can explain it.

CHAIR LEE: Go right ahead, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, okay. Thank you. I met with Theo Morrison of the Lahaina Restoration Foundation, and they have a grant from the Planning Department to restore the Pioneer Mill Building. And you know, I wouldn't mind to move into it. One of the issues is that it's not ADA accessible. There's a lot of stairs. But Ms. Morrison's plan was, I think they met with a consultant and they wanted to rent it out to those in, like, the health and wellness industry. It's a large building, three floors, concrete. It could also, I briefly had talks with her, as, about using it as a resiliency hub, because it's a concrete building. It was like the first concrete building built in Hawaii besides where Fleetwood's is. Is that the information that you wanted to know? Oh. Oh, I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Yea, no, just--

CHAIR LEE: No, but--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, go ahead.

CHAIR LEE: That's good because, that's good because it's recent information. But historical information, when we first acquired it, I was the Director of Housing and my charge was to develop a senior housing complex on it. There were a couple of old buildings, plus the existing old building there is now, the concrete building. So, what happened was we, we developed the senior housing complex and left that old building there because the Mayor at that time wanted to set it aside for a nonprofit. And years ago, that, that nonprofit belonged to Patty Nishiyama, Aunty Patty from Lahaina. So, she was going to use it. And then, I left. So, but the idea was, it was going to be set aside for the public. And now, you tell, you're saying that it is still on track for, to be used for the public but for a different entity, right?

COUNCILMEMBER PALTIN: Yea, she, I guess was leasing out the Old Lahaina Courthouse to nonprofits. And Ms. Morrison was of the idea that she, you would rent it out to businesses so that it would cover its own expenses. But it's not a firm plan at this time. And the Courthouse is kind of ADA accessible. It has a elevator and whatnot, whereas this building does not. But she is confident that they can rehabilitate it and address the asbestos or lead or whatever those issues are. She, like a lot of us, had thought that COVID would have settled down in two weeks, and then two months, and then less than a year. And so, she had been kind of holding off on the project, like hoping that people could meet and discuss it. But it seems as though she's going to have to move on and work on it virtually. So, that, that's the recent hold up, was the COVID situation and whatnot. But they do have plans to move forward.

CHAIR LEE: Yea. So, the gist of it is, I, being with the Administration and the, and a prior Council, we never acquired buildings and never used them. We never left them abandoned. It was always a purpose. And so, this is an example of the Lahaina property.

Now, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Did you have anything else to say?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: Before we take the vote.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo for this opportunity to speak. So, I, I just wanted to make a few points. One, I think Member Sugimura brought it up a little earlier about how we've been receiving testimony about other departments feeling like, you know, the Council is not looking out for any other departments. And that's not true. That this is part of us taking care of all the County departments.

What we heard from testimony is that they've been using shower curtains to, to keep themselves safe, right, during this time of the pandemic. And, you know, that's telling us that they probably are working just as close as our OCS staff. You know, we are responsible for our OCS staff, to ensure that they have a safe place to, to work. They fall under our, you know, kuleana. And the, you know, the other employees that work for the County fall under the, you know, other department's directors kuleana.

But I would like to support, you know, the other departments. If they're, if they're needing more space and they're busting at the seams, then, you know, I would like for them to have a safe amount of space so that they're not working on top of each other either. I, I and that's, that's what I heard from that testimony that Member Sugimura had brought up earlier that I believe we all received.

At the last Council meeting, we, we had requests for a plan for what departments would be moving into the Maui News. And you know, we received that presentation today. We had a request for Ms. Janet Six to speak on whether there's any potential burial or cultural sensitive, sensitive areas or spots on the property itself or adjacent. And we heard from Ms. Six in testimony today that there isn't. We also got it in writing last week.

In testimony, you know, a testifier brought up the issue of purchasing, making bad property purchases. One was the Pioneer Mill. And they found out there was asbestos in it, right? The Maui News Building, right now, has people working in it. The Pioneer Mill, when they bought it, didn't have people there. So, I don't know what kind of public health concerns there were. There's asbestos, but I don't know if, you know, people were being exposed to it at, to what year. Maui News was built more recently than the Pioneer Mill, and so, you know, during that time, asbestos wasn't being used in the 80's already. And so, it doesn't come with, necessarily come with that kind of risk.

And if Director Teruya and Managing Director Baz didn't speak to it, I think, you know, that the person that they contracted to check on the structural integrity and any additional concerns about the structure itself that would pose, you know, significant health concerns would, would be mitigated in, in the negotiations if it wasn't part of the appraisal. So, we've been asking for due diligence. And I believe that the Administration has been addressing our concerns and have been giving us the information that we've been requesting.

And so, I'll be voting for the resolution before us. So, I'll be voting favor for the motion. And then, you know, we can take up the bills next and if, if that's something that we want to make sure is reflected in the bills, I will support that too. Mahalo, Chair.

CHAIR LEE: Anybody else?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I support in concept the, all the hard work that Scott Teruya and Sandy Baz's presentation today. I think it answered some of our questions that we have been asking, the presentation today. And thanks, Scott Teruya,

for, you know, kind of getting this going and looking at all the cost savings that we would have over the years.

But I don't agree on and I, and I voted against the amendment or the resolution, or it was an amendment I guess, for the 6th floor of this building, as well as the 30 parking stalls. And it's kind of hard for me, right now. I will tell you that normally Gabe Johnson is at the other end of this 8th floor with me, but we're the only ones on this floor. And because of the pandemic, I mean, I think, I haven't gone to the 7th floor, but it's pretty empty because people are working, you know, remotely because of the pandemic. And I believe that at a meeting, we said that we were going to ask OCS to talk to their staff about do you want to continue working remotely, because this is like the new norm, right? I mean, I, it's a situation where we've all learned that we don't have to be in this building.

For me and my office, I trust them and I know that, you know, even if they're not sitting with me, you know, they're working on projects and we have stuff going through the mill. And so for me, I want to see us save on rent and do all the vision that Scott Teruya introduced with us, and heard from the Mayor about getting rid of the One Main Plaza rent and different, you know, the structures that, or the rent that we've had to pay because of the decisions that were made at that time.

But now that we have this before us, I can see a benefit of having the kinds of services that are going to service the people that they don't have to come to the County Building, we have limited parking, and they can just go to the Maui News Building and have the services there for people to drive up and take care of their needs. And then across the street you have the Cameron Center for other services that, you know, people can utilize, and it could become a hub, you know, for the people to have a, like one-stop shop-ish.

And, but I don't support us having to move into the 8th *[sic]* floor and being so definitive about that. And the 30 parking stalls really bother me because there's limited parking for the people who come to, come to the County Building. And then there's, I tell you because I'm Upcountry and that Kula water meter list is such a big deal and you have people who've been waiting on the list for 12 years. I think I said I got a text and it's like somebody's been waiting like 12 years and still hasn't gotten a parking stall. So, you have situations like that and then we come sweeping in and say okay we want 30 stalls. I don't know if you could ever have enough stalls. And people want to park close to the building, they don't want to park at the Municipal parking lot where we're doing the renovations there, and it will open soon. But, so I have a problem with that amendment that is included in this resolution. But that is my honest feeling about that.

CHAIR LEE: Thank you.

Did I see another hand up? Somebody else want to say something? If not, all those in favor--

Oh, you have a comment, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I, real quick one. Member Sugimura inspired me. So, the, the parking, I think, you know, Member Sugimura just mentioned it, that we're, the resolution says for up to two years. And the Municipal parking, which will double the amount of parking that was available before is, I mean, hopefully going to be done by then. And so, the parking that we're talking about is not on campus necessarily parking. So, it can be in that Municipal parking too. I don't, I don't think any of us really know what that's, how that's going to be issued just yet. But yea, so it wouldn't be on campus.

The second thing is we're, yes, we're currently working remotely, and so is our staff, because there's a pandemic. But we're not going to always be in a pandemic, I hope. I hope the pandemic will end. And, you know, we're, we're looking, we're not just looking at now, we're looking at years ahead, right? And that's how we're taught in, well, in Hawaiian culture; is you look like seven generations ahead. And so, you plan ahead and you don't just think about your needs right this moment, or the challenges, or whatever you're noticing. Try to plan ahead for everyone.

And then, the last thing, I think Member Sinenci had asked about moving into a space, if there's a floor in Kalana O Maui building. And, and while there isn't currently space, this resolution and amendment into the bill, you know, that's what we would be requiring, which is space for our staff. And perhaps whoever ends up moving out will have more space, so that they don't need to use shower curtains to keep themselves safe. They will have the space necessary to be safe. Mahalo, Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Okay, my last and final comment. I agree with looking ahead. And we have a bill in the State Legislature right now because we're, we're recognizing the value of being able to meet like this and being able to work remotely. And we're hoping to be able to do it even after the pandemic is over. And I think that's a really, I think that's how we should innovate and go forward, rather than buying bricks and mortar, we should work out schedules.

I, I've talked to a lot of people in OCS who love the rotation of schedules and being able to work from home. And they're obviously getting just as much done, because they're our support system, and we're getting a lot done. But I think this is the wave of the future, is that this is how we're going to be working, not just us, but a lot of the departments looking at working remotely, and saving space, and not needing to keep expanding like this. So, that's what I'm hoping. We, you know, I'm hoping when we go forward with, and hopefully our, our bill will pass at the State Legislature that we can get, come up with even more innovative ways to save on physical space.

I think there's a lot of value in meeting face to face, but I don't think we have to do it on a, you know, seven day a week, 40 hour a week basis for everybody. So, I think we're learning a lot from this pandemic about how to work smartly, and efficiently, and remotely. And that's how I see, you know, at least 50 percent going forward of our future, as continuing to make these efficiencies in the 21st century. Thank you.

CHAIR LEE: Anyone else? If not, all those in favor of adopting the resolution, raise your hand and say "aye".

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

CHAIR LEE: I see one, two, three, four, five, six "ayes".

Those opposed, raise your hand and say "no".

NOES: COUNCILMEMBERS KING, MOLINA, AND
SUGIMURA.

CHAIR LEE: And three "noes". Six "ayes", three "noes"; motion passes.

Okay. Next item. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request that the, Madam Clerk read the CC 21-89?

CHAIR LEE: Ms. Kaohu. Kaohu. Okay, I see you. Can you read CC 21-89, please?

COUNTY COMMUNICATIONS

NO. 21-89 - CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, (dated January 28, 2021)

Transmitting the following:

1. County Communication 21-26, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00";
2. Correspondence dated January 26, 2021, from the Director of Finance, transmitting a revised proposed resolution, entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00", and an appraisal report dated October 16, 2020, prepared by Fukuda Valuation and Consulting LLC; and
3. Correspondence dated January 25, 2021, from the Budget Director, transmitting the following proposed bills entitled:
 1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY"; and
 3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL

OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST READING AND TO FILE COUNTY COMMUNICATIONS 21-26 AND 21-89.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Okay, moved. Okay, wait one second. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci to pass the bills as mentioned and read by the Clerk, filing of the communication.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the record, the proposed bills would amend Fiscal Year 2021 Budget to authorize the issuance of additional \$9,850,000 in Bond Funds to finance the acquisition of the property, and would also amend Appendix C – Capital Improvement Projects, Department of Finance, to add a line item and project description for acquisition of 100 Mahalani Street Building and Property as discussed in your Budget, Finance, and Economic Development Committee meetings of February 3 and February 17.

The County currently leases a significant amount of office space at a cost of over \$250,000 a month. This purchase would allow the County to move more departments out of these lease spaces and into County-owned spaces, and would be a sound investment for the, for the County.

I, I, think if Members still have questions, I think we still have Managing Director Baz and Finance Director Teruya on, as well as Budget Director Yoshimura, if Members have questions.

But before I yield the floor, I just, I, I wanted to make mention to Member Sugimura. I know that the parking spaces was a deal breaker for you. And I hear Member King's forward-looking vision of not needing those parking spaces. And so, you know, at, at, at any point, the Administration could come to the Council with an amendment to that proviso. And if that's where we're at, then we can amend it and not have any parking spaces. So, you know, I, I think we sometimes are stuck in like a permanency. But we've been doing such an amazing job at being collaborative that, you know, we can work together to address the concerns that the Members have, that the public has, and yea, mahalo, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I guess would this now be the appropriate time to make my amendments?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Okay. Alright. Here we go.

I MOVE TO AMEND THE PROPOSED BILL ENTITLED "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY" BY ADDING THE FOLLOWING PROVISIO TO APPENDIX C, DEPARTMENT OF FINANCE, ITEM 2. WAILUKU-KAHULUI COMMUNITY PLAN AREA, SECTION 2.C., TO READ AS FOLLOWS:

"THE MAUI COUNTY COUNCIL MUST BE GRANTED AN ADDITIONAL FLOOR IN THE KALANA O MAUI BUILDING OF AT LEAST NINE THOUSAND SQUARE FEET AND AT LEAST THIRTY PARKING SPACES WITHIN TWO YEARS OR WHEN THE RENOVATIONS OF THE PROPERTY ARE COMPLETED."

So, that is the proposed amendment. And I believe the ASF's, all Members should have a copy of this proposed amendment. So, if I have a second, I can explain my rationale.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to add the proviso to the bill as read.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The proposed proviso will reinforce the Council's desires to use the Maui News Building for purposes other than housing the Council and County Clerk. This is the same language in the proposed resolution authorizing the purchase. And just my feeling we should maintain a consistency in both the proposed resolution and proposed bills. Thank you.

CHAIR LEE: Thank you.

Any more discussion on the amendment? All those in favor of the amendment, please say "aye" and raise your hand.

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

NOES: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: One, two, three, four, five, six, seven, eight "ayes". One "no"? One "no". Okay, eight "ayes", one "no".

COUNCILMEMBER KING: No. I voted "no". I voted "no". There's two "noes".

CHAIR LEE: Yea. Ms. Sugimura, did you vote "no"?

COUNCILMEMBER SUGIMURA: I'm voting "no".

CHAIR LEE: Anybody else voted "no"?

COUNCILMEMBER SUGIMURA: Kelly King.

CHAIR LEE: Yea, I got that one. Anybody else voted "no"? Okay, seven "ayes", two "noes"; motion carries.

Vice-Chair Rawlins-Fernandez.

Oh, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. For my second and final amendment.

I MOVE TO AMEND THE PROPOSED BILL ENTITLED "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY) BY ADDING THE FOLLOWING PROVISIO TO SECTION B. DEPARTMENT OF FINANCE, ITEM 2.A (2) TO READ AS FOLLOWS:

"THE MAUI COUNTY COUNCIL MUST BE GRANTED AN ADDITIONAL FLOOR IN THE KALANA O MAUI BUILDING OF AT LEAST NINE THOUSAND SQUARE FEET AND AT LEAST THIRTY PARKING SPACES WITHIN TWO YEARS OR WHEN THE RENOVATIONS OF THE PROPERTY ARE COMPLETED".

CHAIR LEE: Okay. Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Seconded by Vice-Chair Rawlins-Fernandez.

Any further discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, again, Madam Chair, the proposed proviso will again reinforce the Council's desire to use the Maui News Building for purposes other than housing the Council and County Clerk. And this is the same language in the proposed

resolution authorizing the purchase. And again, this is about maintaining consistency for both the proposed resolution and proposed bills. Thank you.

CHAIR LEE: Thank you.

Any further discussion? If not, all those in favor of the amendment, please say "aye" and raise your hand.

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

CHAIR LEE: Okay, I see one, two, three, four, five, six, seven "ayes".

And "noes", raise your hand.

NOES: COUNCILMEMBERS KING AND SUGIMURA.

CHAIR LEE: And two "noes". Seven "ayes", two "noes"; motion carries.

Alright. Now, the main motion as amended. Any further discussion? If not, all those in favor of the main motion as amended, raise your hand and say "aye".

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

CHAIR LEE: One, two, three, four, five, six. Mr. Molina? No?

COUNCILMEMBER MOLINA: This is the main motion as amended, yea? We're not, we done with the amendments, yea?

CHAIR LEE: Okay. So, we have "noes", please raise your hand.

NOES: COUNCILMEMBERS KING, MOLINA, AND SUGIMURA.

CHAIR LEE: Four *[sic]* "noes". Four *[sic]* "noes" and five *[sic]* "ayes"; motion carries.

Okay. Vice-Chair Rawlins-Fernandez. Yes, Ms.--

VICE-CHAIR RAWLINS-FERNANDEZ: That was the main motion, yea?

CHAIR LEE: Ms. Kaohu.

COUNTY CLERK: Chair, can you repeat the, the four "noes"?

CHAIR LEE: Yes. Ms. King--

COUNTY CLERK: The Members.

CHAIR LEE: Ms. King, Mr. Molina, Mr., Ms. Sugimura, and Ms. Kama.

COUNTY CLERK: Thank you.

CHAIR LEE: Ms. Sugimura, why are you shaking your head? You were a "no" vote, right?

COUNCILMEMBER SUGIMURA: I'm a "no" vote. But I thought it was Molina, you, King, and myself?

COUNCILMEMBER KAMA: Yea, I was a "yes".

COUNCILMEMBER SUGIMURA: Tasha was a "yes".

CHAIR LEE: Oh, there were three "noes".

COUNCILMEMBER KING: I think Alice just raised her hand to show everybody to raise your hand.

COUNCILMEMBER SUGIMURA: Oh. Tell us what to do?

COUNCILMEMBER KING: Yea. She always does that when she says anybody raise your hand and vote "no". But she's not vote, she wasn't voting "no".

CHAIR LEE: Okay. So, Ms. Kama, you're a "yes"?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay. Alright. Ms. Kathy Kaohu. Ms. Kaohu?

COUNTY CLERK: Yes.

CHAIR LEE: You got that?

COUNTY CLERK: We got that. Thank you.

CHAIR LEE: There were three "noes". Three "noes", six "ayes".

COUNTY CLERK: Thank you for that clarification.

CHAIR LEE: The three "noes" were King, Molina, and Sugimura.

COUNTY CLERK: Thank you.

CHAIR LEE: Okay. Next item.

Ms. Kaohu.

COUNTY CLERK: For the record, that would be BILL NOS., BILL NOS. 18, 19, and 20 (2021) for County Communication 21-89; item 3.1, Operating and Capital Improvements; item 3.2 Appendix C; and Item 3.3 Acquisition. As well as RESOLUTION NO. 21-32 for the authorization of the Maui News property.

CHAIR LEE: Okay. Proceed. Let's see where you can, if you can find where we left off.

COUNCILMEMBER KING: Chair.

COUNTY CLERK: We left off at committee reports.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Time wise, what's the plan here? Should we take an afternoon break or are you planning to go till 5 and take a dinner break?

CHAIR LEE: Oh, we're almost done.

COUNCILMEMBER KING: Almost done?

CHAIR LEE: Almost done. Almost done.

COUNCILMEMBER KING: Oh, I've got four pages, five pages of stuff left here.

CHAIR LEE: Almost done, Ms., Ms. King.

COUNCILMEMBER KING: You're like the Texans when they say it's just down the road and you have . . . 45 miles down the road.

CHAIR LEE: Ms. Kaohu, let's, let's get going.

COUNTY CLERK: Okay. Proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-9 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Bill 21 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE HOUSING POLICY RELATING TO AN EXEMPTION FOR DEPARTMENT OF HAWAIIAN HOME LANDS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Mr. Johnson. We can't hear you.

COUNCILMEMBER JOHNSON: I'll get the hang of this. Alright. I move to, thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-9.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Okay, it's been moved, moved by Mr. Johnson, seconded by Keani Rawlins-Fernandez, to, to pass the, the bill for an ordinance amending the Residential Workforce Housing Policy.

Discussion, Mr. Johnson?

COUNCILMEMBER JOHNSON: At its February 22 meeting, the Affordable Housing Committee discussed a proposed bill to exempt the Department of Home Lands *[sic]* from the Residential Workforce Housing Policy. The proposed bill also gives authority to the Council instead of the Director of Housing and Human Concerns to exempt developments by a government entity or a community land trust.

The Committee noted the Department of Hawaiian Home Lands may already be exempt from the policy. However, adding an explicit exemption will provide clarification in support of housing developments on homestead lands. I respectfully ask for the Council's support of this motion. Mahalo.

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

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

NOES: NONE.

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

Madam Clerk.

COUNTY CLERK: Chair, for the record, that's BILL 21 (2021).

COMMITTEE REPORT

NO. 21-10 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 21-33, entitled "AUTHORIZING THE GRANT OF REAL PROPERTY LOCATED AT 244 KOMO MAI STREET, LAHAINA, MAUI, HAWAII, TO HOUSING AND LAND ENTERPRISE OF MAUI, DBA NA HALE O MAUI," be ADOPTED; and
2. That County Communication 20-609, from the Budget Director, be FILED.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-10.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Moved by Member Johnson, seconded by Member King, to approve the, the recommendation in Committee Report 21-10.

Discussion, Mr. Johnson?

COUNCILMEMBER JOHNSON: At its February, thank you, Chair. At its February 22, meeting the Affordable Housing Committee voted to recommend the adoption of a resolution to authorize the grant of real property located at 244 Komo Mai Street in Lahaina to Na Hale O Maui.

Na Hale O Maui is a nonprofit organization that provides affordable housing opportunities to low-income and moderate-income residents.

The property is a single-family home located in the Kahoma Residential Subdivision. The property was first sold in 2017 with a 10-year deed restriction to remain affordable. After 10 years, the property can be sold at market price.

By granting the property to Na Hale O Maui, the property would remain affordable in perpetuity. The grant would also release the County from expense of holding the property and would help to preserve the affordable housing fund investment into the property. I respectfully ask for the Council's support of this motion. Mahalo.

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

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

NOES: NONE.

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

Madam Clerk.

COUNTY CLERK: Chair, is, is Councilmember Kama, we, we've lost her on our end.

COUNCILMEMBER KING: Yea, I think she went, she left for a little bit here. She looks like she's probably excused.

CHAIR LEE: Tasha, are you there? Member Kama?

Okay, let me revise that vote. Eight "ayes"

COUNCILMEMBER KING: Here she is. She just sat down again. She voted "aye".

CHAIR LEE: Nine "ayes".

Okay, next.

COUNTY CLERK: That would be reso, that would be RESO. NO. 21-33.

COMMITTEE REPORT
NO. 21-11 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 22 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PARKS AND RECREATION, HAIKU PARK RESTROOM, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 23 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, HAIKU PARK RESTROOM, WAILUKU-KAHULUI COMMUNITY PLAN AREA, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-11.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the committee report.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on February 17, 2021 to discuss proposed bills to amend the Fiscal Year 2021 Budget and Appendix C – Capital Improvement Projects, Department of Parks and Recreation, Paia-Haiku Community Plan Area, to increase the appropriation from General Fund by \$229,147 and add an appropriation from the Park Assessment Fund in the amount of \$392,334 for the Haiku Park Restroom project; and to increase the appropriation from the General Fund for Kepaniwai Heritage Garden Improvement project by \$294,519.

Your Committee noted that these amendments are needed because the low bids for both projects exceeded the amount originally budgeted. The Haiku Park Restroom project was, project overage was due to septic costs. And the Kepaniwai Heritage Gardens Improvements project overage was due to the need to upgrade the water line and install a sprinkler system for fire protection.

Your Committee voted 9-0 to recommend passage of the proposed bill. I respectfully ask for the Members support. Mahalo, Chair.

CHAIR LEE: Any, yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I want to thank our Budget Chairperson Councilmember Rawlins-Fernandez for shepherding this matter

through, and Director Peters from the Parks Department for staying on top of this, because this project will certainly, you know, provide a lot of relief for people over there at the community center, so, when it does happen. Thank you.

CHAIR LEE: Thank you. Anybody else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I just wanted to quickly bring up the concern from a testifier about the cost of those improvements. And you know, when the improvements are done, I can follow up to get the actual cost to, to see and to share with the public what those were. Mahalo, Chair.

CHAIR LEE: Okay. All those in favor of the motion, please say "aye", raise your hand.

Okay. Ms. Paltin?

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

NOES: NONE.

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

Ms. Kaohu.

COUNTY CLERK: That would be BILL NO. 22 (2021), for item 1, or bill 1, Operating and CIP. And BILL 23 (2021), for item, bill 2, Appendix C.

COMMITTEE REPORT

NO. 21-12 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Governance, Ethics, and Transparency Committee Report 20-71, relating to a proposed resolution entitled, "AUTHORIZING SETTLEMENT OF AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI, CIVIL NO. 19-CV-00373," be FILED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 21-12.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez, to a, approve the recommendation in Committee Report 21-12

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Your GREAT Committee met on February 16, 2021, to discuss the proposed resolution to authorize settlement of the claim. This claim alleges negligence with the construction, inspection, maintenance, and repair of the culvert and roadway providing access to 372 Puu Way in Haiku, which resulted in property damage. And damages to the roadway were a result of Tropical Storm Lane back in 2018.

And your Committee notes the Council's former GET Committee previously reported on this matter through Committee Report 20-71, which was recommitted at the Council meeting of July 10, 2020.

And your GREAT Committee convened in executive session on this matter. And based on the information received, the Committee voted 8-0 to recommend filing of Committee Report 20-71. Thank you.

CHAIR LEE: Thank you, Mr. Molina.

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

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

NOES: NONE.

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

Madam Clerk.

COMMITTEE REPORT
NO. 21-13 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending the following:

1. That Resolution 21-34, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Judy Egger to the Affirmative Action Advisory Council for a term expiring on March 31, 2026.

2. That Resolution 21-35, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Scott Parker (Reappoint) and Steven Sturdevant to the Board of Ethics for terms expiring on March 31, 2026.

3. That Resolution 21-36, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Charlene Shibuya to the Board of Variances and Appeals for a term expiring on March 31, 2026, and disapproving the appointment of Luigi Manera (Molokai).

4. That Resolution 21-37, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI;

Disapproving the appointments of Christy Kajiwar-Gusman and Karalyn Tukuafu to the Board of Water Supply.

5. That Resolution 21-38, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Megan Moniz to the Civil Service Commission for a term expiring on March 31, 2026.

6. That Resolution 21-39, entitled "APPOINTMENT OF MEMBERS TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Nirvana Dillingham and Alexandria Domingo (Reappoint) to the Commission on Children and Youth for terms expiring on March 31, 2026.

7. That Resolution 21-40, entitled "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of James Diegel, Teana Kaho'ohanohano, Leonardo Sequeira (Reappoint), Laura Vo, and Dorothy Yoza, to the Council on Aging for terms expiring on March 31, 2026.

8. That Resolution _____, entitled "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Nohelani U'u-Hodgins to the Fire and Public Safety Commission for a term expiring on March 31, 2026, and disapproving the appointment of Dylan Payne.

9. That Resolution 21-41, entitled "APPOINTMENT OF MEMBERS TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Mary Ann Kahana and Becky Lind to the Hana Advisory Committee for terms expiring on March 31, 2026.

10. That Resolution 21-42, entitled "APPOINTMENT OF A MEMBER TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Elisabeth Ann Grove to the Lanai Planning Commission for a term expiring March 31, 2026.

11. That Resolution 21-43, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Janice Kalanihuia (Molokai) to the Liquor Control Adjudication Board for a term expiring on March 31, 2026, and disapproving the appointment of Naomi Kusachi.

12. That Resolution 21-44, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Sylvia Ho to the Liquor Control Commission for a term expiring on March 31, 2026, and disapproving the appointment of Rick Nava.

13. That Resolution 21-45, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED;

Approving the appointments of Sarah Collins and Susan Lussier to the Maui County Commission on Persons with Disabilities for terms expiring on March 31, 2026.

14. That Resolution 21-46, entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED;

Disapproving the appointment of Leonora Espaniola to the Maui County Cultural Resources Commission.

15. That Resolution 21-47, entitled "APPOINTMENT OF MEMBERS TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Ashley Lindsey to the Maui Planning Commission for a term expiring on March 31, 2026, and disapproving the appointment of Sherrilee Dodson.

16. That Resolution 21-48, entitled "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Louella Albino and Colette Machado to the Molokai Planning Commission for terms expiring on March 31, 2026.

17. That Resolution 21-52, entitled "APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Travis Tancayo (Molokai) to the Police Commission for a term expiring on March 31, 2026, and disapproving the appointment of Jeffrey Ueoka.

18. That Resolution 21-49, entitled "APPOINTMENT OF MEMBERS TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Joshua Berlien (Engineer), Alberta de Jetley, Pelenatita Namoa-Hanusa, and Derek Ono (Engineer) to the Public Works Commission for terms expiring on March 31, 2026.

19. That Resolution 21-50, entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED; and

Approving the appointment of Russell Johnson (Reappoint) to the Real Property Tax Review Board for a term expiring March 31, 2026.

20. That Resolution 21-51, entitled "APPOINTMENT OF MEMBERS TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointments of Andrew Ho and Grant Nakama to the Salary Commission for terms expiring March 31, 2026.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 21-13.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Sugimura, to adopt the recommendations in Committee Report 21-13.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on February 2, 2021, and reconvened on February 10, 2021, to discuss proposed resolutions relating to the Mayor's nominations to various boards, committees, and commissions. All board terms are for five years beginning on April 1, 2021 and expiring on March 31, 2026.

Council has until March 23, 2021, to approve or disapprove the Mayor's nominees, otherwise the nominees will be deemed, deemed approved.

Your Committee conducted interviews with 12 individuals as nominees for the Board of Ethics, Board of Water Supply, Fire and Public Safety, Lanai Planning Commission, Liquor Control Commission, Maui Planning Committee, Molokai Planning Commission, and Police Commission. And based on your Committee's interviews and discussions, your Committee voted 9-0 to recommend approval of 32 nominees for the boards and terms for which they were nominated for.

Your Committee voted 9-0 to recommend disapproval of Karalyn Tukuafu to the Board of Water Supply, Naomi Kusachi to the Liquor Control Adjudication Board, Rick Nava to the Liquor Control Commission, and Sherrilee Dodson to the Maui Planning Commission, as a result of their withdrawals. And the votes to disapprove had nothing to do with their characters, just as an FYI.

And then, your Committee voted 8-0 to recommend disapproval of Leonora Espaniola to the Maui County Cultural Resources Commission. 6-2 to recommend the disapprovals of, I think I said that, I'm sorry; Christy Kajiwara-Gusman to the Board Water Supply and Luigi Manera to the Board of Variances and Appeals. And 5-3 to disapprove Dylan Payne to the Fire and Public Safety Commission.

And I ask for the Members support of this.

BUT MADAM CHAIR, I WOULD LIKE TO MAKE A REQUEST TO SEPARATE ONE NAME, THE NAME OF MS. NOELANI U'U-HODGINS, THE PERSON APPROVED FOR THE FIRE COMMISSION. I WOULD LIKE TO ASK THAT FINAL DECISION-MAKING BE MADE ON MS. U'U-HODGINS TAKE PLACE AT YOUR MARCH 19 COUNCIL MEETING.

And if other Members have a request to separate, please make your--

CHAIR LEE: Mr. Molina, what number is she?

COUNCILMEMBER MOLINA: I believe she would be number 8.

CHAIR LEE: Number 8?

COUNCILMEMBER MOLINA: Which is listed number 8.

CHAIR LEE: Okay. Separate.

COUNCILMEMBER MOLINA: And the reason I'm asking for this Madam Chair, there, she did, you know, reveal to the Committee that her spouse works for the Fire Department and she is a nominee to this Fire Commission. So, I'd like the Administration, give the Administration some time to discuss this matter with Ms. U'u-Hodgins. And that's the request for the delayed decision-making for this. Thank you.

CHAIR LEE: Okay. Any other separations? Yes, Ms. King, and then Mr. Johnson.

COUNCILMEMBER KING: Yea, we just, we heard a lot of testimony. I think we should separate number 17.

CHAIR LEE: Okay.

COUNCILMEMBER KING: The Police Commission.

CHAIR LEE: Anybody else? Any other separations? Okay, just those two; number 8 and number 17?

Alright. All those in favor of the motion to approve the recommendations in Committee Report 21-13, except for number 8 and 17, please raise your hand and say "aye".

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

NOES: NONE.

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

So, this 8 and 17, do you want this to be taken together at the next Council meeting?

COUNCILMEMBER MOLINA: Madam Chair, for me, number 8, that would be my request for number 8. As far as number 17, I would leave that to the Members who have requested the separation for 17.

CHAIR LEE: Okay. Ms. King.

COUNCILMEMBER KING: Yea, so, I don't know, can we make a amendment to change it to disapprove? Or do we have to put that off for another meeting?

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, I believe you can take action on that if the, the request to separate now. Someone from the floor can then make the motion to disapprove or what have you, yea.

COUNCILMEMBER KING: Okay.

SO, I'D LIKE TO MAKE A MOTION TO DISAPPROVE JEFFREY
UEOKA FOR THE POLICE COMMISSION . . .

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Ms. King, seconded by Mr. Johnson, to, to disapprove the nominee for Jeff Ueoka for the Police Commission.

Discussion, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. You know, we heard a lot of testimony about this. And I think first and foremost, we want . . . confidence in the people that we approve for these boards and commissions. It's nothing personal, but I do, you know, after, after seeing the connection between some of the actions that have happened in West Maui and the connection to the developer and, and also the fact that the Police Commission was directly involved in, you know, being addressed and addressing this issue. I just think it would be a mistake going forward with this appointment at this time. So, nothing personal, but it's just, it feels like a pretty big conflict of interest. And I think it would also erode public confidence in our selections of board and commission members.

CHAIR LEE: Anybody else?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, through the testimony, I inquired, you know, with one of them about the complaint. And I, during the break, I did check. And on the February 17 agenda, just for the testifier's information, it was listed that there's an investigation that will happen regarding their complaint. I want to make note that Jeff Ueoka is not currently on the Police Commission. So, that complaint about the Police

Commission handling, I, it's a separate thing, I think. And I do believe that he does land items and not necessarily about this complaint. So, I'm going to be voting against the motion, because I still think that he would be able to contribute a lot to the Police Commission. And maybe this complaint would have come up faster, you know, so that these people who are waiting would have better communication. So, I'm going to vote to, against the motion to disapprove. Thank you.

CHAIR LEE: Anybody else?

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I, I will vote in strong support of Councilmember Kelly King's motion. I think the, what was said in the chambers by everyone, the testifiers as well as the points that Councilmember King made was very important. But I also want to recognize the fact that we do need more gender balance on that particular commission in, in particular. That this is where women need help in solving the complaints. And I think we need, it would be great to have a woman's voice on that commission. Mahalo.

CHAIR LEE: Anyone else?

Well, we, we heard from you Ms. King. Anybody else, first?

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm speaking in support of the motion. But I, I just, Mr. Ueoka served as the Corporation Counsel, Deputy Corporation Counsel for my Committee the first year that, of my term. And I found him to be, to have integrity and to be impartial. And so, I don't, my vote isn't a reflection of who he is as a person that I know him to be.

But as Member King spoke to, oftentimes, it, you know, as a decision-maker, people don't know who we are or know who people who are making decisions on their behalf are. And a lot of it is about the, the trust that they would have in this person. And if we're trying to build up that, that faith and confidence in government, then unfortunately, if there is a perception of a conflict, then there, there isn't really a separate, there isn't a way to separate out actual conflict and perceived conflict. And because of that, I'm going to be supporting the motion.

And I just wanted to quickly speak to Member Sugimura's point. I don't think the testifiers thought that Mr. Ueoka is currently on the Police Commission. But because of the connection to the issue that the testifiers spoke to, that the perception is that if

he were on the commission, that they would feel like there would be a bias in the decision-making. So, that, that's what I understood from the testifiers. So, mahalo, Chair.

CHAIR LEE: Okay. Ms., Ms. Kama, then Ms. King, and then Ms. Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. When Jeff was working for Corp. Counsel, and I would watch him, I would observe him and, you know, Vice-Chair Rawlins-Fernandez is correct that the guy does have integrity. He, he can be unbiased. But I think sometimes we're not unbiased. We're biased. And there are certain people who are just biased against Mr., Mr. Peter Martin. And so, anybody connected to Mr. Peter Martin sometimes, we're biased because of that. So, I just want to make sure that when we do things, we do it because it has merit, or it doesn't have merit. But I think that he would make a great addition to the Police Commission and therefore I would not be able to support this. But I would continue to support the resolution approving him. Thank you.

CHAIR LEE: Ms. King, or was it Ms. Sugimura?

COUNCILMEMBER KING: Well, I, I think I was next, but I saw our Clerk raising her hand, so I don't know if she's got a procedural statement or something.

COUNTY CLERK: Yes. Right now, the motion is to disapprove candidate Jeffrey Ueoka. And if that, it'll have to be to remove him from Exhibit "A" onto the disapproval Exhibit "C".

CHAIR LEE: Okay, so we, we need to reword the motion. So, who--

COUNCILMEMBER KING: So, moved.

CHAIR LEE: Mr. Molina, made the motion to separate.

COUNCILMEMBER KING: No, I did, Chair.

CHAIR LEE: Oh, okay. Because only, his is not disapproval, only yours is. Okay.

COUNCILMEMBER KING: No.

CHAIR LEE: You want to reword your motion?

COUNCILMEMBER KING:

I GUESS I, I WANT TO REWORD IT TO REMOVE HIM TO THE
DISAPPROVAL LIST, IS THAT CORRECT?

Okay. If, if my second--

CHAIR LEE: And then, who seconded? I think, Mr. Johnson. It's okay with you on the
second? Okay. Alright, so we have a corrected--

Kathy, why are you doing that? Kathy?

COUNCILMEMBER KING: So, are you done, Kathy? I just wanted to make another point.

COUNTY CLERK: Oh, and we don't have a main motion right now too, as well. It's just--

COUNCILMEMBER KING: Oh, because we separated it out?

COUNTY CLERK: Because we separated it, yea.

COUNCILMEMBER KING: So, what does, does the main motion have to be what's on the
paper and then I make my amendment to that?

COUNTY CLERK: Right. Right.

COUNCILMEMBER KING: Okay. So, I guess I have to wait for someone to make a main
motion.

CHAIR LEE: Okay, we, we separated, the motion was to separate those two out, yea? So, I
thought we took a vote to approve all the rest of them?

COUNCILMEMBER KING: Yea.

CHAIR LEE: Okay, so that's done. So, we left with two people. One was going to be held
over for the next meeting and one was going to be acted on now. No?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. Point of order.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make the motion.

I MOVE TO PASS THE RECOMMENDATION TO ADOPT THE
RESOLUTION ITEM 17, WHICH APPROVES THE
APPOINTMENTS OF BOTH TRAVIS TANCAYO AND JEFFREY
UEOKA.

And so, that'll be the main motion. And then Member King can--

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --make her amendment.

CHAIR LEE: There's two people on there. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. So, I need a second though?

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Alright, we have a good second up there. Okay, moved by--

COUNCILMEMBER KING: Okay, do I need to repeat my motion or could I just--

CHAIR LEE: No, she just did it for you.

VICE-CHAIR RAWLINS-FERNANDEZ: I did the main motion.

COUNCILMEMBER KING: My motion is to amend her motion.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Cause her motion is the main motion. So, I would amend--

CHAIR LEE: Okay, but before you do that, before you do that, I have to say that it has been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to separate, to remove the number 17 from the list, yea?

COUNCILMEMBER KING: No, we already removed them, so it's just to approve.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I will restate my motion.

CHAIR LEE: Okay, please do.

VICE-CHAIR RAWLINS-FERNANDEZ: I move to adopt the resolution entitled "APPROVING THE APPOINTMENTS OF TRAVIS TANCAYO AND JEFFREY UEOKA TO THE POLICE COMMISSION".

CHAIR LEE: Okay. Alright. And then, Ms. King.

COUNCILMEMBER KING: So, then my motion--

CHAIR LEE: Your amendment.

COUNCILMEMBER KING:

I MOVE TO AMEND THE MOTION TO MOVE JEFFREY UEOKA
TO THE DISAPPROVAL LIST.

Is that good enough?

CHAIR LEE: Okay. Is that correct, Kathy?

COUNCILMEMBER KING: Kathy, is that correct?

COUNTY CLERK: Yes. Thank you.

CHAIR LEE: Okay. Alright, we need a second.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Thank you, Mr. Johnson.

COUNCILMEMBER KING: Okay.

CHAIR LEE: He seconded the motion.

COUNCILMEMBER KING: Okay, so. So, anyway, thank you for that, Keani. Appreciate getting this all straightened out. So, then, what I wanted to say was I recall when we had two Council nominated appointments for an opening on the Police Commission a few months ago. And Member Paltin came with a very good candidate and we chose the other one. But most of the Councilmembers were saying, well we hope this other one gets on the list for March. So, I don't know what happened to Mr., I think that was Leil Koch?

CHAIR LEE: Okay.

COUNCILMEMBER KING: I don't know what happened to that, but--

CHAIR LEE: Let's, let's stay with Mr. Ueoka.

COUNCILMEMBER KING: Well, I, I just wanted to make that point, because these, these appointments come to us from the Mayor so, you know, someone's not listening. But anyway, that, you know, that, we have other candidates, I guess is my point. We have other good candidates.

CHAIR LEE: Okay, so the motion is to move Mr. Ueoka to the disapproval list, right? That's the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: The resolution to disapprove.

CHAIR LEE: Okay. So, everybody understand that? That's, that's the amendment.

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I just want to say that, yes, I do know that he's not on the Police Commission. But I also know that if, if a situation came up that he needed to recuse himself, he would do that. So, he would, you know, vote ethically and do the right things that he would need to do, placed in that situation. So, I already stated my motion and I'm going to vote against the disapproval, and because I actually support him to be on the Police Commission. Thank you.

CHAIR LEE: Yea, the motion is to move him to the disapproval resolution. Okay, anybody else?

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. And I appreciate the concerns from the community. And, but at the same time, I agree with what

Member Sugimura said, if he does come into a situation where there's a, this issue or some other issue, he knows well enough to recuse himself, especially he's worked for the County. And now, in this situation with Mr. Martin, he wasn't a direct employee. Now, his firm was hired by Mr. Martin. Now, I'm assuming that they, they assigned this task that, to Mr. Ueoka from the firm he works for. So, I don't believe he's a direct employee. But certainly, there's that perception of connection, if you will, or association. But again, I, I feel Mr. Ueoka would have the integrity to recuse himself. And I'm, I'm sure we wouldn't even need to tell him if, if he did come into a situation like that. So, that is why I will not support the motion to disapprove. Thank you.

CHAIR LEE: Okay. And I will also say the same, because I've worked with Mr. Ueoka, not only on the Budget Committee, but various committees. Even when I was not with the County and I was with the Civil Service Commission, he was assigned to that. So, he has a wide range of experiences with various departments. And I'm really sorry he's linked with somebody who's not liked in the community. And I too believe he knows well enough what to do if an item came up with regard to any case that he's assigned to, that he would recuse himself. He knows, he knows that. However, I also understand the community's perception and, you know, it's unfortunate but that's the way it is.

Anybody else for comments?

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This one is hard for me because I like Mr. Ueoka. He's good fun. And, you know, when we went to Vegas, he let, he let me go early on the plane with him cause he had like that special boarding or something. And you know, I, I discussed his, his nomination at length with him before Committee on the phone. I get his cellphone number now, everything. And, you know, I want to support him in the things that he does.

But it's hard, you know, because the only thing I can anticipate is that although he deals with land lawyering, there may be more land issues coming up before the Police Commission, because of all the issues that, you know, stem from the illegal overthrow and the illegal occupation. You know, it's, these are historical facts. And, and we need to kind of live one foot in two different worlds, because you have the facts of what actually happened, and then the facts of the realities of today. And, you know, just as a woman would feel uncomfortable telling her story to all men, a person with the land dispute would feel uncomfortable coming with a complaint when they see the lawyer for the person at, at some other court action.

And so, it's not that I question his integrity. I, I feel that he does have good integrity and he's not only good fun guy, but there is a lot of, of, of males on the board. There is a lot of what, what we can say as like powerful, strong personalities on the board. And I think we do need more balance.

The last four or five days, the police have been throughout Lahaina giving out citations to the unsheltered for masks violation. One person received a \$2,000 ticket. One person was cited four times in one day. You know, these folks have difficulty making a court appearance because of transportation, keeping track of the days. And once they miss their court appearance, it ends into a bench warrant. And then it strains our court systems.

And I feel that we need to have a representation of somebody, preferably a female in the social work arena. Because this type of action, you know, I, I support everybody wearing masks. But these types of things going on in my community, it's hard to make sense of. You know, and, and I'm not sure that anyone on that commission realizes these situations, you know?

And so, I'm just asking for more balance. And, and, you know, in reality, I wish Mr. Ueoka couldn't sit on this commission cause he came back to Corp. Counsel. But we'll have to wait and see on that. But unfortunately, I'm going to have to support this motion.

CHAIR LEE: Anybody else? Everybody--

Oh, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. Yea, I just wanted to let Mr. Ueoka know that my support of the amendment is nothing personal. And my vote is just to remove any speculation, kind of clear the slate and to support gender equity per several testimony from our constituents.

And, but I will say to Mr. Ueoka that I will support him should he want to run for any other board or commission. Thank you, Chair.

CHAIR LEE: Alright, ready to vote? All those in favor of the motion, say "aye", raise your hand.

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

CHAIR LEE: One, two, three, four, five. Five "ayes".

"No", raise your hand.

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA,
AND CHAIR KING.

CHAIR LEE: Okay, the "noes" are Mr. Molina, Ms. Kama, Ms. Sugimura, and myself. So, motion carries. Okay.

So, what is the next step, Mr., Mr., Ms. Kaohu?

COUNCILMEMBER KING: I think we're back to the main motion now.

COUNTY CLERK: The main motion as amended.

CHAIR LEE: Back to the main motion. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I just want to reiterate that the main motion that we're voting on is to approve Travis Tancayo and then to disapprove Mr. Ueoka, as we just amended it. And I, I wanted to speak in strong support of our Molokai resident to be on this commission. I think somehow, I don't know how he ended up getting tied into this rally against Mr. Ueoka. Cause, there, there, and no one really articulated what the connection was. Everyone, the testifiers that spoke in opposition to Mr. Ueoka and spoke in opposition to Mr. Tancayo didn't exactly say why they were in opposition to Mr. Tancayo.

And so, I just, you know, wanted to state again for the record that Mr. Tancayo is a strong candidate. He has served our community well, I would think his entire adult life, as a firefighter here on the Fire Commission. And I know, and I have complete confidence in his continued service for Molokai on the Police Commission, so--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I will be voting in strong support of Mr. Tancayo. Mahalo, Chair.

CHAIR LEE: Okay. As you can see, I'm distracted a lot because I'm getting messages all the time. And one, one of the last messages is we have about 20 minutes left on Facebook Live, so we got to pick it up a little. Okay? Pick it up.

Now, okay, all, all those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. One, this is for Mr. Tancayo, right? One, two, three, four, five, six, seven, eight, nine. 9-0, motion passes.

Okay, Ms. Kaohu, let's move it along because a lot of these, what's left can be done almost all together.

Yes, Ms. Kaohu?

COUNTY CLERK: The vote is for the whole resolution. The entire item.

CHAIR LEE: Right. So, what I meant was we're also voting on, it's not just, you know, Ueoka, we're voting on Mr. Tancayo.

COUNCILMEMBER KAMA: Wait.

CHAIR LEE: Yes, Ms. Kama.

COUNCILMEMBER KAMA: So, what we did was, in that one motion, we said "yes" to Mr. Tancayo, and that's it, right, in that motion?

CHAIR LEE: No. And "no", and "no" to Mr. Ueoka. But, you know, but the thing is, you want to vote "no" on that because I mean, if you wanted to support Tancayo, you got to vote "no" on Mr. Ueoka. See?

COUNCILMEMBER KAMA: That, that's what I was trying to figure out. I thought I had it figured out. That if I voted "no", I'm supporting Mr. Ueoka. But if I vote "yes", I'm not supporting him, right? So, I don't know how come we--

CHAIR LEE: Well, too late. It's kind of too late for Mr. Ueoka. We're kind of pau with that. That, you know, that was, the vote was taken and unfortunately he didn't have enough support, yea. So, now the vote became "yes" for Mr. Tancayo and "no" for Mr. Ueoka in the main motion. So, if you voted "no", then you would have voted "no" on Mr. Tancayo. I'm sure you don't, you didn't want to vote "no" on him, right?

COUNCILMEMBER KAMA: No.

CHAIR LEE: No. Okay. Ms. Kaohu, you had your hand up. Ms. Kaohu?

COUNTY CLERK: Sorry, so, the, the vote to disapprove and move Mr. Ueoka to the disapproval exhibit also included the approval of Mr. Tancayo. Oh, no. Sorry.

CHAIR LEE: Yea. Okay.

COUNTY CLERK: That's that.

CHAIR LEE: I think we did what we're supposed, yea. Move on. Let's move on. Unless you want to change your vote, Ms. Tasha Kama. It wouldn't have helped--

COUNCILMEMBER KAMA: I'm good.

CHAIR LEE: --Mr. Ueoka if you voted "no".

COUNCILMEMBER KAMA: Yea, I know. But what I was thinking about, I was thinking about the testifiers this morning. They talked about Mr. Tancayo and Mr. Ueoka in the same breath regarding this issue. But yet, they didn't explain what it was. So, we say "no" to Mr. Ueoka, but we say "yes" to Mr. Tancayo without even knowing what is that relationship that they have that these people were saying that they didn't like them, so.

CHAIR LEE: Well, you know, I think, Ms., Ms. Kama--

COUNCILMEMBER KAMA: That's what I was thinking.

CHAIR LEE: Yea, I think they were saying that, you know, they're both belong to like, connected to the police department and social injustice, etc. I think it was more generalized with Mr. Tancayo and was more specific with Mr. Ueoka. I'm not saying it's right or wrong, but I'm just saying that's what the testimony was about.

COUNCILMEMBER KAMA: Yea. Okay. Thank you.

CHAIR LEE: Okay. So, yea, even if you changed your vote it wouldn't have changed Mr. Ueoka's vote.

COUNCILMEMBER KAMA: Yea. Okay. Thank you.

CHAIR LEE: Unless you really wanted to vote "no" on Mr. Tancayo?

COUNCILMEMBER KAMA: No, I don't want to vote "no" on Mr. Tancayo.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Okay, I think we're back on track.

Yes, Ms. Kaohu.

COUNTY CLERK: I'd just like to clarify. Was that nine "ayes"?

CHAIR LEE: Yes. Nine "ayes"--

COUNTY CLERK: Thank you.

CHAIR LEE: --because we were voting for Tancayo. Yes.

Okay, let's quickly move along cause we can just wrap it up in ten minutes.

COUNTY CLERK: Okay, that would be, that would be RESOS 21-34 through 21-52.

And prior to moving onto the second and final reading items, I just want to say for the record, earlier in the meeting, County Communication 21-135, bill attached to that communication is now BILL NO. 17 (2021). And that was for the FY21 amendment for equipment.

And the resolution attached to County Communication 21-133, for the Planning Commission appointment, is now RESOLUTION 21-30.

And County Communication 21-138, RESOLUTION 21-31. And that is for the DHHL water sewer credit renewal.

Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 6 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM, EAST MAUI ECONOMIC DEVELOPMENT,
ENVIRONMENTAL, AND CULTURAL PROGRAMS; MOLOKAI ECONOMIC
DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections to wrap it up quickly before Facebook ends, may I request that our Clerk also call up Bill 7 through Bill 9 and Bill 11 through Bill 15?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Madam Clerk.

ORDINANCE NO. _____
BILL NO. 7 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
HOUSING PROGRAM, FIRST-TIME HOMEBUYERS PROGRAM

ORDINANCE NO. _____
BILL NO. 8 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,
HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 9 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE EMERGENCY MANAGEMENT AGENCY
(HANA EMERGENCY PREPAREDNESS TEAM)

ORDINANCE NO. _____
BILL NO. 11 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF THE PROSECUTING ATTORNEY,
NATIONAL INSTANT CRIMINAL BACKGROUND CHECK (NICS)
ACT RECORD IMPROVEMENT PROGRAM (NARIP) 2020 GRANT

ORDINANCE NO. _____
BILL NO. 12 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS, FEDERAL HIGHWAY ADMINISTRATION,
FEDERAL-AID AND OTHER TRANSPORTATION GRANTS

ORDINANCE NO. _____
BILL NO. 13 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE,
ROAD IMPROVEMENTS, BOND FUND,
COUNTYWIDE FEDERAL AID PROGRAM;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 14 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE
(COUNTYWIDE FEDERAL AID PROGRAM)

ORDINANCE NO. _____
BILL NO. 15 (2021)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS – COUNTYWIDE
FEDERAL AID PROGRAM)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 6 THROUGH BILL 9 AND BILL 11
THROUGH BILL 15 ON SECOND AND FINAL READING.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina, to
move Bills 6 through 9, 11 through 15, on second and final reading.

Vice-Chair Rawlins-Fernandez. You don't have to reread all the . . . , you know. Okay?
Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, Chair. I'll, I'll just, I'll wrap it up quickly by
saying that the Committee supported these bills unanimously. And I hope the
Members will continue. Mahalo, Chair.

CHAIR LEE: Any comments or questions?

COUNCILMEMBER SUGIMURA: Nope.

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

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

NOES: NONE.

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

Congratulations, Members. Congratulations. This was a tough agenda, and you handle, handled it very well. I believe this brings us to the end of the agenda, unless I missed anything, Ms.?

Yes, Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, I just wanted to correct the record. Because this morning, a testifier said that I was quoted as saying that I said that the Police Commissioners are rubberstamps for the Police Department. I did not say that. And I just wanted to correct the record. I had my staff go back and look at the minutes and the video of that, cause I don't remember ever saying that. But I just wanted to let you all know, and the public. Thank you.

CHAIR LEE: Okay. Okay.

Ms. King.

COUNCILMEMBER KING: I just want to go on record as saying that, thank you for finishing up the meeting. It didn't take as long as I thought it was going to be, so you were right. You are not a Texan.

CHAIR LEE: I like that. I like that saying, though.

COUNCILMEMBER KING: We spent a lot of time--

CHAIR LEE: . . . right down the line.

COUNCILMEMBER KING: We spent a lot of time down there and every time they say it's just down the road, you're driving for two hours. And you come back, and you go, what the heck you said it was just down the road. They're like yea, just down the road, it's a straight shot. Yea, for two hours.

CHAIR LEE: Okay. Ms. Kaohu, did we cover everything?

COUNTY CLERK: We did, Chair. And there's no further business before the Council.

CHAIR LEE: Okay. Anybody have anything they want to announce? Anything coming up? Anybody getting married or something? Having children? Well, in that case, you all have a wonderful, wonderful weekend and take care.

COUNCILMEMBER SUGIMURA: Good meeting. Thank you.

CHAIR LEE: See you on the other side of this weekend. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Good job, Chair. Oh, you need to officially end. Got to adjourn.

CHAIR LEE: Yes, I will. I was just moving my paper. Okay, this meeting of March 5, 2021 is adjourned.

ADJOURNMENT

The regular meeting of March 5, 2021 was adjourned by the Chair at 4:53 p.m.



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

County Clerk

From: Chin, Reta <Reta.Chin@fnf.com>
Sent: Thursday, March 04, 2021 3:37 PM
To: Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: TESTIMONY ON PROPOSED BILL 10

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Aloha Council Members,

I have lived on this beautiful island of Maui since 1990. My 26 year old son was born and raised here. He now resides on the mainland. I humbly come here to testify, admittedly nervous, as I have not before. I've been in the title/escrow industry since 1990 and part of what I do is to keep Maui statistics to educate my clients and the public as I do share informational tips via video/articles for one of our local online news channels (Maui Now).

While I know that there is great intention from this council to increase housing opportunities, Bill #10 as it's written with both the increase in the 75% workforce housing requirement and the income qualifications would actually decrease the number of housing (As referenced in the Grass Root Institute Testimony and the UHero Report) By passing this bill, this streamline process – which doesn't feel streamline to me as it takes 3 – 7 years to get housing built – will only continue to harm so many local residents who work so hard just to be able to own their own property.

To me, it feels like a simple economics function of supply and demand. Maui's supply is dwindling and the demand is increasing. Hence, prices are being driven up. In December 2019, median sales price for a home hovered around **\$750K**. As of Jan, it now is **\$980K**. I think about my 26 year old son, who wants to come back home to Maui to raise his family, and it would require him – if he was able to qualify for a 5% down payment loan – approximately \$50,000 as a down payment. My son doesn't have \$50K. I ask you, do you, your children or grandchildren have that kind of money?

I respectfully ask this Council to please pause on voting this bill through and wait until the Housing Study has been completed and submitted. We can then obtain greater wisdom in how to move forward and truly start creating bills that would seriously move us in solution so that our local residents can proudly own their own home and raise their families - sooner than later.

Thank you for your time and consideration.

Reta Chin

AVP, Sales Executive, Strategic Sales Development
Cell (808) 268.6554 | Reta.Chin@fnf.com
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Testimony of
Pacific Resource Partnership

City Council
Council of the County of Maui
Councilmember Alice L. Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair

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COUNTY CLERK

Bill 10—Relating to Workforce Housing and 201H Projects

Friday, March 5, 2021
9:00 A.M.
City Council Chamber

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council.

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in **strong opposition** to Bill 10, which increases the 201H affordability requirements to 75% of the total dwelling units.

Contrary to its intended purpose, an increase in the 201H affordability requirement threatens to halt the construction of new affordable housing projects in the County of Maui. Its impact on the creation of new housing would be significant, and cripple the county's potential for economic growth, especially as it works to overcome the effects of the pandemic.

Bill 10 will likely remove an important tool in the toolbox from developers who choose not to use government (state/county) funds to build affordable housing units. If this important tool is removed, projects may need to depend on public funds in order to pencil out. Housing projects on Maui that are 100% affordable have relied on government subsidies in order to make them work.

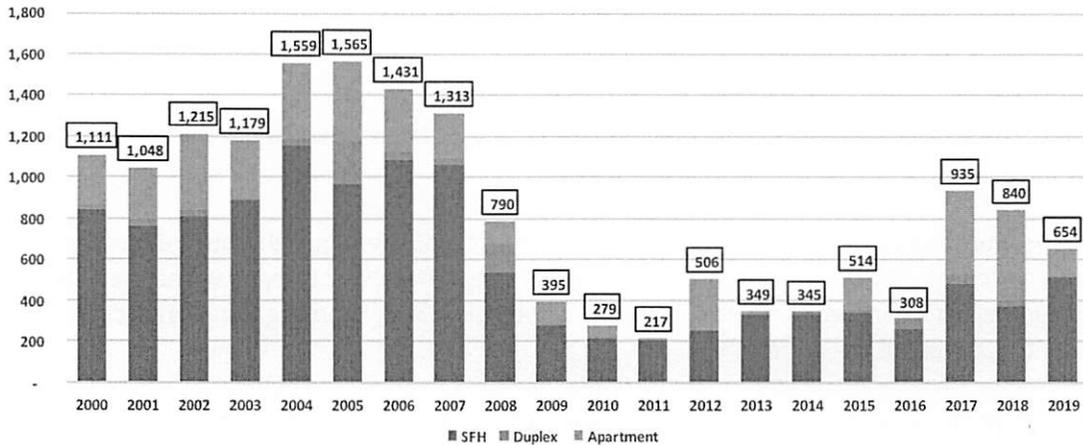
Historically, the implementation of ill-advised policies has resulted in sharp losses in construction jobs. In late 2006, the County of Maui enacted an ordinance requiring 50% of the units in residential development projects be workforce housing. A law enacted in 2007 required developers to provide proof projects had sufficient long-term sources of water, adding further burden and cost to the developer. These policies, along with the Great Recession, triggered a construction industry slow-down which wasn't reversed until the 50% requirement was lowered to 25% in 2014. Between December 2006 and January 2011, construction employment in the County of Maui construction employment fell by 53%, a direct loss of over 3,000 construction jobs. These are not jobs that the industry or Maui can afford to lose.



(Continued From Page 1)

We also know that the imposition of a 50% workforce housing requirement failed to produce significant growth in housing construction, especially of affordable housing units. Maui sacrificed the needs of residents for an ill-considered policy that ignored market realities. We should learn from the mistakes of the past and not take Maui residents down the same road again.

Maui County– new private residential unit authorizations 2000-2019

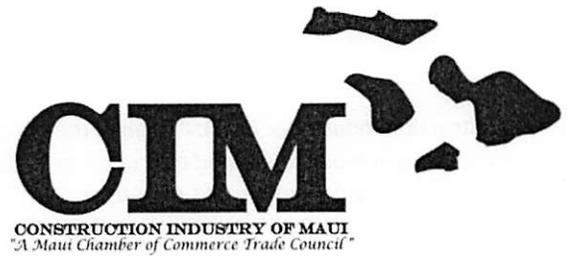


Sources: DBEDT (Data Book Table 21.07), PRP

Moreover, Maui’s economy has been the hardest hit by the pandemic. Efforts to limit the one sector (construction industry) that has held up during the downturn are illogical and unwise. The proposed bill before this Council will not benefit housing supply, local families, or the local economy. Instead, it will limit housing and job opportunities for those who need them the most during these difficult economic times—the residents of Maui.

Given the above, we respectfully request that you defer this bill.

Construction Industry of Maui: *"To unify the building community through active advocacy, communication, and education to sustain industry growth and best practices"* A Maui Chamber of Commerce Trade Council



Testimony on Legislation for Affordable Housing

At this time of this writing, the CIM is aware of CR 21-1 201H currently being discussed by Maui County Counsel. This bill would raise the developer's requirements of 50% affordable to 75% affordable. The CIM wants and agrees with the need for affordable projects, thus we strongly oppose this bill. Here is why....

We believe there is a grave and staggering disconnect between our elected officials and the group of contractors and developers who execute on the physical building of housing. This disconnect is fair. Many of our elected officials do not come from a building or contracting background. Additionally, many of our contractors and developers are not involved in the complex world of politics and serving the ever growing demands of their constituents. From one perspective, the council simply raising the requirement to 75% seems like a logical conclusion. This, in theory, will force the contractors and developers to adapt if they so choose to produce affordable housing. In contrast, from a contractor's and developer's perspective, this increase will make a potential affordable housing development simply not worth doing. If government mandates how many units must be sold at a certain price threshold, developers will either A) stop building or 2) recoup losses by pricing their market rate units as completely attainable by the Maui middle class.

If you study the overall soft costs and hard costs associated with a project; there are a lot of daunting risks – the challenges of permitting, design costs, surveying, infrastructure, legal fees, interest, construction labor costs, material costs, sales, marketing studies, environmental studies & land cost to name a few. A developer actually has little to no control on any of these listed costs. Here is an example, a brief look into the increase of raw commodities such as lumber, iron ore or copper since Covid-19 yields a staggering result. These commodities have increased 200% since April. If you were a developer with construction contracts executed you would recognize that the law sides with COVID-19 impacts as Force Majeure claims; meaning that the contractor is entitled to a contract price increase. This alone could be a reason why a developer may elect to pull out of a potential development with a 50% affordable unit requirement. If the requirement is increased to 75%, this makes the development almost impossible. We don't fault elected officials for not knowing all of these difficulties. However, we are sounding the alarm that if this measure passes, you will most certainly see a decrease in the number of new homes available for Maui families.

Despite this disconnect, we can attest that the County needs help to bind our community goals and deliver what the community needs, so here is a solution we feel is amicable for both elected officials, contractors and developers and delivers on a promise for more affordable housing;

We propose the County of Maui becomes a partner in affordable housing projects. Land costs are hardly discussed, yet they are the component artificially inflated in value during the re-zoning process. The extent of the County's partnership would be land, permit expediting and infrastructure. The County could graciously step in to assist developers by gifting parcels of county owned land for a developer to develop. If this was combined with the county having the necessary

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infrastructure and expedited permitting in place, it would make developers more eager to take on affordable housing projects.

In doing this, the county could then stipulate rough design guidelines and quantity of units, and then create a competitive bid environment for developers. This is similar to the Hawaiian Homelands model which has proven successful. The CIM fully believes that the intent of our elected officials is to provide truly affordable housing for Maui families. We believe, that with your help, a program as robust as this could not only fix the issues we face today but also for years to come.

TESTIMONY
Bill: No. 10 (2021)
March 4th, 2021

Julie Strong
REALTOR
Hawaii Life
RS-80186
808.829.8289

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My experience comes from working with many 1st time home buyers who qualified for workforce housing, wanted to make that very important purchase in their lives, and fell out of the system for avoidable reasons. For them, on Maui, these opportunities come maybe once in their lives, and when they fail they often involve consequences like having to move off island from most of their family. Watching their disappointment, disillusionment, and frustration is something that will stick with me in my heart and in my mind for many years to come.

From my experience a fundamental question about this bill arises:

Why increase the percent to 75% when you can just make the process work better at the current 50%, and achieve the same thing, an increase in workforce homes.

In my experience, there is significant room for improvement in the process to ensure a higher percentage of workforce homes end up sold to workforce qualified clients, and at workforce affordable prices.

In the current system, there are conditions that result in an unnecessary thinning out of qualified workforce buyers, who fall out of the system. It exists across multiple developments on Maui. This is largely due to a need for more coordination between the county, exclusive lenders, and developers. This coordination will help qualified buyers not fall through unnecessary cracks, and end up being able to purchase their home in the end.

By simply working on the process so it is more effective, a higher number of workforce homes is achievable at the current rate of 50%, and ... developers wont' be incented to away from Maui and to other islands.

Mahalo for your time and consideration of these observations and ideas.

E malama pono ko okou mau kino.

Julie

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3/4/21

Maui County Council

Testimony on proposed Bill 10

Aloha Chair and Council members. Thank you very much for the opportunity to share my thoughts on Bill 10 today. I truly appreciate your time and your sincere desire to help address our housing crisis.

My first thought is that you have commissioned a Housing Implementation study to be done by Hawaii Community Assets with a draft of the study promised to be delivered in April and the study itself to be completed in June. Since \$300,000 of taxpayer dollars are being spent on this housing plan, it seems to make sense to wait for the actual study before passing nonessential affordable housing bills.

Timing is everything and I think you should take the time to get the expert advice that you commissioned before making policy changes. Why not put the items proposed in Bill 10 on hold until we see the recommendations and the proposed plan to get 5,000 workforce residences built in 5 years? That makes both good sense and good use of our tax dollars. Passing Bill 10 prior to receiving the study seems counterproductive to creating strong, informed policy to develop much needed affordable housing.

My second thought is that the changes proposed to the Work Force Housing Policy in Bill 10, while extremely well intentioned, will have unforeseen negative consequences. This bill addresses developer requirements and ignores our biggest challenge which is a lack of buyers prepared and pre-qualified to buy their first home. Funding a pilot IDA program, which many of you know is my personal favorite tool in the affordable housing toolbox, for first time buyers, would address this lack of educated and approved buyers directly, cost effectively and start buyers on a 2 year path to home ownership. Conversely, by raising the requirements for affordable units from 50% to 75% and additionally limiting the program to those households earning \$117,000 or less, it is harder for developers to make a project work.

Affordable houses do not fall from heaven. We need developers to build them and if the numbers do not make sense, they will take their affordable housing projects to other islands with less rigorous demands. Sadly, these changes proposed in Bill 10 are likely to decrease the total number of homes built and likely to increase the already astronomically high median price here on Maui. No one wants that.

I am humbly requesting that you put this bill on pause and wait for the housing study to be complete. Then you can move forward to implementing an ambitious plan to address our housing crisis with research to back the recommended steps.

Thank you so much for the chance to testify today.

Victoria Cheromcka
383 Kalua Rd
Wailuku HI 96793

808-276-7130
MauiVictoria@gmail.com



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March 5, 2021

Alice Lee, Chair
Maui County Council
200 S. High Street
Wailuku, Maui, HI 96793

Subject: GRANT OF REAL PROPERTY TO NA HALE O MAUI (LAHAINA)
(COMMITTEE REPORT 21-10)

Dear Chair Lee and Council Members,

Mahalo for the opportunity to come before you in a continuing partnership with the County of Maui *to secure and provide a permanent supply of affordable housing alternatives for low- and moderate-income households in Maui County.* Together, we have another opportunity to change a temporarily affordable house to a permanently affordable home for an income-qualified island family.

Na Hale O Maui was the first Community Land Trust (CLT) in Hawaii. We are a grassroots-, membership-based nonprofit. Subsidies invested in CLT homes remain there, providing safe, secure shelter with the benefits of homeownership to the first and every subsequent income-qualified island family. CLT homes are owner-occupied and remain affordable in perpetuity, family after family, generation after generation. They never go to market prices.

Since 2010, the County of Maui has partnered with NHOM through grants from the dedicated Affordable Housing Fund. NHOM began by purchasing foreclosed and abandoned homes during the "Great Recession." This helped to stabilize the neighborhoods with the largest number of foreclosures.

As the market 'improved' and the price of foreclosed houses escalated, NHOM refocused efforts on construction of new homes. West Maui Land provided 12 finished lots in Lahaina at below-market prices. NHOM created 3 home designs, registered plans, constructed the houses that now are home to 12 island families who have been able to realize their dream of homeownership.

When the NHOM sells homes at truly affordable prices, the sales proceeds are recycled and re-invested into additional affordable homes for Maui's workforce. This has allowed the NHOM 'ohana to grow from 0 in 2006 to 46 homes that provided safe, stable and sanitary shelter for 53 income-qualified island families.

CLT homes are just the beginning of an improved quality of life for our families. Many studies substantiate the benefits of stable, secure homeownership, including better education- and health-outcomes, increased participation in community activities, and contributing to the real property tax base, to name just a few.

Alice Lee, Chair Maui County Council

Re: Grant of Real Property to Na Hale O Maui (Committee Report No. 21-10)

Page 2

Na Hale O Maui and the community recognize the proposed in-kind grant of 244 Komo Mai Street in Lahaina as a wonderful opportunity to add one more permanently affordable home in the Lahaina community.

We respectfully urge the Council to authorize the grant of the real property located at 244 Komo Mai Street, Lahaina, Maui, Hawaii to Housing and Land Enterprise of Maui, dba Na Hale O Maui to increase ... *and preserve a permanent supply of truly affordable housing alternatives for low- and moderate-income households in Maui County.*

Mahalo piha for all you do to support and increase affordable and workforce housing in Maui County.



Cassandra Abdul
Executive Director

Mission: To secure and provide a permanent supply of affordable housing alternatives for low- and moderate-income households in Maui County.

Changing lives, one home at a time



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Testimony on CC 21-131

**Mayor's Appointment of Donna Joyce Kawakami to the
Commission on Healing Solutions for Homelessness
Friday, March 5, 2021**

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

As a Board Member of Feed My Sheep and friend of Joyce Kawakami who has worked with her for many years, I and the Maui Chamber of Commerce strongly support the Mayor's appointment of Joyce Kawakami to the Commission on Healing Solutions for Homelessness.

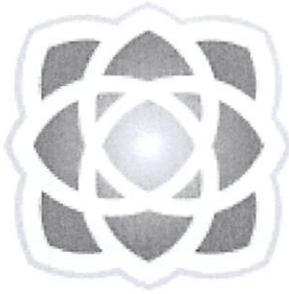
Joyce cares deeply about our community and when she saw a need for food deliveries, she took action and established Feed My Sheep. Joyce constantly puts others before herself and works full time without pay or a benefits package, allowing donations to the organization to go towards services rather than administration. Her selflessness is truly incredible. As she works daily with the homeless population, acknowledging them as friends (not clients) and offers comfort and prayer when needed, she well understands the heart of the issues they face, and has consistently shown an ability to create solutions that improve their lives, which makes her an idea candidate for this position.

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.



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Testimony on CR 21-13, Item 2
Appointment of Members to the Board of Ethics for the County of Maui
Friday, March 5, 2021

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

Mahalo for the opportunity to provide testimony.

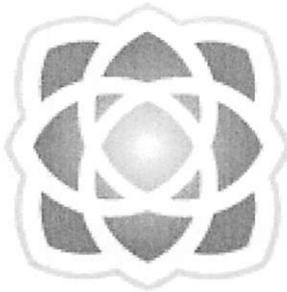
The Maui Chamber of Commerce is in strong support of the nomination of Steven Sturdevant to the Board of Ethics for the County of Maui. Steven and Sturdevant Refrigeration & Air Conditioning, Inc. have been longtime members of the Maui Chamber and supporters of the Maui community. In addition to knowing Steven through the Chamber, I also serve alongside him on the Feed My Sheep Board of Directors. Steven and Sturdevant Refrigeration & Air Conditioning, Inc. have been tremendous supporters of Feed My Sheep for well over a decade, ensuring that their longstanding truck office was always well air conditioned (so people could work there), as well as helping to lead the organization as a Director and with financial support. Through all interactions with Steven, his deep care for the community comes through as he engages with diverse groups and listens to all sides to further solutions for community improvement. I have found him to be a man of high ethics and standards and feel that he will be a tremendous asset to the Board of Ethics.

We ask that you approve his nomination.

Sincerely,

Pamela Tumpap
President

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Testimony on CR 21-13, Item 12
Appointment of Members to the Liquor Control Commission
for the County of Maui
Friday, March 5, 2021

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

Mahalo for the opportunity to provide testimony.

The Maui Chamber of Commerce strongly supports the approval of the nomination for Sylvia Ho to the Liquor Control Commission. She is a leader on the Maui Chamber of Commerce Board, with Rick currently serving as Treasurer and Chair Elect.

Sylvia is a strong advocate with extensive community service and nonprofit experience, particularly in the events arena. With a background in the financial and insurance industries, she is knowledgeable about liability issues and risk. She has a diverse background and forges quick connections with everyone she meets. Sylvia is thorough and does her homework on all issues to make informed decisions. She well understands the need to weigh business and community concerns with the risks and hazards of alcohol consumption. Sylvia is fair, balanced and always willing to listen to all sides, making her the perfect candidate for this commission.

Given the many issues Maui County has faced with the Liquor Department and Liquor Commission, we strongly support these nominations, knowing they will be excellent commissioners and put their all into this service.

We ask that you approve her nomination.

Sincerely,

Pamela Tumpap
President

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



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Testimony on CR21-13, Item 18
Appointment of Members to the Public Works Commission
for the County of Maui
Friday, March 5, 2021

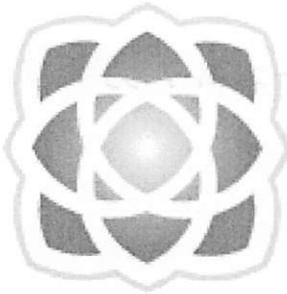
Dear Chair Lee, Vice-Chair Rawlins-Fernandez,
Members of the Maui County Council,

Mahalo for the opportunity to provide testimony.

The Maui Chamber of Commerce strongly supports the approval of the nominations for Joshua Berlien and Alberta de Jetley for the Public Works Commission.

Joshua Berlien is extremely experienced and has filled many roles in the construction industry. He is currently the Chair of the Construction Industry of Maui and his leadership skills and drive have brought the trade council to a new level of success, especially championing the Bob Poulson Scholarship program.

As the head of Berlien Consulting, which oversees management of project designers, contractors and ownership from start to finish, he has a thorough understanding of the construction process. He also has a strong knowledge of the role of the Public Works Department, their duties of getting infrastructure built and maintained and the challenges that can occur when it's not done right. Josh proactively seeks solutions to address situations before challenges arise and is a good mediator, bringing people together on solutions. He is inclusive, as illustrated by his role in the Construction Industry of Maui, where membership goes beyond contractors to include broader construction industry trades and other service industries. He regularly volunteers his time and efforts to help improve the community. It is important to have someone from the industry, who is knowledgeable and experienced, serve on this commission.



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CHAMBER OF COMMERCE
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Page 2

Testimony on CR 21-13, Item 18

Friday, March 5, 2021

Alberta de Jetley is not only a strong advocate for the island of Lanai, but for all of Maui County. She recently ran for the Lanai County Council seat and she works hard to ensure the community's needs are met. Alberta is an amazing convener, which I personally witnessed the day I first met her, when serving on the task force for the Hawaii 2050 Sustainability Plan. She pulled over 100 individuals to ring in with suggestions for a sustainable Lanai in one night (where other community meetings across the state were bringing in 25-50 people). As I helped to welcome people and asked how they heard of the meeting, all had the same answer: "Alberta de Jetley told me I needed to come". When Alberta gets involved in a project, she is a hard worker who sinks her teeth in and gives it her all. She has served on many commissions in the past and recently gave up being a Liquor Control Commissioner to run for public office. She now seeks to serve again on the Public Works Commission. Not only is Alberta a member of the Maui Chamber of Commerce, but she also holds membership in the Lanai Chamber of Commerce and the Maui Native Hawaiian Chamber of Commerce. She is a community organizer and champion who unites people in getting things done.

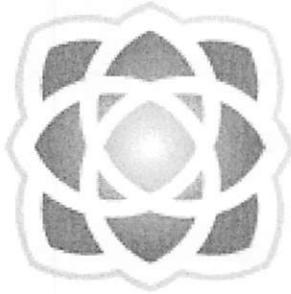
Both individuals will make excellent additions to the Public Works Commission.

We ask that you approve their nominations.

Sincerely,

Pamela Tumpap
President

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**Testimony on Bill No. 10
Relating to Residential Workforce Housing Projects
Developed Under Chapter 201H, Hawaii Revised Statutes
Friday, March 5, 2021**

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

The Maui Chamber of Commerce is a huge champion of affordable housing and rentals, which is why we strongly oppose this bill. Our hope is that we can call attention to important information today and share why this bill is not helpful.

I think we would all agree that we have an Affordable Housing & Rentals crisis and delays in building units only escalates prices later on. With COVID19 and new people moving to Maui, home prices are soaring. The median home price rose to \$980,000 this January and this trend is expected to continue, far exceeding earlier projections of a median home price of \$1M in 2024 and over \$2M in 2042. It may happen this year and that means fewer residents will be able to afford a home. We want all hands on deck, working on solutions to help, which takes understanding the historical data, listening to our home builders and construction industry experts and rationally looking at what works and what does not to create winning solutions.

Please don't let history repeat itself. While today's 201H bill is different from 2.96, it mirrors the situation very closely in three important ways: First, a major change was made to an affordable housing policy mandating a higher affordable percentage; second, the concerns of home builders, the Chamber, other organizations, and two top state economists who shared that it would hurt the development of affordable units as many projects would not pencil out were overlooked; and third: passionate Council Members (none of whom were home builders or industry experts) who wanted a higher amount and believed they were doing the right thing, passed 2.96. Sadly, this historical data (not a made-up version) shows that the implementation of Chapter 2.96 in 2007 caused a severe decline in the building of affordable housing and rentals (as was predicted). Did the Great Recession help contribute to the problem we are still trying to recover from today? Yes! Was it the entire cause? No! To say so would be incorrect. State economists have long viewed the change to 2.96 as a key factor, independent from the recession, that has contributed to the catastrophe we have today and are still recovering from. For those involved with 2.96, it feels like bad deja vu. We again wonder how far we must fall before we can come together.



MAUI

CHAMBER OF COMMERCE

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Testimony on Bill No. 10

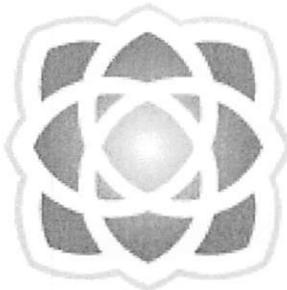
Friday, March 5, 2021

Page 2.

We realize that there are projects using the 201H process that are doing more than the 50% required, which is amazing. However, the Department of Housing and Human Concerns also noted that some projects will not pencil out at the higher amount. And, given the significant costs involved to bring a project before the council, knowing they want 75%, but may consider something lower, is not a gamble many developers want to take (as they can lose a great deal if denied). So, why invest in an unknown? What the industry seeks are known conditions that if met, will allow their project to move forward. So why add to legislation that is working, cut out a segment of valid partners by raising the affordable amount (when you could leave the bill as it is now to bring more players to the table and incentivize higher levels of affordability) and cut out Maui's middle class from being able to own units generated under this process.

We are also alarmed that Maui County's home building experts were not consulted in the drafting of this revision and it appears their voices are not being heard now in the process. With more time was spent listening to the experts, we believe you would learn far more about the nuances of their business, the issues they face and find new alternatives to expedite the building of additional units. We must get beyond politics to solving problems. If any of you have any concerns, we ask that you defer this measure for now, so you can get better answers.

Putting restrictions and mandates on top of other restrictions and mandates, takes us back to 2006 where we lost ground until the ordinance was amended in 2014. If passed, will some things get built? Sure, but will we get all that otherwise would have been built? No. Maybe that is good for some who are not concerned with housing for our local residents. Many would prefer we slow down or halt all development. But is that the legacy you want to be a part of? Do you want to be known as a Council Member who voted for a bill that gave our community far less than what they deserved and be accountable to those who don't have a home as a result?



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on Bill No. 10

Friday, March 5, 2021

Page 3.

We are in a crisis, losing local families who are moving to the mainland and many of our children go off to college and do not come home as they cannot afford to live here due to the cost of housing. With the rise in housing and few solutions, more will go. Please hear the home builders, review the historical data, and truly understand it before passing this measure. The best way for us to move forward is together, bringing all partners to the table and working on winning solutions for the future of our local families. We urge you to defer this measure.

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.

Council of the County of Maui

A G E N D A

of March 5, 2021

9:00 AM

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2021 MAR -5 AM 8:43

OFFICE OF THE
COUNTY CLERK

Meeting Site:

Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

Remote Testimony Sites:

None.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and
livestreamed on <https://mauicounty.legistar.com>

website: www.co.maui.hi.us/Archive.aspx?AMID=226

e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

To whom it may concern,

My name is Suzette Felicilda-kanaka maoli of Lahaina. I opposed the appointment of Jeff Ueoka. I am greatly moved by the expertise of Jeff Ueoka. We are always looking to have someone who understands the laws, etc. to service the truth and protect the people. However, Jeff Ueoka services a great amount of developers who do not abide by the laws, who think they are above the laws and uses or highly pays people of expertise to benefit their bullying and suppression to the people of Maui county. These developers have already stack the West Maui community planning committee, the planning commission, and many other boards. Now the Police commission. I have a family history within the police force and do seek they follow their duty to protect and serve the people from being bullied.

Mahalo,

Suzette Felicilda

County Clerk

From: Kanani Higbee <khigbee1037@gmail.com>
Sent: Thursday, March 04, 2021 7:16 AM
To: County Clerk
Subject: Agenda Item CC21-138

RECEIVED
2021 MAR -4 AM 8:54

OFFICE OF THE
COUNTY CLERK

Aloha,

I would like to support the agenda item CC21-138 that I urge the mayor to grant these water and sewer credits for DHHL projects for West Maui. My family now has 4 generations on the list of Hawaiian Homes and no lot has been granted to us. My grandparents died on the list. My mom has been on the list for nearly 40 years. Myself and my siblings have been on the list for nearly 20 years. And now my daughter is on the list.

This is a lot of generational wealth that has missed out that would have helped my family rise in social status and not made us at high risk for all the socioeconomic issues that plague those who live in poverty. We have been paying rent in Lahaina for all our lives that don't go towards owning a home. By owning a home, that would have helped us so that our keiki and mo'opuna don't have to pay rent too instead of saving for a down payment for a mortgage and building generational wealth. That is so important in order to make it on Maui, especially Lahaina, where home sales average in the \$1.5 million per home and winning the lottery for a coveted spot for affordable homes is nearly impossible.

Please I ask that you grant these sewer and water credits to get us on the land in a "timely and efficient manner," as stated in the Hawaiian Home Commission Act of 1920. It's not timely and efficient when tens of thousands have died on the list and 28,000 are currently waiting. The rate at which lots are developed, it will take nearly 100 years to clear the current list and surely no one lives until they are 118 years old. So most people will die. Please don't delay this any longer.

Native Hawaiians are over represented in jails and prisons more than twofold. We are 20% of the state population and a whopping 50% of the incarceration population for Hawaii. We could have 40% state population of Hawaiians but half of the Hawaiians were pushed out of the state. We lead in infant mortality, substance use disorder, diabetes, heart disease, poverty, and homelessness. Please let's work on helping the Native Hawaiian population by honoring Acts that were passed through Congress that are struggling to get honored because they are waiting on the Maui mayor to grant these water and sewer credits.

Thank you for reading this testimony and I urge you to join me in supporting in granting these water and sewer credits for Hawaiian homeland agriculture and residential lots in West Maui.

With Aloha,
Kanani Higbee

—

Kanani Higbee

County Clerk

From: Kanani Higbee <khigbee1037@gmail.com>
Sent: Friday, March 05, 2021 6:15 AM
To: County Clerk
Subject: CR 21-13 Item #17

RECEIVED

2021 MAR -5 AM 7: 53

OFFICE OF THE
COUNTY CLERK

Aloha kākou,

I would like to provide testimony for CR 21-14, Item #17. This is in regards to the police commission allowing two men to join and now it's imbalanced even more with two women and seven men total. I am in support of there being half men, half women.

Usually the police commission has half men, half women. That way issues can be more fair. I feel this is very important. There were candidates fit for position. There was also one candidate who would help the community's voice be heard and bridge the gap between the community and the police. That female applicant had a lot of experience with activism, social justice, and advocacy work for vulnerable populations.

It's important to have more females in the police commission. There have been issues where female cops have had glass ceilings and prevented from being promoted as was the case with Maui police Captain a few years ago. Because Deputy Chief Rickard, told a colleague, "not on my watch." He made sure she was not allowed the promotion beyond captain. Therefore she sued the police department for \$600,000 and won.

There was another case of a female sergeant being sexually assaulted by her male captain. He even headed the sexual assault division. She was denied justice within the Maui Police internal affairs. She had to seek outside help to make sure this Captain stopped abusing her. He had friends in high places. She had to get transferred to Lahaina station. And this man wasn't removed from his position overseeing the sexual assault division until reporter Chelsea Davis wrote an article about the mistreatment of the female getting removed and the male staying in his division during the investigation. So he then got placed in another position. It seemed they made a position for him. He eventually was let go from the Maui police department thanks to the outside help. This proves how the police has too many men and women are marginalized.

It's important to have equal representation of the sexes in the police commission because females across the board will be treated better. I know this firsthand because when I was sexually assaulted in surgery here on Maui, I tried to report it to police officers at Lahaina station and it was only men who took the call and they victimblamed me, stating, "why did I get surgery for just a broken finger?" And they told me they doubted my story because of so many things. I never once was given a female officer. And they ultimately told me they refused to help me because it was a civil matter and not a criminal matter. That is not true. It is actually both and can be investigated by the cops, but they refused. And now an anesthesiologist still out there performing surgeries on women and they aren't aware they are being sexually assaulted because he does this when they are most vulnerable. I figure if he did it to me, why wouldn't he do it to others. He does that when everyone is busy getting their tools for surgery. It was sad that I was treated this way by cops. I feel a female cop would have much more empathy.

I believe by having more female commissioners, that will allow Maui Police to be much safer. They hear cases about charges brought up from the public about police and decide if the police are able to get treatment like anger management or some other type of counseling or if they must be terminated from Working at the police station. I believe if there are female police commissioners that are better represented, they would ensure the police department have officers that don't do harm to the community.

I have been a long time victim of the Maui Police and have to seek help outside the Maui Police for crimes done to me which violated my first amendment rights of free speech and other rights that were violated by being harassed by cops. And then when I try and get counseling, I am harassed my cops intimidating the counselors. There has been a lot of harassment done to me by police. They send me a message they don't like whistleblowers since they feel I should not have reported them for causing me harm in the past. I feel they would bully less if the police commission had a more equal representation of females, because there would be more empathy from the females and they wouldn't treat me like that. It's been extensive how the police have mistreated me. They denied me from receiving counseling by constantly doing surveillance on me for years and gathering my

information through my cellphone of all conversations I had on the phone and off the phone, my internet activity. They would harass me during the day since they had GPS. And they didn't care if my children were present. They gathered intel to manipulate those closest to me in order to isolate me. So they could torment me with psychological abuse even more. They would send undercover cops to harass me. It was extensive the amount of harassment they did to me. Hopefully by reporting it to the Dept of Justice, there will finally be some justice.

I wonder if having more representation of females on the police commission would have weeded out misogynistic cops so the public wouldn't have to suffer as much. Therefore I am in support of the county council trying to balance and have more females in the police commission so there is more equal representation of the public population.

With Aloha,
Kanani Higbee

—
Kanani Higbee

County Clerk

From: Francine Aarona <mopsaarona@gmail.com>
Sent: Friday, March 05, 2021 8:51 AM
To: County Clerk
Subject: Resolution urges water, sewer credits for DHHL

RECEIVED

2021 MAR -5 AM 8: 52

Aloha Council Chair Lee, and council members,

OFFICE OF THE
COUNTY CLERK

Forgive me for this late testimony, My name is Francine Aarona (Aunty Mopsy) and I would like to share my mana'o regarding urging the Mayor to grant water and sewer credits to the state Department of Hawaiian Home Lands and agricultural lots in Lahaina.

I support CM Paltin in this resolution. I ask that you fulfill the responsibility to approve this resolution and promote your concern for affordable housing. We are wasting time in providing our people with what was promised. We can no longer continue the talk. We must put the talk into action and move forward.

It is important that our residents who were born here, live here, will be able to make this their home. Do not allow outside developers, take advantage of our water system. We must take action to prevent that from happening.

Mahalo for allowing me to testify. Ke Akau's Blessings

Aunty Mopsy

County Clerk

From: Marygrace Agapay <mgraceagapay@aol.com>
Sent: Friday, March 05, 2021 8:30 AM
To: County Clerk
Subject: Resolution Relating to the Purchase of Maui News Property

RECEIVED

2021 MAR -5 AM 8:30

OFFICE OF THE
COUNTY CLERK

Dear Chair Lee and Members of Maui County Council,

After watching recent council meetings, it is very clear the Council plans to spend \$9.8 million for the purchase of the Maui News property. The council is mandating an entire additional floor and 30 parking spaces for the Council and Office of Council Services (OCS) employees - this is unreasonable!

I am disappointed that the Council has put its interest ahead of other County employees.

First of all, I have sacrificed my safety and the safety of my family to report to work during the entire pandemic to serve the public. Shower curtains and other materials have been used to separate our workstations. There were not a 6-feet of space between workstations.

I question the need for an additional 9,000 square feet for a relatively small department such as OCS, that already occupies two floors. Many council members and their staff, and OCS employees have been working remotely during this pandemic.

Why is this much additional space necessary?

Why would the Council force out other departments' employees from the County building?

I also have been waiting for a parking stall for about 6 years now. Other County employees waited an average of 10 years to receive a parking space. My monthly parking rent is currently at \$52/month.

What makes the Council members' and OCS employees so special to receive a parking stall instantly, while us regular County employees have to pay and wait a long time to receive our own?

Please consider that if you take 30 parking spaces, it would make us regular County employees wait even longer. This is unfair!

The Council mandating an entire floor of additional space and 30 parking spaces consequently forcing out County employees to relocate and extending the wait-time for County's regular employees to obtain their own parking space are examples of the Council taking care of its own interest above everyone else.

I urge you to reconsider your options. Be fair. Please think about how everyone can benefit from this action, not just a few.

Thank you for your time,

Grace

County Clerk

From: Roger Alconcel <ralconcel@pulamalanai.com>
Sent: Tuesday, March 02, 2021 3:16 PM
To: County Clerk
Cc: Diane Preza; Keiki-Pua Dancil
Subject: Hokuao Support letter on Lana'i
Attachments: Hokuao Support Letter.pdf

Pls find attached letter supporting Hokuao project on Lana'i. We have community residents on Lana'i who signed and are in support of the Hokuao project with 51% affordable units.

Sincerely,

Roger Alconcel



Roger Alconcel
Director of Retail
Richard's Market
1311 Fraser Avenue | PO Box 630310
Lāna'i City, Hawai'i 96763
Tel 808 565 3781 | Cell 808 563 0104 | Fax 808 565 8188
www.pulamalanai.com | ralconcel@pulamalanai.com

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2021 MAR -2 PM 3: 52

March 3, 2021

Maui County Council
By email: county.clerk@mauicounty.us

OFFICE OF THE
COUNTY CLERK

RE: Affordable Housing on Lānaʻi: unintended consequences of Bill 10 on March 5, 2021 Council Agenda

Aloha Chair Lee and Council members:

We have two landowners that have planned affordable housing projects, the County of Maui (100% affordable for sale, conceptual / design phase) and Pūlama Lānaʻi (51% affordable for rent, Hōkūao draft 201H application submitted to Department of Housing and Human Concerns). The proposed bill may have unintended consequences for the only planned affordable projects on Lānaʻi. We are not like Maui, where there are many landowners. Collectively, both projects could increase the housing inventory on Lānaʻi by 32%.

There is a need for affordable housing on Lānaʻi. Our depleted housing inventory levels are resulting in families living in over-crowded situations. Consequences of multiple families living in one home can be detrimental to the well-being of residents. Lānaʻi has the lowest unemployment and poverty rates in Maui County. Many residents are prohibited from moving into their own home due to the lack of inventory and not necessarily due to financial constraints.

There are possible solutions to our housing shortage if the County is willing to help us. We ask that you:

- Align State and County guidelines to include incomes up to 140% AMI
- Support the Hōkūao rental project with 51% affordable units
- Move the County's Lānaʻi affordable homes for purchase project forward

The fact that Hōkūao will be 100% financed by Pūlama Lānaʻi and no public funding or grant funding will be used is a taxpayer benefit. Affordable units will also remain in perpetuity.

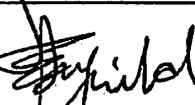
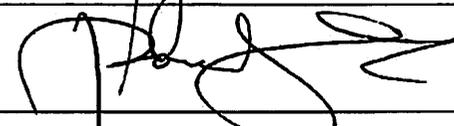
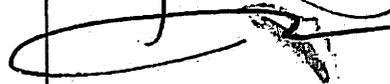
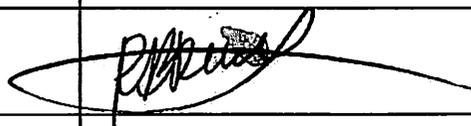
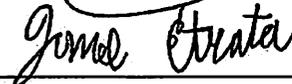
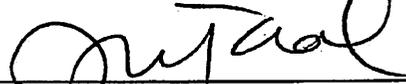
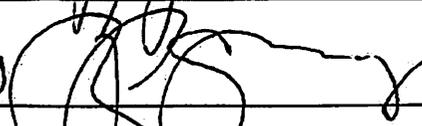
Maui County could take advantage of the infrastructure that Pūlama Lānaʻi will install should Hōkūao be built. The two properties are adjacent to one-another, stubbing out the infrastructure from Hōkūao, could reduce the infrastructure expenses for the County's project. Land was given to the County for free and our community has been patiently waiting for the County's promise of affordable housing for nearly 30 years.

The proposed bill for an ordinance amending 2.96.030 would have unintended consequences for our community. Many of our residents seeking opportunities to rent would fall into the category of 120%-140% AMI. They would not qualify for affordable housing under the guidelines. This would defeat the purpose creating the availability of more affordable homes. Currently, there are no affordable housing units available for residents earning between 60%-140% AMI. Hōkūao could meet this unmet need.

Please make Lānaʻi housing a priority. We humbly ask you to support our Lānaʻi community by providing opportunities to rent at Hōkūao or purchase homes at the Maui County affordable housing project on Lānaʻi.

Mahalo for your consideration,

The undersigned residents of Lānaʻi

Printed Name	Signature
Roger Alconael	
Rowena Nabor	
Sandra Encfield	
Rocky Espiritu	
Ben Noble	
Rowle Bringas	
APRIL BADILO	
Janet Reymundo	
Jonel Estrata	
Jannet Llamelo	
JEXNIH XI. TAAL	
REYNALDO ABMATA	
MARK AGSARAY	

Elamir Ariaga
 Ruby Quinsaga
 SHARON KUNIMITSU





County Clerk

From: Kristen Alice <kristenalice808@gmail.com>
Sent: Thursday, March 04, 2021 10:45 PM
To: County Clerk
Subject: CR21-13 Item #17 Police Commission - Opposition

RECEIVED
2021 MAR -5 AM 7:54

Aloha,

OFFICE OF THE
COUNTY CLERK

My name is Kristen Alice and I am writing to respectfully request that the Maui County Council reconsider the approval of the appointment of Travis Tancayo and Jeffrey Ueoka for police commission, and to recommend that the council reopen the consideration of other candidates for the police commission. This appointment would mean there would be just two female commissioners.

Last year Maui made history when it became the first county to adopt a feminist economic recovery plan. When you adopted this plan, you recognized the often silent struggles of women and girls. You served as a model for the rest of the country, and you gave us hope that women would be included in all levels of decision-making in government. Is this appointment in line with the spirit of that plan? I urge you to consider this question, and to reconsider other applicants in order to create a more diverse commission.

Mahalo nui,
Kristen Alice

County Clerk

From: Kari Bogner <kkbogner@gmail.com>
Sent: Thursday, March 04, 2021 7:35 AM
To: County Clerk
Cc: Gabe Johnson; Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Bill 10 (2021) Council Agenda March 5, 2021—oppose as written

Aloha Maui County Council,

I am writing to you to state that I oppose Bill 10 (2021) as written, because I believe as a constituent in Maui County, currently living in Lanai City, that there are unintended consequences of passing Bill 10 (2021) as written.

Please consider aligning the new proposed language in Bill 10 with State law by adding the "above-moderate" income level up to 140% AMI into Section F. There are many households on Lāna'i that would benefit from the additional language to align Bill 10. Currently the affordable housing units on Lāna'i do not provide options for income levels above 61% AMI. 61% is extremely hard to live on in Hawaii with or without government support. Keeping the low AMI criterion does not necessarily incentivize folks to put in the effort to make more money or get out of the poverty situation that they in, because then they don't have housing, because it is hard to find market-price housing that one can afford until a much higher AMI is achieved per household. Having SUCH an incredibly low AMI standard (61%) for affordable housing, in my opinion, is a crutch to poverty, versus a solution to ending poverty, which I hope is always the long term goal in this County.

I also ask that you support housing options on Lāna' by approving the Hōkūao 201H application as submitted, including the parts of the application that mentions the project will continue to provide 51% affordable housing in perpetuity and provide workforce housing up to 140% AMI. I also ask that you support moving the County's affordable housing project forward on Lanai, so that hard-working folks will continue to remain on Lanai because they are able to own their own home.

Mahalo,
Kari Bogner

1410 Pakali St.
Lanai City, HI 96763

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2021 MAR -4 AM 7:56
OFFICE OF THE
COUNTY CLERK



Maui Economic Opportunity, Inc.

RECEIVED

2021 MAR -3 AM 11:45

P.O. Box 2122
Kahului, HI 96733
808-249-2990
Fax: 808-249-2991
www.meoinc.org

March 3, 2021

OFFICE OF THE
COUNTY CLERK

Maui County Council Chair Alice Lee and Council Members:

As a nonprofit agency actively involved in helping residents make rent and increasing the inventory of low income housing, Maui Economic Opportunity **opposes Bill 10** that would make significant changes to the 201H fast-track housing project provisions.

MEO reserves comment on the merits of the proposed changes. Our objection centers on the timing of the measure given the development of a comprehensive affordable housing plan – which is in its final stages. The Maui News reports that Hawaiian Community Assets, which is developing the plan with a \$130,000 Maui County contract, is expected to release a draft review to council members this month with a timetable for approval of the plan in June.

The ultimate goal of the affordable housing plan – and Bill 10 – is to increase the number of affordable rental and fee units for our residents. Rents and fee condominium and residential unit prices are beyond the reach of, or an extreme stretch, for most working/lower income residents. We believe this problem has many facets and getting more people housed in new affordable units requires a comprehensive approach – including possible changes to the 201H law.

Piecemeal measures, while well-intended, may generate unintended consequences that may detract from the ultimate goal of resolving the critical need for more affordable units.

We may not fully understand the reasons for the rush to pass Bill 10 with the introduction of the comprehensive plan so close. The option exists for implementation of all of the intents of Bill 10 as part of a package of measures to generate more affordable housing after a full examination of the problem.

In the spirit of full disclosure, MEO is involved in the development of a 120-unit affordable rental project in Waiehu, Hale Mahaolu Ke Kahua. We are offering the land for the project at virtually no cost. Because the project is 100 percent affordable, Bill 10 would have no impact.

Our Community Action Partnership nonprofit, which assists low income people, seniors, persons with disabilities and recently released inmates, respectfully requests that the County Council delay action on Bill 10 until the release of the Hawaii Community Assets comprehensive housing report.

Thank you for allowing us to comment on this important measure.

Debbie Cabebe, SHRM-SCP, SPHR
Chief Executive Officer

The Promise of Community Action

Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other.



County Clerk

From: Gantt Charping <gantt@sensei.ag>
Sent: Wednesday, March 03, 2021 5:30 PM
To: County Clerk
Cc: Gabe Johnson; Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Bill 10 (2021) Council Agenda March 5, 2021

Dear council members,

When I first moved to Lanai over two years ago, one of the first conversations I had stuck with me for a long time. When I questioned a resident about what industry sustained the island after the pineapple years their answer surprised me. They told me, albeit somewhat sarcastically, that currently the 'biggest export' from Lanai were its youth who were raised here. I didn't quite know what that meant at the time. Now I get it.

I'm telling you this because I believe affordable housing is essential in keeping and growing families here. I have grown to understand that Lanai has different circumstances and needs than the rest of Maui county. Specifically, Lanai is in need of housing options in general. To grow industry here it seems essential to have a place to grow families as well. Therefore, I wholeheartedly support moving the Hōkūao project forward as presently submitted but to align more with state law and add above moderate income (up to 140% AMI) residents as well.

Agriculture is once again a growing industry here on Lanai, and there is a need for housing to match that growth. Currently the majority of our farm employees are in their twenties. These young farmers are not only feeding their community but learning new skills that could sustain them and their families for years to come. Their skill and experience are only likely to stay here on Lanai if they have a place to live. Timing is of the essence and moving affordable housing projects forward will prevent the 'export' of these young farmers.

Thank you for your time and consideration,

Gantt Charping
Operations Manager

Cell: 808.346.0372
Gantt@sensei.ag
<http://www.sensei.ag/>



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2021 MAR -4 AM 7:55
OFFICE OF THE
COUNTY CLERK

County Clerk

From: 1bethjack@gmail.com
Sent: Thursday, March 04, 2021 12:01 PM
To: County Clerk
Subject: Support for Bill 10

Please pass this bill. It is vitally important for our island .
Mahalo,
Beth Clapper

Sent from Mail for Windows 10

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2021 MAR -4 PM 12: 36
OFFICE OF THE
COUNTY CLERK



RECEIVED
2021 MAR -4 AM 7:55

March 3, 2021

OFFICE OF THE
COUNTY CLERK

By e-mail

Re: Bill 10 (2021)
Testimony in opposition, as written
Maui County Council Meeting March 5, 2021

Aloha Council Chair Lee and Councilmembers:

Mahalo for allowing me the opportunity to share our thoughts with you on Bill 10 (2021) "Amendments to Section 2.96.030, Maui County Code, Relating to Workforce Housing Projects Developed under Chapter 201H, Hawaii Revised Statutes (Bill 10)." As written, we oppose Bill 10 (2021).

We all recognize the need for affordable housing in Maui County. It has been almost twenty five years since the last housing development was constructed on Lānaʻi –we have a housing inventory problem on Lānaʻi.

Proposed language to Bill 10 (2021)

We understand the intent of Bill 10 is to increase the amount of affordable units required for projects developed under HRS chapter 201H. Recognizing that setting the threshold for qualification as a 201H project at 75% conflicts with the 50% threshold set by State law, Bill 10 also seeks to modify another section to provide that where County Code conflicts with 201H, "the stricter provisions will control."

Bill 10 also allows, upon Council approval, chapter 201H projects with an affordable unit percentage that is greater than 50% but less than 75%.

In addition to setting a threshold for 201H qualification, the categories of qualifying households are proposed in Bill 10, notably the "above-moderate income" category is omitted.

State law defines "moderate income" as more than 100% but not more than 140% of the area median income, or AMI. Based on the existing definitions in MCC § 2.96.020, the County defines "moderate income" as more than 100% but not more than 120% and defines "above-moderate income" as more than 120% but not more than 140% AMI. To ensure consistency between the laws with regard to qualifying units, Bill 10 should include "above-moderate income" households.

Bill 10 omits the category for “above-moderate income” (using the County terminology) of more than 120% but not more than 140% AMI. We believe this was an oversight when drafting the final version of Bill 10.¹

The “above moderate” income category is our workforce, our essential workers, the same residents that you want to provide increased affordable housing options for in Maui County.

To resolve the inadvertence, we respectfully ask you to consider the addition of the “above-moderate” income level to section F of Bill 10:

Section F: Projects under chapter 201H, Hawaii Revised Statutes, are required to provide a minimum of seventy-five percent of the total dwelling units for very low, low, below-moderate, [and] moderate, and above-moderate income households, unless a lower percentage, which is greater than fifty percent, is approved by council resolution.

Hōkūao 201H Residential Project

We are also in the middle of our 201H application project for 150 single family rental units on Lānaʻi. We respectfully ask that our project continue to move through the entitlement process under the current laws that it was submitted for consideration. Changing the law after we have submitted our 201H application to the Department of Housing and Human Concerns is problematic for the Hōkūao 201H Residential Project.

Hōkūao 201H Residential Project as submitted:

- 51% affordable units in perpetuity
- Income levels up to 140% AMI
 - Currently there are only 110 affordable units on Lānaʻi, there are no projects that serve income levels between 61% and 140% AMI.
- 100% financed by Pūlama Lānaʻi—no Federal, State, or County funding

As mentioned earlier, we have a housing shortage, there is no inventory. The County has been given land (115 acres) for free to develop affordable housing as part of a condition from 1987.² The project has had its share of fits and starts over the years, the main impediment to progress is the cost of the infrastructure.³ Hōkūao could help bring down the cost of the infrastructure for the County’s affordable housing project; the two properties are adjacent to one another. Hōkūao and the County’s Project complement each other, offering optionality to Lānaʻi residents and increasing the inventory of housing by 32%.⁴

¹ See Recording of 2021-02-01 Affordable Housing Committee Meeting at time stamp 2:48:48 to 2:49:55, *available at: [Affordable Housing Committee \(2021\) on 2021-02-01 1:30 PM - Feb 1st, 2021 \(granicus.com\)](#)* and time stamp 2:58:36 to 2:58:48.

² July 1987 Affordable Housing requirement for the Kōʻele and Mānele hotels recorded at Bureau of Conveyances. February 1992, land was deeded to the County in the Unilateral Agreement for Conditional Zoning.

³ <https://www.mauinews.com/news/local-news/2015/10/lanai-residents-grill-arakawa-on-stalled-affordable-housing-project/> October 10, 2015, Maui News.

⁴ County project proposes 352 affordable units for sale (single family and multifamily), presentation by DHHC in October 2018 to the Lānaʻi community.

Bill 10 (2021) Maui County Council March 5, 2021
Testimony from Pūlama Lānaʻi

To summarize, we respectfully request you to consider the following:

- Oppose Bill 10 as written, we believe there are unintended consequences to implementing the proposed changes. We ask you to consider adding “above moderate” income to Section F.
- Support our Hōkūao 201H draft application as submitted in Q4 of 2020. The 201H draft application is currently under review at DHC. The project is designed for our workforce on Lānaʻi – 51% affordable units in perpetuity up to 140% AMI.
- Move the County’s affordable housing project forward, we need more optionality and inventory. Hōkūao could bring down the cost of infrastructure for the County’s project. Both projects could increase the inventory of housing by 32% on Lānaʻi.

Mahalo for your service to our community and for consideration of our testimony,

Keiki-Pua Dancil

Keiki-Pua S. Dancil, Ph.D.
Senior Vice President, Government Affairs & Strategic Planning

Maui County Council

Via email: County.clerk@mauicounty.us

Testimony for Friday, March 5 – Affordable Housing – Bill 10

Maui Council Chair Alice Lee
Lanai Council Member Gabe Johnson
and, all other councilmembers:

Our community has been very fortunate to have a majority owner with deep pockets who is intent on helping us to develop a sustainable economy. During the plantation days, employees were not allowed to purchase their homes until after a major strike against James Dole's Hawaiian Pineapple Company in the early 1950s.

When the island's previous owner David H. Murdock was the majority owner of the island (1985-2012), he developed two subdivisions with affordable homes for sale, constructed new homes for sale on in-fill lots within Lana'i City, and build three multi-family rental projects. The Hawaiian Homes lots were also developed along with the Courts, a low-cost housing complex using government funds. In the early 2000s, he gave employees who were renting older plantation homes an opportunity to purchase the homes they lived in. He also gave Maui County land to build more affordable houses for us. To date, this land is still vacant although our community has sat through endless meetings and surveys over the years.

Today, Pulama Lana'i has been restoring older plantation houses it owns in the community and placing them into the island's rental pool. This has helped to preserve our community's status as being one of the last plantation towns in Hawaii. It has also continued to upgrade its multi-family rental complexes and made them attractive, safe places for our families to live. However, It is still not enough! We continue to have a severe shortage of affordable homes and apartments for rent.

The Hōkūāo project being proposed by Pulama Lana'i will be 100 percent financed by it; it uses no public funding or grants. Our community has the lowest unemployment and poverty rates in Hawai'i. We have always been able to take care of our own, but now, we must ask you, as councilmembers to help us open up our rental housing inventory and to move forward on the County's project to build houses for sale on the land which has been sitting vacant.

Hōkūāo is not going to be the end solution to our housing problems, but it is certainly a start to help us attract younger people to Lana'i to fill our job vacancies. Please align State and County guidelines to include incomes up to the 140 percent AMI with 51 percent of affordable units. Then, hopefully the County will be able to move forward to finally build affordable houses for sale which we have been waiting impatiently for.

My testimony reflects my own personal opinions as a life-long member of this community. When I returned to Lana'i in 1980, we were a dying community. We have a chance to make this a model community of healthy living with vibrant, active residents of all ages. Mahalo.

Alberta de Jetley, P. O. Box 630601, Lana'i, HI 96763 email: 808-649-0808

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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

March 3, 2021

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

RE: Bill 10 (2021) - A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES

Aloha Council Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers,

My name is Jason Economou, and I am Government Affairs Director for the REALTORS Association of Maui (RAM). I am submitting this testimony on behalf of RAM, and its 1,700+ members, in **strong opposition** to Bill No. 10 (2021) and the negative impacts it will have on housing opportunities for the working class.

RAM opposes this bill for a variety of reasons, but foremost among those reasons is the fact that **it removes a major incentive to develop housing for households making between \$117,000 and \$136,500 annually** (“above-moderate-income” households). If developers do not have an incentive to build housing for households in that income range, developers will choose to build higher priced housing to offset their costs and make a profit. This is not fear mongering, this is not speculative, this is the basic economics of capitalism. Granted passing Bill No. 10 in its current form would likely lead to increased commissions for my members, but RAM still opposes it because it is harmful to our working class and directly contravenes our goal of “a home for everyone.” With that in mind, **we ask that you not pass Bill No. 10 because it will reduce housing opportunities for all households making between \$117,000 and \$136,500 annually.**

Let me provide some perspective on the types of households that are making between \$117,000 and \$136,500 annually (this is the “above-moderate-income group” that will be cut out of 201H benefits if Bill No. 10 passes). First, I want to tell you about my friend James and his wife Heather¹. Heather works for the Department of Education in a specialized position that requires a graduate degree (which resulted in a lot of student loan debt). James has no higher education, but he has been working as a fisherman since his teenage years, and he is currently working two jobs. James and Heather were both born and raised on Maui, and they were only able to return to Maui after a brief period on the mainland because

¹ I'm using fake names throughout because some of you personally know the families of the individuals I am talking about. Notwithstanding, these are real circumstances of people I/(we) know.

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COUNTY CLERK

they are able to live with family. James and Heather have been saving up to buy a house for years and they are currently expecting their first child. Their annual household income (roughly 125-130% AMI) would disqualify them from reaping any benefit from future 201H projects on Maui if Bill No. 10 passes. Their credit is good, their finances are in order, and they can qualify for a loan for an affordable home, but they have been priced out of the regular housing market. If you pass Bill No. 10, you are turning your back on James and Heather and reducing their housing opportunities.

I also want you to know about my friends Alice and Ken, who were also born and raised here on Maui, also expecting their first child, and also at risk of being cut out of the housing market completely through the passage of Bill No. 10. Alice is passionate about organic farming, and has been trying to make farming her primary occupation for approximately 4 years, but she still has to work at one of the hotels to afford health insurance. Ken works for a locally-owned company that sells financial products, and he also works in the service industry on the side for extra money. Alice and Ken have essentially given up on the dream of homeownership for the foreseeable future, and have resigned themselves to staying in a 400 square foot ohana on a parent's property. They are currently trying to figure out how to fit a baby in there with them, because they know that homeownership is only going to get less likely unless something changes. The changes proposed in Bill No. 10 will only reduce the likelihood of Alice and Ken being able to afford a home on Maui. That is the truth, and that is what everyone in the industries of housing, development, and economics have been trying to tell you, so please stop dismissing it as "fear mongering." Real people will be negatively impacted by this legislation, even if it was proposed and voted on with the best of intentions. Intentions do not negate consequences.

On page one of the County of Maui's *Countywide Policy Plan*, the core themes of the plan are enumerated and "Expand Housing Opportunities for Residents" is among them. On page forty-one of the plan, it is explained that, "to achieve balance in the housing market, it is important to work cooperatively with developers to ensure a range of housing options is available for varying income levels and demographic groups." **The passage of Bill No. 10 is clearly in opposition to the County's own policy plan, and you should all vote to oppose it, especially in its current form.** Not only does Bill No. 10 disregard input from developers, economists, and housing experts, but it clearly removes incentives for developers to "ensure a range of housing options available to varying income levels and demographic groups" by cutting out any household making above \$117,000 a year. Please follow your own policy and vote NO on Bill No. 10.

Along similar lines, **even if you amend Bill No. 10 to include above-moderate-income households, this legislation is still expected to reduce housing opportunities for our residents.** You've received written and oral testimony by a number of experts explaining how inclusionary zoning policies that increase affordable unit requirements above 50% ultimately result in a decline in housing production and an increase in housing prices. This was true when UHERO studied inclusionary zoning policy in 2010, it was true when Linda Schatz provided oral testimony on the matter at the last council meeting, and it is true as outlined in the testimony of the Grassroots Institute of Hawaii. These experts have no reason to lie about this, and the data that they reference is true and accurate. Don't fall into the trap of confirmation bias just because the idea of requiring 75% affordable units sounds good and is popular with people who are not familiar with economics or housing policy. You have a duty to make decisions based on what is good for the County, and not what is good for your public popularity. **Mandating 75% affordability for 201H projects will remove 201H as a housing "tool" from the County's "toolbox," and lots of knowledgeable people are trying to explain that, so please stop ignoring them.** Just because they disagree with you doesn't make them wrong, it doesn't make them

greedy, it doesn't make them "fear mongers," and it doesn't make them unsympathetic to the plight of low-income households. It does, however, strongly suggest that Bill No. 10 is bad policy that should not be passed into law.

Finally, it is worth noting that this legislation does not seem to be backed by any research or apparent need. As many Councilmembers keep pointing out, the County is already receiving 201H applications for projects that are 75% affordable or more, and they are receiving these applications without cutting out working class households. That would strongly suggest that the legislation is working as desired, so why change it? No economic study was conducted that calls for this, and the Council hasn't even been given the opportunity to see the \$300,000 housing plan that you paid for, but Jeff Gilbreath has said that they WILL NOT recommend changes to the 201H process in Maui County. Notwithstanding, without any support from research, experts, or an apparent need, this Council seems poised to make a major policy change that most experts are warning you not to. To make matters worse, rather than listening to any of the feedback from stakeholders and experts, some Councilmembers are mischaracterizing these warnings as "fear mongering," accusing individuals of improper motives for their testimony, making false equivalencies, and using their position of authority to try and silence critics through intimidation tactics. It is simply unconscionable.

The REALTORS Association of Maui has a vision that guides our advocacy, and that vision is *A Home For Everyone*. The changes proposed through Bill No. 10 will ensure less housing opportunities for all households making more than \$117,000 per year, and it will ensure less 201H projects coming to Maui County overall. This may result in higher commissions for RAM members when there is even less housing inventory in the years to come, but RAM still strongly opposes Bill No. 10 because it is in direct opposition to our vision. We want a home for everyone, not reduced housing opportunities for the working class. For the foregoing reasons, we strongly urge you to oppose Bill No. 10.

Mahalo,



Jason A. Economou
Government Affairs Director
REALTORS Association of Maui

County Clerk

From: GAIL FUJIWARA <gnfmaui@gmail.com>
Sent: Thursday, March 04, 2021 4:15 PM
To: Alice L. Lee; Gabe Johnson; Tamara A. Paltin; Keani N. Rawlins; Kelly King; Shane M. Sinenci; Mike J. Molina; Yukilei.Sugimura@gmail.com; Tasha A. Kama; County Clerk
Subject: Resolution Relating to the Purchase of the Maui News Property

Chair Lee and Councilmembers,

Subject: Resolution Relating to the Purchase of the Maui News Property

After viewing recent meetings, it is clear that the council is prepared to spend \$9.8 million for the purchase of the Maui News property. It is also clear that the council has put its interests ahead of other county employees. Mandating an entire additional floor and 30 parking spaces for the Council and Council Services employees is ridiculous. 9,000 square feet for a relatively small department such as OCS, that already occupies the two floors, raises many questions as to why that much additional space is necessary?

Many councilmembers, their staff, and OCS employees have been working remotely during the pandemic, freeing up space. Can this policy not be continued? Why would the council force out other departments' employees from the county building when it makes much more sense to relocate employees in rented office space to the newly purchased property?

Other departments have sacrificed, by coming to work during the pandemic in tight working quarters to serve the public. Shower curtains and other materials have been used to separate workstations.

The Council mandating 30 parking stalls for themselves, will cause employees who are on the list to wait longer. Currently the wait time for a parking stall is at least 10 years. What makes the Council and OCS staff more important than the other County employees? This is just another example of the County Council taking care of itself and its employees over everyone else.

Gail Fujiwara

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County Clerk

From: Jeff Gilbreath <jeff@hawaiiancommunity.net>
Sent: Thursday, March 04, 2021 10:19 AM
To: County Clerk
Subject: Comments - Bill 10

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Importance: High

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Aloha e Maui County Councilmembers,

I am submitting comments for Bill 10 on behalf of Hawaiian Community Assets, a community development nonprofit founded in Maui in 2000 that has assisted more than 6,000 Hawaii residents secure or sustain affordable housing.

On November 9, 2020, the Office of Council Services contracted Hawaiian Community Assets and our partners to develop a comprehensive affordable housing plan that would result in 5,000 affordable homes in 5 years for local residents earning at or below 120% area median income. We have been instructed by the Council to look at how to improve the County's 2.96, 2.97, and 3.35 housing ordinances, make changes to zoning and tax policy, and recommend other County actions to achieve the ambitious goal. Over the last 4 months, our team of planners, engineers, developers, financiers of affordable housing, housing counselors, and community development nonprofits have been tasked by the Council to both research affordable housing solutions across the United States that could be applied in Maui County and implement a robust community outreach plan to gather solutions from your constituents.

As a result of our community outreach to-date, local residents have voiced no concerns or recommendations to increase the percentage of affordable units required under 201H.

As a result of our research into other communities, we have found no clear evidence that suggests increasing the requirement of affordable housing units within inclusionary zoning ordinances like 2.96 and 201H, alone, is a tool to increase the number of homes that get developed for households at or below 120% area median income.

Preliminary building permit data for the County of Maui has been gathered by our team that shows, at most, 13 homes were developed between 2007 and 2014 that were affordable for households at or below 140% area median income. This was during the period when the County's 2.96 ordinance required 50% of units in any development be built as affordable for this target population. Then, in 2015, the number of homes affordable for households at or below 140% area median income began to increase and continued through 2020 when the 2.96 requirement was reduced from 50% to 25%. Our team is still verifying the permit data with the Planning Department. At this point, it is unclear how much of the increase in affordable housing units for the aforementioned period can be attributed to the changes to 2.96 versus the increase in low-income housing tax credit developers that are now present in Maui.

As we prepare to present to the Council on March 15, 2021, our team will not be making recommendations to increase regulations on developers, alone, as a tool to build 5,000 affordable homes. Instead, our recommendations will be comprehensive, per the Council's request, and focus on creating opportunities for your constituents to rent and buy affordable homes. This will require bold action by the County and strategic investments that must be made and leveraged to deliver affordable homes from households earning less than \$25,000 annually (30% area median income) up to families earning \$101,000 (120% area median income).

Should you have any questions, please do not hesitate to contact me directly at 808.587.7653 or jeff@hawaiiancommunity.net.

Mahalo for your time and leadership,

Jeff Gilbreath *he/him/his (what's this?)*
Executive Director
Hawaiian Community Assets

200 N. Vineyard Blvd. #B140
Honolulu, HI 96817
Direct: 808-587-7653
Main: 808-587-7886
Toll Free: 866-400-1116
TTY: 877-477-5990
Fax Direct: 808-628-6879
Web: www.hawaiiancommunity.net

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County Clerk

From: Sandi loakimi <sioakimi@gmail.com>
Sent: Wednesday, March 03, 2021 9:21 PM
To: County Clerk
Subject: Bill 10

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I'm in full support of moving Bill 10 forward to become law.

Sandi loakimi
Kihei

County Clerk

From: Joe Imhoff <joe@skylineconservation.org>
Sent: Wednesday, March 03, 2021 7:25 AM
To: County Clerk
Subject: Testimony (re-sent) for March 3, 2021 CARE committee meeting

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Aloha,

My previous email testimony got cut off. Please use this final version of testimony.

I am writing today in strong support of the Climate Change, Sustainability, and Resilience Office.

I am the Program Manager for the Pohakuokala Gulch Community Forest Restoration Project (**PGCFRP**) which is a charitable program of Na Koa Manu Conservation. We have been partnering with the County of Maui since 2019 and have executed a series of ambitious native habitat restoration projects with remarkable results. Since 2019 we have cleared about 6 acres of invasive Eucalyptus globulous trees also known as Bluegum Eucalyptus. These are some of the worst ecosystem modifiers in upcountry Maui. Introduced from Australia in the 1800's these drought resistant hardwood trees grew into some of the largest and impactful trees on Maui that have been unfortunately compromising the stability of local watersheds by drying out fresh water resources where they grow. Eucalyptus globulous have recently become completely infested with snout weevils and tortoise beetles that are killing 100% of them which is good for the ecosystem, however it is a major liability for people, property, and overall public safety. The first wave of Eucalyptus dieoff happened on Piiholo Road a few years ago where County Emergency funds helped remove the roadside trees that were falling on houses and vehicles. Unfortunately all upcountry E. globulous forested areas on Maui are suffering the same fate of 100% mortality. For perspective these trees stand up to 185ft tall and have a diameter of up to 8ft across. Thanks to the financial support from Maui County, State of Hawaii, and Federal Government programs **PGCFRP** has developed a strategic method of felling the extremely large trees and utilizing 100% of the biomass for native habitat regeneration. All wood that will fit into a large woodchipper is ground into mulch and broadcast throughout the restoration project site. Extremely large logs are strategically placed into the landscape for erosion control during storm runoff events. As they decompose naturally they will retain moisture and nutrients that benefit native outplantings. Roughly 1,500 native trees and shrubs have been planted into the cleared landscape thanks to the support of County of Maui funding. 4,000 additional native trees are scheduled to be planted in these areas by the end of calendar year 2021.

During the pandemic and economic shutdown in 2020, **PGCFRP** was able to partner with Kupu Aina Corps program and provide essential jobs for 4 community members who were able to get off of unemployment for the duration of a 2 month contract and participate in the execution of County funded restoration project. These entry-level workers gained valuable on-the-job experience in a variety of land stewardship skills. This was an amazing opportunity to diversify the local tourism dependant economy. Conservation is essential!!!

In fiscal year 2021, **PGCFRP** has received county funding to construct a game fence to protect our 46 acre restoration site from feral pig and deer damage. Once our site is completely ungulate free in 2021, we have been selected by the plant extinction prevention program as a suitable location for outplanting some of the most threatened and endangered species on earth.

In conclusion, **PGCFRP** would not be where it is today without the amazing support of County of Maui grants programs and funding resources. The Climate Change, Sustainability, and Resilience Office is essential to the well being of Maui's fragile ecosystems that are struggling to survive the onslaught of climate change and invasive species. It is our sincere wishes that the Climate Change, Sustainability, and Resilience Office is funded by the County of Maui for the long term.

Mahalo

--

Joseph Imhoff
Program Manager

Skyline Conservation Initiative

808-250-1469

www.skylineconservation.org

[Join our mailing list](#)

County Clerk

From: Leslie Jaramillo <leslieuj@hawaii.edu>
Sent: Tuesday, March 02, 2021 9:03 PM
To: County Clerk
Subject: WATER/SEWER CREDITS TO DHHL

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As a beneficiary of DHHL waitlist, I am in SUPPORT of granting Water and Sewer credits to Dept of Hawaiian Home Lands. West Side of the island of Maui has only ONE Hawaiian Home phase and we demand more homes to be built which means we need water and sewer credits granted to DHHL... We have waiting forever on the list and we deserve more homes to be built before more resorts...

Mahalo,

Leslie Jaramillo

County Clerk

From: Uilani Kapu <uilani@mauichocolate.com>
Sent: Friday, March 05, 2021 9:37 AM
To: County Clerk

Cr21-13 item number 17 Jeff Ueoka

Aloha County Council

My name is U'ilani Kapu and I have a concern with Mr. Ueoka sitting on the Police commission due to his affiliations as the past Cooperation Council, Attorney for West Maui Land Company.

I feel he may change things that may benefit the company he works for.

Mahalo nui

U'ilani Kapu
808-250-1479

County Clerk

From: MaryLou Kaukeano <mlk924@gmail.com>
Sent: Wednesday, March 03, 2021 12:45 PM
To: County Clerk
Subject: Bill 10 (2021)

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Aloha County Council,

I am in support of the intent to increase the number of affordable housing units in the County.

I think it is important to all the islands in Maui County, but we do have to remember each island has different circumstances. I understand that the County is dealing with homelessness but the Island of Lanai is not. I also understand that the County of Maui has 3 islands and we are not all the same and there should be some stipulations for each island.

Lanai residents need to have housing but also need to align with the new proposal with the State law, by adding the above moderate income level to 140% AMI into Section F.

The affordable housing units on Lanai do not provide options for income levels above 61% AMI.

The residents of Lanai still would not qualify for housing if the bill is passed the way the County wants to pass it.

The county has not provided any affordable housing for Lanai residents in over 30 years, maybe you should build on the land that was turned over to the County many years ago.

Remember we are one County but we are 3 different Islands. Lanai and Molokai have different needs than the island of Maui.

Sincerely,

MaryLou Kaukeano
PO BOX 631174
Lanai City, HI 96763

(808)563-2703



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STATE OF HAWAII
DEPARTMENT OF EDUCATION
LĀNA'I HIGH & ELEMENTARY SCHOOL
P.O. BOX 630630
LĀNA'I CITY, HAWAII 96763

March 3, 2021

Maui County Council
By email: county.clerk@mauicounty.us

RE: "A bill for an ordinance amending section 2.96.030, Maui County Code, relating to residential workforce housing projects developed under Chapter 201H, Hawaii Revised Statutes."

Dear Chair Lee and Council Members:

I am writing in opposition of Bill No. 10 (2021), "A bill for an ordinance amending section 2.96.030, Maui County Code, relating to residential workforce housing projects developed under Chapter 201H, Hawaii Revised Statutes." The reason I oppose this bill relates to the requirement "to provide a minimum of seventy-five percent of the total dwelling units for very low, low, below-moderate, and moderate-income households, unless a lower percentage, which is greater than fifty percent, is approved by council resolution."

Specifically, I oppose this requirement based upon my former experience as a Corporate Banking Officer at Liberty Bank and as an Internal Asset Review Officer at American Savings Bank. As a Corporate Banking Officer who reviewed loan requests from commercial real estate developers, I would question their ability to repay my loan as the percentage of market rental units decreased. At some point, I would reject the loan because of the questionable cash flows to cover operating expenses and make timely loan payments. I realize Pulama Lana'i will most likely not seek external financing, however, not being able to cover their project costs may dissuade them from going forward with the project.

I would like to commend the council members that supported the increase in affordable units as I know their motivation was to support a greater number of residents who need this assistance. However, there are situations where expanding the number of beneficiaries could jeopardize the project, and in the end, everyone loses.

My major concern is housing for my faculty and staff at Lana'i High and Elementary School. This is my eighth year at the school and every year my greatest challenge is to fill my teaching vacancies. At the beginning of last school year and this year as well, I stopped my recruiting efforts because there were no more available rental units on the island. In both years, there were unfilled vacancies that we ultimately staffed with substitute teachers. Pulama Lana'i has supported the school by providing an inventory of rental units for my staff and I realize they need to balance their support to the school with the needs for their entities' personnel as well.

I also question the number of residents that might qualify for the increased affordable units. Our school has been a Title I school only once in my time here. This means the number of families that qualify for Free and Reduced School lunches based upon income is below the percentage required to qualify for Title I funds. I surmise, from knowing my families, that this is so because many of my parents have second and sometimes third jobs. Should there not be enough qualifying residents for the affordable units, these units would remain vacant, while at the same time there may be a shortage of available market rental units to meet the demand.

Thank you for allowing me this opportunity to provide testimony.

Sincerely,

Elton Kinoshita
Principal

Maui County Council

Re: Affordable Housing on Lanai: unintended consequences of bill 10 on March 5, 2021 Council Agenda

Aloha Chair Lee and Council members:

We have two landowners that have planned affordable housing projects, the County of Maui (100% affordable for sale, conceptual / design phase) and Pulama Lanai (51% affordable for rent, Hokuao draft 201H application submitted to Department of Housing and Human concerns). The proposed bill may have intended consequences for the only planned affordable projects on Lanai. We are not like Maui, where there are many landowners. Collectively, both projects could increase the housing inventory on Lanai by 32%.

There is a need for affordable housing on Lanai. Our depleted housing inventory levels are resulting in families living in over-crowded situations. Consequences of multiple families living in one home can be detrimental to the well being of residence. Lanai has the lowest unemployment and poverty rates in Maui County. Many residents are prohibited from moving into their own home due to the lack of inventory and not necessarily due to financial constraints.

There are possible solutions to our housing shortage if the County is willing to help us. We ask that you...

- Align state and county guidelines to include incomes up to 140% AMI
- Support the Hokuao rental project with 51% affordable units
- Move the County's Lanai affordable homes for purchase project forward

The fact that Hokuao will be 100% financed by Pulama Lanai and no public funding or grant funding will be used is a taxpayer benefit. Affordable units will also remain in perpetuity.

Maui County could take advantage of the infrastructure that Pulama Lanai will install should Hokuao be built. The two properties are adjacent to one another, stubbing out the infrastructure from Hokuao, could reduce the infrastructure expenses for the County's project. Land was given to the County for free and our community has been patiently waiting for the County's promise of affordable housing for nearly 30 years.

The proposed bill for an ordinance amending 2.96.030 would have unintended consequences for our community. Many of our residents seeking opportunities to rent would fall into the category of 120%-140%AMI. They would not qualify for affordable housing under the guidelines. This would defeat the purpose of creating the availability of more affordable homes. Currently, there are no affordable housing units available for residence earning between 60%-140% AMI. Hokuao could meet this unmet need.

Please make Lanai housing a priority. We humbly ask you to support our Lanai community by providing opportunities to rent at Hokuao or purchase homes at the Maui County affordable housing project on Lanai.

Mahalo for your consideration,

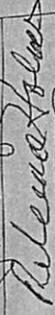
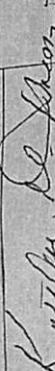
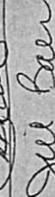
Jenna Majkus

RECEIVED

2021 MAR -4 AM 7:56

OFFICE OF THE
COUNTY CLERK

Aloha,
Previously sent a letter on affordable housing. Please add signatures to letter.
Mahalo,
Jenna Majkus.

Printed Name	Signature
Jenna Majkus	
Rebecca Holmes	
Kendall Archer	
JILL BAER	
PAT DRENNAN	
Armen Majkus	
Darrell St Clair	
Marco Perata	
Molly Dunwell	

--
The Local Gentry
Jenna Majkus
808-565-9130



RECEIVED

2021 MAR -3 AM 7:49

OFFICE OF THE
COUNTY CLERK

Aloha Kākou,

Mahalo for allowing KAEHU to submit testimony to share about the work being done at Ka'ehu Bay to help manage and maintain the 64-acres of coastal wetlands in Paukukalo in the district of Wailuku. Ka'ehu is directly impacted by climate change and we recently received a grant for resiliency planning. KAEHU receives funding from the Office of Economic Development for the Community Environmental Stewardship Program, which supports volunteer coordination, public and private schools field trips, cultural and educational workshops, STEM outdoor classrooms and more.

KAEHU's staff has been working diligently over the past 4 years to work with community leaders, environmental specialists, educators, and planners to help establish a planning process. Through workshops, community feedback, and the planning consortium, KAEHU has been able to secure funding and resources needed to help in the long-term planning and management of the Coastal Wetlands. Environmental conditions we are studying and addressing include climate change, shoreline management and plastic marine debris removal, King's tides, erosion, coral bleaching, depletion of marine life, water quality, and toxic runoff into the coastal wetlands. We are diligently seeking support from National, State, and County governments to help us clean up, restore and maintain a healthy coastal wetlands ecosystem.

KAEHU's Contribution:

The projects currently in progress to address the management, restoration, and conservation of the 64-acre parcel at Ka'ehu Bay include:

1) Volunteers, \$87,500 - over the past 4 years, KAEHU staff have worked with over 3,500 volunteers (over \$87,500 value) to help with land restoration, shoreline clean ups, stream clearing and maintenance, removal of excessive hau overgrowth, and removal of rubbish and toxic materials. Due to covid-19 restrictions, volunteer numbers have dropped significantly, but we are slowly receiving requests from public and private schools and community groups to help at Ka'ehu.

2) Community Planning Meetings & Workshops, \$120,000.00 - KAEHU board and staff have been meeting with architects, planners, cultural practitioners, community leaders, and government agencies to help in developing a conservation and land management plan for the area. The Ka'ehu Planning Consortium was established in August 2017 to assist in guiding the planning process. Experts and specialists have been volunteering their time (valued at over \$40,000.00) and resources to keep the planning process moving forward to transform the vision and hard work to develop a Community Cultural & Educational area for the neighboring communities and Maui.

Long-term Planning grant - KAEHU has received \$90,000 from NDN Collective to secure a planner and facilitator to help with the long-term planning process and start a Master Plan for the area with community input collected over the past 20 years and today.

3) NRCS Application - KAEHU is working with the Maui office of Department of Agriculture, Natural Resources Conservation Services for support in the conservation of Ka'ehu Bay.

4) Archaeological Inventory Survey, \$180,000.00 - KAEHU is working with Archaeologist Tanya Lee-Greig, owner of Āina Archaeology to complete an AIS for the area. She is training youth in archaeology and helped develop SOP's for the Mālama Āina crew to remove debris/overgrowth without disturbing the ground and possible artifacts and cultural sites. The market cost for the AIS is \$180,000 and KAEHU secured \$90,000 for Āina Archaeology.

5) UH Manoa student volunteer, \$12,000 – Dustin Palos, a Maui college student studying Environmental Science has selected Ka'ehu Bay as his site to do an Environmental Conservation Plan for his degree. He will be working with KAEHU, UH Manoa, UH Maui College, NRCS and the planner to help further support the Ka'ehu Community Resiliency Plan.

6) KUPU Interns - \$72,000 worth of internship labor provided to Ka'ehu for land restoration, natural resource management, and shoreline clean-ups.

7) DOE Nahona - KAEHU has been selected as a "Vendor" by the Department of Education as a site available to public schools for cultural education and activities. This will increase the number of schools and students utilizing Ka'ehu Bay as a cultural and STEM outdoor classroom.

KAEHU has secured over \$471,500.00 for services to help support and plan for the coastal wetlands protection.

Equipment & Usable Space has been secured through other grants to help manage and maintain the area, including:

- ATV, \$17,500 – used by the Mālama Āina crew to haul landscaping equipment and do site inspections. It is also used by the scientist and experts to transport equipment to do testing in the area for data collection.
- Portable Office Space, \$20,000 – the portable office and classroom area provides a space for staff to work and area for workshops and classes.
- Storage Container, \$3,500 – donated by Young Brothers LTD to store equipment.
- Greenhouse, \$5,500 – funding to build greenhouse nursery for plants to be used in the area.
- 15-passenger van, \$42,000 – used for the after-school and summer programs and also used for small groups/schools visiting Ka'ehu Bay.
- Laptops \$10,000 – apple laptops, ipads, tablets, and computers used for office work, data collection, graphics, video editing.
- Water Quality Testing Equipment \$7,500 - equipment to perform regular water quality tests.

KAEHU received \$106,000.00 for Equipment & Usable Space.

KAEHU has been successful in securing outside funding to help with the maintenance, management and long-term planning for the 64-acre coastal wetlands at Ka'ehu Bay. We will continue to secure other funds to support this area and need support and assistance from the County of Maui Open Space Funds to help manage and maintain the rivers, streams, underground springs, and shoreline, along with provide funding for security services to protect the neighborhood from drug and criminal activities that have been plaguing this area for the last 20 years. This is in accordance with County, State, and Federal laws pertaining to coastal wetlands, rivers, streams and shorelines.

In the past two years, KAEHU has secured \$577,500.00 of monies and resources to help provide programs, services, equipment and labor for the area. These monies help to support KAEHU's mission to manage and maintain the 64-acre coastal wetlands.

We appreciate this opportunity to testify. Please feel free to schedule a site visit with us or contact us if you have any questions.

Mahalo nui loa

A handwritten signature in black ink, reading "Kuleinani Maunupau". The signature is written in a cursive, flowing style.

Ku'uleinani Maunupau
Executive Director
KAEHU
kuulei@kaehu.org
(808) 250-2348

County Clerk

From: abner nakihei <hangloosesurfclub@gmail.com>
Sent: Thursday, March 04, 2021 8:32 AM
To: County Clerk
Subject: Agenda item CC21-138

RECEIVED

2021 MAR -4 AM 8: 54

OFFICE OF THE
COUNTY CLERK

Aloha! My name is Abner Nakihei Jr. I'm a lessee at the Hawaiian home's in Lahaina at the villages of Leialii. I'm also on the waiting list for the Ag lots Hawaiian Homes in Honokowai. This is my written testimony for:

Agenda item CC21-138

My understanding is these are like a paid reservation of sewer space or water use for a lot. There were about 100 sewer credits or so that have expired since building the first phase of Leialii. I would like for the county to fund this infrastructure need (and renew those that have expired) for both residential and ag in hopes that State/Fed sources can see West Maui is serious about moving these projects forward. For the ag lots I would urge DHHL to grant the awards already especially to West Maui beneficiaries so they can input on a plan and get things moving before even more on the list pass on and to give down line beneficiaries an opportunity to realize Prince Kūhio's vision. This is his birth month on the centennial anniversary of this action he passed through US Congress. We fund a lot through the affordable housing fund for non-Hawaiians and can do nothing to prevent folks from anywhere USA from moving into those projects, after nearly a century we need to get Hawaiians in West Maui on these lands. Honokowai has been sitting there for 26 years and it is trashed during these COVID times subsistence ag is more important than ever before.

Mahalo,

Abner Nakihei Jr
(808) 250-9930

County Clerk

From: Larry Nixon <larry@sensei.ag>
Sent: Wednesday, March 03, 2021 1:01 PM
To: County Clerk
Cc: Gabe Johnson; Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Bill 10 (2010), opposed as written—suggestion to align with state law to add “above moderate” income

Clerks Office and Council members,

Good morning from Lanai. While I have written in support of the affordable housing project on Lanai, as a resident and a business operator ; I was encouraged by my staff to write on behalf of this farm and its team. As much effort as I have put in to understanding the complexity and then explaining it to the staff, it really comes down to Lanai is different from the rest of Maui County. We are helping to get agriculture thriving again here on Lanai, growing people and plants, encouraging them to stay on Lanai, start their families here. I applaud your efforts thus far; to increase the number of affordable housing units here.

Speaking from the farm; this team would be best served by aligning the new proposed language in Bill 10 (2021) with State law, by adding the “above-moderate” income level up to 140% AMI into Section F of Bill 10. We are working hard to offer food security within the state, and this is more suited to their needs. Meeting the “above moderate income “ needs is covered well with the Hōkūao project. The additional language in Bill 10, that more closely matches the state law in much more representative of the needs here on Lanai. Currently the affordable housing units on Lanai do not provide options for income levels above 61% AMI, it is equally important to grow people, alongside our crops, with housing options, the team has something to strive for. Please approve the Hōkūao 201H application as submitted, we need work force housing with options at every level.

While not wanting to cover again my previous letters of support, I must mention, the reason for my pleas. I have spent half my life, getting back to this most special place and just farm. I remind my team we are in service to those we feed, always be on the lookout for ways to be better, which boils down to wide eyes, and a servant’s heart, can’t lose! Each of you have chosen to serve, keep this moving forward and we can’t lose. When it is safe to travel again, I encourage you all to visit our team, here on the farm, let us tell you our story, and show you the real impact of moving Maui County’s affordable housing projects forward, translates to food security,

Respectfully,
The Sensei-Lanai Farms team

RECEIVED
2021 MAR -3 PM 1:07
OFFICE OF THE
COUNTY CLERK

Charles H. Palumbo
PO Box 631702
Lanai City, HI 96763
(808) 563-0036

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2021 MAR -3 PM 3:11

OFFICE OF THE
COUNTY CLERK

March 3, 2021

Maui County Council

By email: county.clerk@mauicounty.us

RE: Affordable Housing on Lānaʻi: unintended consequences of Bill 10 on March 5, 2021 Council Agenda

Aloha Chair Lee and Councilmembers,

I would like to share my thoughts on the proposed Bill 10 regarding change of income qualification and proportion of affordable housing units per development.

1. **The proposed proportion of affordable units per development, changed from 51% to 75% is onerous and extremely unusual in the US.** My understanding is only THREE counties in the entire USA have such a proportion of affordable and those counties have all seen a downturn in development projects after legislation was enacted. Although your heart may be in the right place, the actual result could be disastrous for Maui County if enacted, especially Lanaʻi.
2. **Lowering the qualifying affordable threshold doesn't make sense in Lanaʻi's economy.** Lowering the maximum qualifying AMI from 140% to 120% restricts many Lanaʻi families from qualifying for the affordable units being offered for rent once the Hokuao project is completed. Many of our teachers, construction workers, and other semi-professionals will earn too much to qualify for affordable housing. A family of 4 with Mom and Dad working and both earning over \$16 an hour at a max of 40 hours per week will not qualify for affordable housing! The present administration is pushing for a \$15 an hour Federal Minimum Wage. That means ANYONE legally employed at \$1 an hour over minimum wage soon will NOT qualify for affordable housing. Does that make sense?
3. **Lanaʻi has the lowest unemployment rate in all of Maui County.** We have no homeless problem. We have a housing problem! We need more and better housing for our hardworking community. There are many multi-generational Lanaʻi families of 8 or more living in cramped plantation homes built 80 years ago for a family of four. This is not due to the cost of rentals but rather a lack of inventory.

4. **Please get started on the Maui County Affordable Housing project!** Lanaʻi needs affordable homes for sale AND rent. The proposed Hokuao project will add 150 much needed rental units to the Lanaʻi home inventory. These homes will be unlike any others in Maui County. Solid wood construction (less chance of mold and less interstitial wall space for pest infestation and toxins to be released into the home environment). Hokuao will feature Tesla roof tiles and back-up battery power. Each home will be situated on a minimum of 8,000 SF lots, larger than any other 201H single family development ever built in the County. Hokuao will be a walkable community with close access to work, school and market.

Councilmembers, please get started on development of for-sale product in the acreage given to the County over 30 years ago. We need affordable for sale product also to compliment the proposed Hokuao workforce rental inventory. The developers of Hokuao are willing to greatly reduce the infrastructure of the County affordable for-sale project by stubbing out utilities close to the proposed County project thereby saving millions in infrastructure costs. Please get moving on the County project and fulfill the promises made over 30 years ago to develop affordable homes for sale! The Hokuao developers are ready to assist!

5. **At the very least, please grandfather the Hokuao project so we can address our housing crisis.** As Councilmembers, what you can do to help us here on Lanaʻi is to grandfather the Hokuao project and exempt it from Bill 10's proposed changes to 201H development standards in Maui County. Hokuao has been in the planning stages for over five years now, has been submitted for entitlement approvals, and has the commitment for funding with NO government assistance. We need this project as it addresses the needs of the island's critical housing shortage and delivers a very high quality housing product affordably. Please support our project!

Thank you for your consideration.

Sincerely,



Charles H. Palumbo

County Clerk

From: Diane Preza <dpreza@pulamalanai.com>
Sent: Thursday, March 04, 2021 11:25 AM
To: County Clerk
Cc: Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Gabe Johnson; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Affordable Housing on Lānaʻi
Attachments: Affordable housing_signatures.pdf

Aloha Clerk,

Please accept the written testimony of Lānaʻi residents regarding the unintended consequences of Bill 10 and how it may negatively affect affordable housing on Lānaʻi. There are 16 signatures attached to the letter. I appreciate you allowing the written testimony into the record.

Respectfully,
Diane Preza



Diane Preza
Director of Community Affairs
1311 Fraser Avenue | PO Box 630310 | Lānaʻi City, Hawaiʻi 96763
Tel 808 565 3990 | Fax 808 565 3881 | Cell 808 224-5769
www.pulamalanai.com | dpreza@pulamalanai.com

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2021 MAR -4 AM 11:36
OFFICE OF THE
COUNTY CLERK

March 3, 2021

Maui County Council
By email: county.clerk@mauicounty.us

RE: Affordable Housing on Lānaʻi: unintended consequences of Bill 10 on March 5, 2021 Council Agenda

Aloha Chair Lee and Council members:

We have two landowners that have planned affordable housing projects, the County of Maui (100% affordable for sale, conceptual / design phase) and Pūlama Lānaʻi (51% affordable for rent, Hōkūao draft 201H application submitted to Department of Housing and Human Concerns). The proposed bill may have unintended consequences for the only planned affordable projects on Lānaʻi. We are not like Maui, where there are many landowners. Collectively, both projects could increase the housing inventory on Lānaʻi by 32%.

There is a need for affordable housing on Lānaʻi. Our depleted housing inventory levels are resulting in families living in over-crowded situations. Consequences of multiple families living in one home can be detrimental to the well-being of residents. Lānaʻi has the lowest unemployment and poverty rates in Maui County. Many residents are prohibited from moving into their own home due to the lack of inventory and not necessarily due to financial constraints.

There are possible solutions to our housing shortage if the County is willing to help us. We ask that you:

- Align State and County guidelines to include incomes up to 140% AMI
- Support the Hōkūao rental project with 51% affordable units
- Move the County's Lānaʻi affordable homes for purchase project forward

The fact that Hōkūao will be 100% financed by Pūlama Lānaʻi and no public funding or grant funding will be used is a taxpayer benefit. Affordable units will also remain in perpetuity.

Maui County could take advantage of the infrastructure that Pūlama Lānaʻi will install should Hōkūao be built. The two properties are adjacent to one-another, stubbing out the infrastructure from Hōkūao, could reduce the infrastructure expenses for the County's project. Land was given to the County for free and our community has been patiently waiting for the County's promise of affordable housing for nearly 30 years.

The proposed bill for an ordinance amending 2.96.030 would have unintended consequences for our community. Many of our residents seeking opportunities to rent would fall into the category of 120%-140% AMI. They would not qualify for affordable housing under the guidelines. This would defeat the purpose creating the availability of more affordable homes. Currently, there are no affordable housing units available for residents earning between 60%-140% AMI. Hōkūao could meet this unmet need.

Please make Lānaʻi housing a priority. We humbly ask you to support our Lānaʻi community by providing opportunities to rent at Hōkūao or purchase homes at the Maui County affordable housing project on Lānaʻi.

Mahalo for your consideration,

The undersigned residents of Lānaʻi

Printed Name	Signature
JUANITA BALA	Juanita V. Bala
Barbara M Guillen	Barbara M Guillen
Lucille Cayari-Bertley	L. Cayari
Lydian Batson	Lydian Batson
Patricia Kawesaki	Patricia Kawesaki
Eleanor OZOG	Eleanor OZOG
NANCY COSTALES	Nancy Costales
KELIPA CABATA	Kelipa Cabata
Lemora Estrada	Lemora Estrada
Jessie F. Myers	Jessie F. Myers
Hansel Costales	Hansel Costales
Kayla Sanchez	Kayla Sanchez
Kathleen Costales	Kathleen Costales

Printed Name	Signature
Jean Sumagit	Jean Sumagit
RODULFO SUMAGIT	Rodolfo Sumagit
Jonathan Preza	Jonathan Preza

RECEIVED

March 3, 2021

2021 MAR -4 AM 7: 55

Maui County Council
By email: county.clerk@mauicounty.us

RE: Affordable Housing on Lānaʻi: unintended consequences of proposed bill in AH-15 CC 20-241, CR 21-1 on February 19, 2021 Council Agenda

OFFICE OF THE
COUNTY CLERK

Aloha Chair Lee and Council members:

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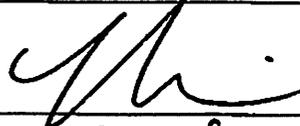
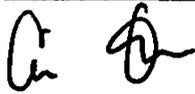
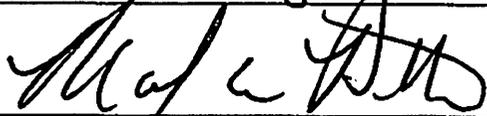
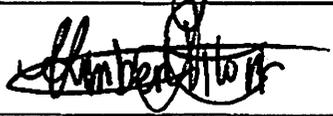
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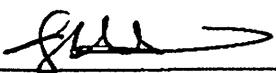
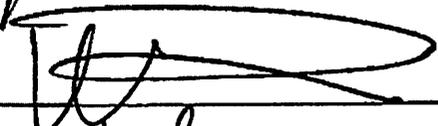
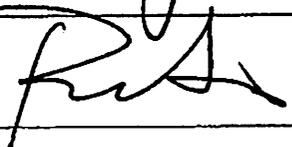
Mahalo for your consideration,

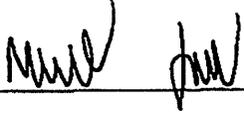
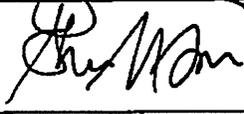
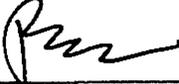
The undersigned residents of Lānaʻi

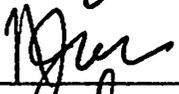
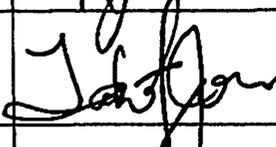
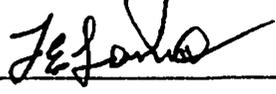
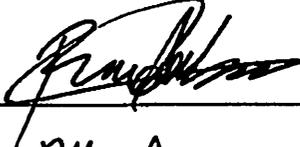
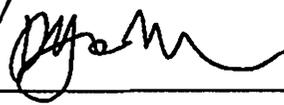
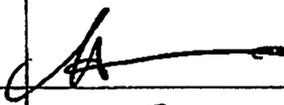
Printed Name	Signature
Shelly Preza	
Alice Granito	Aliu Anto
Trena Grabau	Trena Grabau
Primo Amba	Primo Amba
Gladys M. Amba	Gladys m. Amba
Nanette N. Chin	Nanette N. Chi
Nelinia Cabiles	
Curtis Onun	
Diane Preza	Diane Preza
MARK POTTA	
Charlin Clarabal	Charlin Clarabal
Sherry Sarne	Sherry Sarne
Kimberly Vitoria	

Printed Name	Signature
Rossana Demayn	Rossana
Kekoa Cattel	Kekoa
Andre Adams	Andre Adams
Delaurie Damey	Delaurie
Luke John Sandi	Luke John Sandi
Micah Manuel	Micah Manuel
PAULINE TAN	Pauline
CRAIG TAN	Craig
Joseph R Huber	Joseph R Huber
Patricia Noble	Patricia Noble
Anna Anton	Anna Anton Duplicate
Jake Ballesteros	Jake Ballesteros
JOSE ANTONIO	Jose

Printed Name	Signature
Mary Claire Manuel	Mary Claire Manuel
Tommy Vergar	Tommy Vergar
Joel Nisperos	
Coralynne Fralkiewicz	Coralynne Fralkiewicz
Bernadette Fernandez	

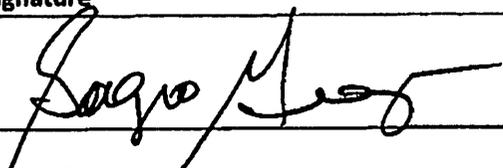
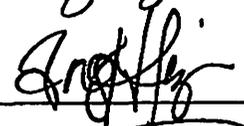
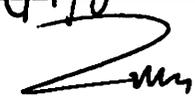
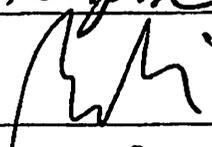
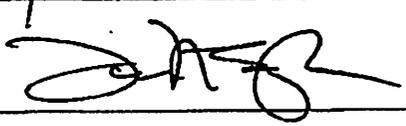
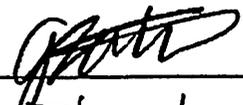
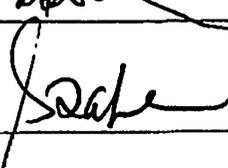
Printed Name	Signature
JoyAnne Abraham	
KENYE - Thomson	Kenye T
Palikkan Thomson	P. Thomson
LEZINA S. TAYLOR	
Floyd	
Julie	Alaker
Wanlyn Idema Joe	
Vanisa Lynn Waguk	Waguk
Arthur A Taulung	
Kenye Cornelius	Kenye
Millerina Cornelius	Millerina
DARNIEL JONAS	Kenye
Pamelyn Jonas	

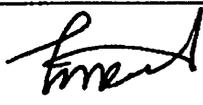
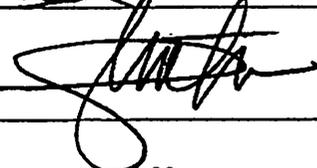
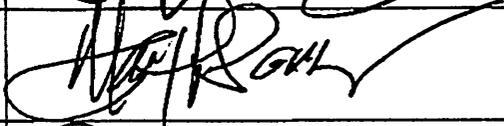
Printed Name	Signature
Morgan Jones	
PAUL W. JACK	
YONIS. P. JACK	
STREW JONAS	
Jackson Taulung	
Tulpe Taulung	
ALDEN JACKSON	
STEVEN. K. JACKSON	
Elizabeth S Jackson	
ANTON ANTON	
Gina Anton	
Rhonda Mire	
Robson Abraham	

Printed Name	Signature
Arney Jones	
Shrue Jones	
Nayomi Jones	
Tabert Jones	
Tarryella Lonno	
REDACTED	
Reedson Abraham	
Daisy Joshua	
MARY GEORGE	
BRYAN TOLSON	
GLASSTINE CORNELIUS	
DAVID TIEKS	
ELIAXA TOLSON	

Stevick Talley

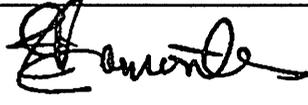
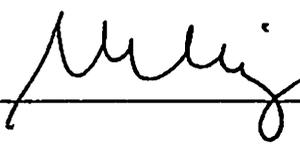


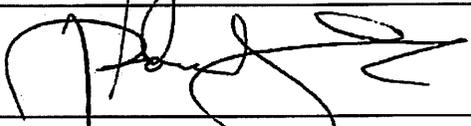
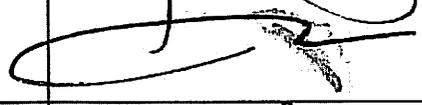
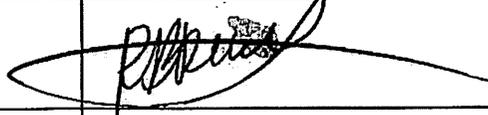
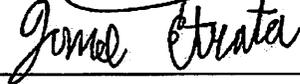
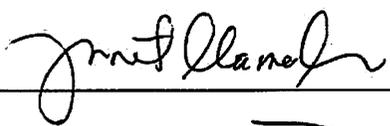
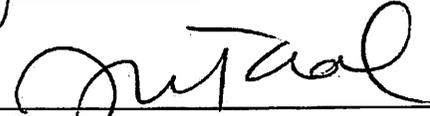
Printed Name	Signature
SONGRO GEORGE	
Mairine Kaiko-George	
INGRED B. GEORGE	
Robinhood Y. Noda	
Remina O. Lipan	
Sam Sigrah	
Tamae N. Sigrah	
Achyleen Pablo	
Dalyann Benjamin	
Mendelita Kephos	
Shrue Sherry Kephos	
ALSINA S. JONAS	
Sepe Abraham	

Printed Name	Signature
Marcilyn Melander	
Shree Sonia Nena	
JR Travis Melander	
Benton Obet	
Lisa Obet	
Mia Jonas	
YONG JOUR	
Donato Molina	
MARICCA MOLINA	
MARITES MOLINA	
Francisco Cantero or	
Martha Parney	
Karun Cantero	
Tulen Kun Cantero	
Alokra Singh	

Printed Name	Signature
Kristin Kahihikolo	Kt K Kahih
MINDY BOLO	Mindy Bolo
CINDY McCLUSKEY	Cindy McCluskey
Leana Silva	Leana Silva

Printed Name	Signature
EDWIN VILA	
JUDITH TEVES	
MARSHA UNSSELL	
MICHAEL IUSTRADO	

Printed Name	Signature
Shirley Samonte	
Raina Mirafuentes	
Roseen Bringas	
EUSEBIA MORERA	
ROSE JANE ANCHETA	
ELIZABETH LOGALBO	

Printed Name	Signature
Roger Alconael	
Rowena Nakoa	
Sandra Encield	
Rocky Espiritu	
Ron Noble	
Rowie Bringas	
APRIL BADILO	
Janet Reymundo	
Jonel Estrata	
Jannet Llamelo	
DEXIIH XI. TAAL	
REYNALDO AGMATA	
MARK AGNSAPAY	

Elani Ariaga

Ruby Quindigan
 Kilanun kunimitan



County Clerk

From: Athena Del Rosario <adrosario@pulamalanai.com>
Sent: Thursday, March 04, 2021 3:44 PM
To: County Clerk
Cc: Gabe Johnson
Subject: RE: Affordable Housing on Lanai
Attachments: 20210304154106.pdf

Aloha,
Please see attached.
Mahalo.



Athena Del Rosario
LANAʻI BUILDERS, LLC
Office Assistant

1311 Fraser Avenue | P.O. Box 630310 | Lānaʻi City, Hawaiʻi 96763
Tel 808 565 3680 Fax 808-565-3887

www.pulamalanai.com | adrosario@pulamalanai.com

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2021 MAR -4 PM 3:46
OFFICE OF THE
COUNTY CLERK

March 3, 2021

Maui County Council

By email: county.clerk@mauicounty.us

RE: Affordable Housing on Lānaʻi: unintended consequences of Bill 10 on March 5, 2021 Council Agenda

Aloha Chair Lee and Council members:

We have two landowners that have planned affordable housing projects, the County of Maui (100% affordable for sale, conceptual / design phase) and Pūlama Lānaʻi (51% affordable for rent, Hōkūao draft 201H application submitted to Department of Housing and Human Concerns). The proposed bill may have unintended consequences for the only planned affordable projects on Lānaʻi. We are not like Maui, where there are many landowners. Collectively, both projects could increase the housing inventory on Lānaʻi by 32%.

There is a need for affordable housing on Lānaʻi. Our depleted housing inventory levels are resulting in families living in over-crowded situations. Consequences of multiple families living in one home can be detrimental to the well-being of residents. Lānaʻi has the lowest unemployment and poverty rates in Maui County. Many residents are prohibited from moving into their own home due to the lack of inventory and not necessarily due to financial constraints.

There are possible solutions to our housing shortage if the County is willing to help us. We ask that you:

- Align State and County guidelines to include incomes up to 140% AMI
- Support the Hōkūao rental project with 51% affordable units
- Move the County's Lānaʻi affordable homes for purchase project forward

The fact that Hōkūao will be 100% financed by Pūlama Lānaʻi and no public funding or grant funding will be used is a taxpayer benefit. Affordable units will also remain in perpetuity.

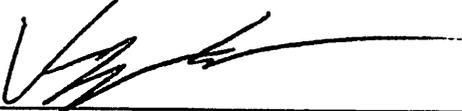
Maui County could take advantage of the infrastructure that Pūlama Lānaʻi will install should Hōkūao be built. The two properties are adjacent to one-another, stubbing out the infrastructure from Hōkūao, could reduce the infrastructure expenses for the County's project. Land was given to the County for free and our community has been patiently waiting for the County's promise of affordable housing for nearly 30 years.

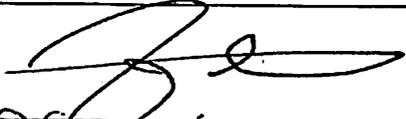
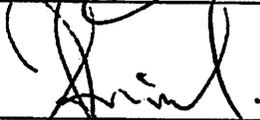
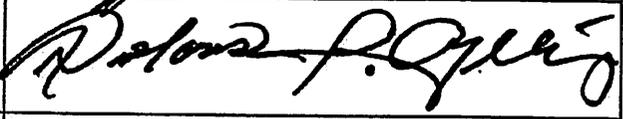
The proposed bill for an ordinance amending 2.96.030 would have unintended consequences for our community. Many of our residents seeking opportunities to rent would fall into the category of 120%-140% AMI. They would not qualify for affordable housing under the guidelines. This would defeat the purpose creating the availability of more affordable homes. Currently, there are no affordable housing units available for residents earning between 60%-140% AMI. Hōkūao could meet this unmet need.

Please make Lānaʻi housing a priority. We humbly ask you to support our Lānaʻi community by providing opportunities to rent at Hōkūao or purchase homes at the Maui County affordable housing project on Lānaʻi.

Mahalo for your consideration,

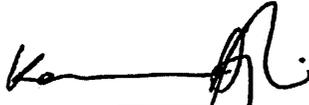
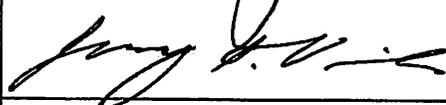
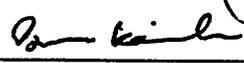
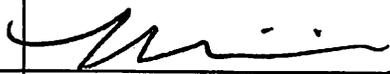
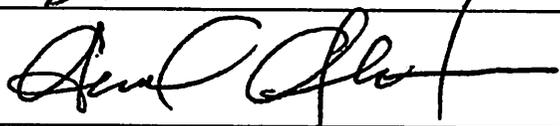
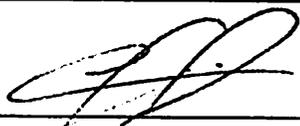
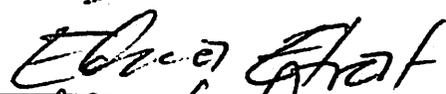
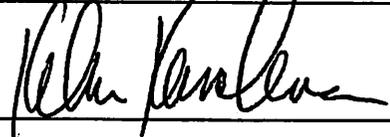
The undersigned residents of Lānaʻi

Printed Name	Signature
Venjo Badua	
Gerritt Acra	
Xlo/y Badiillo	

Printed Name	Signature
Johnson Alcantara	
Johnny Sauti	
Venjo Padua	
Dolores I. AFUEJE	
Andres Velasco	

Printed Name	Signature
Crisologo Natividad	
JEAN OLIVA	
CHET ZOLL	chet zoll
Glenn P. Titcomb	Glenn P. Titcomb

Printed Name	Signature
Hy HOE SILVA JR	

Printed Name	Signature
Kaunoa Agliam	
Jerry Cole	
Mikala Infield	
Bruce Kaikala	
Alex Willis	
Amelia Atacador	
Crisologo Nahucdad	
Edna Estrada	
KELVIN KANEAKUA	

Printed Name	Signature
ANABEL GIRON	<i>Anabel Giron</i>
Rhod GIRON	<i>Rhod Giron</i>

Printed Name	Signature
FERNANDO HERMANO	

32% on Lānaʻi - if Hōkūāo and the County's Master Plan Affordable Housing

Application

Income levels up to income levels of

Income levels above 120% will not qualify

(including parents and two children), with income above \$310 (see table) would not qualify for

PERSON	6 PERSON	7 PERSON	8 PERSON
\$79,450	\$74,600	\$79,740	\$84,890

Construction (150 rental units)

327 sqft lanais (76 affordable units)
 generation and battery storage
 state, county, or grant funding
 projects (e.g., resorts)

!
 anson@mauicounty.us
 meetings@pulamalanai.com

re

Ask the County to Meet its Commitment to Build Affordable Housing

Hōkūāo 201H Residential Project addresses the infrastructure issue, bringing a "stubbed out" connection closer to the County Project location

- Infrastructure cost is the impediment to the County moving forward

The for sale option is a complement to Hōkūāo

- Any inventory is welcomed, the two projects offer optionality to the residents



Pulam

ORDINANCE NO. _____

BILL NO. 10 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 2.96.030, Maui County Code, is amended to read as follows:

“2.96.030 Applicability. A. Any development, including the subdivision of land [and/]or the construction of single-family dwelling units, two-family dwelling units, multi-family dwelling units, or hotels, as defined in section 19.04.040 [of this code], whether constructed at one time or over several years, [shall be] is subject to this chapter upon final subdivision or building permit approval, whichever is applicable and occurs first, if it will result in the creation of the following:

1. Ten or more lots, lodging units, time share units, or dwelling units, excluding farm labor dwellings or a second farm dwelling, as defined in section 19.04.040 [of this code; provided that,] so long as such farm labor dwelling or farm dwelling is in full compliance with chapter 205, Hawaii Revised Statutes, and is not part of a condominium property regime, as [set forth] stated in chapter 514A, Hawaii Revised Statutes;

2. A conversion of ten or more hotel units to dwelling units or time share units; or

3. Any hotel redevelopment or renovation project that increases the number of lodging or dwelling units in a hotel by ten or more.

B. Exemptions. This chapter [shall] does not apply to any development that falls into one or more of the following categories:

1. A development subject to an affordable housing requirement, evidenced by an executed affordable housing agreement with the County, currently in effect and approved prior to the effective date of this chapter;

2. A development subject to a change in zoning condition that requires affordable or residential workforce

housing, unless the condition expressly allows for the application of the affordable housing or residential workforce housing policy [set forth herein];

3. A subdivision granted preliminary subdivision approval prior to the effective date of this chapter;

4. A building permit application submitted prior to the effective date of this chapter;

5. A family subdivision[,] for immediate family members, as described in subsections 18.20.280.B.1 and B.2 [of this code];

6. A development by a government entity or a community land trust, as approved by the director; or

7. A development within the boundaries of the Wailuku redevelopment area, as defined by the Maui redevelopment agency [pursuant to] under chapter 53, Hawaii Revised Statutes.

C. Adjustment by developer.

1. A developer of any development subject to this chapter may appeal to the council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and the number of residential workforce housing units or in-lieu fees[/] or land required.

2. Any such appeal [shall] must be made in writing and filed with the county clerk prior to final subdivision approval or issuance of a building permit for the development, whichever is applicable. Any such appeal [shall] will administratively stay the processing of the development's subdivision or building permit, whichever is applicable, until a decision on the appeal is rendered. The appeal [shall] must set forth in detail the factual and legal basis for the claim of reduction, adjustment, or waiver, and the developer [shall] will bear the burden of presenting substantial evidence to support the appeal, including comparable and relevant technical information.

3. The council, or if the appeal is assigned to a council committee, the council committee, [shall] must convene a meeting within forty-five days of the county clerk's receipt of the appeal, to consider the appeal. The council [shall] must approve or disapprove the appeal by resolution within forty-five days from the date the developer has concluded its presentation of evidence supporting the appeal in a council or committee meeting.

4. If the council or [a council] committee has not convened a meeting within forty-five days of the county clerk's receipt of the appeal, or if the council does not approve or

disapprove the appeal by resolution within forty-five days from the date the developer has concluded its presentation of evidence at the council or [council] committee meeting, the appeal, as submitted by the developer, [shall] will be deemed approved by the council.

5. If a reduction, adjustment, or waiver is granted by the council, any subsequent substantive change or modification in use within the development, as determined by the director, [shall] will invalidate the reduction, adjustment, or waiver previously granted.

D. Adjustment by [D]director. The director may, subject to council approval by resolution, authorize a reduction, adjustment, or waiver of any provision of this chapter.

E. Projects [pursuant to] under chapter 201H, Hawaii Revised Statutes, [shall be] are subject to the requirements of this chapter[, provided that where]. Where the terms of this chapter and chapter 201H are in conflict, [the terms contained in chapter 201H shall control] the stricter provisions will control.

F. Projects under chapter 201H, Hawaii Revised Statutes, are required to provide a minimum of seventy-five percent of the total dwelling units for very low, low, below-moderate, and moderate-income households, unless a lower percentage, which is greater than fifty percent, is approved by council resolution."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Ordinance will take effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

Department of the Corporation Counsel
County of Maui

ah:misc:015abill01;ans

DIGEST

ORDINANCE NO. _____
BILL NO. 10 (2021)

**A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY
CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS
DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES**

This bill proposes to amend Section 2.96.030, Maui County Code, to increase the percentage of affordable and workforce housing units required for projects developed under Chapter 201H, Hawaii Revised Statutes.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 10 (2021) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 19th day of February, 2021,
by the following vote:

AYES: Councilmembers Gabriel Johnson, Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci, and Vice-Chair Keani N. W. Rawlins-Fernandez.

NOES: Councilmembers Natalie A. Kama, Kelly T. King, Yuki Lei K. Sugimura, and Chair Alice L. Lee.

DATED at Wailuku, Maui, Hawaii, this 23rd of February, 2021.



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

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.



Mobile: 808.428.8717
Email: lindaschatz@schatzcollaborative.com
Schatzcollaborative.com

RECEIVED

2021 MAR -5 AM 7: 53

OFFICE OF THE
COUNTY CLERK

March 4, 2021

Council of the County of Maui

200 South High Street, 8th Floor

Wailuku, Hawaii

SUBJECT: Bill 10 (2021)

Aloha Council Chair and Members,

I **oppose** Bill 10 (2021)

The facts are:

- In 2006, Maui County Council increased the affordable requirement from 25% to 50% and this ordinance went into effect from 2007 to 2014. **During that 8-year period only 13 housing units were produced.**
- In 2014, the Council changed the affordable workforce requirement from 50% to 25%. The following year, 56 affordable/workforce units were permitted and since then **an average of 220 affordable/workforce units have been permitted from 2015 to 2020.**
- The County has contracted Hawaiian Community Assets to develop a Comprehensive Affordable Housing Plan that provides recommendations to produce 5,000 affordable/workforce units in the next 5 years. **This comprehensive plan will be provided to the Maui County Council next month.**

Increasing the 201H affordability requirement to 75% of the units will NOT PRODUCE more projects. And we have the benefit of experience in Maui County to show us that this policy, well intentioned as it may be, simply backfires. It will in fact stop projects from moving forward and result in the further gentrification of Maui. This is truly a bill that benefits market rate and high-end homeowners to keep Maui out of the hands of local families.

Maui County made a bold commitment to getting 5,000 affordable units built. This is the right policy, morally and economically. But we are only producing 220 affordable housing units per year. This bill will not only fail to advance our progress towards thousands of affordable units, but it will move us again in the wrong direction as did the 2007 legislation. When you increase the affordability requirement, housing does not get built. If the County went from 25% to 50% on 2.96 from 2007 to 2014 and nothing was built, what makes us believe that if we increase the



Mobile: 808.428.8717
Email: lindaschatz@schatzcollaborative.com
Schatzcollaborative.com

201H requirements from 50% plus 1 to 75% that there will be more affordable housing units built?

With all these facts before you from myself and many other testifiers that oppose this bill it seems to be an easy decision to hear Hawaiian Community Asset's study first before deciding on voting for this bill. This bill is clearly an anti-growth, anti-development effort in the guise of supporting affordable housing. Any reasonable, intelligent human being would wait a few days to get results from the HCA study before making a decision this consequential.

Thank you again for the opportunity to submit this testimony. If there are any questions, or if additional information is needed, please do not hesitate to contact me at (808)428-8717.

Warmest Regards,

A handwritten signature in black ink that reads "Linda Schatz". The signature is fluid and cursive, with the first name being more prominent.

Linda Schatz
Principal

County Clerk

From: Michelei Kahae <micheleik@yahoo.com>
Sent: Wednesday, March 03, 2021 7:53 PM
To: County Clerk
Subject: Agenda Item CC21-138

RECEIVED
2021 MAR -4 AM 7:55
OFFICE OF THE
COUNTY CLERK

Aloha,

I whole heartedly support this resolution by Tamara Paltin urging the Mayor to grant water and sewer credits to DHHL. I applaud Tamara for looking at the affordable housing options in her Community of Lahaina and recognizing that there is, and has been lots set aside, that have been sitting for over 2 decades waiting to be occupied by beneficiaries of DHHL. It's sadden that many on the waiting list has passed since these projects were proposed. By this resolution, Tamara is giving hope to many on the DHHL list who continue to wait for homes. She is showing her Lahaina community, the County of Maui and the State, she is serious about getting beneficiaries into much NEEDED homes. I also agree that with these credits hopefully the State will take the initiative and award beneficiaries already, even if the infrastructure is not in. DHHL has done it in the past, Molokai for instance, in which they gave awards for AG lots, with no infrastructure, non-potable water, and no electric and guess what these beneficiaries were excited to have these lots and figured it out. Farming plants/trees and raising livestock. Lahaina can do the same!

And with this resolution, I agree with Tamara's statements "If we are going to call ourselves a county concerned with affordable housing and social justice, it is incumbent on us to take action." and "Supporting the development of Hawaiian Homelands in West Maui will positively impact the housing supply throughout Maui."

Mahalo,
Michelei Tancayo
Lahaina Resident
8083577124

County Clerk

From: Michael Keolamau Tengan <michael.tengan@gmail.com>
Sent: Wednesday, March 03, 2021 6:47 AM
To: County Clerk
Subject: Testimony

RECEIVED
2021 MAR -3 AM 7:51
OFFICE OF THE
COUNTY CLERK

Dry and desolate, drug deals and danger - growing up in Waiehu and playing in the streets of the Paukūkalo - this was the impression that I had of the areas surrounding Ka'ehu Bay. I am happy to say that much has changed since I was a keiki.

I am writing in support of the nonprofit KAEHU which has done, and continues to do, amazing work to restore and revitalize this 'āina.

I first heard of these efforts in 2018, and had difficulty even imagining what this area could be like without the influences I had known growing up here. Waiehu and Paukūkalo were my places of play. Fishing, walking my dogs, bodyboarding - this 'āina was my playground.

That said, there were areas to avoid. From the drug dealers dealing, to those using, Ka'ehu Bay was not always the safest place to play. In addition to this, there were other hazards. Much like a garbage dump, I remember piles of garbage, broken down cars, and savory smells that littered this 'āina.

Now, thanks to the great work of KAEHU, everyone from our keiki to kupuna have begun to return to the land. As the waters again flow, this 'āina continues to grow. To see the same shorelines now clean, free of the hazards that hounded my youth is inspiring. This is truly testimony to what I've committed group, dedicated to an attention, can achieve. With scarce resources and a whole lot of gumption, KAEHU needs your support.

For all the amazing work that this organization has done, my question is what more is possible when more resources and finance are invested? To be able to have done so much with so little, in such a short amount of time is encouraging. Yet, I invite you to consider how your support, by funding this organization, can truly help planting seeds of success while cultivating a brighter future for this 'āina, our keiki, and community now.

Again, please consider further funding for KAEHU to the incredible work they continue to do upon the 64 acres surrounding Ka'ehu Bay. Mahalo,

RECEIVED

From: mike tihada <mtihada@gmail.com>
Sent: Thursday, March 4, 2021 11:32 AM
To: County Clerk
Subject: Resolution for Department of Hawaiian Homelands Water Credits

2021 MAR -4 AM 11:36

OFFICE OF THE
COUNTY CLERK

Aloha,

I'm writing today to ask Mayor Victorino to grant water and sewer credits to the state Department of Hawaiian Home Lands for homestead and agriculture lots in Lahaina. This will assist in helping to give many Lahaina families including myself and my children the ability to have housing that is affordable and stay in the place they call home. I don't want to see my children have to leave Lahaina to be able to afford a place to live. Currently affordable housing costs are in the \$600,000 range, many families will not be able to afford this. By developing the West Maui DHHL we could help many of these families by getting off the DHHL waitlist and getting into housing that they can afford. In turn, this would also ease the demand for affordable housing in West Maui by reducing the numbers needed.

Mahalo for accepting my submission, Mike Tihada

County Clerk

To: Kelly King
Subject: RE: JEFF UEOKA -- Social Justice Issues

From: Kelly King <Kelly.King@mauicounty.us>
Sent: Friday, March 05, 2021 10:29 AM
To: County Clerk <County.Clerk@mauicounty.us>
Cc: Axel I. Beers <Axel.Beers@mauicounty.us>
Subject: JEFF UEOKA -- Social Justice Issues
Importance: High

From Jeff Ueoka response to testimony.

--M

With Aloha,



Office of Councilmember Kelly Takaya King

South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Fl
Wailuku HI 96793
mauicounty.us

From: Jeffrey Ueoka <jueoka@mrwlaw.com>
Sent: Friday, March 5, 2021 10:15 AM
To: Alice L. Lee <Alice.Lee@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; shane.sincenci@mauicounty.us; Mike J. Molina <Mike.Molina@mauicounty.us>
Subject: Social Justice Issues

Dear Council Members,

It was brought to my attention that there are some concerns regarding my statement regarding social justice issues in the Maui Police Department. I would like you all to know that if any one were to come to me, regarding social justice issues or any other issues with the Maui Police Department I would take them very seriously and work with the community and with the Chief to find a solution. Social Justice issues are real and must be addressed, I believe the Department should be proactive in addressing these types of matters before they become an issue and if placed on the Commission I will meet with the Chief to find out more about what is being done in regards to this.

In regards to my work with West Maui Land, I am primarily involved with them in property matters. If my work with any of my clients proposes a conflict with my involvement with the Commission, I will recuse myself.

Please let me know if you have any questions or concerns.

Sincerely,
Jeff Ueoka