

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS

REC TO
2024 OCT 21 PM 2:35

OFFICE OF THE
TO THE COUNCIL OF THE COUNTY OF MAUI COUNTY CLERK

ON RESOLUTION NO. 24-58

REAPPOINTING THE COUNTY CLERK AND DEPUTY COUNTY CLERK

October 25, 2024

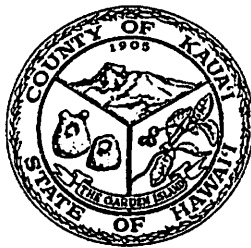
Chair Lee and Councilmembers, thank you for the opportunity to testify in support of Resolution No. 24-58. This resolution provides for the reappointment of Moana M. Lutey as the County Clerk and Richelle M. Thomson as Deputy County Clerk of the County of Maui.

I work closely with the county clerks and deputy county clerks across the state to ensure the successful implementation of our joint elections. In working with County Clerk Lutey and Deputy County Clerk Thomson, I have been impressed by their professionalism and legal acumen. They have taken a hands-on approach to addressing elections matters, which I greatly appreciate. I believe our elections community has greatly benefited from their membership and would suffer from their loss. With above in mind, I strongly support their reappointment.

Thank you for the opportunity to testify in support of Resolution No. 24-58.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

October 21, 2024

Ms. Alice Lee, Council Chair
and Members of the Maui County Council
Via Email to: CountyClerk@mauicounty.us

Dear Council Chair Lee and Members of the Maui County Council:

**RE: SUPPORT FOR RESOLUTION 24-58, REAPPOINTING MOANA LUTEY
AS COUNTY CLERK AND RICHELLE THOMSON AS DEPUTY
COUNTY CLERK**

This letter is to convey my wholehearted support for the reappointment of Ms. Moana Lutey as County Clerk and Ms. Richelle Thomson as Deputy County Clerk for the County of Maui.

Ms. Lutey and Ms. Thomson provide the principled, stabilizing leadership necessary for the Office of the County Clerk to successfully administer the 2024 Elections. They are highly respected members of Hawai'i's close-knit community of election officials and I respectfully urge you to support their reappointment.

Please do not hesitate to contact me should you have any questions or if I can be of assistance in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Jade K. Fountain-Tanigawa", with a long horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

cc: Alice Lee, Council Chair, alice.lee@mauicounty.us

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2024 OCT 21 PM 2:40
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Teresa Abay-Abay <terriabay@icloud.com>
Sent: Monday, October 21, 2024 12:18 PM
To: County Clerk
Subject: resolution 24-178

RECEIVED

2024 OCT 21 PM 12:50

OFFICE OF THE
COUNTY CLERK

[You don't often get email from terriabay@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha Maui County Council Members,

West Maui needs a Hospital on the West Side that offers emergency services and acute care to the community! Please support this project by following through on a state-backed special purpose revenue bond for \$20M approved in 2023. We need the bond mondy to get the hospital back on track.

Over 34,500 humans live on the west side, plus over 30,000 visitors daily on a regular basis. We all know the challenges of getting to Wailuku in time to save a human life.

Please support this project!

Mahalo,

Terri Abay-Abay
terriabay1@gmail.com

County Clerk

From: Michelle Micucci <michelle.micucci@yahoo.com>
Sent: Monday, October 21, 2024 12:53 PM
To: County Clerk
Cc: Michelle Micucci
Subject: resolution 24-178

RECEIVED
2024 OCT 21 PM 12:55
OFFICE OF THE
COUNTY CLERK

 You don't often get email from michelle.micucci@yahoo.com. [Learn why this is important](#)

Aloha,

I am a lifetime resident of Lahaina , West Maui.

I OPPOSE resolution (24-178) that is pending vote through the Maui County council.

The resolution, submitted by Tamara Paltin, reiterates support for the west Maui hospital by following through on a state-backed special purpose revenue bond for \$20M , which was approved in 2023 before the Lahaina fire, and now languishing!

We need the bond money to get the hospital project back on track. West Maui has 36,000 residents and over 50,000 visitors.

Our one and only Maui Medical Center hospital can not support the entire island of Maui residents and visitors alike.

Please OPPOSE Resolution(24-178)

Mahalo;

Michelle Micucci
Lahaina Resident

County Clerk

From: Chris Haigh <ibikeadv@gmail.com>
Sent: Monday, October 21, 2024 1:03 PM
To: County Clerk
Subject: resolution 24-178

RECEIVED

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|| You don't often get email from ibikeadv@gmail.com. [Learn why this is important](#)
Aloha,

I live in Kaanapali full time with my wife, we are both over 65 and I have had a double bypass. We worry every day about having the need for cardiac treatment and the risk of not getting care fast enough if we need to get to the main hospital in Kahului. Please help us get the West Maui Hospital funded so we have vital care close by when needed.

Mahalo,

Chris & Andrea Haigh

County Clerk

RECEIVED

From: Deborah McDysan <deborahmcdysan@gmail.com>
Sent: Monday, October 21, 2024 2:19 PM
To: County Clerk
Subject: Resolution 24-178

2024 OCT 21 PM 2:35

OFFICE OF THE
COUNTY CLERK

[You don't often get email from deborahmcdysan@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

There is a great need for a hospital in West Maui now. I support the resolution to provide funds to build the hospital.

Deborah McDysan
Launuioko

Sent from my iPad

County Clerk

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From: Michael Willinsky <mauicatmike@gmail.com>
Sent: Monday, October 21, 2024 2:19 PM
To: County Clerk
Subject: Testimony supporting resolution 24-178

2024 OCT 21 PM 2:35

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COUNTY CLERK

You don't often get email from mauicatmike@gmail.com. [Learn why this is important](#)

Aloha,

I have lived in West Maui for 18 years and we are desperate for a hospital here. Many locals wonder why it has it taken so long and why there is any delay now, especially considering our deadly fire from just over a year ago.

The lack of urgency by the State of Hawaii and Maui County to immediately create a West Maui hospital is obscene and the world is watching. With the local accidents, tourist drownings and the fire victims that could have survived, it is the state and counties obligation to streamline this project ASAP.

I live over 25 miles from the nearest hospital and the only road there is often filled with traffic or closed. Locals are dying because of the lack of momentum on your part. This is an urgent matter and should be on the top of your list to solve immediately.

A very large group of locals are furious by these decades-long inactions. Many social media sites are starting to rally, including facebook. If nothing is done quickly, this will certainly be another black eye on the local and state government. On top of the complete mismanagement of the deadliest fire in over 100 years, Maui is already in a bad light. If this hospital isn't developed soon, this ineptitude will only serve to make Maui look even worse in the eyes of the locals and tourists, many of whom have already stopped visiting.

This is an urgent situation that must be addressed immediately. Thank you for your urgent attention to this lifesaving mission.


Please contact me anytime.

Michael Willinsky
Lahaina, HI
mauicatmike@gmail.com
808-344-6999

County Clerk

From: Cathy Brad Tieva <bradcat817@hotmail.com>
Sent: Monday, October 21, 2024 2:32 PM
To: County Clerk
Cc: Cathy Brad Tieva
Subject: Resolution 24-178

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2024 OCT 21 PM 2:40
OFFICE OF THE
COUNTY CLERK

 You don't often get email from bradcat817@hotmail.com. [Learn why this is important](#)

Aloha,

I appreciate all the hard work being done to support the residents of Maui County.

I would like to express support for Resolution 24-178. The construction of a 25 bed critical access hospital on Maui's west side.

As a West Side resident the ability to quickly access care in a medical emergency is paramount considering the challenges of transporting patients in need on long stretches of 2 lane roads to receive critical care.

My understanding is there was a special purpose revenue bond for \$20 million dollars backed by the state that was approved prior to the fires in 2023 for that purpose.

If that bond remains earmarked for that project I respectfully support moving forward with this project for the community.

Mahalo,
Catherine Tieva
3975 Lower Honoapiilani Rd
Lahaina, HI 96761

Sent from my iPhone

MAUI COUNTY COUNCIL

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE
TESTIMONY**

RESOLUTION 24-58
RELATING TO REAPPOINTING THE COUNTY CLERK
AND DEPUTY COUNTY CLERK
(GREAT-23)

OFFICE OF THE
COUNTY CLERK

2024 OCT 22 AM 7:38

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MAUI COUNTY COUNCIL

**PLEASE TAKE INTO CONSIDERATION FORMER CORPORATION
COUNSEL DIRECTOR MOANA LUTEY IS DIRECTLY RESPONSIBLE FOR
THE COSTLY ONGOING COUNTY EMPLOYEE WHISTLEBLOWER
LITIGATION AND BOARD OF ETHICS COMPLAINT AGAINST THE
COUNTY AUDITOR THAT INVOLVES MOANA LUTEY'S
QUESTIONABLE CONDUCT.**

**I BELIEVE MOANA LUTEY AND CONFLICTED CORPORATION COUNSEL
HAVE AN ETHICAL OBLIGATION TO PUBLICLY DISCLOSE TO THE
MEMBERS OF THE MAUI COUNTY COUNCIL THE POTENTIAL IMPACTS
ON THE PROPOSED COUNTY CLERK POSITION AS THESE LEGAL
MATTERS HEAD TOWARDS TRIAL AND INVESTIGATION.**

“After vigorously defending their own misconduct at the public
expense for years, on June 6, 2023, Chair U’u-Hodgins stated to the
GREAT Committee,

*“ We have been notified by Corporation Counsel Takeyesu that the
Judge ruled Corporation Counsel is conflicted out of the case”.*

ATTACHMENTS:
LETTER TO DIRECTOR LUTEY – BOARD OF ETHICS COMPLAINT

COUNTY OF MAUI

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Wailuku, HI 96793

COMPLAINT

COUNTY AUDITOR LANCE TAGUCHI

In violation of Maui County Charter: Article 10 Code of Ethics, Section 4.1.g, the "independent" County Auditor Lance Taguchi breached his professional duties and used his official position to grant unwarranted consideration, advantages, and treatment to The Department of Corporation Counsel in violation of the public interest and Government Auditing Standards.

In an ongoing whistleblower case, conflicted Corporation Counsel has asserted attorney/client privilege to withhold compelled government records between conflicted Corporation Counsel and the County Auditor regarding the Audit of the thousands of unaccounted-for "3 Lots or Less" roadway infrastructure deferral agreements that County attorneys executed for over four decades.

After three years of investigation, the Auditor suspended the audit citing one disputed subdivision agreement and failed to provide any conclusions or guidance on the assessment and collection of the debts owed to the County by private developers. Far worse, the Auditor failed to report to the proper authorities the clear evidence that Corporation Counsel executed agreements with private developers outside of County laws and ordinances to defraud the County of Maui and its taxpayers.

Regardless of the whistleblower case, Corporation Counsel's claim of attorney/client privilege over legal advice and related internal communications with the County Auditor and Cost of Government Commission provides proof that the Office of the County Auditor has allowed their independence to be penetrated while Corporation Counsel's misdealing's were the subject of an active audit and investigation.

After vigorously defending their own misconduct at the public expense for over two years, on June 6, 2023, Chair U'u-Hodgins stated to the GREAT Committee, "*We have been notified by Corporation Counsel Takeyesu that the Judge ruled Corporation Counsel is conflicted out of the case*". As such, Corporation Counsel is also conflicted from advising the Board of Ethics on this complaint.

At issue is that the law firm of Kobayashi, Sugita, and Goda, LLP ("KSG") has been retained to represent and defend County officials, including the Department of the Corporation Counsel. The County Auditor has now also engaged legal representation by KSG, at the public's expense, without requesting the required conflict review from the Board of Ethics. Again, KSG is currently defending the conflicted Department of Corporation Counsel's misconduct in the ongoing civil case.

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Therefore, this complaint respectfully seeks the following determinations from the County of Maui Board of Ethics.

1. There are adverse responsibilities to the public interest between the “independent” County Auditor and the audited Department of Corporation Counsel.
 - a. Conclusion: The County Auditor must seek independent legal counsel.
2. Based on information and belief, the Office of the County Auditor breached their duty to remain independent by accepting legal advice from The Department of Corporation Counsel during the Audit.
 - a. Conclusion: The County Auditor must recuse themselves from the Audit.
3. The County Auditor was grossly negligent in failing to complete the Audit and years later suspending the Audit.
 - a. Conclusion: By suspending the Audit, the County Auditor provided unwarranted advantages, and treatment, and covered up evidence of malfeasance by the conflicted Department of The Corporation Counsel in violation of their professional duties and the public’s interest.

September 19, 2024

Christopher Salem

Christopher Salem

Attachments:

- Maui Time Weekly Cover Story
- Letter to Corporation Counsel Deputy Director Michael Hopper
- Editorial of attorney David Cain
- Affidavit of JoAnne Johnson Winer

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References:

1. Misuse of Public Funds for Private Interests

- **Argument:** The use of public funds to defend Corporation Counsel in a case where their self-interests and the interests of private developers are at stake constitutes a violation of the public trust. Public funds are intended to serve the interests of the community, not to protect a select few County attorneys whose actions, as documented, have harmed the County financially and legally.
- **Elaboration:** The Corporation Counsel's role is to provide legal guidance in the best interest of the County and its citizens, not to shield itself or private developers from liability. By allocating taxpayer resources to defend against claims of fraud and malfeasance, the Corporation Counsel undermines public confidence and violates its fiduciary duties.

2. Conflict of Interest Compounded by Use of External Counsel

- **Argument:** The hiring of the law firm Kobayashi, Sugita, and Goda (KSG) without proper conflict review amplifies the appearance of impropriety, as it further solidifies the conflict of interest inherent in the Corporation Counsel's role.
- **Elaboration:** The retention of KSG to represent both the Corporation Counsel and the County Auditor, who is meant to be independently auditing the Corporation Counsel, creates an irreparable conflict. The same law firm representing adverse and conflicting parties raises questions about the objectivity and fairness of the legal proceedings.

3. Failure to Safeguard Public Interest by the County Auditor

- **Argument:** The County Auditor's failure to complete the audit and report fraud and misdealings demonstrates a failure to uphold the public interest, violating the ethical responsibilities defined under the Maui County Charter and Government Auditing Standards.
- **Elaboration:** The suspension of the audit, without appropriate reasoning or recourse, allows the alleged fraudulent activities to remain unaddressed. This inaction not only deprives the County of rightful restitution but also gives the Corporation Counsel and developers an unfair advantage by delaying accountability. The fact that the Auditor did not report the irregularities to proper authorities exacerbates this failure and further erodes trust in government institutions.

4. Attorney-Client Privilege Abuse

- **Argument:** The use of attorney-client privilege by the Corporation Counsel to withhold key records and communications from the audit process is an abuse of privilege intended to shield malfeasance, rather than to protect legitimate legal strategy.

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- **Elaboration:** Attorney-client privilege is intended to protect the integrity of legal communications, not to obstruct transparency in government actions. In this case, the privilege is being used to prevent the disclosure of records that are crucial to assessing whether fraudulent deferral agreements were executed by Corporation Counsel. The abuse of this privilege reinforces the need for independent counsel to investigate and audit the claims without interference or influence.

5. Potential Violation of State and Federal Law

- **Argument:** The Corporation Counsel's alleged actions, in concert with private developers, may also violate State and Federal laws regarding fraud and misuse of public funds.
- **Elaboration:** Beyond the violation of local ordinances and ethical standards, the documented fraud involving deferral agreements may also breach broader laws, including federal anti-corruption statutes or state laws prohibiting fraudulent financial dealings with public entities. By refusing to disclose the related documents, the Corporation Counsel could be complicit in these violations, necessitating a deeper investigation at both the State and Federal levels.

6. Public Transparency and Accountability

- **Argument:** Public officials and departments, including the Corporation Counsel and the County Auditor, have an ethical and legal responsibility to maintain transparency, particularly in matters of public finance and development.
- **Elaboration:** The concealment of information about the deferral agreements and the suspension of the audit undermine public transparency. The Board of Ethics must consider whether the involved officials have breached the trust of the public by failing to be forthcoming with critical information. The lack of transparency prevents the public from understanding the full extent of the financial losses incurred by the County and the degree of improper influence by private developers.

Conclusion:

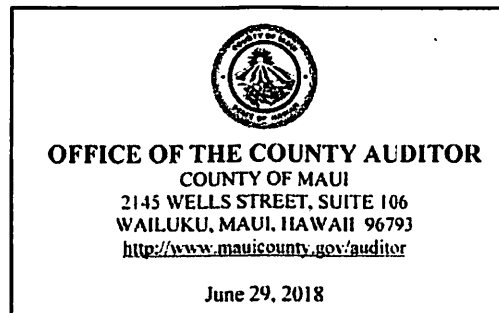
These additional arguments reinforce the assertion that public resources are being used improperly to protect individuals and entities with conflicts of interest, which violates ethical obligations to the public. Addressing these conflicts is essential to restoring public trust, ensuring accountability, and upholding the integrity of established County checks and balances.

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Brief History

In June of 2018, responding to a petition of County residents with over 2000 signatures and the members of the Maui County Council's unanimous vote, the County Auditor self-initiated an audit of the thousands of unaccounted-for and uncollected private developer roadway infrastructure "deferral" agreements executed by The Department of Corporation Counsel for over four decades.



The Audit was a result of over twenty years of obstruction by Corporation Counsel

In 1999, JoAnne Johnson was elected as the West Maui Council Member. Shortly after, former County Clerk Kathy Kaohu was hired as her executive assistant. In early 2000, resident Christopher Salem contacted Council Member Johnson's office regarding the proposed County of Maui roadway infrastructure Capital Improvement Project (CIP) Phase IV of Lower Honoapiilani Road.

The Department of Public Works' false notices of the commencement of construction of the Phase IV CIP adjacent to resident Salem's subdivision, led to Salem's discovery that the County failed to track or collect on any of the roadway infrastructure "deferral" agreements written for over 40 years. Resident Salem reported these findings to Council Member Johnson and Executive Assistant Kaohu almost 25 years ago. After decades of denial and obstruction, the County has still taken no action to investigate or resolve the matter except to finally admit that the failure by The Department of Corporation Counsel, the Department of Public Works, and the Department of Finance involves thousands of agreements.]

Resident Salem also discovered that the Department of Public Works commonly obtains hundreds of thousands of dollars in public funds from the Maui County Council during annual budget hearings to pay select local professionals to plan and design roadway infrastructure projects. They do so without first ever acquiring the land frontage rights from local residents that is required to actually complete the projects. As an example of the waste of public funds that led to the discovery, 25 years later, despite multiple CIP commencement notices by the Public Works, the Phase IV roadway project is still not complete.

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In 2002, Resident Salem provided written notice to Mayor Arakawa and Public Works Director regarding private developers' "deferred" roadway infrastructure financial obligations ultimately being paid by the County and taxpayers. Corporation Counsel ignored resident Salem's notices and continued to authorize, execute, and record on the land titles of the subdivided parcels hundreds more "3 Lots or Less" roadway infrastructure "deferral" agreements with private developers.

In 2007, as a result of Council Member Johnson and resident Salem's relentless efforts, the Maui County Council repealed the ordinance that "deferred" private developers' roadway infrastructure obligations. In 2010, Council Member Johnson and the Maui County Council adopted by ordinance the requirement to notice, assess, and collect upon the "deferral agreements from the affected property owners during County roadway infrastructure projects.

The well-documented history shows that conflicted Corporation Counsel and the Department of Public Works intentionally and recklessly shifted tens of millions of dollars of private developers' financial obligations onto the County and taxpayers. As of this date, not one dime has been assessed or collected by the County, which is a violation of the adopted ordinance and County Charter.

The County Auditor violated his professional duties.

In July 2019, Salem accepted Mayor Victorino's offer of a position as a legislative liaison staff member in the Office of the Mayor, with Salem's first task being the creation and adoption of a fair and equitable system for assessing and collecting on thousands of developer agreements. Salem accepted his County position based on Mayor Victorino's expressed intent to clean up the County government, beginning with the unaccounted-for private developer roadway infrastructure "deferral" agreements.

Relying on the County Auditor's duty to provide an accurate accounting of the collectible developer "deferral" agreements to the Mayor and Maui County Council, Salem introduced to Mayor Victorino a nationwide professional consultant to guide the County of Maui in adopting a system for assessing the developer debts. The County Auditor received the consultant's qualifications, proposal, and the proposed "Fairness Bill" (PC-17) legislation, which Salem and Counsel executive assistant Jordan Molina previously authored to adopt a fair and equitable system of collection.

Records show that after initiating the Audit in 2018, Salem provided the County Auditor with evidence of County Defendant violations, non-compliance with County laws, and fraud in multiple subdivision "deferral" agreements island-wide that were facilitated by Corporation Counsel attorneys. The evidence included an admission from former Public Works Director David Goode confirming Salem's claims:

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Undeniably, an independent audit would reveal that Corporation Counsel and the Department of Public Works executed numerous subdivision infrastructure “deferral” agreements with private developers outside the adopted County ordinance, unlawfully shifting developers’ financial obligations onto the County and taxpayers.

“Compounding all that is that some deferral agreements, three lots, had another future three lots and a future three lot, so it got subdivided again and again, had different deferrals, And in some cases, especially in West Maui, the original three-lot subdivision was a huge piece of land that went halfway up the mountain.

And so there’s a possibility there’s going to be some (“3 Lots or Less”) deferral Agreements where theoretically there’s 1,000 different owners and they each owe us \$25.

I mean it’s getting really crazy...“

Budget and Finance Committee Minutes, April 19, 2012

David Goode - Director of Public Works

Had the County Auditor performed its independent duties in a timely manner in compliance with adopted professional auditing standards, the private developer debts would have been quantified, and collection actions would have been taken. Alternatively, by consulting with independent and non-conflicted legal counsel, the independent Auditor could determine that the developer agreements are legally unenforceable and should be removed as encumbrances on thousands of real property titles County-wide.

County Auditor’s findings were never presented to Maui County Council

Government records, wrongfully withheld for nearly three years by Corporation Counsel and only recently received by way of a court order, now document that on August 13, 2019 the Office of the County Auditor scheduled a meeting with Mayor Victorino’s newly appointed Public Works Director Rowena Dagdag Andaya, Deputy Director Stephen Welling, Public Works staff Chico Rebara, Glen Ueno, County Auditor Senior Analyst Scott Kaneshina, and Kainalu Severson.

The August 13, 2019 meeting regarding the Audit of the “3 Lot or Less” Subdivision “Deferral” agreements was referenced as having “High” Importance. As we now know, just a few days later, on August 22nd, highly qualified Deputy Public Works Director Stephen Welling announced his resignation after only four months on the job.

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Yet to be discovered is what was discussed or disclosed at that “Highly Important” August 13th Auditor meeting, which involved long-standing Public Works staff members who had direct involvement and personal knowledge of the unlawful acts and manipulation of the “3 Lot or Less” roadway infrastructure “deferral” agreements.

The Court compelled County records also now reveal that on July 25, 2019, County Auditor Lance Taguchi sent a letter to Public Works Director Rowena Dagdag-Andaya seeking information relating to the “deferral” agreements. Through Mayor Victorino, Director Dagdag-Andaya’s August 22, 2019 response documents that the County Auditor requested from Corporation Counsel “internal memos and opinions from the Office of Corporation Counsel regarding enforcement of subdivision deferral agreements”.

Applying their repeating pattern of obstruction of government records, conflicted Corporation Counsel responded to the Auditor stating that the requested records were “not readily retrievable and will require additional time for completion”. Salem asserts that conflicted Corporation Counsel never had any intention to deliver the requested documents or to enforce the developer agreements, and the office of the County Auditor allowed itself to be coerced into suspending the County audit after three years of investigation without submitting any meaningful report to the County Council.

The Office of the County Auditor breached its independence.

As a direct result of the Office of the County Auditor's failure to perform their independent duties in a responsible time frame, the Maui County Council, staff member Salem, and the Mayor Victorino Administration were unable to take the first step towards establishing a fair and equitable system of assessment of the tens of millions of dollars owed to the County of Maui.

On October 20, 2020, as a staff member of the Office of the Mayor, Salem sent a respectful communication to County Auditor Lance Taguchi requesting a status update on the audit of the unaccounted-for developer deferral agreements. The letter states.

‘As a staff member of the Office of the Mayor, I was hired with the stated task of adopting and facilitating a system of collection and assessment of the agreements. With that said, the entire process is being stalled by the years of delays of your pending Audit. I am forwarding this communication to both.’

Christopher Salem Office
of the Mayor

As a staff member of the Office of the Mayor, Salem provided the County Auditor with further employee Whistleblower discovery and evidence that Corporation Counsel attorneys and former Public Works Director Milton Arakawa executed multiple illegal “deferral” agreements years after the County

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Council terminated the Deferral Agreement ordinance.

The recently compelled Government records document that the County Auditor and conflicted Corporation Counsel obstructed access to County records that prove that the County Auditor had possession and knowledge of the multiple unlawful developer agreements going back to 2018. As the record now shows, for years thereafter, the County Auditor failed to produce any Audit Findings or Reports to the Maui County Council.

The Maui County website states the Office of the County Auditor shall adhere to the following professional auditing standards.

Professional Standards

The Office of the County Auditor adheres to very rigorous and demanding professional auditing requirements as described in Generally Accepted Government Auditing Standards, commonly referred to as GAGAS or The Yellow Book. These standards include requirements for planning the audits; ensuring properly trained and supervised staff; determining the rationale for the objectives, scope, and methodology of audits; selecting the criteria used to evaluate the audit subject, and ensuring the evidence is sufficient, relevant, and competent.

“Pursuant to 7.51 of the Yellow Book, “Auditors should report identified or suspected non-compliance with provisions of laws, regulations, contracts, and grant agreements and instances of fraud

Resident Salem asserts that had the County Auditor directed his “properly trained” staff and independent attorneys to act in accordance with the rigorous Professional Auditing Standards, the findings and facts surrounding the one disputed and unlawful subdivision agreement would have been clearly established.

The County Auditor was made aware of additional fraud in the one subdivision that suspended the audit.

As the government records affirm, the Office of the County Auditor had direct access to the evidence of fraud and falsification of government records by former Public Works Director Arakawa and Corporation Counsel in the one disputed subdivision that the Auditor used as an excuse to suspend the audit.

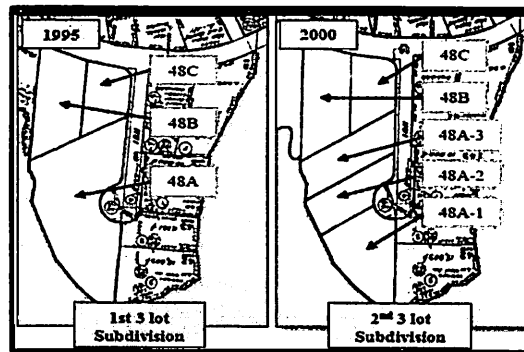
Director Arakawa, the partners of Lot 48A, LLC, and their private attorneys circumvented County laws through private warranty deeds during the overlapping subdivision of Lot 48A, unlawfully adding their 3 new parcels to the County “3 Lot or Less” subdivision agreement without Corporation Counsel’s approval.

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Over a decade later, Public Works Director Milton Arakawa and Corporation Counsel mailed a falsified “3 Lot or Less” Notice of Intent to Collect upon a pro rata share of the proposed Phase IV CIP to five property owners. Corporation Counsel now admits they have no contractual or infrastructure “deferral” agreement with the overlapping subdivision parcels created by Developer Lot 48A, LLC in LUCA file No. 4.805 in 2001.

40. No additional, new “3 Lot or Less” Subdivision Deferral Agreement was authorized or recorded by the Department of Corporation Counsel for the three additional parcels (Lot 48A-1, Lot 48A-2, Lot 48A-3) subsequently subdivided by Developer Lot 48A, LLC in 2001.



As the County Auditor is fully aware, the Maui County Code does not lawfully allow for three additional parcels to be added to a “3 Lots or Less” subdivision “deferral” agreement when the parent parcel is further divided. To the contrary, the Maui County Code requires full roadway frontage improvements in all subdivisions resulting in four or more lots.

The County Auditor had an ethical duty to notify the proper authorities in 2019 of evidence of Mail Services Fraud and collusion between County officials and Developer Lot 48A, LLC. Mail Services Fraud is a criminal act.

The Office of the County Auditor was also aware of the civil conspiracy.

As the government records reveal, Director Arakawa, the partners of Lot 48A, LLC, and their private attorneys circumvented County laws through private warranty deeds during the overlapping subdivision of Lot 48A, unlawfully adding their 3 new parcels to the County “3 Lot or Less” subdivision agreement without Corporation Counsel’s approval.

One of the Lot 48A, LLC partners who manipulated the County contract and real property land titles was Robert Cella, the owner of Coldwell Island Properties. Simply stated, the licensed real estate experts and development partners were neither rookies nor naive about their unlawful acts.

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In prior Court pleadings, Corporation Counsel represented that private citizens and real estate brokers who contract away the rights and roles of the County and prevent the County from functioning appropriately under the laws are guilty of promoting corruption “at the highest level of local government.”

‘If a private citizen were able to contract away the rights and roles of County officials, the County would cease to function appropriately under the law... Among other things, it could promote corruption at the highest level of local government.’

Department of the Corporation Counsel (Dkt 147 - Page 14)

The evidence Lot 48A, LLC’s former land planning partner Public Works Director Milton Arakawa sent slanderous collection notices to five property owners, including the unlawful privately executed warranty deed owners, falsely informing them they would have to “haggle” over unspecified amounts owed to the County for a previously proposed roadway infrastructure CIP.

The County Auditor, and their conflicted legal advisor the Department of Corporation Counsel, were fully informed and noticed early in the Audit review that no adopted County law allowed for five real property titles to be bound by the same “3 Lot or Less” subdivision infrastructure deferral agreement, and that Director Arakawa’s notices represented clear and indisputable evidence of falsification of government records and manipulation of County laws.

Despite the documented evidence of misdealing’s by County Officials and Corporation Counsel attorneys since 2019, the Auditor failed to report the unlawful acts to the members of the Maui County Council or County Prosecutor. Instead, the Auditor knowingly allowed conflicted Corporation Counsel to interfere with the independent Auditor’s duties and obstruct access to government records.

COUNTY OF MAUI

**BOARD OF ETHICS
200 South High Street
Kalana O Maui Building
Wailuku, HI 96793**

In conclusion, under the influence and interference of Corporation Counsel, the County Auditor's unethical and irresponsible decision to suspend the audit after years of investigation establishes complicit conduct and complete disregard for established government auditing standards by the Office of the County Auditor. As a direct result, the "independent" County Auditor now seeks legal representation of outside counsel from the very same law firm who is defending conflicted Corporation Counsel.

The Board of Ethics is being called upon to affirm that the responsibilities of the audited Corporation Counsel and the Office of the County Auditor are opposed to one another, and therefore KSG's legal representation is a clear conflict of interest, and finally that the Auditor is clearly negligent for not requesting this Board of Ethics to provide a conflict-of-interest opinion.

Respectfully.

September 19, 2024

Christopher Salem

Christopher Salem

Christopher Salem
5100 Lower Honoapiilani Road
Lahaina, HI 96761

June 4, 2020

County of Maui
Director of the Department of The Corporation Counsel
200 South High Street - 3rd Floor
Wailuku, HI 96793

RE: 2nd Request for Ho'oponopono¹ healing to avoid litigation

Dear Ms. Lutey;

As a taxpaying resident, employee and staff member of the Office of Mayor Victorino, and former executive assistant to the Maui County Council, I believe the records reveal you have exhibited a repeating pattern of abuse of power and deceptive legal practices which justifies a calling for professional attorney reconciliation or your resignation.

A recent decision by the staff attorneys with the State of Hawai'i Office of Information Practices ("OIP") on a case reopened from 2017,² once again raises serious questions about your commitment to ethically serve the citizens of Maui County.

The OIP case centers on your 2nd Circuit Court pleading³ where you falsely alleged that Developer Lot 48A, LLC's SMA Permit environmental studies were "**eventually produced**" in response to over "30 UIPA" requests for the County records. A parallel issue is your dubious representation to the 2nd Circuit Court of the County's duty to maintain public records.⁴

During your appointment hearings, you responded to Council Member Paltin's questions about this specific SMA Permit as follows:⁵

***"..do you know of any reason the County should not enforce a
SMA permit that the Mayor agreed to?"***

Council Member Tamara Paltin - May 28, 2019

***"I'm not sure what that one's about. I have really no idea.
If you gave me a specific, I could go figure that out but I haven't been involved in
any SMA's or being consulted on it so I'm just not sure what that issues about."***

Acting Corporation Counsel Moana Lutey - May 28, 2019

As the County of Maui attorney of record on multiple cases involving the SMA Permit in question, (See References Below) you made dishonest statements to Council Member Paltin to avoid exposing your inability "*to be completely neutral on cases you have had for years*"⁶. You also made a false representation of Judicial records to Council Member Sinenci⁷ stating "*There has been no appeal of that case*".⁸ The case is in fact under appeal. (See CAAP-18-0000105)

¹ Ho'oponopono is a practice that can occur within the Ohana,(family) Kaiaulu,(community) or Hui. (organization)

² State of Hawaii Office of Information Practices ("OIP") Case No. 18-07

³ 2nd Circuit Court Civil Case No. 17-1-0208(1) Page 2 / Paragraph 3

⁴ 2nd Circuit Court Civil Case No. 17-1-0208(1) Page 2 / Paragraph 2

⁵ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 26

⁶ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 26

⁷ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 30

⁸ Intermediate Court of Appeals State of Hawai'i Case No. – CAAP-18-0000105

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In simple terms, you deceived the public and the Council members to avoid scrutiny of your decision making to pursue the most powerful position of influence in County government. Mayor Victorino, along with other creditable public officials such as County Clerk Kathy Kaohu, are fully aware that Developer Lot 48A, LLC's complete SMA Permit file was not "**eventually produced**" as you falsely alleged to the 2nd Circuit Court.

Therefore, under HRS §92F-42(1), the OIP has been noticed that a lawsuit shall be filed against you in the 2nd Circuit Court to obtain access to government records from Corporation Counsel. The records will reveal that your pleading to the 2nd Circuit Court regarding "**eventually produced**" government records was falsely made with the intent to be taken as genuine. ⁹

Acting Corporation Counsel Director Lutey withheld Mayor Victorino's settlement agreement.

As the records reveal, on May 2, 2019, you're dishonest "**no idea**" statement was made at the same time you were unethically withholding from the members of the Maui County Council a legal settlement agreement that Mayor Victorino negotiated and willingly signed.

Mayor Victorino's side of the contractual agreement would have ensured that Public Works Director Milton Arakawa's former developer client, Lot 48A, LLC, would return to their oceanfront subdivision to complete the unfulfilled infrastructure and drainage obligations as required and represented by their conditional SMA Permit and previously concealed environmental studies.

"Milton, when I look at what he did, took advantage of the situation to take care of his friends"

"There is a definite, I hate to use the word collusion, but there is."

"He deserves more than a slap on the wrist, far more than a slap on the hand"

Mayor Elect Michael P. Victorino - December 2018

As a former elected member of the Maui County Council during the times relevant, Mayor Victorino was a direct witness to the conspired scheme orchestrated by Director Arakawa to conceal the public records of his client's SMA Permit application and environmental studies.

On April 17, 2019, with Mayor Victorino's support and approval, the signed settlement agreement and resolution proposal was sent to your attention as Acting Director of Corporation Counsel. The communication included a cover letter which outlines the terms of the agreement and consideration being granted to the County of Maui.

On May 2, 2019, during your Director appointment hearings, you also stated; ¹⁰

".. when you work on something for years and years, you get so deeply invested at times that it's hard to contemplate settlement. "

As Mayor Victorino's appointed legal counsel, you are perpetuating a crime and wrongful act to protect and shield former Public Works Director Milton Arakawa. In violation of your professional and ethical duties, you have obstructed the members of the Maui County Council from acting upon a settlement agreement signed by Mayor Victorino.

⁹ See Hawai'i Penal Code - HRS Title 37 §710-1017 Tampering with Government Records

¹⁰ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 79

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Therefore, in accordance with Hawai'i Penal Code - HRS Title 37 §710-1017 Tampering with Government Records, the evidence of your falsification of government records and knowingly false statements before the members of the Maui County Council, shall be presented to the County of Maui Prosecutors Office.

Mayor Victorino's Signed Agreement exposes Corporation Counsel's false representations.

Mayor Victorino's performance on the contractual agreement would have galvanized into government records the evidence of years of concealment and misrepresentations of the SMA Permit records by the Department of Corporation Counsel attorneys in multiple legal cases.

***"We worked long enough on this case.
I don't want you to drop the case, I believe you are right."***

Mayor Elect Michael P. Victorino - December 2018

The agreement with Mayor Victorino provides conclusive evidence to support a post-judgement Motion in the Court of the 2nd Circuit that will expose Developer Lot 48A, LLC's fraud and malicious conspiracy with Director Arakawa to intentionally harm my family.

***"I do recognize there's still one issue -- at least one issue under investigation,
and it's possible that something that could lead to a
post-judgement motion related to fraud."***

Honorable Judge Joseph Cardoza ¹¹

***"As I cannot help but feel that you and County of Maui have been defrauded,
the taxpayers have been cheated out of financial obligations the developer
should have been rightfully paid."***

Council Member JoAnne Johnson Winer¹²

As the Director of Corporation Counsel, you have obstructed justice and interfered with Mayor Victorino's performance upon the signed contract in violation of your official duties and the laws and ordinances of Maui County. Nevertheless, your dishonorable interference does not invalidate the contract signed by Mayor Victorino's nor his witnessing of Director Arakawa's collusion with Developer Lot 48A, LLC.

Therefore, as a direct result of interference with Mayor Victorino's duties and promises, a Rule 60(b) Motion shall be filed in the 2nd Circuit Court, supported by a cause of action for interference and claim for specific performance by Mayor Victorino on the signed contractual agreement. I believe a recent statement by 2nd Circuit Court Judge Peter Cahill will bring to justice for your obstruction of the Mayor's duty to uphold the environmental laws;

***"The irreparable harm here is the people of the County of Maui
having a right to have their laws enforced."***

Judge Peter Cahill – January 22, 2020¹³

¹¹ Civil No. 09-1-0040(3) – Transcript Page 35

¹² Notarized Affidavit of JoAnne Johnson Winer – August 11, 2015

¹³ Civil No. 17-1-0393(2)

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Corporation Counsel's direct role in concealment of the requested SMA Permit records.

The financial expenses incurred by the County of Maui through unjustified legal defense, along with the prolonged monetary and emotional injuries to my family, are a direct result of Corporation Counsel's role in the concealment of the Developer Lot 48A, LLC's complete SMA Permit file and the manipulation of the unaccounted-for "3 Lots or Less" developer infrastructure "deferral" agreements.

In 2014, in the United States Bankruptcy Court, a Rule 2004 Subpoena was issued to the Department of Planning and the Department of Corporation Counsel requesting government records relating to Developer Lot 48A, LLC's SMA Permit file. Corporation Counsel immediately filed a Motion to Quash my access to the SMA Permit government records.¹⁴

"Use of a Rule 2004 Subpoena constitutes abuse and harassment of the County. Planning has nothing whatsoever to do with the acts, conduct, or property or liabilities and financial condition of the Debtor. (Salem)"¹⁵

Corporation Counsel Director Patrick Wong

As the County records represent, On August 3, 2009, the Planning Department responded to my request for access to Public Records relating to Developer Lot 48A, LLC's SMA Permit file SM2 2000/0042, as follows;

".. The SM2 file cannot be found at the County. Without the file I could only locate documents on the computer and was only able to find the following."

Department of Planning – August 3, 2009

As late as 2014 Corporation Counsel was aggressively conspiring to conceal and obstruct my access to the "***eventually produced***" Developer Lot 48A, LLC's SMA Permit File. As the records reveal, Director Arakawa fraudulently clouded my family's real property title with an illegitimate subdivision lien for "deferred" roadway infrastructure improvements which were the financial obligations of his private client, as discovered in Developer Lot 48A, LLC "***cannot be found***" Planning Department SMA Permit file.

Developer Lot 48A, LLC's concealed Planning Department SMA Permit records are the "**smoking gun**" government records referenced by attorney Matson Kelley in pleadings presented to Honorable Judge Cardoza.¹⁶ Contrary to Corporation Counsel's falsified representations to the United States Bankruptcy Court, the concealed Planning Department records strike to the heart of the Debtor's liabilities to the unpaid Creditors, and the financial condition of the Debtor. (Salem)

¹⁴ United States Bankruptcy Court Case No. 14-00878 Dkt #61 – 8/13/14

¹⁵ Rule 3.4. **FAIRNESS TO OPPOSING PARTY AND COUNSEL.** A lawyer shall not: (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value.

¹⁶ Civil No. 09-1-0040(3)

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Therefore, the agreement signed by Mayor Victorino provides conclusive evidence to support a Motion to the Federal Bankruptcy Court under the United States Bankruptcy Code, 18 U.S. Code § 157: Bankruptcy Fraud.

Mayor Victorino's Signed Agreement exposes Corporation Counsel to Bankruptcy Fraud.

As the Director of Corporation Counsel, your interference with Mayor Victorino's signed agreement shall be the direct cause for a Motion to Reopen Debtor's Chapter 11 Petition. (Case No.: 14-00878) The Bankruptcy Court has broad discretionary authority to reopen a case "to administer assets, to accord relief to the debtor, or for other cause." 11 U.S.C. § 350(b).

For the record, my wages as an employee with the Office of the Mayor have been garnished by one of the unpaid creditors who lost their security when my family home was foreclosed upon. The illegitimate County induced liens were the direct cause of the foreclosure, and to this day have an ongoing financial stranglehold on my family.

Therefore, to remove the ongoing harm to my family, and to allow the damaged Creditors to recover their financial injuries, an Adversary Proceeding shall be filed under Federal Rule of Bankruptcy (FRBP) §7701 to expose Creditor County of Maui and Creditor Developer Lot 48A, LLC's scheme to create fraudulent liens on my family's real property title.

Please be advised, there is further conclusive evidence involving professional consultants and Corporation Counsel attorneys who played a conspiring role in Director Arakawa's concealment scheme which will be filed with the Bankruptcy Judge and the Prosecutor's Office under seal to protect my family.

Director Lutey has a duty under the Maui County Code to correct the violations.

In accordance with **Title 18.44 – VIOLATION - PENALTY**, as Director of Corporation Counsel, you have a PRESENT-DAY duty to defend Mayor Victorino's signed agreement by instituting an action against Director Arakawa's client Developer Lot 48A, LLC to correct, fine, and abate their violations of the Maui County Code as follows;

In accordance with Maui County Code Title 18.44.010 – **Violation & Penalty**;

- A. Any person, firm, or Corporation which knowingly violates this title **shall be fined** not more than one thousand dollars. The continuance of any such violation shall be deemed a new violation for each day of such continuance.

In addition, **the County attorney** may institute an action to prevent, restrain, correct, or abate any violation of this title and seek such relief by way of injunction or otherwise, as may be proper under the facts and circumstances of the case, in order to effectuate the purposes of this title.

- B. In any illegal subdivision, the Director may require such improvements as would reasonably comply with the provisions of this title. Such remedial improvements **shall be applicable to the sub divider**, if he may be found, or the owners of the lots in the illegal subdivision at the time of discovery, or both.

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In accordance with Title 18 of the Maui County Code, the Developer's consultants, including Director Arakawa's land planning firm, had a professional duty to ensure the infrastructure improvements as represented in the conditioned SMA Permit environmental studies were included in the roadway improvement civil engineering drawings. They knowingly failed to do so. The consultants continue to be granted County contracts.

Believing the "**cannot be found**" SMA Permit records would never be found, Director Arakawa's scheme was to shift his client's roadway infrastructure financial obligations into the County of Maui's Phase IV of Lower Honoapiilani Road Capital Improvement Program ("CIP") project. At the very same time, Director Arakawa's land planning firm was the County's paid consultant for the Phase IV CIP project.

Therefore, as the "**County attorney**", you have a duty to notice, or seek injunctive relief, to require Developer Lot 48A, LLC to return to their subdivision to complete their environmental and financial obligations as represented in their conditioned SMA Permit.

Director Lutey's failure to perform her duties under the Charter will be cause for removal.

The Department of Corporation Counsel had a PAST duty to remove the one-time County of Maui "3 Lot or Less" subdivision deferral agreement clouds from the underlying subdivision property titles immediately upon issuance of the Developer Lot 48A, LLC's conditioned SMA Permit in 2001. Corporation Counsel's failure to keep track of the potentially thousands of developer deferral agreements executed by their staff attorneys was a contributing cause to their negligence.

The Phase IV Lower Honoapiilani Road CIP project is now listed as a priority project in the Maui Metropolitan Planning Organizations ("MPO") Final Report with funding projected in 2020 -2023. Consequently, you have a PRESENT duty to institute an action to ensure that Developer Lot 48A, LLC corrects their violations to safeguard the citizens and taxpayers from incurring Developer Lot 48A, LLC's roadway infrastructure financial obligations.

The Maui County Charter - **Article 9: FINANCIAL PROCEDURES** Section 9-12, states as follows;

- C. If any County officer or employee ... incurs any obligation in violation of the provisions of the Charter, or in violation of the procedures and policies established by ordinance, or takes part therein, that action shall be cause for removal from office.

To avoid even further litigation from the five (5) affected property owners, Corporation Counsel has a PRESENT duty to expunge the illegitimate "3 Lots or Less" County lien that currently slanders the five (5) real property titles. Despite multiple written notices from me as an employee of the Office of the Mayor,¹⁷ you have failed and refused to take the appropriate action to protect the County of Maui from incurring further expense and legal liability.

The prior notices to Corporation Counsel shall be sent to Mayor Victorino with a copy to the County Auditor, the Cost of Government Commission, and the Council Chair of the

¹⁷ See Office of the Mayor transmittal and letter issued to Director Moana Lutey dated December 2019.

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Lahaina, HI 96761
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Governance, Ethics, and Transparency Committee. ("GET") I believe a comprehensive Performance Review of the Department of Corporation Counsel by the Auditor or independent auditing firm, is long overdue.

Therefore, I hereby assert my rights to employee whistleblower protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes ("HRS") Chapter 378-62-378-65, §378-70, and HRS §661-21.

Corporation Counsel Director Moana Lutey's conduct is a calling for change in leadership.

As a self-proclaimed "Dinosaur" litigator employed by the Department of Corporation Counsel since 1999, you have exposed through multiple recent actions your inability to remain neutral, or accept your "client" Mayor Victorino's decision to settle a case your Department has battled for years.

Your unethical conduct has dishonored Mayor Victorino's promises to transform Corporation Counsel into a Department which represents community-based leadership. I share Council member Rawlins-Fernandez's outcry for change.

"Our community has lost faith in Corporation Counsel and I do not see the change in leadership since Ms. Lutey has become Director.

I believe I was voted onto the Council for change and I promised that I would fight for that change."

Council Member Keani Rawlins-Fernandez – May 28, 2019

Under ARTICLE 10 - **CODE OF ETHICS** Section 10-1. Declaration of Policy. Elected and appointed (County) officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.

Under the Maui County Charter - Article 13, Section 13-13. **Impeachment of Officers:** Appointed or elected officers may be impeached for malfeasance, misfeasance, or nonfeasance in office or violation of the provisions of Article 10.

Therefore, a comprehensive Board of Ethics complaint and charges for a verified Petition for Impeachment shall be filed against you in Circuit Court for the 2nd Circuit for violating your duties to serve the public interest.

Director Lutey's interference with a contractual relationship will cause further litigation.

I agreed to Mayor Victorino's offer of employment as an executive assistant of the Office of the Mayor with the stated purpose of establishing a fair and equitable system of assessment and collection of the millions of dollars of developer debts owed through unaccounted for "3 Lots or Less" developer agreements. Also, to apply my extensive professional resume towards streamlining roadway infrastructure Capital Improvement Projects.

My delayed employment in 2019 was intended to allow for the enforcement of Developer Lot 48A, LLL's unfulfilled conditioned SMA Permit and immediate dispute resolution. Both

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contractually and verbally, Mayor Victorino promised to provide a clear path towards my peaceful and productive employment.

"I asked for mediation and mediation is going to happen."

Mayor Elect Michael P. Victorino – December 2019

Mediation has not happened because in May of 2019, you took it upon yourself to go against Mayor Victorino's directive and refused to present the signed settlement agreement and resolution proposals to the members of the Maui County Council. In a letter to the Chair of the Maui County Council, you alleged there was no consideration provided for settlement and no further litigation. Recent communications, including the notices presented herein, affirms that both of your written claims to the Council Chair were false and misleading.

I just received a copy of an email you sent to staff attorney with the OIP February of 2020 which affirms, as late as March of 2019, that there was in fact ongoing litigation. In good faith, in January of 2019, in detrimental reliance on Mayor Victorino's anticipated performance on the contractual agreement, I terminated the litigation. I also contractually agreed to release the County of Maui from further liability.

Your personal decision to unethically interfere with and obstruct Mayor Victorino's performance on the contractual agreement shall result in further litigation through multiple legal actions describe herein. As my legal counsel with the County of Maui on my official duties, your unethical acts have placed me in a conflicted and hostile work environment which has caused both physical and psychological duress and blocked me from the performance of my job.

For the record, the Chief of Staff of the Office of the Mayor, Director of Personal for the County of Maui, and Manager for the Office of the Mayor, have been continuously noticed of the workplace harassment and duress that has been caused by your unethical leadership as our legal Counsel and representative.

Therefore, I once again assert my rights to employee protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes ("HRS") Chapter 378-62-378-65, §378-70, and HRS §661-21.

Corporation Counsel has a Pattern of Serving of Private Developers Financial Interests

The citizen-driven SMA Permit lawsuit at Montana Beach occurred in 2001 during the same time frame as when Developer Lot 48A, LLC's complete file of SMA Permit records were first requested from the County of Maui. At the same time, Director Arakawa left his land planning firm partnership for a politically appointed Deputy position in the Department of Public Works. The question is; Why?

As the record shows, almost immediately after his employment, Deputy Arakawa began signing off on private developers' subdivisions in violation of the Maui County Code. The massive concrete walls staring in the faces of the local families along Palama drive are just one of the unscrupulous monuments of Director Arakawa's agenda to serve private developers' financial interests at the public expense.

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Also, in 2001, through my dispute with Developer Lot 48A, LLC on their overlapping subdivision of one of the parent parcels of my “3 Lots or Less” subdivision, I informed West Maui Council Member JoAnne Johnson and Mayor Arakawa that Corporation Counsel and the Department of Public Works were executing an unknown quantity of agreements with private developers that intentionally shifted their infrastructure financial obligations onto the taxpayers.

The unethical practice continued on with hundreds more unaccounted for deferral agreements until 2007 when the “deferral” ordinance was repealed by the County Council. As I have just discovered during my performance of my assigned duties by Mayor Victorino, as late as 2009 along South Kihei Road, Director Arakawa and Corporation Counsel continued to grant unlawful, unauthorized overlapping “one time” deferrals to private developers.

Therefore, I once again assert my rights to employee protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes (“HRS”) Chapter 378-62-378-65, §378-70, and HRS §661-21.

Corporation Counsel has a pattern of abuse of power and authority and intimidation tactics.

Mayor Victorino’s staff includes five former Council Members. When they speak about Corporation Counsel, it is evident that acts of intimidation and strong-arming by your office have taken place to influence legal and legislative decisions. The reopened OIP case from 2017, illuminates how far beyond decency Corporation Counsel conducts their affairs.

As an example, Corporation Counsel filed an intimidating lawsuit against me alleging I was engaging in some fabricated form of “violation of due process” by issuing multiple requests for the SMA Permit records under the Uniform Information Practices Act. (“UIPA”) Your inability to produce a government record to support your “eventually produced” 2nd Circuit Court pleading provides the evidence of the SMA Permit concealment, and justifies the repeating UIPA requests.

Therefore, a question for consideration by the members of the Maui County Council; Does Corporation Counsel have the right to spend public funds to file intimidating lawsuits without first obtaining authorization from the members of the Maui County Council? Is this not an abuse of power and Corporation Counsel’s authority?

Director Lutey’s unethical professional decisions are grounds for resignation or impeachment.

Corporation Counsel continues to gamble and lose in their baseless defenses of unlawful Director decisions.¹⁸ Tens of millions of dollars of financial injuries to the taxpayers have been the direct result. As an elected Council member, Mayor Victorino witnessed Director Arakawa’s repeating dishonorable acts, and voted on the costly legal settlements. ¹⁹

Mayor Victorino’s bold decision to uphold the laws of Maui County and sign an agreement to hold a private developer accountable for their conditioned SMA Permit occurred

¹⁸ Montana Beach - Maui County Council Resolution No. 08-3 – CVO6-00430 ACK KSC

¹⁹ Civil No. 09-1-0245(1) Cabebe V. New Sand Hills, ET AL

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after hours of meetings and negotiations. Mayor Victorino's motivation was to issue the violation notices to the developer and terminate the longstanding dispute through mediation.

As acting Director of Corporation Counsel, you made a personal decision to withhold Mayor Victorino's signed settlement from your clients, the members of the Maui County Council. By doing so, you were serving the financial interests of a private developer. You proceeded to deceive the members of the Council and the public when questioned on the Mayor's decision to enforce the SMA Permit.

The recent evidence received from the OIP affirms your reasons for withholding Mayor Victorino's signed agreement and resolution proposal were an abuse of power and violation of the Professional Rules adopted by the Supreme Court of the State of Hawai'i. Contrary to your claims, further litigation in multiple Courts of Law will be the likely result of your decision.

In conclusion, from the outset of your appointment as Director of Corporation Counsel, concerns were raised on your ability to see things clearly when you're in the middle of a battle. As a longstanding litigator, can you provide objective neutral advice and avoid influencing your clients on cases you have been fighting for years? After one year in your new Director role, your performance proves you are not qualified for a community-based leadership position.

With that said, I feel it is important to support this belief with a reminder of our meeting in Mayor Victorino's office. As you recall, I offered to engage in the cultural practice of Ho'opononono to help heal our differences and find a common spirit in our public service. Against the wishes of the Mayor and best interests of citizens of Maui County, my sincere offer was rejected with an aggressive and spiteful tone.

Prayer to Director Lutey to reconcile the harm caused to my family and the community.

Under the professional attorney rules adopted by the Supreme Court of the State of Hawai'i, I believe the Courts will find you have professional duty to rectify the consequences of your false statement of material fact to the 2nd Circuit Court. ²⁰

As a measure of good faith to prevent further litigation and burden upon Mayor Victorino's administration, the members of the Maui County Council, and my wife and children during these challenging times, I ask you to rewrite the wrongs and facilitate a peaceful resolution by forwarding the Mayor's signed settlement agreement to the members of the Maui County Council for their consideration. ²¹

²⁰ **Rule 3.3. CANDOR TOWARD THE TRIBUNAL.** (a) A lawyer shall not knowingly:

- (1) make a false statement of material fact or law to a tribunal;
- (4) offer evidence that the lawyer knows to be false.

If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take remedial measures .. to rectify the consequences.

²¹ *"Well, normally what happens, I don't want to belabor this answer, I will contact the committee and inform them that I have a settlement.*

I normally do that very quickly, if not the same day..

Acting Director of Corporation Counsel Moana Lutey – May 2, 2019

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“You’ve treated everyone with respect and have retained your dignity thru all this and allowed wiggle room for the accused to own up and take back their dignity, but they are too scared...”

County Clerk Kathy Kaohu to Chris Salem – May 20, 2020

Respectfully; *Christopher Salem*

County Clerk

RECEIVED

From: Nancy Hunt <nlhunt@aol.com>
Sent: Monday, October 21, 2024 3:00 PM
To: County Clerk
Cc: Tamara A. Paltin
Subject: Resolution 24-178

2024 OCT 22 AM 7:38

OFFICE OF THE
COUNTY CLERK

You don't often get email from nlhunt@aol.com. [Learn why this is important](#)

Please pass this Resolution and help us finally get a hospital on West Maui. And Tamara, thank you for the work you are doing for this important need for West Maui. We have lived here for 24 years, and we attended our first meeting to plan this hospital 24 years ago. It has never happened, and we have known many people who have had adverse health situations because it took an hour to get to Maui Memorial for the medical help they needed. PLEASE understand the importance of this West Maui Hospital and make it happen. You may just save our lives!

Sincerely,

Nancy and Rob Hunt
5197 Loser Honoapiilani Road
Lahaina, HI 96761

Aloha Chair Kama and committee members. Mahalo for reading my testimony,

RECEIVED

Aloha, I am an owner at 641 Luakini St. I am writing in support of Bill 105. 2024 OCT 22 AM 7:38

Mahalo to the administration and planning department for introducing the bill and to Chair Kama for thoughtfully listening to the community.

OFFICE OF THE
COUNTY CLERK

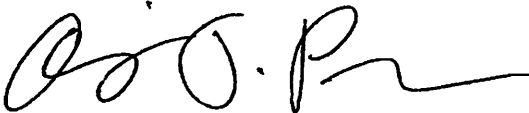
Born and raised on Maui, some of my earliest memories are being on Front Street. Coming from upcountry, it felt like an exciting place to visit. During the teen years, it was a staple place to surf and shop. It was an eyeopening experience to see people from all over the world, choose Lahaina to visit for a once in a lifetime vacation or an annual visit. As locals, we know how special it is and in the spirit of Aloha we love to share it with the world.

It has been over a year since the devastating wildfires in Lahaina. This fire has impacted my family greatly. We are barely recovering from our significant losses. And now, over a year later, we are distraught by the financial burden it weighs on us as well as many friends and acquaintances. The financial impact of not having our parking lot to rent out has caused significant financial stress for myself, my husband and our young children as well as our parents, brothers, sisters, in-laws, niece and nephews.

We are a small kama'aina family run business who want to keep this property and see the town thrive again. We do not want to sell, especially to non local buyers. I strongly support this bill as one step toward rebuilding Lahaina. This would help my family, the Front Street businesses, the county of Maui, and the State of Hawaii. Look at our island and how unaffordable it has become. The lost revenue from Front Street greatly impacts everyone here. This bill will bring us closer to restoring a healthier economy and community.

Every month that passes drains our funds to be able to keep our parking lot. This bill is crucial to helping us move forward as a business and as a community.

Mahalo,



Alison Pearce
Lahaina Ratoon LLC

Aloha Chair Kama and committee members. Mahalo for reading my testimony,

Aloha, I am an owner at 641 Luakini St. I am writing in support of Bill 105.

Mahalo to the administration and planning department for introducing the bill and to Chair Kama for thoughtfully listening to the community.

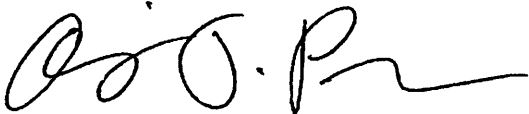
Born and raised on Maui, some of my earliest memories are being on Front Street. Coming from upcountry, it felt like an exciting place to visit. During the teen years, it was a staple place to surf and shop. It was an eyeopening experience to see people from all over the world, choose Lahaina to visit for a once in a lifetime vacation or an annual visit. As locals, we know how special it is and in the spirit of Aloha we love to share it with the world.

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We are a small kama'aina family run business who want to keep this property and see the town thrive again. We do not want to sell, especially to non local buyers. I strongly support this bill as one step toward rebuilding Lahaina. This would help my family, the Front Street businesses, the county of Maui, and the State of Hawaii. Look at our island and how unaffordable it has become. The lost revenue from Front Street greatly impacts everyone here. This bill will bring us closer to restoring a healthier economy and community.

Every month that passes drains our funds to be able to keep our parking lot. This bill is crucial to helping us move forward as a business and as a community.

Mahalo,

A handwritten signature in black ink, appearing to read 'Alison Pearce', with a stylized flourish at the end.

Alison Pearce
Lahaina Ratoon LLC

County Clerk

From: Thomas P English <tom@iprf.com>
Sent: Tuesday, October 22, 2024 2:16 AM
To: County Clerk
Subject: Resolution 24-178

2024 OCT 22 AM 7:38

OFFICE OF THE
COUNTY CLERK

 You don't often get email from tom@iprf.com. [Learn why this is important](#)

We need a West side hospital not only for the residents and visitors but for our Emergency Services (Fire & Ambulance) personal. Long trips to Wailuku take them away from doing their jobs which is saving lives.

Tom English
526 Kai Hele Ku St. Lahaina

County Clerk

From: Hel Wong <diannawashere2010@gmail.com>
Sent: Monday, October 21, 2024 7:14 PM
To: County Clerk
Subject: Testimony for Resolution 24-178

2024 OCT 22 AM 7:38

OFFICE OF THE
COUNTY CLERK

You don't often get email from diannawashere2010@gmail.com. [Learn why this is important](#)
Aloha,

I am writing in SUPPORT of Resolution 24-178 which urges the Maui County Council to provide support to the proposed West Maui Hospital and Medical Center.

I am born and raised in Honokowai, for those unfamiliar, this is an area located 15 minutes north of Lahaina itself. In July of 2024 I was between employers, to ensure coverage during this gap I applied and received Medquest for about 3 months. I was grateful to have this in case of emergencies because one did present itself. A bump had formed on my gums. Out of concern, I called the only dental provider for Medquest but was told the next regular appointment I could schedule would be in February 2025. I was told I could come in as a standby and wait to be seen but it is limited to the first 3 or 5 that check in. The number varies based on the doctors available.

From Honokowai to the dental office in Wailuku, it was estimated to be a 45 minute drive. Google maps will give you roughly the same estimate. This does not account for any traffic and assumes the driver is following the posted speed limit sign.

To ensure I have a place in line, I estimated to leave my house at 630am to hold my position. On both occasions, when I arrived the 3-5 limited spots had already been filled and I suffered another bout of pain with this gum abscess.

I ended up at the ER where I was also told there is no guarantee on treatment but they would do their best to lessen the pain until I could see a regular dentist.

The availability of medical providers to residents is horrible. No one should have to be turned away when they are suffering. Secondly, when a person is in pain and suffering, there shouldn't be additional stress of finding a facility to help. I had tried to call 5 different providers before going to the ER. Having a medical center in West Maui can alleviate some of the stress a person is already experiencing.

The population of Lahaina may have been reduced because of the fire but it doesn't mean the town has been deserted. There are still people who live in areas north of Lahaina and commute to the West side. The community exists and the community needs a hospital-medical center for emergencies.

Thank you for your time.

Dianna Cao
Born and raised Honokowai resident

County Clerk

From: Linda Shatzer <lindashatzer@gmail.com>
Sent: Tuesday, October 22, 2024 11:47 AM
To: County Clerk
Subject: Resolution 24-178

2024 OCT 22 PM 1:33

OFFICE OF THE
COUNTY CLERK

You don't often get email from lindashatzer@gmail.com. [Learn why this is important](#)

I am writing to you to support the resolution for the West Maui Hospital. Four times my husband had to be taken by ambulance to Maui Memorial Hospital in Kahului for critical medical care. The 45 minute ride was life threatening. Please approve the resolution to move forward on the critical care hospital for the west side. It will save lives.

Linda Shatzer
50 Puu Anoano Street
Unit 203
Lahaina, Hawaii 96761

County Clerk

From: Lori Gould <lori@mac.com>
Sent: Tuesday, October 22, 2024 10:35 AM
To: County Clerk
Subject: Support for resolution 24-178 West Maui Hospital

[You don't often get email from lori@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha 🌺 Maui County Council ,

I am writing to express my unwavering support for Resolution 24-17, introduced by Council Member Tamara Paltin, which advocates for the establishment of a full-service hospital on the West Side of our beautiful island, Maui.

Our community, though resilient and robust, has long felt the absence of comprehensive, accessible healthcare services in our area. This gap in our healthcare infrastructure has been particularly noticeable during times of crisis, such as the recent wildfires. The lack of a local hospital has resulted in delayed response times, limited access to preventative care, and increased strain on our existing healthcare facilities. A West Maui Hospital is more urgently needed than ever before and time is something we cannot afford to waste.

Resolution 24-17 presents a viable solution to this pressing issue. By establishing a hospital on the West Side, we can provide our residents with immediate access to critical healthcare services, improve overall community health, and create job opportunities in the healthcare sector.

Moreover, a local hospital would be a beacon of hope and assurance for our kupuna, who often face the greatest challenges in accessing healthcare. It would also serve as a vital resource for our visitors, who contribute significantly to our local economy.

I understand that establishing a hospital involves significant financial and logistical considerations. However, I believe that with the support of our local and state governments, private investors, and the unwavering spirit of our community, we can make this dream a reality.

In the FY23-24 budget, the Hawai'i State Legislature appropriated \$21.7 million to support the growing community hospital's needs. This shows a commitment and understanding of the importance of healthcare accessibility in our communities, which we hope can be extended to the West Side.

I kindly ask for your support in this matter. Together, we can ensure a healthier and stronger future for our beloved West Side community.

Mahalo for your time and consideration. I look forward to your positive response.

Lori Gould
221 Wailau Pl
Lahaina

RECEIVED
2024 OCT 22 AM 11:03
OFFICE OF THE
COUNTY CLERK

County Clerk

From: jason graves <jasgrave333@icloud.com>
Sent: Tuesday, October 22, 2024 10:37 AM
To: County Clerk
Cc: Angel A
Subject: Urging the administration to provide for the establishment of the proposed West Maui Hospital and Medical Center through the guarantee of state special purpose revenue bond issuance

[You don't often get email from jasgrave333@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha dear,

In blessed peace — please here our testimony:

Please testify online & share 🗣️ 🙏

Help Make the West Maui Hospital a Reality

Your help is needed to urge the Maui County Council to pass Resolution 24-178 at their October 25th meeting which begins at 9 am.

The resolution is entitled “Urging the administration to provide for the establishment of the proposed West Maui Hospital and Medical Center through the guarantee of state special purpose revenue bond issuance”

The bond measure was passed by the Hawaii State legislature and signed by the Governor in July 2023. The issue was on track when the Lahaina fire happened and it has been stalled ever since.

We know there are many reasons why priorities shifted however we must provide critical infrastructure if we are to successfully rebuild West Maui and help our community heal.

Our residents need medical care including mental health services and while it is helpful that Kaiser put up a temporary clinic the services and hours of operation are limited to Kaiser members only. Other limited services here in West Maui are inadequate based on the needs of our residents.

We have waited for this facility far too long and it is time to reach out to our elected officials and let them know that we cannot afford to wait any longer. We need their help.

While a resolution is not a law it is a clear message to our leaders that the importance of a hospital to our recovery is one of our highest priorities.

Please send your testimony to support resolution 24-178 by the following means:
email: county.clerk@mauicounty.us

In person on October 25th: Testimony and Viewing; Planning Conference Room, Kalana Pakui Building 250 South High Street, Wailuku, Hawai'i

Phone: 1-808-977-4067, code 234 794 559#

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2024 OCT 22 AM 11:03
OFFICE OF THE
COUNTY CLERK

Or contact Council services for assistance at:
(808) 270-7838

For more information contact Jo Anne Johnson Winer, President West Maui Hospital Foundation,
johnsonj031@hawaii.rr.com

Sent from my iPad

County Clerk

RECEIVED

From: Joanne Foxxe <jofoxxe@gmail.com>
Sent: Tuesday, October 22, 2024 8:30 AM
To: County Clerk
Subject: Resolution 24-178 west maui hospital

2024 OCT 22 AM 8:36

OFFICE OF THE
COUNTY CLERK

|| You don't often get email from jofoxxe@gmail.com. [Learn why this is important](#)

There's a lot going on on the west side

We need our hospital. We've been working on it forever. Please give us our bonds money and build our hospital now.

Warmest alohas,

Joanne L. Foxxe, CRS, GRI, SRES, e-Pro, RSPS
Keller Williams Luxury International
2023 Wendell Wong Hawaii CRS of the Year Award
Keller Williams Realty Maui
Kapalua
Lahaina, Hi. 96761

808-385-2918 cell and direct line
Search all Maui properties on my website
Www. JoanneFoxxe.com
Www. Kapaluaadvisor.com

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Top 100 Hawaii Realtors 2017

And 2022

Oh by the way, I am never too busy for your referrals.

County Clerk

From: Leeann Myers <leeann@lanemyers.com>
Sent: Tuesday, October 22, 2024 8:35 AM
To: County Clerk
Subject: West Maui Hospital

[You don't often get email from leeann@lanemyers.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please Please PLEASE let this hospital be built!!!

There is far too many people on the west side with way more traffic and the need is positively there for one.

Heaven forbid anyone dies not being able to have quick access to such.

If the money has already been allocated this should not even be a problem or concern!!

Sincerely
LeeAnn Myers
A west side resident
Sent from my iPhone

RECEIVED
2024 OCT 22 AM 10:19
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Marianne Gigiolio <marianne.gigiolio@gmail.com>
Sent: Tuesday, October 22, 2024 9:28 AM
To: County Clerk
Subject: Support for west Maui hospital

[You don't often get email from marianne.gigiolio@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha,

I support the west Maui hospital build and have since its inception. I personally have had family members on the west side in need of serious medical attention in the past 20+ years where time was of the essence. Small children, late teens and now my husband who has had numerous falls and head trauma who could have benefited from a nearby medical center.

Please continue to support this endeavor and complete this community needed hospital.

Sincerely,

Marianne Gigiolio

Sent from my iPhone

RECEIVED
2024 OCT 22 AM 10:20
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Sandra Ventimiglia <svbyars@icloud.com>
Sent: Tuesday, October 22, 2024 10:04 AM
To: County Clerk
Subject: West Maui Hospital

[You don't often get email from svbyars@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I've lived on the westside for over 40 years , unfortunately now in a trailer house . Our needs are not being met!
We desperately need a hospital for us and our visitors - one friend barely survived a heart attack due to the long drive to the other side .

Please push this forward ASAP.

Best regards,

Sandra Ventimiglia- Byars

Sent from my iPhone with Aloha

RECEIVED
2024 OCT 22 AM 10:20
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Forest Starr <starrenvironmental@gmail.com>
Sent: Tuesday, October 22, 2024 1:49 PM
To: County Clerk
Subject: Bill 148 - We Support

2024 OCT 22 PM 4:20

OFFICE OF THE
COUNTY CLERK

You don't often get email from starrenvironmental@gmail.com. [Learn why this is important](#)

BILL 148 (2024) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART II, SPECIAL MANAGEMENT AREA REVOLVING FUND, MALAMA KAKANILUA"

Aloha,

We support Bill 148 that would provide funding to Malama Kakanilua for beach, shoreline, and dune restoration and management at Waiohuli Kai.

The sand dunes and wetlands are disappearing in Kihei.

These actions will:

- * Benefit the native Hawaiian plants and animals that call these dwindling areas home.
- * Help protect against natural disasters such as flooding.
- * Provide a glimpse into what Kihei was before it was paved over.

Mahalo.

Forest & Kim Starr
Retired Biologists / Environmental Consultants
Upcountry, Maui

County Clerk

From: Dennis Elms <denniselms@hotmail.com>
Sent: Tuesday, October 22, 2024 2:59 PM
To: County Clerk
Subject: Resolution 24-178

RECEIVED
2024 OCT 22 PM 4:20
OFFICE OF THE
COUNTY CLERK

You don't often get email from denniselms@hotmail.com. [Learn why this is important](#)

I, Dennis Elms, 20 year resident of West Maui support the building of a hospital for West Maui. It has been a long time since any visible work has been done on the proposed site. Please support this non-binding resolution for the sake of all us West Maui residents and visitors.

Dennis Elms

County Clerk

RECEIVED

From: claire <cj.olivia@yahoo.com>
Sent: Tuesday, October 22, 2024 5:36 PM
To: County Clerk
Subject: Resolution 24-178 West Maui Hospital

2024 OCT 22 PM 5:42

OFFICE OF THE
COUNTY CLERK

You don't often get email from cj.olivia@yahoo.com. [Learn why this is important](#)

As a full-time, year-round resident of West Maui, I support the passage of Resolution 24-178. I was under the understanding that the \$20 million in revenue bonds was approved last year.

With only one full-service hospital on the island, that is in Wailuku, lives have been lost and health put at risk due to the minimum 45-minute commute time between West Maui and the hospital.

Ambulances are also stuck in the same traffic as everyone else on the one highway that connects West Maui to Wailuku. ("One way IN, and one way OUT.") Because of the frequent occurrences of accidents or fires blocking the highway from the west side to our only hospital, we need to support other ways of receiving critical and life-threatening medical care for the west side population and visitors.

Supporting Resolution 24-178 for the West Maui Hospital is a vital step in this process. With now \$30 million already invested in the West Maui Hospital, we are closer than ever to making this hospital a reality.

A Critical Access Hospital is **critically** needed on the west side of our island. Lives are at stake.

Mahalo,

C. Renzi

County Clerk

RECEIVED

From: robin ritchie <robininlahaina@msn.com>
Sent: Tuesday, October 22, 2024 4:57 PM
To: County Clerk
Subject: written testimony on Bill 105 (2024) for the October 23, 2024 meeting
2024 OCT 22 PM 5:42
OFFICE OF THE
COUNTY CLERK

You don't often get email from robininlahaina@msn.com. [Learn why this is important](#)

I am requesting that the County of Maui , not allow the rebuilding of nonconforming structures regardless of the reason .

It is the nonconforming add ons, expansions and illegal density, plus the unenforced overnight or storage of vehicles on County streets that amplified the deadly evacuation gridlock.

The gridlock caused residents to not be able to evacuate to safety from their conforming and nonconforming residential, apartment, and transient zoned structures on August 8, 2023.

I recognize the need for more residential housing but the existing illegal vacation rentals still operating in our neighborhoods should have been shut down by the County

Enforcement and returned to being residential use. Kaanapali and Mahinahina residential zoned neighborhoods should not be 50% vacation rentals.

The vacation rentals that were operating on the County of Maui land use exemptions and burnt down, need to return to being used as residential properties.

They bought residential, got an exemption to operate as vacation rental and now they need a building permit to rebuild as residential use.

Thank you for considering my testimony.

Sincerely

R Ritchie

Cc Angus McKelvey

Ellie Cochran

County Clerk

RECEIVED

From: Linda Cappellini Stizza <lacappellini@gmail.com>
Sent: Tuesday, October 22, 2024 6:21 PM
To: County Clerk
Subject: West Maui Hospital

2024 OCT 23 AM 7:20

OFFICE OF THE
COUNTY CLERK

 You don't often get email from lacappellini@gmail.com. [Learn why this is important](#)

Aloha county leaders,

I am a strong believer in the need for an acute medical facility in West Maui. As a Health care provider I am aware of the importance of prompt medical care for many accidents and acute cardiac, stroke or head injuries. My life was saved by prompt emergency care at 24 years old when I had a horrible accident. I want that same chance to live for residents and visitors should they have a life threatening episode. Please please do everything you can to make this project happen. Your life or the life of someone you love could depend on it.

Mahalo and have a wonderful day, Linda Stizza

County Clerk

RECEIVED

From: Linda Cappellini Stizza <lacappellini@gmail.com>
Sent: Tuesday, October 22, 2024 6:24 PM
To: County Clerk
Subject: Subject line: resolution 24-178

2024 OCT 23 AM 7: 20

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COUNTY CLERK

You don't often get email from lacappellini@gmail.com. [Learn why this is important](#)

Aloha county leaders,

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Mahalo and have a wonderful day, Linda Stizza
Warmest Regards, Linda

Begin forwarded message:

From: Linda Cappellini Stizza <lacappellini@gmail.com>
Subject: West Maui Hospital
Date: October 22, 2024 at 6:21:29 PM HST
To: "county.clerk@mauicounty.us" <county.clerk@mauicounty.us>

Aloha county leaders,

I am a strong believer in the need for an acute medical facility in West Maui. As a Health care provider I am aware of the importance of prompt medical care for many accidents and acute cardiac, stroke or head injuries. My life was saved by prompt emergency care at 24 years old when I had a horrible accident. I want that same chance to live for residents and visitors should they have a life threatening episode. Please please do everything you can to make this project happen. Your life or the life of someone you love could depend on it.

Mahalo and have a wonderful day, Linda Stizza

County Clerk

From: Meredith Halks Miller <mhalksm@gmail.com>
Sent: Tuesday, October 22, 2024 7:18 PM
To: County Clerk
Cc: Jo Anne J Winer; Terry P Miller
Subject: Support for Resolution 24-178

RECEIVED

2024 OCT 23 AM 7:20

OFFICE OF THE
COUNTY CLERK

 You don't often get email from mhalksm@gmail.com. [Learn why this is important](#)

Aloha County Council:

I just want you to add my name to the list of supporters for a West Maui Hospital.

We have waited far too long for a hospital facility to be built here on the West Side. An individual, Brian Hoyle, with family ties to Maui, put a lot of time and effort (including many millions of his own dollars) into selecting a site for the hospital and building out the infrastructure, including water and sewer systems. He also obtained and paid for a state Certificate of Need.

Unfortunately, funding for his private hospital project became difficult and so now here we are, many years later, trying to get bond funding for a small NON-PROFIT hospital instead (6 beds and an ER). It is sorely needed by our West Side community, but could also serve a larger purpose in helping to take overflow patients from Maui Memorial Hospital, which often has bed shortages.

The need for an ER here is obvious. Aside from the convenience factor of not having to drive over the pali for any acute care, there are serious medical reasons for obtaining immediate medical care on this side. Anyone with an incipient stroke or heart attack needs timely urgent care, usually in the form of medications to control bleeding or to break up clots in blocked arteries. Those meds can't be given without a proper diagnosis - and these diagnoses depend on fast and accurate blood tests and radiology scans - which should be available 24/7. To me, these services are the major reason for having a hospital facility here on west Maui.

Please vote to pass this Resolution.

Sincerely,

Meredith Halks Miller, MD
Anatomic & Neuropathologist
650-208-6978

1449 Oka Kope Street
Lahaina, HI 96761

County Clerk

From: Wendy Savage <wsavage@mybodypilates.com>
Sent: Wednesday, October 23, 2024 8:43 AM
To: County Clerk
Subject: West Maui Hospital Resolution 24-178

RECEIVED
2024 OCT 23 AM 8:45

OFFICE OF THE
COUNTY CLERK

 You don't often get email from wsavage@mybodypilates.com. [Learn why this is important](#)
Aloha!

I am writing to urge you to pass the Resolution 24-178. It is imperative for the West Side to have access to medical care.

On a personal note, I had a grand mal seizure in June of 2023 in Napili. I was transported via ambulance to the hospital, which takes about an hour. It cost me \$3000 for that ambulance ride. As someone who has also had a stroke four years ago (on the mainland), it's imperative to get medical care ASAP for recovery. Thankfully, that is what happened and I had a full recovery. Had the stroke happened here on the West Side, it's unlikely that I would have had a full recovery due to the amount of time it takes to get the medical care needed.

For people who have heart attacks, strokes, car accidents, ocean accidents, etc., having quick access to medical care can be the difference between recovery, life long impairments, and death.

Please pass Resolution 24-178 so West Maui will have access to the medical care they need.

Mahalo for your time,

Wendy Savage
Full Time Resident of West Maui

--

Cheers!
Wendy Savage, NCPT

My Body Pilates Studio
Owner
Lahaina, HI
(808) 255-1678
info@mybodypilates.com

Barre Above
Master Trainer
wsavage@mybodypilates.com

County Clerk

RECEIVED

From: Paul Savage <psavage@shotbyasavage.com>
Sent: Wednesday, October 23, 2024 11:28 AM
To: County Clerk
Subject: Please support resolution 24-178

2024 OCT 23 AM 11: 54

OFFICE OF THE
COUNTY CLERK

 You don't often get email from psavage@shotbyasavage.com. [Learn why this is important](#)

Aloha,

As a person living on the West side with respiratory issues, at some unknown time in the future I will have a medical emergency where survival could come down to minutes and seconds. I take this risk because the West side is my home. Having a fully capable and operational medical facility on the West side will be a comfort to everyone and is a necessity for many.

I beg you for your support of resolution 24-178. Your support will save lives. I might be one of them.

Mahalo,
Paul Savage
808-234-8446
lā maika'i iā 'oe

RECEIVED

To: Maui County Council
From: Harold and Susan Bernheisel
Re: Resolution 24-178

2024 OCT 23 AM 11: 54

OFFICE OF THE
COUNTY CLERK

We are requesting passage of this resolution as a trauma center (ER) and medical services on the west side should be top priority, especially after experiencing the Lahaina Fire. How many lives could have been saved and suffering reduced if we had these services available before the fire?

When we purchased our home in 2015, we were delighted to hear that there was a hospital in the works for the west side. I went through 9 months of cancer treatment in 2018, always having to drive to Kahului. Twice I missed treatments and had to reschedule because the Honoapiilani Highway was closed.

And today, we are still without a hospital. We listen to sirens and watch the ambulances go by daily, commenting, "Hope that isn't a heart attack!"

We really cannot imagine why anyone would be opposed to moving forward immediately! It should have happened several years ago, and we think we really should have learned our lesson, even if it was the hard way. Please pass this long overdue resolution.

Respectfully,

Harold and Susan Bernheisel
50 Puu Anoano, Unit 1303
Lahaina, 96761
775-224-2668

County Clerk

RECEIVED

From: heather peirce <hpbs@me.com>
Sent: Wednesday, October 23, 2024 12:52 PM
To: County Clerk
Subject: Supprt West Maui Hospital

2024 OCT 23 PM 3: 09

OFFICE OF THE
COUNTY CLERK

[You don't often get email from hpbs@me.com. Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

Heather Peirce
Black Creek Investment Mgmt

County Clerk

From: Susan Inwood <susan.g.inwood@gmail.com>
Sent: Wednesday, October 23, 2024 1:22 PM
To: County Clerk
Subject: Resolution 24-178

RECEIVED

2024 OCT 23 PM 3:09

OFFICE OF THE
COUNTY CLERK

[You don't often get email from susan.g.inwood@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

As a homeowner, I support this hospital resolution and ask you to PLEASE vote in its favor. This is needed more than ever to rebuild our community.

Sincerely, Susan Inwood

County Clerk

From: Deborah <dkmoore225@gmail.com>
Sent: Wednesday, October 23, 2024 1:28 PM
To: County Clerk
Subject: Resolution 24-178

RECEIVED

2024 OCT 23 PM 3:09

OFFICE OF THE
COUNTY CLERK

[You don't often get email from dkmoore225@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha -

Please add our names to the list supporting Resolution 24-178.

This critical infrastructure must be one of Maui's priorities as we move forward!

Mahalo -

Deborah and Doug Moore
50 Puu Anoano, Unit 1306
Lahaina, HI 96761

Sent from my iPhone



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HAWAII REGIONAL COUNCIL OF CARPENTERS

2024 OCT 23 PM 3:10

OFFICE OF THE
COUNTY CLERK

October 25, 2024

TO: The Honorable Alice Lee, Maui County Council Chair
The Honorable Yuki Lei Sugimura, Maui County Council Vice-Chair
and Members of the Maui County Council

FROM: Mark Anthony Clemente
Government Relations
Hawaii Regional Council of Carpenters

SUBJECT: **Testimony in Strong Opposition of Reso 24-174 – “REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND ORDINANCE 3889 (2011, RELATING TO THE CHANGE IN ZONING (CONDITIONAL ZONING) FOR WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) FOR PROPERTY SITUATED AT MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAII”**

Dear Chair Lee, Vice-Chair Sugimura, and Members of the Maui County Council

Mahalo for the opportunity to submit written testimony. My name is Mark Anthony Clemente writing on behalf of the Hawai'i Regional Council of Carpenters, and we are submitting comments on Reso 24-174.

This resolution seeks to exempt this project from providing potable and nonpotable water required by Ordinance 3889's Condition 2 in order to expedite the permitting and construction of the project's affordable housing.

We recognize the need for affordable housing in West Maui, however, there have been a number of issues with the Pulelehua development: 1) the West Maui water system is unable to serve the Pulelehua development; 2) the water quality for long-term supply through the development's own wells will require desalination; and 3) the developer is not paying his workers prevailing wages at the construction site as required by law.

Until Maui County starts enforcing prevailing wage laws and monitoring projects that are required to pay prevailing wages, this project should not move forward.

Mahalo for the opportunity to testify.

STATE HEADQUARTERS & BUSINESS OFFICES

OAKU: 1311 Houghtailing Street, Honolulu Hawaii 96817-2712 • Ph. (808) 847-5761 Fax (808) 440-9188
HILO OFFICE: 525 Kilauea Avenue, Room 205, Hilo, Hawaii 96720-3050 • Ph. (808) 935-8575 Fax (808) 935-8576
KONA OFFICE: 75-126 Lunapule Road, Kailua-Kona, Hawaii 96740-2106 • Ph. (808) 329-7355 Fax (808) 326-9376
MAUI OFFICE: 330 Hookahi Street, Wailuku, Maui 96793-1449 • Ph. (808) 242-6891 Fax (808) 242-5961
KAUAI OFFICE: Kuhio Medical Ctr Bldg., 3-3295 Kuhio Hwy, Suite 201, Lihue, Kauai 96766-1040 • Ph. (808) 245-8511 Fax (808) 245-8911

County Clerk

From: Steve Nickell <steve.nickell@yahoo.com>
Sent: Wednesday, October 23, 2024 1:42 PM
To: County Clerk
Subject: Resolution 24-178

2024 OCT 23 PM 3:10

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COUNTY CLERK

[You don't often get email from steve.nickell@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

As a senior resident of West Maui, I am in favor of this resolution to establish a West Maui Medical Center for the benefit of West Maui residents. Please make this happen.

Sincerely,
Steve Nickell PhD
50 Puu Anoano St, Apt 901, Lahaina HI 96761

Sent from my iPhone

County Clerk

RECEIVED

From: jacqueline zamborelli <eurocrashjz@yahoo.com>
Sent: Wednesday, October 23, 2024 1:44 PM
To: County Clerk
Subject: Desperately needed West Maui Hospital.

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You don't often get email from eurocrashjz@yahoo.com. [Learn why this is important](#)

Please vote for the desperately needed West Maui Hospital. We are in urgent need of this Hospital. It's a matter of life or death for the residents of West Maui. People with a heart attack or strokes will not be able to be saved in time without it.

Please make this happen a.s.a.p!

Jacqueline Zamborelli.

Sent from Yahoo Mail for iPhone

From: John DiPietro <dipietro.1953@hotmail.com>
Sent: Wednesday, October 23, 2024 2:29 PM
To: County Clerk
Subject: West Maui hospital

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COUNTY CLERK

[You don't often get email from dipietro.1953@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern:

I have been coming to West Maui on an almost annual basis and am now blessed to be able to reside here full time. For decades there has been much talk about but little action toward the construction of a facility to service the acute medical needs of residents and visitors alike. I cringe every time I time a I see or hear an ambulance headed on its 45 minute trek to obtain medical care for someone in need. I would be curious to know if anyone has ever tried to quantify the loss of life due to the lack of adequate care on the west side. Fortunately, neither I nor my wife have as yet had to take that trip but we have already talked about and decided that a lack of care near our home will likely be the most significant factor should we consider moving back to the mainland.

Thank you for your consideration,

John DiPietro
Sent from my iPhone

From: Beth Bomberger <bethelene@msn.com>
Sent: Wednesday, October 23, 2024 3:00 PM
To: County Clerk
Subject: West Maui Hospital

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2024 OCT 23 PM 3:10

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COUNTY CLERK

[You don't often get email from bethelene@msn.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To the county of Maui:

I live on Puu Anoano St and I am a resident of Maui County.

In my experience living here, there is no hope that any person who has a life threatening emergency such as a heart attack or severe injury will be able to survive the 45minutes to 1 hour ambulance ride to the Maui Hospital. We have heard for decades that a hospital was planned for West Maui but nothing ever finalizes.

I think the Lahaina fire should have shown all of the people on Maui how important a hospital on the west side is. Let us at least learn from that catastrophe.

Sincerely hoping for your consideration and action on this important need.

Thank you.
Beth Bomberger
Sent from my iPhone

County Clerk

RECEIVED

From: Gary Autrey <gaut41@gmail.com>
Sent: Wednesday, October 23, 2024 4:22 PM
To: County Clerk
Subject: West Maui Hospital

2024 OCT 23 PM 4: 27

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COUNTY CLERK

[You don't often get email from gaut41@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I've heard that the plans and money have been approved. When will the hospital be completed??

As Lahina rebuilds a hospital will be a valuable addition.

Gary Autrey
condo owner

County Clerk

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From: Hawaiian Supaman <hawaiiansupaman@live.com>
Sent: Wednesday, October 23, 2024 5:01 PM
To: County Clerk
Subject: Please support bill 148 to help fund 'Ainakūko'a O Waiohuli Kai

2024 OCT 24 AM 7:46

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COUNTY CLERK

|| You don't often get email from hawaiiansupaman@live.com. [Learn why this is important](#)
Aloha,

Bill 148 will be presented on the 25th of October. I have volunteered in the past to help students learn about the environment.

One of those students was my granddaughter from Kamehameha Schools Maui Campus. She thoroughly enjoyed her visit and learned a lot about the environment and how everything is connected with each other.

Please support the request for funding.

Mahalo,

Paul Hanada
Kula, Maui, Hawaii
808-344-5882

County Clerk

RECEIVED

From: Alike Seki <alikaseki@gmail.com>
Sent: Wednesday, October 23, 2024 6:56 PM
To: County Clerk
Subject: Testimony in support of Bill 148 - in favor of funding for 'Āinakūko'a O Waiohuli Kai

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

You don't often get email from alikaseki@gmail.com. [Learn why this is important](#)

Aloha,

I am writing in support of bill 148 that is coming to the floor this Friday the 25th in the Council Chambers, and in support funding for 'Āinakūko'a O Waiohuli Kai. They are a community oriented, and Native Hawaiian organization. The work they are doing for South Maui is essential to perpetuating Hawaiian concepts of land management.

Mahalo,

--
Alike Seki, P.E.
(808) 298-5261
186 Mokapu Street
Kahului, HI 96732

County Clerk

From: Lori Fisher <lorfishg@gmail.com>
Sent: Wednesday, October 23, 2024 7:03 PM
To: County Clerk
Cc: Peter Fisher
Subject: Resolution 24-178 at the Maui County Council meeting on Friday Oct 25 at 9am

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2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

 You don't often get email from lorfishg@gmail.com. [Learn why this is important](#)

To the Maui County Council and Council member Tamara Paltin –

My name is Lori Fisher and I am a West Maui resident, for many years in Lahaina and now in Ka'anapali. We strongly support Resolution 24-178 and the funding for the West Maui hospital. This has been in progress for decades now and extremely critical to the health and security of West Maui residents, now more than ever. Let's finally get this done to start saving lives. We urge you to pass this resolution and secure the funding.

-- Lori and Peter Fisher
808-283-4880
lorfishg@gmail.com

County Clerk

From: p tearson <tia.pearson@gmail.com>
Sent: Wednesday, October 23, 2024 8:33 PM
To: County Clerk
Subject: Testimony re: CR 24-99

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

You don't often get email from tia.pearson@gmail.com. [Learn why this is important](#)

Aloha Chair Lee, Vice-Chair Sugimura, and members of the Maui County Council,

I am writing in strong support of Gina Young's appointment as Director of the East Maui Regional Water Authority. Her extensive experience in public service and community leadership roles makes her exceptionally qualified for this position. Gina's commitment to Maui's well-being, her understanding of complex government processes, and her ability to collaborate with the community are invaluable.

Please adopt Resolution 24-129, CD1, approving the appointment of Gina M. Young as Director of the East Maui Regional Water Authority.

Mahalo nui,

Tia Pearson

County Clerk

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From: lisa tyerman <lisa.tyerman@yahoo.com>
Sent: Wednesday, October 23, 2024 9:10 PM
To: County Clerk
Subject: Resolution 24-178

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

You don't often get email from lisa.tyerman@yahoo.com. [Learn why this is important](#)

Dear County Clerk,

Please pass Resolution 24-178. The needs that led to the bond measure being passed last year have not changed except perhaps to be amplified. Not only would this facility provide much needed medical services for the West Maui population, it would also reduce the strain on the services for the rest of island's population as well as support the temporary visitor population of one of our main tourist areas.

The healthcare available for the West Maui residents is woefully insufficient and has been for a long while. Last year's fire was a devastating tragedy that has highlighted some long-over looked infrastructure upgrades. But please do not make the devastation even worse by adding this project, and its much needed benefits to so many, to the victim count. Supporting this resolution is also one of the critical - and long overlooked - Maui infrastructure upgrades.

Mahalo and aloha,

-lisa tyerman

~ ~ ~ ~ ~

With courage you will dare to take risks, have the strength to be compassionate, and the wisdom to be humble. Courage is the foundation of integrity.


County Clerk

RECEIVED

From: jacinthow001@hawaii.rr.com
Sent: Wednesday, October 23, 2024 9:24 PM
To: County Clerk
Subject: Bill 146

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

 You don't often get email from jacinthow001@hawaii.rr.com. [Learn why this is important](#)

Good morning Maui County Council Members,

My name is William Jacintho, testifying in SUPPORT of Bill 146 and Bill 154. I'll be happy to further discuss any of this with anyone, beginning with an email. Really appreciate the work of the Council.

Thank you,
William

County Clerk

From: Koikuokalani Lum <koikuokalani@yahoo.com>
Sent: Wednesday, October 23, 2024 9:32 PM
To: County Clerk
Subject: Supporting Bill 148

2024 OCT 24 AM 7:46

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[You don't often get email from koikuokalani@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha mai kākou e Maui Councilmembers,

I, Thomas C.K. Lum Jr, am here providing a letter of recommendation in support of bill 148. As a volunteer, working along side many students from across Maui county. Has been a great place to ensure for future generations to come, the revitalization and importance of indigenous plants survivability. Much progress has been made and excited for the continued support.

Me ke aloha wale nō

Ko'i

Sent from my iPhone

County Clerk

From: Pete Wilson <perhansahi@gmail.com>
Sent: Wednesday, October 23, 2024 10:17 PM
To: County Clerk
Subject: Testimony re: CR 24-99

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

You don't often get email from perhansahi@gmail.com. [Learn why this is important](#)

Aloha Chair Lee, Vice-Chair Sugimura, and members of the Maui County Council,

I am writing in strong support of Gina Young's appointment as Director of the East Maui Regional Water Authority. Her extensive experience in public service and community leadership roles makes her exceptionally qualified for this position. Gina's commitment to Maui's well-being, her understanding of complex government processes, and her ability to collaborate with the community are invaluable.

Please adopt Resolution 24-129, CD1, approving the appointment of Gina M. Young as Director of the East Maui Regional Water Authority.

Mahalo nui,

--

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
808-557-8108

County Clerk

From: Chai Blair-Stahn <chai.blairstahn@gmail.com>
Sent: Wednesday, October 23, 2024 11:12 PM
To: County Clerk
Subject: Testimony re: CR 24-99

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

You don't often get email from chai.blairstahn@gmail.com. [Learn why this is important](#)

Aloha Chair Lee, Vice-Chair Sugimura, and members of the Maui County Council,

I am writing in strong support of Gina Young's appointment as Director of the East Maui Regional Water Authority. Her extensive experience in public service and community leadership roles makes her exceptionally qualified for this position. Gina's commitment to Maui's well-being, her understanding of complex government processes, and her ability to collaborate with the community are invaluable.

Please adopt Resolution 24-129, CD1, approving the appointment of Gina M. Young as Director of the East Maui Regional Water Authority.

Mahalo nui,
Chai Blair-Stahn

County Clerk

From: Eva-Maria von Bronk <evamariavonbronk@gmail.com>
Sent: Thursday, October 24, 2024 1:03 AM
To: County Clerk
Subject: We need a hospital in West Maui

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2024 OCT 24 AM 7:46

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COUNTY CLERK

You don't often get email from evamariavonbronk@gmail.com. [Learn why this is important](#)

I would like to add my name as a full time resident in Lahaina in support of the hospital project that started many years ago and halted after the fires. Please expedite the approval process for a hospital i West Maui which is urgently needed and could save lives!

--

Eva-Maria von Bronk
50 Puu Anoano St Apt 2005
Lahaina, HI 96761

Mobile 808-318-0001

County Clerk

From: victoria@truelifecoach.net
Sent: Thursday, October 24, 2024 4:52 AM
To: County Clerk
Subject: in support of confirming Gina Young as Director of East Maui Regional Water Authority

2024 OCT 24 AM 7:46

MAUI COUNTY
COUNTY CLERK

You don't often get email from victoria@truelifecoach.net. [Learn why this is important](#)

Aloha Chair Lee, Vice-Chair Sugimura, and members of the Maui County Council,

I am writing in strong support of Gina Young's appointment as Director of the East Maui Regional Water Authority. Her extensive experience in public service and community leadership roles makes her exceptionally qualified for this position. Gina's commitment to Maui's well-being, her understanding of complex government processes, and her ability to collaborate with the community are invaluable. Gina is the best candidate for this complicated job and we are lucky to have her dedication.

Please adopt Resolution 24-129, CD1, approving the appointment of Gina M. Young as Director of the East Maui Regional Water Authority.

Mahalo nui,
Victoria FittsMilgrim
Kihei, HI

Victoria FittsMilgrim, PCC
TRUE LIFE COACHING & RETREATS

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Michael and Mi Ra Finnegan
2350 Aina Mahi'ai St.
Lahaina, Maui, Hawaii 96761

OFFICE OF THE
COUNTY CLERK

24 October 2024

Maui County Council
Wailuku, Maui, Hawaii

Re: Endorsement of Resolution 24-178

Aloha,

As a permanent resident of the Kaanapali Coffee Farms community I am writing today to express my family's **endorsement of the Maui County Resolution 24-178** concerning Maui County Council support for the West Maui Hospital project.

As residents we have experienced first-hand the constant concern about the lack of medical infrastructure and services on the west side. The situation has only become worse in the wake of the devastation of August 8th, 2023, but even before that we faced significant and life-threatening challenges due to the absence of timely emergency care and the long travel times to Maui Medical facilities in Wailuku. If we are in dire need, can we make it?

The proposed facility in Ka'anapali is long needed, would provide crucial emergency and urgent medical care, and represents what I believe to be exactly the kind of infrastructure investment our government should be making. We understand the need to prioritize funding support, but the health and welfare of our residents should be a paramount concern for all. Guaranteeing the state issued bonds is a contingent financial risk that the County should take on in support of its people.

As Maui residents and taxpayers, we ask that the Maui County Council pass the resolution to urge the Administration to support the foundation of the hospital through the guarantee of state issued special purpose bonds.

Mahalo,

Mike and Mi Ra Finnegan

County Clerk

From: Walter, Joseph MD <Joseph.Walter@sutterhealth.org>
Sent: Thursday, October 24, 2024 5:25 AM
To: County Clerk
Subject: west side hospital

2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

 You don't often get email from joseph.walter@sutterhealth.org. [Learn why this is important](#)

As a physician and elderly individual, I strongly recommend funding a hospital on the West Side. The isolation of single road access

And the paucity of high quality medical care is shameful in these times when life-saving measures are readily available to people

Almost everywhere in this country.

Sincerely,

Joseph F. Walter, M.D.
Masters # 701 50 Puu Anoano, Lahaiina 96761

County Clerk

From: keri zacher <zacherk@hotmail.com>
Sent: Thursday, October 24, 2024 7:39 AM
To: County Clerk
Subject: Testimony re: CR 24-99

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2024 OCT 24 AM 7:46

OFFICE OF THE
COUNTY CLERK

You don't often get email from zacherk@hotmail.com. [Learn why this is important](#)

Aloha Chair Lee, Vice-Chair Sugimura, and members of the Maui County Council,

I am writing in strong support of Gina Young's appointment as Director of the East Maui Regional Water Authority. Her extensive experience in public service and community leadership roles makes her exceptionally qualified for this position. Gina's commitment to Maui's well-being, her understanding of complex government processes, and her ability to collaborate with the community are invaluable.

Please adopt Resolution 24-129, CD1, approving the appointment of Gina M. Young as Director of the East Maui Regional Water Authority.

Mahalo nui,
Keri Zacher

From: Penny Merrill <mauisun1201@gmail.com>
Sent: Wednesday, October 23, 2024 9:57 AM
To: County Clerk
Subject: Resolution 24-178

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2024 OCT 23 AM 10:45

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COUNTY CLERK

[You don't often get email from mauisun1201@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I adamantly support and request that action be taken to approve the resolution 24-178, for the hospital project that is long over due in Lahaina in West Maui. Not only is it imperative for Lahaina's recovery, but logistically residents have waited way too long to have emergency and primary care to citizens. Please use common sense and humanitarian thinking to make the hospital happen in West Maui.

Joan (Penny Merrill)

County Clerk

RECEIVED

From: Paul Savage <psavage@shotbyasavage.com>
Sent: Wednesday, October 23, 2024 11:28 AM
To: County Clerk
Subject: Please support resolution 24-178

2024 OCT 23 AM 11: 54

OFFICE OF THE
COUNTY CLERK

 You don't often get email from psavage@shotbyasavage.com. [Learn why this is important](#)

Aloha,

As a person living on the West side with respiratory issues, at some unknown time in the future I will have a medical emergency where survival could come down to minutes and seconds. I take this risk because the West side is my home. Having a fully capable and operational medical facility on the West side will be a comfort to everyone and is a necessity for many.

I beg you for your support of resolution 24-178. Your support will save lives. I might be one of them.

Mahalo,
Paul Savage
808-234-8446
lā maika'i iā 'oe

RECEIVED

To: Maui County Council
From: Harold and Susan Bernheisel
Re: Resolution 24-178

2024 OCT 23 AM 11: 54

OFFICE OF THE
COUNTY CLERK

We are requesting passage of this resolution as a trauma center (ER) and medical services on the west side should be top priority, especially after experiencing the Lahaina Fire. How many lives could have been saved and suffering reduced if we had these services available before the fire?

When we purchased our home in 2015, we were delighted to hear that there was a hospital in the works for the west side. I went through 9 months of cancer treatment in 2018, always having to drive to Kahului. Twice I missed treatments and had to reschedule because the Honoapiilani Highway was closed.

And today, we are still without a hospital. We listen to sirens and watch the ambulances go by daily, commenting, "Hope that isn't a heart attack!"

We really cannot imagine why anyone would be opposed to moving forward immediately! It should have happened several years ago, and we think we really should have learned our lesson, even if it was the hard way. Please pass this long overdue resolution.

Respectfully,

Harold and Susan Bernheisel
50 Puu Anoano, Unit 1303
Lahaina, 96761
775-224-2668

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2024 OCT 24 PM 3:15

Aloha Maui Council Members,

We are writing in support of Resolution 24-178. West Maui desperately needs emergency room services and improved diagnostic capabilities.

OFFICE OF THE
COUNTY CLERK

The need for a small hospital with an emergency room has already been determined and approved years ago by the State Planning Commission when it issued A Certificate of Need (CON). The need for this facility has only grown since it was approved, especially in the emergency services area. We personally know of people who have suffered harm because of the lack of emergency and diagnostic services in West Maui, and we have also heard many other anecdotal stories.

The Governor signed a bill in the spring of 2023 which permitted the sale of \$20 million of private bonds to help finance the project. Maui County is not being asked for money. Council's support would substantially reduce the interest rates on the bonds. The risk to the county would be minimal because the assets of the facility would exceed the potential liabilities.

On a perfect day, it is a 48-minute drive time to the only emergency room from our house. That is also after the ambulance gets to our house, which on that same perfect day would be 12 minutes coming from Napilli. If both West Maui ambulances are already engaged, it would be 30 minutes from Kihei. Obviously, people who live in Napilli, Kahana, or Kapalua would have even longer drives. On a not so perfect day, it could be and has been well over 2 hours. It happens not infrequently due to fires, accidents, or just plain road work. The longer the time you are from receiving emergency services, the greater the morbidity and mortality. For conditions like heart attacks, strokes, aneurysms, and traumatic injuries, the mortality rates can be up to 50% higher if you are more than 30 minutes away from emergency services, compared to being within the 30-minute window.

Having a modern facility in West Maui will help recruit healthcare professionals to the island. Another emergency facility and diagnostic center would also help alleviate the overcrowding of existing facilities, which we have seen again and again over the last few years.

We urge you to vote yes on Resolution 24-178.

Mahalo Nui,

Katy and Bob Shroder

144 Kualapa Pl

Lahaina, HI 96761

County Clerk

RECEIVED

From: eagles10@pacbell.net
Sent: Thursday, October 24, 2024 2:50 PM
To: County Clerk
Subject: West Maui hospital resolution 24-178

2024 OCT 24 PM 3:15

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COUNTY CLERK

|| You don't often get email from eagles10@pacbell.net. [Learn why this is important](#)

The west Maui hospital / clinic is needed for west Maui Hawaiians (workers and residents), mainland retirees, and tourists. Tourism is Maui's lifeblood. Not having a west medical service is as crazy as having only 1 road in / out of Lahainaluna High School or only the bypass usable highway exiting Lahaina or not sounding the sirens for the Lahaina fire. We should no longer be shortsighted.

Steve Pestrak
West Maui resident

County Clerk

From: Sandi and Sam DuBoff <sandi_sam@yahoo.com>
Sent: Thursday, October 24, 2024 3:05 PM
To: County Clerk
Subject: Support for Resolution 24-178

RECEIVED
2024 OCT 24 PM 3:15
OFFICE OF THE
COUNTY CLERK

You don't often get email from sandi_sam@yahoo.com. [Learn why this is important](#)

We support the above resolution to support the West Maui Hospital and Medical Center. Over the almost 25 years we have owned our condo on Maui we have had several occasions to call EMS and be transported to the hospital in Kahului. It was very nerve wracking to worry about your spouses dropping blood pressure or elevated heart rate while you make the long ride on the Pali, which hopefully isn't closed for floods or fire, instead of the shorter ride to the proposed new medical facility on the West Side

We encourage the legislature to pass Resolution 24-178

Sandra and Sam DuBoff
Kaanapali Maui

County Clerk

RECEIVED

From: Mark PJ Shaw <mpshaw10@gmail.com>
Sent: Thursday, October 24, 2024 2:54 PM
To: County Clerk
Subject: Testimony re: CR 24-99

2024 OCT 24 PM 3:15

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You don't often get email from mpshaw10@gmail.com. Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

Aloha Chair Lee, Vice-Chair Sugimura, and members of the Maui County Council,

I am writing in strong support of Gina Young's appointment as Director of the East Maui Regional Water Authority. Her extensive experience in public service and community leadership roles makes her exceptionally qualified for this position. Gina's commitment to Maui's well-being, her understanding of complex government processes, and her ability to collaborate with the community are invaluable.

Please adopt Resolution 24-129, CD1, approving the appointment of Gina M. Young as Director of the East Maui Regional Water Authority.

Mahalo nui,

Mark A Shaw

County Clerk

RECEIVED

From: cody nemet <ainakukoa@gmail.com>
Sent: Thursday, October 24, 2024 3:03 PM
To: County Clerk
Subject: Bill 148 slides
Attachments: Waiohuli.pdf

2024 OCT 24 PM 3:15

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COUNTY CLERK

You don't often get email from ainakukoa@gmail.com. [Learn why this is important](#)

Aloha,

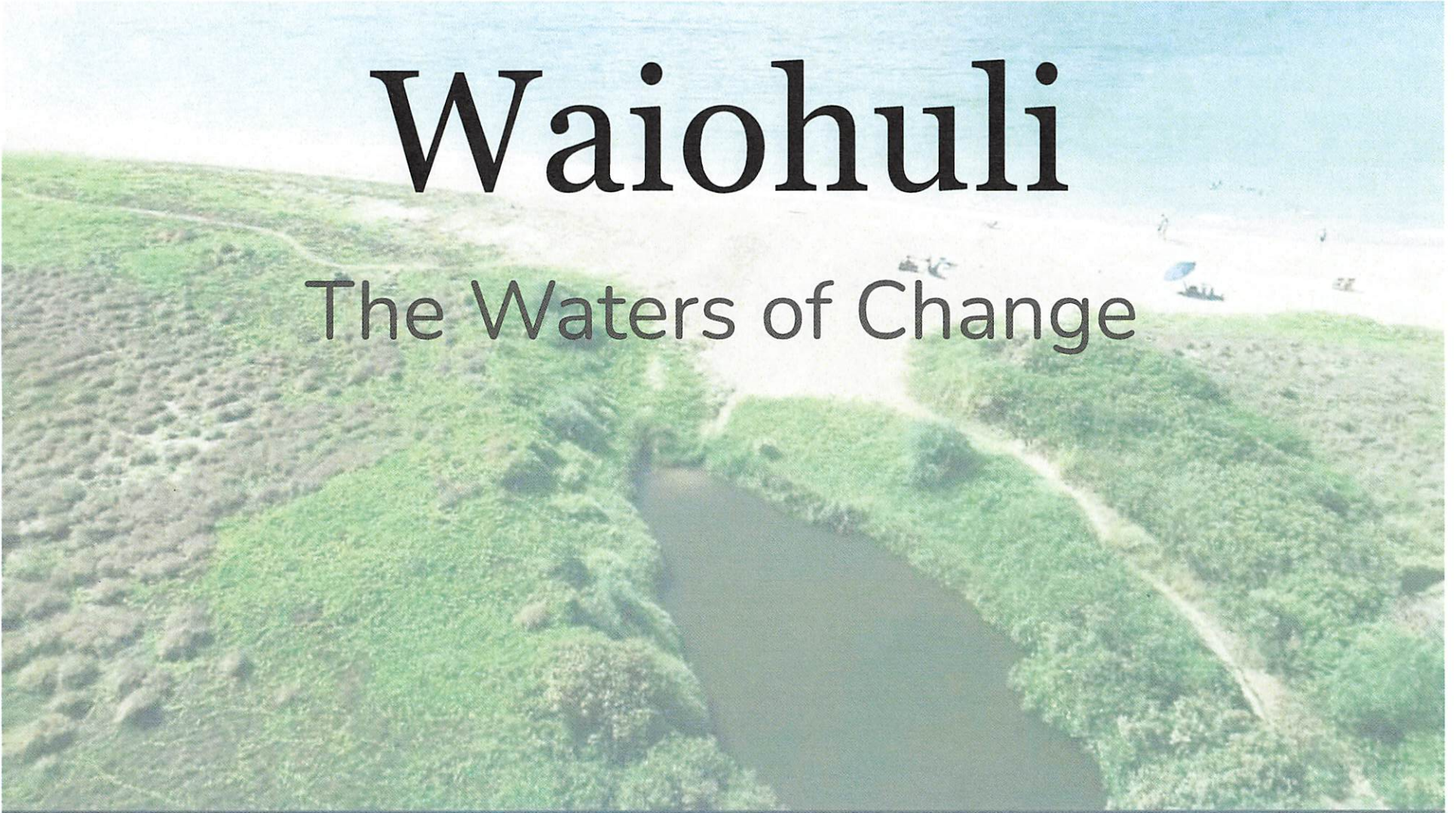
My name is Cody Nemet Tuivaiti and I am the project manager for Hui o 'Āinakūko'a, a native Hawaiian organization under the umbrella of Mālama Kakanilua. We are asking for the County of Maui to continue supporting us as we work alongside you and our community to strengthen and heal South Maui's natural infrastructure. Our end goal is to see a functional ahupua'a system with a restored loko i'a (fishpond) that is plentiful with fish and limu, restored Muliwai (waterways) that provides a safe passage of surface and ground water to our oceans, restored wetlands that provide a natural filter from our storm water, and dune systems that help to create mitigation against the impacts of storm surge and flooding. We envision a hale halawai (meeting house) as this area was once a historic village of South Maui, and any resemblance of the fruitful history and culture here where we educate and share traditions such as fishing, artistry, gathering, medicine and farming. Our community deserves to be treated as islanders and to embrace our surroundings as it truly is, not just the development, but the 'Āina. We are currently in our first phase of this vision that is truly a generational achievement, but it begins with Mālama 'Āina, the care and acknowledgement of our seed-banks. These are the seeds to all that follows, a healthy community rich in culture and awareness, and a healthy 'āina rich in health and opportunity.

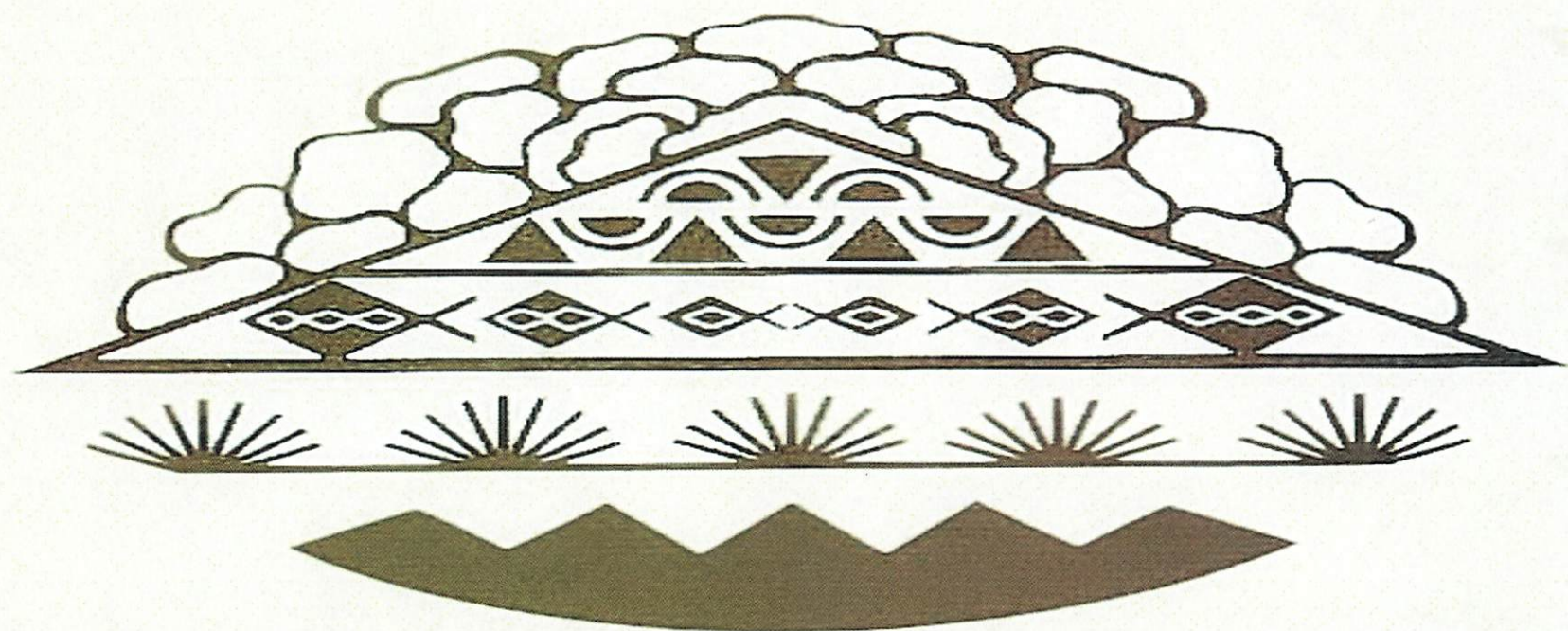
I have included a pdf slide that contains our current location, where we plan to expand encompassing our Kawililipoa shoreline and connecting efforts Mauka above Pi'ilani Highway. I have included transformations we have generated on the land these past few years working alongside the County and the community engagement we have been so blessed to be a part of. This is a great beginning for what is yet to come. Waiohuli Kai is the last open shoreline left in South Maui and deserves to be treated as a living laboratory and classroom, but also as a window and platform to our past, a template Maui can truly be proud of.

Mahalo a nui,
Cody Nemet Tuivaiti/Koko

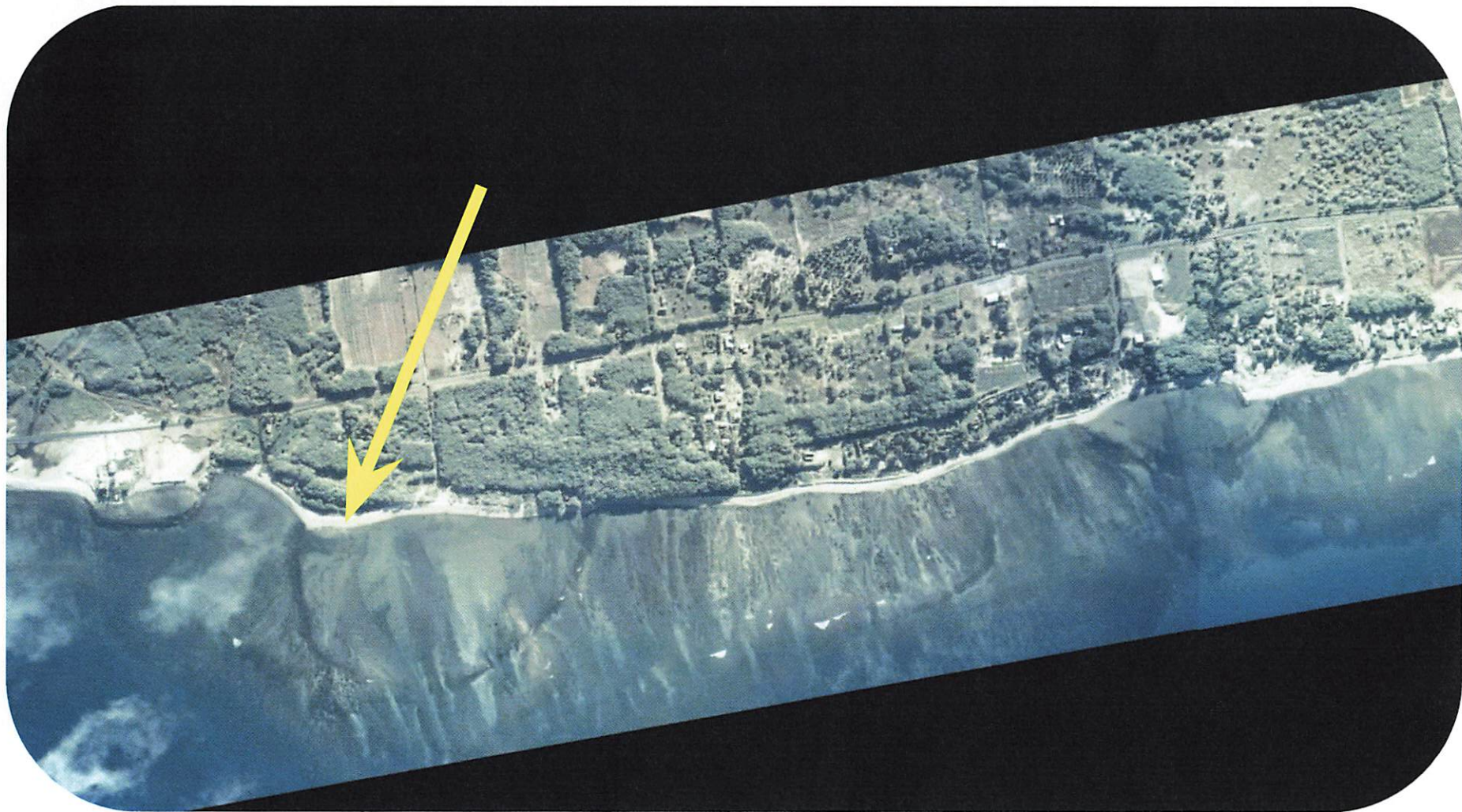
Waiohuli

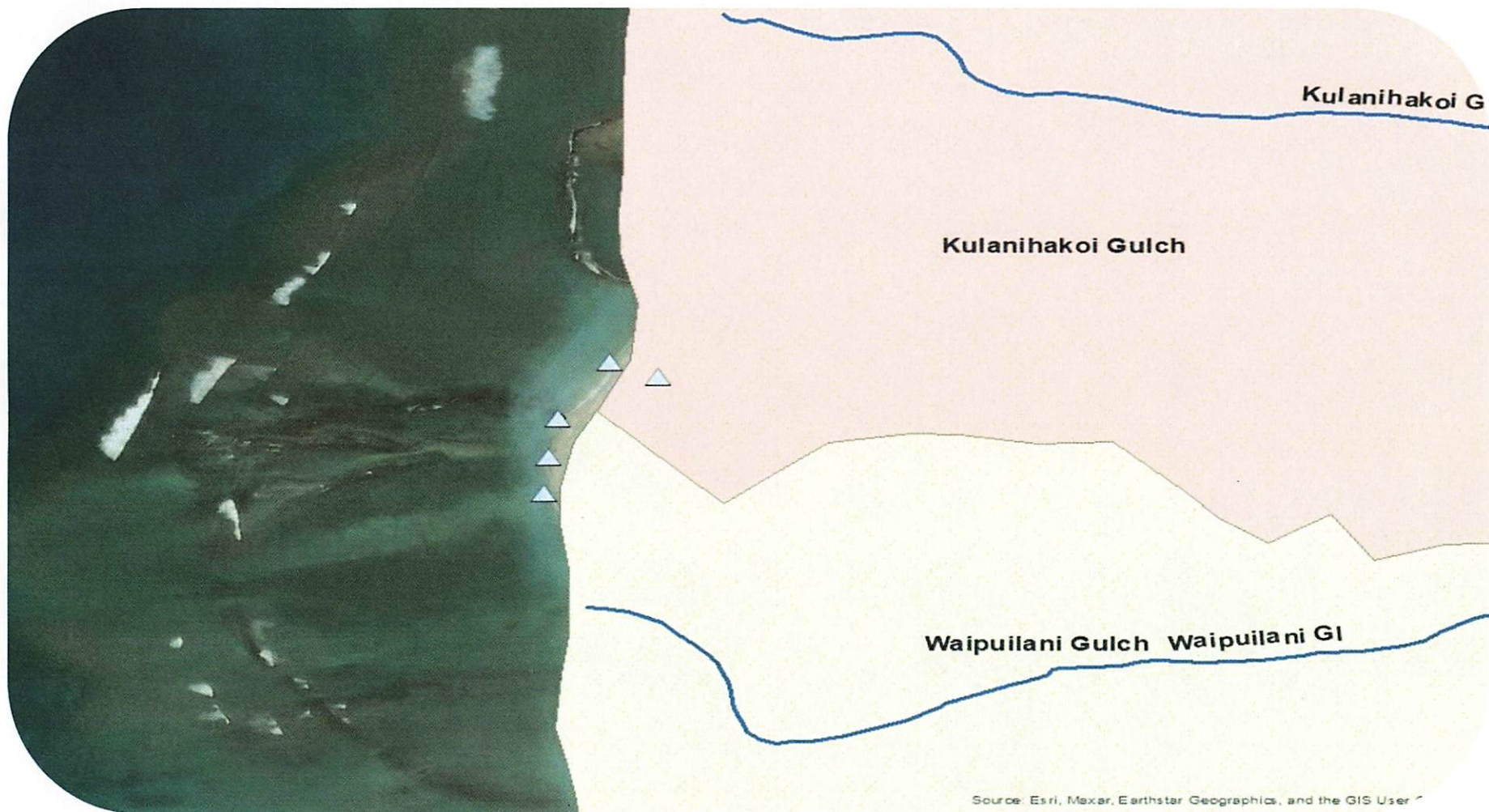
The Waters of Change

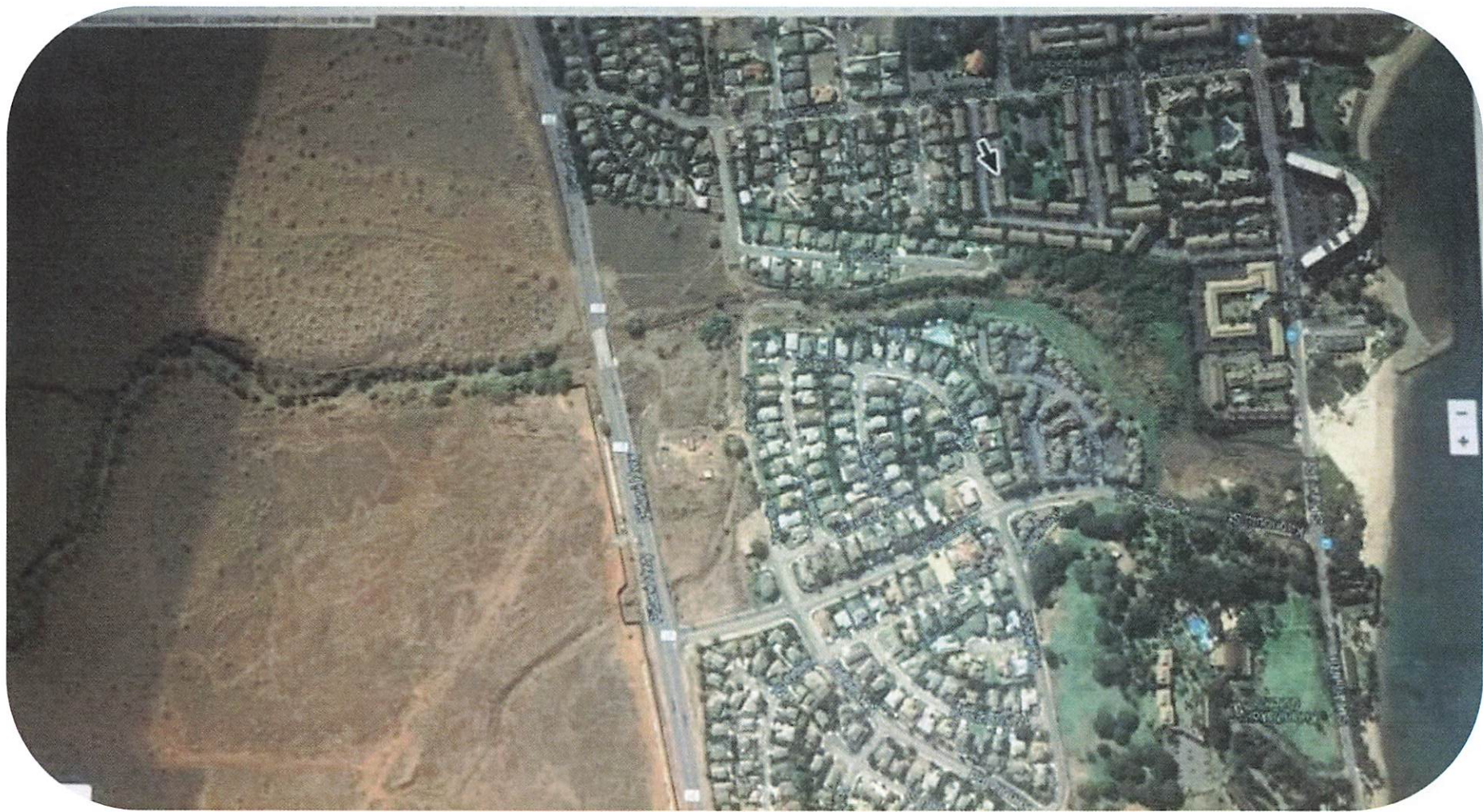




‘ĀINAKŪKO‘A







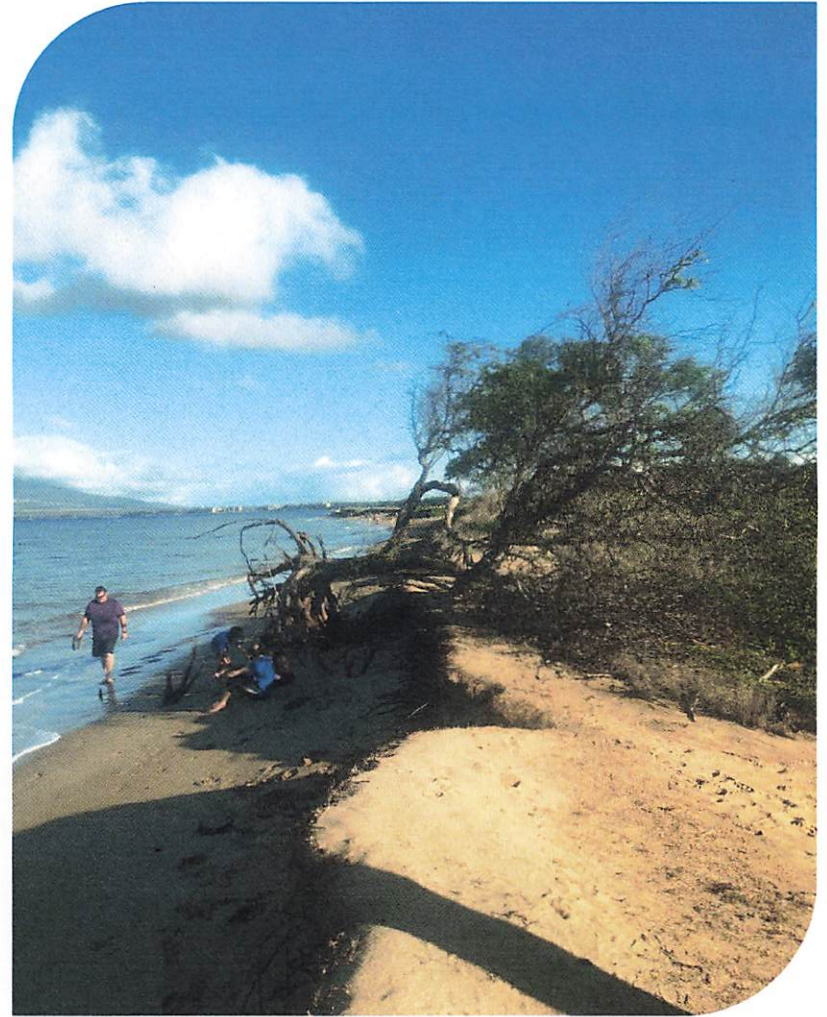


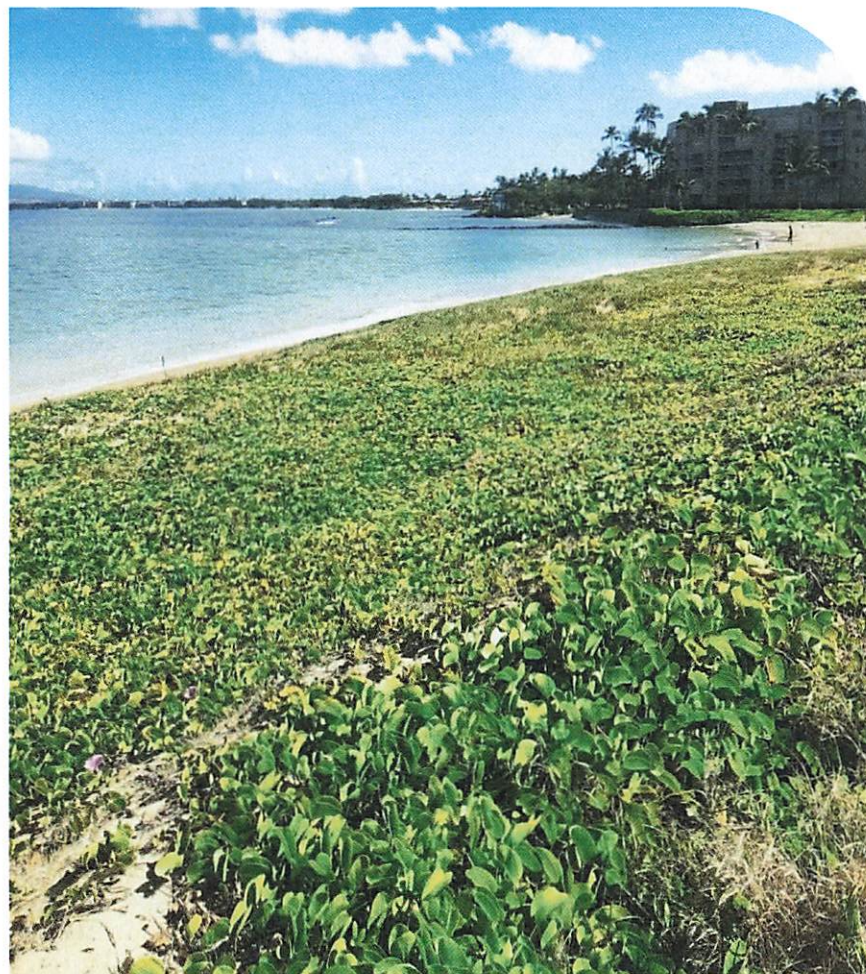
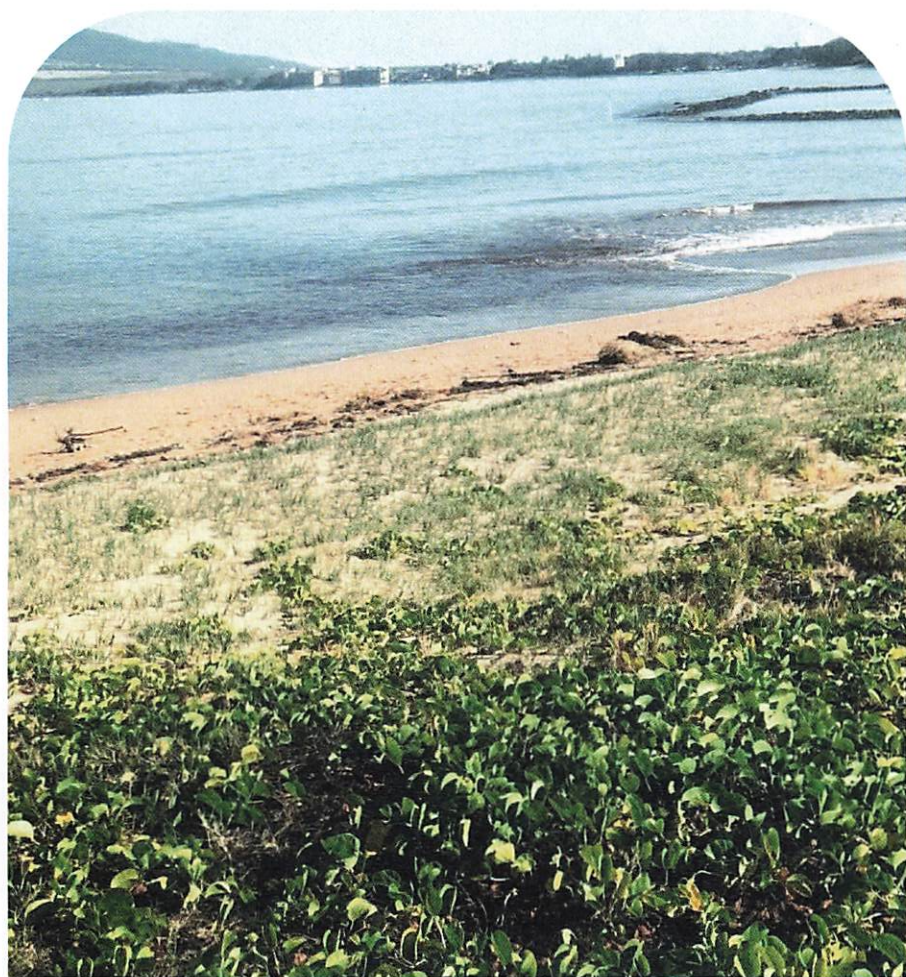






















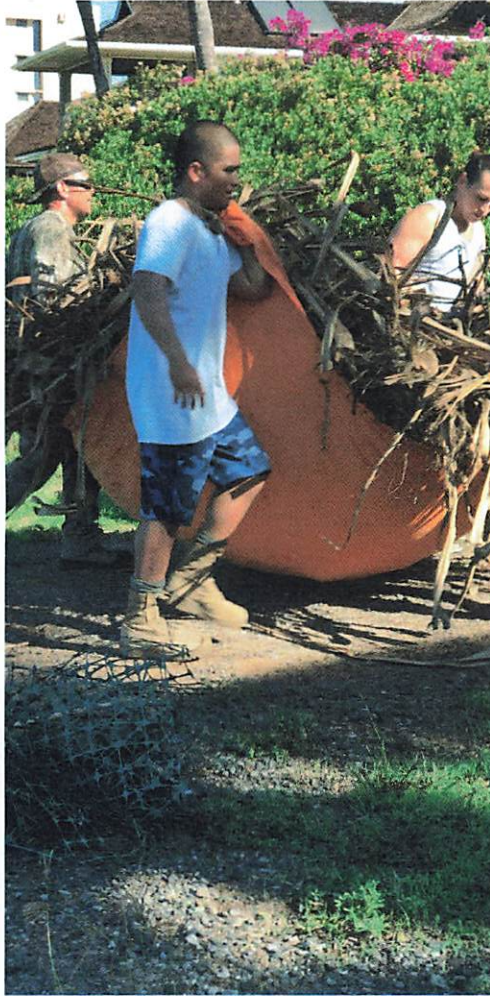
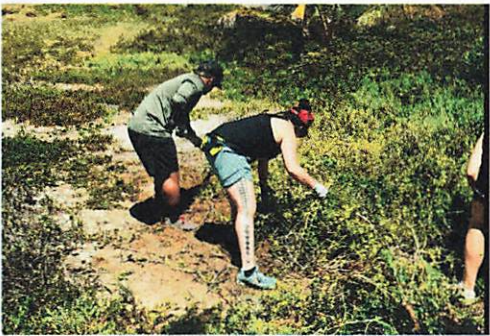














Mahalo

How can we create meaningful
learning experiences that bring
‘āina to the forefront?

Testimony AWOMH Executive Director.

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E ola no ia oukou/Life and Health to all of you.

My name is Kyle Nakanelua. I am the Vice Chairman of the Aha Wai o Maui Hikina/East Maui Water Authority. I am testifying today to Enlist all of you to confirm, honor and support, Our recommendation of Ms. Gina Young to be our Executive Director.

I specifically led a four-person team of fellow board members. We were tasked with recruiting applicants for this position. We worked with Maui County Department of Personnel Services. We were guide by Maui County Corporation counsel. We followed all policies, Procedures, Rules and Regulations. Out of ten applicants we narrowed them down to Five. We submitted these names to the rest of the board members. We created a list of questions for these applicants to be asked in interview. This process took several days, and the official work was conducted and recorded in our open meetings to assure complete transparency.

The Board unanimously selected Ms. Young. The whole Board did our due diligence with no remuneration. We sacrificed time, effort and energy. Your confirmation of our recommendation of Ms. Young as Executive Director would demonstrate to this board that our work is honored and respected. Your confirmation of Ms. Young as our Director would also demonstrate to the citizens of Maui County that all of you honor the Charter Amendment that they voted for.

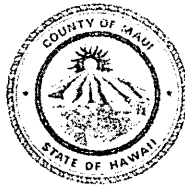
Mahalo.

Kyle Nakanelua
Vice Chairman
AWOMH

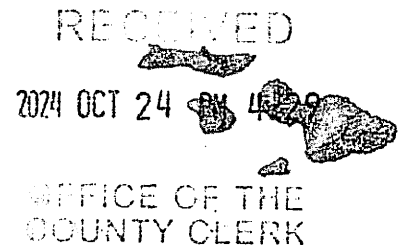
RICHARD T. BISSEN, JR.
Meia o Ke Kalana o Maui

KAPONO'AI MOLITAU
Po'o o Ka 'Oihana Kumuwaiwai 'Ōiwi

KEKAI ROBINSON
Hope Po'o o Ka 'Oihana Kumuwaiwai 'Ōiwi



KA 'OIHANA KUMUWAIWAI 'ŌIWI
DEPARTMENT OF 'ŌIWI RESOURCES
KE KALANA O MAUI, COUNTY OF MAUI
2145 KAOHU STREET, SUITE 203
WAILUKU, MAUI, HAWAII 96793
pūnaewe: www.mauicounty.gov leka uila: oiwi@co.maui.hi.us



October 24, 2024

To: Honorable Alice L. Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

SUBJECT: **TESTIMONY IN SUPPORT OF BILL 148 (2024), A BILL FOR AN
ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR
THE COUNTY OF MAUI, APPENDIX A, PART II, SPECIAL
MANAGEMENT AREA REVOLVING FUND, MĀLAMA KAKANILUA**

'Ano'ai iā kākou, e Chair Lee a me Nā 'Elele Hanohano o kō Maui:

Aloha to Chair Lee and Members of the Maui County Council and thank you for this opportunity to provide testimony in **strong support** of Bill 148 (2024) to amend the Fiscal Year 2025 Budget to add a new condition for Mālama Kakanilua for beach, shoreline, and dune restoration management at Waiohuli Kai in the amount of \$150,000.

The importance of beach, shoreline, and dune preservation, as well as the importance of conservation and restoration of wetlands cannot be overstated, most especially in South Maui and more specifically in the area of Waiohuli Kai. Wetlands, sand dunes, and shorelines are significant ecocultural landscapes that protect the natural environment, fosters community unity, and improves the quality and capacity for life to thrive, mauka to makai, mai kahi kihi ā kahi kihi. In South Maui, the frequency and intensity of floodwaters during wet season and the scarcity of consistent surface water flow during dry season threatens the safety and welfare of our community. These threats demand proper care and maintenance of these landscape features to mitigate further risks to our people and continued degradation of our ecosystem.

Mālama Kakanilua, Waiohuli Kai, and 'Āina Kū'oko'a, is an incredibly effective collection of valuable community partners for the County of Maui in the proper care and maintenance of that area of culturally and ecologically important shoreline of South Maui. Under the skill and leadership of Cody Koko Nemet Tuivaiti, these organizations have become a wellspring of wetland and shoreline knowledge, a nexus for education and future environmental conservation leaders that integrate and infuse cultural environmental sustainability and resiliency science with the 'ike kūpuna, native wisdom, of our ancestors – training skillful caretakers to extend the reach of care throughout the surrounding lengths of shoreline in South Maui.

For these important reasons, I humbly request that our Maui County Council approve Bill 148 and the addition of \$150,000 to be utilized to care for the shoreline and wetlands of Waiohuli Kai. Again, thank you for this opportunity to provide testimony.

Me ke aloha pumehana,

A handwritten signature in black ink, appearing to be 'Kekai Robinson', written over a horizontal line.

Kekai Robinson, Deputy Director
Department of 'Ōiwi Resources, County of Maui