

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 5, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, NOVEMBER 5, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of November 5, please come to order.

Members, this morning, our greeting is from Uganda. So, in case you, over the weekend, fly to Uganda, you can say chi kati, chi kati.

Proceed with roll call, Mr. Clerk.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Yes, Chair. Proceeding with roll call. In accordance with the Governor's most recent emergency proclamation related to the COVID-19 response, Members should state who, if anyone, is present with them as part of roll call.

ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Chi kati, Chair and fellow Councilmembers. Aloha kakahiaka kakou my Maui hikina. For the record, I am transmitting from the Hana Cultural Center with my EA Dawn Lono. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and chi kati to you, Madam Chair, and to my colleagues, and everyone else joining us for today's Council meeting. For the record, I'm broadcasting from my residence here in Makawao. And in the next room is my wife. And I look forward to a very good and productive meeting. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Councilmembers. Chi kati to all. I am in the County Building. And I am with me EA staff Kate Griffiths.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou and chi kati. I'm broadcasting live and direct from the West Maui District Office. And I have my aide Angela in the room more than six feet away. Thank you.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Chi kati, everyone. I like that, Chair. Good morning, everyone. I'm at Kula. It's 70 degrees in Kula. It's a nice brisk morning and looking forward to this long, maybe, meeting. Good morning, everybody.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And chi kati to all of my colleagues. I'm here in my home, in my office, and I am by myself. And I'm looking forward to a great meeting today.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai ke one o Kakuhihewa. I'm here with my two keiki, Kai'a'aumaimehemanu and Ka'ikenaona'ale Rawlins-Fernandez, at our hotel room. And chi kati.

CHAIR LEE: Thank you. Good morning, everyone. Chi kati from Uganda. I am here in Wailuku in my office home alone. So, looking forward to a great productive day.

So, shall we begin, Mr. Clerk?

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

EXCUSED: COUNCILMEMBER KELLY T. KING.

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

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

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

CHAIR LEE: Opening remarks will be provided by Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. . . . I'm breaking up. Can, can we do the Pledge while I try to fix my connection or something?

CHAIR LEE: Oh, sure.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Everyone, please join me in reciting the Pledge of Allegiance. Akaku, can we have the flag up? Okay. Thank you.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Vice-Chair, are you ready?

VICE-CHAIR RAWLINS-FERNANDEZ: I, the sound better now?

CHAIR LEE: Yes. Yea, the signal is much stronger. Vice-Chair, are you there? Oh, over there?

VICE-CHAIR RAWLINS-FERNANDEZ: This is what happens when you're not in your regular space. Okay, can you hear me okay?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. But I'm just dark, yea? Okay.

CHAIR LEE: A little bit.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I'll start from the beginning.

OPENING REMARKS

The opening remarks were offered by Council Vice-Chair Rawlins-Fernandez.

CHAIR LEE: Thank you, Vice-Chair. Very well said. At this time, before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it is your time to speak. Decorum shall be maintained at all times.

SET THE CONSENT CALENDAR

CHAIR LEE: Members, at this time, we will set the Consent Calendar. As a reminder, the calendar can be adjusted even after it is set. Are there any request to changes to the Consent Calendar?

Yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: 21-482 and 21-494 to be removed.

CHAIR LEE: Any objections, Members? Okay. Anything, any other items?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: No other items. Are there any objections to setting the Consent Calendar? Oh, I'm sorry. I didn't see your hand up.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just had a question on CC 21-483. And if it's on the Consent Calendar, then I'm not supposed to discuss it. So, I was just wondering if we could put that on the regular?

CHAIR LEE: Mr. Clerk? Can you repeat the County Communication?

COUNCILMEMBER PALTIN: CC 21-483.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: If, if Councilmember Paltin wishes to discuss that item, then the appropriate action would be to remove it from the Consent Calendar at this time.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Alright.

Member Paltin, is, do you have anything else?

COUNCILMEMBER PALTIN: That's it. Just that one.

CHAIR LEE: Just that. Okay. Anybody else? If not, Members, are there any objections to setting the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

COUNCILMEMBER KAMA: None.

CHAIR LEE: The, the Consent Calendar is now set.

Mr. Clerk, please proceed with testimony.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on agenda items. Members of the public may testify by connecting to the Council's online meeting by phone or video conference through the information posted on today's agenda.

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

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

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

Chair, the first individual we have signed up to testify is Jeff Bagshaw. To be followed by Howard Wiig.

CHAIR LEE: Mr. Bagshaw.

PRESENTATION OF ORAL TESTIMONY

MR. JEFF BAGSHAW (testifying on Committee Report No. 21-113):

Good morning. Aloha Maui County Council.

CHAIR LEE: Good morning.

MR. BAGSHAW: And I am in full support of the CARE Committee bill CR 21-113, to ban the sale or use of any sun care product that has active ingredients other than mineral sun blocks, such as zinc or titanium.

I, you've seen me testify before and I can best speak to how difficult it is to educate people to not use these products when going to the ocean at 'Āhihi-Kīna'u. But today, I wanted to hone in on a couple of points I wasn't able to make in other presentations,

because this is about coral, but it's also about much, much more. So, I'm going to repeat a couple of facts that have been established before, just to connect some dots.

First, consider that the chemicals we're concerned with in this bill pass through the human system and into urine in 20 minutes. After your application on the skin, your body excretes these chemicals in just 20 minutes, which is why they say reapply every 20 minutes.

Next, remember that these chemical compounds can exist in the environment for up to 90 days. So, people who use these compounds on the land, when they're hiking or gardening, who then shower or relieve themselves, are just transferring these chemicals to the wastewater treatment system which cannot filter them out. So, they're going to go to the ocean anyway within 90 days. It's just going to be a little delay.

The next dot I want to connect and remind folks is that these chemical compounds have been found in sea turtles. Sea turtles eat limu. And of course, we all know who else eats limu in Hawaii; us. These chemical compounds have also been found in dolphins, top predators who eat fish. And of course, who else eats fish in Hawaii? Us.

My point for drawing these dots is that this is a matter of also an environmental justice. When someone makes the choice to use these chemical compounds, they are subjecting their choice on people who have never used these compounds, who choose not to use them. It's going into everything and everyone. It's going into our food system. This is, yes, we are in the tropics, we have to be concerned about sun exposure. But we're also in Hawaii, where our culture and our resources depend on the ocean. And people depend on the ocean for food. So, it's our icebox. Everyone uses that phrase.

People still have choices to use sun protective clothing and other means, such as mineral sun blocks. So, that's why I'm in support of this bill along with all the others, reasons we've testified about before. Thank you for your time.

CHAIR LEE: Thank you. Any questions? If not, thank you very much for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Howard Wiig. To be followed by Mike Moran.

CHAIR LEE: And you are timing these testimonies, right?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Alright.

Repeat the name.

DEPUTY COUNTY CLERK: Howard Wiig.

CHAIR LEE: Mr. Wiig?

DEPUTY COUNTY CLERK: I see that you're connected to the meeting, but you're muted on your end and I cannot unmute you.

MR. HOWARD WIIG, HAWAII STATE ENERGY OFFICE [testifying on Bill No. 106 (2021)]:

How is this? It's working better now?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Yes.

MR. WIIG: Yes. Okay. Thank you very much. Chair Lee, Vice-Chair Rawlins-Fernandez, Councilmembers. My name is Howard Wiig with the Hawaii State Energy Office, testifying in strong support of Bill 106, requiring net zero energy for large homes on Maui.

Council, this is a first of this type of requirement. Hawaii was the first State to declare 100 percent clean electrical energy by the year 2045. And this, to my knowledge, and I live in the code's world is the first such legislation to require net zero energy for large homes. The International Code's Council has declared that by 2030, all new residences, this is nationwide, shall be net zero energy. And this paves the way for that aspiration.

As soon as this ordinance becomes law, or as soon as this bill becomes ordinance, I will be communicating to the other County building code officials and urging them to emulate Maui or maybe get into a friendly competition and go them one better. And then, I'm in communication with many of my compatriots on the mainland. And I will share this with them also and issue the challenge. If Maui can do it, surely you can do it too.

So, please pat yourselves on the back. Congratulations. This is the start of something big. Thank you very much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual that have signed up to testify is Mike Moran. To be followed by Colleen Medeiros.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on County Communication Nos. 21-492, 21-509, & 21-511; General Communication No. 21-5; Committee Report Nos. 21-98, 21-109, 21-113 & 21-115; and Bill No. 106 (2021)]:

Good morning, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. First, Vice-Chair, thank you very much for that, those beautiful words. And it helps us who were not born into the host culture to get more and more understanding of the, of the, what we think of a simple word, aloha. We're constantly learning more and more that it, it has way more meaning than we first thought. So, thank you for that.

Chair, we have a laundry list of items to comment on, but we'll try and get through them very quickly. The first few are just referrals, and sometimes we're asked why we bother mentioning it, it's just going to be referred. Just because we think these are good things that the Council is doing, that they're about to approach a topic that is important. So, the first one is 492, potential alternatives to the Advisory Committee. We've addressed this before and you have too, so I think we all know why it's important to try and fill out these voluntary committees. So, we're in support.

21-509, we see that as unity is needed in this very important topic. And, you know, we only have one world, so we need everybody working together for this action as our rep is still over there in, in Scotland participating.

511, again, just a referral, trying to modify what we're doing with these, all these different types and categories of vacation rentals. We all think it's a very important topic, so the more we can examine it and possibly refine it, we think is a good thing.

General Communication 21-5, it's somewhat complicated. But all we ask of the Council is to please go over that document carefully. I think everyone's aware; I know we are very aware in South Maui, of the challenges that we're facing with the seemingly obstinance of the Department of Education. So, we have to examine every tiny issue that they present to government to make sure it's accurate and to see if there's anything we can do to preserve, or to make it safe for our children. Is there anything that

anybody doesn't think is important is safety for children crossing a four-lane high-speed highway. So, please examine that as carefully as you can and with all the extensive things that you have to do.

Moving on to 21-98. Again, much has been addressed by the wetland, on the wetlands here in South Maui. Let's preserve what little bit we have left. And I did see . . . Robin Knox is going to talk on it, so we'll let her give professional information on it. But we are certainly in support.

21-109, for our friends in West Maui. You're, you're almost at the finish line and we're encouraging it get to the finish line so we can get our turn here in South Maui. But again, it's all, it's just one island and one County, so each piece has to fit together. I lost my place.

Okay. 21-113, climate on the Jeff Bagshaw has just, again, given professional information. And at the beginning, we said wouldn't it be better to just say they all have to be . . . We don't want all of these other chemicals in there. And some, people have objected that we're only naming these two chemicals and that corporations can just get their scientists to make a manini change to one and now it gets a different name, now it's allowed. But we think this is, you know, sometimes we do that. We're looking for great and we're going to hurt good. This is certainly good. Maybe you don't think it's great, maybe we don't think it's great, but it's a good step, so yes, let's get that done.

21-115, again with the visitor. If we're assigning numbers to these legal but unpermitted rental units, again helping to eliminate the illegal ones. So, we think this is a good action.

And I think the final one is the Bill 106. Once again, we had a professional just speak on and we think this is good too. If we can't stop these McMansions from being built, at least make them environmentally friendly as possible.

So, that sums up our testimony today. Thank you very much for the opportunity, Chair and Council. And we wish you the best of luck in this extensive meeting. Aloha.

CHAIR LEE: Thank you, Mike. Are there any questions, Members? If not, have a great weekend, Mike.

MR. MORAN: Thank you. You guys, too.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Colleen Medeiros. To be followed by Maile Luuwai.

MS. COLLEEN MEDEIROS (testifying on Committee Report No. 21-95):

Hi. I, hang on, let's see here. Unmute video. Hi. Okay. Good morning, everyone. My name is Colleen Medeiros. I am testifying on CC 95. Again, I just felt like I should say, you know, do a oral testimony again. So, I sent you folks an email where I introduced myself, because I didn't do that last time. And I own a 'āina kūpuna property in Napili. You know, I can trace back at least six generations. And I, I completely support the 'āina kūpuna bill.

I would really, really like to see some of the language amended to include visit, transient accommodations businesses for folks, 'āina kūpuna landowners, who have a STRH permit. Currently, it's worded so that only those folks who have a conditional use permit from before May 23, 2012 can continue that business. But the fact of the matter is there's, there's more 'āina kūpuna landowners who are doing that type of business, and I just feel like we should all be included. I don't really understand why we would be excluded since essentially, well, it's the exact same business type and it's the exact same land designation.

And I really don't know how many other people you've heard from, but my guess is there's actually probably not that many people doing this type of business. But at any rate, I would love to see the language amended to include us all in this tax relief, because of course, the reason we're doing this business is to keep our property. So, it's, it really all goes hand in hand from my perspective. Let's see here, well, I think, I think that's all.

CHAIR LEE: Thank you. Members, do you have any questions? If not, thank you, Ms. Medeiros.

MS. MEDEIROS: Thank you.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: --the next individual signed up to testify is Maile Luuwai. To be followed by Netra Halperin.

MS. MAILE LUUWAI (testifying on Committee Report No. 21-95):

Aloha.

CHAIR LEE: Ms. Luuwai?

MS. LUUWAI: Aloha. Can you see me?

CHAIR LEE: Oh, yes, now we can.

MS. LUUWAI: Okay. Aloha. It's so wonderful to see a lot of familiar faces and so, mahalo. I want to, my name is Maile Luuwai. I am actually part of the Kukahiko ohana, and I am testifying in support of CR 21-95. And so, for some of you old timers, oh I shouldn't use the word, like Alice and Mike, I actually was Corporation Counsel 30 years ago, can you imagine that?

And so, I've had an opportunity to review the amended version of the bill that I believe Keani is going to be submitting today. And so, I know there were some issues with Corporation Counsel, and mahalo Councilmember Rawlins-Fernandez for working so hard to try to adjust, address some of those issues coming from Corporation Counsel.

So, in reading the amended version of the bill, it definitely passes legal muster. I mean, if you're looking at the rational basis test for this type of bills, it definitely conforms, is not unreasonable and it bears definitely a reasonable relationship to a conceivable legislative County purpose. And so, please support this bill. I know no bill is perfect. There's always going to be ohana that think they are left out. I think this is the first amazing step forward.

I've, I got to tell you, I aloha all of you, because I live here in Pana'ewa, Hawaii Island. I'm actually waiting for this to pass and then I'm going to run over and make sure our Council submits a similar bill because we have a lot of 'āina kūpuna in Miloli'i, like huge tracts of land. And it, it is, has been very difficult for our ohana in Miloli'i.

So, mahalo. I appreciate all of your time and energy. And like I said, this bill definitely passes muster. I know there may be some pukas. I heard the testimony before me, but you've always got to take a first step. And then, you know, next year is another year to, to look at, you know, any amendments moving forward. But I think this is an amazing first step. I am so proud of the Council, because this is setting a statewide precedent to help ohana that have 'āina kūpuna. So, mahalo, Chair Lee. It's so, you're looking good, girl. And so, and mahalo everybody. Tasha Kama, long time no see. And thank you for your support. I really appreciate it. Mahalo, Keani. Our ancestors mahalo you. Thank you so much. Mahalo, everyone. Thank you.

CHAIR LEE: Thank you, Maile. Good to see you.

MS. LUUWAI: Good to see you too.

CHAIR LEE: Are there any questions? Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Luuwai. Mahalo for your testimony. I am encouraged by your support of our bill, and your eagerness to share it with the Hawaii County Council.

MS. LUUWAI: Thank you. Mahalo, Keani.

VICE-CHAIR RAWLINS-FERNANDEZ: Absolutely. And just wanted to let you know that Councilmember Maile Davis *[sic]* already reached out to me about it, so I'm . . . with you folks.

MS. LUUWAI: She was the Councilmember I was going to head up on it. I would want her to take the lead, because yea. Thank you so much.

VICE-CHAIR RAWLINS-FERNANDEZ: She's already on it.

MS. LUUWAI: Good. Yay. Mahalo. Thank you everyone.

CHAIR LEE: Thank you. Any more questions? If not, take care, Maile.

MS. LUUWAI: Mahalo. A hui hou.

CHAIR LEE: Thank, thank you. Mahalo.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Netra Halperin. To be followed by Suzanne Taylor. Netra Halperin. I see you're connected.

MS. NETRA HALPERIN (testifying on Committee Report No. 21-107):

Okay. Now, I know. Okay, now it should be good. Okay, thank you so much. I am the owner of Opulent Design and I help people get legally permitted to be a bed and breakfast. So, I am testifying on CR 107. I did testify two weeks ago, but some more things have transpired, so I wanted to give an update.

Councilmember King generously forwarded me the email from Corp. Counsel, so I could understand what the rationale behind not wanting to do the residency

requirement. So just to recap. There's the five-year ownership requirement for bed and breakfast in this bill. And I think that that unnecessarily limits the bed and breakfast and especially for local people. And that's why I think it's important, it would be much better if you do want some kind of barrier to entry, to have it be residency. So, one of the things he said is that, Corp. Counsel said is that while durational residency requirements can be justified in-State tuition, in-State tuition for public universities is a notable example, doing so may require the development of a factual record that hasn't yet occurred. I have no idea what that means.

The other thing he mentions is that he says that in determining duration for residency can be difficult, there's no government agency that definitively monitors residency status. I don't really see how this is very difficult. You ask the applicant for an old utility bill, an old lease agreement, an old mortgage payment, an old library card, anything. So, it's not that difficult. And also, I mean, these applicants are paying \$400 to the County for administrative, to handle the administrative. And so, and there's many documents that the planner must look at. And so, at saying that they must look at a document that says that that person has been there for five years does not seem like much of a burden.

And then also, he says that, he also says that that ownership requirements are available to serve essentially the same purposes. And that's actually not true. They do not serve the same purpose at all. The five-year ownership requirement shows who, five years ago, was able to buy a property. So, it's more about who has a lot of money. This eliminates young families. The five-year residency ensures that it is local people who apply for permits, people who are committed to Maui and have been here for five years. Again, there is no administrative burden. And--

CHAIR LEE: Ms. Halperin. Ms. Halperin, can you please conclude your testimony?

MS. HALPERIN: One more thing. Yes. And then, Mike Moran from the KCC mentioned that he, anything that can stop illegal rentals, and I agree, I'm all for legal rentals, but if you make the barrier impossible to pass, it will create illegal. I mean, we all know that. With prohibition, abortion, anything where you make it really, really strict, people are going to do what they want anyway. So, it's much better in my view to make it possible for people to get B&B's and then they can be monitored and can fit in with the community. Thank you.

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

COUNCILMEMBER PALTIN: Just a quick question. Ms. Halperin, you mentioned that folks go to you to get permitted. How much does that cost?

MS. HALPERIN: It costs 4,000. And so, generally--

COUNCILMEMBER PALTIN: That answers my question.

MS. HALPERIN: It's going to be the higher, it's going to be the higher end properties that will come to me. And then the people with, like, one bedroom, actually, that's not totally true. People, like I have a teacher in Pukalani who pays me hourly because she's not. So, it depends on--

CHAIR LEE: Okay. Thank you. I think you've answered her question. We understand it's on a case-by-case basis, depending on the situation. Okay. Any more questions? Thank you, Ms. Halperin.

Members, I need to take a five-minute recess. And I'll explain in five minutes. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:40 A.M., AND WAS RECONVENED AT 9:48 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the County Council meeting of November 5 please reconvene. I'm sorry for that short break, Members. One of our dogs, Leo, had to go outside, so I had to let him out. Otherwise, it could have been disastrous.

Alright. Mr. Clerk, shall we proceed?

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with testimony. The next person signed up to testify is Suzanne Taylor. To be followed by Roy Vandoorn.

CHAIR LEE: Ms. Taylor?

MS. SUZANNE TAYLOR:

Yes. Sorry, I, I've reversed my camera. So, I guess you really don't need to see me anyway, since I don't see the reverse button on here. My name is, chi kati and aloha. My name is Suzanne Taylor and I'm from Kula. And I want to let you know I am not a lobbyist.

I am requesting a moment on public comment, because this item is not on the agenda. I understand you may not be able to comment from staff, or the Council. But I'm requesting that the Council or staff provide me with an update on a previously discussed amendment to the ordinance and regulations related to the size of a second farm dwelling unit in an agricultural district from what was discussed in the media was

1,000 square feet to possibly 1,500 square feet. Just requesting contact from a Councilmember or staff member on this item, so I can do some land use planning on my own. I cannot hear you.

CHAIR LEE: Mr. Clerk, is the, this item on the agenda?

DEPUTY COUNTY CLERK: Chair, I, admittedly I'm not sure what item she's referencing. Ms. Taylor, do you have--

CHAIR LEE: Okay. It sounds like a Member Paltin item. Is this item on the agenda, Member Paltin? No? Okay, I'm, I'm sorry, but we can't discuss items that are not posted on the agenda. So, but feel free to contact our office, and perhaps one of our staff can help you with your question.

MS. TAYLOR: Thank you.

CHAIR LEE: You're welcome.

COUNCILMEMBER SUGIMURA: She can contact my office, Chair.

CHAIR LEE: Mr. Clerk.

MS. TAYLOR: Yes, I will. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

DEPUTY COUNTY CLERK: Chair.

MS. TAYLOR: Thank you for your time. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: The next person signed up to testify is Roy Vandoorn. To be followed by Stephanie Ohigashi.

MR. ROY VANDOORN (testifying on Committee Report No. 21-95):

Good morning, Chair Lee. Good morning, Members. My name is Roy--

CHAIR LEE: Good morning.

MR. VANDOORN: --Vandoorn. My name is Roy Vandoorn. I live in Wailuku. I'm representing myself. And I'm here to testify in support of SR 21-95 *[sic]*. This bill demonstrates that government has a heart. While taxation is necessary, and I know none of you like to raise people's taxes, that's not why you came to serve. Ensuring that taxation doesn't force local families to sell their long-held properties is important. I consider this bill like Maile said a wonderful first step. I hope all the Members present today support the helping of these local families keep their long-held properties. Thank you very much. And I appreciate the opportunity to testify.

CHAIR LEE: Thank you. Any questions, Members?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Stephanie Ohigashi. To be followed by Raina Chang.

MS. STEPHANIE OHIGASHI, SISTER CITIES INTERNATIONAL (testifying on County Communication No. 21-509):

Good morning.

CHAIR LEE: Good morning.

MS. OHIGASHI: Good morning. Good morning. I don't know. I'll make this very brief. I know everybody's hungry, want to go lunch on time. Thank you, Chair Lee and Honorable Councilmembers. Can you hear me?

CHAIR LEE: Yes.

MS. OHIGASHI: Okay, so I really am not super prepared, because I was asked to testify by Councilmember King, who's in Scotland at the COP26, which is very, very exciting. And I am supporting the County Communication 21-519 *[sic]*. I'm not real sure of what, you know, number it is. But anyway, I'm representing Sister Cities International. As you know, I wear a lot of hats in this community, so it gets confusing to see me here. But for today I am the rep for the State of Hawaii for all four counties.

And Sister Cities has a theme this year in which it involves climate change. And climate change has become undeniably a harsh reality in our lives, something that none of us want to accept, but it's happening. And making the importance of raising awareness and taking action is vital every single . . . You know, as our temperatures rise, and my

husband said, oh we need one more air conditioning. And I was growing up in Wailuku, I never had air condition, I never noticed that it was this hot. But it is getting hotter and hotter.

So, water patterns are disrupted, ecosystems are disturbed, and energy resources have proven to be unsustainable for long periods of time. So therefore, these ongoing changes impact our local and global community, every aspect. And for Sister Cities, youth is the key to tackle this global problem, cause they're our next generation of leaders. So, in line with the United Nations, sustainable, you know, the Sister Cities will adopt climate change as the overarching theme for its young, young people, its youth in 2022.

And Sister Cities is proud to have worked with Maui County youth. We had a winner for the youth artist and . . . Seabury Hall Skylar Kuroda. She won a \$1,000 . . . poem for the environment. So, our showcase next year is Generation Rescue: Sustainable Water for All. So, I want to let you know the Sister Cities will be working on launching a sustainability and summit in '22, and we ask for your support for this resolution. And . . . mahalo. Like everything what's been said today, I like seeing old faces and new faces. Any questions?

CHAIR LEE: Thank you, Steph. Yes, we have a question from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Steph, for that very relevant testimony. And I'm sure that we'll be working with you on that. But I just wanted to make a note that your hair has grown long. And during COVID, we haven't seen you and you look younger, so.

MS. OHIGASHI: Oh, that's really good. I, I noticed Maile and Netra and all my old friends from my, the early Wailuku stomping grounds. It's really exciting. But yea, I haven't had my hair cut, and I won't cut it until we launch the summit. Thank you, Yuki. Aloha.

CHAIR LEE: Alright, any more questions? If not, thank you, Stephanie.

MS. OHIGASHI: Okay. Bye.

CHAIR LEE: Have a great weekend. Bye.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Raina Chang. To be followed by Jeff Gilbreath.

MS. RAINA CHANG (testifying on Committee Report No. 21-95):

Hello, everyone. Can you hear me?

CHAIR LEE: Yes, we can.

MS. CHANG: Okay. Thank you. Good morning. My name is Dr. Raina Leialohalani Chang and I'm here as a part of the Kukahiko ohana, in strong support for 'āina kūpuna bill CR 21-95. Passing this bill would be a huge support for our family and many others, as it would help us preserve the aina in its natural resources that tie us back to our ancestors. You know, the way the world is changing now, we have a duty to protect our aina and all these resources, and the goodness, and the healing that it offers us.

My great grandpa is buried on the land in Makena. And because of him and his sacrifices, I stand here today as a Chinese medicine practitioner trying to help our people. And we use the aina to heal. And so, I'm asking you to help us preserve our strong roots that are imbedded in the land, because aina is life, it is our mother, and we need to protect her. Mahalo. Thank you for your time.

CHAIR LEE: Thank you. Members, any questions? If not, thank you, Ms. Chang.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Jeff Gilbreath. To be followed by Dave Jorgensen.

MR. JEFF GILBREATH, HAWAIIAN COMMUNITY ASSETS [testifying on Bill 111 (2021)]:

Aloha, Councilmembers. Good to see you. Jeff Gilbreath with Hawaiian Community Assets, just providing some comments related to Bill 111 based on some concerns that we've heard voiced. And so, I just wanted to let you folks know, you know, based on the Comprehensive Affordable Housing Plan that we put together for you, the plan recommended to create a list of homebuyers who are pre-qualified to receive an expanded . . . assistance grant up to 150,000 or 200,000 if they're in Hana, Lanai, or Molokai, so developers can market their homes to the, to this list for greater certainty and provider access.

And then the second recommendation was related to the sales period, we recommended more than 180 days sales period for all homes at the price proposed by the developer. So, this is to keep from a protracted sales period that could extend as

far as 360 days and end up . . . being sold to offshore buyers. I think Bill 111, are steps in the right direction. I commend all of you for your work on this.

I did want to address a few concerns that I've heard voiced about the bill. The first concern about validating residency requirements and the cost of doing this. Local residency can be verified using tax returns or a simple 4506T form from the IRS. If these are not available to be provided, the onus should be on the applicant to verify their residency.

And there's programs administering Federal housing assistance right now who can be a source for guiding, you know, the, the County on this process, with regards to cost, how to prove to housing . . . agencies and financial assistance providers, verify residency is a normal course of their business. And in my experience, this has not been cost prohibitive. Again, most of the onus is on the applicant.

The second concern is about the cost and the program on developers in the County. We recently assisted a developer in contacting their list of 900 interested individuals on their waitlist. And we found that 54 of those individuals were actually, who were on that list were in fact interested in the specific project. This . . . to build a partner from assuming 900 individuals on their waitlist would automatically qualify for the purchase opportunity. This tells us having a list of homebuyers prequalify for building partners would reduce cost significantly in attempting to find qualified buyers.

The concern about liability, which I assume is related primarily to low-income housing tax credit projects. It's important to note that LIHTC projects will want to ensure management of this process because of the liability and compliance requirements of these Federal funds, federally backed funds. We agree with this concern voiced by the LIHTC developers. And the County should work with them to develop program rules accordingly.

At the same time, we've heard anecdotally that recent Maui LIHTC projects have had to go through six applications to find one qualified renter. Having a list of renters and with tenant selection plan, we could actually help builders reduce their cost so they wouldn't have to review six applications to find one, one qualified renter.

And the last is about the County purchasing units. We believe the County should purchase any home that is not bought by a qualified homebuyer within the first 180 day or 120 days in the bill. You know, they could go through an appraisal process to make sure the value of the home is what it is. And the County could use the Housing Interim Financing and Buyback Revolving Fund, which has about \$2 million in it right now--

CHAIR LEE: Could you please conclude? Jeff--

MR. GILBREATH: --to make that purchase.

CHAIR LEE: Jeff. Jeff.

MR. GILBREATH: That's it. That's all I got--

CHAIR LEE: That's it?

MR. GILBREATH: --Councilmember.

CHAIR LEE: Okay. Alright.

MR. GILBREATH: Thank you for your time.

CHAIR LEE: Any questions, Members?

Member Paltin.

COUNCILMEMBER PALTIN: So, just clarifying. You said you support the bill?

MR. GILBREATH: Yes. Yes, I support the bill, Councilmember. Just wanted to, to address some of the concerns we've heard voiced from other, other parties.

COUNCILMEMBER PALTIN: Thank you. And then you sent that--

CHAIR LEE: Okay. We have another question.

COUNCILMEMBER PALTIN: --writing, right?

MR. GILBREATH: I'm so sorry.

COUNCILMEMBER PALTIN: You sent it in, in writing?

MR. GILBREATH: I did. That's why I had to jump on here, so, I don't know. I'm happy to provide to the Affordable Housing Committee if that's, if, or to whoever is appropriate. I'd take direction from you folks.

COUNCILMEMBER PALTIN: That'd be great. County.Clerk@mauicounty.us.

MR. GILBREATH: Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: That was my question for Jeff.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: If he could submit his testimony in writing.

CHAIR LEE: Alright.

MR. GILBREATH: Very understandable.

CHAIR LEE: Thank you, Jeff.

MR. GILBREATH: I can do that. Thank you.

CHAIR LEE: Thank you.

MR. GILBREATH: Have a great day. Aloha.

CHAIR LEE: You too. Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Dave Jorgensen. To be followed by Robin Knox.

MR. DAVE JORGENSEN (testifying on Committee Report No. 21-85):

Good morning, Chair Lee, Members of the Commission, uh, the commission, the Council, and staff. My name is Dave Jorgensen. I want to testify today on matter CR 21-85, which is at the very, very end of a very long agenda. So, I'm not a paid lobbyist, but I am the attorney for the neighbors of the subject property. My clients are Winston Cheshire and Vera Sredanovic.

I, this is one of those where I'll apologize ahead of time. My testimony is going to be short. I've spoken to my clients a couple times. I'm aware of their concerns with the activities going on, on the neighboring property, which is the Maui Dragon Fruit Farm. We understood, and I understand that there is an investigation going on by the Planning Department into the activities on that lot. I also know you all have heard

testimony, have heard this matter before, and are aware of a lot of those issues, complaints, potential violations.

So, we were just concerned that, that it was on the agenda for first reading, when my clients were still waiting to hear back some, some status on the investigation. So, I believe Ms. Sredanovic is going to be testifying in a little bit. I saw her name on the chat, so I won't belabor this. I don't want to, you know, I don't want to overlap and waste your time. But I do ask you to look closely at this. Again, you guys actually at this point may know a little bit more about what's going on than I do. But the issue of violations of prior permits, activities being conducted way in excess of what's permitted, other issues like that, youth living in RVs on the property. I understand one RV is gone, but there's a van there instead, and a bunch of tents. So please look into this closely. And I, I appreciate your time.

CHAIR LEE: Thank you. Any questions, Members.

If not, Mr. Clerk.

MR. JORGENSEN: Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Robin Knox. To be followed by Vera Sredanovic.

MS. ROBIN KNOX (testifying on County Communication Nos. 21-487, 21-492, and 21-509; and Committee Report No. 21-98):

Aloha. I don't know why, but I can't seem to turn my video on. I'm testifying on behalf of myself, and then I'm going to testify on behalf of the Save the Wetlands Hui on CR 21-98.

On behalf of myself, Robin, Knox, and I am not a lobbyist, I would like to say I support 21-487 to give liability protection to our lifeguards. I think that's a no-brainer.

I support 21-492 to add members to the Planning Advisory Commissions that advise the Planning Commissions, because I think that we do have very diverse community in terms of not only like ethnicity or cultures, but also age and economic status. So, I think the more members, you know, the better representation we'll have.

I also support 21-509 to be one of the CitiesWithNature Partnership members to commit to protecting biodiversity. You know, I think we all know Hawaii is known as the capital of extinct, extinction and that we have many species found nowhere else but here. So, I think we can be on the cutting edge internationally and share what we know and learn from what others share. So, that concludes my personal testimony.

On behalf of the Save the Wetlands Hui, I want to testify on CR 21-98. People in the community have approached me, wondering why we need a County bill to protect wetlands when there is a Federal program to protect wetlands. So, I would like to reiterate something I've said before, that the Federal wetland determination is for one purpose only, to determine if the wetland is a water of the U.S. subject to the Clean Water Act permits jurisdiction.

Because, sorry, because the definition of water of the U.S. changes frequently, the protection of wetlands changes over time. Currently, waters of the U.S. does not include ephemeral streams and associated wetlands like those on the leeward side of our islands or isolate, isolated wetlands such as the elevated wetlands and bogs of our upper watersheds.

The Association of State Wetland Managers notes that the Army Corp of Engineers permits do not protect the functions of wetlands and the value to communities. Maui County's wetlands provide vital natural infrastructure, drainage, and flood storage. It, they protect the ocean from the land-based pollutants. They trap sentiments. They recycle nutrients and biogeo-chemicals back to the natural place in their, in the natural cycles.

The wetlands provide habitat for those threatened and endangered species we were just talking about and, and provide nurseries for our fisheries. And they can protect the land and the freshwater from impacts of sea-level rise and sequester greenhouse gases to mitigate climate change.

So, you can see that wetlands have great value to Maui County's communities and that they're currently vulnerable and unprotected from destruction. And that is why Maui County needs this wetlands protection bill. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Vera Sredanovic. To be followed by Jen Russo.

MS. VERA SREDANOVIC (testifying on Committee Report No. 21-85):

Dear County Members, I tried turning on the camera, but it doesn't work. So, thank you so much for your public service and please forgive me for sending you emails, but I wanted to make sure that you have supporting documentation and have more accurate information.

I will only focus on new information, since the last County meeting, so I will not go into individual CUP violations. In the last September meeting when this was discussed like last time--

CHAIR LEE: Can you speak a little louder? Can you?

MS. SREDANOVIC: Oh, sorry. Can you hear me better now?

CHAIR LEE: Yea.

MS. SREDANOVIC: Okay. Sorry. Since September, when we had last meeting, they, just in September, there were six weddings, which far exceeds two permitted. And out of those two were conducted at non-permitted TVR. So, people were inside of the cottage and some of them appeared to have stayed overnight, also.

On a separate note, by, I looked at the CUP presentation given by Crystal Schmidt, original one, and I noticed that the drawing of the plot presented is about 30 percent smaller than the actual plot. This made it look like the area planted on the crops is 50 percent of the land, which it is not. If you could please review the original CUP application and the agricultural plan that they submitted. So, you will see that they stated it was about 15 acres planted, but they don't have more than five. So, I was just wondering if this information is, in fact, inaccurate and the permit was given based on that, wouldn't these permits be invalid at this time?

I also was forced multiple times to call the police in the middle of the night due to the partying and screams coming from the transient staff living on the farm. We discussed the RV . . . but I understand that farm can have farm help live at the property if it's appropriate accommodations. But that is if they have at least 35,000 per staff coming from direct produce made at the farm, and assuming that the actual staff works at the farm, at the farm produce. But this staff works mostly on the ziplines and other adventures.

Most of the revenue based on the website from the owners comes from weddings, adventures, ziplines. And some of these, since the last meeting, young adults moved

to the cottage. But it would be interesting to see a revenue breakdown and labor allocation to see how many would be allowed to live there in normal accommodations. Please revoke SUP and CUP due to this misrepresentation of, potential misrepresentation of percentage farm and to continue violations of, of the permissions.

I want to thank you for the opportunity to speak, and for all of your hard work. I know your job is not easy. I want you to know that I'm for the farmers and for the environment and I've always support that, so I was never against any farm tours or anything. Thank you so much.

CHAIR LEE: Thank you. Members, questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Vera. I just was wondering if your, if it took into account that we had a huge fire in 2018?

MS. SREDANOVIC: Yes. Yes. So, if you, I, I looked at all of the, like, Google, you can see historical information. And there was never planted more than five acres. They did loss, lose one part of that five acres, which only recently I looked at the, I saw the green. They started watering it recently. So, no, it's, it was never there. And you will see that omitted portion of 30 percent to the right-hand side, that was never planted. And you can see that it's all like rocky area and shrubs. So, it's not worked on.

COUNCILMEMBER PALTIN: Thank you.

MS. SREDANOVIC: You're welcome.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, you're a neighbor. So, you would know if the recreational vehicles are still there?

MS. SREDANOVIC: Yes. Mhm. Yes. As of a couple of days ago when I walked my dog up the street, I saw that one RV is gone, the other RV is there. But I noticed another white van parked there. So, that, that's a new. I did notice, as I said, that they have some people living at the cottage and unfortunately in the middle of the night, I had to call police again, which I hate doing because such a waste of resources. Because they were screaming--

CHAIR LEE: Thank you. Thank you. You answered her question. Thank you very much.

MS. SREDANOVIC: You're welcome.

CHAIR LEE: Are there any more questions, Members? If not, thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Jen Russo. To be followed by Lucienne de Naie.

MS. JEN RUSSO, MAUI VACATION RENTAL ASSOCIATION (testifying on Committee Report Nos. 21-95 and 21-107):

Aloha. Can you hear me? Okay.

CHAIR LEE: Yes.

MS. RUSSO: Aloha, Chair Lee and Members of the Council. My name is Jen Russo. I'm testifying in my capacity as Executive Director of Maui Vacation Rental Association. Thank you for the time today to speak to CR 21-107 and CR 21-95. I know you have a double agenda today. I will try to be brief.

We support 21-107 with permitted bed and breakfast and short-term rental home operators. The existing owners and operators and their managers, permit-holders all work together in partnership with the County. The County has one of the most managed and regenerative approaches to the hospitality industry with these permitted operations. And as such, we don't see out of control growth within these permits. They represent less than half percent of the homes on Maui.

These small businesses must follow a strict set of rules, must be operating to code, pay their taxes on time. These operators must submit their visitor cultural education to the County and have that approved. These operators are known to their neighbors. The intent of the proposed changes were to reduce speculation and encourage a connection to the neighborhood. However, we heard lots of testimony during the planning commission meetings that showed the current application process allows for this connection to the neighborhoods, as the property has to prove that it does not change the neighborhood in any way, shape, or form. Neighbors do get to weigh-in during the process.

The Planning Commission did not support this revision to add a five-year ownership and construction requirement for B&Bs and did not recommend it for Maui. I think that the bill should reflect that sentiment and recommendation.

I truly appreciate the amendments to the bill that Councilmember Paltin has brought forth to allow B&B operators to pass to their heirs. We support these changes, but I think we need another amendment to remove that five-year ownership requirement for B&Bs for Maui. Bed and breakfast operations are run by Maui residents, supported in the Countywide Policy Plan. This plan calls for the County policies to support home-based businesses, and encourage resident ownership of visitor related businesses and facilities.

On CR 21-95, the 'āina kūpuna lands, we support this proposal to add a section to the tax code relating to taxes on parcels dedicated as 'āina kūpuna. The BFED Committee agreed to amend the proposed bill to allow property dedicated as 'āina kūpuna to be used for transient vacation rentals.

However, I think the way the ordinance was written to be so specific, the scope was too narrow. Many of the lineal descendants utilizing their properties have seen tax increases that have been exorbitant, and those have, that have had to make commercial uses to pay for property taxes and keep their lands should not be punished. They should also qualify, or consideration should be made too for those lineal descendants who may be unable to farm their lands. Mahalo, Councilmembers, for listening to me. I know you have a long day ahead.

CHAIR LEE: Thank you. Questions, Members? If not, thank you, Ms. Russo.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Lucienne de Naie. To be followed by the individual calling in from the phone number ending with these last four digits, 7414.

MS. LUCIENNE DE NAIE [testifying on County Communication Nos. 21-484, 21-485, 21-487, 21-492, 21-493, 21-509, 21-512 and 21-518; and Committee Report Nos. 21-95, 21-96, 21-98, 21-111, 21-113, and 21-116; Bill Nos. 106 (2021) and 111 (2021)]:

Aloha. Greetings, Chair Lee and Members of the Council. My name is Lucienne de Naie and I am testifying in two parts today, kind of like Mike Moran, or someone else earlier. At first, as chairperson of the Sierra Club Maui Group, this is going to be a bit like deja vu, because many of the items were on your last Council agenda. But I would like to testify on behalf of Sierra Club Maui in strong support of County resolution 21-95 regarding the acquisition of the Waiale land for all the reasons that have been discussed before. We are in strong support of this.

Also, Council resolution 21-98, referring to the program for wetlands restoration and protection. I think that Ms. Knox really summed it up. We need something that fits Maui. We have some very, very vital lands in Maui that are providing a vital green infrastructure purpose, and they need to be recognized as such and managed as such to help the surrounding properties. And save us a lot of money down, down the road in the future when we have rising sea levels and uncertain storm events.

Moving on to County resolution 21-113, having to do with the, prohibit the sale of the non-mineral sunscreens. We also are very strongly in support of this. And, you know, we're very involved in the first bills to bring this to the attention of our legislators. As Mr. Bagshaw I think eloquently explained, our, our reefs just, you know, need to have a voice here. And we, we are their voice on what goes into the water and what affects the coral and as it is trying to survive under, you know, a lot of different impacts.

Moving on to County Communication 485. This also relates to the Waiale and South Waiale. And we strongly support this moving forward, the budget amendment being made, and the funds being moved forward to secure the property.

On item County Communication 493, we strongly support the purchase of the Kula Community Center grounds. And thank Councilmember Sugimura for putting that forward. That's a benefit for the whole Kula community. We ourselves have attended many public meetings there, and the center is a great public resource for all kinds of community events.

As to the aina aloha, 'aina ohana tax credit, Council Communication 512, and Council resolution 95, we are strongly in support of moving this forward. If it does need some tweaks, we agree with Ms. Luuwai that let's get this on the books. If it needs some tweaks, certainly they can be made, because one size rarely fits all. But it is really historic that Maui County would recognize that our, our legacy families, our, our kupuna that passed things from generations to generation should not be taxed off their land.

Moving onto County Communication 509. This also is a wonderful opportunity. It was nice to hear Ms. Ohigashi speak to it. We definitely, Maui County is one of the most probably forward-thinking places in the U.S. And we really belong in this partnership, as CitiesWithNature Partnership, because it is people who are going to make a difference in, in the end. As enlightened as you all are as our leaders and as appreciated as your efforts are, you do need the people also city-by-city to unify and take charge of our world again.

And then ending my testimony for the Sierra Club Maui Group was support for Bill 106, relating to the Energy Code compliance for large residential buildings. This is kind of

a no-brainer, you know. We all talk about the McMansions and so forth. It's like at least we can insist that they're not energy hogs. So, and usually people who build places like this are usually in a financial position to, to make these changes and try to do what's most energy efficient, helps them in the long run. And it certainly helps our environment and our community.

Moving onto the topics I would like to address as an individual. These are topics that, you know, they come up and we don't have time to ask if the Sierra Club Board supports or doesn't support. Some of them are very worthwhile topics. But Council Communication 484, regarding to efforts to protect and advance the practice of hula, and prevent its economic exploitation and appropriation. This is something that is seen so often.

Some terrible land use decision will be made, and the mitigation will be to sponsor a hula contest, or to set up some sort of cultural event. And you know, hula, it connects to the aina. It connects to our oceans. It connects to the, the places in Hawaii, the wahi pana, the story places. And it seems like we've just taken the dance and put it in its own setting and then charge a lot of money for it. So, anything that can happen to actually return, end this cultural appropriation, and return hula to its place where it should be under the advice of the culture that created it makes a lot of sense.

Also, would like to support Council Communication 487, limited liability for County lifeguards. And this would be part of the package that goes to the Legislature next year. Oh, my gosh, we have discussed this for years and years and years. I can remember testifying on this, I don't know, 10, 15 years ago. It's really, you know, the State, as I understand it, the State has the ability to grant this limited liability, and we really need it to extend to the Counties. I think that's kind of the simple version of it.

Item 492 relating to members and alternates to the Advisory Committee to the Planning Commission. The, getting the alternates in place and clearly defined is very important. Most successful committees do have alternates because not everyone's always available and you do need to make quorum. And it's great having more people informed rather than less people. So, I support this very strongly as a person who's served on a number of boards and commissions over the years.

And then, there's item 518. This is a report that's being transmitted on the feasibility studies for the Haiku Fire Station. I am Chair of the community association in, in Haiku, and three or four members of our board have worked very diligently on this issue. And I would just summarize our concerns in, in like one sentence. Right now, there are portions of our area that are more than five minutes from a fire station. And the current preferred location will not do anything to change the fact that those areas are more than five minutes from a, five miles, I'm sorry, five miles from a fire station.

So, we formed a committee, the community association, to look at alternative sites. Did find a site that would be free, because it's State land, would be appropriately sited. It's on a major road, Hana Highway, and could be available. And it would put everything that is developed all the way out to Kailua Town within the five-mile range, as well as covering all of Haiku going back, you know, to Maliko Gulch and beyond.

However, our Fire Department believes that the highest claims are in the area that is near the present preferred site. And that the community plan and the, the Maui Island Plan shows growth only in that area. What I think that we need to look at is the Maui Island Plan shows areas of growth that actually are areas that are already built. There's very little open areas for growth in that plan. It's mostly surrounds areas that are built. So, of course you're getting claims from that. The areas where new growth is going to be coming from are not in the Maui Island Plan, because they're agricultural lands. And that is where our growth is happening. And that is for the people who are outside this five-mile range. So, whatever happens with this study, we would like to go on record of, from the community association noting that there is this kind of difference of view.

And then, the last two items, number 111, this would provide \$3.5 million for the Wai'ale Road Extension project. I had the opportunity in the last week to tour the 200 acres the County purchased for a Central Maui Park. And you know, one of the things that we noted is that the County owns 100 acres and 200 acres that kind of, you know, are between Honoapiilani Highway and Kuihelani Highway. And what they really need is Wai'ale Road access to go between the two and allow decent access. So, I'm glad that this is moving forward.

Then there's a local matter, and that is County resolution 116. This, this relates to the Door of Faith Church, which is an institution in our Huelo community. This little church has been there since the 1950's. It was established on agricultural land that was donated by a local family. And they do lease some State land. They take good care of the land. They are very supportive to our community. They provide meeting space for community meetings. They provide food giveaways to families in need. And all, I think they're trying to do is get so that they have a legal status. Since they're a church, they need to have Public/Quasi-Public District for their zoning.

And then ending then, ending on Bill 111, and that will be the residential workforce housing list, a master list. I think, I think Jeff really summed it up. Our present system does not give accountability when you double-check on how many people are really qualified out of these large numbers that are often put out, like 400 people are waiting. Well, you find out it's not 400 people, it's maybe 80 people who would qualify. We really need to get the facts so we can tailor our policies and our housing products to the real, the real facts that, that are out there.

So, maybe this was another thing needs to be tweaked a little bit. Maybe it should be the purview of a nonprofit organization to administer if the County just feels they, would just be too difficult for them. But we do need a master list. It was one of the main things that MEO convened an affordable housing panel for a year, oh, 10, 15 years ago. And this was one of the ten points. Keep a master list, rather than have all these little individual lists. So, thank you for your support of Bill 111. Mahalo.

CHAIR LEE: Any questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Lucienne. Well done. I was going to ask you about the Door of Faith Church based upon what you said about the fire station location.

MS. DE NAIE: Yes. Of course, they're outside of the five-mile range, yea. Both churches. We have two churches in our community. Both of them would be outside this range, and a thousand residences. There's a thousand people that live between Kakipi Gulch and Kailua Town that, that are just, you know, outside of this five-mile range as well.

COUNCILMEMBER SUGIMURA: Okay. So, but your community association as, is supporting of the five-mile range?

MS. DE NAIE: We, we, we want the, we want the location that would actually take in everything all the way to Kailua Town, so it would provide that five-mile range east and the five-mile range to the west.

COUNCILMEMBER SUGIMURA: Okay. Thank you. And I appreciate your support of the Wai'ale Road extension. Yea, I agree with you. Thank you.

CHAIR LEE: Any, any other? Have a nice weekend.

Oh. Mr. Clerk, can you hear me?

DEPUTY COUNTY CLERK: Yes, Chair. Shall I call the next testifier?

CHAIR LEE: How many do we have left?

DEPUTY COUNTY CLERK: Chair, there are currently five individuals signed up to testify.

CHAIR LEE: Want to take a break or finish public testimony?

COUNCILMEMBER MOLINA: Finish.

COUNCILMEMBER SUGIMURA: Finish.

VICE-CHAIR RAWLINS-FERNANDEZ: Finish.

CHAIR LEE: Finish? Okay.

Please proceed, Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. The next individual signed up to testify is the individual calling in from the phone number ending with these last four digits, 7414. To be followed by Cody Pueo Pata.

MS. KEIKI KAWAI'AE'A (testifying on Committee Report No. 21-95):

Spoke in Hawaiian.

My name is Keiki Kawai'ae'a and I'm a member of the Kukahiko ohana. I'd like to just put a little shout-out for Maile Luuwai's testimony earlier. And reminding us that I think for this bill it's on a very short timeline. If families can begin to apply and I'm sure hoping that we'll be able to move the bill forward, because it's our responsibility and later, as, as issues come up around that. And also, the reminder from the . . . about the importance as a position of land connected to well-being, healing, and wellness. I think that's been a huge experience for our family in Makena.

So, I'm standing today, along with my family, in strong support for the 'āina kūpuna bill 21-95. As many of you already know, our ohana has had a long history in Makena, with the branches of our genealogical tree residing from across multiple ahupua'a; from Kanahena to Keauhou or more . . . names would be the big far side of Big Beach all the way to Chang's Beach. Those are the places where our families have, our Kukahiko families have resided over the years.

Unfortunately, land speculation and high-end homes for wealthy and unaffordable property taxes have severely impacted the ability of our families to stay in Makena. Consequently, one by one, our Makena families have had to sell their aina because they no longer could afford to pay the property tax.

Makena is where our kupuna John and Kamaka Kukahiko chose to raise their family, their ten children, and set deep roots nearly 140 years ago. It has become an

overpriced community for the very wealthy, mostly non-residents who can afford to buy high-end speculation homes now with a price tag of 20 million plus dollars. So, this bill is really, really important that we move this bill ahead. And we're hoping that we'll be able to do that today.

But in light of all of the work that has come to today, we would really like to mention Councilwoman Keani Rawlins-Fernandez and our deep appreciation for this long overdue bill and acknowledge Council Chair Alice Lee and all of the Honorable Members of the Council who really listened to our stories and our struggles through oral testimony and the many letters that have been submitted by family and organizations from Maui Strongly believes in . . . , in the bill and strongly supports 'āina kūpuna bill CR 21-95. And we believe it's a long overdue solution and it will allow us to dedicate and continue to live and care for our ancestral land. We humbly ask that you support and pass the bill. Mahalo nui loa.

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

And may we have the next testifier, please.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Cody Pueo Pata. To be followed by John Carty.

KUMU CODY PUEO PATA (testifying on County Communication No. 21-484):

Aloha. Can you hear me?

CHAIR LEE: Yes.

KUMU PUEO PATA: Mahalo nui e Chair Lee and esteemed Councilmembers. My name is Cody Pueo Pata. I'm a kumu hula. I'm not a lobbyist. I would like to testify just briefly that I do support, of course, CC 21-484, supporting the Huamakahikina Declaration. For reference, please see my written testimony earlier. I would also like to say that I will be available for questions, or a, as a reference, when this item actually comes up. I would like to extend my mahalo to Lucienne de Naie, who gave a beautiful support to that, and also to Councilmember Rawlins-Fernandez for raising our declaration forth. As one of the authors, once again, of this declaration, I thank you for hearing this. And I will be, be available later when it comes up for your review. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is John Carty. To be followed by Faith Chase.

CHAIR LEE: Mr. Carty?

MR. JOHN CARTY (testifying on Committee Report No. 21-97):

Can you guys hear me?

CHAIR LEE: . . .

MR. CARTY: Okay. The Save Honolua Coalition supports CR 21-97 and the Ho'omāhūa Initiative . . . unprecedented usage, and abuse of Honolua Bay and the To best address the problem, we have partnered with Nā Mea 'Ike 'Ia with the goal to implement an education information monitoring table down at the bay. And we recognize their technology as an, as essential to accomplish our mission there. We have reviewed the LiDAR technology and intend to use it for both educational and data collection. And that's, that's my testimony. I've lost contact. I can't hear you guys. I'm terribly sorry.

CHAIR LEE: Questions, Members? Questions for his testimony?

Mr. Clerk, please call everyone who's on the list.

DEPUTY COUNTY CLERK: Okay. Yes, Chair. The, there's actually two people remaining on the list. The next testifier is Faith Chase. To be followed by the last individual currently signed up, Dick Mayer. If there is anybody else in the meeting who has not yet testified and wishes to do so, please inform us in the meeting chat. Thank you.

Faith Chase.

MS. FAITH CHASE (testifying on General Communication No. 21-6):

Good morning, Chair Lee. Good morning, Council. I'm call, I'm just speak, I want to speak quickly on General Communication 21-6, the report coming from Alexander & Baldwin. I'm just taking advantage of this opportunity to, perhaps this will get back to the Vice-President who put forward this report. I have made inquiries to A&B and Mahi Pono through their community public relations, through their initial PR firm and I have gotten no reply about many inquiries. And so, while I appreciate the general communication process at the Council, I would just, it would, it would be nice if A&B

and Mahi Pono would actually reply to inquiries from their community. And I want that on the public record. That's all I have to say today. Thank you for all these testimonies supporting Makena and those families. A hui hou.

CHAIR LEE: Thank you. Thank you, Faith.

Mr. Clerk. . . . our next testifier.

DEPUTY COUNTY CLERK: Chair, the next testifier we have signed up is Dick Mayer. To be followed by Tom Croly.

MR. DICK MAYER [testifying on County Communication Nos. 21-485 and 21-493; Committee Reports 21-96, 21-104, 21-111, 21-115; and Bill No. 111 (2021)]:

Thank you very much. And good morning, Council Members. I have six items and I'll be very brief on all of them. The first regards Waiale which I strongly support the County purchasing this property. But I just want to remind the Council, if the value of \$10 million or so was given to A&B already when they up zoned that land and gave the entitlements for that property less than a decade ago. So, it's, I would hope that when you make your decisions to title properties in the future, you consider the fact that at some point the County may want to purchase that land back, and what was given should not be paid for twice. And so, I think that you need to consider what can be done, so that if an entitlement is given, that if ever the need comes to repurchase the land again that it be done at the original value, not at the upscale, up, very much inflated value of \$10 million. And that relates to several items on your agenda today.

The second item I'd like to talk about is the Kula Community Center. So, appreciative that Councilmember Sugimura has put this on your agenda. It's been a high priority of the KCA, the Kula Community Association, now for at least ten years. It's, it's a leased property that the State has, excuse me, that the County has put large amounts of money into to build a community center, the tennis courts, the parking lot, etc., you all know that site. It's been used many times by you at, in political forums and other events. Please, go ahead and purchase the land under that, so that that will not revert back to the present owner who bought that land for only \$260,000 a few years ago.

Third item. There's a item to rename the ballfield at a Kula Park to the Glenn Otani Baseball Field. I strongly endorse that. I was the one who got the money from the State Legislature to buy that land. I worked at, with the County, the County appropriated the money to build that whole park. And I worked with the landscaper-designer to design that whole field. And when we, we were in the process of designing the park, Glenn Otani played a very pivotal role in making sure that we had adequate

baseball fields there for the children Upcountry. And I think it's very appropriate that the field be named after him. He played a pivotal role in not only baseball, but actually in the design of that field.

The next item is the item about the Transient Vacation Rentals and the use, this is item 21-115, the use of registration numbers when people advertise. I would urge that the TMK number that's now being assigned to those properties have, at the beginning of that TMK number, a letter that indicates the community plan district where that item is in. So, for example, if it were in East Maui, would be the letter "E"; in North Maui, "N"; South Maui, "S"; Moloka'i, "M"; etc. That will, that way, when we count up how many, how many licenses or permits you've given out for vacation rentals and transient accommodations, it'll be very easy to see all the TMK's in that area. It'll make it much easier to keep track of where these transient vacation rentals are located. I would urge you to recommend that. I don't think it takes an ordinance, even, I think just rather than using just the TMK, that you assign a letter at the beginning.

And finally, the item I'm most interested in talking about is the bill regarding the list that is going to be prepared for people seeking affordable housing. I want to thank Councilmember Gabe Johnson, particularly, and all of the Councilmembers for putting this forth. I think it's been a, it will be a valuable addition. It's something long called for, and I think it could be a very useful way.

I have one concern with that bill, and that right now it says that the Housing Department or its designee shall administer this whole thing. I just want to make sure that the designee is not a developer. I think it could be a nonprofit, like MEO, or Liliuokalani Trust, or some other group that has no particular interest in benefiting financially from that. And I would hope that a neutral party, either the County Housing Department or designee. And so, if you could put in the words "nonprofit" before the word "designee", I think that would be appropriate. I realize this is second reading, but I would hope that we make sure that this does not fall in the hands of developers who can manipulate lists and do all kinds of things that are not necessarily in the best interest of the residents who will be trying to get their affordable house. And with that I would like to conclude. Thank you.

CHAIR LEE: Thank you, Dick. Members, questions? If not, thank you again.

And may we have the last testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: The last person signed up to testify is Thomas Croly.

MR. THOMAS CROLY (testifying on County Communication No. 21-511 and Committee Report No. 21-107):

Aloha, Council. Thomas Croly, testifying on my own behalf. First, I would like to comment on County Communication CC 21-511 and urge the Council to adopt this amendment proposed by Councilmember Paltin to correct one of the errors that was made in the changes to the amendments to the B&B ordinance in response to a testifier last week, one of the testifiers, who explained that the changes being proposed would make it impossible for her to leave her B&B in a legacy to her son. I, I support this.

This oversight was made because the Planning and Land Use Committee chose to ignore the recommendations of the Planning Department, the Planning Commission, and the majority of the public testifiers when at its, when it made a change at the end of its meeting. It hastily made the change that created a five-year ownership requirement for bed and breakfast permit applicants. This proposed change was rejected by the Planning Commission, and also affects all current permit-holders like the one that we're making this change for, because no one will be able ever to sell their home to someone who might intend to continue the long-standing bed and breakfast use on that home, because it would, they would not be able to get a permit for five years. So, anyone with a permit, their use and, and legacy would have to end upon their sale of their home.

It also removes the opportunity for any Maui resident who might want to create an opportunity for their own affordable housing by creating bed and breakfast use in their newly purchased home or use that bed and breakfast income to qualify for the mortgage. This error that was made in Committee was amplified when the amended bills left Committee without the five-year ownership requirement noted and were approved by Corporation Counsel without that change and then later corrected. This caused a lot of confusion in the public. It's most unfortunate that the Council took so little time and effort in Committee to vet the consequences of its actions to an ordinance that has been working so well for 12 years to regulate this use. The previous Council took 13 meetings to vet every requirement and condition in the B&B ordinance, and very carefully crafted an ordinance with . . .

CHAIR LEE: Mr. Croly. Mr. Croly, can you conclude in one minute please?

MR. CROLY: I, I can, on this item. And very carefully crafted an ordinance with consideration given to all of the concerns expressed by the public. The Administration, the industry, and the previous Council would be disappointed by this Council's actions to undo that work.

Chair, I'd like to move on to Committee Report 21-107. It is with great sadness that I watch the actions of this bill, that in my opinion, would effectively kill the bed and breakfast and short-term rental ordinances and bring Maui County back to where it was in 2006 when we had 800 short-term rentals and bed and breakfasts that existed with only 22 of them properly permitted. These actions would fuel a new underground that operates outside of public advertising, and you would not have served, solved any of the problems. But you will have lost the tax revenue and the oversight that applies to permitted properties. Today, there are 193 short-term rental permits and 151 bed and breakfast permits, and these are regulated through these ordinances. And some, including this Council, have said, that's enough. And you've set new caps for there to be no more.

But I do want you to understand that we do need to have the opportunity open just to maintain those. Because every year, a certain number of permits go away. And I analyzed the, the number of permits that, that go away every year and it's about half the number that apply for new ones. And since the five-year requirement was put on short-term rentals three years ago, there have only been four new short-term rentals approved that were subject to that, that requirement. Yet, 42 short-term rentals have gone away. The permits are gone because those owners sold their homes, or they didn't renew, or their renewal was denied, what, whatever the case may be. So, the bottom line is if you apply that same five years to the bed and breakfast, the same thing's going to happen down the road.

So, I urge this Council to reject the five-year ownership requirement for Maui resident bed and breakfast. To allow this ordinance to continue to provide opportunities to Maui residents to provide their own affordable housing. To provide opportunities for the existing permits to continue if they are not affecting their neighborhoods, and to trust that the conditions that are put into these ordinances have the foresight to protect our neighborhoods and communities as they have been working.

And I would invite any of the Councilmembers at any time to view some of these permitted bed and breakfasts and just see just how well they do fit into their neighborhoods. Thank you for that consideration and please don't kill the bed and breakfast ordinance by tacking on this five-year ownership requirement, because that will, that will be the death and we'll be back to where we were. Thank you, Chair, for the opportunity to comment on these two items.

CHAIR LEE: Questions, Members? If not, thank you, Tom.

Mr. Clerk.

MR. CROLY: Aloha.

DEPUTY COUNTY CLERK: Chair, we currently have no other testifiers signed up. If an individual is connected to the meeting and has not testified, but wishes to do so, please identify yourself now. This is our last call.

MS. CLARE APANA (testifying on Committee Report No. 21-96):

Hello?

DEPUTY COUNTY CLERK: Hi. Are you wishing to testify?

MS. APANA: Yes. I don't seem to have a chat button. I'm on my telephone.

DEPUTY COUNTY CLERK: Okay. I believe this is Clare Apana, correct?

MS. APANA: Correct.

DEPUTY COUNTY CLERK: Okay. Please proceed.

MS. APANA: Thank you. I just wanted to, I don't know, do I have my video camera open?

CHAIR LEE: No.

MS. APANA: Is it on now?

CHAIR LEE: No. But we can hear you.

MS. APANA: Okay. Well, I just wanted to show you, I'm at Keopuolani Park right now. We are completing a vigil and a; we assisted the County in taking care of some burials that have not been taken care of for about ten years. And so, we assisted the SHPD and the County to get the kupuna buried. And it was a very beautiful, beautiful . . . ceremony for us. Our, our spiritual people have been working for days to build an ahu and I just wanted to let you know that we are doing, doing the work to preserve and to perpetuate our culture and, and honor our iwi kupuna and really, it's really good work. And I wanted to thank you for the opportunity to, to have the Waiale be purchased as a preservation. So, this is Clare Apana.

And I have one more person here, Victoria Palafox. This is the County Council for Waiale. So, this is Victoria Palafox.

MS. VICTORIA PALAFOX (testifying on Committee Report No. 21-96):

Aloha. Aloha. I thank you for your time at this moment. Aunt Clare just catching me when I just pau leo over here. But my heart is to support Waiale in all the efforts that we as kanaka. I'm a Kahuna Pule, so the preservation of our iwi kupuna is very important. In fact, today, we just finished reinterring some of our kupunas that was held in SHPD, we laid to rest in Keopuolani.

And I know in Waiale, there's many, many more. I'd like to save that area and help and partake of, how I can say it, a new, a new beginning, a new understanding in this space of malama our kupunas of time past. And from that, to bring the stories that they have carried for us that has been forgotten. And I know it education in every way. It takes so much effort from all of us. And to me, it's not a hard work to educate others, yea? You just need to know when to approach, and how to approach. So, I support the Waiale project with all my heart. And I also support in fullness of the kupuna. Yeah, and I thank you all for trying to make that happen.

Our families have lived here for generations and generations and try to upkeep with the new advancement of our people today. But as we all can see, they having hardship and have had hardship from time past until today. So, this kuleana . . . will help the kupunas of today and the families to enrich their life. And I tell you something, when we start malama-ing all our birth families of this place, I can see enrichment in everything else in our community. To bring life and happiness to an individual, a kupuna, and to see the children grow in happiness. I feel this going help everyone, even the foreign people that come and live with us. We can work together, hand in hand.

And I thank you at this time for your, for bringing all these, these kuleanas up to the surface, and this opportunity for me to share some of my thoughts. Next time I going be more aware of what's going on. But I thank you so much for your time. And I appreciate all that you do. Mahalo, Chair Lee. Mahalo.

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

MS. PALAFOX: Mahalo.

MS. APANA: Mahalo.

CHAIR LEE: Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, we'll do one last call. If there's anybody else in the meeting who has not testified and wishes to do so, please identify yourself now. Last call. Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Members, any objections to receiving the written testimony and to closing public testimony at this time?

MEMBERS VOICED NO OBJECTION.

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

1. Jeff Bagshaw;
2. Colleen Medeiros;
3. Vera Sredanovic;
4. Jen Russo, Maui Vacation Rental Association;
5. Keiki Chang Kawai'ae'a;
6. Jeff Anderson;
7. Hannah Bernard, Hawaii Wildlife Fund;
8. Syl Cabral;
9. Frank T.S. Chang;
10. Miriam Chang;
11. Monica Leihua Nani Crabbe;
12. Mary Drayer;
13. Paulo Faleafine Jr., Nā Mea 'Ike 'Ia;
14. Michael D. Benitez Flores;
15. Scott J. Glenn, Hawaii State Energy Office;
16. Mikahala Helm;
17. Andrea Kealoha;
18. Carmen Hulu Lindsey, Office of Hawaiian Affairs;
19. Peter K. Martin;
20. Lynn Miyahira, Public Access to SunScreens Coalition;
21. Jonny Orlando;
22. Joylynn Paman;
23. Karin Ross, Personal Care Products Council;
24. Shelby Serra, Pacific Whale Foundation;
25. Pamela Tumpap, Maui Chamber of Commerce;
26. Tina Yamaki, Retail Merchants of Hawaii; and
27. Lauren Zirbel, Hawaii Food Industry Association.

CHAIR LEE: No objections. Alright. So, Members, shall we proceed, or you, oh no, I think we should take a break, right? Fifteen-minute break, come back at 11:15, okay. Very good. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:58 A.M., AND WAS RECONVENED AT 11:18 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the Council meeting of November 5, 2021 please reconvene. Okay. Everybody ready to get to work. Members, as soon as we are able, on the calendar, after the minutes, and some of the other things, would you mind if we brought the 'āina kūpuna bill up forward?

COUNCILMEMBER KAMA: I don't have any objections.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry.

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: You're asking if we can take it up first, after the--

CHAIR LEE: Yea, after the minutes and, and those, and maybe after the Consent Calendar.

VICE-CHAIR RAWLINS-FERNANDEZ: Um, okay.

CHAIR LEE: I mean, so many people are waiting for it. So, I thought if you don't mind, we could take it up. And then, all the people who have been waiting for several weeks now, you know, can breathe a sigh of relief.

Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meetings of July 23, 2021, August 6, 2021, and August 24, 2021; and public hearings of August 10, 2021 were presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES, ALL OF THE MINUTES,
AS READ BY THE CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, to approve the minutes as read, as listed by the Clerk, and seconded by Member Sugimura.

Any discussion? All those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: And one "excused". I'm sorry. One "excused", Member King.

DEPUTY COUNTY CLERK: Chair, proceeding with the--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 21-495 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated October 16, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Services grant in the amount of \$258,044.

NO. 21-496 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated October 16, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Child Restraint grant in the amount of \$55,328.21.

NO. 21-497 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated October 16, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement grant in the amount of \$83,954.51.

NO. 21-498 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated October 16, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement grant in the amount of \$154,184.25.

NO. 21-499 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated October 16, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records grant in the amount of \$256,875.50.

NO. 21-500 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated October 15, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the Maui Prosecutor's Office Traffic Records grant in the amount of \$5,675.

NO. 21-501 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated October 15, 2021)

Transmitting a copy of the grant award from the U.S. Department of Justice, Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$77,149.

NO. 21-502 - MICHAEL P. VICTORINO, MAYOR,
(dated October 20, 2021)

Informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the resignation of Joseph D'Alessandro, effective October 14, 2021.

NO. 21-503 - MICHAEL P. VICTORINO, MAYOR,
(dated October 20, 2021)

Informing of a vacancy on the Commission on Children and Youth due to the resignation of William Kinaka, effective October 15, 2021.

NO. 21-504 - SANANDA K. BAZ, ACTING MAYOR,
(dated October 27, 2021)

Informing of a vacancy on the Commission on Healing Solutions for Homelessness due to the resignation of Henry Costales, effective October 25, 2021.

NO. 21-505 - SANANDA K. BAZ, ACTING MAYOR,
(dated October 27, 2021)

Informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Tanya Lee-Greig, effective October 7, 2021.

NO. 21-506 - SANANDA K. BAZ, ACTING MAYOR,
(dated October 27, 2021)

Informing of the appointments of Thomas Cook and Frank Pikrone to the South Maui Advisory Committee.

NO. 21-507 - SANANDA K. BAZ, ACTING MAYOR,
(dated October 27, 2021)

Informing of the appointments of Rod Antone and Francine Aaronson to the Paia-Haiku Advisory Committee.

CHAIR LEE: Members, do you want to make any changes at this time?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No changes.

I MOVE TO FILE ALL THE ITEMS ON THE CONSENT
CALENDAR.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to file all the items on the Consent Calendar.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Looks like eight "ayes", zero "noes", one "excused"; motion carries. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, should I call up Committee Report 21-95 at this time?

CHAIR LEE: Yes.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-95 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending that Bill 118 (2021), entitled "A BILL FOR AN ORDINANCE RELATING TO 'ĀINA KŪPUNA LANDS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMEND, THE
RECOMMENDATION IN COMMITTEE REPORT 21-95.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to pass 21-95 on first reading.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on July 21, September 15, and September 29, 2021 to discuss County property tax reform. The proposed bill attached to the Committee Report is to amend Chapter 3.48, Real Property Tax, Maui County Code, to add a section relating to taxes on parcels dedicated as 'āina kūpuna.

Your Committee noted the impact on families in Maui County who have owned their real property for multiple generations, but the property does not qualify for a tax exemption as Kuleana Land or a land purchase under the Kuleana Act.

Your Committee confirmed the, your Committee confirmed the Department of Finance's current practice for long-term dedications is to send a reminder to property owners when the dedication is going to expire so that they have sufficient time to reapply.

Your Committee also noted that some families have been forced to sell portions or, in some cases, all of their property because of the rising property taxes, rising property tax cost as a result of speculation and ostentatious housing developments in the area. And that providing this exemption would allow them to remain on their family land.

Your Committee voted 8-0 to recommend passage of the proposed bill. And I have amendments that I would like to make at this time. I believe the Clerks should have sent the Members the amendments.

CHAIR LEE: Okay. Could you read your amendment? Make the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: I just wanted to confirm that everyone received the ASF. Okay. Okay.

COUNCILMEMBER SUGIMURA: Yes. Got it.

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

I MOVE TO AMEND THE TITLE OF THE BILL TO READ "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA".

I MOVE TO FURTHER AMEND PROPOSED CODE SECTION 3.48.361 TO STRIKE "PARCELS" AND INSERT "REAL PROPERTY".

I MOVE TO AMEND VARIOUS OTHER PROVISIONS OF PROPOSED SECTION 3.48.361 AS FOLLOWS:

1. IN SUBSECTION (A)(2): STRIKE "THE PORTIONS OF" AND "THAT ARE" FROM THE FIRST SENTENCE;

STRIKE "A LINEAL DESCENDENT" AND INSERT "ONE OR MORE DESCENDANTS";

STRIKE "HELD TITLE TO" AND INSERT THE WORD "OWNED"

STRIKE "ON JUNE 30, 1940" AND INSERT "AT LEAST EIGHTY YEARS PRIOR TO THE APPLICATION"; AND

STRIKE THE SECOND PARAGRAPH AND INSERT:
"DESCENDANT' HAS THE SAME MEANING AS DEFINED IN SECTION 560:1.201, HAWAII REVISED STATUTES. A DESCENDANT MAY OWN THE PROPERTY AS AN INDIVIDUAL OR WITH OTHER INDIVIDUALS, OR AS A DESCENDANT'S BENEFICIAL OWNERSHIP INTEREST MAY BE REPRESENTED BY ONE OR MORE TRUSTEES. OWNERSHIP OF THE PROPERTY MAY ALSO BE HELD BY A CORPORATION, LIMITED LIABILITY COMPANY, OR SIMILAR ENTITY, AS LONG AS THE DESCENDANT'S OWNERSHIP INTEREST IS IN THE ENTITY IS, OWNERSHIP INTEREST IN THE ENTITY IS GREATER THAN 50 PERCENT AND THE ENTITY IS NOT A CORPORATION WHERE THE STOCK IS SOLD, IS SOLD TO OR OWNED BY THE GENERAL PUBLIC."

2. IN SECTION [S/C] (A)(3): ADD "VACANT LANDS IN THE BUSINESS, INDUSTRIAL, OR HOTEL ZONED [S/C] DISTRICT. IT ALSO INCLUDES" AFTER "MEANS";

STRIKE "THE PROVISION OF THE SERVICES FOR CONSIDERATION AND PROFIT, INCLUDING";

INSERT ", SHORT TERM RENTAL HOMES," BETWEEN "TRANSIENT VACATION RENTALS" "AND BED AND BREAKFAST HOMES";

STRIKE ", BUT EXCLUDES" AND INSERT "COMMERCIAL PURPOSES DO NOT INCLUDE:"; AND

BREAK OUT THE LIST OF EXCEPTIONS INTO SEPARATE SUBSECTIONS.

3. DELETE SUBSECTION (A)(4) IN ITS ENTIRETY.

4. IN SUBSECTION (B):

STRIKE THE WORDS "WITHIN ANY TAX CLASS";

STRIKE ALL INSTANCES OF "PARCEL" AND INSERT THE WORD "REAL PROPERTY," EXCEPT IN SUBSECTION (B)(3);

INSERT "FOR A PERIOD OF TEN YEARS" AFTER "'ĀINA KŪPUNA"; AND

INSERT "ALL OF THE FOLLOWING CRITERIA ARE MET" PRIOR TO THE SEMICOLON.

5. IN SUBSECTION (B)(2):

STRIKE "NON-LINEAL DESCENDENT" AND INSERT "NON-DESCENDANT"; AND

STRIKE "A PERIOD OF NO LESS THAN TEN YEARS" AND INSERT "THE DURATION OF THE DEDICATION."

6. IN SUBSECTION (B)(3):

STRIKE "BE LIMITED TO A PARCEL NOT USED" AND INSERT "NOT TO BE USED"; AND

B. INSERT "FOR THE DURATION OF THE DEDICATION" AND AT THE END OF THE SENTENCE.

7. IN SUBSECTION (B)(4) TO READ: "THE REAL PROPERTY MUST BE LOCATED IN THE SPECIAL MANAGEMENT AREA AS DEFINED IN SECTION 205A-22, HAWAII REVISED STATUTES".

8. ADD SUBSECTION (B)(5) TO READ: "THE AGGREGATE REAL PROPERTY TAXES ASSESSED ON THE PROPERTY FOR THE PERIOD, FOR THE PRIOR TEN YEARS EXCEEDED 50,000."

9. ADD SUBSECTION (B)(6) TO READ: "THE MAJORITY OF OWNERS, TRUSTEES, BOARD OF DIRECTORS, OR SHAREHOLDERS ARE RESIDENTS OF THE COUNTY".

10. IN SUBSECTION (C):

STRIKE "PARCEL" AND REPLACE WITH DEDICATION,
"DEDICATED REAL PROPERTY" IN THE FIRST SENTENCE;

STRIKE "NON-LINEAL DESCENDENT" AND REPLACE WITH
"NON-DESCENDANT";

BREAK OUT THE LIST OF SUPPORTING EVIDENCE INTO
SEPARATE SUBSECTION;

INSERT ", OTHER RELIABLE EVIDENCE" TO THE LIST OF
WHAT CAN BE PROVIDED TO VERIFY OWNERSHIP OF THE
PROPERTY;

STRIKE "IN SECTION 3.48.361(B)"; AND

INSERT A NUMBER "3" TO READ: "EVIDENCE INCLUDES
CONVEYANCE DEEDS, WILLS, TRUSTS, BIRTH
CERTIFICATES, DEATH CERTIFICATES, AND OTHER
LEGALLY VALID DOCUMENTATION DEMONSTRATING THE
LEGAL OWNERSHIP AND LINEAL DESCENDANCY."

11. IN SUBSECTION (D):

INSERT THE FIRST SENTENCE OF SUBSECTION (G) AS THE
FIRST SENTENCE OF SUBSECTION (D);

B. DESIGNATE THE PREVIOUS SUBSECTION (D) AS
SUBSECTION (D)(1), STRIKE THE FIRST USE OF THE
"PARCEL" AND REPLACE WITH "APPLICANT," STRIKE THE
SECOND USE OF "PARCEL" AND REPLACE WITH "REAL
PROPERTY," AND INSERT: "IF APPROVED, THE MINIMUM
TAX TAKES EFFECT THE SUCCEEDING YEAR,
SUCCEEDING TAX YEAR, AND PENALTIES AND INTEREST
FROM THE 20, 2021 AND 2022 TAX YEARS MUST BE
REMOVED FROM THESE PORTIONS OF THE REAL
PROPERTY DESIGNED, DESIGNATED AS 'ĀINA KŪPUNA.
NO NEW PENALTIES AND INTEREST WILL BE ASSESSED
DURING THE DEDICATION PERIOD AND THE DIRECTOR

WILL HAVE THE AUTHORITY TO WAIVE SECTION 3.48.250."; AND

INSERT SECOND SENTENCE OF SUBSECTION D, (G) AS SUBSECTION (D)(2).

12. AND THESE ARE THE LAST THREE. IN SUBSECTION (E), STRIKE "A PARCEL" AND REPLACE IT WITH "REAL PROPERTY".

13. SUBSECTION (F):

MOVE "BEYOND A PERIOD OF TWO WEEKS AFTER A NOTICE AND WARNING TO THE OWNER OF THE DIRECT, BY THE DIRECTOR" TO AFTER "RESTRICTIONS ON REAL PROPERTY USE"; AND

STRIKE THE WORD "CANCELS" AND REPLACE WITH "TERMINATES".

AND LASTLY, DELETE SUBSECTION (G) IN ITS ENTIRETY, AND ADJUST THE FOLLOWING SUBSECTION NUMBERS ACCORDINGLY. THAT'S MY MOTION.

CHAIR LEE: Discussion? Vice-Chair Rawlins-Fernandez, perhaps you could just highlight the more substantive changes rather than a lot of it was clerical, and housekeeping. Like, the year, and the timeframe. The 80, at least 80 years prior to the application.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: That was substantive.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, before you take the second, you want me to highlight what the substantive changes were and not--

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

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Alright, second by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And at the request, mahalo, Member Paltin. At the request of the Chair, highlighting the substantive changes. Change the qualification duration from a start date of June 30, 1940 to a period of 80 years. Clarify the definition of "commercial purposes". Clarify what constitutes evidence of ownership. Remove penalties and interest from 2021 to 2022 tax years and dedication period. Yea, those are the more substantive.

CHAIR LEE: You want to discuss it further or I'm going to ask for questions from others?

VICE-CHAIR RAWLINS-FERNANDEZ: I, I would like to discuss it further.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I have been speaking a lot. And I would be happy to yield the floor and take a sip of water and, and then come back to my discussion.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Member Paltin, then Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. I support these amendments. You know, we had been getting a lot of calls in our office about, like, you know, how would people qualify for this? And they had talked with Finance and they said to, you know, call your Councilmember. So, I support the clarification. And it's kind of just, you know, holding it down to what we're talking about. So, it--

CHAIR LEE: You're muted.

COUNCILMEMBER PALTIN: Me?

CHAIR LEE: The last sentence anyway. Your last sentence.

COUNCILMEMBER PALTIN: Oh. Oh, just that we support it. We feel that it provides more clarification. And you know, to me, the main thing is we have something that Corp. Counsel can get behind, so.

CHAIR LEE: Okay. Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. And thank you, Keani, for doing all this hard work. And I wonder if you could, based upon what you said was a substantive changes, if you could tell us what it is on your ASF? Your item number?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR LEE: Yea. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura, for the question. So, at the top where it says "description", right after "proposer," it kind of highlights the substantive changes. You see it?

COUNCILMEMBER SUGIMURA: Oh yes, I see it. So, I just thought you wanted to go based upon the details of what you read off, but this is fine. So, I wonder if I could ask Corp. Counsel, the posting for October 22, 2021 and the Committee Report which was presented, this, this is not signed by Corp. Counsel. So, I want to know what Corp. Counsel, have they signed this off with these amendments, and are we fine now with this form and legality?

CHAIR LEE: Corporation Counsel, are you on the call?

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Yes. Hi, Chair. Thank you. Thanks for the question, Councilmember Sugimura. Yes, we've been working with Councilmember Rawlins-Fernandez and her office staff with her amendments and think that they are in line. And in terms of notice, I think notice has been properly given so I don't see a problem with that. And as far as the bill, I believe we're very close to having, you know, a version that we would feel comfortable signing as to form and legality.

I did have one question for Councilmember Rawlins-Fernandez, under the commercial purposes. And it's just that first portion, it says "commercial purposes means vacant lands in the business, industrial, or hotel zoning districts". I just wanted to make sure that I understood the purpose of that, that addition. And I apologize for not bringing it up yesterday, or this morning.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Thomson. Mahalo for the question. So, that section is, was something that I worked with the Finance Department on, RPT Division. And that was to help to clarify the intent of the bill to, which is to help legacy lands, particularly the, you know, residential properties. So, it helps to make that clear in the amendment.

And I was going to speak more to all the amendments. I don't know if you want me to do it now or if you, if you want to wait until after Ms. Thomson? But basically, to talk about the whole scheme, tax scheme, our property tax scheme, and the different programs that we have for tax relief. And so, we have different options for encouraging long-term residency and continuity of community. And that is with those that are remaining on, in Maui County for longer periods of time. And so, that's why it, that section was included. That was the recommendation for it to be included to achieve the intent of this bill.

CHAIR LEE: Corporation Counsel?

Vice-Chair, your signal looks really weak. The last time you changed, well, I don't know what you did, but it got really strong, stronger.

VICE-CHAIR RAWLINS-FERNANDEZ: Am I breaking up?

CHAIR LEE: Sort of like on the verge of. But we heard you. But so, so, right now, I just want to ask for a response from corporation, Deputy Corporation Counsel Richelle Thomson.

FIRST DEPUTY CORPORATION COUNSEL: Thank you. So in terms of just that small section that I brought up, that first part of commercial purposes. I think my suggestion would be to move that down to a new number 7, (B)(7). That the real property may not be used for business, industrial, or that may not be located, that the 'āina kūpuna property may not be in a business, industrial, or hotel zoning districts. Was that the intention, Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: That was my understanding of the recommendation. So, Chair, if my seconder would be open to it, if it could be a friendly amendment to just relocate that language to that different subsection.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. It's fine with everyone. Any other questions? I'm thinking that we should, if we can, ask all the questions now and then, then we'll break for lunch. Hopefully we can take a vote before but, you know.

Yes, Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I had my hand up and my line of question was along the lines of Member Sugimura, just to ensure that the amendments proposed today are not substantive enough where, you know, we could get a challenge from a member of the public that it could potentially, because of our actions, if it's too substantive it could get sent back to Committee and further delay. And you know, like, like you and the other Members, I'm in total full support of the, the bill. So, upon hearing Corp. Counsel's comments, then I believe it sounds we're okay, we're okay to move forward with acting on the amendments to the bill. So, I just wanted to make those comments, Madam Chair. So, I feel okay.

Because as you know, and the Members know, we've recently had some challenges to procedures, our procedures here on the Council. So, I want to make sure all the i's are dotted, the t's are crossed and all of that too. And to comply with Sunshine Law and so forth. So, thank you.

CHAIR LEE: Thank you. Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Chair, really--

CHAIR LEE: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I just wanted to call a point of order for clarification on our requirements under Sunshine Law, cause I, I don't want it to be misstated on our official record. If we could just please have that clarified before we move forward, regarding Sunshine Law. It, it's, it's, our, our Council Rules that require us to take it to Committee for further discussion. It's not Sunshine Law that requires us to do so. And so, my understanding on Sunshine Law is we can make substantive changes at Council. So, if we could just have that clarified by either our OCS attorney or Corporation Counsel. Not saying that these are substantive changes. I'm just saying that if we wanted, or we could under Sunshine Law. It's not a Sunshine Law thing, it's a Council Rules thing.

CHAIR LEE: Well, and in addition to that, it's first reading. Deputy Thomson. Richelle Thomson.

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Chair and Vice-Chair. Yes. So, the understanding is correct on both. That the, there are the Council Rules regarding changes. And what I usually am trying to harp on is Sunshine Law notice. And I think that everything is, is proper and in line. I don't see . . .

CHAIR LEE: Okay. Well, the Members just want to be sure, that's all.

And then, I saw another hand. Member Kama, did you have your hand up?

COUNCILMEMBER KAMA: Yes, Chair, I did. Thank you. I just wanted to say for the record, cause I'm not sure where this is going to go. But my understanding, at least for me, what this does is, you know, for a long, long time, you know, Native Hawaiians, we always heard the term that we're land rich and money poor. This bill actually allows the opportunity for them to equalize that playing field of being land rich and money rich, too, if they go into producing their legacy lands as they would like to. So, I am in support of this.

I trust our Corp. Counsel. I trust the Vice-Chair. You know, after her comments this morning during the opening remarks, you got to know that things that we do are because we love our people. We love this place. This is our, the land of our birth. And for us, it's meaningful. So, we wouldn't do things just out of pure, just because, but it's with deep reverence. Because that's what aloha is. It's the deep reverence we have for everything around us that we consider all these things. So, I'm in total support of this and all the amendments. So, thank you very much, Vice-Chair. Thank you, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I, I guess I heard also that Richelle--

CHAIR LEE: And then, Member Sinenci.

COUNCILMEMBER SUGIMURA: Oh, do you want Member Sinenci to go first? I already spoke once. Is that what you just said?

CHAIR LEE: No. Why don't you finish your question?

COUNCILMEMBER SUGIMURA: Okay. So, I guess Richelle, from what she said is that Corp. Counsel still has not signed the ordinance, proposed ordinance for form and legality yet, but is working on it. So, does that mean that it will be? Based upon--

CHAIR LEE: Is that a question to her?

COUNCILMEMBER SUGIMURA: That's a question to Corp. Counsel.

CHAIR LEE: To her?

COUNCILMEMBER SUGIMURA: Form and legality . . .

CHAIR LEE: Corp. Counsel? Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Chair. Yes, it's been primarily a timing issue that we weren't able to sign off on it. But I believe that the bill as presented would be, we would sign off on it as to form and legality.

COUNCILMEMBER SUGIMURA: Okay.

FIRST DEPUTY CORPORATION COUNSEL: While I have the floor, just very briefly--

CHAIR LEE: Okay. Thank you.

FIRST DEPUTY CORPORATION COUNSEL: Thank you. May I, may I also inquire in, I'm sorry about bringing this up again, but vacant lands in the business, industrial, or hotel zoning districts. There are several business-related districts. So, maybe when we're taking, I don't know if you were planning on taking a short break, but we could clarify whether it applies in all of the business districts. There are also different types of, you know, like, community business, central business, resort commercial, you know? So, there's a bunch of different zoning districts that may be intended to be included in that kind of encompassing business term. Just wanted to make sure that I understood the intent.

CHAIR LEE: Maybe the Vice-Chair can think about that as we go through some of the questions.

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yea, I just wanted to speak in support of the amendments that are proposed today. I understand and I appreciate Member Rawlins-Fernandez taking the extra time. I know she's been working really hard on this. And, and just, I don't see it as substantive. I do see as some, some wording, just rewording and, and changing out some things, so it can be a more substantial bill. And, and I appreciate Corporation Counsel working alongside of her in support. So, speak in support. Mahalo.

CHAIR LEE: Thank you. Anyone else have anything to say?

Vice-Chair Rawlins-Fernandez, have you thought of something? I'm looking at what I consider tweaking the bill at this point.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry?

CHAIR LEE: To include all businesses or, you know, some more clarification on the businesses part.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, the business zoned districts is what Ms. Thomson is asking about, right?

CHAIR LEE: Right.

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

CHAIR LEE: Do you want to think about that more?

VICE-CHAIR RAWLINS-FERNANDEZ: I would need to talk to her offline.

CHAIR LEE: Offline.

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I was trying to get to this part of, and I keep on getting sidetracked with trying to get form and legality and Sunshine with Corp. Counsel, which I appreciate. But I just want to say that when this bill came up, I got a phone call. And I'm thrilled because what this does, the way it was written, and the way we passed out of Committee, I thought this is only for the Hawaiian people, right? Cause it was OHA, and the way that you would qualify would be court documents. But the way it was written, and you can get, I asked Corp. Counsel, it applies to everybody. So, it doesn't only apply to Hawaiians, or, you know, to be narrow in that way. But I think it applies to all people.

As I got a call from a friend who basically said, oh okay, my family has had our property at that time from, you know, whatever the date was 1940, and that it's still in our family, so I then get to qualify. And I was like bewildered. And he said I'm Japanese. And I thought, oh how interesting. But the way it was written, when I checked with Corp. Counsel, it does apply to the broader community. Although, the intent, when it was presented with OHA and court documents, I thought okay this is for only the Hawaiian community, which I totally respect.

But when I got that phone call, I checked with Corp. Counsel and they clarified that no, it's for everybody, the way it's written. So, I just want to say thank you. And I, I believe that going through Committee, when this came up, I didn't think that it was only for, I didn't think it was for anybody else. I thought it was only for our, you know, for lineal descendants of Hawaiian ancestry. So, thank you, Keani, for that.

CHAIR LEE: Alright. So, I, I'm assuming, Vice-Chair, that you need more time during the lunch break? Is that what you're saying?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: I, if, if it could be done in, in, may I ask Ms. Thomson if she thinks that we can resolve this in five minutes? And then we can take a quick recess and then come back and finish this?

FIRST DEPUTY CORPORATION COUNSEL: Yes, I don't think it should take long.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: You're requesting a five-minute recess?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, please.

CHAIR LEE: Okay. Members, I'm hoping that you afford us a little bit of leeway here, because this is a very historic piece of legislation and we do want to get it right. And if it's only going to cost us five minutes, I think we should take it. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Five-minute recess means, my clocks are all off, so 12:02, okay?

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:54 A.M., AND WAS RECONVENED AT 12:02 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the Council meeting of November 5, 2021 please reconvene.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I spoke with Ms. Thomson.

AND WE AGREE THAT ON YOUR ASF, NUMBER 2(A), SO THAT'S THE AMENDMENT ON YOUR ASF, WHICH READS, "ADD VACANT LANDS IN THE BUSINESS, INDUSTRIAL, OR HOTEL ZONING DISTRICTS". SO, LET'S REMOVE THAT FROM THE MOTION, IF THE, MY SECONDER DOESN'T HAVE ANY OBJECTIONS.

CHAIR LEE: Okay. Any other objections? Okay. Proceed.

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

CHAIR LEE: Is that the only, the only change?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: Ooh, okay.

Member Paltin.

COUNCILMEMBER PALTIN: Just a question on that change. If we're removing it, would we not put vacant lands in all districts or is that not a concern anymore?

CHAIR LEE: Can't, can't hear you, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo.

CHAIR LEE: You're asking the question to the Vice-Chair, right?

COUNCILMEMBER PALTIN: Or Corp. Counsel.

CHAIR LEE: Corp. Counsel, are you on the line?

FIRST DEPUTY CORPORATION COUNSEL: Yes, hi.

CHAIR LEE: Did you hear the question?

FIRST DEPUTY CORPORATION COUNSEL: I did. Whether we need to clarify that this applies to all vacant lands in all districts? I don't believe that we need to spell that out. I think that the, when you look at Section B, it describes what, what types of land. So, it's in the SMA, and then there are other qualifications on them. And to answer the question, I don't think we need to spell it out.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any other questions or comments? Members are you ready to vote on the amendments?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will provide my comments now. Mahalo to all of the Members for their questions, comments, and their support.

So, in Hawaii, in 1848, the Great Mahele happened. And that was the first time in Hawaii's history that land became privatized. In 1850, the Kuleana Land Act was passed. And that was an attempt to ensure that maka'āinana were able to continue to live on the land, their ancestral land and to have land now that this foreign concept of private landownership was introduced and adopted.

With the decline of sugar and pineapple industries, improvements in all modes of transportation. So, after, you know, industries, industries were created in Hawaii, plantations rose, and housing was provided to residents of all ethnicities by the plantation owners. With the decline of the sugar and pineapple industries, improvements and all modes of transportation technology, burgeoning Oahu and mainland U.S. economy, and Statehood, Maui lost 24 percent of its population from 1940 to 1960. Families, the land that families held on before the population exodus are even more so legacy lands that we are trying to protect. And this is from the 2030 Maui island history report.

In 1920, we experienced the Great Depression. Hawaii experienced the Great Depression later than America. In 1937 and 1939, were when Hawaii experienced the highest unemployment. In 1940, 1941 World War II broke out and impacted Hawaii.

I will share my screen really quickly. I can't share my screen. Staff will be able to help me with that. And if I can't share my screen, what my screen will show, oh, there we go. Mahalo, staff. Okay. And you'll see a graph. Okay. There it is. And you'll see it, this is the number of residential housing construction. And you'll see that it peaks in, peaks once again in 19 . . . See the graph you'll see that the residential buildings spiked up in those years and then it leveled off in 1940. And 1935 was the biggest year of building on record.

Okay. So, with all these major events happening, it, it, a lot of land was being used to, for survival, for not just kanaka, but descendants of plantation workers. And for the lands that stayed in families' hands, it's become more and more complicated to hold onto, particularly in the SMA area where, as we all know development, hotel-resort, and transient accommodations, and then just mansions of all kind, increasing property taxes. And with legacy lands, 'āina kūpuna ancestral lands being passed down and held onto family, it creates a difficult situation for families as well because there are so many heirs and descendants.

With our County property tax scheme, as I mentioned earlier, we have homeowner exemption. We just created the long-term rental exemption and classification. We have circuit breaker. We have agricultural land dedication. And so, we've encouraged these types of activities, as I mentioned, long-term residents, and promotes, you know, continuity in our communities. And it's something that we, as a government, strive for, we as a community strive for, to hold onto our history, as I talked about in my opening remarks.

These properties that we're helping, that will qualify for 'āina kūpuna dedication have not been able to take advantage of the current programs and tax relief options that our County offers. And with the extreme amount of differences in property taxes, the relief to that would be offered, would not be substantive enough to help these families, particularly those as Pro Tem Kama mentioned, you know, that are land rich, but cash, cash poor. So, this is one way to close the gap, to help those that have fallen through the cracks and we haven't been able to help.

And we also have another circuit breaker legislation that I introduced. A circuit breaker for aina ohana. And that will be another way to have a comprehensive tax relief program for our County. So, mahalo again to all the Councilmembers for your support of these amendments and the bill.

CHAIR LEE: Thank you. Anyone else? If not, I'll say a couple words. It seems like my purpose on earth is to come back every 30 years to take part in landmark legislation. The first time in the 1990s, I introduced a bill that allowed taro farmers to consolidate their parcels, so that they would pay the minimum tax once instead of multiple times.

And then, the same Council passed legislation to not charge homeowners on DHHL lands. We wouldn't val, value there, we wouldn't assess their land, only their house, only their improvements they were taxed on, not their land. That was huge. We got calls from all the counties discouraging us from doing that, but we did it anyway.

And now, again, we have the opportunity to take part in landmark legislation, which was badly needed for our people. And I'm so happy to be a part of it again. And I thank Vice-Chair Rawlins-Fernandez, her staff. You know, Corp. Counsel worked many hours on this too, and, and everyone who contributed to, to formulating this ordinance. So, if there's no other questions, everybody ready to vote for the amendments?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: All those in favor of the amendments, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. I see three, four, five, six, seven, eight. Eight "ayes", one "excused".

Member Sugimura, what was that? Was that an "aye"? That was a no? Seven "ayes", one "no"--

COUNCILMEMBER SUGIMURA: I voted with everybody.

CHAIR LEE: --one "excused".

COUNCILMEMBER SUGIMURA: I voted "aye".

CHAIR LEE: Oh okay. I'm sorry, then I, eight "ayes", one "excused"; motion carries.

Now, the motion, the main motion as amended. Any more discussion, questions?

Member Paltin.

COUNCILMEMBER PALTIN: Oh, I have a Amendment Summary Form only if Corp. Counsel says it's legal. The Clerk can distribute it.

CHAIR LEE: Corp. Counsel? Were they aware of the ASF?

COUNCILMEMBER PALTIN: I was working with Deputy Corp. Counsel Toshikiyo on it.

FIRST DEPUTY CORPORATION COUNSEL: We have seen the--

CHAIR LEE: On this bill?

FIRST DEPUTY CORPORATION COUNSEL: We've seen the proposed amendment. So, I think that it would be fine for the body to consider.

CHAIR LEE: Okay. Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO AMEND, IT WAS SUBSECTION 3.48.361(A)(3), BUT IT MAY BE (B)(7) AFTER THE LAST AMENDMENT. THE SECTION WOULD READ "COMMERCIAL PURPOSES" MEANS, SORRY. I'LL JUST READ THE PART THAT GETS AMENDED. IT'S AT THE BOTTOM OF THAT. IT SAYS, REAL PROPERTY BUT EXCLUDES AGRICULTURE AND, "BUT EXCLUDES AGRICULTURE, REAL PROPERTY THAT DOES NOT SERVE AS THE OWNER'S PRINCIPAL RESIDENCE AND WAS GRANTED, PRIOR TO MAY 23, 2012, A CONDITIONAL PERMIT FOR TRANSIENT VACATION RENTAL USE IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND WAS CLASSIFIED AS 'COMMERCIALIZED RESIDENTIAL' PRIOR TO MAY 23, 2012, AND PROPERTY GRANTED A TRANSIENT VACATION RENTAL SHORT TERM RENTAL HOME, OR B&B PERMIT PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE".

And if I get a second, I'll explain the reasoning.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN: So, it's just--

CHAIR LEE: Wait, wait. No, no, wait. No, we didn't get a second.

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: Did somebody, is somebody going to make a second? Somebody want to second the motion.

COUNCILMEMBER SINENCI:

SECOND, FOR DISCUSSION.

CHAIR LEE: Apparently, there, pardon me?

COUNCILMEMBER SINENCI: For discussion.

CHAIR LEE: There is no second.

Member Sinenci, are you seconding the motion?

COUNCILMEMBER SINENCI: For discussion, yea.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: So, this amendment is in relation to the testimony that we heard earlier due to the high tax rates of the past, some property owners found it necessary to purchase portions of their family lands from relatives who wanted to sell due to the high tax burden. In some cases, this required them to obtain a mortgage on the property, which will remain even if the tax burden is addressed.

This amendment would allow properties that are currently permitted to operate as Transient Vacation Rentals, Short Term Rentals, or B&Bs continue to do so. Properties permitted after the effective date of the ordinance would no longer qualify for the 'āina kūpuna tax relief. That's my discussion.

CHAIR LEE: Okay. I have a question. What, what will be the impacts to people who have vacation rentals or B&Bs on their property, due to your amendment?

COUNCILMEMBER PALTIN: Those, those that are currently doing that would be allowed to continue and still qualify. And it just sets a cut-off date as the passage of this bill to, to do it moving forward.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: I wonder if Member Paltin, or one of the departments might know what is the financial impact of this amendment?

COUNCILMEMBER PALTIN: Well, it's still pretty narrow because they would have to meet all of the other qualifications in Member Rawlins-Fernandez' amendment, such as being in the SMA, being over 50 percent of ownership of all those, those clarifications. So, it, it would be fairly narrow. I think that it won't add on much more to what it already is.

COUNCILMEMBER SUGIMURA: So, we don't really know. Thank you.

CHAIR LEE: So, what would be the negative impact, Member Paltin?

COUNCILMEMBER PALTIN: Like you mean, not passing this amendment?

CHAIR LEE: Yea.

COUNCILMEMBER PALTIN: Well, I mean, I guess my concern was that as one of the testifiers had sent in her written testimony, she also in addition to the Makena, uses for short-term rental. And that she also has iwi kupuna on her property and it would just allow her to also be a part of this 'āina kūpuna. Just putting it out there. I mean, if people don't want to support it, your choice. Just putting it out there.

CHAIR LEE: Vice-Chair, do you have any comments?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I don't know if I want to make any comments in, in open session. Mahalo, Chair.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: So, my understanding in the 'āina kūpuna, the one of, the one way to be eligible for all of these, looks like benefits to me, is that you would have had to have your property in your lineal descendant's name or somebody's name at least 80 years prior to your date of application. So, if you apply this year, so you go back 80 years. You apply next year, you still go back 80 years.

But I think when you look at the 80 years, to me, it seems like it would cover our lineal descendants, as well as our, what I consider my lineal descendants, because you know, the Japanese, the Chinese, the Filipinos, the Russians, everybody who came here in the early 1900s, if they owned land and they're into this and they passed their legacy lands onto their family, they would all be able to qualify for 'āina kūpuna.

So, my sense is that if it passes muster with Corp. Counsel, then we just have to decide whether or not we want to allow short term rentals on 'āina kūpuna lands. And that's the question before us. Is that correct, Member Paltin?

COUNCILMEMBER PALTIN: Yea. It's a policy decision that Corp. Counsel said is legal, and it is up to us to make that policy decision.

CHAIR LEE: But you being the PSLU Chair, the way a lot of the transient accommodations are set up, they are going to be phased out, right?

COUNCILMEMBER PALTIN: We, we set new caps. The Apartment District, we have some work on that bill. But I don't, I don't think that this applies to Apartment District. You know, it, it's basically, I, I remember Mr. Lo said, you know, not to pigeonhole.

CHAIR LEE: Yea, so I'm saying because, because of the caps. No, no, because of the caps, the idea is that they will be . . . by attrition. Wasn't that the original idea?

COUNCILMEMBER PALTIN: Yes. We're at 62, and 50 would phase out. It would be the first 12 that stop doing the usage for West Maui.

CHAIR LEE: Anybody else? Anybody else have a question or comment? I can't help but wonder how many people are we talking about in this category, what you're talking, you know, would affect, would be affected by your, your amendment?

COUNCILMEMBER PALTIN: I know one of one, and possibly two more. The other two are not paying STR taxes anyway.

CHAIR LEE: Well, Members, if there are no other questions, I'm going to take the vote. All those in favor of the amendment, and we'll take roll call, because sometimes it's hard to see on the screen.

Mr. Clerk, roll call. All those in favor of the motion? You can call everybody's name.

COUNCILMEMBER MOLINA: Chair? Chair? Chair?

CHAIR LEE: Oh, Member Molina.

COUNCILMEMBER MOLINA: Yea, can you restate the, or have Member Paltin restate the motion for the record, if we're going to be doing roll call?

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you. So, this would, I move to amend, I believe now it's in Subsection (B)(7). I'm going to add onto the bottom of prior to May 23, 2012, ", and property granted a TVR Short Term Rental Home, or Bed and Breakfast permit prior to the effective date of this ordinance." Just adding on after the May 23, 2012.

CHAIR LEE: Any more comments or questions?

If, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I want to thank Member Paltin for her amendment, fully understand. But I, I cannot support the proposed amendment at this time. Mahalo, Chair.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Just wanted to ask a question of Member Paltin. That it says that, that as long as it's in 'āina kūpuna property, they could use it as a TVR or Bed and Breakfast, but they would have had to have received their permits prior to the effective date of the ordinance. Does that mean that if families that have now 'āina kūpuna that allows them the opportunity, that they could not apply?

COUNCILMEMBER PALTIN: Not going forward. And the reason would be because we have dropped their taxes to this low rate--

COUNCILMEMBER KAMA: Okay. Thank you.

COUNCILMEMBER PALTIN: --at this point.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Any more comments or questions?

If not, Mr. Clerk, roll call.

DEPUTY COUNTY CLERK: Chair, I believe--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I think Member Sinenci's hand up.

Oh, go ahead, Deputy Clerk.

CHAIR LEE: Whose hand?

COUNCILMEMBER SUGIMURA: Shane.

COUNCILMEMBER KAMA: Member Sinenci.

CHAIR LEE: Who? Mr. Sinenci. Oh, I'm sorry. I didn't see it.

COUNCILMEMBER SINENCI: Yea, thank you, Chair. Yea, under, and I know I seconded for discussion. But yea, I'm not going to support the amendment at this time. It seems like the transient vacation rental was to create monies to pay for some, I, I get that. But this bill would be actually exempting or decreasing their real property tax. So, I think it's kind of, or for a lot of families in East Maui, their 'āina kūpuna has always been a place for family members that was struggling, who didn't have a place to stay. So, 'āina kūpuna, despite our kupuna being gone, this was a respite or a pu'uhonua for family members that could go and spend time there until they can get back on their feet again. So, I think by, it kind of muddies up the, if we had vacation rentals on. I won't be supporting the amendment at this time. Thank you, Chair.

CHAIR LEE: Member Johnson, do you have anything to say? No?

COUNCILMEMBER JOHNSON: Well, Chair, since you asked. I also won't be supporting this. Thank you.

CHAIR LEE: Well, now, it appears we don't need a roll call. All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBER PALTIN,

CHAIR LEE: All those opposed, say "no", raise your hand.

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

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. So, seven "noes", one "aye", one "excused"; motion fails.

Back to the main motion as amended. Everybody ready? All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", one "excused", no "noes"; motion carries. Congratulations, everybody. Everybody.

Alright, Members, now it's time for lunch. So, one hour? Hour and a half? What would you like?

COUNCILMEMBER MOLINA: One hour, Chair, is fine.

CHAIR LEE: Did you say one hour?

COUNCILMEMBER KAMA: Yea, one hour is fine.

CHAIR LEE: Okay. So, 1:35. Meeting is in recess un . . .

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:31 P.M., AND WAS RECONVENED AT 1:34 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS JOHNSON AND KING, EXCUSED.)

CHAIR LEE: Will the Maui County Council meeting of November 5, 2021, please reconvene.

Mr. Clerk, proceed with communications.

DEPUTY COUNTY CLERK: Yes, Chair. Oh, for the record, the bill that was attached to Committee Report 21-95, that is Bill 118 (2021). Proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 21-482 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated October 6, 2021)

Transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending September 2021.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, this is what I wanted to get referred to my Committee from the--

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

COUNCILMEMBER SUGIMURA: Thank you.

(COUNTY COMMUNICATION NO. 21-482, THERE BEING NO
OBJECTION, WAS REFERRED TO THE INFRASTRUCTURE
AND TRANSPORTATION COMMITTEE.)

CHAIR LEE: Next.

NO. 21-483 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN
CONCERNS, (dated October 8, 2021)

Transmitting Contract Modification No. 11 from the State of Hawaii, Executive Office
on Aging, for the Title III Program in the amount of \$3,317.

CHAIR LEE: Who wanted this?

Member Paltin.

COUNCILMEMBER PALTIN: Just wanted to ask a question and make sure that the
modification was in the positive and not in the negative, cause I couldn't find that in
reading the, the item. It just said modification. So, I didn't know if it was adding or
taking away.

CHAIR LEE: I don't know. Is there anybody on the call that can answer that question? This
is, these are Federal funds, Federal and State funds, so it's not really anything that
generally affects our, our regular budget. But, but if we, you want this referred?

(Councilmember Johnson returned to the meeting at 1:36 p.m.)

COUNCILMEMBER PALTIN: Well, so you're saying it's not minus, it's plus?

CHAIR LEE: I'm not saying either. I'm saying that this, whatever it is, it's not going to be
major. It's not going to involve General Funds. This is a, a Federal . . . just put this at
the end of the calendar. And in the . . . from maybe the, Madam Clerk can call Housing
and Human Concerns. . . .

COUNCILMEMBER PALTIN: Sounds good. I called them this morning, and nobody answered.

CHAIR LEE: . . . your answer, okay? Nobody answered?

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Okay. Maybe they were out to lunch. So, Kathy, if you don't mind calling Lori back. She would know the answer to this. Okay.

So, proceed, Mr. Clerk. We'll skip that for now.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I was able to get a hold of Budget Director Yoshimura, if Member Paltin would like to repeat her question? And then, we can get the answer now, if, if you'd like?

CHAIR LEE: Well, her question is . . .

COUNCILMEMBER PALTIN: If it's plus or minus.

VICE-CHAIR RAWLINS-FERNANDEZ: And, and the item, Member Paltin.

CHAIR LEE: We're adding the--

COUNCILMEMBER PALTIN: Was CC 21-483.

VICE-CHAIR RAWLINS-FERNANDEZ: It's the one for 3,317 for Office of Aging, Title III Program.

BUDGET DIRECTOR MICHELE YOSHIMURA: So the question is whether it's an additional amount?

COUNCILMEMBER PALTIN: Yea, instead of a taking away.

BUDGET DIRECTOR: I would need to look at the transmittal. Give me a second and I'll pull it up.

VICE-CHAIR RAWLINS-FERNANDEZ: I see it. It's on page 3. It says it's an increase of 3,317, modification.

COUNCILMEMBER PALTIN: I accept.

VICE-CHAIR RAWLINS-FERNANDEZ: Is that, is that correct?

BUDGET DIRECTOR: It's on the Contract Modification form, on the first page. Amount of the change, it says "plus 3317". It's an increase.

COUNCILMEMBER PALTIN: Okay, I, I accept.

CHAIR LEE: Okay, so no objections to filing this matter?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

And then, Mr. Clerk, the next one.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO, CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 21-483.

I think that's why Deputy Clerk may have been raising his hand.

CHAIR LEE: Okay. Second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Yea, moved by Vice-Chair, moved by Rawlins, Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file County Communication 21-483.

Discussion? If not, all those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Got eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

NO. 21-494 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated October 21, 2021)

Transmitting the State of Hawaii Commission on Water Resource Management water
use reports for August 2021 for all registered well reporters in the County of Maui.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Please refer to IT Committee please.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay. So, ordered.

(COUNTY COMMUNICATION NO. 21-494, THERE BEING NO
OBJECTION, WAS REFERRED TO THE INFRASTRUCTURE
AND TRANSPORTATION COMMITTEE.)

NO. 21-484 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated October 15, 2021)

Transmitting a proposed resolution entitled "SUPPORTING THE HUAMAKAHIKINA
DECLARATION AND THE EFFORTS TO PROTECT AND ADVANCE THE
PRACTICE OF HULA, AND TO PREVENT ITS CONTINUED ECONOMIC
EXPLOITATION AND APPROPRIATION".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION, FILE
COUNTY COMMUNICATION 21-484, AND REFER THE
SUBJECT MATTER TO YOUR BUDGET, FINANCE, AND
ECONOMIC DEVELOPMENT COMMITTEE.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER JOHNSON: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura.

Any discussion? Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Deputy Clerk read the resolution in its entirety? We went over the Hawaiian words and his pronunciation was on point, so I trust him to do a great job.

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think our Deputy Clerk deserves a round of applause. I don't know . . .

Over the past several decades, acknowledging, acknowledgement of how hula is exploited has grown even beyond the walls of individual halau. Hula is widely recognized as being a significantly important and iconic aspect of past and present day Hawaiian culture and society. It is in our best interest to protect and preserve the sanctity of hula.

The Huamakahikina Kumu Hula Coalition is an open advocacy-based group of kumu hula that started through an effort to discuss a culturally proactive approach to the COVID-19 pandemic in Hawaii. As a result, the Lāhui Kānaka system was created, which offered support systems to connect and share information with tens of thousands of people from around the world.

Employing process and participation as its drivers, Huamakahikina engages in conversation around the state of hula here in Hawaii and abroad. These conversations have led to the revelation that basically all kumu hula share the same concerns about how hula has been and still is perceived, portrayed, and exploited. Through this effort, the Huamakahikina Declaration was created, establishing goals as read by the Clerk.

This resolution will urge the Mayor to support the Huamakahikina Declaration in an effort to support actions that protect and encourage the advancement of hula, which I anticipate he being happy to, to do, to support this resolution and the Declaration.

And I also look forward to scheduling this in Committee, in the Budget, Finance, and Economic Development Committee in the future.

As we heard from our testifier this morning, an author of, one of the authors of the Huamakahikina Declaration, Kumu Hula Pueo Pata is available if Members have questions. I respectfully ask for Members support of this motion. Mahalo, Chair.

CHAIR LEE: Anyone else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Keani, for bringing this forward. And I did see that Pueo Pata had come back to the meeting and I was hoping that we would give him some voice. Because I heard the day that you introduced this at the last Council meeting, Keani, there was an interview with Pueo Pata on Hawaii Public Radio. And they asked him a question. It just stuck with me. And they asked him, have you seen abuse of hula? And you can ask him, but the thing that got me was the silence. He stopped and he said, "I will not say anything". And it was such a loud voice to me.

And then, you know, I had known about your resolution. And I think Daryl Fujiwara takes hula from Pueo and he was trying to get Pueo to testify, but I think you were traveling. So, I appreciate you being here today and submitting your testimony for the last, the last Council meeting, also. But, Pueo, thank you. And I know, I just want to also thank you because not this time, but last time when we had our swearing-in

ceremony, I think your halau was perform, halau performed for us. So, thank you very much for that and appreciate you for that. Please say a few words, if you would allow.

KUMU PUEO PATA: Oh, goodness. Thank you, Chair Lee, and Vice-Chair Rawlins-Fernandez, and Councilmember Sugimura, and everybody convened here today. We worked really hard to put this together over a period of about nine months. And it is the collective voice of the 200 ratifiers that were able to be reached for this Declaration. It's historic in scope. It's never happened before where kumu hula who are staunchly individualistic come together over something like this. But that was how we were able to view the pandemic as an opportunity. We took those, those moments as opportunities, as opposed to challenges, and came together in ways that produced such, such a gem that is, that resulted in this Declaration.

Maui County provided for the support team on the . . . committee. Five of the nine members were from Maui County. We're so proud of that. The County resources were awarded to us for our convention that brought together all this hula from around the world, places that were mentioned in the resolution. And we also were able to be hosted at UHMC. And so, we already know, feel that Maui supports us.

The abuses that we've been able to see are not limited to my generation, or the generations that are, of kumu hula now. But we are witnessed from, from I would say the mid-1800s from the outlawing of hula, the jailing of kumu hula, the fining of kumu hula, and then it existing throughout the period when the Hawaiian language was more or less banned. And the language and culture was able to survive through hula. And so, the abuses that we've tolerated up to this point don't necessarily come from kumu hula, but have affected all of us.

Another thing that this does is, we all know kumu hula. How many of them have died poot and underinsured? And so, some of our goals moving forward is to be able to provide shelter for these types of kumu hula through perhaps a gilding system or other means. But as the bastions of Hawaiian culture throughout the past several decades, we feel it's time that our highly specialized knowledge and practice be, be considered commensurate with other forms of training. And that we, our practice as a tangible and intangible cultural heritage of the Hawaiian people be afforded the same protections that that is commensurate with other ones around the world. Thank you for your time.

CHAIR LEE: Thank you very much. Members, any questions or comments? Okay. All those in favor of the motion to adopt this resolution, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: So, eight "ayes", zero "noes", one "excused"; motion carries. Very good.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Kumu Pueo Pata.

KUMU PUEO PATA: Mahalo nui. A hui hou kakou. Aloha.

CHAIR LEE: So, in addition to adopting this resolution, you are requesting that the matter be referred to the BFED Committee, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, please.

CHAIR LEE: Okay. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-161.

NO. 21-485 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated October 14, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF 443.393 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178, AND (2) 3-8-007:179, SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS WAIKALE SOUTH AND WAIKALE NORTH, FOR AN AMOUNT NOT TO EXCEED \$10,500,000, AND ACCEPTING DONATION OF APPROXIMATELY 23.38 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-8-006:004-0002 AND (2) 3-8-102:009, SITUATED AT PUUNENE, WAILUKU, MAUI, HAWAII".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, I would like to ask that the County Communication 21-485 be held until later in the calendar, to be taken up with CR 21-96.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

(See pages 108 through 116 for discussion and action.)

CHAIR LEE: Mr. Clerk.

NO. 21-486 - ALICE L. LEE, COUNCIL CHAIR,
(dated October 13, 2021)

Transmitting the following proposed resolutions entitled:

1. "APPROVING THE APPOINTMENT OF PAIGE GRECO AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and
2. "APPROVING THE APPOINTMENT OF GERARDO 'JERRY' PAREDES, JR. AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. In the effort of, oh sorry. Okay.

I MOVE TO ADOPT THE RESOLUTION FOR PAIGE GRECO, GERARDO "JERRY" PAREDES, JR., BRITTNEY SUNDERLAND, AND GEOFFREY HENDERSON, TRANSMITTED WITH THE COUNTY COMMUNICATION 21-508; AND FILE COUNTY COMMUNICATION 21-486 AND 21-508.

CHAIR LEE: Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, sorry.

CHAIR LEE: I saw your, the question on your face. Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. I, may I request the Clerk also call up resolution 21-508 before I make my motion.

CHAIR LEE: Yea, that's what he was thinking. Mr. Clerk.

NO. 21-508 - ALICE L. LEE, COUNCIL CHAIR,
(dated October 28, 2021)

Transmitting the following proposed resolutions entitled:

1. "APPROVING THE APPOINTMENT OF PAIGE GRECO AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES";
2. "APPROVING THE APPOINTMENT OF GERARDO 'JERRY' PAREDES, JR. AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES";
3. "APPROVING THE APPOINTMENT OF BRITTNEY SUNDERLAND AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and
4. "APPROVING THE APPOINTMENT OF GEOFFREY HENDERSON AS COMMUNICATIONS SPECIALIST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

NOW, I WOULD LIKE TO MOVE TO ADOPT THE RESOLUTION FOR PAIGE GRECO, GERARDO "JERRY" PAREDES JR., BRITTNEY SUNDERLAND, AND GEOFFREY HENDERSON, TRANSMITTED WITH THE COUNTY COMMUNICATION 21-508; AND FILE COUNTY COMMUNICATION 21-486 AND 21-508.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Second? Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci.

Any discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Greco received her Bachelors of Arts Degree in Sociology from University of San Diego. She was employed as a community youth empowerment volunteer with the Peace Corps in Fiji. She has also served as a Social Fabric Initiative intern, Thread liaison, volunteer coordinator and event lead with the Kroc Institute for Peace and Justice. Ms. Greco's strong communication, collaboration, and community outreach skills will make her a great asset in the Office of Council Services.

Mr. Paredes received his Bachelors degree, Bachelors of Arts Degree in International Relations, Economics, Political Science from St. Mary's University; Masters Degree in Human Resource Management and Development from University of Denver; and Law Degree from Valparaiso University. He is currently employed as a Tax Analyst II with the Texas comptroller of public accounts, where he has been employed since 2016. Mr. Paredes' complex research and analysis experience will make him a great asset in the Office of Council Services.

Ms. Sunderland received her Bachelors of Arts Degree in Philosophy from Metropolitan State University. She is currently employed as legislative analyst to Speaker of the House, Minnesota House of Representatives. Prior to her current position, she was employed as committee legislative analyst assistant, education finance division, Minnesota House of Representatives. Ms. Sunderland's legislative experience will make her a great asset in the Office of Council Services.

And Mr. Henderson received his Bachelors of Science Degree in Environmental Science at University of Oregon. He is currently employed as student activities coordinator, digital media yearbook, and STEM teacher at Maui Waena and Lokelani Intermediate Schools. Prior to his current position, he was employed as Technology Support Specialist III for the Eugene School District 4J. Mr. Henderson's educational and environmental technology expertise will make him a great asset in the Office of Council Services.

I ask the Members for their full support in adopting the resolution for Ms. Greco, Mr. Paredes, and Ms. Sunderland, and Mr. Henderson. Mahalo, Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. In the interest of transparency, and with regards to the appointment, and the fact that I'd like to see the individuals that I would possibly see, be seeking some help with OCS matters in the future, can they please turn their cameras on and give us a wave? And if they want to say a few words, that'd be great.

CHAIR LEE: Are you there? I see one.

COUNCILMEMBER MOLINA: There you go.

CHAIR LEE: Oh, Jerry. Okay. Hi, Jerry.

MR. JERRY PAREDES: Hello. How are you, Chair?

CHAIR LEE: You want to say hello to the Members?

MR. PAREDES: Yea. Hello, everybody. How are you all?

CHAIR LEE: Thank you. A real talker. Okay. Thank you very much.

Brittney, I see you. You're on the call.

MS. BRITTNEY SUNDERLAND: Aloha, everyone. I am Brittney Sunderland and I'm really looking forward to working with you all.

CHAIR LEE: Great. And who else do we have?

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Greco.

MS. PAIGE GRECO: Hi, everyone.

CHAIR LEE: Jeff? Oh, not--

MR. GEOFFREY HENDERSON: Aloha, Council, Council Chair. It's nice to meet all of you. Mahalo very much for giving me this opportunity. I'm very excited to serve all of you and all of Maui County. It's going to be an exciting, exciting time for all of us. Mahalo nui.

CHAIR LEE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Greco, Chair. I think Ms. Greco tried to speak, but I'm not sure if it came through. You want to try again, Ms. Greco?

MS. GRECO: Can you all hear me?

CHAIR LEE: Yes.

MS. GRECO: Great. I was lucky enough to speak to the majority of the Councilmembers. I'm very excited as well to join the team and be a part of supporting the Office of Council Services.

CHAIR LEE: Thank you. Thank you very much. Thank you, Member Molina, for that idea. Alright, any questions or other comments?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I was able to meet with three out of the four, and I'm, I'm very happy. The only concern I have is we seem to be robbing the DOE. We've got Member Molina, Member Sinenci, and now Mr. Henderson. So, I hope the schools don't get too mad at us. And then there was Mr. Abe as well, so, you know, we got to support our children. So, just that would be my only comment. So, everybody else has to stay at the school.

CHAIR LEE: Alright. Thank you, Member Paltin. Anyone else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Along with Member Paltin, I was able to meet with three of the four. I wasn't able to meet with Ms. Sunderland. So, I was hoping you'd be able to provide a little more comments before we take the vote?

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I guess my question will be pretty open. Just if you could share with us, Ms. Sunderland, you know, the reason that you applied for this position and anything else that you'd like to share.

MS. SUNDERLAND: Yea, absolutely. I applied for this position with the hope of combining my love for legislation. I come from a history in the Legislature here at the Minnesota House of Representatives. Been looking to combine that passion with my love for Maui, in the hopes that the service I'll be able to provide the Office of Council Services will serve the community there through the work of the Councilmembers there.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: Any other questions, Members?

VICE-CHAIR RAWLINS-FERNANDEZ: And just a follow-up. What brings you to, to Maui from Minnesota?

MS. SUNDERLAND: Yea, so, I'm actually originally from the West Coast, born in California, grew up in Oregon, although I've been in Minnesota for the last ten years or so, where my family is originally from. I've been traveling back and forth to Maui for the last over ten years, I suppose now, and since my early 20's. And it is a place that has really stuck with me over the years. A place I kept returning to over and over again.

And I was actually scheduled to move there last year in April of 2020, and then of course the pandemic happened. And so, I've been anxiously awaiting my chance to do so again, and was fortunate enough to hopefully, with this position here with the Council.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Sunderland. Mahalo, Chair.

MS. SUNDERLAND: Mahalo.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just a quick question for Ms. Sunderland. You know, you mentioned you've spent time in Minnesota. That's a wonderful State. I sent my youngest daughter to school out at Carleton College in Northfield.

MS. SUNDERLAND: Oh, wow.

COUNCILMEMBER MOLINA: Yea, you have a wonderful State. I guess you folks call it the, they call it Minnesota nice. That's the equivalent to aloha here in Hawaii. And my one question to you is, do you believe the Vikings will ever win a Super Bowl? I'm a big Vikings fan. I hope you say yes, but you can say no. That's alright, too.

MS. SUNDERLAND: That is a tough question. You know, I suppose that if we've learned anything in this last year, it's really that anything is possible. So, I would say hold on to that hopes and as much aloha as you got, and we'll hope for the best.

COUNCILMEMBER MOLINA: Boy, great answer. Alright, thank you, Ms. Sunderland. Thank you, Madam Chair. Welcome aboard to everyone.

MS. SUNDERLAND: Thank you. Mahalo.

CHAIR LEE: Thank you. Anyone else have a question or comment? If not, thank you, Ms. Sunderland.

Members, ready for the vote?

COUNCILMEMBER PALTIN: Oh, I just had a question. I just--

CHAIR LEE: Go ahead.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: I just wanted to clarify. Ms. Sunderland, you're already in Maui, right?

MS. SUNDERLAND: Correct. Yes, I did secure a long-term, yea, yes, a lease there. Yes, for long-term residency.

COUNCILMEMBER PALTIN: Okay. Alright. Just checking.

CHAIR LEE: Okay. Anybody else? Alright. All those in favor of the motion, say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: All "ayes", zero "noes", one "excused"; motion carries. Congratulations and welcome aboard.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are RESOLUTIONS 21-162 through 21-165.

NO. 21-487 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated October 14, 2021)

Transmitting the following proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO PROVIDE LIMITED LIABILITY FOR COUNTY LIFEGUARDS AND COUNTIES PROVIDING LIFEGUARD SERVICES ON BEACHES."

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Consideration for item 21-487.

CHAIR LEE: I'm sorry, what was your request?

COUNCILMEMBER SINENCI:

OH, MOVE.

CHAIR LEE: Move?

COUNCILMEMBER SINENCI:

MOVE TO FILE, YEA, MOVE TO FILE COUNTY
COMMUNICATION 21-487.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. Moved by Member Sinenci, seconded by Member Paltin, to file County Communication 21-487.

Any discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just for the record, this is no longer needed, as the HSAC meeting has already occurred. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Would you like to take County Communications 21-509 through
21-511 out of order, prior to proceeding with County Communication 21-488?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Go ahead, Mr. Clerk.

NO. 21-509 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated October 29, 2021)

Transmitting a proposed resolution entitled "ACCEPTING ICLEI USA'S INVITATION
TO MAUI COUNTY TO JOIN THE CITIESWITHNATURE PARTNERSHIP INITIATIVE
AND JOINING THE EDINBURGH DECLARATION ON THE POST-2020 GLOBAL
BIODIVERSITY FRAMEWORK".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-509,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
FILING OF THE COMMUNICATION.

COUNCILMEMBER SUGIMURA.

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura.

Any discussion on the motion?

COUNCILMEMBER PALTIN: May I please request the Clerk read the resolution in its entirety? He did such a great job with that other one, so, you know, he's on a roll today.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. Apologies, one second. I'm going to bring up the resolution. Apologies with the delay, Chair. Shall I proceed with reading the resolution?

CHAIR LEE: Yes, please.

(The resolution was read in its entirety.)

CHAIR LEE: Member Sinenci, do you have any discussion? Or, Member Paltin, I'm sorry. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. As we just heard, Maui County has the opportunity to be a signatory to the Edinburgh Declaration. And this resolution would authorize Councilmember King, who's currently in Scotland to attend the United Nations Climate Change Conference, to sign this Declaration on behalf of the Council.

Maui County has been at the forefront of many environmental issues and signing onto this Declaration would indicate our intention to continue to take strong and bold action to bring about transformative change to halt biodiversity loss. And if there are further questions, Axel Beers from Councilmember King's Office is available as a resource, as

well as Managing Director Baz from the Mayor's Administration, if there are any questions for them.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, it's unanimous; eight "ayes", zero "noes", one "excused". Motion carries. Very good.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-166.

NO. 21-510 - TAMARA PALTIN, CHAIR, PLANNING AND SUSTAINABLE LAND
USE COMMITTEE, (dated October 29, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.39, MAUI COUNTY CODE, RELATING TO THE WAILUKU REDEVELOPMENT AREA, AND TO AMEND CHAPTER 19.520, MAUI COUNTY CODE, RELATING TO VARIANCES IN THE WAILUKU REDEVELOPMENT AREA".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. May I ask the Clerk to call up this communication later in the agenda for discussion on Committee Report 21-108?

CHAIR LEE: Okay.

(See pages 143 through 146 for discussion and action.)

CHAIR LEE: Proceed, Mr. Clerk.

NO. 21-511 - TAMARA PALTIN, CHAIR, PLANNING AND SUSTAINABLE LAND
USE COMMITTEE, (dated October 29, 2021)

Transmitting proposed amendments to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOME PERMITS AND SHORT-TERM RENTAL HOME PERMITS".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This one also, may I ask the Clerk to call up this communication later in the agenda for a discussion on Committee Report 21-107?

CHAIR LEE: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

(See pages 135 through 143 for discussion and action.)

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications and general communications for referral. The following general communications and, the following county communications and general communications are recommended for referral to the following Committees as noted:

NO. 21-488 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 27, 2021)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2020 to June 30, 2021 as of June 30, 2021 and the Capital Improvement Project report as of June 30, 2021.

The recommended action is that County Communication No. 21-488 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-489 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated October 15, 2021)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2022 Fund as of September 30, 2021.

The recommended action is that County Communication No. 21-489 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-512 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated October 28, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE 'ĀINA 'OHANA TAX CREDIT".

The recommended action is that County Communication No. 21-512 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-513 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated October 28, 2021)

Transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2021, for the period from July 1 to September 30, 2021.

The recommended action is that County Communication No. 21-513 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-514 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated October 28, 2021)

Transmitting the Budget Implementation Report as of September 30, 2021 (Fiscal Year 2022 First Quarter).

The recommended action is that County Communication No. 21-514 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-515 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated October 18, 2021)

Transmitting two reports on the settlement of claims as of September 30, 2021.

The recommended action is that County Communication No. 21-515 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-516 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated October 14, 2021)

Transmitting the Short-Term Investment Reports as of September 30, 2021 (Fiscal Year 2022 First Quarter).

The recommended action is that County Communication No. 21-516 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-517 - SANDY BAZ, MANAGING DIRECTOR,
(dated October 25, 2021)

Transmitting the Fiscal Year 2022 1st Quarter CIP Reports.

The recommended action is that County Communication No. 21-517 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-518 - BRADFORD K. VENTURA, FIRE CHIEF,
(dated October 19, 2021)

Transmitting the Haiku Fire Station feasibility study conducted by Munekiyo Hiraga.

The recommended action is that County Communication No. 21-518 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-490 - MICHAEL P. VICTORINO, MAYOR,
(dated September 22, 2021)

Transmitting a proposed resolution entitled "REMOVAL OF LEINAALA PERRY FROM THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 21-490 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-491 - BRADFORD K. VENTURA, FIRE CHIEF,
(dated October 1, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF TWO WINDOWS SURFACE GO AND TWO WINDOWS SURFACE PRO X TABLETS FROM SSFM INTERNATIONAL, INC. TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 21-491 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-491 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-167. COUNTY COMMUNICATION NO. 21-491 WAS THEN FILED. See pages 97 through 101 for discussion and action.)

NO. 21-492 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated October 12, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.050, MAUI COUNTY CODE, RELATING TO MEMBERS AND ALTERNATES TO THE ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".

The recommended action is that County Communication No. 21-492 be referred to the Planning and Sustainable Land Use Committee.

(COUNTY COMMUNICATION NO. 21-492 WAS LATER REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. See pages 101 and 102 for discussion.)

NO. 21-519 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated October 21, 2021)

Transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of September 30, 2021.

The recommended action is that County Communication No. 21-519 be referred to the Planning and Sustainable Land Use Committee.

GENERAL COMMUNICATIONS

NO. 21-5 - KEITH T. HAYASHI, INTERIM SUPERINTENDENT, HAWAII STATE DEPARTMENT OF EDUCATION, (dated October 20, 2021)

Submitting the 2021 Annual Report in accordance with Condition No. 3 of Ordinance No. 4135, Kihei High School change in zoning.

The recommended action is that General Communication No. 21-5 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-6 - DANIEL Y. YASUI, VICE-PRESIDENT, A&B PROPERTIES HAWAII, LLC, SERIES T, (dated October 22, 2021)

Submitting the 2021 Annual Report in accordance with Condition No. 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

The recommended action is that General Communication No. 21-6 be referred to the Planning and Sustainable Land Use Committee.

COUNTY COMMUNICATIONS

NO. 21-493 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated October 11, 2021)

Relating to County of Maui purchase of the Kula Community Center.

The recommended action is that County Communication No. 21-493 be referred to the Human Concerns and Parks Committee; and the subject matter relating to the purchase of the Kula Community Center be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Okay, Members. Are there are any objections to the referrals as read by the Clerk?

Member Molina.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 21-491

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I just have a consideration for County Communication 21-491.

CHAIR LEE: Alright. 491.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE FROM
FURTHER CONSIDERATION OF THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
NO. 21-491.

COUNCILMEMBER SUGIMURA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to discharge the Committee of CC 21-491.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Discharge is needed to enable the Council to consider action today on the proposed resolution. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Member Sugimura, to waive the Rules of the Council 7.G.

Discussion?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Approval of this motion by a two-thirds vote of the entire membership of the Council will allow the Council to consider the proposed resolution today. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-491.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to adapt, adapt, adopt the resolution contained in County Communication 21-491.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Department of Fire and Public Safety wishes to accept a donation from SSFM International, Inc. for two Windows Surface Go and two Windows Surface Pro X tablets valued at \$3,935.06. The tablets were used in a program to test wireless "Air Gain" and "Cradle Point" equipment to determine its value to first responders. The test data showed improved communication capabilities to remote areas.

And according to Chapter 3.56 of the Maui County Code, it authorizes the Council to accept gifts and donations on behalf of the County. I ask for the Members full support. Thank you, Madam Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: We were just wondering what the body's disposition will be of, of the County Communication itself, 21-491? The body just adopted the resolution, but something still needs to be done with the communication.

CHAIR LEE: Molina, are you requesting that the item be, communication be filed?

COUNCILMEMBER MOLINA: Yea. Yea. That would include filing as part of the motion.
Thank you.

CHAIR LEE: So, ordered.

COUNCILMEMBER KAMA: Agreed.

CHAIR LEE: Okay. Okay, what is your hesitation, Mr. Clerk?

DEPUTY COUNTY CLERK: If the body accepts that, that the filing's included in that motion, then that's fine.

COUNCILMEMBER KAMA: I accept. I accept.

CHAIR LEE: Any objections to accepting the filing in the motion?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Then, are there any other objections to the referrals as read by the Clerk?

CHAIR LEE: Member Paltin?

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-492

COUNCILMEMBER PALTIN: Thank you, Chair. If it is okay with Member Molina, Member King, before she went to Scotland, asked that 21-492 go to GREAT.

COUNCILMEMBER MOLINA: Okay, um--

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Okay. Sorry, I was under the understanding it might go to PSLU. But okay, that be the case, yea, I guess its technically comes under the jurisdiction of GREAT. But I thought it was going to go to PSLU. But I'm not sure. It's unfortunate Member King is not here to kind of explain to the body why that consideration was made to PSLU. But yea, I guess it definitely belongs, generally belong in a Committee like GREAT, which deals with boards and commissions nominations. And I guess the proposal to expand the South Maui Advisory Committee to nine members instead of seven. So, okay, we'll take it. No objections.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Refer that item to the GREAT Committee. Okay.

COUNCILMEMBER MOLINA: Yea, you know what, Madam Chair, can I just ask Member Paltin a quick question? So, in that conversation with Member King, so she, I guess, can I ask why maybe she approached you about it and?

COUNCILMEMBER PALTIN: She asked me that she wanted it to go to your Committee and if I would be okay with that? And I said I would be okay with that.

COUNCILMEMBER MOLINA: Oh.

COUNCILMEMBER PALTIN: That was pretty much the extent of the conversation.

COUNCILMEMBER MOLINA: Okay. Okay. Yea. That's fine.

COUNCILMEMBER PALTIN: She kind of just asked me if it was okay if it went to GREAT cause she really wanted it to go to GREAT. And I'm like, cool by me.

COUNCILMEMBER MOLINA: Okay. Yea, I'm not sure when exactly I can schedule that proposal cause I've got some other considerations. But it'll get heard eventually. Thank you.

CHAIR LEE: Okay. Mr. Clerk, did you take note that County Communication 21-492 will be referred to the GREAT Committee?

DEPUTY COUNTY CLERK: Yes, Chair. Are there--

CHAIR LEE: Any others?

DEPUTY COUNTY CLERK: --any other preference?

CHAIR LEE: Any others? Any others? Otherwise, the rest will stand as read by the Clerk. Okay. Alright.

Proceed, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, the resolution that was attached to County Communication 21-491, that is RESOLUTION 21-167.

Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-94 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 119 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO COUNCIL SERVICES STAFF SALARIES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-436, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, be FILED.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there aren't any objections, I was hoping to take up CR, Committee Report 21-111 and 112 to expedite our meeting as much as possible, since this is a long meeting. But if there are any objections, I, I can take them up separately.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, noted.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk call up Committee Report 21-111 and 21-112, please?

CHAIR LEE: Mr. Clerk.

COMMITTEE REPORT

NO. 21-111 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 120 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, BOND FUND, WAIALE ROAD EXTENSION; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 121 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, WAIALE ROAD EXTENSION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That Bill 122 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – WAIALE ROAD EXTENSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 21-112 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 123 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND, COUNTYWIDE FEDERAL AID PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL

APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 124 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS, FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 125 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That Bill 126 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – COUNTYWIDE FEDERAL AID PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORTS 21-94, 21-111, AND 21-112.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Reports 21-111, 112, and 21-94.

Discussion? Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on September 29, 2021 to discuss a proposed bill to amend Section 2.08.060(D), Maui County Code, to allow for annual step increases for the Office of Council Services staff, except for legislative attorneys, if a satisfactory annual performance review has been issued by the Director of Council Services.

Your Committee noted the intent of the bill is to provide a level of fairness to the Office of Council Services staff. Currently, the non-attorney OCS staff are the only appointed staff in the County who also require appointments for salary adjustments.

Your Committee agreed to amend the bill to require consultation with Councilmembers prior to the issuance of the annual performance review. Your Committee, Committee voted 9-0 to recommend passage of the proposed bill and filing of the communication.

CHAIR LEE: Alright. Any more discussion or questions?

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, I had to scroll down a little bit. Your Budget, Finance, and Economic Development Committee also met on October 20, 2021 to discuss the proposed bills in Committee Report 21-111, to amend the Budget bill, Appendix C bill, and the Bond Authorization bill to add bond funding and a public, project description for the Wai'ale Road Extension project in the amount of \$3.5 million under the Department of Public Works.

Your Committee was informed the total estimated project cost will be \$39 million and that the County Archaeologist would review the archaeological report and cultural impact assessment upon receipt. Your Committee voted 7-0 to recommend passage of the proposed bill and filing of the communication.

And lastly, for Committee Report 21-112, the Committee met on October 20, 2021 to discuss proposed bills to amend the Budget bill; the Appendix A, Part I bill; and Appendix C bill; and the bond authorization bill to add funding and a project description under the Department of Public Works, Countywide Federal Aid Program for Makawao Avenue Pavement Reconstruction (Apana Road to Piipiholo Road).

This project will be funded using \$9,531,400 in grant funding from the Federal Highway Administration; and \$3,871,000 in bond funding for a total cost of \$13,402,500. Your Committee was informed that the paving projects are already, are ready for construction, but that project costs have increased due to the implementation of Complete Streets improvements, but that no additional permits will be needed.

Your Committee voted 7-0 to recommend passage of the proposed bill and filing of the communication. I respectfully ask for the Members continued support of these items. Mahalo, Chair.

CHAIR LEE: Anymore discussion or questions? If not, all--

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I just wanted to fully support 21-111, as well as 112. They are both Public Works projects. I'm glad to see this moving forward.

And I just want to make a statement about the Committee Report 21-94. In Committee, when it was being discussed, a question was asked, are the OCS staff going to get these automatic raises, I guess, because of cost of living? And the question came back to me after, it's not cost of living allowance because I know when I worked for Federal government, we had COLA, but County government does not have COLA. So, I just wanted to make that clarification.

And also, that people around us who work for unions do not necessarily get raises every year. And so, I'm glad to see that before increases are made, that there has to be performance evaluations, and there will be scrutiny. So, it's not an automatic raise. Because that also came to me as around us the other employees who work for, you know, the various unions don't automatically get raises every year, as you all know. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: I see all "ayes", zero "noes". Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, the bill that was attached to Committee Report 21-94, that is BILL 119 (2021).

The bills that were attached to Committee Report 21-111, those are BILLS 120 (2021) through 122 (2021).

And the bills that were attached to Committee Report 21-112, those are BILLS 123 (2021) through 126 (2021), respectively.

COMMITTEE REPORT

NO. 21-96 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 127 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 128 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, BOND FUND, WAIALE LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 129 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIALE LAND ACQUISITION," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill 130 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE,

SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – WAIALE LAND ACQUISITION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

5. That Resolution 21-168, entitled "AUTHORIZING THE ACQUISITION OF 443.393 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178, AND (2) 3-8-007:179, SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS WAIALE SOUTH AND WAIALE NORTH, FOR AN AMOUNT NOT TO EXCEED \$10,500,000," be ADOPTED;
6. That Resolution 21-169, entitled "ACCEPTING THE DONATION OF THREE PARCELS TOTALING APPROXIMATELY 55.318 ACRES, INCLUDING APPROXIMATELY 42.454 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:176, APPROXIMATELY 5.554 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:177 AND APPROXIMATELY 7.310 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:180, PURSUANT TO CONDITION SEVEN OF ORDINANCE 3559 (2008)," be ADOPTED; and
7. That County Communication 21-248, from the Budget Director, be FILED.

DEPUTY COUNTY CLERK: And, Chair, County Communication 21-485 is also before the body at this time.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-96.

COUNCILMEMBER JOHNSON:

SECOND.

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

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on September 15, 2021 and October 5, 2021 to discuss four proposed bills and two proposed resolutions relating to the Waiale Land Acquisition.

The first bill amends the Fiscal Year 2021 General Obligation Bond authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Other Projects, for a project entitled "Waiale Land Acquisition", in the amount of \$10 million under the Department of Finance.

The second bill amends the Fiscal Year 2022 Budget by increasing Bond/Lapsed Bond revenue by \$500,000; amending Section 4.B., Department of Finance, by adding Wailuku-Kahului Community Plan Area, Other Projects, Bond Fund, a project entitled "Waiale Acquisition" in the amount of \$500,000; and adjusting the total, totals accordingly.

The third bill amends the Fiscal Year 2022 Budget, Appendix C, Capital Improvement Projects, by adding Wailuku-Kahului Community Plan Area, a project entitled "Waiale Land Acquisition" and project description, under Department of Finance, in the amount of \$500,000.

The fourth bill amends the Fiscal Year 2022 General Obligation Bond authorization ordinance by adding an appropriation for Wailuku-Kahului Community Plan Area, Other Projects, for a project entitled "Waiale Land Acquisition in the amount of \$500,000, under the Department of Finance.

The first resolution authorizes the acquisition of 443,000; 443.393 acres located at Waikapu, Wailuku, Maui, Hawaii, referred to as Waiale South and Waiale North.

And the second resolution authorizes the acceptance of a donation of 55.318 acres located at Waikapu, Wailuku, Maui, Hawaii, in accordance with conditions, Condition Seven of Ordinance 3559.

The State Land Use Commission required that 10 acres of the property be allocated for affordable housing, but a study conduct by A&B showed a need for an additional 13 acres, for a total of 23 acres. The County Council further required an additional 17 acres for affordable housing, bringing the amount of land reserved for affordable housing up to 40 acres. The Council also required approximately 7 acres for a Kahului community multi-purpose center, and approximately 3 acres for park purposes.

Your Committee noted the need for cultural preservation in the area and agreed to forego the requirements of the affordable housing, a community center, a park in wai,

and a park in Waiale in order to preserve the area and promote healing. Your Committee voted 7-0 to recommend passage of the proposed bills, adoption of the proposed donation resolution, adoption of the revised proposed acquisition resolution, and filing of the communication.

AT THIS TIME, I WOULD LIKE TO MOVE TO SUBSTITUTE THE RESOLUTION ENTITLED "AUTHORIZING THE ACQUISITION OF 443.393 ACRES IDENTIFIED AS TAX MAP KEY (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178, AND (2) 3-8-007:179, SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS WAIALE SOUTH AND WAIALE NORTH, FOR AN AMOUNT NOT TO EXCEED \$10,500,000", WITH THE REVISED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 21-485; AND TO FILE COUNTY COMMUNICATION 21-485.

CHAIR LEE: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: If I could get a second.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Member Johnson, seconded.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, as discussed at the Budget, Finance, and Economic Development Committee meeting, Alexander & Baldwin, LLC, agreed to donate an additional 23 acres in Kahului, off of Hansen Road, that would satisfy the State Land Use Commission's condition for affordable housing. This revised resolution adds the acceptance of this donation to the resolution approving the acquisition. I ask for the Councilmembers support of the motion to substitute. Mahalo, Chair.

CHAIR LEE: Members, any questions or comments?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, I acknowledge Mr. Mayer's comments in the testimony. But I really would like to thank the Mayor, and the Budget Committee, and the Budget Director for working on this. I think Hansen Road is a much more appropriate place for affordable housing. And I think that, you know, this is really historic in that we, we finally have an opportunity to respect the final resting place of our iwi kupuna in the same way that we respect, you know, the Veterans Cemetery, or other places with marked headstones, you know? So, I think it's another historically significant landmark, legislation, or not legislation, but purchase acquisition. But I want to thank everyone involved and step in the right direction. Thank you.

CHAIR LEE: Member Sinenci, and then Member Sugimura.

COUNCILMEMBER SINENCI: Mahalo, Chair. I too wanted to mahalo all the parties involved in doing this. And just wanted to recognize our, the last two testifiers, Chair, this morning; Ms. Apana and Ms. Palafox. You know, they, a lot of people don't know the work that they've been involved in. And a lot of people don't know the amount of, including our Hana staff here, of iwi kupuna that are still in cardboard boxes from, from all these past years. So, I think what people don't realize is these are final resting places. And, and we can finally find the final resting places for, for the iwi kupuna that are still in cardboard boxes. Mahalo.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you very much everybody who worked hard on this, the Mayor, Michele Yoshimura, and those that, you know, met. I, I know it went on for a long time before we came to this. And when I heard Clare Apana and testimony this morning, it made me think of something. So, if we find any iwi in the Central valley then, this will be the resting place for it with the purchase of this, I don't know if it's . . . parcel, but \$10.5 million, is that, is that part of the plan? I know that much more has to happen besides buying the land. But does anybody know? If it'll.

CHAIR LEE: I think that's phase 2. But, Mr. Sinenci or Vice-Chair?

COUNCILMEMBER SINENCI: Real, just to my knowledge, it's a, it's a process. It's a long process that has been going on for years and finding those areas. So, it is an option if, if people, if there were iwi that was from the area.

COUNCILMEMBER SUGIMURA: Yea, I know this is step 1. So, thank you very much for answering that. That's, that's nice when, when I heard Tamara say. And I know that there's been a lot of work going on. I think even Stacy Crivello was working on this in many meetings. And I too like the idea of the 23 acres. It's actually by the Sugar

Museum which, you know, we just extended their lease. So, it'll be a nice growing family area I think over the years to come. So, thank you everybody. I fully support this.

CHAIR LEE: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just want to rise in full support of this purchase. And I want to quote a lot of those folks who made this happen, is, let sand stay where the people lay. So, full support. Thank you, Chair.

CHAIR LEE: Ready for the vote? All those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: All "ayes", eight "ayes", zero "noes", one "excused"; motion carries.

Vice-Chair, did you have anything else to go with this?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, I just, for my final remarks, I, just, I too, want to thank Mayor Victorino, Budget Director Yoshimura, Finance Director Teruya, all the Malama Kakanilua members, Ms. Apana, Ms. Palafox, Ahia, for all their work. This has been a long time coming to, to protect this aina. And I also want to thank Ms. Pajimola for, and Ms. de Naie for helping us with the research that resulted, that helped result in the Hansen Road donation. And my thanks to A&B for, you know, their willingness to collaborate, and to add this as part of this whole transaction. It was a very collaborative effort, and everyone involved, it took everyone. Corporation Counsel, mahalo to them as well.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Chair?

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

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Chair, thank you. You know, this, what we did today and what we're going to continue to do is something that I kind of feel like I'm at the tail-end of. Because I remember one of the first things that I remember doing in the early 1990's was bringing home the missionary Henry Opukahaia, who was buried at Cornwall for 175 years. And it took years and years and years of other people, before I even came onto the scene, to bring his bones back home, to be reinterred on the Big Island.

And so, when I think about what we're doing today, it's like finally, things are really, it's like, I feel like the stars are all lined up and things are actually coming. You know, cause way back in the early 80's and 90's it was like it almost seemed so impossible to do these things. And so, here we are today, year 2021, being able to see so much fruit come to bear with this Council.

So, I just wanted to say that, Chair, because I think it just hits home. It hits your heart, especially those who are kupuna, who have been doing this work for years and years and years and never ever lived to see the fruition of all of their attempted work. And this Council, too, is doing so much work. And when the time comes, 50 years from now, people will look back on this Council and say, wow, what a great bunch of people they were to bring our people forward. So, thank you to everyone, past, present, and future. Thank you, Chair.

CHAIR LEE: Thank you, Member Kama. Fifty years from now I may still be on the Council. So, I'll let you know.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For second and final. My apologies, I'll make it quick. I wanted to mention three other people, who worked really hard to help make this happen: Ms. Crivello, Mr. Hironaka, and Mr. Hopper. I, I wanted to make sure that I recognized them by name. This is historic and we're all so proud. So, mahalo, Chair.

CHAIR LEE: Thank you. I think you, did you mention Mr. Teruya, earlier.

VICE-CHAIR RAWLINS-FERNANDEZ: We can say him again.

CHAIR LEE: Oh okay. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: He's definitely deserving.

CHAIR LEE: We don't want to leave anybody out. But believe me, this took years to come to this point. Members, are you ready to vote on the main motion as amended? Not yet.

Member Paltin.

COUNCILMEMBER PALTIN: Sorry. I just wanted to mahalo also Mr. Kaniloa Kamaunu. And, and I mean, I know he's included with the Malama Kakanilua, but he's been there for a very long time leading the fight as well. So, I, I thought we shouldn't not mention him by name. Sorry. Thank you.

CHAIR LEE: Okay. How about Noelani Ohia *[sic]*?

VICE-CHAIR RAWLINS-FERNANDEZ: Ahia.

CHAIR LEE: Ahia. Ahia. Because, you know, some of these people were actually not in agreement and I saw them come together and that was beautiful.

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, since we're at it, I also wanted to mention, I think I mentioned it when we are going through the Committee that Elle Cochran, she spent one whole term doing sand studies. And, you know, she really brought this to the Council in full force. I think that was her main focus during her, I think that was her last term and Sarah was her EA. And they, they did everything they could to educate us and the community and about the battles. And they did so much. I'm surprised that she didn't come and testify, but she's been appearing every now and then. But this would have been one that, you know, she had, had her touch in it from a point when it wasn't a reality like it is today. So, I just want to give her a thanks. And Carol Reimann, thank you very much from, from A&B also. Thank you.

CHAIR LEE: I don't think any of us on the Council will take full credit for what's happening. Many people before us worked on this. So, it's a tribute to a lot of people, before, now, and in the future.

Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I'm going to get my two cents in as well. And you know, on top of what, I echo on top, you know, what everyone else has said and all of the accolades. But, you know, as you know I substitute teach. And on occasion, I substitute for the Hawaiian immersion classes at Kalama School. And this is such a special moment. And if there's some way we can get this information out

to all the kumu, or our Hawaiian immersion classes to, to educate them or make them aware of this very significant moment? Because for any culture to determine its future, you must have a full understanding of your past. So, this is something really, really special, and should be definitely shared with our keiki and Hawaiian immersion classes, and anything else that's related to it. So, thanks. Thanks to all. And mahalo to Vice-Chair Rawlins-Fernandez for shepherding this matter in the Committee. Thank you, Madam Chair.

CHAIR LEE: Yes. Alright. Anymore comments? If not, all those in favor of the motion, the main motion as amended, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Very historic "aye". Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 127 (2021) through 130 (2021), respectively. And RESOLUTIONS 21-168 and 21-169, respectively.

COMMITTEE REPORT

NO. 21-97 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending that Resolution 21-170, entitled "URGING THE MAYOR TO SUPPORT THE IMPLEMENTATION OF THE HO'OMĀHUA INITIATIVE", be ADOPTED.

CHAIR LEE: Um, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 21-97.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Sugimura, to adopt the resolution in Committee Report 21-97.

Do you want the Clerk to read the resolution in its entirety?

COUNCILMEMBER SINENCI: Sure thing. Go ahead.

CHAIR LEE: Mr. Clerk. Hui.

DEPUTY COUNTY CLERK: Yes, Chair. Apologies, just one second. I'll pull up the committee report. Apologies for the delay, Chair. Shall I begin reading the resolution?

CHAIR LEE: Yes, could you read the resolution?

(The resolution was read in its entirety.)

CHAIR LEE: Alright. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Deputy Clerk Krueger. I won't repeat all of the, that. So, again, Members, your CARE Committee met on September 29, 2021 to discuss a proposed resolution urging the Mayor to support Ho'omāhua Initiative. So, your Committee recommended adoption of the revised proposed resolution by a 7-0 vote. And we ask for the Members support of your Committee's recommendations.

CHAIR LEE: Any discussion, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I, I support this motion and I just wanted to disclose again, as I disclosed in Committee, as the volunteer president of the Save Honolua Coalition that we are working with them on, at Honolua Bay. But it's, it's not a conflict of interest because there's not, it's just a resolution. There's not money involved. And I also wanted to mention, like we clarified in Committee that the app doesn't take 5G. It can work without 5G. Thank you.

CHAIR LEE: Thank you. You're becoming our resident encyclopedia.

Anybody else? If not, all those in favor of adopting the resolution, please say "aye" raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-170.

COMMITTEE REPORT

NO. 21-98 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending that Resolution 21-171, entitled "REFERRING TO THE PLANNING
COMMISSIONS A PROPOSED BILL RELATING TO WETLANDS RESTORATION
AND PROTECTION", be ADOPTED.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-98.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Kama, to adopt the recommendation in Committee Report 21-98.

Discussion? Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Your CARE Committee met on September 1, 2021 and September 29, 2021 to discuss a proposed resolution referring to the Planning Commissions, proposed bill to establish a program for wetlands restoration protection.

Revised proposed resolution includes additional references. The revised proposed bill establishes the program for wetlands restoration and protection in Titles 2, 18, 19, and 20 of the Maui County Code. The revised proposed bill protects all wetlands in Maui County, including those that are not adjacent to navigable waters.

Maui County Code does not currently include the establishment of a program for wetlands restoration and protection. And the State doesn't have a statute to restore and protect the wetlands. The justification for such a program is evidenced in the Countywide Policy Plan, the Maui Island Plan, the Lāna'i Community Plan, and the Moloka'i Island Community Plan.

Over the course of those two meetings, our, our Committee learned wetlands play a critical, a critically important role in our ecosystem. And protecting them provides many environmental benefits.

Your Committee further revised the proposed legislation to clarify the Federal Clean Water Act does not regulate certain isolated wetlands, that the ordinance's effective date will commence after the Department of Planning adopts Administrative Rules relating to its implementation.

But we do have, Chair, there is Amendment Summary Form for you to consider today. So, if staff could share the ASF at this time, I can make the motion to amend when everybody receives it.

COUNCILMEMBER KAMA: Are they sending it now, or did they send it earlier, Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: I just got it.

COUNCILMEMBER SINENCI: Yea, they, get now.

CHAIR LEE: It's quite lengthy.

COUNCILMEMBER SINENCI: It's a real simple amendment.

CHAIR LEE: Simple amendment? Oh, okay.

COUNCILMEMBER SINENCI: Yea. I can--

CHAIR LEE: Why don't you just say it?

COUNCILMEMBER SINENCI: Okay.

MOVE TO AMEND THE RESOLUTION ATTACHED TO
COMMITTEE REPORT 21-98 BY AMENDING EXHIBIT "1",
PROPOSED BILL RELATING TO WETLANDS RESTORATION,
PROTECTION, BY DELETING PROPOSED SECTION
19.47.050 OF THE MAUI COUNTY CODE, TO DELETE
"PROHIBITED USES".

I can explain if I get a second.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Second? Okay. Member, moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez.

Discussion, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Chapters establishing zoning districts in the County Code, such as proposed Chapter 19.47, "Wetlands Overlay Districts," do not need to list prohibited uses. Uses that are not listed as permitted, accessory, or special uses are considered prohibited uses.

So, Members, we have, we also have Mr., or Ms. Thomson on the call, should you have any questions with the amendment. Thank you.

CHAIR LEE: Any questions for Corp. Counsel?

Member Paltin.

COUNCILMEMBER PALTIN: I just wanted to clarify. We're sending this to the Planning Commission, right? We're not, okay. Thank you.

CHAIR LEE: Yea, referring it to the Planning Commission.

Okay. No questions for Corp. Counsel. So, we're ready to vote on the amendment. All those in favor of the amendment, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused"; motion carries.

So, the main motion is to recommend that the proposed resolution is referred, as amended, referred to the Planning Commissions, all of them. All those in favor of that motion, as amended, raise your hand and say "aye".

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

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes". Member Paltin.

COUNCILMEMBER SUGIMURA: I'm voting "no".

CHAIR LEE: Oh. Seven "ayes".

COUNCILMEMBER SUGIMURA: And I would like to explain.

CHAIR LEE: That was for discussion. But you know what, let's finish the vote.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Seven "ayes", one "no", one "excused"; motion carries.

Go ahead.

COUNCILMEMBER SUGIMURA: So, I just wanted to explain. When this went through Committee, I voted against it. And I believe that EPA and Clean Water Act, all of the Federal laws preempt this from happening.

Also on the morning that the committee report, I mean the Committee meeting happened, the Planning Department sent a detailed letter, I think they said with their apologies that it came the day of the Committee meeting. But I don't think that was, oh, I know that wasn't incorporated into this final bill, or the final action that's going to, final bill that's going to be sent to the Planning Commissions. So, maybe it can be taken up there. But I'm going to maintain my vote for those reasons. So, I just wanted to explain. Thank you. Not that I don't support--

CHAIR LEE: Okay. Thank you.

COUNCILMEMBER SUGIMURA: --this action. But it's--

CHAIR LEE: Yea. Remember, it's coming back.

Okay. Anything, let's see, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-171.

COMMITTEE REPORT

NO. 21-99 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-172, entitled "RELATING TO THE APPOINTMENT OF SCOTT CRAWFORD TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI", be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-99.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Mr. Johnson, to adopt the resolution contained in Committee Report 21-99.

Discussion?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. Your Committee met September 28, 2021 to discuss a proposed resolution relating to the Mayor's nomination of Scott Crawford to the Hana Advisory Committee for a term expiring on March 31, 2022 due to the resignation of David Kaina.

And during the discussion, your Committee discovered that Ordinance 5210, in effect at the time of Mr. Kaina's resignation, states in part that each vacancy for the Hana Advisory Committee will be filled with the Council making the appointment until there are five members who have been appointed by the Council. And in reviewing the board listing for the Hana Advisory Committee, out of six members only one was appointed by the Council. So, therefore, your Committee confirmed that the Council has the authority to fill Mr. Kaina's vacancy under this ordinance.

And with regard to Mr. Crawford, he's certainly well-known in the community, extensive involvement in community activities and nonprofit organizations. And your Committee voted 9-0 to recommend Mr. Crawford's appointment, or nomination. Thank you, Madam Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-172.

COMMITTEE REPORT
NO. 21-100 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-173, entitled "RELATING TO THE APPOINTMENT OF ELAINE SLAVINSKY TO THE COUNCIL ON AGING", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-100.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Mr. Johnson, to pass, to approve the recommendation in Committee Report 21-100.

Mr. Molina, discussion?

COUNCILMEMBER MOLINA: Mahalo, Madam Chair. Your Committee met on September 28, 2021 to discuss Ms. Slavinsky's nomination to the Council on Aging for a term expiring on March 31, 2023, due to the resignation of Katherine Smith.

Ms. Slavinsky has extensive experience in the healthcare industry. And she has also had experience in, experience working with kupuna through the County's Office on Aging. So, she would definitely make a wonderful asset to the Council on Aging. And your Committee voted 9-0 to recommend her nomination be approved. Thank you, Madam Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-173.

COMMITTEE REPORT

NO. 21-101 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-174, entitled "RELATING TO THE APPOINTMENT OF JASON HEW TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI", be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 21-101.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Second? Member Johnson. Moved by Mr. Molina, seconded by Member Johnson, to adopt the Committee Report recommendations in 210, 21-101.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your Committee met on September 28, 2021 to discuss Mr. Hew's nomination to the Board of Water Supply, for a expiring on March 31, 2024, due to the resignation of Johanna Amorin.

And Mr. Hew's understanding of water issues stems from his prior work experience with the Maui County Soil & Water Conservation Districts. And with his prior work experience and knowledge, and everything else, he would certainly make a fine asset to the Board of Water Supply. Your Committee voted 9-0 to recommend approval of his nomination. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, that is RESOLUTION 21-174.

COMMITTEE REPORT
NO. 21-102 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-175, entitled "RELATING TO THE
APPOINTMENT OF DANIEL O'BRIEN TO THE COST OF GOVERNMENT
COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-102.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama to approve the
recommendation in Committee Report 21-102.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The last of the nominees discussed at your September 28, 2021 meeting of the GREAT Committee. Mr. O'Brien, his nomination to the Cost of Government Commission will be for a term expiring on March 31, 2024, due to the resignation of Patrick O'Neil.

Mr. O'Brien has business and nonprofit background experience that could be very beneficial to the Cost of Government Commission. And I certainly think he will also, as the other nominees, make a wonderful asset to this particular board and commission; the Cost of Government Commission. And he was approved 9-0 by the Committee. Thank you, Madam Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-175.

COMMITTEE REPORT

NO. 21-103 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. That Resolution 21-176, entitled "AUTHORIZING THE EMPLOYMENT OF LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL TO PROVIDE LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF MAUI", be ADOPTED; and
2. That County Communication 21-387, from the Director of Housing and Human Concerns, be FILED.

CHAIR LEE: Member, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-103.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Pro Tem Kama, seconded by Member Sugimura, to adopt the recommendations in Committee Report 21-103.

Discussion, Member Kama.

COUNCILMEMBER KAMA: Thank you. Your Human Concerns and Parks Committee met September 30, 2021. The proposed resolution authorizes the employment of Legal Aid Society of Hawaii as a special counsel using Federal Title III funds, to provide legal services to qualified individuals, including grandparents raising grandchildren, to the elderly, and for public educational purposes.

Your Committee noted the services will cover the two-year contract period of October 1, 2021 through September 30, 2023, with costs not to exceed \$85,557 per year.

Your Committee recognized the long-standing relationship the Department of Housing and Human Concerns has with Legal Aid and the legal, and the vital assistance Legal Aid provides to the senior community. Your Committee voted 5-0 to recommend adoption of the proposed resolution and filing the communication. And I ask for my Members full support.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", one "excused", zero "noes"; motion carries.

Mr. Clerk.

COUNCILMEMBER KAMA: Thank you, Members.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-176.

COMMITTEE REPORT

NO. 21-104 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that Bill 131 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO NAME THE GLENN H. OTANI BASEBALL FIELD (KULA) AND THE GLENN H. OTANI SCOREBOOTH (WAILUKU)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-104.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to approve the recommendations in Committee Report 21-104.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you, Chair. Your Infrastructure, Transportation Committee met on September 27, to discuss the proposed bill to amend Chapter 12.40, Maui County Code, to name the baseball diamond located on the upper New Kula base, Ballfield at the Kula Park as the "Glenn H. Otani Baseball Field", and the scorebooth located at the Iron, Ichiro "Iron" Maehara Baseball Stadium as the "Glenn H. Otani Scorebooth".

You heard Dick Mayer also give his support to this. The proposed bill was reviewed and recommended for approval by the Public Works Commission and the Cultural Resources Commission.

Glenn H. Otani, who passed away on July 30, 2020, was a well-respected coach and leader of Maui's baseball community who contributed significantly to the progression and continuation of youth baseball and development throughout Maui County.

Your Committee agreed that naming the baseball diamond and scorebooth after Mr. Otani would be a way to pay tribute to his contributions. And I also believe that the Parks Department agreed that they would be paying for the cost, as some of the testifiers in Committee were wondering that if they would have to pay for it, or they would fundraise to pay it. But the County will do that.

And Mr. Otani was also a coach for my son. So, I appreciate your support in this. Your Committee voted 6-0 to recommend passage of the revised proposed bill. And I respectfully ask for the Members support of my motion. Thank you.

CHAIR LEE: Any more discussion? If not, all those in favor . . . , raise your hand. Aye.

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

CHAIR LEE: Opposed, say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Eight "ayes", motion carries.

Mr. Clerk.

COUNCILMEMBER SUGIMURA: Thank you, Members.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Yes, Mr.--

COUNCILMEMBER MOLINA: Yea, point of personal privilege. We've been at it for a couple hours. Would it be okay for us to take a late afternoon break? Also, allow staff to provide relief for them as well as some of our Members; mainly me. Short break, if possible.

CHAIR LEE: Of course . . . to taking a, a break until 3:45. Okay. So, ordered. Meeting in recess--

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: --till 3. Yes, hit the gavel yet.

DEPUTY COUNTY CLERK: Chair, apologies, just real quick.

CHAIR LEE: You raise your hand.

DEPUTY COUNTY CLERK: On that last vote, I don't see Council Vice-Chair Rawlins-Fernandez. I'm not sure she was present for that vote.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, did you not see my video, sorry. Yes, I voted "aye". Oh.

DEPUTY COUNTY CLERK: Okay, apologies for that. Thank you.

CHAIR LEE: Okay, so the meeting is in recess until 3:45, okay. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:30 P.M., AND WAS RECONVENED AT 3:46 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Will the Council meeting of November 5, 2021 please reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, the bill that was attached to Committee Report 21-104, that is BILL 131 (2021).

COMMITTEE REPORT

NO. 21-105 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that County Communication 19-145, from the Planning Director, relating to a request for a Community Plan Amendment from Agriculture to Public/Quasi-Public, State Land Use District Boundary Amendment from Agricultural to Rural, and Change in Zoning from Agricultural to P-1 Public/Quasi-Public for 1.9 acres located at Nahiku Road, Hana, Maui, Hawaii, tax map key (2) 1-2-002:023, to facilitate the development of the proposed Nahiku Community Center, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-105.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Pro Tem Kama, to approve the committee report in, the recommendation in Committee Report 21-105.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on September 30, 2021 and discussed the proposed bills to grant a request for a Community Plan Amendment from Agriculture to Public/Quasi-Public, State Land Use District Boundary Amendment from Agricultural to Rural, and Change in Zoning from Agricultural to P-1 Public/Quasi-Public for 1.9 acres located at Nahiku, Road, Hana, Maui, Hawaii.

Your Committee acknowledged the community is deeply divided on whether to continue with the Nahiku Community Center project, cancel, or postpone it, or proceed with the project but at a different location.

Currently, there is no funding for the project. And your Committee determined that the Nahiku Community Center project should be postponed to a future date to allow the County and community to discuss the project further and seek ways to resolve any outstanding issues. I respectfully ask for the Members support of my motion. Thank you.

CHAIR LEE: Thank you. Any more discussion? And that's kind of important that we, that Member Sinenci continues to bring the community together for contin, ongoing meetings.

Ms. Sinenci.

COUNCILMEMBER SINENCI: Yea, thank you, Chair, for that. And just as an update, my office has contacted the Department of Land and Natural Resources, identified some alternate State lands near there. So, we're hoping that we can present that to the community. Thank you, Chair.

CHAIR LEE: Oh, great. Great news. Any other comments or questions? If not, all those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

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

CHAIR LEE: Okay, we got seven "ayes", two "excused"; motion carries.

Mr. Clerk.

COMMITTEE REPORT

NO. 21-106 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 132 (2021), entitled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA'I", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-369, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-106.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Johnson, to approve the recommendation in Committee Report 21-106.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on September 30, 2021. The purpose of the proposed bill is to adopt the digital zoning map for the island of Moloka'i.

Your Committee notes the Moloka'i Planning Commission supported the proposed legislation with the exception of correcting the alignment for Ili, Ili'ili'ōpae Heiau. The Moloka'i Planning Commission recommended that future phases of the Moloka'i digital map include creating a new community plan designation and zoning district for Ili'ili'ōpae Heiau to protect sensitive cultural and historical sites.

The digital zoning maps are able to replace the County's old worn-out paper maps with comprehensive digital zoning maps; make digital zoning maps accessible online for public use; confirm existing zoning accurately and efficiently for all parcels in the County; and create a single digital zoning map that encompasses each island. I respectfully ask for the Members support of my motion.

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

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

NOES: NONE.

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

CHAIR LEE: Seven "ayes", two "excused", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 132 (2021).

COMMITTEE REPORT

NO. 21-107 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 133 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOME PERMITS AND SHORT-TERM RENTAL HOME PERMITS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-140, from the Planning Director, be FILED.

DEPUTY COUNTY CLERK: And, Chair, County Communication 21-511 is also before the body at this time.

NO. 21-511 - TAMARA PALTIN, CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, (dated October 29, 2021)

Transmitting proposed amendments to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOME PERMITS AND SHORT-TERM RENTAL HOME PERMITS".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. If we can, did we call up 21-107, already?

CHAIR LEE: Yes, just now.

COUNCILMEMBER PALTIN: Okay. I move to amend the proposed bill in CR 21-107, as shown in my Amendment Summary Form attached to county communication--

CHAIR LEE: Wait, wait, wait, wait. First, the main motion. The main motion. Move to approve the proposed bill.

COUNCILMEMBER PALTIN:

I MOVE TO APPROVE THE PROPOSED BILL.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: In Committee Report 21-107. Seconded by Pro Tem Kama.

Discussion, Member Paltin. Now you can make your amendment.

COUNCILMEMBER PALTIN: Thank you.

I MOVE TO AMEND THE PROPOSED BILL IN CR 21-107 AS SHOWN IN MY, SORRY, MY MOM'S CALLING ME, SHOWN IN MY AMENDMENT SUMMARY FORM ATTACHED TO COUNTY COMMUNICATION 21-511; AND TO FILE THE COMMUNICATION.

CHAIR LEE: Okay, discussion? Well, second? Seconded by--

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: --Member Sugimura.

Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair.

THE AMENDMENT SUMMARY FORM AMENDS SUBSECTION 19.64.030(E)(2) TO DELETE "THE PERMIT IS NOT TRANSFERABLE."; AND ADDS THE FOLLOWING AS SUBSECTION 19.64.030(E)(3).

THE PERMIT IS NOT TRANSFERABLE; EXCEPT THAT A PERMIT MAY BE TRANSFERRED:

A. TO AN IMMEDIATE FAMILY MEMBER, INCLUDING A PERSON'S PARENTS, SPOUSE, CHILDREN, AND THEIR SPOUSES, SIBLINGS, STEPPARENTS, STEPCHILDREN, ADOPTED CHILDREN AND THEIR SPOUSES AND HĀNAI CHILDREN; AND

B. TO A SUCCESSOR TRUSTEE OR BENEFICIARY OF THE TRUST, IF THE PERMIT IS HELD BY A FAMILY TRUST IN ACCORDANCE WITH THE SUBSECTION 19.64.030(E).

These amendments provide flexibility in the transferability of Bed and Breakfast Home Permits, as requested in testimony at the Council meeting of the October 22, 2021.

CHAIR LEE: Okay. Discussion? Further discussion? All those in favor of the amendments, say "aye", raise your hand.

COUNCILMEMBER PALTIN: Oh, I see the Deputy County Clerk.

CHAIR LEE: Deputy County Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. I just, we just wanted clarification on a couple of things. For the main motion on this item, is that to adopt the recommendations of the committee report?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: So, both first reading? Okay. And then, for the ASF, was the filing CC 21-511 included?

COUNCILMEMBER PALTIN: Yes.

DEPUTY COUNTY CLERK: Along with those amendments.

COUNCILMEMBER PALTIN: Yea, and to file the communication, yes.

DEPUTY COUNTY CLERK: Okay. Okay. Thank you. Apologies.

CHAIR LEE: Well, okay, so we're on the vote for the amendments. All those in favor of the amendments, say "aye", raise your hand.

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

NOES: NONE.

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

CHAIR LEE: Seven "ayes", zero "noes", two "excused"; motion carries.

Now, the main motion as amended. Any more discussion? If not, all those in favor of the main motion, as amended--

COUNCILMEMBER PALTIN: Oh . . .

CHAIR LEE: You had one more?

COUNCILMEMBER PALTIN: I did have discussion.

CHAIR LEE: One more amendment?

COUNCILMEMBER PALTIN: No. Discussion.

CHAIR LEE: Oh, okay.

COUNCILMEMBER PALTIN: So, the purposes of the proposed bill are to allow Accessory Dwelling Units to be eligible for Bed and Breakfast and Short-Term Rental Home; limit STRH permits to one per person and one per property; improve notification requirements for B&B and STRH permit application; establish that family trusts may hold B&B and STRH permits; and amend Chapters 19.64 and 19.65, Maui County Code, for clarity and consistency.

Your Committee determined ADUs should continue to be limited to residential use to help maximize the availability of housing units for County residents. Your Committee revised the proposed bill to delete the title's reference to Chapter 19.35, Maui County Code; delete SECTION 1, which would have amended Chapter 19.35; and made other corresponding revisions.

Your Committee also revised the proposed bill to establish that STRH permits may only be issued for single-family dwelling constructed at least 15 years prior to the application and owned by the applicant for at least 15 years. In addition, your Committee revised and proposed bill, the proposed bill to establish that B&B permits

may only be issued for single-family dwellings constructed at least five years prior to the application and owned by the applicant for at least five years. Your Committee determined these requirements should be countywide, rather than island-specific, standards.

Your Committee concluded that the revised proposed bill would achieve an appropriate balance by providing some additional benefits to B&B and STRH applicants and permittees while also prioritizing the use of dwellings for long-term residential use.

Your Committee also noted the need to further revise the proposed bill to incorporate recent and anticipated ordinances amending Chapters 19.64 and 19.65. I respectfully ask for the Members support of my motion.

CHAIR LEE: All those in favor of the--

Member Sugimura, discussion?

COUNCILMEMBER SUGIMURA: Yes.

SO, I WANTED TO AMEND AND TAKE INTO CONSIDERATION
THE TESTIMONY THAT WAS PRESENTED ABOUT THE FIVE-
YEAR, AT LEAST FIVE, OWNED BY APPLICANT FOR AT
LEAST FIVE YEARS PRIOR TO THE DATE OF THE
APPLICATION.

And I think it was the Planning Commission said that. And I think even we give preference to bed and breakfast homes, versus short-term vacation rentals in that they did not, the Planning Commission did not, was not opposed to having a ownership requirement, so--

COUNCILMEMBER PALTIN: Chair, . . . information. We don't have a second yet.

COUNCILMEMBER SUGIMURA: Oh. To the main motion?

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: No, to your amendment.

COUNCILMEMBER SUGIMURA: Oh, okay.

COUNCILMEMBER PALTIN: To make the amendment and then you--

COUNCILMEMBER SUGIMURA: Right.

COUNCILMEMBER PALTIN: --have the discussion.

CHAIR LEE: So, Member Sugimura--

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Well, could you state, restate the motion?

COUNCILMEMBER SUGIMURA: So, I'm amending this bill in Section N, by deleting after home, "home permit", the sentence "and the dwelling must be owned by the applicant for at least five years prior to the date of application. That's the amendment.

CHAIR LEE: That's the amendment? Second?

COUNCILMEMBER SUGIMURA: You want me to read the--

CHAIR LEE: Okay, moved by Member Sugimura, seconded by Member Kama. Now you can give your discussion.

COUNCILMEMBER SUGIMURA: Okay. Sorry. So, and the reason I'm making this motion is based upon the testimony that we heard, the Bed and Breakfast, which would then be, according to the proposed legislation, subject to at least five years prior to the date of application, ownership. That they were saying that it was, Bed and Breakfast fit nicely in communities, and there wasn't as much opposition, and that they didn't think this was necessary. From the Planning Commission, and also from the testimony.

CHAIR LEE: Okay. Further discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I speak in strong opposition of this amendment. I just watched a B&B permit application where the neighbors were scrapping, and it eventually got permitted. So, I don't agree. You know, we've heard from those in the industry, those that make money by going, taking people through this permitting process in the thousands of dollars.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 4:00 p.m.)

COUNCILMEMBER PALTIN: Before, when we put the five-year requirement on the short-term rental homes that that nobody is going to sit on a house for five years and make that kind of investment. And then when we put the caps on, all of these people came out of the woodwork saying I'm, I've been sitting on this house for five years to do a short-term rental home. So, their credibility with me is not that good, because they're trying to make money by creating more B&B homes. We, we just passed a moratorium saying that we have enough visitor accommodations right now.

And I, I think that the stringent process that we have is appropriate. I think people want to know their names. In handing it down to the family, at least you have the assurance that you know the family, you know. This is some random person that can buy in, and then continue the use. And you don't know anything if, if you like them as a neighbor, that they'll run it the same way or anything. So, I think, I stand by the bill as it was, and I will not support this amendment.

CHAIR LEE: Any more discussion from anybody else? Alright, all those in favor of Ms. Sugimura's motion--

COUNCILMEMBER SUGIMURA: Member Rawlins-Fernandez.

CHAIR LEE: --please raise your hand and say--

COUNCILMEMBER PALTIN: --raised her hand for discussion.

CHAIR LEE: What's that? Who had their hands up?

COUNCILMEMBER PALTIN: Member Rawlins-Fernandez had her hand up.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Hi, Chair. Sorry, Chair.

CHAIR LEE: Okay. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you, can you see me?

CHAIR LEE: Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay, mahalo, Chair. I, I wanted to echo Member Paltin's comments. I speak in opposition of the proposed amendment, as well, for the same reasons. And like Member Paltin said, you know, we, we already, we should be consistent in the message that we're sending in preserving the type of

activity in the residential neighborhood. In, in promoting long-term residents continuity of community, and not eroding the inventory; our very scarce inventory, I guess.

And so, these are the type of protections that it's going to take for us to achieve those goals. It's going to take these kinds of bold actions. And, you know, I love that this Council are such trailblazers in that way and other Councils are looking to us and, and will be following a lot of our lead. So, that we can establish this kind of protections for our communities in sending that message that our residents are our priorities and that they come first. And that, and that we hear their voices and we want to protect their interests. Mahalo, Chair.

CHAIR LEE: Anybody else? Discussion? Alright, ready for the vote? All those in favor of the amendment, raise your hand and say "aye".

AYES: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay, I see two "ayes".

Those against, raise your hand and say "no".

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

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Six "noes", two "ayes"; motion fails.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Back to the other motion. I think we're at the main motion as amended. Alright. Ready? All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: It looks like eight "ayes", zero "noes", one "excused"; motion carries.

Okay. So, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 133 (2021).

COMMITTEE REPORT

NO. 21-108 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following

1. That Bill 134 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.39, MAUI COUNTY CODE, RELATING TO THE WAILUKU REDEVELOPMENT AREA, AND TO AMEND CHAPTER 19.520, MAUI COUNTY CODE, RELATING TO VARIANCES IN THE WAILUKU REDEVELOPMENT AREA," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-156, from the Planning Director, be FILED.

DEPUTY COUNTY CLERK: And Chair, County Communication 21-510 is also before the body at this time.

NO. 21-510 - TAMARA PALTIN, CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, (dated October 29, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.39, MAUI COUNTY CODE, RELATING TO THE WAILUKU REDEVELOPMENT AREA, AND TO AMEND CHAPTER 19.520, MAUI COUNTY CODE, RELATING TO VARIANCES IN THE WAILUKU REDEVELOPMENT AREA".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-108.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Member, moved by Member Paltin, seconded by Member Sinenci, to approve the recommendations in Committee Report 21-108.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you.

I MOVE TO AMEND 21-108 BY SUBSTITUTING THE REVISED
BILL ATTACHED TO COUNTY COMMUNICATION 21-510; AND
TO FILE THE COMMUNICATION.

CHAIR LEE: Okay, move to, you want to make a substitution. Okay. Substitution, which is like an amendment. So, second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER PALTIN: Member Sinenci.

CHAIR LEE: Okay. Member Sinenci seconds that motion to amend, with the substitution.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The revised bill contains non-substantive edits, and corrects various typographical errors such as numbering of the items and footnotes in the tables.

CHAIR LEE: Okay. All those in, any more discussion on the amendment? All those in favor of the amendment, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: It looks like, did I hear "aye" from Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, "aye".

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

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I now move or, we're on the main motion. So, your Planning and Sustainable Land Use Committee discussed this proposed bill in response to ongoing litigation to affirm the Council's authority over zoning regulations with the appropriate Planning Commission review.

Your Committee agreed the Wailuku Redevelopment Area, or WRA's zoning provisions should be fully incorporated into Title 19. This will allow the Council to treat, develop, and amend zoning standards consistently across all County districts.

Your Committee also agreed to various amendments to the bill relating to permitting uses, development standards, variance review, and permit authority and procedures. Uses have been designated under the purview of the Maui Redevelopment Agency, the Planning Department, or requiring a conditional permit. Other amendments made by your Committee were for consistency and clarity.

The proposed bill should address the central complaint of the litigation and should also improve the framework for the WRA and its goal of economic, social, and cultural revitalization on Wailuku. And, you know, just regarding the litigation, win or lose, we would have had to fix the situation anyway. So, we tried to fix it before. I respectfully ask for the Members support of my motion.

CHAIR LEE: Okay. I just have a question, Member Paltin.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: You called up CC 510 as well. So--

COUNCILMEMBER PALTIN: That was the--

CHAIR LEE: --how are you going to handle this one?

COUNCILMEMBER PALTIN: 510 was the Amendments Summary Form that I was substituting.

CHAIR LEE: Oh, okay. In a county communication.

COUNCILMEMBER PALTIN: When I said revised--

CHAIR LEE: So, in a county communication.

COUNCILMEMBER PALTIN: Yea, when I said revised bill attached to County Communication 21-510 and to file the communication. That was the last vote we took.

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

Uh, so we have, okay. Member, Vice-Chair Rawlins-Fernandez, are you still there?
No. Okay, so we two, three, four, five--

COUNCILMEMBER SUGIMURA: She's here.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. I'm here.

CHAIR LEE: Are you an "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: "Aye".

CHAIR LEE: Okay, so we have one, two, three, four, five, six, seven "ayes".

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

CHAIR LEE: Those against, say "no".

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: One "no". Seven "ayes", one "no", one "excused"; motion carries.

Alright. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 134 (2021).

COMMITTEE REPORT

NO. 21-109 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That a PUBLIC HEARING be HELD on the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN";
2. That the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN," be SCHEDULED FOR FIRST READING, following the public hearing; and
3. That County Communication 21-70, from Councilmember Paltin, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-109.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Hello, second? Oh, alright. Member Paltin, moved by Member Paltin, seconded by Member Sinenci, to approve the recommendations in Committee Report 21-109.

And now, we have discussion. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. After a research phase that began in March 27, approximately two years of community workshops, a year of Community Plan Advisory Committee or CPAC meetings, six months of Maui Planning Commission review, and nearly nine months on the Planning and Sustainable Land Use agenda, your Committee is pleased to present the Council's West Maui Community Plan update on behalf of the Council; the Planning Commission; the CPAC; the Planning Department, in particular the Long-Range Division; the Office of Council

Services; and everyone who had a hand and played a part in building this foundation for the future of West Maui.

This plan was clearly a labor of love, emphasis on labor and love. It's evident that a wide array of people are committed to making West Maui the best possible place to live, work, and enjoy in community with others, and in community with the natural environment. This plan rightly focuses on the environmental, cultural, and historic significance of West Maui as a way to ground our vision for its development by seeking to honor our living history, protect our heritage and invaluable resources, and provide a high quality of life for our residents.

In addition to introducing new community plan designations and mapping out West Maui's growth, the plan provides a policy framework and an implementation program organized around five core goals that were identified through the community engagement process. Added to these goals are specific measurable achievable actions to support their implementation including actions for: 1) Ready and resilient systems; 2) A complete, balanced, and connected transportation network; 3) Responsible stewardship of resources, culture, and character; 4) Economic opportunity through innovation and collaboration; and 5) Safe, healthy, livable communities for all.

Your Committee looks forward to the next phrase of the West Maui Community Plan process, which is giving it back to the community for further input and improvements through a public hearing process. I respectfully request the Members support of my motion.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Yes?

CHAIR LEE: Clarification.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Is part of this recommendation saying that the Council will adopt this, this plan immediately following the public hearing?

COUNCILMEMBER PALTIN: Following the . . .

CHAIR LEE: Or at the next Council meeting? Or at the next Council meeting?

COUNCILMEMBER PALTIN: Yea, at the next Council meeting it will go to first reading.

CHAIR LEE: Yea. I think that's a better, you know, course to take, because otherwise it's like saying we're having a public hearing, but we're not going to follow anything you say, you know what I mean? Yea. Okay good.

COUNCILMEMBER PALTIN: That was the plan.

CHAIR LEE: Alright. Good plan. Good plan.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Any more discussion?

COUNCILMEMBER PALTIN: They're both good plans.

CHAIR LEE: All in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: I heard that one. Okay. Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

COMMITTEE REPORT

NO. 21-110 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 21-177, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE HALE PILINA RENTAL HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;

2. That the proposed resolution, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and
3. That the proposed resolution, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-110.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Member Molina, to approve the recommendations in Committee Report 21-110.

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Your Committee discussed the Hale Pilina Rental Housing Project to be developed in Kahului by Catholic Charities Housing Development Corporation, under Chapter 2.97, Maui County Code.

Under 2.97, the Council has 60 days from the project's submittal to take action, or the project will be deemed approved. The 60-day deadline is upon us, November 12, 2021.

The project will provide 100 percent of its 178 rental units for households earning 60 percent and below area median income. It will also include a park, PV carports, bike storage, and other amenities. The project's location off of South Puune'e *[sic]* is a urban center, close to public transportation, services, and existing infrastructure.

Your Committee discussed various exemptions and modifications for the project as listed in Exhibits "A" and "B". Your Committee agreed that Hale Pilina Rental Housing Project would provide much needed, well-located, attainable housing for very low and

low-income Maui County residents, which we all know are experiencing a very how, high housing demand. I respectfully request the Members support of my motion.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

COUNCILMEMBER JOHNSON: Mahalo, Members.

CHAIR LEE: Good job, Mr. Johnson.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-177.

COMMITTEE REPORT
NO. 21-113 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. That BILL 135 (2021), entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-305, from Councilmember Paltin, be FILED.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-113.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Seconded by Member, moved by Member Sinenci, seconded by Member Johnson, to approve the recommendation in Committee Report 21-113.

Discussion? Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Your CARE Committee met on July 21, August 4, and October 20, 2021, to discuss a proposed bill to add a new Chapter 20.42, Maui County Code, to regulate the sale, use, and distribution of sunscreen containing oxybenzone and octinoxate, which have significant negative impacts on the environment, specifically the marine environment.

Your Committee received information and analysis from various County and State agencies, as well as the Haereticus Environmental Laboratory.

Your Committee noted that there are other chemicals that are harmful to the coral, to a juvenile stages of fish, and humans, that with small change, chemicals markedly similar to oxybenzone and octinoxate could be renamed. This would make listing prohibited chemicals an insufficient remedy to preserve the health, safety, welfare, scenic underwater and natural beauty of Maui County.

After discussion, your Committee agreed to consider the revised proposed bill prohibiting the sale, use, or distribution of non-mineral sunscreens, including those containing oxybenzone, octinoxate, or both.

Members, your Committee also noted that sunscreens and considered to be nonprescription, over-the-counter drugs by the U.S. Food and Drug Administration and requires specific testing to demonstrate that they are generally recognized as safe and effective. And of the 16 active ingredients currently used as UV filters in sunscreen products, only zinc oxide and titanium dioxide fall within this category.

The revised proposed bill does not prohibit the sale, use, or distribution of a non-mineral sunscreen if a person has a prescription issued by a licensed healthcare provider. Chair, your Committee recommended first reading of the revised proposed bill by a 7-0 vote. And I ask for the Members support for your Committee's recommendation.

CHAIR LEE: Anymore discussion?

Member Paltin.

COUNCILMEMBER PALTIN: I just needed to say that I'm in strong support. I think this is a measure that majority of our resident's support. And we know the other thing is, by making it mineral-based, mineral only sunscreen, it can combat the greenwashing that we see going on with all the other sunscreens that aren't really reef-safe being labeled reef-safe. Now, it'll be very clear going forward for everyone. Because, you know, on the tourist boards on social media, a lot of tourists do want to comply with the reef-safe, but they just need help to clearly distinguish what is reef-safe. And that's something this bill will do. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

COUNCILMEMBER SINENCI: Mahalo, Members.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 135 (2021).

COMMITTEE REPORT
NO. 21-114 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-178, entitled "AMENDING THE RULES OF THE COUNCIL," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-114.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, to approve the recommendations in Committee Report 21-114.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair.

CHAIR LEE: Discussion. Discussion.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: I thought I would say the mahalo before you recognize me.

CHAIR LEE: Oh, okay.

COUNCILMEMBER MOLINA: So, anyway. Madam Chair, your Committee met on January 19, 2021, March 9, 2021, August 3, 2021, August 31, 2021, and October 19 of this year to discuss a proposed resolution related to proposed amendments to the Rules of the Council.

And the proposed resolution includes amendments to the following Rule 6, which is to establish a process to time stamp and assign a unique identification number to each bill and resolution on presentment to the County Clerk by the introducing

Councilmember, and to maintain and regularly update a page for bills and a page for resolutions organized by identifying number, similar to what is done at the Hawaii State Legislature and the City and County of Honolulu.

Next, Rule 7.G, to allow the Council's referral of bills and resolutions to standing committees and receipt of the committee's report prior to first reading or adoption, except for resolutions for receiving grants or proposed land use ordinances, with a reference to Exhibit "B".

And Rule 17 to allow Councilmembers no more than two clarifying questions per testifier. And if there are more than two clarifying questions, allow the individual to be designated a resource person under Rule 18, if necessary.

And also a repeal of Rule 22, which relates to Council Travel.

And Rule 23 to allow Councilmembers the discretion to refer pending committee items to the Council Chair at the end of a Council term.

And finally, Rule 27 to require that expenses for modifications to the Council Chamber receive final approval at a Council meeting before funds can be expended.

Your Committee discussed the benefits of keeping Council Rules broad to allow presiding officers some flexibility in conducting meetings; and the applicability of Robert's Rules of Orders for small boards or 12 or fewer members. Your Committee voted 6-1 to recommend the revised proposed resolution be approved. Thank you very much, Madam Chair.

CHAIR LEE: Any more discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The first item, which is the numbering of legislation, I guess, and to keep that calendar, I just, I think the discussion was that, that the Clerk's Office would try to have this done by the start of the next calendar year, with the flexibility to move the implementation to the start of the next Council term, if necessary. And I just wanted to say that with election coming up and other things that are going on in the Clerk's Office, I would like to just say, although it's in the committee report already, that they should really begin this for the next Council term, instead of next year, which is right around the corner. So, I just wanted to say that in support of all the work that the Clerk's Office does. Thank you.

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

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

CHAIR LEE: Okay. I see all "aye". Member Paltin, is that an "aye"? Okay. So, we have three, four, five, six, seven "ayes".

Those opposed say "no".

NOES: COUNCILMEMBER PALTIN.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Seven "ayes", one "no", and one "excused"; motion carries. Okay.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-178.

COMMITTEE REPORT

NO. 21-115 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 136 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-481, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-115.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to, to approve the recommendations in Committee Report 21-115.

Discussion, Ms., Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The purpose of the proposed bill is to provide clarification on terms and requirements for transient vacation rental use in the Apartment District, and to add a registration number requirement for advertisements.

Your Committee discussed the following revisions to the proposed bill attached to Resolution 21-51, which were recommended by the Department: 1) The property owner or operator must hold valid general excise and transient accommodations tax licenses for the subject property, and these taxes must be paid in full and be kept current; 2) Advertisements for TVR use must include the tax map number and, if applicable, the unit number; and 3) Add "building envelope" to Section 19.04.040, Definitions, to define the area enclosed by the three-dimensional exterior surfaces of a building or structure, including any open air areas between the posts or the posts and walls that hold up a roof, such as carports and covered decks. This term was added to 19.12.020(G)(3) in Ordinance 5126 but not to 19.04.040, and is necessary to define the spatial limitation of transient vacation rental use in a dwelling unit.

Your Committee agreed to amend the bill to leave "or payment of general excise tax and transient accommodations tax" at the end of Subsection 19.19.020(G)(2). And your Committee voted 9-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. I respectfully request the Members support of my motion.

CHAIR LEE: Okay. Any further discussion? If not, all those in favor of the motion, please say "aye", raise your hand. Vice-Chair Rawlins-Fernandez.

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

VICE-CHAIR RAWLINS-FERNANDEZ: "Aye".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 136 (2021).

COMMITTEE REPORT

NO. 21-116 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 137 (2021), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2)-2-9-007:032," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 138 (2021), entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 139 (2021), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 19-345, from Councilmember Sinenci, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-116, INCLUDING ANY NONSUBSTANTIVE REVISIONS, AND FILING OF THE COMMUNICATION.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Johnson, to approve the recommendations in Committee Report 21-116.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on October 21, 2021, to discuss three proposed bills relating to the Door of Faith Church.

The first proposed bill is to grant a District Boundary Amendment from Agricultural to Rural for a 0.933-acre parcel, tax map key (2) 2-9-007:032, located in Haiku, Maui, Hawaii.

The second proposed bill is to grant a Community Plan Amendment from Agricultural to Public/Quasi-Public for the same parcel.

And the third bill proposed is to grant a Change in Zoning from the Agricultural District to the P-1 Public/Quasi-Public zoning for the same parcel.

Your Committee notes that the Council's Planning and Sustainable Land Use Committee 2019-2021 Council term previously met on this matter on September 18, 2019. Your Committee notes it previously reported on this matter through Committee Report 19-119, which recommended adoption of the resolution related to land use entitlement changes for the Door of Faith and referral of the proposed bill to the Maui Planning Commission, Resolution 19-172.

Your Committee notes the Planning Commission reviewed the proposed bill on August 11, 2020, and recommended approval with no conditions. The Planning Commission also recommended the Council consider fire-flow requirements for the area. Your Committee voted 9-0 to recommended passage of the revised proposed bills on first reading and filing of the communication. I respectfully request the Members support of my motion.

CHAIR LEE: Any more discussion? If not--

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I am working, as I said, on that fire-flow situation for the Door of Faith Church. So, I have a PAF working to try to help the Church figure out that situation for their water needs, with an amendment to the Fire Code. So, thank you, everybody. It's a, it's a great congregation.

CHAIR LEE: God bless you. Anyway, anymore discussion? If not, all those in favor, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 137 (2021) through 139 (2021), respectively.

Proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 106 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 16.16B.R401.2, MAUI
COUNTY CODE, RELATING TO ENERGY CODE COMPLIANCE FOR LARGE
RESIDENTIAL BUILDINGS

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO PASS BILL 106 (2021) ON SECOND AND FINAL
READING.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to pass Bill 106 on second and final reading.

Any discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. The purpose of the revised proposed bill to require new one- or two-family residential buildings with 5,000 square feet or more of conditioned floor area to be verified zero net energy homes.

Your Committee has discussed at length how this bill will be a great step towards testing out stricter requirements before Maui County amends and adopts the 2018 International Energy Code no later than December 15, 2022.

Boulder County, Colorado, requires homes over 5,000 square feet to be zero net energy. And this has resulted in their residents building smaller homes.

Your Committee learned many homes in Maui County over 5,000 square feet are vacation homes that are often left vacant and can more easily achieve the zero net energy requirement. The Director of Public Works agreed, and Department can implement the revised proposed bill as written. The Deputy Corporation Counsel agreed, noting it is not necessarily to move, necessary to move the provisions to another section of the Energy Code.

Chair, your Committee agreed that the revised proposed bill will apply to duplex homes, but also noted very few areas of Maui County are zoned for duplexes.

Members, I wanted to recognize Member King and the CARE Committee staff for their work and due diligence with these bills. And I ask for the Members full support of the Committee's recommendations.

CHAIR LEE: I hope somebody is able to contact Member King and let her know that everything she proposed passed.

COUNCILMEMBER SINENCI: I think Ellen and Axel.

CHAIR LEE: In, in absentia. Okay. All those in favor of the motion, please raise your hand and say "aye". Member, Member Paltin?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Oh, okay. Eight "ayes", zero "noes", one "excused"; motion carries.

Congratulations, Member King. And thank you, Mr. Sinenci.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 107 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
TRANSIENT ACCOMMODATIONS TAX,
DEPARTMENT OF FINANCE,
ADMINISTRATION PROGRAM, COUNTYWIDE COSTS;
TOTAL OPERATING APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk to also call up Bill 108 through Bill 110, and Bill 112 through Bill 116, if there are no objections?

CHAIR LEE: Wow. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Go for it. No objections.

Mr. Clerk, did you get all of those numbers?

DEPUTY COUNTY CLERK: Yes, Chair.

ORDINANCE NO. _____
BILL NO. 108 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM

ORDINANCE NO. _____
BILL NO. 109 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022,
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES,
AND SCENIC VIEWS PRESERVATION FUND,
AFFORDABLE HOUSING FUND,
ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 110 (2021)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO
APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,
DEPARTMENT OF FINANCE, TRANSIENT ACCOMMODATIONS TAX

ORDINANCE NO. _____
BILL NO. 112 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
(DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD),
EMERGENCY HOUSING VOUCHERS)

ORDINANCE NO. _____
BILL NO. 113 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (AMERICAN RESCUE PLAN
ACT OF 2021 – EMERGENCY RENTAL ASSISTANCE PROGRAM #2)

ORDINANCE NO. _____
BILL NO. 114 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
(AMERICAN RESCUE PLAN ACT OF 2021 –
EMERGENCY RENTAL ASSISTANCE PROGRAM #2)

ORDINANCE NO. _____
BILL NO. 115 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (STATE OF HAWAII,
ACT 88, SLH 2021, CENTRAL MAUI REGIONAL WWRF (WAIKAPU) PROJECT)

ORDINANCE NO. _____
BILL NO. 116 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
CENTRAL MAUI REGIONAL WWRF (WAIKAPU) PROJECT

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 107 THROUGH 110 AND BILLS 112
THROUGH 116 ON SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sugimura, to pass those bills as listed by the Clerk, on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 107 amends Fiscal Year 2022 Budget to recommend Estimated Revenues from the County Transient Accommodation Tax and appropriate the funds to the Department of Finance for Administrative Cost, Fringe Benefits, the Open Space Fund, the Affordable Housing

Fund, Economic Development and Cultural Programs Revolving Fund, and a new appropriation for appropriation for "Tourism management, enforcement, and related costs."

Bill 108 amends Appendix D, Department of Finance, Administration Program, by increasing the equivalent personnel by 4.0.

Bill 109 amends Appendix A, Part II, by increasing the anticipated revenue for the Open Space, Natural Resource, Cultural Resource, and Scenic View Preservation by \$2 million; Affordable Housing Fund by \$4 million; and the Economic Development and Cultural Revolving Fund by \$2,625,884.

Bill 110 amends Appendix B, Revenues – Fees, Rates, Assessments and Taxes for the Department of Finance by adding the tax rate for the Transient Accommodation Tax.

Bill 112 amends Appendix A, Part I, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Department and Program, and Programs, Fiscal Year 2022 Budget, by increasing the grant entitled "Department of Housing and Urban Development (HUD), Emergency Housing Vouchers", under Department of Housing and Human Concerns, in the amount of \$420,336.

Bill 113 and Bill 114 amend the Fiscal Year 2022 Budget, Department of Housing and Human Concerns, Appendix A, Part I and Appendix D, to add a new grant entitled "American Rescue Plan Act 2021 – Emergency Rental Assistance Program #2", in the amount of \$10,710,000; and adding limited term appointment equivalent personnel.

And Bill 115 and oh, 116, okay. Did Deputy Clerk read Bill 116?

CHAIR LEE: Deputy Clerk?

DEPUTY COUNTY CLERK: Yes. Yes, I did.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. Mahalo for, for that confirmation. Bill 115 and 116 amend the Fiscal Year 2022 Budget, Department of Environmental Management, Appendix A, Part I and Appendix C, to a new grant entitled "State of Hawaii, Act 88, SLH 2021, Central Maui Regional WWRF (Waikapu) Project". These bills would add an additional \$3.5 million to the State, to the Fiscal Year 2022 Budget, as noted in Appendix A, Part I and Appendix C, respectively, and bring the total project funding to \$7 million. I ask for the Members continued support of these items. Mahalo, Chair.

CHAIR LEE: Any discussion on any one of those items? If not, all those in favor of motion, signify by saying "aye" and raising your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Looks like eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk. We're back to Bill 111.

DEPUTY COUNTY CLERK: Yes, Chair.

ORDINANCE NO. _____
BILL NO. 111 (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96,
MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE
HOUSING POLICY APPLICANT SELECTION PRIORITY

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I move to--

CHAIR LEE: Oh, what happened to you? Oh, okay.

COUNCILMEMBER JOHNSON:

OH, I MOVE TO PASS BILL 111 (2021), AS AMENDED, ON
SECOND AND FINAL READING.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay. Who was the seconder?

COUNCILMEMBER JOHNSON: Councilmember Molina.

CHAIR LEE: Mr. Molina? Okay. Moved by Member Johnson, seconded by Member Molina, to pass Bill 111 on second and final reading.

Discussion, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. The purpose of this bill is to establish a Countywide Interest List and project wait list for residential workforce housing. We have discussed at length how a centralized and departmented, the department-managed pool of applicants will help ensure fairness and transparency in the application and selection process. The bill also gives priority for workforce housing to applicants based on length of residency in the County since lifetime and long-term residents are the backbone of our workforce.

Council agreed to amend the bill from first reading to provide that selection priority for rental housing projects would be based on length of residency to the extent provided by law. This was addressed, this was to address requirements and conditions that may be imposed by Federal or State funding.

For ownership housing units the bill also extends the marketing period from 90 days to 120 days for each AMI group. After the final marketing period, any unsold units must be purchased by the County at the original AMI sales price. This bill is a key component of a comprehensive plan and collective goal to expand availability and accessible housing options for our residents. I respectfully request the Members support of my motion.

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

Member Paltin, then Member Sugimura.

COUNCILMEMBER PALTIN: Thank you. I wanted to thank Member Johnson for his hard work on this and say, you know, of the real people that I know when we talk about affordable housing, almost every single person wants there to be like a length of time requirement that you live here, like everybody. That, I mean it's kind of a reason why a lot of people are against affordable housing, because they just assume that somebody from the mainland will be a beneficiary of it. So, you know, to the extent provided by law, I'm happy that we're allowed, we're able to do this thanks to the creativity of Mr. Johnson, the resources.

CHAIR LEE: You just made his weekend.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, good job, Mr. Johnson.

I WOULD LIKE TO MAKE AN AMENDMENT. AND UNDER 3, PAGE 4 OF THE BILL, 3(C), WHICH IS A NEW C, UNDERSCORE IS "ANY UNITS THAT REMAIN UNSOLD", DELETE THE WORD "MUST" AND SUBSTITUTE IT WITH "MAY BE PURCHASED BY THE COUNTY AT THE ORIGINAL SALES PRICE". AND THAT'S MY AMENDMENT.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I think the word "must" means that every single development project that has extra houses at the end, that the County will be purchasing all the homes. So, I think it would be good as an option, but not mandatory, which the word "must" then requires. So, I just want to make this amendment so, it's "may" versus "must." Thank you, Members.

CHAIR LEE: So, that's the amendment--

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: --offered by Member Sugimura, seconded by Member Kama.

Further discussion? Member Paltin.

COUNCILMEMBER PALTIN: Oh, I guess opinion from Corp. Counsel, cause this is second and final reading. Is this substantive?

CHAIR LEE: Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thanks for the question. In terms of your own Council Rules, you would need to, you know, obviously comply with the Council Rules. But in terms of Sunshine Law notice purposes, I would not consider this to be a substantive change that would require another reading.

COUNCILMEMBER PALTIN: So, it's--

CHAIR LEE: David Raatz, are you on the call? David?

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair. Yes, I'm here.

CHAIR LEE: Did you hear the question? Whether this amendment would be considered a substantive change, this on second and final reading?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. Yea, we would reach the same outcome as Corporation Counsel. We suggest the question of whether it's substantive isn't the operative question. The Rules do say any amendment that's voted on at second reading would necessitate the bill being postponed for final action unless the Council waives the Rules by a two-thirds vote.

COUNCILMEMBER PALTIN: Um--

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you.

UM, MAY I PROPOSE A FRIENDLY AMENDMENT TO SAY
THE COUNTY HAS THE FIRST RIGHT OF REFUSAL?

CHAIR LEE: Member Sugimura?

COUNCILMEMBER SUGIMURA: I guess that's the same, same outcome. So, it's not "must". It is first right of, "has first right of refusal". That's fine. I'm fine with that.

Corp. Counsel, does it change the, is it better with the word change or first right of refusal? I mean, I'm fine with it.

FIRST DEPUTY CORPORATION COUNSEL: It, I think you get to the same, the same point. So, I think that that units or letter C would say any "Any units that remain unsold must first be offered to the County for purchase at the original sales price".

COUNCILMEMBER SUGIMURA: Okay. That's fine. Doesn't say we have to buy it. So, that's the part I was concerned about. Thank you.

CHAIR LEE: Alright. How about comments from Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. So, my understanding in what Mr. Raatz said, we have to first do a two-thirds vote to vote on this. But I mean, okay. So, if, if the fear is, is we get stuck with some bad houses, I mean that's, what would we be doing? I mean, we have a filter to protect us from that. We're going to not pass bad, bad projects, you know. That's what the, our Committee work is about. All the projects that come through our, our Committee is going to be vetted. So, I would, I don't, I don't, those fears are not founded in reality in my opinion. So, thank you, Chair.

CHAIR LEE: Anybody else, Members?

Mr., Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so I, I'm not questioning the quality of projects. But I'm just talking about maybe the cost for us to have to absorb every single house. The word "must" means that every house that's unsold then would come to us. So, I'm just trying to prevent that from us being the, the next real estate company for all homes that are not sold after it goes through this process. So, that's all. I'm not questioning the quality of the projects. Thank you.

CHAIR LEE: Alright. Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. For the sake of procedure now, if Member Sugimura is amenable to the proposal from Member Paltin--

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: --so, should Member Sugimura withdraw her proposed amendment then to--

CHAIR LEE: Member Sugimura, did you withdraw your initial proposal?

COUNCILMEMBER SUGIMURA: I can. I can. If it's going to get us the same place, I'm for it, you know.

COUNCILMEMBER PALTIN: I thought it was a friendly amendment.

CHAIR LEE: Yea.

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: You, you said you agreed with her, so, so you do withdraw your, your initial--

COUNCILMEMBER SUGIMURA: That's fine. Whatever will get us there.

COUNCILMEMBER MOLINA: Okay. Yea, Madam Chair. I, I just want to speak to Member Paltin's amendment. I can support it. I think it's a, it's a good compromise cause I can understand where Member Sugimura is coming from. Cause I guess with the word "must", it could imply a couple of things. Now, "must" can be interpreted as the County must negotiate. It doesn't, I don't think . . . has the County, makes the County beholden to purchasing the project cause what if we don't like the price that's being offered by, by the developer, you know? Or they don't like the price that we're offering?

So, I think the amendment from Member Paltin, I think is good, right of first refusal. So, I think that's, that's a healthy compromise. And it doesn't totally commit the County to buying something that may be overpriced in our eyes or if we can't reach a, you know, an agreed upon price with the seller. So, I'll support Member Paltin's amendment. Thank you.

CHAIR LEE: Anyone else?

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you. I think that Member Paltin's friendly, very friendly amendment is a good thing, because it helps us when we think about what we like, what we don't like, what we think is good, what we think is not good. But when we can come to a place and compromise, that's a win-win for everybody. It's a homerun. So, I, I support that, because that was my sense in that I didn't want our County to get stuck having to buy these homes, what if we didn't have the money to do it or what? I don't know. But if the County has first rights, then I think that's a better compromise. So, thank you, Chair. Thank you, Member Paltin. Thank you, Member Sugimura.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: I, I just wanted to clarify, this is still Member Sugimura's amendment. Don't, don't be giving me credit. Give her credit.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: And I think we should go with the wording suggested by--

CHAIR LEE: Corp. Counsel.

COUNCILMEMBER PALTIN: --maybe Corp. Counsel Richelle Thomson because, you know, she's a lawyer.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: All of that.

CHAIR LEE: Are you saying she knows more than us?

COUNCILMEMBER PALTIN: Well, I guess when it comes to the law.

CHAIR LEE: Okay.

Member Sugimura, real quick now. This is like your third or fourth time.

COUNCILMEMBER SUGIMURA: Yea, no, real quick. Just to answer what was said earlier. It is, that we're going to purchase the, the thing is that the County will purchase at the original sales price. So, that's part of the motion. I'm changing the word, but the sentence in total is "any units that remain unsold", whatever Richelle said, "may" or "first right of refusal be purchased by the County at the original sales price".

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: So, that's . . . clarify.

CHAIR LEE: Good. Now, let's go back to Richelle. Richelle, can you give us the complete sentence, so everybody's real clear on what we're voting on?

FIRST DEPUTY CORPORATION COUNSEL: So, letter, letter C would say "Any units that remain unsold must first be offered to the County for purchase at the original sales price".

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay? Alright now--

FIRST DEPUTY CORPORATION COUNSEL: And I just have to tell you, today is, today is National Love Your Lawyers Day.

COUNCILMEMBER KAMA: We love you, Richelle.

COUNCILMEMBER SUGIMURA: Moana. We gotta love Moana.

CHAIR LEE: That all depends. No, yes, we love all of our attorneys.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Let's see. So, Mr. Clerk? I can't see you for some reason. Mr. Clerk?

DEPUTY COUNTY CLERK: Chair. I'm here, Chair.

CHAIR LEE: Okay. Or did you turn off your video?

DEPUTY COUNTY CLERK: I, I had it off, but it's on now.

CHAIR LEE: Okay. So, we need to pass this by six votes, is it?

DEPUTY COUNTY CLERK: Chair, my understanding of the Council Rules is that the amendment itself does not need to be passed by a majority of six. What happens is, if the body moves forward with this amendment, then the Council Rules state, Council Rule 19.C states that no final action should be taken if, if an amendment was made before final reading. But the body can waive that Rule with a, by a majority of six. So, a vote of six Members can waive that Rule.

CHAIR LEE: Okay. So, the steps would be we take a vote on this amendment. We take a vote on the main motion as amended. And then we take a vote on whether or not we can pass this on second and final reading?

DEPUTY COUNTY CLERK: No, Chair. The, after this vote on this amendment, the body should vote on the Rule waiver first. Otherwise, it would be improper to vote on the main motion as amended because that would be final action.

CHAIR LEE: Okay. Everybody clear on this?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: So, let's take the vote on the amendment. All those in favor of the amendment as read by our beloved Corp. Counsel--

COUNCILMEMBER MOLINA: Chair. Chair, we have, Vice-Chair Rawlins-Fernandez has a question before we vote.

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

CHAIR LEE: I can't see her on my screen.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you hear me? Can you hear me? Chair, can you hear me?

CHAIR LEE: Yes, I can hear you.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Can I speak to the motion to amend?

CHAIR LEE: Of course.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Okay. So, I would not support this amendment without including additional language. Cause in Committee, we discussed this, and one of the, one of the issues is we have right of first refusal, and then, we don't exercise that right. And so, we pass up all these opportunities to even purchase housing that is a good deal, you know. So, I, and that's, that's the reason this, this language was put in there. I understand what everyone is saying about not forcing the County to also take on bad deals. And all of that is, you know, subjective.

So, the amendment that I would propose is that if the department, if DHHC, if the Housing Department Division declines, or exercises, or doesn't exercise its right, that it, it be approved by Council. There needs to be some kind of check and balance, because I think this language would just preserve status quo of what is already happening. And so, that, that would be my suggestion. I don't have the exact language. But--

CHAIR LEE: Okay. Let, let's check on the validity of that idea because I don't know that we can force the Administration to buy. Normally, they would send down an amendment, you know, a budget amendment. We can't generate a budget amendment. So, can we have Corp. Counsel weigh in on this, please?

FIRST DEPUTY CORPORATION COUNSEL: Thank you. And, Chair, I, I agree with your reading in terms of basically forcing the Administration to purchase by way of a budget amendment. That would conflict with, I can pull up the section of the Charter. But it does conflict with Charter provisions.

I think a way to accomplish that might be to set aside, somehow, you know, when approving these projects, sufficient money in the Affordable Housing Fund or elsewhere that could cover the possible purchase price, if that ended up being unnecessary.

CHAIR LEE: Oh, boy. This is difficult, because it's hard to estimate how much to set aside when there could be three or four projects, you know?

Do you have any other ideas, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: These, so these would be affordable housing. And we have funds in the Affordable Housing Fund. And we already did that for Na Hale O Maui, this past budget session, in allocating a pot of funds. I think it would have been enough for five to ten houses, or something around there, depending on the cost of the houses. So, you know, we, we've, we have already practiced that in set aside, setting aside and approving that allocation within the Affordable Housing Fund.

CHAIR LEE: Okay. Well, the downside of that is that that money is going to sit there and may not be used. The, to me, the concern is that if anything is not going to be sold it's going to be the high end, not the low end. It's going to be the 140 percent of median income. That's the one that's not going to sell, if any, you know, if anything doesn't sell. Don't you think, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Absolutely, which is why we should stop having 140 percent AML in the--

CHAIR LEE: Okay, but that's another discussion. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Exactly. But, but, Chair, I, I hear your concern. And if we set aside funds, because in the Affordable Housing Fund, the time that I've been on Council, we've never allocated all of the Affordable Housing Fund money. And so, if at any time the Administration needs to amend that budget, they can do so. And then we can approve it if they need that funds that we set aside for this purpose.

CHAIR LEE: Okay. So, for today's purposes, so we can move this forward, what we need to do is, because we can't establish a fund right now. That's a totally different ordinance. We need to make a decision. And then, the next step is either Member Johnson or

you, Vice-Chair, can make a proposal to set aside X number of dollars in the Affordable Housing Fund, so that the County would be able to purchase unsold units, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay. Everybody following us? Okay. So, the next step is to take a vote. And we would need six votes to pass the, according to the Deputy--

VICE-CHAIR RAWLINS-FERNANDEZ: Council Rule 19, 19.C.

CHAIR LEE: Yea, according to the Deputy, we have to pass, we have to waive that Rule with six votes. Okay?

VICE-CHAIR RAWLINS-FERNANDEZ: So, Chair?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I know this is Member Sugimura's motion to amend. And so, my, my proposal was to add language to her amendment. So--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I haven't heard, heard any feedback from the movant if she would consider it a friendly amendment, or if, you know.

CHAIR LEE: Member Sugimura, are you open to what the Vice-Chair is proposing?

VICE-CHAIR RAWLINS-FERNANDEZ: Because it would still allow for the refusal.

COUNCILMEMBER SUGIMURA: Yes. So, I hear this. But is it because we're talking about a future action in a budget amendment that would have to come from next budget year, right? No? You're, you're going to make an amendment? You're going to do something for this permit?

CHAIR LEE: No. It's too late. It's too late.

COUNCILMEMBER SUGIMURA: Too late, right?

CHAIR LEE: It's--

COUNCILMEMBER SUGIMURA: So, gotta be for next year.

CHAIR LEE: Yea, but she can put in the language when, subject to the, the fund being created, yea. So, we would go with your language, and then--

COUNCILMEMBER SUGIMURA: Right.

CHAIR LEE: --say that, the Vice-Chair can add additional language, would say that using the funds, the County would be able to use the funds as allocated by the Council. Something like that.

COUNCILMEMBER SUGIMURA: That's fine. Cause we would--

CHAIR LEE: Even when it's not allocated now, but it's going to be, yea? I mean, well, provided everybody agrees to it.

Vice-Chair.

COUNCILMEMBER SUGIMURA: So, I'm just curious how this affects in the current budget. I just looked it up. So, Na Hale got \$2 million from the Affordable Housing to purchase six affordable homes. So, they, they get that already. I mean, if it can be done, that's fine. If it can be done, that's fine. . . .

CHAIR LEE: No. We're talking about a future event. We're talking about a future event.

COUNCILMEMBER SUGIMURA: Right. Right, right. That's fine.

CHAIR LEE: So, it's not like there is a, it's not like there are units for sale right now, as far as that goes.

COUNCILMEMBER SUGIMURA: Correct. Correct.

CHAIR LEE: So, if the idea is that with your proposal, the Council, I mean, excuse me, the County has the option to purchase.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: And then, the Vice-Chair is taking it further and saying using the allocated funds by the Council from the Affordable Housing Fund.

COUNCILMEMBER SUGIMURA: Okay. That's fine.

CHAIR LEE: Okay, Vice-Chair, you have actual language?

VICE-CHAIR RAWLINS-FERNANDEZ: No, cause I, I wasn't planning to amend the bill.

CHAIR LEE: Well, why don't, we don't have to amend the bill right now. I mean, we, we could just go with, that the County has the option.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

COUNCILMEMBER SUGIMURA: I just lost connection. Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: The County has the option. Okay. Any unit that remain unsold must be purchased by the County at the original sale price. And then, there's the language that Member Sugimura, so, instead of "must", it'll be that "the County has the first right of refusal", and that was suggested by Member Paltin. And I know Ms. Thomson added a little bit. And what I was saying is, if, if the refusal is going to happen, that the refusal would need to be approved by the Council.

CHAIR LEE: I, I don't see how that is legal in that we cannot, we can't force them to buy something unless we provide it, it's provided for in, in the budget.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. And then, we're going to, so, and we're going to provide funding. And there's also Chapter 3.32, the Housing Financing Buy-Back Revolving Fund that already has \$1.95 million in it.

CHAIR LEE: Okay. Why don't we just go with the, the simple language for now, since there is a fund available, yea? And then, we can add more money in that fund during the budget time.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm open. Trying to figure out the wordsmith, the language for the amendment.

CHAIR LEE: Oh, I, I thought what Deputy Corp. Counsel Thomson said was pretty straightforward.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, we'd be adding the language for Council approval if it's, in order to refuse.

CHAIR LEE: Okay. Let's hear it from Deputy Corp. Counsel, please.

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Chair. I'm sorry, did you want me to repeat the . . .

CHAIR LEE: No. Could you comment on what the Vice-Chair is trying to propose? That the County Council decides whether or not the County purchases units, affordable units, unsold affordable units.

FIRST DEPUTY CORPORATION COUNSEL: Chair, I think that you've identified the problem. So, you can, you could do that through the annual budget process. But it's more than likely the timing wouldn't really line up. So, I, if it required a budget amendment, then that, you know, that would be against the Charter. In terms of using the Affordable Housing Fund for the actual purchase, I don't see that being a . . . But just I don't know about the, the current language right now does seem to crossover and dictate to the Administration how it's being done.

CHAIR LEE: Yea, I think the, the matter of the Council approving something like that is highly irregular, because it's almost a leg, an administrative function. See, once we pass the budget, we don't get to use, continue to, to have, you know, jurisdiction over it. Once we pass it, it's for the Mayor to implement. So, I'm not sure how this, this, her idea is going to work. See, I think, I believe what we could do is to identify funding that the Department could use to buy back houses. Well, it's not really buying back. It's, it's to buy brand new houses.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I, I'm not sure if Ms. Thomson weighed in on the Chapter 3.32 Revolving Fund for the purchase of housing and your proposed language of like subject to availability of funds.

CHAIR LEE: You're talking to Deputy Corp. Counsel?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, please.

FIRST DEPUTY CORPORATION COUNSEL: So, I, I think that the use of the fund, you know, is perfectly fine. But it's the, it's the funding mechanism. So, to be able to tap into that fund for the purpose of purchasing certain units would likely require a budget amendment because you would, I mean, you'd be using the fund for a certain purpose. I think that's where I'm having the disconnect.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then the second part of the subject to availability of funds. Because, Chair Lee, you know, aptly pointed out like if we do allocate funding from Affordable Housing Fund or whichever fund during budget session, and even if that amount of funds are insufficient, you know, maybe it's a year that there's lots of housing and we didn't allocate enough. So, even at that time, that, it, it would provide, you know, wiggle room or, you know, in, in like a abnormal kind of year where there's more houses than there are funding and the Administration isn't

interested in amending the budget further to provide for additional funds to purchase those houses.

FIRST DEPUTY CORPORATION COUNSEL: I completely understand the issue. I think the hard part is basically either, you're kind of mandating that the Administration would buy them in the future, and that's the part that I think gets problematic in terms of just the separation of powers in the Charter.

CHAIR LEE: That's right. I mean, Vice-Chair, as you know, we, in the past have put, let's say, a million dollars for the homeless program. We can't force the Administration to spend that money. So, the same principle applies here. We can put funding aside for the purchase of housing, but we can't force them to spend the money.

VICE-CHAIR RAWLINS-FERNANDEZ: You're, you're, you're correct, Chair. And I don't disagree with you and Ms. Thomson as far as forcing the Administration to spend the money. But they must make good-faith efforts to spend the money, otherwise that would be not a check and balance on the two branches as intended as well.

CHAIR LEE: Okay, but we need to move forward today. So, how about we go with what we have. And it's not like this is going to happen tomorrow. So, we can continue to work on this and get it right. So, how about we just move forward with the right of, first right of a refusal?

COUNCILMEMBER SUGIMURA: So, Chair? Richelle's, her clarification is any units that remains unsold must first be offered to the County at the original sales price. That's the whole sentence. But she added, "must first be offered to the County", was, was the way that she phrased it.

CHAIR LEE: Okay. Alright, are we, everybody onboard on this?

Member Paltin.

COUNCILMEMBER PALTIN: Okay. I'm just going to try one time and if it doesn't go, it doesn't go. What about, before, where before it goes to market the County via Council approve, approves, votes to either buy back or pass on it. Does that work?

CHAIR LEE: Well, again, Member Paltin, you realize even if we enacted something like that, the Mayor doesn't have to implement it. When it comes to money, we cannot force him to spend it.

COUNCILMEMBER PALTIN: Unless we put "must" in there?

CHAIR LEE: I don't think so. I don't think so.

COUNCILMEMBER PALTIN: Okay. That was my one shot. I'm done. I'm ready to vote.

CHAIR LEE: No, but I'm glad you folks are thinking, you know? I encourage that. Any more ideas? Any more ideas? Just to move this forward today, we need to come up with a, you know, a decision.

Now, most of us were willing to consider the proposal of Member Sugimura. Then, the discussion started to go different ways. But the different ways, unfortunately, is not something that we have authority over is my concern. So, we can still bring this up. I, I hate to see this go back to Committee. So, we can still bring this up in another way during the budget time. Then, then we really can set aside money. But my fear is when we set aside money, the Mayor doesn't have to spend it. That's, that's the problem. Okay. Are, are you folks ready to vote on the amendment as revised by, with the help of Corp. Counsel?

VICE-CHAIR RAWLINS-FERNANDEZ: Member Johnson had his hand up.

CHAIR LEE: Okay. I'm sorry, I can't see either of you.

Member Johnson.

COUNCILMEMBER JOHNSON: How about if we add "must buy if the appropriate funds are in the Affordable Housing Fund"? So, if we got the money, you must buy it, in the Affordable Housing Fund. How is that for you, Ms. Thomson?

FIRST DEPUTY CORPORATION COUNSEL: Thank you for the question. I think that it actually kind of gets you to the same, same thing that we're talking about with Councilmember Rawlins-Fernandez.

COUNCILMEMBER JOHNSON: Okay.

CHAIR LEE: Alright, Members are you ready to vote on the amendment? Ready to vote on the amendment? All those in favor of the amendment as initiated by Member Sugimura and finalized by Corp. Counsel, raise your hand and say "aye". First right of a refusal.

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

CHAIR LEE: One, two, three, four, five, six, I see. I cannot see Johnson and I cannot see Rawlins-Fernandez.

All those against, raise your hand and say "no".

NOES: COUNCILMEMBER JOHNSON AND VICE-CHAIR
RAWLINS-FERNANDEZ.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. So, it's six "ayes", two "noes"; motion carries. Now, that's on the amendment.

Now, to the waiver, the Rule waiver.

FIRST DEPUTY CORPORATION COUNSEL: Chair, if I could ask one, one more that I hope will be a small amendment?

CHAIR LEE: Alright.

FIRST DEPUTY CORPORATION COUNSEL: And this is from Mimi who worked on this bill much more extensively than I did. This is--

CHAIR LEE: Can you speak a little louder, please?

FIRST DEPUTY CORPORATION COUNSEL: Oh, sure. Sorry. Thank you. I was sitting too far away. This is on page 4, at the top. And this is number D. Sorry, D.2, selection priority. And it's adding just to that sentence that's underlined "To the extent permitted by law," and then, you go on with the rest of the sentence, "the applicants selected by lottery". That's to mirror the same language on, related to ownership units that is in 2.96.100 D.2. It's simply to add "To the extent permitted by law". And the reason that Mimi suggests adding that is, is just as a safeguard for not jeopardizing any Federal funding that could be limited by those types of requirements.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, Member Sugimura, you want to make that amendment? To the extent allowed by law?

COUNCILMEMBER SUGIMURA: Sure.

SO, UNDER SECTION, WAS 2, TO THE EXTENT PROVIDED
BY, PERMITTED BY LAW, THE APPLICANTS SELECTED BY
LOTTERY MUST THEN BE RANKED BY THE TOTAL LENGTH
OF TIME EACH HAS BEEN A RESIDENT OF THE COUNTY.

CHAIR LEE: Okay. Okay.

COUNCILMEMBER JOHNSON: Chair?

CHAIR LEE: The only thing you're adding, though, is--

COUNCILMEMBER SUGIMURA: Is the--

CHAIR LEE: --to the extent permitted by law.

COUNCILMEMBER SUGIMURA: --to the extent permitted by law, yea.

COUNCILMEMBER JOHNSON: Chair?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Discussion?

COUNCILMEMBER JOHNSON: Chair, I'm sorry. You can't see so I'm just speaking.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Beg your pardon. So, the reason, that was purposely left out of this particular page, because this is on the for sale units. For the rentals units, we put it in there because rentals get LIHTC funding. And LIHTC funding is Federal funding. So, we didn't want to do that when they, for that particular, for the rentals. So, that's why we said, you know, permitted by law. So, for the, the selling, it's unnecessary. And that's, I mean, the Corporation Counsel signed off on this. I had meetings and meetings and meetings with this, so that we, we only put it in one and not the other. So, I don't know why we're switching, because I, I thought this discussion, we're on second and final, so I figured, I mean, that's, that's where I stand, so.

CHAIR LEE: Okay. Corporation Counsel, and you're saying that this is really not necessary, but it's good to have? Is that what you're saying?

FIRST DEPUTY CORPORATION COUNSEL: I checked with Mimi and she said that she did request that this be added to this particular section on the ownership, in addition to the rental units, to add that phrase "To the extent permitted by law". And it was really trying to hedge against challenges. And she thought that it would be a worthwhile addition to that language.

CHAIR LEE: Any more discussion on this? So, just for the formality of it. So, Member Sugimura, you're making this propo, amendment.

COUNCILMEMBER SUGIMURA: Amendment.

CHAIR LEE: And seconded by Member Kama. Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Now, let's have discussion so we can move on. Any more discussion? You've heard both sides. You've heard from Member Johnson. You've heard from Corp. Counsel. Any more discussion?

COUNCILMEMBER SUGIMURA: I, I support it.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: I think, I support it. Corp. Counsel is making sure that we walk down the path of being cautious. So, I, I support what they're suggesting.

CHAIR LEE: Any other comments on the proposal? Okay. I'm going to take the vote. All those in favor of this additional amendment, raise your hand and say "aye".

AYES: COUNCILMEMBERS KAMA, MOLINA, PALTIN,
SUGIMURA, AND CHAIR LEE.

CHAIR LEE: So, you have two, four "ayes".

And then noes, say "no" or raise your hand.

NOES: COUNCILMEMBERS JOHNSON, SINENCI, AND
VICE-CHAIR RAWLINS-FERNANDEZ.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay. So, we have three "noes"; Member Sinenci, Vice-Chair Rawlins-Fernandez, and Member Johnson. Did I say four, four "ayes"? One, two, so motion fails.

COUNCILMEMBER SUGIMURA: What did Tamara vote? Tamara voted.

CHAIR LEE: One, two, three, four, five. Oh, I'm sorry, I didn't count yours. Motion, motion carries. Motion carries. Five, three, one.

Okay, so, now we have these two amendments. Now, before we can vote on, according to the Deputy, before we can vote on the main motion as amended, we have to vote on, on the Rule.

Now, Deputy Clerk. Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Please, please state the Rule that we're voting on.

DEPUTY COUNTY CLERK: So, Chair, to the Rule that would need to be waived in order for the Council to take final action on this item at today's meeting, that would be Rule 19.C.

CHAIR LEE: Okay. Can you read Rule 19.C?

DEPUTY COUNTY CLERK: Yes, Chair. Rule 19.C. Amendment at final reading. A bill or resolution being considered for final reading that is amended at a Council meeting shall not be acted upon at the same meeting as the amendment. Final action on such an amended bill or resolution shall not be taken until the next feasible meeting. This requirement of a delay shall not apply to: (1) any bill or resolution that requires final action at the meeting to ensure compliance with the deadline established pursuant to Federal law, State law or the Charter; (2) the correction of manifest clerical or typographical errors in numbering, spelling, capitalization, punctuation, or grammar, or the correction of other nonsubstantive errors, which may be made at the meeting, or by the County Clerk after consultation with the Department of the Corporation Counsel, provided that the correction does not alter the meaning or effect of the bill or resolution; (3) amendments that have been posted on the meeting agenda; and (4) resolutions relating to the election, establishment, or appointment of the Council's officers, committees, or staff, or relating to amendments of these Rules.

CHAIR LEE: Okay. I need a motion to waive Rule 19.C.

COUNCILMEMBER SUGIMURA:

SO, MOVED.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama, to waive Rule 19.C.

Further discussion, Members? If not, all those in favor of waiving Rule 19.C, raise your hand and say "aye".

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

CHAIR LEE: One, two, three, four, five, six. Thank you.

Those opposed, say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: I haven't, I didn't hear the vote from Vice-Chair Rawlins-Fernandez and Member Johnson.

COUNCILMEMBER JOHNSON: I voted to waive Rules, yes.

CHAIR LEE: Yes? Okay.

Vice-Chair Rawlins-Fernandez, are you still there?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. It was a reluctant "aye".

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: It's not the end. I know it's not the end, so we can--

CHAIR LEE: Okay. So, eight "ayes", zero "noes", one "excused" to waive the Rule 19.C.

Now, Mr. Clerk, we're ready to vote on the main motion as amended, correct?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay. Ready to vote on the main motion as amended.

All those in favor, raise your hand and say "aye".

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

CHAIR LEE: One, two, three, four, five--

VICE-CHAIR RAWLINS-FERNANDEZ: "Aye".

CHAIR LEE: -- six. You have to vote, Member Sugimura.

COUNCILMEMBER SUGIMURA: I'm voting "no".

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: You're voting "no"?

COUNCILMEMBER SUGIMURA: Yea. I will explain.

CHAIR LEE: Okay. Member Johnson, how are you voting?

COUNCILMEMBER JOHNSON: Beg your pardon. I vote "aye".

CHAIR LEE: Okay. So, we have seven "ayes", one "no", and one "excused".

You don't have to explain. You don't have to explain. It's up to you.

COUNCILMEMBER SUGIMURA: Well, I, I think I should, because--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order. Point of order. We can't do this again, a second time. That's not part of the Rules. You're supposed to explain yourself before we take the final vote.

COUNCILMEMBER SUGIMURA: Well, then somebody should have asked me before.

VICE-CHAIR RAWLINS-FERNANDEZ: No. You know that the Rules are though.

COUNCILMEMBER SUGIMURA: Yea. I could've, I could've interrupted the Chair and said, oh I want to speak or whatever. But fine, let's just move forward. It's fine.

CHAIR LEE: Alright. Mr. Clerk, where are we now? One more? Two more?

ORDINANCE NO. _____
BILL NO. 117 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.270, MAUI
COUNTY CODE, REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS
RELATING TO PARKS AND RECREATIONAL FACILITIES

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO PASS BILL 117 (2021) ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Kama, seconded by Member Sugimura, to pass Bill 117 on second and final reading.

Discussion, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. The purpose of this bill is to repeal the mandatory minimum fine of \$150 for being in parks between 10 p.m. and 6 a.m. or when it is closed to the public. Your Committee discussed that removing the mandatory minimum fine requirement may help to stop the criminalization of being homeless or being able to maintain operations in County parks.

CHAIR LEE: Any more discussion? If--

COUNCILMEMBER JOHNSON: Yes, Chair, I have discussion.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just want to give a shout-out to Councilmember Tasha Kama for supporting this bill. This is a very important bill and I rise in strong support of this. Our homeless folks, we, we can talk about it till time and time again, but we, those are the folks who need it the most. And we don't, we want to end this poverty to prison pipeline that we have going on here. So, I rise in strong support. So, thank you, Chair.

CHAIR LEE: Thank you. Any more discussion?

Yea, Member Sugimura.

COUNCILMEMBER SUGIMURA: I just want to congratulate. This, this was Gabe Johnson's first bill, and it was pretty exciting when it passed out of Committee. Tasha Kama also had the community clinic, community court, I'm sorry, tied to this. So, I think the two put together, it made for a very productive meeting and I look forward to seeing that also come to fruition. So, thank you very much, Mr. Johnson. Congratulations.

COUNCILMEMBER KAMA: Thank you, Gabe.

CHAIR LEE: Good memory. Okay. Anybody else? Okay. Did we take the vote? I can't even remember now.

COUNCILMEMBER SUGIMURA: We need to.

CHAIR LEE: All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries.

We're down to the last item. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

COMMITTEE REPORT

NO. 21-85 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill _____ (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 4295, GRANTING MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-34, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

RELUCTANTLY, I'M GOING TO HAVE TO MOVE TO
RECOMMIT THIS MATTER TO YOUR PLANNING AND
SUSTAINABLE LAND USE COMMITTEE.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered. This item will be recommitted. And that brings us to the end of the call--

Yes, Vice, I mean, Member Paltin.

COUNCILMEMBER PALTIN: Oh, I had discussion and then maybe we got to vote on it?

CHAIR LEE: You want to vote on? Okay, we have to vote on it. So, you make, you're making a motion. And we need a second.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: It's moved by Member Paltin, seconded by Member Kama, to recommit this item, Committee Report 21-85.

Discussion? Any more discussion, Member Paltin?

COUNCILMEMBER PALTIN: So, at its meeting of September 17, 2021, the Council discussed Committee Report 21-85, relating to a bill granting a Conditional Permit for the Maui Dragon Fruit Farm LLC to conduct agricultural related activities, sell non-agricultural related items and agricultural products not grown on property, conduct certain special events, and allow for a time extension.

The Council postponed consideration of CR 21-85, pending an investigation into the use of recreational vehicles on the property for, as housing for workers. By correspondence your PSLU Committee requested of the Planning Department the status of its investigation relating to the Dragon Fruit Farm LLC and to identify what actions have been taken and if any actions are still outstanding.

Your Committee also requested the Planning Department's opinion that if the Department conducted an investigation, has the Department's recommendation to approve the Conditional Permit changed? Recommitting the matter to the PSLU Committee will allow for further discussion on the matter and for a recommendation in light of the investigation. That's it.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

And that brings us to the end of the calendar. And I want to wish all of you a wonderful, safe, safe happy weekend. Any announcements? Anybody getting married, you know, anniversary?

COUNCILMEMBER KAMA: Yea, my daughter from New York just walked in the door. So, as soon as we're done, I'm leaving.

CHAIR LEE: Aw, that's wonderful. That's wonderful. Welcome back to Maui.

Anybody else? Yes, Ms.

COUNCILMEMBER SUGIMURA: We're doing Pulehu, Pulehu Posse cleanup tomorrow 7:30 to 11. Everybody welcome.

CHAIR LEE: Oh shucks, I can't make it.

COUNCILMEMBER SUGIMURA: You must be golfing.

CHAIR LEE: Yes, I am.

COUNCILMEMBER SUGIMURA: Keani's having a good family weekend. I'm sure she doesn't want to do that either.

Mr. Molina, you can join us. He's, he's--

COUNCILMEMBER MOLINA: No, I have a cleanup of another kind tomorrow. It's called my yard.

CHAIR LEE: Okay, everybody.

COUNCILMEMBER SUGIMURA: Thank you, everybody. Good meeting.

CHAIR LEE: It is now approximately, Mr. Clerk, what time is it? 5:37?

DEPUTY COUNTY CLERK: Chair, I currently have 5:36 as the time.

CHAIR LEE: 5:36. No further business before the Council. This meeting is adjourned at 5:36.

ADJOURNMENT

The regular meeting of November 5, 2021 was adjourned by the Chair at 5:36 p.m.

A handwritten signature in black ink, reading "Kathy L. Kaohu". The signature is written in a cursive style with a horizontal line underneath it.

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

211105/lks:jm

Aloha County Council members of the Climate Action, Resilience and Environment Committee:

I am in full support of your efforts to ban the sale, distribution and use of sun-protection products with ANY active ingredients other than naturally-occurring minerals such as zinc or titanium.

I have testified on this issue several times before and other more learned speakers can discuss the data that emphasizes how dangerous the chemical sunscreen compounds today being marketed as “reef safe” really are to both our environment and our bodies. Today I can offer my 34 years of experience in Hawai‘i directly working with the public, to both visitors and residents in our island’s outdoor resources. First with the National Park Service, and now with the State of Hawai‘i for the past seven years, I have met and talked with tens of thousands of people, and for these past seven years I have been sharing information about sunscreen issues with an average of 200-300 people per week.

Those against any regulations may argue that “the government” should simply do more education. Myself, Peter Landon, volunteers and other state staff directly approach residents and visitors to ‘Āhihi-Kīna‘u Natural Area Reserve, the third most-visited outdoor site on Maui. We have signs and posters displayed encouraging people to use sun protection that does not include chemical compounds, we hand-out deep information flyers and thousands of “shopper’s cards” that list active ingredients to avoid. Collectively, we have racked-up tens of thousands of hours doing this work over the years. Direct education works better than signs and posters, but with all our efforts, we only reach about 10% of all who enter the reserve’s waters. Its hot, repetitive and challenging work: even with an army of minimum-wage staff it would be nearly impossible to reach 100% of all those going into the ocean during all daylight hours.

What about all the ocean-front lands outside the reserve where we can’t educate? Thanks to currents, chemical pollutants going into the ocean at one site means they go island-wide, and when these compounds bind to micro-plastics, or sands and sediments, they enter the ocean food-chain via limu, crabs, opihi etc, they then get taken by fish, honu and marine mammals far and wide.

Some may argue this ban should only apply to those about to go into the ocean or streams such as the Pīpīwai in Kīpahulu. This argument ignores the fact that the benzene compounds (and co-active ingredients) appear in human urine 20 minutes after application, last up to 90 days in the environment and cannot be removed in waste-water treatment. Showering or flushing the toilet on land still delivers these deadly compounds into our near-shore habitats. Even if you never personally use these chemicals, eating from our waters means you’re still getting exposed.

This is one reason the age-old trumpet of “consumer choice, let the consumer decide” is not adequate. “Consumer choice” really means we’re relying on one person to choose for another, as in the above example. Advertising, labeling, brand-loyalty, and de-emphasizing how these chemicals react within skin cells are all tactics used by manufacturers. For personal care products, only the FDA has any authority to regulate labeling-claims, and then only if claims are medical. For personal care products, no agency has authority to test environmental claims such as “reef safe.” This loop-hole allows manufactures to boldly tout this new green-washing term on the front of containers, in print much larger than the font sizes required for the ingredients on the back of product containers. Each day we see parents apply these products to small children, even toddlers, despite labeling that warns they are not safe for kids. Clearly, not all consumers read the labels or are making conscious “consumer choices.”

When I ask: "Did you read the ingredients on the label?" Very few are label-literate and know to look on the back let along for the "actives" list. I have to show them where to look. People daily tell us they saw the "reef safe" claim and bought the product thinking they had made the responsible choice. Local surfers, fishermen and tourists alike, say: "I always use this brand, I bought it here in Hawai'i , it says 'reef safe,' so I thought I was doing the right thing." They express anger and multiple times each day I hear "There should be a law, I just wish these things were totally banned."

People have always had sun-protection choices: credible dermatologists agree that mineral sun-blocks and clothing are more than sufficient to protect against both UVA and UVB rays. Chemical sunscreens only help with UVB rays, and skin cancer rates have climbed higher since chemical sunscreens became popular in the 1970s. If these products really worked to prevent skin cancer, the trend would be going down, not up.

This proposed ban is the best: outlawing one or two specific compounds (such as Oxybenzone and Octinoxate) simply incentivizes the chemical industry to create new molecules that have the same properties with new patent-names. When the evidence against Oxybenzone mounted (and the patent was about to expire), low and behold, Avobenzone (with a near-identical chemical structure and behavior) became the lead ingredient. It becomes a chemical-arms race of new laws needed for every new lab creation.

We have tried education. We have tried consumer choice. Those tactics didn't work for bad hair sprays or bad coolants in refrigerators in the 1970's – laws had to be created to force manufactures to use other materials, to protect our planet's ozone. Education and "choice" didn't work in other arenas: its why there are no longer smoking sections on airplanes or restaurants, because the "choice" of one consumer impinged on another. Banning benzene-based chemicals from one island in Hawai'i won't solve all our problems with climate change, etc, but with all the other issues we've created, this is one problem we can solve, today. Maui has led the way before with bans on plastic shopping bags and food packaging. Let's lead the way again.

Mahalo,

Jeff Bagshaw

Volunteer Coordinator, Information and Education Associate

`Ahihi-Kina`u Natural Area Reserve (DLNR/DOFAW)

(808)264-7891 work-cell

jeff.w.bagshaw@Hawai'i.gov

RECEIVED
2021 NOV -5 AM 8:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Colleen Medeiros <colleenpmedeiros@gmail.com>
Sent: Thursday, November 4, 2021 5:15 PM
To: County Clerk
Subject: Fwd: Aina Kupuna Bill CC21-95

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

Please add this to the record for me as well, I've tried to reach out to Council member Keani Rawlins and her EA but have not heard back from them yet.

Mahalo,

Colleen P. Medeiros R(S)



RECEIVED
2021 NOV -5 AM 7:57
OFFICE OF THE
COUNTY CLERK

Island Sotheby's International Realty

3628 Baldwin Ave.

Makawao, HI 96768

Mobile: 808.283.3131

Office: 808.572.8600

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----- Forwarded message -----

From: **Colleen Medeiros** <colleenpmedeiros@gmail.com>

Date: Thu, Oct 28, 2021 at 3:09 PM

Subject: Re: Aina Kupuna Bill CC21-95

To: <Keani.Rawlins@mauicounty.us>

Aloha Council member Rawlins,

I'm just following up to get confirmation that you received my emailed testimony regarding Aina Kupuna Bill CC21-95.

I would also like to discuss this bill further with you as I would like to understand why the specific verbiage was included regarding transient accommodations under conditional use permits granted prior to May 23, 2012 being exempt from the " Commercial purposes" was used?

Please feel free to contact me, 808-283-3131.

Mahalo,

Colleen P. Medeiros R(S)



On Tue, Oct 26, 2021 at 9:30 PM Colleen Medeiros <colleenpmedeiros@gmail.com> wrote:
Aloha Honorable Chair Lee and members of the Maui County Council,

I understand the Oct 22 meeting was cut short due to technician difficulties and the subject bill was not read on that day. This email is intended to add to my oral testimony.

I realized after my testimony that I didn't introduce myself, I apologize for that. My name is Colleen Medeiros and I own a property in Napili that is a generational landholding for at least 6 generations. These are the lands of my Great, Great Grandmother Lahela (Nahina) Reimann, that passed to her daughter Whilamena Reimann, then to my grandparents Albert and Daisy Medeiros, then to my father Marlan Medeiros, then to me. It is our family's understanding that our Great-Great Grandmother Lahela owned the lands encompassing Napili Bay and Honokeana Bay, as well as the lands mauka of this area. Our family and additional landholdings also stretched north beyond Honolulu Bay as we have some remaining interest in parcels up that way. We have a family gravesite in our subdivision where some of my relatives mentioned above are buried, along with many other family members.

I strongly support the Aina Kupuna Bill as this will help the few remaining families who have generational landholdings, retain their lands.

It hasn't been easy keeping my family property. In my situation, and this is the same story for many Hawaiian families, it was very complicated. I won't get into the details, but after my dad died in 2000, myself and my 6 siblings inherited my dad's share of this property and became owners who split the interest in this property with my Uncle. My Uncle and siblings wanted to sell it, so I decided to purchase their interests by taking out a mortgage loan.

For approximately 8 years, I have had this property permitted as a STRH, since 2013. I lived on this property for about 9 years before that. Due to changing life circumstances, I decided to move. I chose the STRH use because this area of Napili is a popular vacation destination and permits this type of use. As a matter of fact, my property is surrounded by the Napili Bay Civic Improvement District that allows for hotel and resort use. For some unknown reason only my road was left out of the Civic Improvement District, but we are otherwise surrounded by hotels and condominiums used as vacation rentals. Using this house as a STRH has allowed me; 1. to keep it, not sell it, 2. continued use for my family and special occasions. Without using it as a STRH, I could not afford to keep this property. Through the years property taxes have increased a great deal, in my case they have gone up 76% from 2016.

I believe families with generational owned properties should be allowed to use them for "commercial purposes". Whether it's a home-based business, like a daycare or a commercial kitchen, or a business where the owner does not live on property and rents it, like a legal long or short term rental property, all aina kupuna lands should qualify for this tax break, regardless of use. Currently the verbiage in the bill excludes aina kupuna lands that are conducting businesses or "commercial purposes" that are not agriculture. With regards to my property, it doesn't make sense to have an agricultural business there, the lot is too small, I'm not a farmer, and farming simply would not pay the bills associated with the property. The aina kupuna bill in its current form makes one exception for the Lu'uwai 'ohana. They run a vacation rental, STRH, like me, but under a conditional use permit obtained sometime prior to May 2012 and the bill exempts them from the "commercial purposes" definition. While I'm unclear on why or how this one exception exists for one family, I would like to see the verbiage in the bill amended to include "all properties that are family owned from 1940, regardless of their use or whether or not they are owner-occupied, qualify for this tax exemption".

If the spirit of this bill is meant to keep traditional lands in the hands of those families that are culturally tied to them, then further supporting those same families in making a viable living for themselves is directly connected to their ability to keep their lands, and if they need to use their lands in a business/commercial way in order to pay for those lands, in order to keep them, then allowing business uses on these lands seems to be in perfect alignment with the spirit of this bill.

We all know that living here is expensive, getting more expensive each year. Everyone needs multiple streams of income these days. I left my 9-5 job and became self-employed because I realized self-employment was the only way for me to make enough money to live here. And I think more and more people are realizing this and trying to create businesses for themselves. Allowing local folks to run legal businesses from their

generationally owned properties, coupled with this tax exemption, could be life-changing for many local families. If this bill is passed and allows owners to conduct businesses from their lands, these same local families who might be otherwise struggling to get by, and struggling to hold on to family lands would have new options and more avenues to increase their income, this is what we need. This bill offers me and others an opportunity to insure that we can hold this land for our children and grandchild by providing tax relief for generationl landholders.

Thank you very much for your time.

Mahalo,

Colleen P. Medeiros R(S)



County Clerk

From: Tamara A. Paltin
Sent: Thursday, November 4, 2021 4:57 PM
To: County Clerk; Michele McLean; Kimberley Willenbrink; Jordan Hart
Subject: Fwd: Maui Dragon Fruit Farm CUP extension-Please deny-CR 21-85 and RFS 21-0001375
Attachments: Dragon Fruit Farm Plot -as per county website.pdf; Drawing presented by owners in their CUP application-omits 30% of their land which is not farmed.pdf

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From: vera sredo <verasreda@gmail.com>
Sent: Thursday, November 4, 2021 4:29:03 PM
To: Alice L. Lee <Alice.Lee@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Michele McLean <Michele.McLean@co.maui.hi.us>
Subject: Maui Dragon Fruit Farm CUP extension-Please deny-CR 21-85 and RFS 21-0001375

Some people who received this message don't often get email from verasreda@gmail.com. [Learn why this is important](#)

Dear Chair and council members. I apologize for the late e-mail, but I just found out that extension of the permit for this CUP is on the agenda tomorrow. As you have heard from my testimony and 4 other written neighbour's testimonies- owners of Dragon Fruit Farm have repeatedly violated the vast majority of CUP conditions for years. By reviewing the records from their CUP original application I also realised that they misstated the land planted as agricultural crops (they stated that they have close to 15 acres planted-their farm plan also states that), but in practice they only have 5 acres (they never had more than 5, on over 20 acres parcel). That is substantially less than 50% required for any permits. County was presented inaccurate information and based on that information issued a SUP and CUP. Regardless of all CUP violations would this CUP be invalid and void as it should have not been issued in the first place due to misrepresentation of agricultural activity? Please deny extension of the SUP and CUP due to application irregularities and repeated violations of all CUP conditions.

Dragon Farm Owners in their original CUP's application presentation misrepresented the area being planted. They did it by reducing the plot shape/size depicted, they made it look like they had 50% planted, but they have less than 25 % planted. They also stated on their farm plan that they have almost 15 acres planted but they have less than 5. I have attached for your review, owners' provided drawing from their CUP application (1st picture-I marked in dashed purple lines the portion they omitted, but is their land as per county records). On The 2nd picture you can also see the actual county plot map and you can see that 30% of their land is omitted-the right portion of their land was omitted to misrepresent the area planted to make it look like they have 50% under crops.

On a separate note their total parcel size (master parcel) is over 20 acres-if they wanted to get a CUP would they not need to go to the state of HI for approval, since the parcel is larger than 15 acres?

I apologize for my ignorance; I am trying to understand the process and enforcement. This neighbor has been violating the vast majority of the conditions of the CUP for a very long time. All the

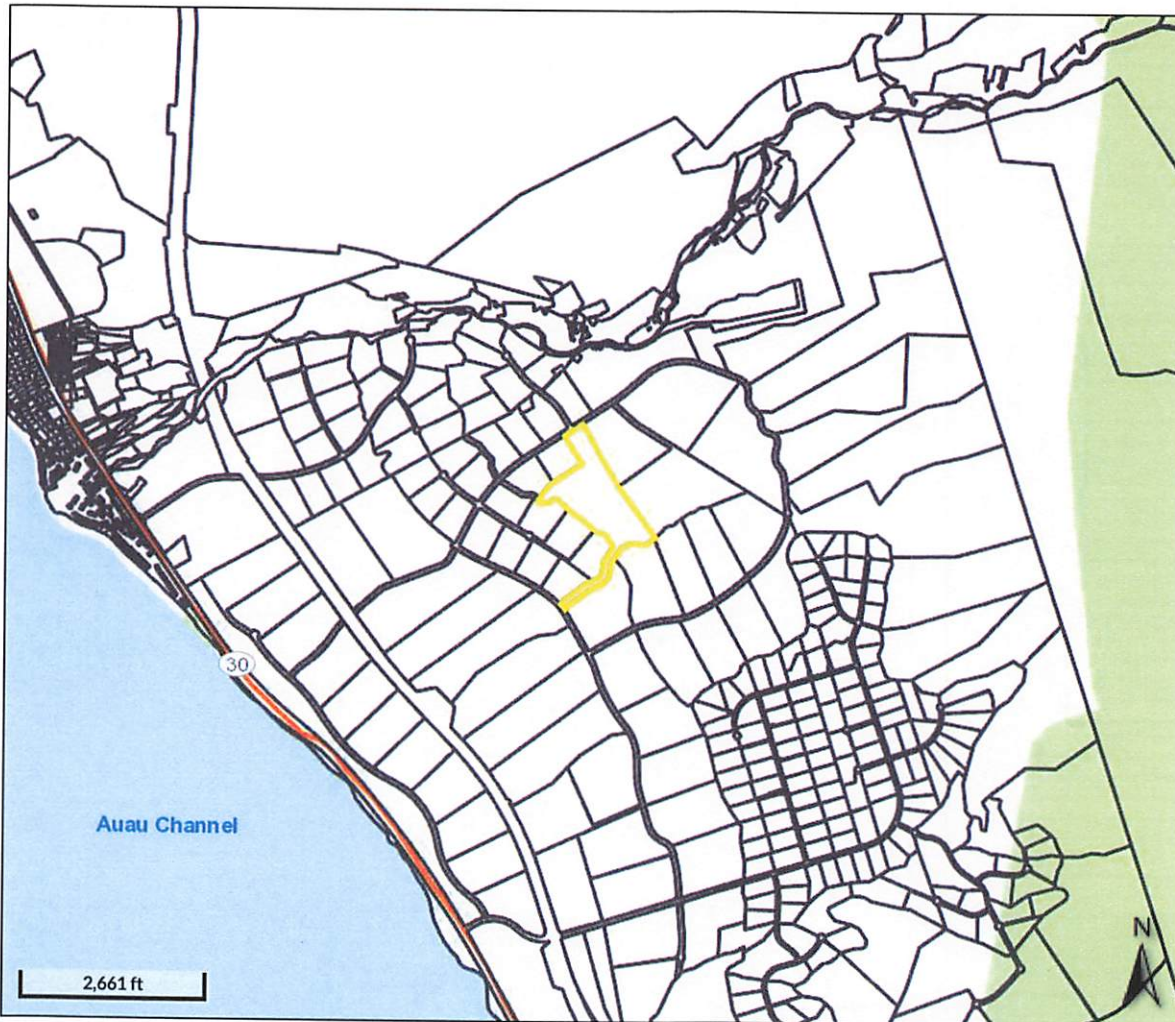
neighbors have been negatively impacted by all of these business activities creating excessive noise, and they are not in any way related to agriculture.

They have many young adults, anywhere from 8 to 15 or more living at the property in Vans, Tents and RVs. I had to call the police multiple times at midnight because they were screaming and parting (they also invite their friends to the property and have loud marihuana induced parties). They also trespassed on our property and closed water lines which resulted in us losing many young coconut trees (my guess is that owners told them to do that, as those trees would block their wedding areas' ocean views). My understanding is that ag property owners can have farm workers live at the property (but not in Vans/tents/RVs) as long as they have \$35,000 in direct sale agricultural products made on the farm per farm worker. This farm doesn't produce that many dragon fruits and I am positive they don't make over \$350,000 in produce sale to warrant staff living here (they do make much more on the weddings/ziplines etc-so it is important that they don't commingle those revenues with crop revenues and try to represent them as farm/crop revenue in order to justify having this many staff living at the property. Please note that these kids don't work the farm-they work adventure tours (zip line, aqua balls, tours, help with weddings...) Also I would assume that farm workers have to be paid for their services (majority of these kids are transient not paid-they work in exchange for lodging and food). This doesn't contribute to the county tax system, employment taxes or community. Only contribution is to the property owners who are working the system by using the farm as a decoy to actually conduct business that should be done in a properly zoned area, use free labor, pay minimal taxes on this ag land while conducting non ag activities. They should find properly zoned land and conduct weddings, zip lines, rolling balls, pay taxes like every other business and pay their workers. Not only that they obtained the pandemic farmers funds from the county and did nothing on the farm to improve crops (they only built a large outside cafe), It looks like they also got free farm equipment from the pandemic funds and it has been sitting on the lot for weeks without being moved. Other real farmers would have benefited from these funds and equipment. It is wasted by these owners trying to portray an image of farmers while conducting other much more lucrative business on this farm land.

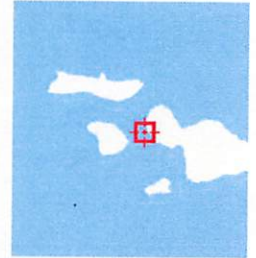
We would be more than happy to have normal farm neighbours with actual farm operations and normal farm tours which are not bundled with weddings, Zip lines and Aqua balls.

Thank you so much for your understanding, hard work, and service to the community.

Mahalo, Sincerely Vera Sredanovic



Overview



Legend

 Parcels

Parcel ID	470010440001	Situs/Physical Address	833 PUNAKEA LOOP UNIT A	Assd Land Value	\$335,500	Last 2 Sales			
Acreage	20.854	Mailing Address	MAUI DRAGON FRUIT FARM LLC	Assd Building Value	\$477,700	Date	Price	Reason	Qual
Class	NON-OWNER-OCCUPIED/RESIDENTIAL		100 WAIPUHIA PL HAIKU HI 96708	Total Assd Value	\$813,200	4/15/2011	0	n/a	U
				Exempt Value	\$0	n/a	0	n/a	n/a
				Taxable Value	\$813,200				

Brief Tax Description n/a

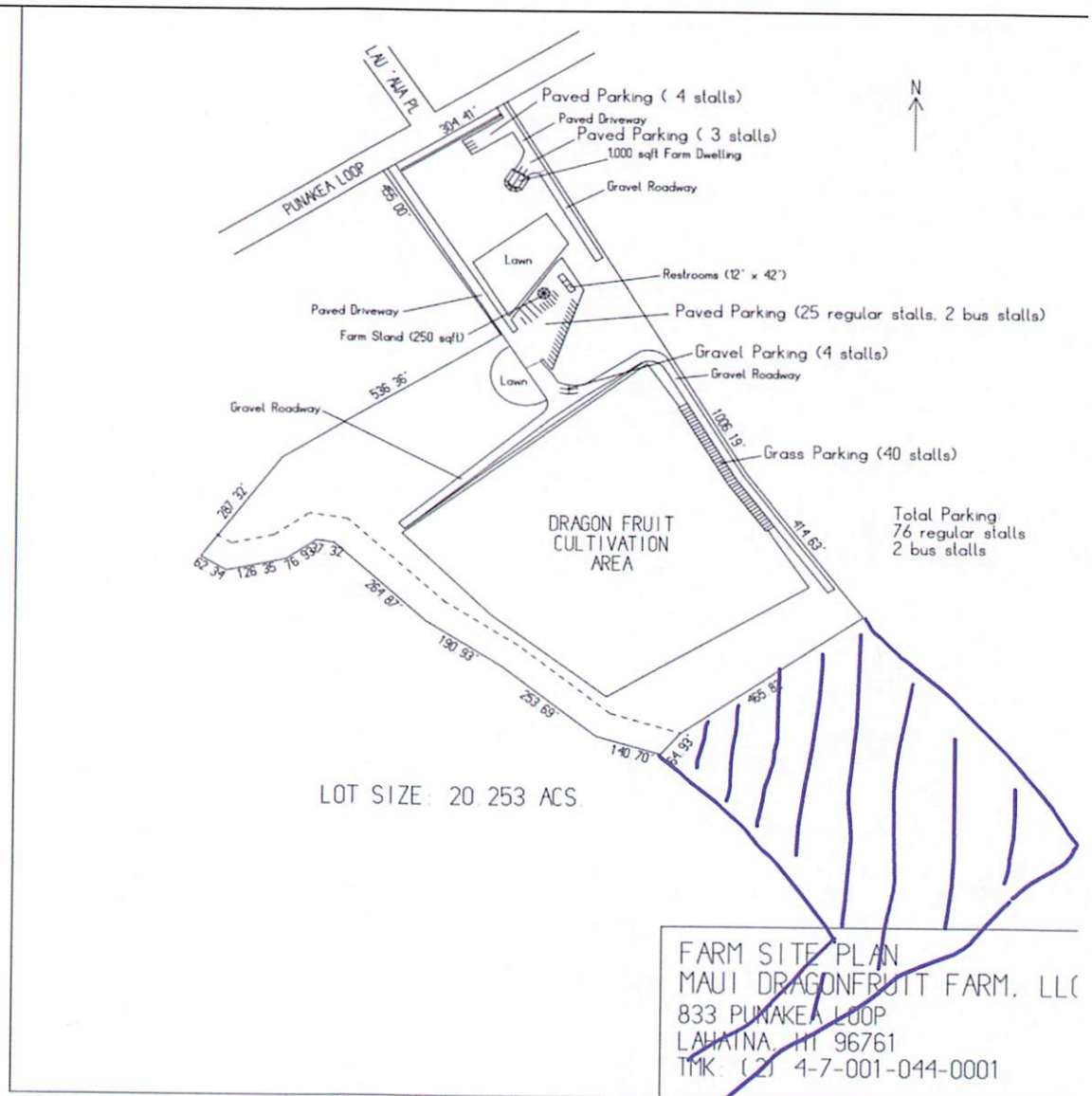
(Note: Not to be used on legal documents)

Date created: 10/15/2021

Last Data Uploaded: 10/15/2021 4:31:28 AM

Developed by  **Schneider**
GEOSPATIAL

This drawing was provided by Schmitt's as part of CUP presentation. Added striped area shows omitted land owned by these same owners, they omitted this portion in order to misrepresent that 50% is farmed, while they are farming less than 30% of the land. If you cross check this with county records you will see that owners deliberately misled the county in order to obtain SUP and CUP and conduct non-ag commercial activities (weddings, Zip Line, Aqua Rolling Balls). Also they are housing 10-15 transient non-paid workers on this land to conduct these non- ag activities. These young adults and teenagers are constantly partying into the early morning hours, while during the day and deep into night we hear screams from Zip lines, AquaBalls, and weddings.



County Clerk

From: Maui Vacation Rental Association <jenrusso@mauivacationrentalassociation.org>
Sent: Thursday, November 4, 2021 4:23 PM
To: County Clerk
Subject: Fwd: Please consider this amendment for B&Bs CR 21-107
Attachments: Alice Lee Please consider an amendment to CR-102 .pdf

Aloha,

Please accept this testimony for the County Council meeting of 11/5/21

Mahalo,

Jen Russo

----- Forwarded message -----

From: Maui Vacation Rental Association <jenrusso@mauivacationrentalassociation.org>
Date: Tue, Oct 26, 2021 at 9:36 AM
Subject: Please consider this amendment to CR 21-107 for B&Bs
To: <Alice.Lee@mauicounty.us>

RECEIVED
2021 NOV -4 PM 4:34
OFFICE OF THE
COUNTY CLERK

October 26, 2021

Honorable Alice Lee, Council Chair
200 South High Street
Wailuku HI 96793

Thank you for the opportunity to speak on agenda items CR 21-107 on Friday. Thank you so much for all your hard work and consideration in these matters.

I would like to ask that we clarify the point in the proposed bill regarding bed and breakfast operations and either remove the 5 year requirement or allow those operators who have existed for more than 5 years to transfer their permits to their heirs.

The language in the bill below is not clear:

E. The bed and breakfast home permit must be in the name of the owner-proprietor, who must be a natural person and the owner of the real property where the [short-term rental] bed and breakfast home use is permitted[.], except that a permit may be issued for a lot owned by a family trust if the following criteria are met:

1. The applicant is a natural person or persons who is a trustee or who are trustees of the family trust.

2. All of the trustees are natural persons.

“Family trust” is defined as a self-settled revocable or irrevocable trust where the trustee(s) is also the trustor(s) or grantor(s) or is related by blood, adoption, marriage, or civil union to the beneficiary(ies). The bed and breakfast home permit must not be held by a corporation, partnership, limited liability company, or similar entity. The permit is not transferable. No more than one permit may be approved for any lot.

This only states that a person with a property in a trust can have an application in their name. We need to add something that states that that application could pass to their heirs.

Earlier this month this council body passed Bill 104 unanimously, allowing a legal Bed and Breakfast operation, the Banyan Tree Bed and Breakfast, to transfer their permit to an heir that purchased the property, from Marty Herling to Helaina DiMartino. It is then equitable, rational and it makes sense to create a similar legal path for these other legal Bed and Breakfast operations that have been running for 5 years or more to do the same.

We support 21-107 : This proposed bill that amends both the STRH the B&B ordinances makes many changes that are positive. But this 5 year requirement for Maui B&Bs could negatively affect our residents and we would ask to amend that.

An amendment that would allow for an existing B&B that has existed more than 5 years to be transferred to heirs, or to not have to wait 5 years to make a new application would be reasonable and suitable.

The intent of the proposed changes were to reduce speculation and encourage a connection to the neighborhood. However, lots of testimony during the planning commission meetings revealed that the current application process allows for this connection to neighborhoods, as the property has to prove that it does not change the neighborhood in any way shape or form. Neighbors do get to weigh in during the process. The Planning Commission did not support this revision of adding 5 years to the application process and did not recommend it for Maui. I think that the bill should reflect that sentiment and recommendation.

One of the unintended consequences of this is that some of the existing B&B properties, that have already proven that they fit into their neighborhoods, will not be able to sell their property to someone that may want to get a permit to operate, given this extended time period. There

are many properties that have no neighbors, that operate in neighborhoods where this use is appropriate.

We are not finding our neighborhoods overrun by bed and breakfast operations, the application process is arduous and detailed as it exists without the 5 year requirement.

Bed and Breakfast operations are run by Maui residents, and supported in the Countywide Policy Plan. This plan calls for the county policies to "Support home-based businesses that are appropriate for and in character with the community," (page 60) as well as "Encourage resident ownership of visitor-related businesses and facilities." (page 62)

It was brought up in testimony that using a trust could be an answer, but what is not clear is if a property with an existing permit in a person's name can just switch that permit to being in the name of a trust. Or once the land is in the trust that you can pass that permit from one family member to the next generation. If that is the intent, that is not clear. It wouldn't be fair to make them start the application process over. Also If you were to change your property title to put your property into a trust does that start the clock on 5 years because you have made a title change? These are the things that should be more clear in this proposed bill.

Thank you so much for considering an amendment and working so hard to create balance and diversity in our economy.

--

Best,

Jen Russo
Executive Director
Maui Vacation Rental Association
mauivacationrentalassociation.org
140 Hoohana St Suite 210
Kahului, HI 96732

--

Best,

Jen Russo
Executive Director
Maui Vacation Rental Association
mauivacationrentalassociation.org
140 Hoohana St Suite 210
Kahului, HI 96732

M A U I
VACATION RENTAL
A S S O C I A T I O N
WWW.MVRA.NET

October 26, 2021

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200 South High Street
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Thank you so much for considering an amendment and working so hard to create balance and diversity in our economy.

Best,

Jen Russo

Maui Vacation Rental Association

County Clerk

From: Maui Vacation Rental Association <jenrusso@mauivacationrentalassociation.org>
Sent: Thursday, November 4, 2021 4:24 PM
To: County Clerk
Subject: Fwd: Please consider an amendment to CR-21-95 - Aina Kupuna Lands

Aloha

Please accept this testimony for the 11/5/21 council meeting

best,

Jen Russo

----- Forwarded message -----

From: Maui Vacation Rental Association <jenrusso@mauivacationrentalassociation.org>
Date: Tue, Oct 26, 2021 at 1:32 PM
Subject: Please consider an amendment to CR-21-95 - Aina Kupuna Lands
To: Maui Vacation Rental Association <jenrusso@mauivacationrentalassociation.org>

October 26, 2021

Honorable Chair Lee and Members of the County Council
200 South High Street
Wailuku HI 96793

RE: CR 21-95 Aina Kupuna Lands

Thank you for the opportunity last Friday to speak to the Aina Kupuna Lands proposed bill. I support this proposal to add a section to the tax code relating to taxes on parcels dedicated as 'āina kūpuna.

BFED Committee agreed to amend the proposed bill to allow real property dedicated as 'aina kupuna to be used for transient vacation rentals.

However I think the way the ordinance is written to be so specific to qualifying with having a conditional permit done by a certain year, along with specific tax classification and such is too narrow. The law should just indicate that if you have owned your land since 1940, and have a legal permit to do legal use and you are a lineal descendant owner, then you could qualify for this exemption. Many of the lineal descendents utilizing their properties have seen tax increases that have been exorbitant, and those that have had to make commercial uses to pay property taxes and keep their land should not be punished. They should also qualify.

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2021 NOV -4 PM 4:33
OFFICE OF THE
COUNTY CLERK

Considerations too should be made for those lineal descendants who may be unable to farm their land.

Even when a lineal descendant can qualify for a break on the property tax, there are other expenses like steep insurances like flood and hurricane coverages and mortgages that could still force them off the land, so allowing and considering those that have had to do commercial use in order to make these expenses would be fair in the intent of this proposed bill. Making the scope bigger, when there may be other lineal descendant ohanas out there or others that decide they would like to make a legal permit to do b&b and other visitor related home businesses with their land seems fair.

This step to change tax laws is needed to assist lineal descendants in keeping land in their ohana. But I feel more assistance may be needed given other expenses associated with upkeep of property in these modern times. How powerful it would be to have more lineal descendants have their lands also support their own small businesses, or home based businesses, with more lineal descendants that could be entrepreneurs. I think the law should open up to more commercial home uses to think of opportunities in the future for these ohanas to sustain themselves on their land using practices other than agriculture.

In my initial research it was hard to determine which properties may be able to show this lineal descendancy, and certain owners may have to request documents from the state to provide the proper information to Real Property Tax in order to qualify. These documents may take time to get fulfilled by State agencies. Will lineal descendants be able to qualify for this for the next tax year FY 2022 if they put in an application by the deadline but are waiting for supporting documents?

Thank you so much for considering an amendment and working so hard to create balance and diversity in our economy.

--

Best,

Jen Russo
Executive Director
Maui Vacation Rental Association
mauivacationrentalassociation.org
140 Hoohana St Suite 210
Kahului, HI 96732

--

Best,

RECEIVED

To: The Honorable Alice Lee, Chair Maui County Council
Meeting: County Council, 11/05/2021, 9am
Subject: **Strongly Support, 'Āina Kūpuna Bill, CR 21-95**

2021 NOV -5 AM 7: 54

OFFICE OF THE
COUNTY CLERK

E nā lālā hanohano o ka 'Aha Kalana o Maui,
Aloha 'oukou;

My name is Keiki Chang Kawai'ae'a and I am a member of the Kukahiko 'ohana from Makena. I stand with my family in strong support for the 'Āina Kūpuna bill CR 21-95. Our 'ohana has a long history in Makena with the branches of our genealogical tree residing across multiple ahupua'a from Kanahena to Keauhou or in more current times from Big Beach to Chang's Beach.

Our families lived simple but productive lives where aloha, 'ohana and 'āina guide our identity as Makena families. Unfortunately, land speculation, high-end homes for the wealthy and unaffordable property tax has severely impacted the ability of our families to stay in Makena. Consequently, one by one Makena families have had to sell their 'āina because they no longer could afford to pay the property tax.

We love Makena, it is part of who we are and where we come from. It is the place our kūpuna John and Kamaka Kukahiko chose to raise their family and set deep roots nearly 140 years ago. Makena has become an overpriced community for the very wealthy, mostly non-residents who can afford to buy high-end speculation homes now at the price tag of \$20 million plus.

Councilmember Keani Rawlins-Fernandez, we are deeply appreciative for this long overdue bill and acknowledge Council Chair Alice Lee and the honorable members of the Council who have listened to our stories and struggles. Our family believes in and strongly supports the 'āina kūpuna bill CR 21-95 as presented through many written and oral testimonies at the October 22 Council meeting – unfortunately cut short.

From the young adults to the most senior member of our family at 99 years old and across the branches of our family tree, we believe the the 'Āina Kūpuna bill is a long overdue solution as it will allow us to dedicate and continue to live and care for our ancestral lands. We humbly ask that you support and pass the bill.

County Clerk

RECEIVED

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Thursday, November 4, 2021 9:21 PM
To: County Clerk
Cc: Tamara A. Paltin
Subject: Testimony Regarding County Council Item CR 21-85

2021 NOV -5 AM 7: 54

OFFICE OF THE
COUNTY CLERK

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

Council Members,

I'm writing regarding agenda item CR 21-85 pertaining to the conditional use permit extension for Maui Dragon Fruit Farm.

I own and reside on a small farm adjacent to the Dragon Fruit Farm on the makai side. Given the geographical relationship between our properties, I'm mostly affected by noise rather than lighting or traffic issues.

The noise level from the Dragon Fruit Farm improved substantially from the unregulated high decibel blowouts prior to 2016 when they received their first restricted conditional use permit. Still, there were many conditional use permit violations through 2019, including numerous violations of the restriction on amplified music. The noise level improved substantially in 2020 during Covid lockdowns when there appeared to be very few events happening.

There are two sources of noise. The first is from events. The farm hosts frequent weddings and other gatherings attended by large crowds, which are often accompanied with moderately high volume amplified music. The second source of noise is the zipline where participants tend to scream like banshees as operators cheer them on. Both of these noise sources dropped off in 2020, probably due to Covid, increased in 2021 but are relatively subdued lately.

My concern is that noise will ramp up again after approval of the conditional permit. I'm actually comfortable with the restrictions in the conditional use permit, especially no amplified sound and limits on guest numbers, hours and event frequency. I doesn't address the zipline screaming but really, the loud disco music is a bigger problem for me. But, these restrictions are meaningless if not adhered to. Please enact a compliance program to ensure adherence or if that's not possible, I suggest you cancel the permit.

Jeff Anderson



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2021 NOV -5 AM 7: 54

OFFICE OF THE
COUNTY CLERK

November 5, 2021

TO: Maui County Council Chair Alice Lee
Vice Chair Keani Rawlins Fernandez
Council Members

Re: Support for: Resolution CC 21-509

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and members of the Council,

My name is Hannah Bernard and I am Executive Director and Co-Founder of Hawai'i Wildlife Fund. I am writing in support of the proposed resolution introduced by Council Member Kelly King:

"ACCEPTING ICLEI USA'S INVITATION TO MAUI COUNTY TO JOIN THE CITIESWITHNATURE PARTNERSHIP INITIATIVE AND JOINING THE EDINBURGH DECLARATION ON THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK".

This resolution will allow Maui County to:

- Join the CitiesWithNature Partnership Initiative
- Support the Edinburgh Declaration and authorize Councilmember King to sign the Edinburgh Declaration on behalf of the Council while attending COP26
- Collaborate with the County's Office of Climate Action, Sustainability and Resilience and other executive branch agencies to support the CitiesWithNature Partnership Initiative, the Edinburgh Declaration, and efforts to preserve Maui County's biodiversity.

And it will also allow Maui County to continue to exhibit a progressive, forward thinking attitude and perpetuate policies that protect our natural environment. We applaud this effort to formally join this movement to help perpetuate biodiversity.

Hawai'i Wildlife Fund is a 501(c)3 nonprofit organization dedicated to the protection of Hawai'i's native wildlife, focused on the nearshore environment. Founded in 1996 by two former National Marine Fisheries Service scientists to assist in addressing the gaps in protected species recovery, HWF has succeeded in protecting more than 10,500 sea turtle hatchlings of Maui and removed invasive species from anchialine pools and >360 tons of marine debris from Hawai'i's coastlines.

We need all the help we can get from our political leadership. Please pass this resolution.

Mahalo for your kind consideration,

A handwritten signature in black ink, appearing to read 'Hannah Bernard', written in a cursive style.

Hannah Bernard
Executive Director
Hawai'i Wildlife Fund

From: Syl Cabral <sylviacabralmaui@gmail.com>
Sent: Saturday, October 30, 2021 9:07 AM
To: gov.homelessness@hawaii.gov; County Clerk; Maui_County Council_mailbox;
mayors.office@mauicounty.gov
Subject: YOU Need to find a place for the homeless elders and young with children to stay

Oahu just completed approx 5 acres with facilities for these poor sad people sitting and walking on the roads.

I'm talking HAWAIIANS. Anyone ever take anything from Hawaiians?

These are the saddest, most denigrated groups living in paradise.

Yesterday I saw a Hawaiian man sitting lost next to the public toilets on Market St.

It looked like he had just been released from somewhere. There was a packet of fresh washcloths wrapped in a ribbon on a cooler. I gave him money, water and any foods I could find in my car. What can YOU do to help this person? Yesterday I saw two young Hawaiian women walking down the street with a man, two strollers with babies, carrying all their personal belongings. What can YOU do for them?

I have repeatedly asked that YOU get Mahi Polo or the State to set aside 5-100 acres and provide facilities such as

Oahu started this week per the news. Please do it this life, or live to regret it next life. Jesus said he would return.

He's talking about YOU also.

Syl Cabral's Real Estate Store
Call Me @ 808 879 9007
For Daily Properties News

e **X** p E d I T

c:

Office- 35 Walaka St #L-306 Kihei HI 96753

RECEIVED

2021 NOV -1 AM 10: 58

OFFICE OF THE
COUNTY CLERK

From: Syl Cabral <sylviacabralmaui@gmail.com>
Sent: Sunday, October 31, 2021 7:30 PM
To: Maui_County Council_mailbox; County Clerk; Council - Maui County; corpcoun@mauicounty.gov
Cc: mayors.office@mauicounty.gov; Brian.Perry@co.maui.hi.us; Alan Fukuyama; Shane M. Sinenci; Gary Hooser
Subject: Truly affordable will require making affordable housing LEASEHOLD
Attachments: halllowed.jpg; kalu 1st birthday.jpg; Pierced Heart.jpg; Have you Experienced a Pierced Heart 05.jpg; birthday on a park bench.jpg

Queen knew how it worked. 150 years later and only 50 years taking away the leaseholds, the govt has made Hawaii a gamblers paradise
outlaws without any laws, a lawless town where the rich pay to play and the locals remain houseless, homeless.
my own daughter has lived houseless for 8 years and working full time. we have our celebrations at the beach,
at the picnic tables, houseless. **Brutally honest, not for the naive to see.**
Find land for the Hawaiian elders, the young with children, mahi pono could donate a hundred acres and the county
has millions to add facilities just like oahu just did this month. don't reinvent the wheel, u do not need more studies.
just do it.

Syl Cabral's Real Estate Store
Call Me @ 808 879 9007
For Daily Properties News

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2021 NOV -1 AM 10:58
OFFICE OF THE
COUNTY CLERK

e X p E d I T

e:
Office- 35 Walaka St #L-306 Kihei HI 96753

To: The Honorable Alice Lee, Chair Maui County Council

Subject: Aina Kupuna Bill, CR 21-95

RECEIVED

2021 NOV -4 AM 8: 35

OFFICE OF THE
COUNTY CLERK

I am Frank T.S. Chang, son of Hattie Kukahiko, grandson of Ha'eha'e Kukahiko, great-grandson of John and Kamaka Kukahiko, original owners of land in what is now a vacationer's paradise: Makena, Maui.

My family has lived, farmed, and fished from these lands for 5 generations now. We do not wish to sell these lands or make millions from these lands. We wish to maintain the land that our kupuna left for us, that our kupuna rest in.

We are not wealthy but we are productive people. We pay taxes, we contribute to our community. We simply ask that we pay taxes on our property based on the fact that we are a family living on our aina, not a multi-million dollar, speculative, enterprise.

I strongly support the Aina Kupuna bill CR 21-95 and amendment 3.48.361. I am now 99 years old, the last of my generation in my family. I pray that you will also support this bill in order to help my family and families like ours remain on our aina!

To: The Honorable Alice Lee, Chair Maui County Council

Subject: Aina Kupuna Bill, CR 21-95

RECEIVED

2021 NOV -4 AM 8:35

OFFICE OF THE
COUNTY CLERK

I am Miriam Chang, daughter of Frank T.S. Chang, grand daughter of Hattie Kukahiko, great granddaughter of Ha'eha'e Kukahiko, great-great-granddaughter of John and Kamaka Kukahiko, original owners of land in what is now a vacationer's paradise: Makena, Maui.

My father always taught us to own our land, to take care of it. His brothers and their families remained in Makena, Maui. They lived, farmed, fished and maintained these lands. We are in our 6th generation maintaining this land. We do not wish to sell these lands or make millions from these lands. We wish to maintain the land that our kupuna left for us, that our kupuna rest in, that has sustained our family for 5 generations; land that defines us.

I strongly support the Aina Kupuna bill CR 21-95 and amendment 3.48.361. Passage of this bill will help families retain their ancestral homes and help to preserve the beauty and culture of our islands.

Office of the County Clerk
Maui County

RECEIVED
2021 OCT 22 PM 2: 48

OFFICE OF THE
COUNTY CLERK

To: The Honorable Alice Lee
Chair of Maui County Council

RE: 'Aina Kupuna CR 21-95

AKA: BFED-78 CC 21-29 County Property Tax Reform

A BILL FOR AN ORDINANCE RELATING TO 'AINA KUPUNA LANDS

To Amend Chapter 3.48, Maui County Code, to add a section relating to taxes on parcels
dedicated as: 'Aina Kupuna .

From: Monica L.N. Crabbe

Cell: 808.281.7152

October 20, 2021

To: Council of the County of Maui
Budget, Finance, and Economic Development Committee

Honorable Alice Lee, Chair of Maui County Council

RE: 'Aina Kupuna, CR 21-95

**AKA: BFED-78 CC 21-29 COUNTY PROPERTY TAX
REFORM**

**A BILL FOR AN ORDINANCE RELATING TO 'ĀINA
KŪPUNA LANDS**

To amend Chapter 3.48, Maui County Code, to add a
section relating to taxes
on parcels dedicated as " 'Aina Kupuna ."

From: Monica Leihua Crabbe

**Descendant of Kupuna Lands dating back before the time of
Kamehameha III and before the Great Mahele.**

Thank you for allowing me to send in this letter on behalf of hoping to pass
this proposal for

'Aina Kupuna, CR 21-95.

I am a Maui descendant of Piconui,
kupuna kahiko mai ka 'aina o Kipahulu o ka makani ka'ili aloha.
I live on the island of Maui, and like my mother before me, have a fondness
for our 'aina,
Wailamoā and Kakalahale, Kipahulu.
I can relate very well the Chang 'ohana (Kukahiko family & descendants), as
my family continues to pay for land taxes since I can remember, eventually
hoping one day they/we will return to Kipahulu.
However, due to skyrocketing property values associated with property
taxes, real estate, foreign investment and global demand for land in
Hawai'i.....we are being taxed on our family land (aka: Kupuna 'Aina),
which has not had a hale (house) on it for over 100 years, no plumbing no
electricity, no road(s), no new improvements.....in other words, just land,
just 'aina, 'Aina Kupuna. The 'aina is in the same state as when it was given
to my kupuna.....great-great-great grand father, great-great-grand mother,
great-grand mother, grand mother, uncles and cousins.
Annually, we go to chop down the trees, clear the weeds, burn the rubbish,
gather 'a'ama (crab), he'e (squid) 'opihi, and leho (cowrie shells). We do this
to honor those who have walked these paths and those who have lived the
lives of a time gone by.....after all, we are stewards and care takers to our
'Aina Kupuna; they are not a commodity as real estate agents or investors
would otherwise have you believe.

The rape of our 'Aina Kupuna must stop, and you.....our Maui Council has the opportunity to turn the direction of this Westernized thinking; and therefore, to amend Chapter 3.48, Maui County Code, to add a section relating to taxes on parcels dedicated as 'Aina Kūpuna. Or, have the stain of generational genocide on your conscience. Please let your conscience and heart be your guide today, to hear our 'Aina Kupuna, to hear their voices in the wind..... to right a wrong that will stand for generations in years to come.

The county government has benefited greatly from skyrocketing property values and associated property taxes, driven by real estate speculation, foreign investment, and the global demand for land in Hawai'i. Sadly, this surge in property values is now pushing Maui's long-time 'ohana to the brink of losing their ancestral lands, going into poverty to pay their property taxes or monetizing their 'āina in ways that erode their character, and the overall character of Maui's unique communities. **As its coffers continue to fill from the foreign desire for Maui's lands, the county must take steps to provide targeted tax relief for its long-time 'ohana, and the last living vestiges of Maui's social and cultural heritage that they embody.**

The dispossession of land has deep, profound, and unique impacts on Native Hawaiians, whose health and well-being are based on their feelings for and deep attachment to the 'āina. Other kama'āina who have maintained their family lands since the Great Depression are likely to have also developed a deep, familial attachment to their lands that would be devastating to lose. **This bill will provide critical protections for Native Hawaiian and other 'ohana who may be forced to choose between the devastation of selling their ancestral lands, or paying tax assessments that they are increasingly unable to afford.**

Land grabs and speculation by off-island investors should never lead to long-time kama'āina families being taxed into poverty, or off of their ancestral lands. **This bill will protect Maui's families and the legacy they represent, from property tax increases due to forces well beyond their control.**

Therefore, I strongly support this 'āina kūpuna bill : **'Aina Kupuna, CR 21-95**

(AKA: BFED-78 CC 21-29 County Property Tax Reform, to amend Chapter 3.48, Maui County Code, to add a section relating to taxes on parcels dedicated as 'Aina Kupuna. This proposal will provide tax relief for lineal descents who continue to live and care for their ancestral lands, as my 'ohana and I have also been doing for many years in Kipahulu. Please support this bill .

Me ka ha'aha'a, 'o wau iho no.....



Monica Leihua Nani Crabbe
Cell: 808.281.7152

County Clerk

RECEIVED

From: mary drayer <mdrayerhome@msn.com>
Sent: Friday, November 5, 2021 7:59 AM
To: County Clerk
Subject: Fwd: support for Bill 111

2021 NOV -5 AM 8:00

OFFICE OF THE
COUNTY CLERK

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

Sent from my iPad

Begin forwarded message:

From: mary drayer <mdrayerhome@msn.com>
Date: November 5, 2021 at 7:58:48 AM HST
To: county.council@mauicounty.us
Subject: support for Bill 111

aloha,

i realize this is a late submission,i only became aware of this bill this morning.

i am in full support of bill 111 - and any other legislation that may be proposed in the future that will help local people stay home. too many young kanaka maoli and others have moved away.

and, also, i am a 'victim' of transplants in my neighborhood. they care nothing for the 'āina or the culture. just want to live in 'paradise'. and also want to have their house be a TVR when they aren't here.

mahalo for your consideration
mary drayer
557 imi dr
wailuku, hi
808-244-5646

Sent from my iPad



NĀ MEA 'IKE 'IA
EXECUTIVE DIRECTOR

153 E. Kamehameha Ave, STE 104 #223
Kahului, HI 96732

RECEIVED

2021 OCT 29 AM 9:27

REPLY TO THE ATTENTION OF:

NMII-ED

OFFICE OF THE
COUNTY CLERK

MEMORANDUM FOR

Attn: Maui County Council

SUBJECT: The Ho'omāhua Initiative (CR 21-97) - Identification of Hotspots & requirements for installation

Aloha,

As we work toward progressing The Ho'omāhua Initiative and await the County Council's vote on CR 21-97, we humbly and respectfully request your support of our Smart Tourism™ solution technology for the benefit of our community.

Your "yes" vote will enable us to complete and submit our federal grant application to the U.S. Economic Development Administration before the December 31, 2021 deadline. Our objective is to apply for 3-5 million dollars in federal assistance, to launch our Ho'omāhua Initiative. The funding will provide the financial resources needed, to deploy our smart tourism solution to our Maui County communities. Deployment of our technology will conduct real-time data collection and provide immediate meaningful data analysis needed, to engage effective intelligent decision making and action by visitors and members of our Maui County Communities. We look forward to working closely with Maui County officials and State officials in the various departments for assistance to ensure compliance with permitting and installation requirements required to implement our solution.

For your reference, here is a short list of hotspots identified by Maui Destination Management Plan:
Kaihalulu Bay (Access) • Helele'ike'ōhā (Access) • Haleakalā (Access, Safety, Cultural) • Bamboo forest, Kailua (Access, Safety, Cultural) • Puahokamoa Falls (Access, Safety, Cultural) • Honomanu Waterfall (Access, Safety, Cultural) • Waikani Waterfall (Access, Safety, Cultural) • Pu'u Keka'a (Safety) • Honolua Bay to Kahakuloa Bay (Safety, Cultural)

Signed:

Paulo Faleafine Jr
Co-founder, Executive Director
Nā Mea 'Ike 'Ia
paulo@hi-nmii.org
C: 808-264-9887

County Clerk

From: Michael Benitez Flores <hawaiiboimike@me.com>
Sent: Wednesday, October 27, 2021 7:16 AM
To: County Clerk
Subject: 5 year rule on AirBNB

RECEIVED

2021 OCT 27 AM 7:45

OFFICE OF THE
COUNTY CLERK

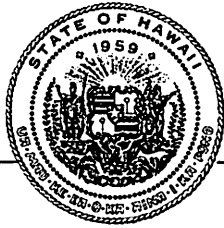
[You don't often get email from hawaiiboimike@me.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha,

I am in full support of homeownership after 5 years before actually Airbnb. Too many mainlanders buy homes here for the sole purpose of a flip on a Airbnb. Maui county doesn't have enough homes currently to allow a infrastructure problem. I am in full support of this as a resident in Maui County. Mahalo.

With the warmest aloha,

Mahalo,
Michael D. Benitez Flores
808-855-5111 Cell
305-768-0101 Fax



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807
Web: energy.hawaii.gov

Testimony of SCOTT J. GLENN, Chief Energy Officer

before the
MAUI COUNTY COUNCIL

November 5, 2021
9:00 AM

Comments in support of BILL 106 RELATING TO ENERGY CODE COMPLIANCE FOR LARGE RESIDENTIAL BUILDINGS

RECEIVED
2021 NOV - 1 AM 11:05
OFFICE OF THE
COUNTY CLERK

Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council, the Hawaii State Energy Office (HSEO) supports Bill 106, which would require new one- and two-family residential buildings over 5,000 square feet to be zero net energy homes, and looks forward to further refinements of the measure.

We are all aware of reports from the United Nations, from scientific organizations and other distinguished bodies indicating that climate change is accelerating and which point to worsening droughts, forest fires, floods and rising sea levels. Scientists agree that rising temperatures caused by man-made CO₂ emissions are the prime cause of these catastrophes.

Bill 106 is part of a national shift that recognizes the importance of building codes to steer our buildings, and the energy systems that support them, to more sustainable and efficient designs. Both our buildings and our energy infrastructure generally last more than 50 years.

Measures such as this are intended to move the builders of high-end residences toward highly efficient windows, roofs, air conditioning and water heating technologies which in turn would help to bring these products to Hawaii.

Hawai'i State Energy Office Testimony
Bill 106 Relating to Energy Code Compliance for Large Residential Buildings –
Support
November 5, 2021

Perhaps just as importantly, these measures spark conversation and creative thought, as we recognize the importance and lasting impact of the facilities and systems that are built today, and hear about the potential interactions between home design, energy resources, and our natural environment.

Greater building efficiency, and the ability of homes to produce their own energy, reduce pressure on using our limited land, especially agricultural land, for renewable energy development.

The Hawaii State Energy Office looks forward to participating in discussions as Maui and the state of Hawai'i move toward energy self-sufficiency. In joining forces with similar initiatives across the country, advanced building codes and standards have the potential to move the CO₂ needle downward and contribute to Hawai'i's net carbon negative goal.

Thank you for the opportunity to testify.

County Clerk

From: Mikahala Helm <mikahala@hawaii.edu>
Sent: Wednesday, October 20, 2021 5:54 PM
To: County Clerk
Subject: Support for 'Āina Kūpuna Bill CR 21-95 & additional amendment

[You don't often get email from mikahala@hawaii.edu. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha kākou,

I am writing to urge your support for the 'Āina Kūpuna Bill CR 21-95 and the additional amendment that Councilmember Keani Rawlins-Fernandez will introduce at the Friday meeting. Your kōkua will make all the difference and I truly appreciate it and all that you are doing to keep Maui no ka 'oi.

Mahalo Nui.

Sincerely,

Mikahala Helm

Sent from my iPad

RECEIVED
2021 OCT 25 AM 8:01
OFFICE OF THE
COUNTY CLERK

Aloha,

My name is Andrea Kealoha. I am the Director of UH Maui College's Water Quality Lab, Pūko'a hina'ole. I hold a PhD in Oceanography, and my expertise is in global and local stressor impacts to coral reef ecosystem health. I am writing in support of CR 21-113.

Coral reefs are one of the most biologically productive and diverse ecosystems on the planet, and provide a range of goods and services including food, economic revenue and coastal protection. However, coral reef health and persistence is severely threatened by global stressors (e.g., ocean acidification and warming) and local stressors (e.g., overfishing and decreased water quality). These stressors lead to decreased coral diversity, cover and abundance, and will directly jeopardize those who depend on coral reefs for survival.

We are losing coral reefs at an alarming rate, and studies estimate that coral reefs will transition to a state of net dissolution (i.e., net dissolving) before the end of the century. Carbon dioxide emissions, which are responsible for the global stressors, ocean acidification and ocean warming, must be regulated at the national and international levels. However, local stressors can be managed and mitigated at the local level. In fact, a number of studies have shown that reducing local drivers of reef decline not only improves ecosystem health but also increases coral resilience to climate change.

Sunscreen components have been detected in marine biota, including fish and corals. The study of the effects of organic (chemical) UV filters on coral health is a fairly new area of research. However, the data are clear. Organic UV filters cause coral bleaching (especially when combined with warming, which is already occurring in Hawai'i), damage and deform coral larvae, and damage reproductive processes. If we hope to reap the many benefits that coral reefs provide to our health, economy and culture, we must take every opportunity to mitigate local stressors, such as the introduction of chemical UV filters, in our coral reef ecosystems.

I thus offer my strong support in favor of CR 21-113.

Sincerely,
Andrea Kealoha

Andrea Kealoha

RECEIVED
2021 NOV -3 PM 3:39
OFFICE OF THE
COUNTY CLERK

RECEIVED

2021 NOV -2 PM 4: 21



Testimony of Carmen Hulu Lindsey
Chair, Board of Trustees

OFFICE OF THE
COUNTY CLERK

Maui County Council
Committee Report No. 21-95
COUNTY PROPERTY TAX REFORM

November 5, 2021

9:00 a.m.

Online Meeting

The Office of Hawaiian Affairs (OHA) **SUPPORTS** the Budget, Finance, and Economic Development Committee's recommendation, per CR 21-95, to pass on first reading "A Bill for an Ordinance Relating to 'Āina Kūpuna Lands." This proposed bill would protect Native Hawaiian and other Maui county families from unprecedented tax burdens that may lead to the dispossession of their 'āina kūpuna, or ancestral lands. Allowing such families to pay the minimum tax on lands that have sustained them for at least three generations will help to ensure that the speculation-driven increase in Maui property values does not further dispossess Native Hawaiians from their ancestral lands, and erode away the living vestiges of Maui's cultural heritage.

As a preliminary matter, OHA emphasizes that the Westernization of land tenure in Hawai'i, and the distribution of land and power that occurred subsequent to the illegal overthrow of the Hawaiian Kingdom, have had profound and unique impacts on the Native Hawaiian people. Such impacts include the physical, spiritual, and socioeconomic harms arising from the dispossession of Native Hawaiians' ancestral lands, and from the myriad other circumstances that have strained or eroded away Native Hawaiians' connection to the 'āina that have sustained their 'ohana since time immemorial.¹ Sadly, much of the lands that Native Hawaiians were able to acquire during Hawai'i's transition to a Western property system have already been lost, abandoned, sold, seized, or stolen, and various factors today continue to place great strain on the ability of Native Hawaiian families to continue maintaining a connection to, and ownership of, their ancestral 'āina.

In addition, OHA notes that Native Hawaiian and kama'āina families who have been able to maintain their ancestral lands for generations represent a foundation of Maui's historical and cultural legacy. Their continued stewardship and presence on their lands helps to maintain important connections to the past and to the 'āina that can uphold the unique values and character of Maui's communities – a role that may be increasingly critical in light of a rapidly transforming socioeconomic landscape resulting, in part, from the real estate trends the county has been experiencing.

¹ See, e.g., The Apology Resolution, Pub. L. No. 103-150 ("[T]he health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land").

OHA therefore strongly supports the recommendation of CR 21-95 to pass on first reading the proposed bill to provide tax relief to parcels dedicated as ‘āina kūpuna. This proposed bill will provide critical and much-needed protection for the few remaining Native Hawaiian and other kama‘āina families who have maintained their family lands for at least three generations. Over the past several decades, the Western commodification of land has manifested in a continuous and almost exponential surge in property taxes, particularly in areas where real estate speculation and resort or luxury development have driven property values to an all-time high.² While taxes on lands that have become subject to the lucrative activities of real estate speculators and developers may be an appropriate and needed mechanism can provide the county with much-needed revenues, the increase in property values and associated property taxes has also had devastating impacts to a small number of Native Hawaiian and long-time Maui families; such families, facing an unprecedented tax burden, have been forced to sell portions of their ancestral lands, or monetize them in inappropriate and sometimes painful ways. The proposed bill would provide these families with narrow and targeted relief, by allowing them to pay the minimum tax on their ancestral lands in exchange for a commitment to not convey the lands to non-lineal descendants, and to not use these lands for commercial purposes, with limited exceptions. **This measure would therefore allow Maui’s families to maintain their ownership of and deep connection to their ancestral lands, in the face of economic and real property trends well beyond their control – preventing the further dispossession of Native Hawaiians’ ancestral lands, and protecting a historical foundation of Maui’s unique values and cultural character from further erosion.**

OHA does appreciate potential concerns regarding a possible reduction in county revenues, but notes that the narrow requirements of the proposed bill would significantly limit those who would qualify, and who would desire to apply for, the proposed tax relief. OHA further understands that property values of non-‘āina kūpuna lands have also continued and will likely further continue to increase,³ providing increased county revenues that will offset any fiscal impacts of the measure.

The proposed bill in BFED Committee Report No. 21-95 will provide a critical means to protect Native Hawaiian and long-time kama‘āina families from the impacts of Maui’s speculation-driven real estate boom; prevent the further dispossession of Native Hawaiians’ ancestral lands, which has had and will continue to have devastating impacts on Native

² See Puanani Fernandez Akamine, Taxed Out: Increasing land taxes force Hawaiians off their ancestral lands, KA WAI OLA, Feb. 28, 2020, available at <https://kawaiola.news/cover/taxed-out>.

³ See, e.g., Redfin.Com, Maui County Housing Market: Trends, <https://www.redfin.com/county/667/HI/Maui-County/housing-market> (last accessed Oct. 19, 2021) (“In September 2021, Maui County home prices were up 19.8% compared to last year, selling for a median price of \$863K. On average, homes in Maui County sell after 69 days on the market compared to 86 days last year. There were 288 homes sold in September this year, up from 187 last year.”).

Hawaiian families and the Native Hawaiian community as a whole; and help to avoid the further erosion of the social and cultural heritage of Maui county, embodied by those who have been able to maintain their 'āina kūpuna for multiple generations.

Accordingly, OHA respectfully urges the Maui County Council to adopt the recommendation of BFED Committee Report No. 21-95 and PASS the proposed bill on first reading. Mahalo nui for the opportunity to testify.

PETER K MARTIN

11501 Lower Honoapiilani Hwy - Lahaina HI 96761

RECEIVED

November 4, 2021

2021 NOV -5 AM 8:01

Maui County Council
Kalana O Maui Building, 8th floor
200 S. High Street
Wailuku, Hawai'i 96793

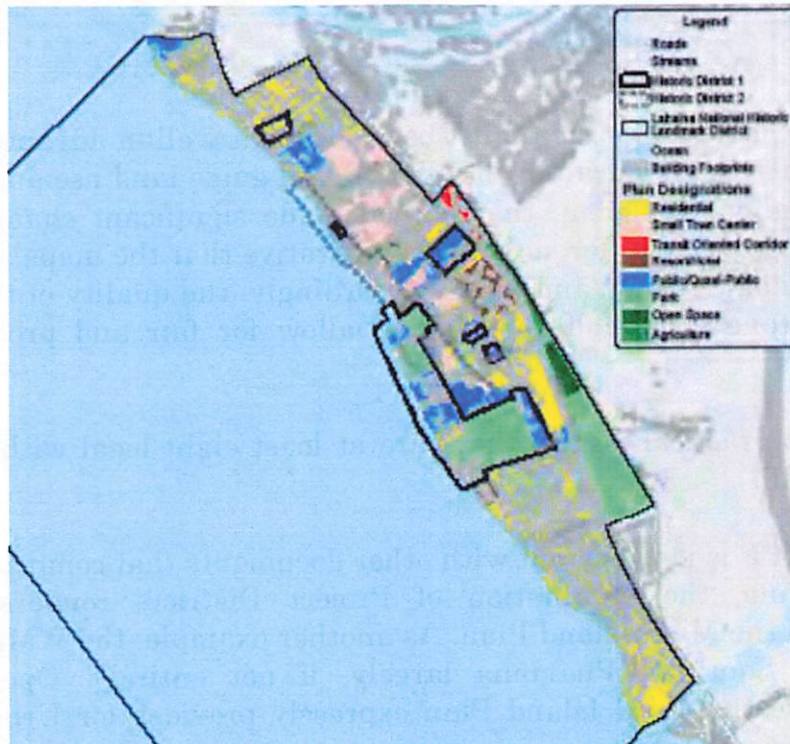
OFFICE OF THE
COUNTY CLERK

Re: Legal Issues with the West Maui Community Plan (CR 21-109)

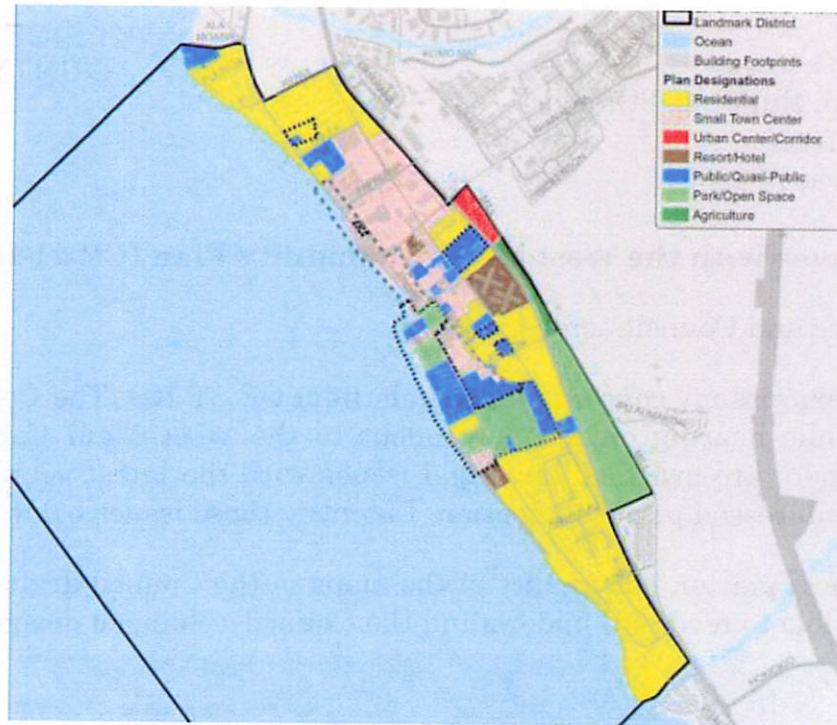
Dear Chair Lee and Councilmembers:

I write to express my concerns on agenda item CR 21-109. The Council proposes to set the public hearing on a bill to adopt to the West Maui Community Plan ("WMCP"). There are practical and legal issues with the latest version of the plan that must be addressed prior to adoption. I identify these issues below.

As a practical matter, the quality of the maps in the Council draft is so poor it is nearly impossible to read and understand the Council's changed designations:



This image has not been altered; this is how it appears in the version of the plan released to the public. For comparison, below is an image of the same area taken from the Maui Planning Commission draft plan. It is clear and easy to read:



The maps in the latest version must be made clear well in advance of the public hearing. The final, adopted draft of the WMCP will guide land use and development decisions. Throughout the plan, the Council made significant changes and down designations. Given these differences, it is imperative that the maps are sufficiently legible to allow public review and input. Accordingly, the quality of the maps must be improved **before** the public hearing to allow for fair and productive public engagement.

In addition to practical issues, there are at least eight legal with the Council's draft of the WMCP.

First, the WMCP is inconsistent with other documents that comprise the general plan. For example, the elimination of Project Districts renders the WMCP inconsistent with the Maui Island Plan. As another example, the WMCP designates the entire area South of Puamana largely, if not entirely, Open Space and Agriculture, while the Maui Island Plan expressly provides for Urban and Rural growth in this area. These inconsistencies are contrary to the law and will make compliance with the general plan, which is comprised of the Countywide Policy Plan, Maui Island Plan and applicable community plan, impracticable or impossible. The WMCP should be amended to provide consistency across the general plan.

Second, Policy 3.4.2 may violate the Fair Housing Act. The policy “discourages” the development of 201H affordable housing projects in the area North of Makāluapuna Point and South of Puamana. This is a large portion of West Maui. The exclusion of affordable housing in this area will have a negative, disproportionate impact on diverse communities. The Fair Housing Act prohibits policies that have such an impact. The Council should remove this provision from the plan.

Third, the deletion of Lāhainā Town South as a proposed area of change makes no sense. The prior Maui Planning Commission draft of the plan set forth a policy for Lāhainā Town South as an area for identified residential and affordable housing development. Now, the only mention of Lāhainā Town South in the WMCP is in the Appendix F as a sensitive cultural area. This unilateral revision by the Council is inconsistent with the community’s vision for the area.

Fourth, the down designations in the plan of vast portions of land give rise to constitutional claims, including for violations of vested rights, regulatory takings and equal protection.

Fifth, Policy 2.1.2 presents takings issues, exceeds the Council’s authority and conflicts with the current Shoreline Rules for Maui. Policy 2.1.2 incorporates the Sea Level Rise Exposure Area (“SLR-XA”) model for coastal erosion at 3.2 feet of sea level rise and provides that no new permanent structures may be makai of that line. The Council does not have the authority to implement shoreline policy in a community plan. Authority to regulate the shoreline has been delegated to the Maui Planning Commission. Nor does the County have the power to establish a shoreline at any point other than the high wash of the waves. Finally, the provision is inconsistent with the current Shoreline Rules, which provide a fundamentally different shoreline setback tied to the actual location of the shoreline. The provision should be removed in its entirety.

Sixth, the related Policy 2.1.3 is illegal. The policy calls for “efforts” to restrict a landowner’s ability to seek protection of their property or seek compensation. Requiring an agreement not to seek shoreline hardening for structures within a lot’s minimum buildable depth, repairs, new structures and variances illegally imposes a prospective waiver in return for the exercise of present rights.

Seventh, the proposed cultural overlay imposes requirements not found under state law. Hawai‘i Revised Statutes (“HRS”) chapter 6E already provides a process for protecting cultural resources and imposes strict requirements on proposed development. The item should be removed prior to adoption.

November 4, 2021

Page 4

Eighth, the restrictions on “lifestyle estates” conflicts with state law. The plan defines “lifestyle estate” as “[p]roperty designated Agricultural that is used for luxury dwellings, such as second homes, where very little, if any, farming occurs.” WMCP at 166. The plan outright “prohibits” “lifestyle-estate style subdivisions” in the Agricultural community plan designation and Policy 3.4.2 discourages “lifestyle estates” in Areas of Stability. *Id.* at 81. The imposition of this policy is made without regard to HRS chapter 205, which expressly authorizes “farm dwellings” on agricultural land. The *de facto* ban of otherwise lawful uses is illegal and inconsistent with the County zoning code.

Finally, in many respects, the WMCP fails to advance a legitimate state interest, and is arbitrary and capricious in contravention of substantive due process.

I will bring these issues to the attention of the County through the public hearing and in other communications. It is my sincere hope that we can work together to make the WMCP legal and equitable for all those who call West Maui home.

Very truly yours,

Peter K. Martin



RECEIVED

2021 NOV -4 AM 9:10

OFFICE OF THE
COUNTY CLERK

TO:

Maui County Council, Climate Action, Resilience and Environment Committee
Councilmember Kelly Takaya King, Chair
Councilmember Shane Sinenci, Vice Chair

FROM:

Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition

DATE: Friday, November 5, 2021

TIME: 9:00 AM

PLACE: Via Videoconference

Re: CR 21-113 Bill to prohibit the sale, use, or distribution of non-mineral sunscreens

Position: OPPOSED

The [Public Access to SunScreens](#) (PASS) Coalition is a multi-stakeholder coalition composed of public health groups, dermatologists, sunscreen manufacturers, and leading advocates for skin cancer patients. The PASS Coalition opposes this measure as it will create additional barriers for consumers to access their choice of safe, effective and FDA-approved sunscreens as a skin cancer prevention tool.

We ask that the Maui County Council hold off on passing CR 21-113 or any other legislation on sunscreen ingredients, until more data on environmental and public health impacts are available.

The use of sunscreen is an important evidence-based sun-safe practice. It is well known that utilizing comprehensive sun-safe practices is one of the most effective ways to reduce the risk of skin cancer, including the regular use of sunscreen, wearing sun protective clothing, hats and sunglasses, and seeking shade. Skin cancer prevention tools, such as broad-spectrum sunscreens that protect against both UVA and UVB rays, must be combined with comprehensive educational tools to ensure consumer awareness of the risks of skin cancer due to excessive sun exposure.

Hawaii Residents Are at Higher Risk for Skin Cancer

Some notable skin cancer and sun safety behavioral statistics include:

- Native Hawaiians and other Pacific Islanders suffer from double the melanoma mortality rate than the State averageⁱ

- In 2018, more than one in three Hawaii residents surveyed reported having a sunburn in the last 12 months, nearly double from the previous yearⁱⁱ – and having just five or more sunburns in your lifetime is known to double your risk for melanomaⁱⁱⁱ
- Researchers have found that just *one* blistering sunburn in childhood or adolescence more than doubles a person's chance of developing melanoma later in life^{iv}
- Hawaii has one of the highest daily UV index averages in the nation^v making protecting residents from sun exposure a crucial public health issue

Science Touted by Sunscreen Ban Advocates Is Flawed

Despite the known risk of skin cancer, Hawaii and a handful of other jurisdictions have placed restrictions on the sale of sunscreens based on limited laboratory testing that led policymakers to believe banning sunscreen would improve coral reef health. The early studies, however, did not fully consider the complexity of a coral reef system and had scientific limitations. Importantly, findings from a 2019 study by Dr. Carys Mitchelmore of the University of Maryland contradicts an earlier study by Dr. Craig Downs that has been widely promoted by advocates of the sunscreen ban. Dr. Mitchelmore's study uses rigorous methodology and shows actual levels of oxybenzone sampled from sea water in Hawaii to be 141 times lower than previously stated by Dr. Downs, and 1,020 times below levels considered toxic to coral.^{vi}

The limited studies that purported to show a link between sunscreen exposure and coral toxicity are methodologically flawed and should not be used for evidence-based policy making based on EPA data reliability standards. Subsequent follow-up studies with more rigorous analyses have not replicated the work by Dr. Downs, and do not support the conclusions.

Congress Has Directed the National Academy of Sciences to Conduct a Comprehensive Study

For that reason, banning sunscreen will have little impact on protecting coral reef. The overwhelming consensus amongst the scientific community is that coral decline is primarily caused by rising ocean temperature, ocean acidification, invasive species, land-based source pollution, water quality issues due to poor wastewater management and other causes. As a result, the United States Congress directed the National Academy of Sciences (NAS) to evaluate the latest science available on the correlation between coral reefs and sunscreens and the potential public health impact of limiting access to sunscreen.

This NAS study, titled "[Environmental Impact of Currently Marketed Sunscreens and Potential Human Impact of Changes in Sunscreen Usage](#)," will conduct an objective review of these issues by leading scientific experts. The project description is as follows:

"Concerns have been raised about the potential toxicity of sunscreens to a variety of marine and freshwater aquatic organisms, particularly corals. At the same time, there are concerns that people will use less sunscreen rather than substituting sunscreens with UV filters that are considered environmentally safe. This study will review the state of science on use of currently marketed sunscreen ingredients, their fate and effects in aquatic environments, and the potential public health implications associated with changes in sunscreen usage."^{vii}

This study, sponsored by the U.S. Environmental Protection Agency, will examine research concerning both the environmental and human health impacts of access to sunscreen. This independent study will evaluate the scientific merit of current science and identify gaps in our current understanding of coral reef environmental health and human health risks of skin cancer. All NAS studies involve multiple strategies to reduce bias and to synthesize the best available science.

NAS Study Should be Completed Before the Council Makes Further Decisions on Consumer Sunscreen Choice

The conclusion of this NAS study – expected in Spring 2022 – will inform future decisions of policymakers to ensure access to sunscreens while also protecting the coral reefs. Until this study is completed, legislation like CR 21-113 should be suspended as there are currently insufficient data to inform a risk/benefit analysis between protecting the marine environment and protecting the public's health. It is important that the Council wait for unbiased scientific analysis and consensus.

FDA Advises Continued Use of Currently Marketed Sunscreens

In addition to the lack of peer-reviewed evidence on the environmental impact of sunscreens, the impact on human health is also still being researched. On September 24, 2021, the Food and Drug Administration (FDA), which regulates sunscreens as over-the-counter (OTC) drugs for the prevention of sunburn and skin cancer, issued a [final order](#)^{viii} that concluded that, “In the short term, these new authorities essentially preserve status quo marketing conditions for these sunscreens” and that “most sunscreens on the market are in compliance with the deemed final order.” **To be clear, this final order did not recommend any changes to currently marketed sunscreens.**

Earlier this year, the FDA also posted an article titled, “[Shedding More Light on Sunscreen Absorption](#)^{ix}” that explained that while the FDA was seeking more information on the absorption levels of sunscreen ingredients, including avobenzone, oxybenzone, octocrylene, homosalate, octisalate, and octinoxate, it still advises their continued use. The FDA clearly stated, “Absorption does NOT equal risk – the FDA advises continued use of sunscreens” and noted that:

“The findings in these studies do not mean that the FDA has concluded that any of the ingredients tested are unsafe for use in sunscreens, nor does the FDA seeking further information indicate such. The agency’s proposed rule requested additional safety studies to fill in the current data gaps for these ingredients. The rule also proposed that two active ingredients (zinc oxide and titanium dioxide) are generally recognized as safe and effective for use in sunscreens, and additional data was not requested for them.

Given the recognized public health benefits of sunscreen use, the FDA strongly advises all Americans to continue to use sunscreens in conjunction with other sun protective measures (such as protective clothing) as this important rulemaking effort moves forward.”^x

The Hawaii state law signed in July 2018 already eliminated the OTC sale of the ingredients oxybenzone and octinoxate. **CR 21-113 would expand this ban to include the most utilized alternative sunscreen ingredients and could potentially remove approximately 64% of the sunscreens currently available in the United States from being sold in Hawaii.**

On average, currently marketed mineral sunscreens can cost up to 30% more than other sunscreens and this proposed bill could significantly reduce consumer choice of and access to sunscreen in Hawaii. It is important to remember that sunscreen is not only used in the ocean, but whenever people are outdoors doing activities such as hiking, golfing, walking, running, cycling or working outside. This puts Hawaii residents at greater risk for skin cancer with only limited peer-reviewed scientific evidence on sunscreen ingredients and its impact on environmental and human health.

Again, we ask that the Council hold off on passing CR 21-113, or any other bill on sunscreen ingredients, until more data on environmental and public health impacts are available.

If you have any questions about the PASS Coalition or the content of this testimony, please feel free to contact me at lmiyahira@iq360inc.com.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

ⁱ <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=2389&localeId=14&localeChartIdxs=1%7C2%7C4>

ⁱⁱ <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=3029&localeId=14>

ⁱⁱⁱ <https://www.skincancer.org/skin-cancer-information/skin-cancer-facts/>

^{iv} <https://www.skincancer.org/skin-cancer-information/skin-cancer-facts/>

^v <https://www.epa.gov/sunsafety/sun-safety-monthly-average-uv-index>

^{vi} <https://www.sciencedirect.com/science/article/pii/S0048969719310125?via%3Dihub>

^{vii} <https://www.nationalacademies.org/our-work/environmental-impact-of-currently-marketed-sunscreens-and-potential-human-impacts-of-changes-in-sunscreen-usage>

^{viii} <https://www.accessdata.fda.gov/scripts/cder/omuf/index.cfm?event=NewMonograph&ID=D1D673977F06B1486C355A8162942E5B9CC2734AE65E4585CB6C013EDD5B03F3&OMUFID=OTC000006>

^{ix} <https://www.fda.gov/news-events/fda-voices/shedding-more-light-sunscreen-absorption>

^x <https://www.fda.gov/news-events/fda-voices/shedding-more-light-sunscreen-absorption>

County Clerk

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From: HelpThanks <HelpThanks@protonmail.ch>
Sent: Thursday, November 4, 2021 10:00 AM
To: County Clerk
Subject: Council Meeting 11/5/21 Item CR 21-113

2021 NOV -4 AM 10: 01

OFFICE OF THE
COUNTY CLERK

You don't often get email from helpthanks@protonmail.ch. [Learn why this is important](#)

Aloha Maui County Council!

My name is Jonny Orlando. I am a clinical pharmacist and would like to testify in support of item CR 21-113 for meeting schedules for 11/5/21

As I had stated in previous oral testimony. I would recommend the verbiage be changed to allowing ONLY the sale and distribution of mineral sunscreens containing zinc oxide or titanium dioxide. Instead of prohibiting only oxybenzone and octinoxate. This will help eliminate confusion over all the other chemicals that come in typical sunscreens. The other chemicals often get marketed as "reef safe" and this may not be true in reality.

Mahalo!

Jonny Orlando, Pharm.D.

November 3, 2021

Council Member Tamara Paltin
200 S. High St.
Kalana O Maui Building
Eight Floor
Wailuku, HI 96793

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2021 NOV -3 PM 12: 39

OFFICE OF THE
COUNTY CLERK

RE: Letter of Support for Āina Kūpuna Bill, CR 21-95 and to include family corporations and exempt "permitted activities" as a commercial purpose enabling Kukahiko Hale to pay off its \$177,495 property tax

Aloha Council Member Paltin,

As a sixth generation descendant of John and Kamaka Kūkahiko and on behalf of my three children who are their seventh generation, I strongly voice our support for 'Āina Kūpuna Bill, CR 21-95.

We have been inherently gifted with something more valuable than money.....we've been gifted with land from our kupuna, who intended it to benefit our family for generations. We are very fortunate to be one of the few Hawaiian families in Mākena who have the luxury of still calling this 'āina our home and we are able to still directly connect with our kūpuna because of their physical presence at their gravesites at Keawala'i Church and next to our 'ohana's home at 5034 Mākena Road. In fact, when one speaks about Mākena and its history, family names such as Kūkahiko and Lu'uwai are mentioned as well because of our long-standing generational history and perseverance.

It is critical that we be able to uphold the wishes of our kūpuna and connect our upcoming generation with those who came before them. I, personally, make it a point to take my children to our kūpuna gravesites, have them mahalo their kūpuna with oli and remind my children of who our kūpuna were and how their gift of land has enabled us to still enjoy and have a special place in Mākena, despite all the changes that surround our family's home.

It saddens my family greatly to see the development quickly grow around us. This affects us not just physically but spiritually. We know that for these newcomers, they value the ocean views and their expensive homes, yet they do not have a spiritual connection that lasts for generations like ours. For us, having 'āina, our kūpuna near and knowing that we have a significant place in the history of Mākena to the point where even our 'ohana names are recognized as street names, this is our form of wealth.

As difficult of a decision that it must've been to have sold small family parcels in the past, the foresight of those kūpuna involved, combined these funds to build our 'ohana's dream home. This is a home that brings our family together and makes our children feel special, because they are. However, other homes that are valued in insurmountable amounts of millions

of dollars are located immediately on either side of our home and their home's values and those of the homes of others in Mākena have caused our property taxes to skyrocket!

A huge downfall is that our family needs to be charged to stay in our own family's home to primarily help support the costs of these taxes. However, we'd gladly pay to have our funds go more towards the maintenance of the home, which it direly needs. In addition, we have to use our home for commercial purposes to try to keep up with the annual property taxes.

We know that we will always have to pay property taxes, but the impact of overwhelmingly expensive homes that surround our family's home, has caused the taxes to become a huge burden that we struggle to pay. The pandemic has already caused a huge financial burden for our family's corporation and what will happen if we are unable to pay the taxes that currently exceed \$170,000? Will my children be denied the right to be on their land that they have an inherent right to? Will we have to lose our family's home where our kūpuna rest peacefully next to? Will money be the root of our seven generations' demise???

I'm still supportive of using our home as a means to earn income to pay our taxes. However, if the taxes were considerably lower, as a credit/respect for our generational presence and status within Mākena, this would allow us to depend less on commercial use. We'd be able to have the home available more frequently for our 'ohana. Our 'ohana could still financially contribute toward the use of the home, but the family's funds would be more of an investment in our family's future rather than the taxes caused by rich homeowners in the area. Above all else, our next generation will be able to celebrate their land from their kūpuna and alongside their kūpuna, John and Kamaka Kūkahiko.

I strongly urge you to support 'Āina Kūpuna Bill, CR 21-95, include family corporations and exempt "permitted activities" as a commercial purpose so our Kūkahiko Hale can pay off its \$177,495 property tax.

Please look at this from a Hawaiian perspective, where the waiwai of our 'ohana, is our 'āina, our kūpuna, our 'āina kūpuna.

Mahalo nui,



Joylynn Parman

6th Generation Kūkahiko Descendant
of John and Kamaka Kūkahiko

November 5, 2021

Via Electronic Mail

The Honorable Alice Lee
Chair, Maui County Council
200 South High Street, 8th Floor
Wailuku, HI 96793
Email: Alice.Lee@mauicounty.us

RE: Opposition to Proposed Legislation Banning Non-Mineral Sunscreens

Dear Chair Lee:

On behalf of the members of the Personal Care Products Council (PCPC),¹ I am writing to express our opposition to CR 21-113, legislation to prohibit the sale, use, or distribution of non-mineral sunscreens. This bill will lead to a serious public health issue by banning essential, safe and effective sunscreen products that Hawaiians currently trust and rely on, particularly since the U.S. has a limited number of approved ingredients to make these products.

The U.S. has Limited Number of Sunscreen Ingredients to Fight Skin Cancer

Sunscreens are a key factor in preventing and reducing the risk of skin cancer and damage from the sun's ultraviolet (UV) rays. Public health organizations, including the American Cancer Society, American Academy of Dermatology, the Mayo Clinic and the Skin Cancer Foundation, recommend using sunscreen as part of a safe sun regimen. The Centers for Disease Control and Prevention's Sun Safety recommendations note the importance of daily sunscreen use, including on cloudy and overcast days, to help prevent most skin cancers.

Sunscreen ingredients must be approved for use by the U.S. Food and Drug Administration (FDA) and are a crucial and well-recognized step in the fight against skin cancer and premature skin aging. The U.S. has a limited number of approved organic sunscreen ingredients to make products that protect consumers from the harmful effects of solar radiation. By banning all non-mineral sunscreens, the County will be left with products containing only two of the available active ingredients. This will leave no ability for consumer choice and could lead to a shortage of available products.

Hawai'i Residents at Higher Risk for Skin Cancer

¹ Based in Washington, D.C., the Personal Care Products Council (PCPC) is the leading national trade association representing global cosmetics and personal care products companies. Founded in 1894, PCPC's 600 member companies manufacture, distribute and supply the vast majority of finished personal care products marketed in the U.S. As the makers of a diverse range of products millions of consumers rely on and trust every day – from sunscreens, toothpaste, and shampoo to moisturizer, makeup and fragrance – personal care products companies are global leaders committed to product safety, quality and innovation.

With Hawai'i's previous ban on some sunscreen active ingredients, the Maui County legislation would further limit access to products that can help prevent skin cancer. Skin cancer is one of the most common yet preventable cancers. According to the World Health Organization (WHO), four out of five cases can be prevented by following safe sun practices, including using sunscreen regularly. Hawai'i residents are at high risk for developing skin cancer. The American Cancer Society estimates that melanoma, the most serious form of skin cancer, will be one of the leading causes of new cancer cases in Hawai'i in 2021. Native Hawaiians and other Pacific Islanders suffer from double the melanoma mortality rate than the State average, according to Hawai'i Health Matters, an innovative web-based community information tool developed by the Hawai'i Health Data Warehouse and the Hawai'i Department of Health. Hawai'i has one of the highest daily UV index averages in the nation, making protecting residents from sun exposure a health priority.

Legality of Proposed Ordinance in Question

Prior to adoption, we believe it is important to assess the legality of the proposed ordinance, especially regarding jurisdictional authority, federal preemption, and commerce clause implications. As a threshold matter, there is the question of whether the county has the authority to regulate consumer behavior allegedly impacting offshore environmental resources. Such authority would seem to be exclusively within the purview of Hawai'i's Department of Land and Natural Resources/Division of Aquatic Resources, as set forth under the state's comprehensive and uniform scheme of statutory regulation for this area of law. Likewise, there is the question of whether the ordinances are preempted by the federal Food, Drug and Cosmetic Act, which prohibit states and localities from establishing any provision for nonprescription drugs that is different from or in addition to federal requirements. The purpose of such preemption is to provide "national uniformity" with respect to product manufacturing and composition, labeling, and advertising for nonprescription drugs. Similarly, since most sunscreens are imported into Hawai'i from out of state, there are potential commerce clause ramifications with Maui County's proposed ordinances that need to be investigated. Coupled with the logistical difficulty of enforcing the bans proposed by these ordinances, we believe these legal concerns merit a detailed examination before this committee can proceed with adoption.

Science on Coral Reefs and Sunscreens to be Evaluated by NAS

This ordinance also lacks the necessary scientific evidence to demonstrate that sunscreen ingredients are responsible for Hawai'i's coral bleaching. There are well-recognized causes of coral reef decline in Hawai'i and the rest of the world, including climate change, land-based pollution and other human activities, such as physical damage to corals from recreational activities.

Policy decisions that will adversely impact public health should not be made ahead of a scientific consensus on this issue. To reduce bias and to synthesize the best available science, the United States Congress has directed the National Academy of Sciences (NAS) to evaluate the correlation between coral reefs and sunscreens and the potential public health impact of limiting access to sunscreens. This study, sponsored by the U.S. Environmental Protection Agency, will examine research concerning both the environmental and human health impacts of access to sunscreens. Making environmental management decisions on sunscreens based on the current insufficient scientific data may lead to unintended health consequences, such as fewer available sunscreens and an increase in the prevalence of skin cancer.

By passing this local ordinance, the Maui County Council will create confusion and potentially discourage the use of sunscreens – an important part of a daily safe-sun regimen – putting consumers' health at greater risk. We respectfully ask that you oppose CR 21-113.

Thank you for your consideration and the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Karin Ross". The signature is fluid and cursive, with the first name "Karin" and last name "Ross" clearly distinguishable.

Karin Ross
Executive Vice President, Government Affairs

Cc:

Keani.Rawlins@mauicounty.us, Council Vice-Chair
Tasha.Kama@mauicounty.us, Presiding Officer Pro Tempore
Gabe.Johnson@mauicounty.us, Councilmember
Kelly.King@mauicounty.us, Councilmember
Mike.Molina@mauicounty.us, Councilmember
Tamara.Paltin@mauicounty.us, Councilmember
Shane.Sinenci@mauicounty.us, Councilmember
Yukilei.Sugimura@mauicounty.us, Councilmember
county.clerk@mauicounty.us, Office of the County Clerk



PACIFIC WHALE FOUNDATION

Protecting the ocean through science and advocacy and inspiring environmental stewardship

County Council of Maui
November 5th, 2021
CR 21-113

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez, and members of council,

My name is Shelby Serra and I am testifying today on behalf of Pacific Whale Foundation, whose mission is to protect the ocean through science and advocacy, and to inspire environmental stewardship.

I am testifying in support of CR 21-113.

Coral reefs are among the most biologically diverse ecosystems in the world, supporting nearly one million species of algae, invertebrates, and fish. In Hawai'i, coral reefs house more than 7,000 known species of marine plants and animals, almost 20% of which are endemic to Hawai'i, they provide protection to our coastlines from storm surge and hurricanes, and have over \$33 billion in economic value. The science is clear that many of the elements in chemical sunscreens are harmful to coral and other marine life. Research has shown that some chemicals commonly found in sunscreen can damage coral reefs by disrupting coral reproduction, inhibiting growth, deforming coral DNA, and increasing the rate of zooxanthellae viruses and coral bleaching.

In Dr. Downs' presentation to your committee last month, it was revealed that adjustments to single polymers in a chemical compound used in a sunscreen can yield a new compound but still have similar detriments to the ecosystem. However, the change in name of that compound can exempt it from prohibiting law. By this logic, implementing a law that allows *only* mineral-based sunscreens, such as those based in zinc oxide and titanium dioxide, strengthens the intent of the legislation, and disallows manufactures from finding loopholes by adjusting their chemical compounds slightly.

According to the 2020 Hawai'i Ocean Resources Management Plan as well as the Hawai'i Tourism Authority, around 10 million people visit Hawai'i every year. Of this, it is reported that 80% of visitors take part in marine activities.

We must take swift action and take a different approach to sunscreen prohibitions to ensure that we do not continue to add reef damaging chemicals into our waters, harming our reefs and marine life, day after day.

Mahalo for your time
Shelby Serra
Pacific Whale Foundation

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MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

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COUNTY CLERK

CR 21-107
Limit Short Term Rental Home Permits
Friday, November 5, 2021

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

We think there are many good elements in this bill and we understand some of the thinking on B&Bs that new owners need time to get to know their neighborhoods. We can also see the industry's point that neighborhoods are already accepting of the B&Bs that currently have permits as they have already gone through the process and are established. We recognize the potential hardship that would come from the possibility of devaluing someone's home and business at a time when they really need to sell, if the permit will not transfer over.

Therefore, we ask that you hear the industry's concerns and work with them toward a winning solution.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



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2021 NOV -4 AM 9:10

OFFICE OF THE
COUNTY CLERK

TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII

November 5, 2021

Re: 21-113 - CLIMATE ACTION. RESILIENCE. AND ENVIRONMENT COMMITTEE RECOMMENDATION
TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS INCLUDING THOSE CONTAINING
OXYBENZONE, OCTINOXATE, OR BOTH.

Good morning Chairperson Lee and members of Maui County Council. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to 21-113 -Climate Action. Resilience. And Environment Committee recommendation to prohibit the sale, use, or distribution of non-mineral sunscreens including those containing oxybenzone, octinoxate, or both; that would prohibit the sale, use, or distribution of non-mineral sunscreens including those containing oxybenzone, octinoxate, or both.

This measure would go beyond the already current state law banning sunscreens with oxybenzone, octinoxate.

Hawaii is known for its many sunny days and **many residents and visitors who uses sunscreen include little leaguers, hikers, golfers, soccer and baseball players, and joggers to name a few.** With the pandemic we are seeking more people and families enjoying outdoor sports biking, playing outside, and going to the park. **Sunscreen is not just used for beach and other water activity purposes.** Sunscreen also comes in many forms **that include not only lotions and sprays, but also in foundation makeup, lipsticks, lip balm and more.**

Many of us do not go to the beach but wear sunscreen daily to protect ourselves from the effects of the sun like skin cancer - the most common form of cancer. Every year there are more cases of skin cancer in the United States than incidences of breast cancer, prostate cancer, lung cancer, and colon cancer combined. One out of five Americans will develop skin cancer in their lifetime, and one person dies of melanoma (the deadliest form of skin cancer) every hour. Most melanomas are caused by the sun, and **a person's risk of melanoma doubles if he or she has had more than five sunburns.**

We may also run the risk of people no longer wearing sunscreen and thus increasing their chances of skin cancer. This ban would also penalize those who do not go to the beach but use sunscreen on a regular basis like hikers, golfers, tennis players and joggers to name a few. Sunscreen products should be affordable and accessible first line of defense for individuals seeking protection from the sun's cancer-causing UV rays. Banning the sale of these products will drastically reduce the selection of sunscreen products available in Hawaii as well as compel local residents to purchase products online or not use sunscreen at all and our visitors to bring their own in their suitcases. How many will actually take time off from work, pay a co-payment to see a doctor and then wait in the pharmacy to get a prescription for suntan lotion? Not to mention having to pay for the sunscreen because insurance may not cover it.

For these reasons, we respectfully urge you to hold this bill.

Mahalo again for this opportunity to testify.



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
Gary Okimoto, Safeway, *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
John Schliff, Rainbow Sales and Marketing, *Advisor*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO:

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Friday, November 5, 2021
TIME: 9am
PLACE: Online

RECEIVED
2021 NOV -4 PM 2:12
OFFICE OF THE
COUNTY CLERK

RE: No 21-113 FIRST READING of bill to prohibit the sale, use, or distribution of non mineral sunscreens including those containing oxybenzone, octinoxate, or both

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

The HFIA proposes that since this bill would ban many products that are used to prevent skin cancer, that a higher standards of review should be conducted to ensure that taking this action would indeed improve outcomes for reefs. The State of Hawaii recently conducted an information review from top Hawaii scientist studying our reefs. The presenters discussed, increased water temperatures, run-off, sewage and overfishing.

A study released on March 1, 2018 on the human and natural impacts on coral reefs¹ used 10 years worth of data to learn about what is negatively affecting our reefs. This study concluded that overfishing, sedimentation, coastal development, and runoff are the biggest threats to Hawaii's corals. The study did not cite any sunscreen ingredients as posing dangers to our reefs.

This measure will hurt local retailers by encouraging consumers to buy their favorite sunscreens online, where it is unlikely this law will be enforceable. The promotion of this bill

¹ <http://www.hawaiinewsnow.com/story/37628769/researchers-map-out-the-impact-of-humans-environment-on-hawaiiis-coral-reefs>

Advancing the integration of spatial data to map human and natural drivers on coral reefs
<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0189792#sec012>

will adversely impact human health, serving only to deaminize wearing sunscreen, and increase peoples risk of skin cancer.

We care about offering products individuals feel comfortable with and which are affordable for use on a daily basis to prevent skin cancer. Many products that have sun protection factor, such as lotions, tinted moisturizers, and anti-aging products are intended for daily use in small amounts. These products are not used in large quantities anywhere near the ocean. However, all of these products would be unnecessarily banned under this bill, as would other federally approved and regulated healthcare products. Having access to these products is especially important here in Hawaii where the rate of skin cancers, including deadly melanoma, is significantly higher than on the mainland.²

Given that this ban would not alleviate the known primary causes of coral bleaching, and that it would deprive people of products they use to prevent possibly life threatening skin cancers, we do not think the potential benefit is worth the risk and we ask that this measure be held.

Thank you for the opportunity to testify.

² <http://www.staradvertiser.com/2018/02/28/editorial/island-voices/healthy-people-healthy-places-include-sunscreen/>