

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

February 18, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, FEBRUARY 18, 2022, BEGINNING AT 9:05 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Council meeting of February 18, please come to order, 2022.

Members, this morning, we have couple member, Members who will be join, joining us momentarily. And for your information, the morning greeting is from the island of Tubuai, which is below Tahiti. So, actually, the greeting is the same as the Tahitians, la ora na. la ora na. la ora na.

Mr. Clerk, roll call.

## ROLL CALL

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call. Members should state who, if anyone, is present with them as part of roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: la ora na, Chair and fellow Councilmembers. Aloha la poalima kakou. For the record, we are broadcasting today from 200 South High Street. And I'm here with my EA's Dawn Lono and Gina Young. Aloha.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and la ora na, Madam Chair and my colleagues. Long time no see. Good to see everyone again here and blessings to everyone else who's tuning in for our Council meeting today. For the record, I am transmitting from my residence in Makawao. And my wife is in the next room about 20 or so feet away. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka and la ora na. Did you mean to say that was from the island below Tahiti?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Okay. It says "Tahitu" so I thought maybe there's something I hadn't heard of before.

CHAIR LEE: That's the name of the island, tubu, Tubuai.

COUNCILMEMBER KING: No, it says, it says below "Tahitu", but I think you meant below Tahiti.

CHAIR LEE: Oh, yeah. Sorry.

COUNCILMEMBER KING: Okay, so I am here broadcasting from my home in South Maui and no one else is around. But you might hear some chickens or some roosters cooing in the background.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: Excused for now.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: la ora na kakou. Broadcasting live and direct from the Old Lahaina Center, right above Nagasako's. I have with me my EA's Angela and Christian Balagso, who are both more than six feet apart.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: la ora na. I want to say it twice. It sounds like I'm singing. So, la ora na, la ora na, Councilmembers. So good to see you all. I am here at, also at 200 South High Street. I'm on the other end of the building on the Wailuku side, versus Kahului where our fellow Shane Sinenci is. I'm in my office today and I have Miki Yokouchi, who's in the other room. And everybody else in the County Building who's working, welcome, looking forward to a fun meeting.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And la ora na to all of my fellow Councilmembers. I am here in my home, in my workspace, and I am alone. Good morning, everyone.

CHAIR LEE: Good morning.

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

CHAIR LEE: Excused.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka.

CHAIR LEE: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Molokai nui ahina. I'm at the Molokai District Office, and Zhantell Lindo is on the other side, in the other room in the office. And la ora na, dancing in the street. Okay, okay. Well, Member Sugimura was talking about singing and, and that's, that's the song.

CHAIR LEE: Okay, very good, Vice-Chair. You know, we will look forward to seeing you on American Idol.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: la ora na my colleagues. We're looking forward to another great meeting. And I am here in my workspace alone this morning. And la ora na again.

Mr. Clerk.

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

EXCUSED: COUNCILMEMBER GABRIEL JOHNSON.

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

Chair, 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 this morning will be provided by Councilmember Sinenci for Councilmember Johnson.

Member Sinenci.

### OPENING REMARKS

The opening remarks were offered by Councilmember Shane Sinenci.

CHAIR LEE: Thank you.

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

### PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it is your turn to speak. Decorum shall be maintained at all times.

### SET THE CONSENT CALENDAR

CHAIR LEE: 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 requested changes to the Consent Calendar at this time?

I don't see any hands. Okay. Are there any objections to setting the Consent Calendar, Members?



MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered. The Consent Calendar is 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 video conference 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, Channel 53. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first person we have signed up to testify is Warren Watanabe. To be followed by Mike Moran.

CHAIR LEE: Good, good morning, Warren.

### PRESENTATION OF ORAL TESTIMONY

MR. WARREN WATANABE, MAUI COUNTY FARM BUREAU [testifying on Bill No. 46 (2022)]:

Yeah, hi. Good morning, Chair Lee and Members of the Council. I'm Warren Watanabe, Executive Director of the Maui County Farm Bureau, and I'm not a paid lobbyist. I would just like to present a very brief testimony on Bill 46. We appreciate

and support bill, support Bill 46, the Mayor's budget amendment for Micro Grants Program for Axis Deer Mitigation.

We are all familiar with the overpopulation of axis deer and its impacts in the County. Our farmers and ranchers have suffered crop losses and damage to pastures. Crop farmers also need to be vigilant regarding food safety in their fields. The recent drought resulted in the deer seeking sources of food, which are our farms and ranches. We are fortunate to have a brief drought-free period, but as we all know, the drought has returned, and so will the deer. Our farmers and ranchers need this assistance to help mitigate the encroachment of axis deer on their operations. And we humbly request your support of Bill 46. Thank you.

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

Mr. Clerk.

MR. WATANABE: Thank you.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Mike Moran. To be followed by Bobbie Patnode.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on Committee Report Nos. 22-15 & 22-17; Resolution Nos. 22-55 & 22-56; and Bill No. 49 (2022)]:

Good morning, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. Thank you for the opportunity to testify. We have a few items. As always, we'll try and be brief.

The first one is Committee Report 22-15. And I, of course, we all support recycling. But when we see what items you're talking about here, to us, these are very more important items to recycle. The ones we can consistently and easily do, such as cardboard and, and newspaper are certainly important. But when we look at electronics and huge appliances, these are, you know, things that would take up a tremendous amount of room and are quite often hazardous. So, we think this is a vital thing to concentrate on.

And we encourage everyone to remember that this isn't, need to be a profitable business. We're not trying to . . . make money for the, for the County government on this. We're trying to support our welfare, the welfare of ourselves and the seven generations, as the Hawaiians tell us. We're trying to preserve our land and if we can't

stop bringing these things in, we often say, reduce first. Try not to bring it in. We're not going to stop the cars from coming in, the refrigerators, and the computers and so forth. So, we have to find a reasonable way to recycle these, to do the least harm we can. So, we're very strong support of that. And thank you for, for bringing that up.

The next one is 22-17. And we, we testified on this before. I think we, we've heard all agreement that, that Kahu Lindsey would be an excellent person on this board. So, we're sure that's going to go forward.

Next, we have Resolution 22-55, on the Legacy Land in Mā'alaea. Many of us worked diligently for many, many years to say no development there. And you know what, and instead we'll put affordable housing here. Well, we want affordable housing, but we want it in the correct place. And this, this was not a good place. So, we are in support of, of that action at, at Mā'alaea.

22-56, we'd just like to mention that Dr. Mary Trotto is a member of our board, and we think that she's certainly a good candidate for this position that she's going for.

And lastly, Bill 49 for the Advisory Boards. Again, we have talked about this many, many times. And we have two established and seemingly ready to go, so we're in strong support of this as well. Mahalo for the opportunity. And when you wrap up today, I hope you can enjoy the warm weekend. Aloha.

CHAIR LEE: Thank you, Mike. Hope you have a great weekend as well. Any questions? If not, thank you again.

Mr. Clerk.

MR. MORAN: A hui hou.

CHAIR LEE: A hui hou.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Bobbie Patnode. To be followed by Lynn Britton.

MS. BOBBIE PATNODE [testifying on Bill No. 46 (2022)]:

Aloha, Chair Lee and Councilmembers. My name is Bobbie Patnode. I'm speaking for myself. I'm a member of the ag working group and board member of Maui County Farm Bureau. I'm here to express support for Bill 46.

I'd like to thank the Mayor for introducing the bill. I think he knows how important it is to get funding for those who have ready solutions. And I also want to thank the Council for the work that you are all doing to help with the axis deer problem. And I hope you will approve this bill.

The ag working group is completely in favor of adding this very needed funding to our County budget. I think some of you know it's been difficult for small farms and ranches to apply for County grants due to application requirements that could not be met. Ag working group met last night with the Director of Housing and Human Services to learn more about how we can improve the grant process, Ms. Tsuhako is charged with. She was extremely helpful and explained why previously the grants that had been problematic for us, as they are required, that they have been problematic for us as they are required by law to follow the specifics in County Code 3.36, which is targeted more towards grants to nonprofits in the HHS sector. They haven't had to do grants for feral animal management before.

This bill puts the money in OED. And we think it'll work much better, as we think the requirements may be different. We have suggested a simple application that is used by the State Department of Ag that small operations should have no trouble completing. So, to sum up, thank you. Thank you for finding these funds. Thank you for working to make them available. And thank you for signing the funding to OED. Thank you very much.

CHAIR LEE: Thank you, Ms. Patnode. Any questions, Members? If not, thank you very much. Good to see you.

Mr. Clerk. Mr. Clerk? Next testifier. Oh, are we having technical issues?

VICE-CHAIR RAWLINS-FERNANDEZ: Next testifier is Lynn Britton. Followed by Pamela Tumpap.

Ms. Britton.

CHAIR LEE: Okay. Lynn, are you there? Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, we can go to the next testifier Pamela Tumpap, and then we can check back in with Ms. Britton.

CHAIR LEE: Good idea.

Ms. Tumpap.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE [testifying on Resolution No. 22-51 and Bill No. 46 (2022)]:

Aloha. Happy Aloha Friday. Ia ora na and good morning, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. I am Pamela Tumpap, President of the Maui Chamber of Commerce here to testify on two items, Resolution 22-21 [sic] and Bill 46.

First, the Chamber wholeheartedly supports Mayor Victorino's proposal to enter into a public and private partnership agreement between the County of Maui and the developers of Wailuku Country Town. As you know, this has been a project that has long been in the works. Affordable housing and rentals is a top priority for the Chamber and we are in a crisis state as you all know. Our community is constantly sharing that this is a top priority for our current residents who need housing, our children who want to move home, workforce housing, and future generations to remain home. This agreement would add 213 additional residential housing units in exchange for the developer's required contribution toward needed wastewater treatment plant and other traffic improvements, including the extension of Waiale Road.

This has been a sticking point for a number of years. And you know, as we have long seen, the cost of infrastructure has held up many developments and made them not pencil out. So, we applaud this partnership, because not only does it add housing, it increases the size of the school site and it creates some commercial areas. So, you know, these are the kinds of partnerships we want to see. They are partnerships that allow people to live and work close to their home, which is really important. We want to see getting beyond infrastructure challenges, so that we can continue to find and build that needed units.

And obviously, the need is much greater than these 213 units. So, we need to start somewhere. And this is a great place for the Council, State, Administration, and local developers to come together and showcase how this will work. And we hope it's the first of many additional partnerships like this, so that we can expedite the building of needed affordable housing and rentals.

And then, if I may move onto Bill 46? When I first joined the Maui--

CHAIR LEE: Yes.

MS. TUMPAP: Thank you. When I first joined the Maui Chamber of Commerce in 2006, axis deer mitigation was already a large need. Back then, we were listening to some interesting suggestions in County Council, like trying to inoculate the deer with birth

control, which obviously had some flaws. And when we then saw the deer, the impact our watersheds, we started realizing, okay, this is becoming, you know, more significant while we were hearing of, you know, farm losses.

When things started not only impacting commercial losses and farms, we then started realizing they're impacting our natural environment in a very big way. And then, there started to be some more movement. The truth is our movement to mitigate and control has not kept up with the deer's population growth. And farmers and ranchers were back then in 2006 and long before I joined the Chamber, had, and still today continue to suffer significant losses.

And now what we're seeing, and our community is not used to this, unlike where some of my brothers live in Minnesota, we're seeing the deer population get closer and closer to our homes and roads. And I understand, you know, accidents are increasing now with deer. And people don't, here don't realize the significant impact hitting a deer can have. So, I just urge you to support this bill. This is just one of a number of needed activities, but it is a great start.

So, I ask you to support Bill 46, and also the work of the axis deer taskforce, which is exploring other efforts including economic development efforts, given the size of this resource now, new opportunities and food donation programs to feed those in need. We're looking to be respectful and responsible as we work towards expanded solutions. Mahalo for your support.

CHAIR LEE: Thank you, Pam. Any questions?

Member King.

COUNCILMEMBER KING: Chair. Aloha, Pam. Thanks for being here.

MS. TUMPAP: Aloha.

COUNCILMEMBER KING: One of the, I, I'm curious to, on the Resolution 22-51 that you, that you testified on, how do you see this as being different? I mean, the, the, from the original conditions. Because the developers already agreed to conditions to build a wastewater facility there. So, how do you see this, this document as, as different from what . . .

MS. TUMPAP: Thank you. I see this as being different in that we have heard that the infrastructure, you know, we often see developers come forward with proposals. There are many different examples where developers come forward with proposals during County Council sessions and on the floor asked to make amendments or agree to

certain things, where they often do. And they start trying to move forward. And we find that things later don't pencil out when it comes to the infrastructure or some of the other ancillary things like, you know, it can be water, or roadways, or different things. It doesn't pencil out, but it seems to me that with this funding and helping to relieve some of those infrastructure requirements by bringing a partnership together, we are now able to move this forward.

COUNCILMEMBER KING: Okay. It was moved. It was passed. It was passed with those conditions. I was just trying to get your take on, you know, how.

MS. TUMPAP: Well, I do know that, you know, the, so but now they're helping to alleviate some of those conditions with additional funding. That's my understanding. Is that not your understanding?

COUNCILMEMBER KING: Well, it's a little more complicated than that, but I think it's, it will . . . But thank you for your comments, because I, I'm kind of trying to figure out why, you know, from my perspective how, I mean, we, I, from my perspective we expect the developers to follow through with their conditions. We don't expect them to, to drop out. But we, but I understand your point of view that often they do, so.

MS. TUMPAP: Well, and, and I think it's the system, to be honest with you. When we're asking developers to make decisions on the fly as they're trying to move projects forward, I know recently you had asked Howard Kihune if he, you know, what his requirement could be. And he shared that he'd have to go back and pencil out. He couldn't give you an answer on the spot because the numbers are constantly changing. And what we do know is that the longer we take to develop, the cost go up. So, you know, that's really critical.

And I think when we see projects moving forward and conditions being put during County Council meetings where developers and their teams can't be analyzing the numbers of the conditions and the ramifications of those, they sometimes agree to things that they can't do. I'm not saying that's right or wrong, I'm just saying I think we need an improved process.

COUNCILMEMBER KING: Okay. Thank you. Thank you for your answer.

MS. TUMPAP: Thank you.

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

MS. TUMPAP: Mahalo for the opportunity.

CHAIR LEE: Members, we're having a little bit of technical difficulties, so I'm going to take a recess until 9, 9:40. Just a few minutes, okay. Any objections? Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:32 A.M., AND WAS RECONVENED AT 9:40 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER JOHNSON, EXCUSED.)

CHAIR LEE: Will the Council meeting of February 18 please reconvene. Hopefully everybody has had a chance to restart their devices and we're ready to go again. Please proceed Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. The next individual we have signed up to testify is Lynn Britton. To be followed by Rose Reilly.

CHAIR LEE: Good morning, Lynn.

MS. LYNN BRITTON (testifying on Resolution No. 22-55):

Good morning.

COUNCILMEMBER KAMA: Good morning.

MS. BRITTON: Ia ora na. Can you hear me?

CHAIR LEE: Yes. Yes.

MS. BRITTON: Okay, good. I know you have a full agenda. I just wanted to take this opportunity to thank you, Chair Lee and our South Maui Councilmember Kelly King and all of your support for the Mā'alaea Mauka funding with Open Space Funds. We're really moving, we're very close to the goal. The Resolution 22-55 before you today is to provide another \$1 million to supplement the funding from the County Open Space Funds.

I did submit written testimony and I need to correct that. The title of the Legacy Lands application for Mā'alaea is Pohakea Watershed Lands. And the, the funding would go toward the actual purchase of the wells and easement on additional two wells. And the County Fire Department worked very hard with Forestry, and they put their heads together and said, no, we really do need the wells, because it will make a major difference for the watersheds. So, that is the change on the information that I provided previously.



Legacy Lands will have their site visit in Mā'alaea between now and the middle of March. We welcome any Councilmembers and the general public to come out and show their community support for this important purchase. It really is going to make a major difference for the island of Maui, not just for Mā'alaea. So, thank you again for your support. And we hope that you will continue to consider the Pohakea lands and help us to make this a place that we'll all be very proud of for the future. Thank you very much for your support.

CHAIR LEE: And thank you for your testimony. Members, questions? If not, thank you again, Lynn.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Rose Reilly. To be followed by Raymond Cabebe.

MS. ROSE REILLY (testifying on Committee Report Nos. 22-11 & 22-12):

Aloha. Good morning, Council. My name is Rose Reilly. Thank you so much. I was looking at Resolution [sic] 22-11 through 13 [sic]. And I've been at a lot of parks lately and I'm super excited for there to be more funding. But I'm really concerned as far as it goes with the native plants and native trees. Like, I'm looking around and sorry, I just don't see that it's saying Hawaii. Like, where is, it's like these patches of grass. And I really think that in order for our parks to reflect where they are and for people to feel at peace and at home in these parks, that there should be native plants and native trees with seating elders, with seating areas for the elder's underneath shade. And to have these plants and trees around helps it to be educational and makes it so that it adds a quality of life that I feel is very important.

And since the County is needing a complete overhaul on their budget the way that they make money because they've been held responsible for the water sustainability, then, you know, it's really, I know a matter of money. And so, perhaps, maybe we need to have some groups that volunteer to bring in the native plants and native trees and works with the Parks Department to make them more of a Hawaii representation instead of what looks to me like just a colonizer inset. So, thank you so much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Raymond Cabebe. To be followed by Dick Mayer.

Oh, Chair, Dick Mayer--

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: --is the last individual we have signed up to testify. If there's anybody else in the meeting who wishes to testify and has not done so yet, please let us know in the meeting chat. Thank you.

MR. DICK MAYER (testifying on Resolution Nos. 22-51 & 22-55):

Thank you very much. Can you hear me?

CHAIR LEE: Yes. Good morning, Dick.

MR. MAYER: Good morning, everybody. I'm call, call, talking about two items. One is the item regarding the Mā'alaea lands. Without a lot of explanation, I hope that you go ahead and do this and get that, pass that resolution and get those lands into public domain. I think it's an important corner of the island. It's really, in many ways, the, the intersection between Central Maui, West Maui and South Maui, and it would be very useful to get these lands in the public sector.

In the past, various developers came along and made proposals that just did not fit there in that very dry, very windy area. A&B, originally, the Spencer's, and others have come along and made various proposals. Please go ahead and pass this resolution. I want to also thank Lynn Britton, who has spearheaded the effort to get all the entities combined to work together to secure these lands.

The other item that I want to speak about is the Resolution 22-51, dealing with the Waikapu resolution. And I'm going to use the number four several times here. I think that there are four projects here that are all being put together into a masterplan. The Waiale Road Extension, much needed. The school site expansion, and I'll explain that one in a minute. Because the County bought the Waiale lands, so buy the Waiale lands from A&B, that's where the middle schools was supposed, supposed to be located. This will provide a site for that middle school. And Atherton would be giving up a large section of land on this project to get the school built. The third item is the wastewater treatment plant which will be located at Kuihelani Highway. We've long known that the Kahului plant had its, had a time limit and also a dangerous . . . location. This will begin the transition, I hope, to develop, to get the wastewater treated away

from the coastline which will be a constant problem for Councils to come as they wrestle with the impacts of the rising sea levels, injection well issue, etc., etc. And finally, this project has, the fourth item, the affordable homes, 213 additional affordable homes.

I'm hoping that you recognize that there are four beneficiaries of this project. I think the County will get a wastewater treatment plant that it needs. Eventually, the State will get land for their school site. And the developer will be able to, to move ahead more rapidly with this project. And finally, the residents will be able to move into these homes. And particularly, I'm thinking of the residents who are needing the affordable homes. They will have another 213 affordable homes available to them.

I, I strongly endorse that you, you get this going. But I'm very concerned. I have four concerns also, that I wish you'd consider. Number one, the State has been very far behind in getting classrooms built. You see how long it took Kihei High School to get put, put online. And with these additional homes in Waikapu and also the other ones in the area, the Hawaiian Home Lands, the . . . etc. and many others, we actually need the home, the schools, both the, the primary school, and the high school, and the middle school. The high school probably will take care of itself more rapidly because Kihei High School will take students from Central Maui schools.

The third item is wastewater. I'm hoping that that gets moved along. You have several parties involved with this, the County, State funding, etc.

And finally, I would urge you to consider getting a coordinator, somebody in the County, whether in the Planning Department or Public Works, somebody who will actually be in charge of working with the developer, the County, and the State to coordinate all these things. And that's . . . very important part of the resolution, that you establish somebody. Because this is such an important project for so many entities and it will need very careful coordination, otherwise each one will be blaming the other one for delays and it won't get done. And I thank you. I can't hear you.

COUNCILMEMBER SUGIMURA: Chair, you're muted.

COUNCILMEMBER KING: You're muted, Alice.

CHAIR LEE: I'm sorry. I was muted.

MR. MAYER: Oh. I thought it was my speaker.

CHAIR LEE: Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Mayer for your testimony. I just was inquiring, since you been watching things for a very long time, are you aware of any conditions or commitments of A&B that they had to build the middle school that was supposed to be on that parcel of land, or?

MR. MAYER: I believe in the, on the lands that was Waiale there was a site set aside, I don't know 12, 15, I'm not sure exactly how many acres, that was set aside for that. And so, in, in, when they got approval for the Waiale project that went through the Land Use Commission and etc., I believe that site, that those lands were set aside for a school site. I don't think they were expected to build a school, but they were providing, just like Atherton is providing land and is sent up to the DOE to actually get the school built physically.

COUNCILMEMBER PALTIN: Okay.

MR. MAYER: I'm not sure if that answers your question.

COUNCILMEMBER PALTIN: Not, not really, cause I thought we bought the land. So, how is it that A&B was setting aside land?

MR. MAYER: With the, back, back over the, over the last decade since the Maui Island Plan process, etc., that land had been set aside for 2,550 homes on the Waiale land. The County now has purchased that land and the school site etc. So, now, there is no school site for a middle school. And the State now knows that it needs to provide another middle school for that general area of Central Maui. And so, I think that this will be satisfying the State's need to get land without them having to go out and purchase it in addition. Basically, what they're doing, I believe, is they're getting a free school site . . . for middle school, and in exchange they're helping with the Waiale Extension and also with the sewer plant.

COUNCILMEMBER PALTIN: Okay. Thank you. I just was checking if they were supposed to build it. Thank you.

MR. MAYER: I don't think so.

CHAIR LEE: Member Sugimura, then Member Kama.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Mayer, for your testimony. I really do support the, the positive comments you had, cause it's going to solve a lot of problems, you're right. But I'm curious about this Waiale. Can you explain to me about this A&B and building? You're talking about another site completely, or where, where is this?

MR. MAYER: Wai, Waiale, if you look where Pomaikai School is at the edge of Maui Lani.

COUNCILMEMBER SUGIMURA: Yeah.

MR. MAYER: From, from that, from Maui Lani all the way out to Waiko Road and across Waiko Road is the Waiale land parcel that A&B owned and was, it was supposed to develop. And it goes all the way up to Waiale Road itself and it, it's a very large area about 500 acres. And my understanding is the County, to preserve the, the iwi in that area, purchased from A&B \$10 million, approximately, that large land parcel.

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. MAYER: And because of, because the County now owns that land parcel, there is no more school site there. And this is to, to help facilitate the State and the, the children to get a school built for them.

COUNCILMEMBER SUGIMURA: Oh, okay. So, you're talking about the recent purchase of \$10 million on Waiale for the historical cultural?

MR. MAYER: Exactly.

COUNCILMEMBER SUGIMURA: It was talked about at one point of being, I don't know, community center. There were a lot of discussions, previous Administrations.

MR. MAYER: There was a community center on that land and, and a school, a school site. And the County was going to get housing, also. A&B owed the County housing, affordable housing on that land, 250 units I believe. 350 or 300, I think 250 units, because that was a condition of the A&B Business Park where Home Depot and Lowe's and the new Lowe's are located. So, the, now, and when you bought that land for \$10 million, A&B also set aside land on Hansen Road for housing, that will be given. So, there are lots of, lots--

CHAIR LEE: Okay. Excuse me. Excuse me, Dick and Member Sugimura, now we're kind of going off track.

COUNCILMEMBER SUGIMURA: Yeah. Now, I understand what he's talking about. I was just curious.

CHAIR LEE: We were talking about the Atherton project, okay?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: The A&B project is not agendized.

MR. MAYER: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Alright. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Dick, for your comments regarding the, your concerns regarding the project. As wonderful, I think, as we all understand it to be, that the other concerns about the project is, yeah, the project's going to go through. So, we get this promised school, I mean, at least the land for the school, but the way the State works, I mean, yeah, we get that that it's going to take a long time for the school to be there. But in the meantime, the families will be there and where the kids go? And, and we're going to overburden Pomaikai and all of those.

So, my question to you is, what do you foresee? You talked about maybe a coordinator or somebody to be able to make sure that these entities are working together efficiently, effectively, so that the, you know, that somebody's eyes are exactly on these projects so that they don't take the 10 and 20 years for these things to occur. How do you see this person, or whatever that entity might be, doing that? Do you have a plan, or you just thought it was just a, we needed somebody to have eyes on that project?

MR. MAYER: I can't give the detailed description, but I know that if there is nobody responsible, it will become a problem for everybody. Because each one will be, yeah . . . the whole project cannot go through, really, unless all of those four things I mentioned are done. You need a wastewater, you need a school site, you need the road extension, etc. So, if you can get somebody to help coordinate that, it's like, you know, a project manager really, within the County. And this is, because this is a public/quasi-public project, you will want somebody to work for the public as well as on the private side to coordinate it, work with Atherton or his company, work with the State, then with the DOE. Somebody has to tie those pieces together and make sure that none of them get finished and then they're useless unless the other ones are done.

COUNCILMEMBER KAMA: Right. Okay. Well, thank you. Thank you, Chair. Good answer. Thank you.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Mayer. I think you make a very good point about having a, I guess a project manager or someone to

oversee all of these four items to make sure everybody's on track. What would you recommend a position like that come from? Like, say the Department of Management or should the Council consider appropriating funds for having someone from the private sector come in and oversee this? What would be your recommendation?

MR. MAYER: I think you'll need a very, a senior person who has experience managing projects. Could be somebody from the private sector. You may have somebody already in the County. But my guess is it'll be somebody hired, like a real specialist to do this job. Whether you then put that person in the Public Works Department as a, as a position within the Managing Director's Office, the Mayor's, that I, I think it's less important where the persons located. But they should have the authority to really represent the County forcefully in making sure all the provisions get carried out that are going to be in your resolution and in your actions.

Eventually, an agreement's going to have to come, and you have to get the State to sign on. And if the State does sign on, who's going to commit, who's going to force the State to comply with the agreements? That would be a weak point always if they don't build a school, if they don't put the money in for the Waiale Extension, etc. So, I don't know, I don't know. In the end, there probably is no way the County can force the State to do it. But certainly, they should have the ability to articulate the absolute need.

COUNCILMEMBER MOLINA: Okay, great. That's something worth looking into. Thank you, Mr. Mayer. Thank you, Madam Chair.

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

MR. MAYER: Thank you. And have a lovely weekend, everybody.

CHAIR LEE: You too. You too.

So, Mr. Clerk, was that our last testifier?

DEPUTY COUNTY CLERK: Chair, we have a couple of other individuals who have signed up to testify. The next person signed up to testify is Raymond Cabebe. To be followed by Faith Chase.

CHAIR LEE: Mr. Cabebe?

MR. RAYMOND CABEBE (testifying on Committee Report No. 22-19):

Good morning.

CHAIR LEE: Good morning.

MR. CABEBE: Good morning, Chair and Councilmembers. My name is Raymond Cabebe with Chris Hart & Partners. And I'm representing Kahana Sunset Association of Apartment Owners Board. I am testifying on Resolution *[sic]* 22-19. I submitted a letter dated February 3, 2022, to Chair Lee, which was copied to each of you requesting reconsideration of the filing action for the Community Plan Amendment and Change in Zoning for Kahana Sunset.

The letter outlined 10 reasons why the Planning and Sustainable Land Use Committee should reconsider a requested CPA and CIZ. But I won't read them all, and I will just summarize here and highlight a few points. I wanted to recognize first that the Community Plan Advisory Committee did a great job on the West Maui Community Plan as a whole and commend their dedication and many hours devoted taking in all of the information given to them and coming up with the final plan. However, I think the CPAC did not have enough information when it came to considering Sunset for hotel designation.

As brought up by one of the testifiers at the Committee meeting, the problem with erosion and sea level rise is a very serious and significant issue in Keonenui Bay not only for Kahana Sunset, but for the rest of the properties in the Bay as well. The Kahana Sunset owners have to deal with these issues, and they are working with the Planning Department, State DLNR, and as well as the Army Corps of Engineers to try and work out a plan.

The CPA and CIZ, however, are land designation actions that are separate from the shoreline issues. Climate change, sea level rise, erosion, wave action, these forces don't care about what the zoning designations are or what has been built or not been built. These environmental forces are going to take the sand and beach no matter what the zoning is. So, decisions on land use designations should be considered separately from the shoreline issues.

There are no immediate neighbors testifying against the CPA and CIZ actions at Committee. And that's because Kahana Sunset has coexisted for over 50 years with its residential neighbors with minimal impact to the community. Kahana Sunset is a low-key TVR property. No bars, no restaurants, no gift shops.

At its own expense, Kahana Sunset maintains the only public access to the shoreline at Keonenui Bay. Kahana Sunset, at its own expense, maintains the drain system that runs through the property providing for free-flowing stormwater runoff from upstream properties.



All of the 79 owners are asking to have the filing rescinded and the CPA/CIZ actions reconsidered. They can't go through the expense of making any kind of meaningful, you know, retreat plans to address their shoreline issues without the zoning, hotel zoning in place. Mahalo for listening.

CHAIR LEE: Thank you, Mr. Cabebe.

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Cabebe. I have two main clarifying questions. The first one is when you said that the CPAC didn't have the information needed when they were making their decision. Why is it that they didn't have the information? Why didn't this entity testify during the CPAC process, so that they would have the information they needed? That's the first clarifying question.

MR. CABEBE: Okay. Thank you for that question. You know, the, the C, it was introduced to CPAC that this property, as well as the Kapalua Bay Villas property be considered for hotel designation in the Community Plan. And it actually was approved initially. And a couple months later, it came up again and the, the members decided to take that back. And in going through their, the minutes of their meeting and the video, they were concerned that, you know, changing the designation to hotel for these properties would allow them to, you know, build a "massive hotel". And you know, without taking to consideration that these properties have to, also have to--

COUNCILMEMBER PALTIN: Mr. Cabebe--

MR. CABEBE: --go through a Change in Zoning.

COUNCILMEMBER PALTIN: --I, I don't mean to interrupt. But the question is why, why not wasn't the in, the, why weren't, why didn't your organization testify? I understand that you say it was one way and then it reversed, but there, that wasn't the only opportunities to testify. You could have testified at the Planning Commission. You could've testified at the Council after it was reversed. That's, that's the question I'm getting at. You're saying there wasn't the information needed, but the way that the information needed is gotten is through testimony, and it was never sent during this year's long process is, is what I'm trying to ask you.

MR. CABEBE: Well, their application was already in. And the Planning Department did express that to the, to the Committee that, you know, the property had a Community Plan Amendment already in process. And, you know, I guess I wasn't, I guess, empowered at that point to, to go before the Committee to testify. And so, you know,

it's just, it just didn't happen. I have, you know, no reason why it didn't happen. But just, you know, given all this--

COUNCILMEMBER PALTIN: And you weren't . . . testify before the Maui Planning Commission or the County Council either when it was determined that the Change in Zoning wasn't something that was going to happen. You weren't empowered at those other two testimony points either?

MR. CABEBE: Yeah, well, you know, it wasn't, we would have to go before your Committee, anyway, for the, for the Community Plan Amendment. So, you know, to, you guys were really busy, you're trying to go through the whole plan, you know. We thought that, you know, at that point, you know, we're going to need to come before your Committee again later. So, that was the strategy at that point.

COUNCILMEMBER PALTIN: Okay. Then, my second clarifying question is, in the testimonies, there's a January 14 letter from the Department of Planning outlining what it is they want you to do. When you came before our Committee on January 24, there was no indication of following what the Department of Planning indicated what you should do in their January 14 letter. Instead, you presented that you wanted to rehabilitate in place.

This was 10 days after the January 14 letter where it says, you know, you can't just repair the seawall because of Act 16 that, you know, the, so I mean, if your intent was to present at Committee, then why wasn't the correspondence from Planning what was presented? And instead, you presented that you wanted to rehabilitate in place and repair the seawall, which the Planning Department communicated to Kahana Sunset that that wasn't the way that they envisioned it going, as we see in the written testimony received from the County Clerk.

MR. CABEBE: Again, you, with all due respect, Councilmember Paltin . . . issues are different from land use issues. And, you know, we think that that those are separate issues. Kahana Sunset has to deal with those shoreline issues no matter what the zoning is. So, you know, Kahana Sunset is just asking for the zoning, Change in Zoning Community Plan Amendment, separate from the shoreline issues which, you know, shouldn't affect what we're talking about, you know, with the land use issues.

What the, what the zoning does affect is whether their planning for retreat can happen without that zoning. It's kind of like the chicken before the egg kind of thing where if you don't, if we don't get the zoning, we cannot plan for retreat.

CHAIR LEE: Okay, any more questions, Members?

COUNCILMEMBER PALTIN: Thank you, Chair. I, I don't feel like my question was answered, but I think he did his best. Thank you.

CHAIR LEE: Any more questions, Members? Thank you, Mr. Cabebe.

MR. CABEBE: Thank you.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Faith Chase. To be followed by Thomas Croly. Thomas Croly is now the last individual we have signed up to testify. Faith Chase.

MS. FAITH CHASE [testifying on Bill Nos. 147 (2021) & 46 (2022):

Good morning, Chair. Good morning, Council. I'd like to, I'd like to speak on item 46. I don't feel like I'm, I'm completely in the know on this item. But I have major concerns. While I do know that the axis deer issue is very serious, I have not been informed on the work of the axis deer task force. I've repeatedly asked to be informed and invited. And so, because I don't have in, all the information, I just want to state a couple of very important things to consider.

As you move forward in finding and trying to use these micro grants to solve this axis deer management, it would, I, I beg you, or I direct you I guess, technically I guess you work for me, to be an active line of review for these applicants. Because I do not feel the past practices of some of the administrative offices, DHHC, OED, MEO, while they are great, you know, administrative sort of bodies that's, that have to work on many, many grants, this one in particular, you must be a some sort a line of review. Because we have had very putrid prac, past practices by people in this game management area. And while I'm not going to name names right now, I know I've testified enough times that I've pressed the importance.

But like I said, I am not up to date on the task force work. I've asked to be informed. I've asked to be invited. And so, because I'm in the, I don't know everything, I need to make sure that you understand how serious this is. You know, not to go down the headlines of this past week, but there have been shenanigans from some of the legislators that are, that are being called to the table right now on their poor practices. And you do not want to be within elbows reach of any of that. So, this is a very serious issue. Game management is, has been, not had the right attention since 2014. It's gone through five different Committees. So, whatever extra line of review, I'm going to

say it for the third time, please do that as a Council, as this sort of pilot project of these micro grants to deal with deer, axis deer management move forward.

You know, we, the countryside, the backside has sustained massive losses, which prompted Councilmember Sinenci to encourage the homesteaders out there to apply for a drought emergency relief grant from the Bureau of Reclamation. That's coming down the line. The animals are coming down the mountain, into the homesteaders, and into family farms. It is a very serious situation. So, I, I just, I just need to give you that, I just want to impress that level of importance. They do have some support coming. It might beat this micro ag, this micro . . . and then, that might be a model that you guys look to.

The last thing I want to say is I'm in absolute favor of the 147 and the digital mapping. Thank you for your time.

CHAIR LEE: Thank you. Members, questions?

Member Sugimura. Member Sugimura.

COUNCILMEMBER KAMA: You're muted.

CHAIR LEE: You're muted.

COUNCILMEMBER SUGIMURA: Sorry. I, thank you, Faith, for your diligence. I just wanted to ask you about the grant you mentioned that's Member Sinenci recommended. And for what area, is it Kahikinui? And what, what grant is it, or organization is it?

MS. CHASE: It is the Kahikinui Hawaiian Homestead Association, which is about a year old. There was some confusion about homeowner's association and homestead association, so now there are actually two active represent, representing sort of organizations. And I guess when the president made testimony at Shane's APT Committee, his office was brisk to, you know, send her some lines of support.

And it was happened to be in, within the window of about a week from the Bureau of Reclamation, which a lot of people don't understand that, or haven't learned that under the Department of Interior there's a Bureau of Reclamation that has only sort of taken Hawaii under its wing for the last two years under Region 8. So, now, everybody, DLNR West Maui, there's some pilot, you know, there's some sort of scratching of the surface initiatives to get their help.

But yeah, it's about \$289,000 for the first time in 30 years they're going to actually have some water delivery. And part of it is during the high volatile summer months because as everyone knows there's been so many fires out there. But, you know, the wildlife is a huge part of it. It's not just the homesteaders, it's the wildlife. And so, yes, I would encourage anybody who has water reclamation issues to explore their grant world. And Shane Sinenci was very, you know, he's quick to the role. And to send . . . to go help that president of that association. So, I think they're in deep appreciation. Thanks for the question.

COUNCILMEMBER SUGIMURA: Thank you. And Faith, could you call my office and give me a phone number to call so I can talk to you, as you are on this call?

MS. CHASE: I will follow, I, I, yeah, I will follow up this testimony with a written testimony and I will make sure I send it to you individually. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Mem, any more questions, Members?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Faith, for your testimony. It's very enlightening for us, I think. So, my question is what is the difference between the Kahikinui Homestead Association and the Kahikinui Homeowners Association?

MS. CHASE: In the beginning, when DHHL started to inspire homestead associations, they, they were, they fell under what was, what you're probably familiar in the DCCR's. And so, over time, when the homestead associations across Hawaii pae 'āina have not seen traction, then it's empowered homesteaders to, to kind of revamp, restructure, recreate homestead associations. And they're not necessarily all underneath DHHL. DHHL has failed homesteaders pretty, pretty widely.

And so, the Sovereign Council of Hawaiian Homestead Associations, SCHHA is what they're better known for, is, has 44 Hawaiian Homestead Associations under their purview. So, you know, DHHL and SCHHA are almost equal in power in my mind. And they are, they're actually mobilizing homesteaders when they come to their needs, because they just go amiss. You go to the Legislatures, you know . . . of Hawaiian Affairs every year asking for money for roads and this and that, that and they don't get it. So, this is, this is an avenue, an arm that they've been leaning on for support.

I'm not sure if that answers your question. But for Kahikinui specifically, we had problems that stemmed from the axis deer. That's why I brought it into this conversation about this particular 46. It ripped the community apart and it was based on the beginning of axis deer. And so, that's why I make mention to it. But that's a little bit of a sticky wicket for another day, actually, your question.

COUNCILMEMBER KAMA: Okay. Well, I think because when I think about who do I want to speak to in terms of who truly represents the beneficiaries of the trust, that's who I wanted to speak to. Am I talking to the association, or am I talking to the lessees who is actually the homesteaders? And that's why I asked the question because I think as we delve deeper into the axis deer issue that has been impacting all the homesteads Upcountry from the early 80's when I knew that, when I was up there. But, but I just want to thank you for being really diligent about, you know, working through the department and the SCHHA and all of its work in, and ask that you just continue to be, you know, helping us to keep eyes, and ears, and hearts open to this issue. So, thank you so very much.

MS. CHASE: I appreciate the, the question, Councilmember Kama. And I would, I guess, I would say that as far as the two associations go, if you want to make a larger lease holder reach, it would be KHHA, Kahikinui Hawaiian Homestead Association because their membership is actually all inclusive of full beneficiary reach where the other organization has some limitations that they're working on in their bylaws right now.

COUNCILMEMBER KAMA: Thank you. That answers my question. Thank you, Chair.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Ms. Chase. Just to get clarification on your recommendation regarding, I guess, periodic update, I guess, to the Council with regards to how these funds are being expended and who gets these funds. So, would you recommend something like a, I guess, a quarterly report from whoever is going to administer these funds? I would guess Office of Economic Development, just so there's public review.

MS. CHASE: Thank you for that amazing question. No, I would actually have whoever's committee is, is, even if it was two committees, I would have your administrative assistants actually do, like, the fiduciary responsibility of looking at the applicants and looking at their track record if, whoever comes to apply for these.

COUNCILMEMBER MOLINA: Okay. Thank you.

MS. CHASE: I think, I think the work extends beyond what OED, DHC, DHHC and MEO can do. You know, they're doing, they're busy, but they need a little bit of extra. You know, at the end of the day, you just want to take it for face value what the recommendations coming from these departments, but there is, have been times in the past when the Council, you know, trusted and it was wrong. And so, I just say, in this particular topic, please just do the extra data . . . Thank you.

COUNCILMEMBER MOLINA: Okay, thank you for that suggestion. Thank you, Madam Chair.

CHAIR LEE: Members, any more questions? If not, thank you, Ms. Chase.

MS. CHASE: A hui hou.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify is Thomas Croly.

MR. THOMAS CROLY (testifying on Committee Report No. 22-14):

Aloha, Councilmembers. Tom Croly speaking on my own behalf. I see the big smile on Councilmember Paltin's face, because I do want to thank Councilmember Paltin for Committee Report 22-14. This is an item that has to do with the commercialized residential tax classification and who is put in it.

I fully support this item, which helps clean up this category. This category currently consists of people who hold bed and breakfast permits. These are folks who live in their homes and got a permit to, to operate a bed and breakfast. And you might question, why did this ever come to be? And the genesis of this particular paragraph, if you will, which was an exception to the classification of real property tax came about in 2014 when the Council wanted to provide tax relief to a particular permit holder and property owner in Makena. And in doing so, I think they inadvertently included a bunch of other properties in this classification. As you heard in Committee, that resulted in the County losing as much as \$200,000 a year in property tax revenue from these, these properties that were inadvertently included in this, in this action.

What taking this out will do now will correct that error, I think, that's how I look at it, that was made seven years ago and properly classify these properties that are nonowner occupied properties that have the ability to make short-term rental uses because of a conditional permit, into the short-term rental classification, which is where they belong. And the one property that this was intended to help, the Council has already taken action earlier this year creating a new tax relief program for people who have owned their property for 80 years or more and so forth. And, and that taxpayer is going to gain tax relief from that.

But this is kind of a, one of those things that unintended consequences happened because a change was made at first reading without really vetting the issue. And it's important that any of these items do properly get vetted, that they go before all of the, the, the agencies that might need to review them so that we don't make a change. And in this case, this change cost the County probably a million dollars over the course of, you know, this period. There's going to be four taxpayers who are going to be very unhappy next year when their property taxes increase by two and a half times. But as was said in Committee, maybe the fact that they were getting such tax relief over the past few years will soften that blow to some extent. So, I do support this measure and thank you for the opportunity to speak to you today.

CHAIR LEE: Any questions for Mr. Croly? If not, thank you. Oh--

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: --we have one.

COUNCILMEMBER SUGIMURA: Yeah, I just want--

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. I was waiting to hear what you had to say, so thank you very much for testifying. You always give us broad strokes and perspectives, so thank you.

MR. CROLY: Aloha.

CHAIR LEE: Okay. Thank you, Tom.

Mr. Clerk.



DEPUTY COUNTY CLERK: Chair, we have no other individuals currently signed up to testify. If an individual connected to the meeting would like to testify and has not done so, please unmute and identify yourself now. This is our last call for testifiers. If there's anybody who wishes to testify, please identify yourself now.

Chair, no other individuals have, have, wish to testify and we have received written testimony.

CHAIR LEE: Members, if, do you have any objects to receiving written testimony into the record and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

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

1. Pamela Tumpap, Maui Chamber of Commerce;
2. Lynn Britton, Mā'alaea Village Association;
3. Francine Aarona;
4. Jim Crowe;
5. Nicole Galase, Hawaii Cattlemen's Council;
6. Austin Gapsis;
7. Gayle Harbo, Lora Harbo, & David Liebersbach;
8. Lyndon Ibele;
9. William G. Jacintho, Maui Cattlemen's Association;
10. Craig Nihei;
11. Annette Niles;
12. Harriet Agena Taniguchi;
13. Tapani Vuori, Maui Ocean Center;
14. Jamie Woodburn; and
15. Clayton Yoshida, Planning Department.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 19, 2021 was presented at this time.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I move to approve the--

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the regular meeting minutes of November 19, 2021.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the Consent Calendar.

## ACTION ON THE CONSENT CALENDAR

### COUNTY COMMUNICATIONS

NO. 22-43 - MICHAEL P. VICTORINO, MAYOR,  
(dated February 2, 2022)

Informing of a vacancy on the Real Property Tax Review Board due to the resignation of Stacey Lee Vinoray, effective February 1, 2022.

NO. 22-44 - HERMAN ANDAYA, MAUI EMERGENCY MANAGEMENT  
ADMINISTRATOR, (dated February 4, 2022)

Informing of the receipt of Federal Emergency Management Agency Public Assistance reimbursements from the State of Hawaii, Hawaii Emergency Management Agency in the amount of \$951,229.14

NO. 22-45 - ERIC A. NAKAGAWA, DIRECTOR OF ENVIRONMENTAL  
MANAGEMENT, (dated February 9, 2022)

Transmitting a copy of Contract Modification Order No. 3 from the State of Hawaii, Department of Health in the amount of \$85,000 for Electronic Waste Collection.

NO. 22-46 - ERIC A. NAKAGAWA, DIRECTOR OF ENVIRONMENTAL  
MANAGEMENT, (dated February 9, 2022)

Transmitting a copy of Contract Modification Order No. 1 from the State of Hawaii, Department of Health in the amount of \$138,480 for the Glass Recycling Programs.

NO. 22-47 - BRADFORD K. VENTURA, FIRE CHIEF,  
(dated January 31, 2022)

Transmitting the notice of grant award from the State of Hawaii, Department of Transportation, for a total amount of \$94,105.78 to be used for extrication tools essential to fire/rescue operations.

NO. 22-48 - JOHN PELLETIER, CHIEF OF POLICE,  
(dated February 2, 2022)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock grant in the amount of \$468,021.51.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, it's been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to file 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 KAMA, KING, MOLINA,  
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR  
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", one "excused"; Member Johnson. Motion carries. No "noes".  
Thank you.

Communications, member, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

## COUNTY COMMUNICATIONS

NO. 22-49 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated February 8, 2022)

Transmitting 32 contracts/grants for the month of January 2022.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 22-49, EXCEPT  
FOR THE GRANTS AND CONTRACTS THAT  
COUNCILMEMBERS REQUEST FROM, FOR COMMITTEE  
REFERRAL.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to file the CC 22-49, except for the grants requested to be, requested by the Members. So, are there any, are there any?

Vice-Chair Rawlins-Fernandez.

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

CHAIR LEE: Members? No requests? Okay, all those in favor of filing the communication, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Mr. Clerk.

NO. 22-50 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated February 3, 2022)

Transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending January 2022.

The recommended action is that County Communication No. 22-50 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Any objections to the referral, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

NO. 22-51 - TAMARA PALTIN, COUNCILMEMBER,  
(dated February 10, 2022)

Transmitting a proposed amendment to Bill 147 (2021) entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. May I please request that this item be called up when Bill 147 is taken up at the end of the agenda?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

(See pages 139 through 143 for discussion and action.)

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with Committee Reports.

## COMMITTEE REPORTS

### COMMITTEE REPORT

NO. 22-11 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT  
COMMITTEE:

Recommending the following:

1. That Bill 3, CD1 (2022), 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 PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, GENERAL FUND, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 4 (2022), 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 PARKS AND RECREATION, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS," 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 REPORT 22-11.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Moved by Member, Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the recommendations in Committee Report 22-11.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on January 26, 2022, to discuss Bill 3 (2022) and Bill 4 (2022). These bills amend the Budget bill and Appendix C bill to add funding and a project description under the Department of Parks and Recreation, Wailuku-Kahului Community Plan Area for Kepaniwai Heritage Garden Improvements in the amount of \$753; \$753,027.

The Budget Director explained that the Fiscal Year 2021 funding for this project lapsed, and these amendments would reappropriate the lapsed funding along with additional funds due to increased project costs, including archaeological monitoring and report, and design consultant fees to rebid the project in the future.

The Department of Parks and Recreation also explained that the project was rebid in October of 2021, but the lowest bid was reject, rejected due to, rejected for failure to list a certified Hawaiian hale builder. The next lowest bid included certified, a certified Hawaiian hale builder Holani Hana, Inc., but was over budget and the bid was canceled.

Your Committee voted 9-0 to recommend passage of Bill 3 and Bill 4. I respectfully ask for the Members continued support of these items. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Members, would you like to take a recess now or finish up Vice-Chair's BFED Committee Reports? There are three more.



COUNCILMEMBER MOLINA: Finish up.

COUNCILMEMBER SUGIMURA: Finish up.

CHAIR LEE: Finish up. Okay. Mr. Clerk.

COMMITTEE REPORT

NO. 22-12 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 8, CD1 (2022), 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 PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND, HAIKU PARK RESTROOM; 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 9, CD1 (2022), 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 PARKS AND RECREATION, HAIKU PARK RESTROOM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That Bill 10, CD1 (2022), 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 PARKS AND RECREATION – HAIKU PARK RESTROOM)," 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 REPORT 22-12.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to approve the recommendations in Committee Report 22-12.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on January 26, 2022, to discuss Bill 8, Bill 9, and Bill 10. These bills would amend the Budget bill, Appendix C bill, and the Bond authorization bill to add funding and a project description under Department of Parks and Recreation, Paia-Haiku Community Plan Area for the Haiku Park Restroom in the amount of \$745,000.

The Department of Parks and Recreation informed your Committee that the proposed facility would be larger than previous facility and include a men's restroom, women's restroom, and a family room, and a maintenance storage building. The new facility will also include a septic system, an accessible ramp, and a sidewalk to the community center.

The Department of the Corporation Counsel explained that when the bid solicitation was first issued, bidders were asked to submit for both the full project and a deductive alternative, with the project awarded to the bidder with the lowest total bid.

In this case, the lowest bidder had a very high bid for the deduct, deductive alternative, but due to the lower construction costs, still had overall lowest bid. And the County attempted to cancel the bid due to insufficient funding. The contractor appealed to the State of Hawaii Department of Commerce and Consumer Affairs who determined that the County must award the contract to the lowest total bidder, solely for the deductive alternative.

The Department of Parks and Recreation said that these additional funds would be for the cost of construction, which was not included in the deductive alternative. This, the, also, they also said the remainder of the project will be put out of, for competitive bid.

Your Committee expressed concern regarding the contracting process but understood that the restroom at Haiku Park is a necessity.

Your Department *[sic]* also requested Department keep the Council informed of any change orders or concerns with the submitted pay logs for the project.

Your Committee voted 9-0 to recommend passage of Bill 8, 9, and 10. I respectfully ask for the Members continued support of these items. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. Excused is Member Johnson.

Mr. Clerk.

COMMITTEE REPORT  
NO. 22-13 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT  
COMMITTEE:

Recommending the following:

1. That Bill 18, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; 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 19 (2022), 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, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA,

OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill 20, CD1 (2022), 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 (OFFICE OF COUNTY COUNCIL – OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Would the Members like me to take up CR 22-14 in the same motion?

CHAIR LEE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: They have no objections.

COMMITTEE REPORT  
NO. 22-14 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending that Bill 2, CD1 (2022), entitled "A BILL FOR AN ORDINANCE REPEALING SUBSECTION 3.48.305(C), MAUI COUNTY CODE, RELATING TO CLASSIFICATION OF REAL PROPERTY," 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 BOTH COMMITTEE REPORT 22-13 AND COMMITTEE REPORT 22-14.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to approve the recommendations in Committee Reports 22-13 and 14.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on February 2, 2022, to discuss Bill 18, bill, Bill 19, Bill 20, and Bill 2. These, these Bills 18, 19, and 20 would amend the Budget bill, the Appendix C bill, and the Bond authorization bill to add the Office of County, add the Office of County Council, Wailuku-Kahului Community Plan Area and funding of project description for the Office of Council Services Office Renovation in the amount of \$519,000.

The Director of the Office of Council Services explained these funds would be used for construction projects such as the demolition of walls on the first floor of Kalana Pakui and the addition of a wall on the seventh floor of Kalana O Maui.

Your Committee confirmed no environmental concerns exist with the, with either building that the Director is aware of, and the funds are for internal improvements only. Your Committee voted 9-0 to recommend passage of Bill 18, 19, and 20.

And for Bill 2, the, this bill would repeal Subsection 3.48.305(C), Maui County Code, to ensure that properties are classified to the tax category that aligns with their actual use.

The Department of Finance said removal of this exemption would impact four properties in the County, but that all County taxpayers who have this exemption would be notified as soon as this bill passed to ensure there's sufficient notice prior to the effective date.

Your Committee agreed to amend the bill to specify the effective date of January 1, 2023. Your Committee voted 9-0 to recommend passage of Bill 2, CD1. I respectfully ask the Members continued support of all of these bills. Mahalo, Chair.

CHAIR LEE: Discussion, Members? This is Bills 18, 19, 20, and Bill 2, which is the Croly-Paltin bill. Okay. All those in favor, raise your hand, say "aye".

Member Sugimura? Member Sugimura?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes"; motion carries. One "excused"; Member Johnson.

At this time, let's take the break until, let's see, 10:50. You want a little bit longer?  
10:55? 10:55. Meeting in recess till 10:55.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:40 A.M., AND WAS  
RECONVENED AT 10:55 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER  
JOHNSON, EXCUSED.)

CHAIR LEE: Will the meeting, the Council meeting of February 18 please reconvene.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Chair, continuing with Committee Reports.

COMMITTEE REPORT  
NO. 22-15 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT  
COMMITTEE:

Recommending the following:

1. That the Miscellaneous Communication transmitting Amendment 6 to Contract C6539, between the County of Maui and eCycling Maui LLC, for the electronics recycling program, be FILED;
2. That the Miscellaneous Communication transmitting Amendment 7 to Contract C6268, between the County of Maui and Schnitzer Steel Hawai'i Corp. DBA Hammerhead Metals Recycling, relating to services to receive, process, and recycle white goods and vehicles, be FILED;
3. That the Miscellaneous Communication transmitting Amendment 7 to Contract C6118, between the County of Maui and Cameron Chemical Corp., for the used motor oil program, be FILED;

4. That the Miscellaneous Communication transmitting Amendment 5 to Contract C6049, between the County of Maui and Maui Disposal Co., Inc., for County facilities paper recyclables collection, hauling, and processing, be FILED; and
5. That the Miscellaneous Communication transmitting Amendment 2 to Contract C6795, between the County of Maui and Maui Disposal Co., Inc., relating to receiving, processing, and recycling residential recyclable materials, be FILED.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 22-15.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member King, seconded by Member Sugimura to approve the recommendations in Committee Report 22-15.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Your CARE Committee met on January 26, 2022, to discuss five long-term recycling contracts under the Department of, of Environmental Management.

The Department explained that Contract C6539, C6268, C6118, and C6049 provided recycling services at little or no cost to residents and cover a wide variety of materials, many of which can be kept out of the landfill and are hazardous to the environment. Unfortunately, most of these items are still shipped out of our County, as the County does not have the ability to recycle most of these on island.

Your Committee supported these partnerships that will benefit the landfill diversion efforts of the County. Your Committee voted 7-0 to recommend filing of the miscellaneous communications. I ask for the Members support.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Mr. Clerk.

COMMITTEE REPORT  
NO. 22-16 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT  
COMMITTEE:

Recommending that Bill 23, CD1 (2022), entitled "A BILL FOR AN ORDINANCE  
AMENDING THE BUILDING CODE RELATING TO ENERGY AND WATER USE  
PERFORMANCE BENCHMARKING," be PASSED ON FIRST READING and be  
ORDERED TO PRINT.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 22-16.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sinenci, to approve the  
recommendations in Committee Report 22-16.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Member Sinenci. Your CARE  
Committee first met on December 1, 2021, seems like a long time ago, to discuss the  
potential for energy use benchmarking to provide transparent data on building



performance, which can help the County reach its climate action goals while reducing costs.

Your Committee heard from a senior policy analyst from Honolulu City and County Josh Stanbro, who spoke to the City and County's benchmarking ordinance, the City and County of Honolulu's benchmarking ordinance, which he described as a huge win-win . . . lowered energy costs, created clean energy jobs, and reduced emissions.

Your Committee met again on this issue on February 2, 2022, to discuss Bill 23 (2022), to implement procedures for providing energy data, energy use data, benchmarking energy performance, and publicly disclosing energy performance for covered facilities owned by the County of Maui. And I want to include here too that their, the bill is also for water use, so the intention is to become more efficient at that as well.

Your Committee discussed that benchmarking is an essential tool to compare the energy components of facilities to determine which energy improvements will be effective, identify underperforming buildings, and verify the efficiency plans.

A representative from the Honolulu Mayor's Office of Climate Change, Resiliency and Sustainability provided information on a benchmark, marking program implemented by the City and County of Honolulu they believe could be replicated for Maui County. We felt this, our, our representative from our Mayor's Office of Climate Change, Resiliency and Sustainability felt this ordinance could help support this initiative and ensure that the program is comprehensive and maintained by future Administrations.

Your, your Committee also discussed the opportunity for significant savings to the County by reducing building energy usage through the monitoring of energy performance and identify . . . inefficiencies.

Your Committee agreed to amend the bill related to the agency responsible of oversight for the benchmarking program. The Managing Director has since been informed about the agency, the agency chain and has confirmed support for the amendment. It should be further noted that the Managing Director has the authority to delegate the overseeing of responsibilities to another designee as he sees fit.

Your Committee also agreed to evaluate larger County buildings first, and to clarify the floor area of the covered facilities in both tables within the bill.

The enactment of Bill 23 would allow time to troubleshoot procedures and provide training to simplify expanded implementation. And this is also the intent of the Oahu bill. They intend to expand to beyond . . . facilities.

Your Committee recommended passage of Bill 23, CD1 (2022) on first reading by a 5-2 vote. I respectfully ask for the Council's support of the Committee's recommendations. Thank you, Chair.

CHAIR LEE: Anymore discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I wonder if the Chair of the Committee can get a copy of the RFP so that we can understand what the total picture is, which, of this, which impacts the benchmarking, which is the second step?

COUNCILMEMBER KING: The R, you mean, after it goes into effect? The RFP?

COUNCILMEMBER SUGIMURA: No, now. The RFPs that were put out, just so we could get, was it Johnson and Control *[sic]*? I think that's what the, Alex de Roode said, who got the contract. So, I'm just curious to see what the parameters are and what they're going to be looking at. I don't think that came up during the Committee discussion, which I think this is a great project. But I just wondered if you could get the details of what we're expecting. Thank you.

COUNCILMEMBER KING: Yeah, thank you, can I answer that, Chair?

CHAIR LEE: Of course.

COUNCILMEMBER KING: Okay. Thank you, Member Sugimura. This actually did come up in Committee discussion. We talked about the Johnson Controls contract and how that was already something that they had already done in their e-contract with Johnson Controls. But the statement was made by Alex de Roode that this bill will strengthen, they're only going to do a couple of facilities under that contract. So, this bill will require all, all County facilities, and that's what he liked about it. It expands the, the energy, the data for all of the County facilities.

And we're doing it in two . . . one of the, the 50,000 square feet and higher, and then the second will be anything 10,000 square feet to 50,000 square feet. So, it wasn't, it was a contract that was already in process. And this kind of expands that, the mandate to the County to, to make sure that they analyze all the County facilities and not just the two or three that Johnson Controls is contracted for.

COUNCILMEMBER SUGIMURA: Yeah, so actually what I'm asking for, and thank you for saying that they're already, you have the contract, so can we have a copy of the

contract just so that we can see what they're doing? I didn't, I didn't, you misunderstood my question. So, if we could just get a copy of the contract.

COUNCILMEMBER KING: Yeah, I mean, it's unrelated to this. Yeah, it's, it's, it's kind of related but really unrelated to this bill. But I can, I can ask for that in an upcoming--

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KING: --meeting. Sure.

CHAIR LEE: Any comments or more discussion? If not, all those in favor of the motion--

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Chair, can I ask a question please?

CHAIR LEE: Deputy Corporation Counsel, yes.

FIRST DEPUTY CORPORATION COUNSEL: Thank you. Just for Member King. So, I see in the Council's records that there was the transmittal received from our Office, Deputy Whittaker, with a, an updated version of the bill that was signed off. Is that going to be moved prior to second reading, or I just wanted to understand the process?

CHAIR LEE: Member King?

COUNCILMEMBER KING: Can I answer real quick? Yeah, I'll let, I'll ask David Raatz to respond to that, because I did have an . . . discussion with OCS about what was transmitted from your office.

CHAIR LEE: David, are you on the call? Well, what we can do is, Mr. Clerk, get David and we'll come back to this as soon as he's able. Would you be able to come back on, Ms. Thomson?

FIRST DEPUTY CORPORATION COUNSEL: Yes. Absolutely.

CHAIR LEE: Okay. Thank you.

James?

DEPUTY COUNTY CLERK: Chair, we do see that Mr. Raatz is in the meeting.

CHAIR LEE: He is? Oh okay.

COUNCILMEMBER KING: . . . it's a technical difficulties.

CHAIR LEE: David, can you answer? Oh, don't tell me you're having troubles too. You, you see David? You actually see David?

DEPUTY COUNTY CLERK: I don't see him. I mean, I see that he's in the meeting. But, but he's not turned on his camera or unmuted, so perhaps--

DIRECTOR OF COUNCIL SERVICES TRACI FUJITA: Chair?

DEPUTY COUNTY CLERK: --perhaps he is encountering the same technical difficulties. Oh.

CHAIR LEE: I hear Traci.

DIRECTOR OF COUNCIL SERVICES: Yeah, David's coming to my office. His BlueJeans is locked up.

COUNCILMEMBER KING: Are they taking it out on us because they think we're going to switch over to Zoom?

CHAIR LEE: Maybe. Maybe that's it.

Good morning, David. David, we have a question for you. Did you hear the discussion with Corp. Counsel and Member King?

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Yes, I did. Thank you, Chair. Sorry for the technical difficulties. The Committee staff has been consulting with Mr. Whittaker from Department of Corporation Counsel and we appreciate the input. The bill that we got back had so many changes that we thought it would post notice problems if it were considered today.

In effect, the substance actually didn't change too much. So, and we feel the substance of the posted bill is appropriate. It's an accurate representation of the Committee's legislative intent. And we think it's modeled after the Honolulu ordinance, which has not had any legal challenges.

CHAIR LEE: So, David, are you saying that at second reading there are going to be amendments proposed? No?

DEPUTY DIRECTOR OF COUNCIL SERVICES: No. In essence, we don't believe a new bill is necessary. We think the bill as passed out of Committee is fine.

CHAIR LEE: I see. Let's see, Corporation Counsel, are you still on the line?

FIRST DEPUTY CORPORATION COUNSEL: Yes. Thank you. You know, this, this is, this has kind of been an issue. I know I've raised it a few different times with not being able to see bills prior to them, you know, being put into Committee. So, this bill actually was passed out of Committee before we had the chance to review it. You know, so Keola did have some changes that we thought would make the bill better or clearer in terms of whether the one that was passed out of Committee is legally of sound. There weren't significant legal, you know, issues that we think would cause problems. But we thought that the bill could use some, some clarification and clean up. But it's this body's choice.

CHAIR LEE: Member King, any comments?

COUNCILMEMBER KING: Just, Chair, that we, you know, I've been consulting with Office of Council Services, and they felt that some of the changes that were, were suggested were possibly pertinent when we go beyond County facilities. But right now, because we're just focused on County facilities that that's what this bill is modeled after for the City and County and, you know, there just wasn't, there wasn't the urgency to send it back to Committee to make the kinds of changes.

And we're, I think it's in line with following with the process that OCS has been following of, you know, not necessarily needing to have, because it's not in the Charter, that we need to have Corp. Counsel's signature. But we've been getting a lot of, a lot of the opinions that have come to us have been also, you know, actually almost towards the policy end. So, this is, this is the . . . of the Committee's policy was and I think its representative of where we need to go. It's very simply written and understandable. And so, I would just stand on that. And, and I, I appreciate the, the interjection of Corp. Counsel but I'm going to stick with our Office of Council Services advice on this one, and guidance.

CHAIR LEE: Any other discussion?

COUNCILMEMBER KING: Oh, I also want to, I also want to mention that I did have a pretty extensive conversation with, with Managing Director Sandy Baz. And he said he doesn't have a problem with putting this under Managing Director.

CHAIR LEE: Member Sugimura, you have a question?

COUNCILMEMBER SUGIMURA: I think this discussion is important because when we looked at the list of, Tamara Paltin had all the list of the different properties and facilities that the County has. Some of em are not owned by the County as, you know, other

jurisdictions gave. So, I wonder if we then do energy, this kind of energy study, I guess, with those other properties, what does, what does that do to this bill?

CHAIR LEE: I think that issue did come up in discussion, in Committee.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Yes, that issue did come up and it was pretty clear in the bill that this pertains to anything that the County owns and . . . manages.

COUNCILMEMBER SUGIMURA: Right.

COUNCILMEMBER KING: So, if there are properties we don't own, it won't pertain to that. There, if there are properties that we lease, we don't own but we lease, and we manage, anything where we would get an energy or water bill.

COUNCILMEMBER SUGIMURA: Right. So--

COUNCILMEMBER KING: That was discussed in the Committee.

COUNCILMEMBER SUGIMURA: So--

COUNCILMEMBER KING: So, if it's, we don't own, that's not, that we don't manage then it wouldn't, wouldn't apply.

COUNCILMEMBER SUGIMURA: So, we wouldn't do those properties then? They would be excluded. We wouldn't--

COUNCILMEMBER KING: Well, we wouldn't do them under this mandate. But without this mandate none of them are going to be done. So, that's what the mandate is, that's what this bill is for, to mandate the analysis of energy and water use for all the buildings that we manage and control.

COUNCILMEMBER SUGIMURA: So, we will selectively choose the projects. Okay, I understand.

COUNCILMEMBER KING: Yeah, it will be chosen by, by square footage. So, the reason why we have this bill is because without this bill they would be selectively chosen. They would just be whatever buildings Johnson Controls decides to, to analyze and put in its project. But this bill extends it beyond that, that, you know, contract. And correct me if I'm wrong, Mr. Raatz.

CHAIR LEE: Anything to add, Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: No, I don't, Chair. Thank you.

CHAIR LEE: Anything to add, Ms. Thomson?

FIRST DEPUTY CORPORATION COUNSEL: No, I don't.

CHAIR LEE: Okay, thank you.

Member Paltin.

COUNCILMEMBER PALTIN: I just was clarifying. So, we're going with this original bill. Is Corp. Counsel going to sign off on this original bill at second reading or not at all?

CHAIR LEE: Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL: Well, I guess if it's, you know, if its sent back to us again for a review, you know, with a clear instruction that, you know, we either sign it or we don't sign it, then we will take a look at it again. You know, it's just, honestly, it's kind of, it's kind of a waste of valuable time to, you know, to look at something and put in. I know that Mr. Whittaker put in, did put a good deal of effort into it, you know, at a time when we were absolutely consumed for the Charter Commission. But we will take a look at it again. And like I said, I didn't see anything. There are messy parts of it but, you know, whether that causes legal issues or not. If we don't see any legal issues, we will sign off on it or as Member King said, it's not necessary to have . . . Just indicates a--

COUNCILMEMBER PALTIN: Okay. Can I follow-up with Member King on what her intention is?

COUNCILMEMBER KING: What my intention is?

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yeah, I'm, I'm following the guidance of OCS that this bill is, is, is a good bill. It's clear enough and it's, we should pass it out as is. And we should take another look at it if it's extended beyond time to say the least. So, I'm going to rely on the guidance of OCS while we have it.

COUNCILMEMBER PALTIN: So, just to clarify, you're not going to send it back to Corp. Counsel, then?

COUNCILMEMBER KING: We can. We can send it back to Corp. Counsel. I think it's, there's nothing that's not legal about it. And I think the form, form and legality issues, you know, I don't think there's any issues with it the way it is.

COUNCILMEMBER PALTIN: Okay, so that was my question. Is it going to be sent or is it not?

COUNCILMEMBER KING: If it, if this, if this Council wants us to send it. I'm just going on the advice of our Office of Council Services legal team.

CHAIR LEE: So, if I may? Since there seems to be some question about what issues Corp. Counsel has come up with, would you be open to, Member King, let's say passing this today and sending it to Corp. Counsel's, Counsel for their comments, so that when we reach second reading everybody knows both sides?

COUNCILMEMBER KING: Sure.

CHAIR LEE: Okay. Is that alright, everybody?

FIRST DEPUTY CORPORATION COUNSEL: If I could, Chair. We have already provided our comments and a revised bill, dated February 11. So, that's in the, that's in the Council's record now.

CHAIR LEE: Okay. So, it, it's in Granicus?

FIRST DEPUTY CORPORATION COUNSEL: Yes. I was able to pull it up going through.

CHAIR LEE: Alright. Right. So, when we have a chance, between now and second reading, we'll all have the opportunity to look at the comments. And, and if that's going to make a difference or not at second reading, okay? Everybody take a look at your Granicus.

So, so shall we proceed, because we're in the middle of a motion and a vote? All those in favor of the motion to pass this bill on first reading, please raise your hand, well, let's take roll call.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.



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

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

NOES: COUNCILMEMBERS KAMA AND SUGIMURA.

EXCUSED: COUNCILMEMBER JOHNSON.

DEPUTY COUNTY CLERK: Chair, there are six "ayes", two "noes", one "excused"; motion carries.

CHAIR LEE: Thank you. Proceed, Mr. Clerk.

COMMITTEE REPORT  
NO. 22-17 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-14, CD1, entitled "RELATING TO THE APPOINTMENT OF EDWIN LINDSEY III TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA:

MOVE TO ADOPT RESOLUTION 22-14, CD1.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Paltin to approve the recommendations in Committee Report 22-17.

Mr. Molina, discussion.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on February 1, 2022, to discuss the Mayor's nomination of Edwin Lindsey III to the Board of Water Supply for a term expiring on March 31, 2023, due to a vacancy for, of the resignation of Joseph Aquino.

Mr. Lindsey is an independent contractor, a speaker on cultural immersion programs, and was previously employed in the real estate industry. Mr. Lindsey has also lent his time to community service with organizations such as Maui Cultural Lands, Kipuka Olowalu, Lahaina Restoration Foundation, and the Maui Nui Resource Council.

The Council must approve or disapprove Mr. Lindsey's nomination by March 14, 2022, or the nomination will be deemed approved.

Your Committee interviewed the nominee and voted 9-0 to recommend adoption of the amended resolution, which corrected Mr. Lindsey's name as reflected in his application. I ask for the Members full support of this motion. Mahalo.

CHAIR LEE: Anymore discussion?

Member Paltin.

COUNCILMEMBER PALTIN: I speak in strong support of the resolution. And I just wanted to report back to everyone that Mr. Lindsey did attend our Maui Komohana policy and law water workshop that evening, and so I'm super excited to have a Lahaina resident be replaced by a Lahaina resident on the Board of Water Supply. Thank you, Mr. Mossman and thank you, Mr. Molina. Great recommendation and . . . Love that being the third on. It was perfect.

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

Member Sinenci? Okay.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member, I mean, Mr. Clerk.

#### COMMITTEE REPORT

NO. 22-18 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY  
COMMITTEE:

Recommending the following:

1. That Resolution 22-53, entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT REGARDING THE PLACEMENT AND

MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS," be ADOPTED; and

2. That County Communication 21-561, from the Fire Chief, be FILED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-53 AND FILING OF  
COUNTY COMMUNICATION 21-561.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to approve the recommendations in Committee Report 22-18.

Discussion, Mr. Molina. Muted. You're muted.

COUNCILMEMBER MOLINA: Sorry, about that, Madam Chair. Okay let me get, get back to my place here. Your GREAT Committee met on February 1, 2022, to discuss the proposed resolution to authorize the County to enter into an intergovernmental agreement with rotary, the Rotary Club of Lahaina Sunrise, Rotary Club of Lahaina, and Rotary Club of Lahaina Sunset to place and maintain rescue tube stations at various Maui County beach parks.

Your Committee notes that if approved, the Rotary Clubs will be responsible for all costs and expenses related to the Agreement, and that the Agreement will expire on December 31, 2025, but may be renewed for an additional three years.

The Fire Chief and a representative from the Department of Public Works *[sic]* thanked the Rotary Clubs for their work and expressed support for the program. In addition, the Fire Chief stated that should the resolution pass, the Department of Fire and Public Safety will work with the Rotary Clubs to recommend site locations for the rescue tube stations that are most beneficial to the community.

Your Committee discussed the overall need for increased ocean safety measures in all beach parks and notes that the Council previously approved a similar agreement with the Rotary Club of Kihei-Wailea to provide rescue tube stations at seven Maui County beach parks.

And your Committee voted 9-0 to recommend adoption of the proposed resolution and filing of County Communication 21-561. I ask for the Members full support of this motion. Mahalo, Madam Chair.

CHAIR LEE: Member Paltin. You're muted.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Molina. I just wanted to express my gratitude to our three Lahaina Rotary Clubs and express how blessed we are to have three of them that always help out our community.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight, eight "ayes"--

Vice-Chair Rawlins-Fernandez.

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

Mr. Clerk.

#### COMMITTEE REPORT

NO. 22-19 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that County Communication 16-39, from the Planning Director, transmitting copies of documents and two proposed bills entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015, FOR THE KAHANA SUNSET AOA"; and "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO H-M HOTEL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015, FOR THE KAHANA SUNSET AOA", be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 22-19.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second by Mr. Sinenci, moved by Member Paltin, to file the, to approve the recommendation in Committee Report 22-19, which is to file the communication.

Any discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee discussed proposed bills for a Community Plan Amendment and Change in Zoning for Kahana Sunset AOA on January 6 and January 24, to bring the existing land use designations into conformity with the property's existing uses.

Your Committee received a presentation from a representative of Kahana Sunset, which did not include a managed retreat plan for its buildings.

Your Committee supported Kahana Sunset's option to pursue a change in land use entitlements to allow for the relocation of the buildings and initiate a managed retreat plan.

In the meantime, Kahana Sunset would be allowed to continue the current use of the property as rentals, although rental use and construction may be hindered by the ongoing threat of coastal erosion.

Your Committee voted 6-3 to recommend filing of the communication. I respectfully ask for the Members support of my motion.

CHAIR LEE: Any discussion? If not, all those in favor of the mo, roll call. It was a 6-3 vote, so roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

CHAIR LEE:

EXCUSED.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

NO.

DEPUTY COUNTY CLERK:

Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA:

NO.

DEPUTY COUNTY CLERK:

Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

AYE.

DEPUTY COUNTY CLERK:

And Council Chair Alice L. Lee.

CHAIR LEE:

NO.

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

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND  
CHAIR LEE.

EXCUSED: COUNCILMEMBER JOHNSON.

DEPUTY COUNTY CLERK: Chair, there are five "ayes", three "noes", one "excused"; motion carries.

CHAIR LEE: Thank you. Next, Mr. Clerk.

COMMITTEE REPORT

NO. 22-20 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that County Communication 14-162, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 1813 BALDWIN AVENUE, TAX MAP KEY NO. (2) 2-5-004:007, MAKAWAO, MAUI, HAWAII", be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 22-20.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, seconded by Member King, to approve the recommendation in Committee Report 22-20.

Discussion, Member Paltin.



COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on December 16, 2021, and January 25, 2022, and discussed a proposed bill to grant a Change in Zoning for, from Interim District to P-1 Public/Quasi-Public District, with conditions, for the Lumeria Maui property.

Your Committee also received a virtual tour of the property from representatives of Lumeria Maui.

Your Committee notes the District Boundary Amendment for the property was approved on December 10, 2012, with conditions by Ordinance 3990. The property was then owned by Soulspace Ranch, LLC and was transferred to Maui Retreat Center, LLC, in 2014.

One of the conditions of the DBA was to apply for a Change in Zoning from Interim District to P-1 Public/Quasi-Public within a year after the ordinance was enacted. Soulspace Ranch, LLC, applied for a Change in Zoning on March 28, 2013.

On, on November 26, 2013, the Maui Planning Commission recommended approval with no conditions.

Another condition of the DBA was the submittal of an annual report to the Department of Planning confirming the property's public/quasi-public use.

The Department reported continued noncompliance with conditions relating to overnight lodging, class enrollment, submission of annual reports, and advertising. Despite this, operations continued from 2013 through 2021.

On November 23, 2021, the Planning Director reported noncompliance with five of the nine conditions of Ordinance 3990, and recommended denial of the requested Change in Zoning because the majority of services offered consisted of overnight stays with spa amenities, and dining and events, thus, operating like a boutique hotel, rather than a school or university. The Planning Department, instead, requested Lumeria submit a Community Plan Amendment and Change in Zoning to operate as a hotel.

Your Committee proposed five conditions for a P-1 Public/Quasi-Public District zoning as follows: Apply for a Conditional Permit to operate as a wellness retreat, education center, and 24-room dormitory within six months; Restrict the building or expanding of new dormitory rooms; Require guests to register for one educational class per day and sign a class-enrollment agreement form; Ensure a 24-hour phone number for the property manager that is available to neighboring property owners; Operation of an amplified sound system only between 9:00 a.m. and 8:00 p.m.

Lumeria Maui declined to accept the conditions, and as a result will remain in Interim Zoning and the Planning Department will continue to enforce the conditions of the DBA.

Your Committee voted 7-2 to recommend the filing of the communication. I respectfully ask for the Members support of my motion.

CHAIR LEE: Anymore discussion?

Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. I'd like to add my comments to this motion. When the item was discussed in, in Committee, as the area representative, I did my best to listen to the neighbors of the property, the Planning Department, as well as the applicant when the proposed conditions were offered.

I must honestly say I was disappointed when the applicant proposed no alternatives to those conditions. It was my hope that an agreement that everyone could agree to. So, apparently it was not the choice of the applicant. So, it's clear to me that Lumeria Maui, LLC will be unable to operate in the status quo given the current zoning and that a Change in Zoning and Community Plan Amendment is still the best route for them to come into compliance. So, with that said, Madam Chair, I will support the motion to file. Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you, Councilmember Molina, for trying to save the day. I think as we all went through the meeting, we realized that your amendments were an effort to, to try to save the project, but it didn't go. I'm going to, I'm going to support the motion to file. And I appreciate you trying to find a balance, Member Molina. And I look forward to this project continuing, because I went to visit it personally and it's a, it's a nice addition to a community that's quiet. It does a lot of things that we want for a business in the middle of other things. So, but I'm going to support the motion to file. Thank you.

CHAIR LEE: Anyone else? I have a few words. I was disappointed in that the applicant didn't agree to the terms that were being suggested. I thought the terms were fair. I'm not sure why he wanted to remain stubborn about it, but he did. So, I would have supported him, I would have supported the project. But under the circumstances, I will support filing the, the communication.

Any more discussion? If not, is anybody going to vote "no"? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 22-21 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that the Miscellaneous Communication, relating to inventory of County-owned real property, excluding roadways and easements, be FILED.

CHAIR LEE: Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 22-21.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sinenci, to approve the Committee Report 22-21 recommendations.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee discussed a report from the Department of Finance listing all County-owned real property, excluding County roadways and easements, by tax map key, address, number of acres, and description.

As a result of the discussion, your Committee requested additional information from the Department regarding specific properties for affordable housing, public housing, employee-specific housing, and other County projects.

And as a side note, we just received correspondence back from the Department of Planning today. So, I guess we'll get that out to you folks.

Your Committee also discussed the process for receiving and managing donated properties and noted the benefit of having an inventory of County-owned properties. Your Committee voted to recommend filing of the communication. I respectfully ask for the Members support of my motion.

CHAIR LEE: Discussion? Further discussion? All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr. Clerk.

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

## RESOLUTIONS

RESOLUTION  
NO. 22-50

RELATING TO THE APPOINTMENT OF ALTON KIYOSHI WATANABE TO THE  
CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI

*Nomination of Alton Kiyoshi Watanabe to the Civil Service Commission for a term  
expiring March 31, 2023.*

The recommended action is that Resolution No. 22-50 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-52

AUTHORIZING SETTLEMENT OF CLAIM NO. 4064548  
OF TYRON DELLA

The recommended action is that Resolution No. 22-52 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-56

APPROVING THE REAPPOINTMENT OF MARY  
TROTTO AS A MEMBER TO THE COMMISSION  
ON HEALING SOLUTIONS FOR HOMELESSNESS FOR  
THE COUNTY OF MAUI

(RESOLUTION NO. 22-56 WAS ADOPTED LATER IN THE  
MEETING. See pages 80 through 82 for discussion and action.)

The recommended action is that Resolution No. 22-56 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-58

APPROVING THE APPOINTMENT OF  
JORDAN MOLINA AS THE  
DIRECTOR OF PUBLIC WORKS

The recommended action is that Resolution No. 22-58 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-51

AUTHORIZING THE MAYOR TO ENTER INTO A PUBLIC PRIVATE  
PARTNERSHIP AGREEMENT RELATING TO INFRASTRUCTURE  
IMPROVEMENTS AND RESIDENTIAL WORKFORCE HOUSING FOR THE  
WAIKAPU COUNTRY TOWN DISTRICT

The recommended action is that Resolution No. 22-51 be referred to the Planning and Sustainable Land Use Committee.

RESOLUTION  
NO. 22-54

AUTHORIZING THE ACQUISITION OF APPROXIMATELY 51.337 ACRES  
IDENTIFIED AS TAX MAP KEY (2) 4-3-001:084 (POR), SITUATED AT KAHANA,  
MAILEPAI, ALAELOA, KAAHAPALI, LAHAINA, MAUI, HAWAII, FOR AN  
AMOUNT NOT TO EXCEED \$2,050,000

The recommended action is that Resolution No. 22-54 be referred to the Budget, Finance, and Economic Development Committee.

(RESOLUTION NO. 22-54 WAS AMENDED AND ADOPTED  
LATER IN THE MEETING. See pages 82 through 93 for  
discussion and action.)

RESOLUTION  
NO. 22-57

AUTHORIZING THE TRANSFER OF AN UNENCUMBERED  
APPROPRIATION BALANCE WITHIN THE  
DEPARTMENT OF MANAGEMENT,  
FISCAL YEAR 2022 BUDGET

The recommended action is that Resolution No. 22-57 be referred to the Budget, Finance, and Economic Development Committee.

(RESOLUTION NO. 22-57 WAS ADOPTED LATER IN THE MEETING. See pages 93 through 95 for discussion and action.)

RESOLUTION  
NO. 22-55

SUPPORTING MĀ'ALAEA MAUKA'S  
APPLICATION TO THE DEPARTMENT OF LAND  
AND NATURAL RESOURCES' LEGACY LAND  
CONSERVATION PROGRAM

The recommended action is that Resolution No. 22-55 be referred to the Climate Action, Resilience, and Environment Committee.

(RESOLUTION NO. 22-55 WAS AMENDED AND ADOPTED LATER IN THE MEETING. See pages 67 through 79 for discussion and action.)

CHAIR LEE: Members? Member King.

DISCUSSION AND ACTION RELATING TO  
RESOLUTION NO. 22-55

COUNCILMEMBER KING: Thank you, Chair. I'd like to ask for consideration on Resolution 22-55 and 22-56. We could start with 22-55, supporting Mā'alaea.

CHAIR LEE: Okay.

COUNCILMEMBER KING:

"SUPPORTING MĀ'ALAEA MAUKA'S APPLICATION TO THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES'  
LEGACY LAND CONSERVATION PROGRAM". I MOVE TO  
ADOPT RESOLUTION 22-55.

And then, I will have some, a proposed amendment.

CHAIR LEE: Okay. Second? Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member King, seconded by mem, Vice-Chair Rawlins-Fernandez, to  
adopt the resolution in 22-55.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Mā'alaea Mauka, also known as Pohakea  
Watershed Lands is a keystone property for watershed protection and is critical for  
managing wildfires, erosion, soil runoff, and pollution of Mā'alaea Bay.

Approving Mā'alaea Mauka's application to the Legacy Land Conservation Program  
would designate this 257.7-acre parcel for much needed protection from the  
environmental threats mentioned. The State has plans to add this property as a Forest  
Reserve, along with surrounding State lands and to manage the area holistically for  
the purpose of preventing fires, restoring native habitats, and enhancing public  
recreational activities. Designation was also, would also ensure future stewardship of  
the property and aligns with the Kihei-Makena Community Plan and the Countywide  
Policy Plan.

Because of the importance of this property to promote conservation of our natural  
resources and the grant application's promise of provide, of private funding that could  
replace portions of County funding, I respectfully ask for the Council's support in  
adopting this resolution.



And, Chair, I'd like to move to, if the, if the, if, I'm looking at notes that say if the motion passes, okay, then I would, then I would--

CHAIR LEE: Amend.

COUNCILMEMBER KING: --move to waive the Rule. But I have an ASF just to amend. So, I'd like to move to amend the resolution as follows: in the first recital--

CHAIR LEE: Okay, wait, let's, let's vote on the main motion.

COUNCILMEMBER KING: Oh, this is a change to the main motion, though.

CHAIR LEE: A change to, are you, are you substituting this resolution?

COUNCILMEMBER KING: No. I'm just making a, an amendment.

CHAIR LEE: Okay. Mr. Clerk, can we have a clarification of that? I, I thought I would need to take the main motion first and then take an amendment.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, so, so in this situation, it sounds like Councilmember King wants to make an amendment to the resolution. So, it would be correct for her to make that motion to amend right now, and for the body to deal with that amended motion first before voting on the main motion as amended.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: And then, I heard Councilmember King mention a Rule. Yes, if, if the amendment does prevail, then Rule 19.C. would apply unless the body waives it. Thank you, Chair.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Okay.

CHAIR LEE: So, she's making an amendment to a motion that hasn't passed. Alright.

Proceed, Member King.

COUNCILMEMBER KING: Okay. Thank you, Chair. And, and basically, this is housekeeping.

SO, IN THE FIRST RECITAL, SUBSTITUTE "MĀ'ALAEA MAUKA, ALSO KNOWN AS POHAKEA WATERSHED LANDS" FOR "MĀ'ALAEA MAUKA". SO, WE'RE JUST RE, REDESCRIBING IT AS "MĀ'ALAEA MAUKA, ALSO KNOWN AS POHAKEA WATERSHED LANDS (TAX MAP KEY (3) 6-001:018))". AND IN THE SECOND RECITAL, SUBSTITUTE "NĒNĒ" FOR "WILIWILI TREES".

CHAIR LEE: Okay.

COUNCILMEMBER KING: Sorry . . . Thank you.

CHAIR LEE: So, you needed a second for that. The second was from Member Paltin. Did you have your hand up? No.

COUNCILMEMBER KING: I think she did.

CHAIR LEE: We need a second for the amendment.

COUNCILMEMBER PALTIN:

I'LL SECOND.

CHAIR LEE: Member Paltin, alright. Member Paltin seconds the amendment. Further discussion?

COUNCILMEMBER KING: Okay. Well, there just, I'll just give the brief explanation. This, this was written up with consultation from Trust for Public Lands and the folks at Mā'alaea. But then, in further correspondence, Trust for Public Lands mentioned that the, their application is actually to Legacy Lands is actually under Pohakea Watershed Lands. So, it's the same land we were just, it's the same area. We were just calling it something different in our, in our resolution. But we want to support their application because it's, their application has been submitted and we wanted to get this resolution in before they do the site visit which is, which is, just been scheduled for beginning of March.

CHAIR LEE: Member Paltin, you had your hand up?

COUNCILMEMBER PALTIN: Yeah. I just was wondering and, and I'm not sure if I'm, if it's right, if it can be a friendly amendment. But we're supporting the application to DLNR Legacy Land Conservation Program, and my question is, why are we not sending them a certified copy and resolution to the DLNR Legacy Land Program?

COUNCILMEMBER KING: Well, that's what, yeah, we, we sent them a letter, I sent them a letter of support from myself as a Councilmember. And then, if this passes, we will be sending this resolution to the, to the, the described, are you talking about the certified copies?

COUNCILMEMBER PALTIN: Yeah. I don't see DLNR Legacy Land Conservation Program as one of the entities that we're sending it to.

COUNCILMEMBER KING: Yeah, we really should add them. We were, we were asked to do this resolution so that the Mā'alaea, the folks that were putting all this together could send in this resolution with their application, but we can send it in directly. We can add them too. That can be a friendly amendment.

COUNCILMEMBER PALTIN: Okay, that was my thing that I--

COUNCILMEMBER KING: We just, we were trying to follow the process that they asked us to follow. But you're right, it could be sent directly to them.

COUNCILMEMBER PALTIN: Okay, friendly amendment.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Alright, any more discussion? All those in--

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member King, for this. So, in the, on page 2 of the ASF, it, were you intending to show the amendments? Or I, I guess I don't, I don't see the ram, is it Ramseyered? Was it meant to be Ramseyered?

COUNCILMEMBER KING: The A, A, the ASF should have been delivered to everybody. Is, staff, did you get that?

VICE-CHAIR RAWLINS-FERNANDEZ: No, got it.

COUNCILMEMBER KING: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I got it. On page 2.

COUNCILMEMBER KING: But there's only one page. There's only one page.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, so, yes. The first page is a ASF. The second page is the first page of the resolution. And then the third page is the second page of the resolution. So, on the first page is where I think the amendment is supposed to be? So, my question is, in the ASF page 2, first page of the resolution, was it intended to be Ramseyered? Yeah, I was looking for where the amendment.

COUNCILMEMBER KING: Right. No, I understand. Yeah, you're right, it should have been Ramseyered. I, I'll ask staff if they intended to do that.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so the question is where? Where is the, so it says amend the resolution, in the first recital, substitute Mā'alaea Mauka?

COUNCILMEMBER KING: So, in the first "WHEREAS", it said "WHEREAS, Mā'alaea Mauka is 2.557 acres", but we're inserting "also known as Pohakea Watershed Lands" and we're putting the tax map key.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER KING: So, because their application to Legacy Lands and it's for a million dollars. So, their application for the grant from Legacy Lands is under Pohakea Watershed.

VICE-CHAIR RAWLINS-FERNANDEZ: So, the appropriate names--

COUNCILMEMBER KING: . . .

VICE-CHAIR RAWLINS-FERNANDEZ: --for the area is Pohakea Watershed? It's not Mā'alaea Mauka.

COUNCILMEMBER KING: It was, it was a term that a lot of us used to describe that area. But in applying for this app, in applying for this money, the Trust for Public Lands is using Pohakea Watershed Lands.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. So, I guess--

COUNCILMEMBER KING: . . . it seems . . . but they're calling it something different.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Well, if they're calling it what it's, the appropriate name of the place, then instead of Mā'alaea Mauka being, you know, the, the, being framed as the more appropriate name, also known as, I guess I, I, my preference would be, you know. Oh, I'm sorry? That it, it, this, the appropriate name of the place is Pohakea Watershed and not also known as, like, cause that is, Mā'alaea Mauka is not the name of the place. That is what it's been called by some people. But Pohakea is the correct--

COUNCILMEMBER KING: Let me see if we can get somebody on from OCS. Brittney, are you on? She wrote the resolution.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. But I don't ex, I don't expect Brittany to know what the accurate and appropriate traditional place names to be. So, I, it's just the also known as. Maybe, you know, let me think about it for, for a minute and then I will propose something, an amendment for your consideration, hopefully a friendly amendment.

COUNCILMEMBER KING: Okay. I, I--

CHAIR LEE: I have a question.

COUNCILMEMBER KING: I would like, yeah, I would like to get maybe David Raatz or, or Brittney on here, because I'm not sure that there's an official name. You know, there's, that's why the tax map key was put in there. But the reason why we wanted to put Pohakea Watershed on there is because that was what the application was under. But maybe--

CHAIR LEE: I have a question first. Member King, who is applying? Who is submitting an application to the Department of Land and Natural Resources? Is it, is the organization's name Mā'alaea Mauka?

COUNCILMEMBER KING: No, they're, they're Trust for Public Lands. And--

CHAIR LEE: I see.

COUNCILMEMBER KING: And it's, and it's about this project. So, the, the Legacy Lands application is about this project. And I'm not sure that Pohakea Watershed is the official name of the project, but I do know that that's the name that they put on their application. So, they wanted us to align the resolution with their application.

So, but I saw Traci, Traci or David on for a second.

CHAIR LEE: Traci or David? Okay, David, did you hear the discussion?

DEPUTY DIRECTOR OF COUNCIL SERVICES: I've heard some of the discussion, Chair. I, I didn't hear a question. I'd be happy to try to respond.

COUNCILMEMBER KING: So, the question is, you know, we're changing the name, we've got an ASF in to change the name from the "Mā'alaea Mauka" to "Mā'alaea Mauka, also known as Pohakea Watershed Lands". And, you know, my understanding is that we were doing that because that's what the name, that's what application is, is under that name, Pohakea Watershed. But there was a concern that, is there like, was one or the other the official name of that, that land? Because, you know, a lot of us have been calling it Mā'alaea Mauka for a long time. And, you know, to me the resolution was aligning, aligning with the application, not necessarily, you know, we don't really know if that's the official name for that land.

CHAIR LEE: David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Okay, thank you, Chair. Yes, Councilmember King has, has stated accurately what we've been provided by, I believe, representatives, representatives of the applicants. But, you know, if that information is not completely accurate or comprehensive, it would be appropriate to consider amending the motion, and we can make it more accurate or comprehensive.

COUNCILMEMBER KING: Well, the concern was that Member Rawlins-Fernandez had a concern that, that it's not officially, it's really not an official name. We've been calling it Mā'alaea Mauka for I don't know how many years. But is that, is that a problem for this resolution? Should we take off the Mā'alaea Mauka and just call it Pohakea Watershed?

CHAIR LEE: David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. I mean, I would suggest it's really for the Council to decide what, you know, how they want to describe the area. I don't think this is a type of resolution that has any binding legal effect. You're expressing an opinion of support. But it's really, I would say the will of the body to try to get the language in the best form.

COUNCILMEMBER KING: Okay, well, I guess we're asking you as the, you know, because you guys authored this resolution. So, I just wanted to make sure that, you know, that that name came from somewhere, because we've been using the name Mā'alaea Mauka for a while.

CHAIR LEE: So, David, you're saying that that information was submitted to the Office and that's what you used to, to draft this resolution? I mean, that's not something that you chose, right? That's not a name that you chose.

DEPUTY DIRECTOR OF COUNCIL SERVICES: That's correct, Chair.

CHAIR LEE: That's information that was given to the Office.

Well, we have other questions.

VICE-CHAIR RAWLINS-FERNANDEZ: The point is, the point is that, you know, Baby Beach was called "Baby Beach" for a long time, but that's not the name, so.

CHAIR LEE: Okay, we have other questions. Member--

VICE-CHAIR RAWLINS-FERNANDEZ: Maui kea, you know, Mā'alaea Mauka may have been what people have called it. If it's not the correct traditional place name, that let's not continue the erasure of our traditional place names. And, and that, that's just all. Like it's, it's not supposed to have been a really big deal.

CHAIR LEE: Okay. Member Paltin and then Member Kama. Other people need to chime in here.

Member Paltin.

COUNCILMEMBER PALTIN: Thanks, Chair. I just was Googling. And the College of Tropical Agriculture and Human Resources Program, Hawaii Water Quality Extension Program does refer to a number of the watersheds in Maui and there is a, 2-11 is Pohakea. So, I mean, the reason I Googled it, I thought it was all part of Mauna Kahalawai, but that's the whole thing as a whole. So, then, you know, if we want to be specific of which part of it, it is listed on this [ctarh.hawaii.edu](http://ctarh.hawaii.edu).

COUNCILMEMBER KING: And that that has the tax map key on it?

COUNCILMEMBER PALTIN: It just says 2-11 Pohakea. And then, you know, it has where it is and stuff like that. So, I mean, it seems that there is a place on Pohakea.

CHAIR LEE: Okay. So, Member Kama and then Member Sinenci.

COUNCILMEMBER KAMA: Thank you, Chair. So, I guess we all Googled today, and I was on the Mā'alaea Watershed Plan. And it says that Pohakea is the name of the watershed measuring about 5,268 acres upslope from Mā'alaea Bay. And it goes on

to talk about a whole lot of stuff. But I'm in concert with Member Rawlins-Fernandez, that this is Hawaii, so, and this is the year of, this is the month OIelo Hawaii, so let's do what, you know, we say we want to do in terms of keeping, you know, the Hawaiian language, keeping the Hawaiian culture, the perspective, and the names. Because that's how you continue the culture, is in the name. So, I kind of like deleting Mā'alaea Mauka from the reso and just putting Pohakea in there. So, that's my comment, Chair. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Pro Temp Kama for that word up, upslope of Mā'alaea. But yeah, I'm, I'm also in favor of putting Pohakea Watershed as the, I think that will correspond with the grant wording. I, I think Mā'alaea Mauka, just refers to the area. I mean, I'm open to putting also or described as Mā'alaea Mauka. But if the wording is not part of that grant, maybe no need.

CHAIR LEE: Okay. Any other questions or comments?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: I don't have a problem changing it to, cause I thought, originally, I thought that's what we were going to do, is change it to Pohakea Watershed. But just wanted to double-check with Mr. Raatz and make sure there wasn't, I mean, the whole purpose of this is to support their grant application. So, they're not, we're not going beyond that, we're not trying to name ourselves or anything. But just to make sure that if we do that and change it in all the places that says Mā'alaea Mauka, that that doesn't, that doesn't detract from the purpose of the resolution.

CHAIR LEE: David? David, are you on the call?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes, thank you, Chair. I'm, I'm here. We've been, again, looking over the material provided by the community advocates for submitting this application. And I think ultimately, they're, they're looking to include in their application a statement that the Council supports the application. So, I, you know, and they suggested some wording, but again, I think if the body's wording that it's comfortable with can express support for the project, then the, the advocates will be satisfied, and the Council will end up with a resolution that's appropriate.



COUNCILMEMBER KING: Okay, so we can change, we can change everywhere it says Mā'alaea Mauka to Pohakea Watershed? We don't have to repeat the tax map key every time. But that won't affect our support for the application is the main thing. Okay.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Chair, Chair, if I, if I may? The materials do say the application name is Pohakea Watershed Lands.

COUNCILMEMBER KING: Right. So, Pohakea Watershed Lands would be substituted for Mā'alaea Mauka in, in--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --any place that says Mā'alaea Mauka. Is that, is that, is that okay with you, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Absolutely. That sounds wonderful.

COUNCILMEMBER KING: Okay. And then, the second part of the ASF, and this came from the applicant as well. In the second paragraph, to substitute "nēnē" for "wiliwili trees", because it talks about important natural habitat for bats, the sphinx moth, and nēnē. And they basically came back and said no it's not a natural habitat for nēnē, but it is for wiliwili trees. So, that's the second part of the ASF.

CHAIR LEE: Any objections, Members?

Oh, Member Paltin.

COUNCILMEMBER PALTIN: I, I understood it the opposite. It's not the native habitat for wiliwili, but it is for nēnē.

COUNCILMEMBER KING: Oh, I'm sorry. Is that, is that, you know, I got mixed up because it wasn't in Ramseyer format, exactly what you were talking about earlier. So, yeah, you're right. No, it was, they put, they wanted to substitute wiliwili trees for nēnē. So, the nēnē is what's in here, what you see in here, and it just wasn't put in Ramseyer format.

COUNCILMEMBER PALTIN: Okay, just clarifying. Thank you.

COUNCILMEMBER KING: Yeah, thank you for that.

CHAIR LEE: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member King. So, and then the nēnē, there's a kahako over the two "e's".

COUNCILMEMBER KING: Okay. Got that staff?

CHAIR LEE: Alright. So, anymore amendments? Then, we should take a vote now. Anymore comments? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes"; motion carries. One "excused"; Member Johnson.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Okay, thank you for that, Members.

MOVE TO WAIVE RULE 19.C. TO ENABLE THE COUNCIL--

COUNCILMEMBER PALTIN: Oh, main motion.

COUNCILMEMBER KING:

--TO PASS THE REVISED--

COUNCILMEMBER PALTIN: That was, wasn't that just the amendment?

COUNCILMEMBER KING: That was, but we can't vote on the main motion now because there's amendment. So, now I have to waive the Rule before we can vote on the main motion, so.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: The motion is to waive the Rule 19.C., right?

COUNCILMEMBER KING: Right. So, that we can pass the revised resolution.

CHAIR LEE: Okay. Okay, moved by Member King, seconded by Vice-Chair Rawlins-Fernandez, to waive the Rule 19.C.

Any discussion? I think you already explained it. Any more discussion? All those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member King.

COUNCILMEMBER KING: Okay, thank you, Chair. So, I respectfully ask for the Council's support in adopting this resolution as amended. Thank you, Members, for all your help with it. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: If not, eight "ayes", zero "noes", one "excused"; motion carries.

Mr. Clerk.

COUNCILMEMBER KING: Chair, can I do my second one?

CHAIR LEE: Alright. Go ahead.

Member King.

**DISCUSSION AND ACTION RELATING TO**  
**RESOLUTION NO. 22-56**

COUNCILMEMBER KING: Okay, so, I move to, this is for Resolution 22-56, for the reappointment of Mary Trotto as member to the Commission on Healing Solutions for Homelessness for the County of Maui.

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

COUNCILMEMBER PALTIN:

SECOND.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Moved by Member King, seconded by Member Paltin, to waive the Rules of the Council on this particular item.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just given that the deadline for the end of Dr. Trotto's term is approaching and other time sensitive matters, I'm proposing we consider this resolution today and, and not send it on to that long list of appointments that Mr. Molina has to do in his Committee.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Mr. Johnson. Motion carries.

Member King.

COUNCILMEMBER KING: Yeah, thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-56.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Kama, to adopt the Resolution 22-56.

Discussion?

COUNCILMEMBER KING: Thank you, Chair. Members, I first wanted to point out that there is a nonsubstantive spelling error of the word "appointed" in the third "WHEREAS" paragraph. So, the Clerk's Office can make that correction on there.

As to the resolution, on March 19, 2021, the Council appointed Dr. Trotto to the Commission on Healing Solutions for Homelessness for a term expiring March 31, 2022. And that was by lottery, I believe, that, that the names were pulled out of a hat as to who would have a one-term, one-year term, or two-year term, or three-year term.

According to Section 13-2(6) of Revised Charter of the County of Maui (1983), as amended, a member serving for less than two years may be eligible for reappointment to the same board or commission.

Dr. Mary Trotto exemplifies devotion to the community through her many years of service to residents in need throughout Maui County, but especially in our shared residency area of South Maui. Through her service as a member of the Hale Kau Kau

Advisory Board, Kihei Community Association, and Kalama Park Action Team, she has dedicated countless hours to help those dealing with housing insecurity.

(Vice-Chair Rawlins-Fernandez was excused from the meeting at 12:00 p.m.)

COUNCILMEMBER KING: Because of her expertise, familiarity, and vast local experience, I respectfully ask for the Council's support in adopting this resolution. Thank you.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion, raise your hand and say "aye". Oh, we're missing, okay, I, does anybody see Vice-Chair Rawlins-Fernandez? Cause I see three, four, five, six--

COUNCILMEMBER KING: No, I think she dropped off because of her network.

AYES: COUNCILMEMBERS KAMA, KING, MOLINA,  
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR LEE: Seven "ayes", zero "noes", two "excused"; motion carries.

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: Member Paltin. Member Paltin.

**DISCUSSION AND ACTION RELATING TO**  
**RESOLUTION NO. 22-54,**  
**AND BILL NOS. 47 (2022) AND 48 (2022)**

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 12:01 p.m.)

COUNCILMEMBER PALTIN: May I request the Clerk to, consideration for Resolution 22-54.  
May I request the Clerk to also call up Bills 47 and 48?

CHAIR LEE: Okay. Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 47 (2022)

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 (ACQUISITION OF WEST MAUI  
PARK SITE)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 48 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES,  
AND SCENIC VIEWS PRESERVATION FUND  
(ACQUISITION OF WEST MAUI PARK SITE)

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

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

CHAIR LEE: Okay. Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sinenci, to waive the Rules of the Council.

Member Paltin, discussion.

COUNCILMEMBER PALTIN: Thank you. Approval of my motion by a two-thirds vote will enable the Council to consider the proposed resolution and related bills today. These matters are time sensitive, especially given there are no regular meetings of the Budget, and Finance, Economic Development Committee scheduled until after the budget session.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Three, four, five, six, seven, eight "ayes", zero "noes"; motion carries. One "excused"; Member Johnson.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-54 AND PASS BILLS 47  
AND 48 ON FIRST READING.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Kama, to adopt the Resolution 22-54.

Discussion, Member Paltin.



COUNCILMEMBER PALTIN: Thank you, Chair. This resolution and related bills will allow the County to purchase the subject property in Kahana from Maui Land & Pineapple. As you may recall, this is a priority item of mine from two years during the budget, and it started in 2019 during that first budget session.

Due to the COVID pandemic and the escalate, escalating property crises, the purchase price has increased from what it was originally budgeted for. However, the County has the funds available and the price, \$2,050,000 is still a good deal for the 51 plus acres in the Kapalua area. And if we wait longer, it could just go up even more. It is in the County's interest and the public's interest to take advantage of this opportunity while we can.

I have asked the Budget Director or representative, as well as the Finance, to be available at this meeting to answer any questions if needed.

My understanding is the appraisal price came in a bit high. However, even though Maui Land & Pine is a publicly traded company, they were able to negotiate down a bit, and this is what the final amount came to. This was a condition put on the Pulelehua development by Member Cochran to be fulfilled during the update of the West Maui Community Plan process, which has become law last month. Thank you.

CHAIR LEE: What was the appraisal?

COUNCILMEMBER PALTIN: Oh, we can have Director Yoshimura or Teruya--

CHAIR LEE: No, that's alright. That's okay. I thought you had it--

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: --handy. Any comments, question, discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I would like to know that question, the answer to that question. And I see Director, Finance Director Teruya on.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, can we ask him that question?

CHAIR LEE: Yes. Director Teruya, I didn't know you were there. Thank you.

DIRECTOR OF FINANCE SCOTT TERUYA: I just made, good afternoon, Members. So, so, Chair and thank you, Ms. Paltin, for that question. Yes, we did start in 2019. We did commission an appraisal. The appraisal came out to \$2.8 million. We had initially, you know, tentatively agreed on that \$1.3 million just to initiate the, the process.

So, we received the appraisal. We have been working with Maui Land & Pine for over the last year going back and forth on negotiations, as Ms. Paltin had . . . So, we did finalize an agreement at \$2 million. And the reason why it's at two million fifty is because there's other closing costs that's associated with the sale that needed to be included for the closing. So, the purchase price is \$2 million.

CHAIR LEE: Any more questions for the Finance Director, since he's here?

Member King.

COUNCILMEMBER KING: Yeah, thank you, Chair. I just wanted to, maybe this is for the Finance Director or maybe it's for Member Paltin, but the urgency of passing this today rather than going through the budget process, is it because we have the funds available?

COUNCILMEMBER PALTIN: Chair, is it okay?

CHAIR LEE: Yes, Member Paltin.

COUNCILMEMBER PALTIN: Yeah, it's because it's an amendment to this fiscal year budget. And we're not going to be having a regularly scheduled budget meeting, I think she gave up her meeting to Member Molina and you for March. So, then this wouldn't be taken up until after the Fiscal Year '23 Budget session. And, you know, it's an important item to my community.

And, and I'm sorry, there is an ASF with additional exhibits that got left off the initial posting.

COUNCILMEMBER KING: Okay. No, that wasn't, my question was it, is it because we have the funds available right now and we want it in this budget, you know, versus wait, versus, you know, putting this into the next budget?

COUNCILMEMBER PALTIN: I'll defer to Budget Director on that one.

CHAIR LEE: Mr. Teruya.

DIRECTOR OF FINANCE: I think she asked, requested for the Budget Director, so.

CHAIR LEE: Oh, is Michele on? I'm sorry. Ms. Yoshimura.

BUDGET DIRECTOR MICHELE YOSHIMURA: Thank you. Councilmember King, so in Fiscal Year '22's Budget, there is a appropriation for \$1.3 million. So, this would be increasing the, that appropriation by \$800,000.

COUNCILMEMBER KING: Okay. So, we're adding, we're adding onto that and then we're, we're actually able to purchase it with that? We're not spending 8 million on it.

BUDGET DIRECTOR: So, we will be able to do the purchase. The requisition is for, or the resolution is for 2 million, \$2,050,000 which would include the closing costs. So--

COUNCILMEMBER KING: That's the purchase . . .

BUDGET DIRECTOR: --the ask that we're, yeah, that's what we have on the--

COUNCILMEMBER KING: Okay. Okay. So, we have the money, so just to be clear, we have the money in our current budget but it's not enough, so we're putting in another 800,000 and trying to get this to happen this year? That's what we're doing right now? Okay, I get it. I understand. I can support that.

BUDGET DIRECTOR: Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Anyone else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This question is for Director Teruya. In negotiations, did you, did you try to negotiate lower than the \$2 million that was finally decided upon? And second question is, was there anything in the condition that would have given the County more enforceability or more leverage to bring that amount down, or any consequence if we didn't get that 50-acre park as required by the condition?

DIRECTOR OF FINANCE: Chair Lee?

CHAIR LEE: Yes, Mr. Teruya.

DIRECTOR OF FINANCE: Thank you. Thank you for that question. Number one is, we had several back and forths with the seller to negotiate a price lower than what we had finalized at. But that is part of the negotiation process, that we do our best due diligence to get the best price for the County using taxpayer funds.

But you gotta remember that the highest and best use of this may be something other than park. So, I can understand the position of the seller as well. We are purchasing it for a park, therefore, my negotiations was a little lower than the appraisal price. So, there is a balance in getting to where we got to it right now. And I think we're at a position where we have both, both parties have agreed that the \$2 million is a starting point. That, that's what we brought forward to the Council. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: And then on the, to follow-up, did the resolution, as written, with, oh sorry, the condition as written, did it, did it give any, was there any consequence if it, it didn't give the County the 50-acre park?

DIRECTOR OF FINANCE: Chair, I don't know if anybody from Corporation Counsel or Guy Hironaka is on that can provide additional information on that. But not, not to my knowledge at this point. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Director.

CHAIR LEE: Member Paltin?

COUNCILMEMBER PALTIN: Yes.

CHAIR LEE: Was this the, the 50-acre regional park that was talked about for a long time?

COUNCILMEMBER PALTIN: Yeah. Member Cochran put in this condition because Pulelehua was supposed to be the site of that park. But then, it got approved for development, and so she put it as a condition on the Pulelehua development.

CHAIR LEE: This 50-acre park is connected to the Pulelehua development?

COUNCILMEMBER PALTIN: Yeah.

CHAIR LEE: How, how is that? They, are they supposed to develop it as a park?

COUNCILMEMBER PALTIN: No. One of the conditions of the Change in Zoning for Pulelehua was that the County would be able to make an offer to Maui Land & Pine for 50-acres of ag land at ag land prices for a 50-acre park, because in changing the

zoning for Pulelehua, the Community Plan had specified that area was supposed to be a community park.

CHAIR LEE: I see.

COUNCILMEMBER PALTIN: So.

CHAIR LEE: Okay. Member, I mean, member, Member Teruya, did you have your hand up?

DIRECTOR OF FINANCE: Yes, thank you. And I just have it here in my notes, just it's not very lengthy notes. But it, my understanding with the seller was they're, their part of their propo, their agreement was they just needed to offer it to the County using fair market value for ag lands. So, by them offering it to us, if we were to no longer take the position that we wanted it, they would have met their conditions is my understanding.

CHAIR LEE: I see. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Director.

CHAIR LEE: Okay, that makes sense. Any more questions, comments?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, this is for Member Paltin. I saw the exhibits on the ASF. So, but I'm still not geographically understanding where the park is at. So, could you--

COUNCILMEMBER PALTIN: I can totally describe it to you. I'd love to take you all out there to see it. As you're coming up Highway 30, there's Kahana McDonald's and then Kahana Ridge and that whole area, right where Kahana Ridge ends kind of, but before Maui Preparatory Academy, there's a, already a pullout from the highway where you could turn right. And it's that 50-acres close to the highway and right between Kahana Ridge and Maui Preparatory Academy.

COUNCILMEMBER KAMA: Wow. Wonderful. Thank you. Thank you, Chair. Great.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Parks did a great job of selecting a really fantastic location.

CHAIR LEE: Okay, anybody else? If not, are we ready for the vote? Okay, ready for the vote? Why are you crossing your fingers? All those in favor of the motion, oh, Member.

COUNCILMEMBER SUGIMURA: There's James.

CHAIR LEE: I mean, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, just for the--

COUNCILMEMBER PALTIN: . . . I didn't do the ASF yet.

DEPUTY COUNTY CLERK: Right. Chair, just for the body's information, the, what's on the floor is the main motion. But I heard that there, there could be an amendment. So, if there is an amendment now--

CHAIR LEE: Oh, yeah, the amendment.

DEPUTY COUNTY CLERK: --it'll be the time.

CHAIR LEE: Okay. I'm sorry. I didn't know, you, you didn't have your hand up. Just, just your fingers.

Member Paltin.

COUNCILMEMBER PALTIN: Sorry. It wasn't exactly in the notes.

BUT I MOVE TO AMEND THE MAIN MOTION BY INCLUDING THE EXHIBITS THAT HAVE BEEN EMAILED TO THE MEMBERS THROUGH THE ASF. SO, I'D LIKE TO AMEND RESOLUTION 22-54 TO INSERT EXHIBIT "1", EXHIBIT "2", EXHIBIT "3", AND EXHIBIT "4".

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, any more discussion, Member Paltin?

COUNCILMEMBER PALTIN: These were just inadvertently left off from the transmittal. And it's all like, you know, the boundaries and all those, like, I think the title report and all that kind of stuff.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member Paltin, anything else?

COUNCILMEMBER PALTIN: I'll save it for after the vote.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Clarification on Member Paltin's last comment, comments. After the vote on the main motion as amended.

COUNCILMEMBER PALTIN: On the entire process.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Okay. So, there, there's a resolution and I believe we have to waive Rule 19.C. if we want to pass it with amendments, unless it's non, okay, okay, Deputy Clerk is nodding his head.

VICE-CHAIR RAWLINS-FERNANDEZ:

SO, I WILL MOVE TO WAIVE RULE 19.C OF THE RULES OF  
THE COUNCIL SO THAT WE CAN PASS THE RESOLUTION  
TODAY.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Moved by, so, Member Paltin, you have an assistant now. Vice-Chair Rawlins-Fernandez making your motion. Making your motion. Okay, any more discussion?

Been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, just for the record.

You have a discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Not a discussion, just a question. I saw Deputy Clerk's video pop on, so I just wanted to make sure that it was kosher?

CHAIR LEE: Mr. Clerk--

DEPUTY COUNTY CLERK: Oh, apologies.

CHAIR LEE: --did you have something to say?

DEPUTY COUNTY CLERK: Apologies, Chair. No, just, just wanted to remind the body that the main, it doesn't pertain to this motion, the Rule waiver, but the motion does also include the passage of the bills on first reading. But, but those don't need a Rule waiver of any kind. Okay. Thank you.

CHAIR LEE: Thank you.

Ready to vote, everybody? All those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Member Paltin.

COUNCILMEMBER PALTIN: Just, you know, on behalf of my community and as one of our frequent testifiers would say, "chee hoo, mahalo you guys".



CHAIR LEE: Okay, does that mean you're not going to ask for anything in the budget?

Okay, all those in favor of the motion, raise your hand, say "aye". The main motion, right? The main motion.

VICE-CHAIR RAWLINS-FERNANDEZ: The motion as amended.

CHAIR LEE: Motion as amended.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Very good, Member Paltin. Okay, you got your budget items already. Very good.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, I just wanted to confirm with the body, oh. Vice-Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

**DISCUSSION AND ACTION RELATING TO**  
**RESOLUTION NO. 22-57**

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Consideration on Resolution 22-57, which is "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF MANAGEMENT, FISCAL YEAR 2022 BUDGET".

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-57 IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

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

Vice-Chair Rawlins-Fernandez. Anything else?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Repeating what Member Paltin said. Basically, we don't have any more BFED, regular scheduled BFED meetings.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Vice-Chair Rawlins-Fernandez.

Member Paltin? Member Paltin, you can put your hand down.

Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-57.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to pass, to adopt Resolution 22-57.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, Resolution 22-57 would transfer unencumbered funds within the Department of Management for Fiscal Year 2022.

The Church and Vineyard Street project has been delayed because of equipment shipping delays and discovery of a burial. The parking structure project is behind schedule because of the identification of burials, redesign to preserve iwi kupuna, and the use of a controlled blading methodology throughout grading and excavation.

A business interruption policy was adopted for businesses whose access was partially or completely blocked because of construction. And this resolution will allow the County to continue to provide financial assistance to businesses that are negatively impacted by the construction.

Representatives from the Administration are available if the Members have any questions. I ask for the Members support. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes"; motion carries. One "excused"; Mr. Johnson.

Mr. Clerk.

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

CHAIR LEE: Are there any objections to the other referrals, Members? You sure?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I just have a question. On 22-58, which is the appointment of Jordan Molina as the Director of Public Works. I know that we have a huge lot of boards and commissions and Charter, and I was wondering when the Chair will take this up, for GREAT?

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you for the question, Member Sugimura. My intention is to take this matter up at my scheduled March 15, GREAT Committee meeting.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Cause I believe we have 60 days to make a decision, if I'm correct.

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Sixty days.

COUNCILMEMBER SUGIMURA: Thank you. Rowena Dagdag-Andaya takes her new job on March 1, so in the meantime he'll be Acting Director. Is that how that works? Just curious.

CHAIR LEE: Okay. Next. So, as I was saying, any objections to referring the other items?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections.

Mr. Clerk.

COUNCILMEMBER KING: Chair?

DEPUTY COUNTY CLERK: Then, Chair--

COUNCILMEMBER KING: Are we going to take a lunch break soon?

CHAIR LEE: Member King. I'm sorry, what did you say?

COUNCILMEMBER KING: Are we going to be taking a lunch break soon?

CHAIR LEE: Well, let me see. Let me see what we have left. Because I know the budget bills are going to go fast. Beyond that, most of these are yours, Vice-Chair. What do you think? How, how long do you think you'll take on these? Those are the last ones, all budget. Oh, no there's some, one from, couple from Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: There's, there's PSLU and there's a GREAT bill. And I mean, I can speak as quickly as I possibly can.

CHAIR LEE: Up to you, Members. Either, either--

VICE-CHAIR RAWLINS-FERNANDEZ: But I--

CHAIR LEE: --we go through and we finish by, I would say 20 minutes or less. Or we take a break, a lunch break and come back at like 1:30.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. 1:30.

CHAIR LEE: Members, do you want to take a break? Have lunch at 1, till 1?

Okay, we have a question from Member Sugimura.

COUNCILMEMBER SUGIMURA: Oh no, that's fine. I was just, I was just going to ask about my, the axis deer bill, but we'll take it up after lunch then. Thank you.

CHAIR LEE: Members, is coming back at 1:30 okay with everybody?

COUNCILMEMBER KAMA: That works for me.

CHAIR LEE: Alright. Let's take a one hour, approximately one hour, return at 1:30, lunch break. Meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:25 P.M., AND WAS RECONVENED AT 1:32 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of February 18, 2022, please reconvene.

Mr. Clerk, let's proceed.

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

**BILLS**

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 41 (2022)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

The recommended action is that Bill No. 41 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(BILL NO. 41 (2022) WAS AMENDED AND PASSED ON FIRST READING, LATER IN THE MEETING. See pages 101 through 108 for discussion and action.)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 42 (2022)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET AS IT RELATES TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS

The recommended action is that Bill No. 42 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(BILL NO. 42 (2022) WAS FILED LATER IN THE MEETING. See pages 101 through 108 for discussion and action.)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 43 (2022)

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, BIKEWAY FUND,  
ELECTRIC FOOT SCOOTER

The recommended action is that Bill No. 43 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(BILL NO. 43 (2022) WAS PASSED ON FIRST READING  
LATER IN THE MEETING. See pages 108 through 113 for  
discussion and action.)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 44 (2022)

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,  
ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND

The recommended action is that Bill No. 44 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(BILL NO. 44 (2022) WAS PASSED ON FIRST READING  
LATER IN THE MEETING. See pages 113 through 126 for  
discussion and action.)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 45 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND

The recommended action is that Bill No. 45 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(BILL NO. 45 (2022) WAS PASSED ON FIRST READING  
LATER IN THE MEETING. See pages 113 through 126 for  
discussion and action.)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 46 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
OFFICE OF THE MAYOR,  
ECONOMIC DEVELOPMENT PROGRAM,  
MICRO GRANTS PROGRAM FOR AXIS DEER MITIGATION;  
TOTAL OPERATING APPROPRIATIONS;  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

The recommended action is that Bill No. 46 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(See pages 129 through 131 for discussion.)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 50 (2022)

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,  
ALOHA HOUSE

The recommended action is that Bill No. 50 (2022) be referred to the Budget, Finance, and Economic Development Committee.

(BILL NO. 50 (2022) WAS PASSED ON FIRST READING  
LATER IN THE MEETING. See pages 126 through 128 for  
discussion and action.)



ORDINANCE NO. \_\_\_\_\_  
BILL NO. 49 (2022)

A BILL FOR AN ORDINANCE ESTABLISHING DISTRICT ADVISORY BOARDS

The recommended action is that Bill No. 49 (2022) be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Members, any changes?

Vice-Chair Rawlins-Fernandez.

DISCUSSION AND ACTION RELATING TO  
BILL NOS. 41 (2022) AND 42 (2022)

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 41 and 42.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE  
REFERRAL AND REPORT FOR BILL 41 AND 42, IN  
ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE  
COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rule of the Council.

And Vice-Chair, do you have any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Same discussion. No BFED meetings.

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

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

NOES: None.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 41 ON FIRST READING, AND TO FILE  
BILL 42.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by, by Member Sugimura,  
to pass Bill 41 and to file the communications.

Discussion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. To pass Bill 41 on first reading, and  
to file Bill 42. Members, as we have discussed in February, in the February 2, 2022  
Budget, Finance, and Economic Development Committee meeting, additional funding  
will be needed to, for cost relating to the upcoming Office of Council Services  
transitions.

The Deputy Director, Research Section, and Support Section will be relocating to the  
first floor of the Kalana Pakui, while Director and the Secretarial Section will remain on  
the seventh floor in the Kalana O Maui. In addition, a shared workspace and meeting  
space will be added on the seventh floor, and the Council Vice-Chair will relocate to  
the, from the eighth floor to the seventh floor to be in closer proximity to the Council  
Chair. The vacated office on the eighth floor would create meeting space for  
Councilmembers. And I--

CHAIR LEE: That's all?

VICE-CHAIR RAWLINS-FERNANDEZ: No. One more thing.

I, I MOVE TO AMEND THE BILL 41 TO CHANGE THE TITLE, SECTION 2, AND SECTION 3 TO REFLECT THAT THE FUNDS WILL BE FOR OPERATIONAL EXPENSES AND NOT FOR CIP.

OH, I MOVE TO AMEND THE BILL AS FOLLOWS:

1) IN THE BILL, STRIKE "OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, AND OFFICE OF THE COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS;" AND REPLACE WITH "OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM; TOTAL OPERATING APPROPRIATIONS;".

2) IN SECTION 2:

A. STRIKE "SECTION 4, BY ADDING J. OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, AND A PROJECT ENTITLED "OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS" IN THE AMOUNT OF" AND INSERT "SECTION 3.A.2.A., OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM BY ADDING".

TO B. STRIKE "J. OFFICE OF THE COUNTY COUNCIL, 1. KAHU [S/C] WAILUKU-KAHULUI COMMUNITY PLAN AREA, A. GOVERNMENT FACILITIES, GENERAL FUND, AND (I) OFFICE OF THE COUNCIL SERVICES OFFICE RENOVATIONS 175,000" AND INSERT FUNCTIONS, "FUNCTION AND PROGRAMS, A – SALARIES, B – OPERATIONS & EQUIPMENT, TOTAL, 2. OFFICE OF THE COUNTY COUNCIL, A. COUNCIL SERVICES PROGRAM 4,990,609 [2,682,897] 2,857,897 [7,673,506] 7,848,506, (1) DISBURSEMENT FOR SALARIES AND PREMIUM PAY IS NOT RESTRICTED BY SECTION 5., AND (2) APPROPRIATIONS FOR COUNCIL SERVICES PROGRAM ARE NOT RESTRICTED BY SECTION 7.

AND FINALLY, IN SECTION 3:

A. STRIKE "CAPITAL IMPROVEMENT PROJECT" AND  
INSERT "OPERATING." AND THEN, B. STRIKE "[174,131,458]  
174,131,458" AND INSERT "[698,201,060] AND 698,376,060."  
THAT'S ALL. THAT'S THE MOTION.

CHAIR LEE: So, everybody got that, yeah? If you got your ASF, you would have seen all of what the Vice-Chair just read. Okay, so any questions or discussion?

Member Kama and then Member King.

COUNCILMEMBER KAMA: Sorry, Chair. I didn't get that. So, if our, if our illustrious Vice-Chair would take it all out of the Ramseyered format and just in plain language, what are we going to do? That's all I want to know. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Pro Temp Kama for, for that clarifying question. And what we're doing by making these amendments is changing the bill from being a CIP to operational, that's it.

COUNCILMEMBER KAMA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And those are the amendments, yeah.

COUNCILMEMBER KAMA: Got it. Thank you.

CHAIR LEE: Another question. Member King.

COUNCILMEMBER KING: Thank you, Chair. I was going to ask the same thing, but to go over, you have, I'm looking at the ASF, there's one, two . . . and three. Can you just go over each one and tell us what the purpose of those amendments are? Cause it's a lot of words and a lot of number changes.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair. Mahalo, Member King. Okay, so if you, okay, page, starting on page 3. It's Ramseyered, so you'll see that it's stricken from the title, that it's called "CIP" and now it's "Operating". And then--

COUNCILMEMBER KING: Okay, what are you calling page 3? The page 3 of the document.

VICE-CHAIR RAWLINS-FERNANDEZ: Page 3 of the ASF that you received, what time?

COUNCILMEMBER KING: Yeah, I have it.

VICE-CHAIR RAWLINS-FERNANDEZ: At 1:37.

COUNCILMEMBER KAMA: Yeah, we got it.

VICE-CHAIR RAWLINS-FERNANDEZ: You got it? Okay. So, on page 1 and 2, it lists the motion and all the amendments proposed. And then, starting on page 3 of the document is the Ramseyered bill. And so, you'll see where the, the language is stricken from making it a CIP to making it Operating appropriation. And then, as you scroll down, you'll see the, the changes in the numbers. So, from, with the, with the General Fund and then the Total Estimated Revenues. And then, down in Section 2, changing it again from it being a CIP to it being Operations. So, it's just moving the, the language from being a CIP to, to Operations.

COUNCILMEMBER KING: Okay. But aren't we using it for the renovations, or is this actually operating money, hiring people, you know? I don't, I'm trying to figure out what the purpose of calling it "Operations" rather than "CIP".

VICE-CHAIR RAWLINS-FERNANDEZ: I, I guess I can call on Ms. Milner for why it would not be considered a CIP versus Operations, or Budget Director Yoshimura.

CHAIR LEE: Actually, Traci. Oh, okay. Director Yoshimura, you're there.

BUDGET DIRECTOR: Hi, Chair. This was a budget amendment that was initiated by the Council. And I was told that it was going to be for operational costs for the South Maui District Office and the Upcountry District Office. So, I'm not sure on what the full details are. I'm going to have to defer that to either your OCS Director or Deputy Director. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Budget Director.

If we can call on OCS Director Fujita, maybe?

CHAIR LEE: Traci?

DIRECTOR OF COUNCIL SERVICES TRACI FUJITA: Hi, Chair. So, I had asked for this 100, the 175,000 represents the additive alternates in the project estimates. And so, at the last meeting, when we were talking about this project, and I was asked about whether we had any contingency funds for change orders and things. So, this 175,000 are for, for things that we could hold off on with the project in case we have, like, change orders.

The other thing that's come up is with our workstations, we need to dis, we're going to need to disassemble the ones that we, the ones that we have here and then also purchase some new ones. We can't use CIP monies for that.

And there, so there is just, it's sort of like a contingency cost for things that are unknown that might come up. But I need the flexibility to use cash instead of CIP.

COUNCILMEMBER KING: Okay. And that's not necessarily for anyone particular? I mean, it's not, it's not like Director Yoshimura thought it was for the District Offices. But it's not, it sounds like it's a broader pot of money than that?

DIRECTOR OF COUNCIL SERVICES: Yeah, any expenses, you know, are up to the Chair, you know, whether the Chair wants to authorize expenditure of them. But yeah, it's just additional funds that we need the flexibility to use for things that may not qualify for CIP funding.

COUNCILMEMBER KING: Okay.

CHAIR LEE: And which could, and which could be used for District Offices, right?

DIRECTOR OF COUNCIL SERVICES: Yeah. Yeah. It could be used for, if the District Offices have made requests, for example, then Chair could authorize money from, from that.

COUNCILMEMBER KING: Basically, it's a contingency fund for extra expenses . . .

DIRECTOR OF COUNCIL SERVICES: Yes, exactly.

COUNCILMEMBER KING: Alright. Thank you. Thank you, Chair.

CHAIR LEE: Okay. Vice-Chair? Oh, any more questions, Members? Are you ready to vote on this amendment? All those in favor of the amendment, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Okay, eight "ayes", zero "noes", one "excused"; motion carries. Excused is Member Johnson.

And then, are we ready for the main motion as amended? Anything else? Main motion as amended.

Oh, we have a question. Member King.

COUNCILMEMBER KING: Okay, so the main motion includes filing Bill 42? And I'm assuming that's because we're replacing it with Bill 41 with the amendments. Okay.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Okay, I'm ready.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, that's exactly it.

CHAIR LEE: This is to pass Bill 41 and to file Bill 42.

COUNCILMEMBER KING: . . .

CHAIR LEE: Bill 41, as amended.

Yes, Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. Staff, we would just like to confirm who was the second for the amendment motion?

CHAIR LEE: For the amendment motion, I think it was Member Kama.

COUNCILMEMBER KAMA:

SECOND.

DEPUTY COUNTY CLERK: Okay. Thank you.

CHAIR LEE: So, ready for the vote to pass Bill 41 on first reading, and to file Bill 42? All, as amended, Bill 41 as amended. All those in favor, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr. Clerk.

Vice-Chair Rawlins-Fernandez.

**DISCUSSION AND ACTION RELATING TO**  
**BILL NO. 43 (2022)**

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have three, four more bills for consideration. One, Bill 43, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET, COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES - FEES, RATES, ASSESSMENTS, TAXES, DEPARTMENT OF FINANCE, BIKEWAY, ELECTRIC, ELECTRIC FOOT SCOOTER.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE  
REFERRAL AND REPORT FOR BILL 43 (2022), IN  
ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE  
COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rule of the Council.

VICE-CHAIR RAWLINS-FERNANDEZ: Pro Temp Kama.



CHAIR LEE: Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: I think it was Pro Temp Kama.

CHAIR LEE: Okay. I see two hands going up that's why.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Yeah. So, I'm sorry, was Ms. Sugimura was first.

Okay, now, that's the, any discussion on that motion? Waive the Rule of the Council. Otherwise, all those in favor, raise your hand, say "aye".

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

CHAIR LEE: Okay. Opposed "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes"; motion carries. One "excused"; Member Johnson.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 43 ON FIRST READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to pass Bill 43 on, on first reading.

Vice-Chair Rawlins-Fernandez, discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this bill would amend the Fiscal Year 2022 Budget, Appendix B, Revenues - Fees, Rates, Assessment and Taxes for the Department of Finance, Bikeway Fund, by adding permanent registration fee of \$30 for Electric Foot Scooters in accordance with Section 249-35, Hawaii Revised Statutes.

And then we have representatives from the Administration to answer any questions the Members may have. So, this is because of the new statute.

CHAIR LEE: Member King, question?

COUNCILMEMBER KING: Yeah, I don't, because I can see that statute. But what is an electric foot scooter?

VICE-CHAIR RAWLINS-FERNANDEZ: It's like, it's like a foot scooter that you scoot with your foot, but it's electric.

CHAIR LEE: It's at Costco.

VICE-CHAIR RAWLINS-FERNANDEZ: It has a motor. It has a motor.

CHAIR LEE: They have it at Costco.

COUNCILMEMBER KING: So, so that has a, that has to be registered now?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. There's a registration fee of \$30.

COUNCILMEMBER KING: Oh, okay. Otherwise, you can't ride them on the, on public ways. Alright, thank you for the information. I didn't know they were, came electric.

CHAIR LEE: Well, I, I have a comment to make on that. Do you know that you have to make an appointment to register your electric scooter and your electric bike? Cause I know from personal firsthand experience going down to DMV not having an appointment. So, I said, when can I make an appointment? And they said, we only do four days at a time. So, cause I said can I do it for March? And they said no, cause we only do four days at a time. I said, well, how will I know when you'll, you have an opening? Oh, by calling every day. That's the way it is. So, I'm, I have to talk to Mr. Teruya about that.

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Oh, I thought you needed to make an appointment for everything, not just the foot electric scooter and the bike. Even if you want your Polynesian Voyaging Society license plate, you need an appointment. You need an appointment for everything, unless you use the kiosk at Safeway.

CHAIR LEE: Oh no, you can't do the kiosk. I asked about that, for the electric bike. So, I, I have to, we have to look at this and help Director Teruya come up with a, you know, better service for the public because half the public doesn't even know you have to make an appointment in the first place, only when you go down there. And then, you can't, you can't get a day because they only fill up four days at a time.

COUNCILMEMBER PALTIN: Then they . . .

CHAIR LEE: There's got to be, there's got to be a better way to deal with this for the, for the public and the, and the workers, our employees. Okay, that's a side note.

Any more discussion on this matter? All those in favor of the motion to pass this bill.

Oh, we have a question? Member Sugimura.

COUNCILMEMBER SUGIMURA: I'm voting.

CHAIR LEE: Oh, you're voting?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR LEE: Didn't we vote on the Rule already? We voted on the Rule.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: So, now we're on the, now, yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, you're right. We're on the main motion to pass the Bill 43 on first reading. I just wanted to add to the information for the public's information that that requirement to make appointments ends this month. That, that . . .

COUNCILMEMBER KAMA: I have a question. I have a question.

CHAIR LEE: Alright. Member Kama?

COUNCILMEMBER KAMA: Yeah, so do you have to get it licensed, is that what it is? But then, do you need to have, do, so you have to get it registered? You have to register, right? But you have to have a license to drive this particular scooter, foot scooter? Or is it like a bike?

CHAIR LEE: It's like a bike license.

COUNCILMEMBER KAMA: Yeah.

CHAIR LEE: But it's not like you have to go get a test or anything like that.

COUNCILMEMBER KAMA: Oh, that's a thought. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I see, I see Budget Director Yoshimura popped her video on. She might have additional information for us.

CHAIR LEE: Oh, Director. Oh, can I get the license through your office? Director?

BUDGET DIRECTOR: Chair, thank you. Councilmember Kama, I think it's like registering your bicycle, where you don't have to have a bicycle license, but you need to have it registered to ride on the roadways. That's the similarity, I guess. Thanks.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Well, let me ask, what is the fine if you don't have a license? Do you know?

BUDGET DIRECTOR: If you don't have it registered? I'm not sure what the fine is if you don't have it registered. But you don't need to have a license, like a driver's license for it.

CHAIR LEE: Right. Right. Okay, cause I felt very tempted to use my bike, but I haven't yet.

So, okay, all those in favor of the motion to pass Bill 43 on first reading, raise your hand. Aye with reservations.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Reservations end this month.

CHAIR LEE: Okay. Where is our Clerk?

VICE-CHAIR RAWLINS-FERNANDEZ: No, no, my turn. Me, me. Three more.

CHAIR LEE: Okay. Vice-Chair.

DISCUSSION AND ACTION RELATING TO  
BILL NOS. 44 (2022) AND 45 (2022)

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For Bill 44, regarding the Economic Development and Cultural Program Revolving Fund.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE  
REFERRAL AND REPORT FOR BILL 44 AND BILL 45 IN  
ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE  
COUNCIL.

CHAIR LEE: Alright, second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Okay, I saw Sugimura's hand. So, Vice-Chair Rawlins-Fernandez moved, and Member Sugimura seconded, regarding Bill 44 and 45, and to waive Rule 7.G. of the Council.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Same discussion, that there aren't any BFED meetings.

CHAIR LEE: Any more discussion? All those in favor, please raise your hand, say "aye". This is to waive the Rule.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 44 AND BILL 45 ON FIRST READING.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass Bills 44 and 45 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this, these bills would amend the Fiscal Year 2022 Budget and Appendix D, by adding conditional language for two projects: 1) an Ethnographic Study and Cultural Impact Assessment for a purpose-built facility for hula, in the amount of \$175,000; and 2) a preservation and access plan for the Molokai Glass House at Mapulehu, a County owned property, in the amount of \$250,000.

We have representatives from the Administration, Ms. Stacy Crivello and Ms. Erin Wade, here as resources if Members have questions, as well as Budget Director Yoshimura. Mahalo, Chair.

CHAIR LEE: Is this for the Wailuku project?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, the, the first one is for an Ethnographic Study and Cultural Impact Assessment for the facility for hula.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And--

CHAIR LEE: Questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Great. What is Ethnographic? I'm really grateful to hear this, putting a resolution together with a project and making something happen. So, what is Ethnographic?

CHAIR LEE: Erin? Erin Wade?

MS. ERIN WADE: Thank you, Chair. Good afternoon, Members. An Ethnographic Study is essentially a study of the way people lived within a certain place. And so, here in the ahupua'a of Wailuku, and in particular here, the ili of pe'e pe'e, the research will be done for that area in determining what the uses of the, that land and place were over time.

COUNCILMEMBER SUGIMURA: Thank you. Fabulous.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Ms. Wade. And so, this is using the Wailuku Cultural Programs Revolving Fund? Okay. Thank you, Chair.

CHAIR LEE: Any more questions, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'll yield to Member King. She had her hand up in the first round.

CHAIR LEE: Oh, okay. Member King.

COUNCILMEMBER KING: Thank you, Member Paltin. Yeah, I, I wanted to ask, I guess Erin is the one who's, both of these bills are from your office? So, the funds are coming, these, both of these are two, they're two separate funds or the same fund?

CHAIR LEE: Erin?

MS. WADE: Thank you, Chair. So, it's two separate activities, same fund. So, the two separate activities, one is a Wailuku project, one is a Molokai project.

COUNCILMEMBER KING: Okay. And then, and then this is coming out of current funds in this fiscal year, correct? So, where, where did these monies come from? I mean, are these, is that revolving fund, how is the money going to that revolving fund? Is it, is it fines or something?

MS. WADE: That would be the Budget Director.

CHAIR LEE: Budget Director.

BUDGET DIRECTOR: Councilmember King, they were appropriations made from the General Fund to the Revolving Fund for Economic Development and Cultural Programs. So, I think we, we had some money in there for Fiscal Year '22, and when we did the TAT amendment, I believe we added additional dollars to the fund.

COUNCILMEMBER KING: Oh, monies already getting disbursed from the TAT, the three percent, or is that the original percentage from before?

BUDGET DIRECTOR: Yeah, so it's the money that we recognized starting November 1, those collections. We recognized \$15 million. And part of that money went to this one particular fund.

COUNCILMEMBER KING: Okay. Well, I, I, I didn't realize that was being disbursed already. But who's decision was that? Is that, is that being disbursed by just arbitrarily, Council wants to . . .

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member King, for that question. So, when I, when we first passed that bill, there were pots of money that it was allocated to, the \$15 million that we recognized. And the Economic Development and Cultural Programs was, was one of them, as well as emergency services was another. So, we, those were some of the, the funds that the TAT had initially been allocated to. And Budget Director Yoshimura can add if I missed anything important.

CHAIR LEE: Budget Director.



BUDGET DIRECTOR: Thank you. Yes, so we allocate monies to certain pots, Affordable Housing, Open Space, I believe. And in order to use the monies, in this case, we need to come back to the Council for specific appropriations from the revolving funds.

COUNCILMEMBER KING: Okay.

BUDGET DIRECTOR: So, then--

COUNCILMEMBER KING: Is that the only money in this Revolving Fund that we're tapping into here . . . from the TAT? I mean, is that a new, because I don't remember, I don't remember . . . about this fund last year. But where's the, where does the money for this fund usually come from?

BUDGET DIRECTOR: General Fund.

COUNCILMEMBER KING: So, but it's coming out of the TAT revenues . . .

BUDGET DIRECTOR: So, yes. We added additional funding to this fund when we recognized TAT revenue back in November.

COUNCILMEMBER KING: Okay. Yeah, I was, I'm kind of, how much is in there now?

BUDGET DIRECTOR: Let me pull up that amendment and I'll get back to you on that.

COUNCILMEMBER KING: Okay, yeah, I'd like to see how much is in there. I guess, we're taking, what's the total we're taking out with these two bills?

VICE-CHAIR RAWLINS-FERNANDEZ: I think it's 425. 250,000 plus 175, 425. Let me grab my calculator.

COUNCILMEMBER KING: So, is there any left in that fund? I mean, I, I'm not really aware of this . . .

CHAIR LEE: Director, is there a balance in the fund now?

BUDGET DIRECTOR: Yes. So, we are, the balance in the fund is two point, 2.6456884 *[sic]*. And we are asking to use, the original appropriation was \$150,000 for Kaahumanu Church and then these, this amendment will be \$175,000 for Ethnographic Study, and \$250,000 for the Molokai Glass House. So, that is \$575,000 that is being requested out of this fund, leaving a balance of about 2.2 million.

CHAIR LEE: Two point what million?

BUDGET DIRECTOR: 2.2 but let me do the fast calculation here. 2.6.

COUNCILMEMBER KAMA: 2.2884.

BUDGET DIRECTOR: So, that'll leave you about 2,070,000.

COUNCILMEMBER KING: Is that all the money, that whole amount that was in there, was that all put in there from the TAT funds, or was there some money in there from previous?

BUDGET DIRECTOR: No. There was money from previous. I think back in, I'd like to say maybe around 2015-2016 is when the fund got created, initially with about \$1 million. Appropriations were made from there for projects, but it left a balance of \$220,000.

During the Fiscal Year deliberation for '22, we did add some monies in there. And then, this is a result, well, if you look at the, the proposed amendment, the \$2.8 million is what is anticipated to be the balance, or the monies available for Fiscal Year '22. So, from that \$2.845 million, using \$575,000, that leaves you about 2.25--

COUNCILMEMBER KING: And the balance just carries over?

BUDGET DIRECTOR: And balance just carries over. Monies cannot be spent from the Revolving Fund without an appropriation. So, it's all approved by the, all the expenditures are approved by the Council.

COUNCILMEMBER KING: Okay. And then what is the, the maybe Member Rawlins-Fernandez can answer, what is the Bill 45, what, I know what the, I know of the Glass House, but what is the project? Is it like a renovation?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Okay, I think Ms. Wade would like to answer that question. But I'll let, I'll let Ms. Wade or Ms. Crivello answer that question.

CHAIR LEE: Ms. Wade, you want to answer that question?

MS. WADE: Thank you.

CHAIR LEE: Or Ms. Crivello?

MS. WADE: I . . .

CHAIR LEE: I don't see her though.

MS. WADE: --and I think, yeah, Stacy would also be able to provide information. But the property is owned by the County of Maui. And there's, it's a burial ground. It's a significant burial ground that has had past desecration at the site. And so, the project is to work with the descendants to determine the best way to keep the property safe, and to allow for safe access and cultural practice at that location.

COUNCILMEMBER KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And reinternment of the iwi. Iwi was found, so reinternment . . .

COUNCILMEMBER KING: I'm glad you're doing that. Cause the last time I visited, it looked like there were just people that wanted to come in and renovate that building. And, and I did hear about the desecration of the lands around it, so, and the burial grounds. So, I think that's a great project. I'm just surprised I didn't know about this fund before. But I guess it's because the last time money was put into it was before all of our time on this Council. So, yeah, thank you for that explanation. I appreciate it.

And I guess I'm just a little surprised too that, you know, the Council didn't have more of a hand in determining where that TAT money is going to go. That it's already been divided up and it's like put in different pots. But that's a different discussion. I support these two projects. Thank you.

CHAIR LEE: Alright, any more questions?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, the Ethnographic Study and the Cultural Impact Assessment is for the facility. So, where's the facility located that we're going to be doing the studies on? So, where's the property at?

CHAIR LEE: Ms. Wade.

MS. WADE: Thank you, Chair. The property, specific property, is the County owned parcel right at the corner of Vineyard and Church, where adjacent to the four-story parking structure. So, if you remember, we have the parking structure and then there's that vacant lot that we originally had been talking about a new facility at that did not get Council funding. And we basically, we basically ceased our planning for that location until a community-based organization came forward requesting to utilize that space.

But during the construction process, you know, a lot has been unearthed through the archaeological work, findings of porcelain and bottles, and all kinds of things, that really do tell the story of people who lived at the site. And so, the Ethnographic Study is an intention to document that in a way that just the archaeological report isn't going to do.

COUNCILMEMBER KAMA: So, so the boundaries of the study is limited to that specific piece of land.

MS. WADE: It won't be limited to that specific piece of land because, precontact, that parcel was connected with multiple other parcels. And because the study is intended to look at that location overtime, the surrounding area will also be included in the study, as will for the Cultural Impact Assessment.

COUNCILMEMBER KAMA: Wonderful. Okay. Well, thank you so very much, Chair. Thank you, Erin.

CHAIR LEE: Thank you. I'll have you know that's probably one of my bottles I threw over there when I was going to King Theater.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Ms. Wade, did we choose a consultant or contract, or is there an intention to contract with a entity for the Ethnographic Study? And if so, who would be the ones doing this?

MS. WADE: We will be contracting. And we, because I don't have funds to contract anyone at this point, no one has been selected. It will be a Maui cultural practitioner, though. I can tell you that, that we'll leave the scope to someone here on Maui to do.

COUNCILMEMBER PALTIN: Thank you. And then, for the Glass House project, the deliverable on that is like a masterplan or something?

MS. WADE: I don't know if Stacy Crivello wanted to answer. But I can share, just from the information you've heard at Burial Council, it is likely to be a series of deliverables. We know that there's drainage issues impacting the burial. We know an access plan is going to be needed. We believe a assessment of the existing structures is going to be important to determine what the liability is upon access and what's most appropriate to save. So, and then, some facilitation assistance with the lineal and cultural descendants of that place.

COUNCILMEMBER PALTIN: And do you have a consultant or a contractor in mind for that?

MS. WADE: Again, until we get provided funding, we don't develop a scope of work or a request, put out a request for proposals. So, once we do that and, we will have to go through the RFP process, we'll be able to determine who's qualified to provide this service.

COUNCILMEMBER PALTIN: Okay. And I, I just was checking in, Leimana Naki is on your list of people that will be consulted?

MS. WADE: So, I should--

MS. STACY CRIVELLO: Can I say something?

MS. WADE: Yes, please.

MS. CRIVELLO: May I say something? Yeah, thank you. So, just so you know that that's a Manae for the east side of our island. And Leimana or the Naki Ohana is probably, until it's truly identified as a lineal descendant, not so much the consultation part but the participation. And I would also include our kamaaina families that go back in time for, to share about the, that Mapulehu area. And that would be from the Manae Moku.

And that's, I think the end result is, what the community is asking for the County to hold up to its kuleana to put that property in proper treatment as it should be for all of the descendants. It's quite a, the acreage is pretty much filled or a lot of disturbed, disturbance with the iwi that goes back in the 70's from the ginger heliconia farms that they've had, as well as the, the Glass House is also built on where there is iwi. So, the Glass House is really not the central for us on Molokai, but more the protection and to take care of our ancestors, na iwi kupuna. Thank you.

COUNCILMEMBER PALTIN: So, you--

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Paltin, for your question. And I, I'll be working with Ms. Crivello, as well as the State Burial Council and the members of the community. And I have no doubt that Uncle Leimana will be included in the discussions.

COUNCILMEMBER PALTIN: Okay. Thank you for clarifying. No further questions.

CHAIR LEE: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to get back to the Ethnographic Study. So, so we, we're going to put some money on the side to do the study, but we don't have money to actually put the RFP out? Is that what you're saying, Erin?

MS. WADE: Yeah, the money that you're putting forward today will fund the study.

COUNCILMEMBER KAMA: Right. But to go get the consultant to do the study is what you don't have funding for? Is that what you're saying?

MS. WADE: I don't currently, so that's why I'm here. Yeah, that's what the ask is today, yes.

COUNCILMEMBER KAMA: Okay, so, oh, well, I'm glad you clarified that. So, how much are we talking about?

MS. WADE: \$175,000.

COUNCILMEMBER KAMA: Okay. And that's for you? And that's on top of this study, right? That's what you're asking for, or is that inclusive?

MS. WADE: Yeah, it's one project. So that's, it's all wrapped into one project for the \$175,000 request.

COUNCILMEMBER KAMA: Oh. Okay.

CHAIR LEE: For Wailuku?

COUNCILMEMBER KAMA: Yeah.

CHAIR LEE: Which by the way, Director Yoshimura, we seem to have a lot of questions about the fund itself. Perhaps you could send us a breakdown of how much you had in the fund and how it was allocated? Because it's not like I, because I'm from, represent the Wailuku district, requested that. I didn't even know about the project, yeah. So, it, it's pretty much Administration driven, right?

BUDGET DIRECTOR: Chair, if I could explain? If you look at the bill, the proposed bill, the estimated balance as of 6/30/2021 was \$220,000. That's what we started the fund with.

CHAIR LEE: But you, Director, Director?

BUDGET DIRECTOR: Yes.

CHAIR LEE: You don't, you, you can just send that us to, in writing that's fine. You know, a breakdown.

BUDGET DIRECTOR: Okay. Okay.

CHAIR LEE: Because, I guess the other part of the question too, people might, Members might have is like, how is the decision made to allocate "x" number of dollars to each fund. That, that would be helpful. Because, because by the time it comes to us, we just approve, you know, the allocation and not necessarily what it's for or how much, etc., per revolving fund.

BUDGET DIRECTOR: Yes.

CHAIR LEE: Yeah?

BUDGET DIRECTOR: Yes.

CHAIR LEE: Okay. Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We, it's the Council, we determine what gets put in all the funds. We're, we're, we're the, the ones that authorize, you know, we're in control of the purse strings. So, it's the Council that authorizes how much funding get, gets allocated to the different pots through budget, through our budget session. And sometimes we allocate items during budget session, and sometimes there's a carryover balance that throughout the year if other things get added there, we approve. So, the answer to your question is the Council puts funding in the pot.

CHAIR LEE: Well, okay, that's not quite exactly what I was after in terms of an answer. We get to approve the budget amendment or the movement of TAT monies into certain revolving funds. But at the time, at the time, we have no particular projects for us to, you know, request.

VICE-CHAIR RAWLINS-FERNANDEZ: Ah okay.

CHAIR LEE: Because it, you know, so--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, so, so Chair--

CHAIR LEE: So, when they come up with their proposals, we never had a chance to, you know, to really discuss, oh maybe there's another project, you know?

VICE-CHAIR RAWLINS-FERNANDEZ: I see.

CHAIR LEE: Or so forth, you know?

VICE-CHAIR RAWLINS-FERNANDEZ: You have--

CHAIR LEE: We're just saying yes or no to something without--

VICE-CHAIR RAWLINS-FERNANDEZ: --the Councilmembers--

CHAIR LEE: --a lot of participation.

VICE-CHAIR RAWLINS-FERNANDEZ: --the Councilmembers have projects? It's something that we could--

CHAIR LEE: Well, . . . No, I think we will.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, sounds good. We can work together with the Administration if we have projects that we would like to put into the funds, if we allocated the TAT funding toward.

CHAIR LEE: Yeah. Even the amounts, you know, we weren't really, we didn't have time for discussion on the amounts. How much goes to cultural? How much goes to whatever, yeah? So, just for future reference, Director, we may, we may need to have more of a discussion on how the funds are allocated and how can we, how can we participate in giving you proposals for projects? I mean, I don't mind this project in Wailuku, but I'm just saying, it, it meant, it might seem like it came from me, but I had no idea. Yeah? But I . . . supportive.

VICE-CHAIR RAWLINS-FERNANDEZ: We are, we are heading into budget session for the future.

CHAIR LEE: Yes.

BUDGET DIRECTOR: If I may add? So, yes, during the budget session, the Councilmembers may put projects in. We are also open to discussions either in Committee or, you know, by correspondence with the Mayor. And I believe Mayor Victorino met with all of the Councilmembers to see what your priorities were for the Fiscal Year '23 Budget moving forward. So, we take your, your recommendations and we put those forward. Thank you.



CHAIR LEE: Okay. Thank you. Anybody else?

Member Molina.

COUNCILMEMBER MOLINA: No, Chair, I just want to echo your sentiments on this process as well, cause I think, you know, as Budget Chair Rawlins-Fernandez says, it's the Council. But I think we need, I, I feel that there needs to be more inclusion of what this Administration is going to do with this pot of money. And we certainly should, you know, I know, this is kind of like, for me, it was the first time getting an understanding of what this fund is being used for or how the monies are being disbursed with the TAT surcharge. So, I agree, we should have a deeper discussion down the road as we approach the budget session. And, cause yeah, you never know, maybe today we don't have something, but something could come up prior to budget session or during the budget session that we would like consideration of putting some monies towards and using some of these surcharge monies, yeah? So, anyway, but you said it, you hit the nail on the head with, with your comments, Chair. Thank you.

CHAIR LEE: Thank you. Anybody else?

Member Paltin.

COUNCILMEMBER PALTIN: I need to make a disclosure that school is out, Boys and Girls Club is cold, closed, COVID. So, I have two additional assistants in the room with me and their names are Nahiku Paltin-Vierra and Kalehua Paltin-Vierra.

CHAIR LEE: Hi, guys. They're so helpful at Halloween, yeah. You know, the giving out candies. You have good kids. Thank you. Anybody else ready for the vote?

Oh, Member Sugimura.

COUNCILMEMBER SUGIMURA: I just want to say, thank you very much, Keani and for doing that resolution for hula. And I'm thrilled just to see this whole thing coming together in a reality. I, I'm thrilled. I mean, I can't believe it, right? Cause it wasn't, well, it was several months, but not too long. And then, we had this Wailuku project coming up, and it's like a perfect marriage. So, thank you very much. Thank you very much. Appreciate it. Look forward to hearing more.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Nine *[sic]* "ayes", zero "noes", one "excused"; Mr. Johnson. Motion carries.  
Thank you, Members.

COUNCILMEMBER KING: Eight "ayes".

COUNCILMEMBER MOLINA: Eight "ayes", I think, yeah?

CHAIR LEE: Did I say nine "ayes"? Eight "ayes".

COUNCILMEMBER KING: Yeah.

CHAIR LEE: One "excused". Motion carries.

Okay, are you still going to go on, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Last one.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

**DISCUSSION AND ACTION RELATING TO**  
**BILL NO. 50 (2022)**

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 50, a bill for an ordinance amending Fiscal Year 2022 Budget, conditional language, Department of Housing and Human Concerns, Aloha House.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE  
REFERRAL AND REPORT FOR BILL 50, IN ACCORDANCE  
WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to waive the Rule of the Council on this matter.

Discussion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Same discussion. And this is housekeeping.

CHAIR LEE: Housekeeping. Okay. All those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries. Excused is Member Johnson.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 50 (2022) ON FIRST READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second. Okay, Vice-Chair Rawlins, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass Bill 50 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this bill would amend the Fiscal Year 2022 Budget, Appendix D, by deleting Condition B.6.c(4).(xxvi).(a).(2), reading "Aloha House must submit a report that details how many house, homeless and unsheltered individuals were serviced, including how many had a VI-SPDAT assessment or are in the Homeless Management Information System."

The grant to Aloha House is for planning, design, and permitting of a 12-bed residential dorm, residential dormitory to provide enhanced access and support services for homeless and unsheltered individuals with behavioral health and substance abuse issues.

So, this condition is not applicable to the proposed use of funds. However, there was an operating grant that was more relevant to this, where the exact same language was added to that, that was for the program itself and not for the, the planning and the permitting. And it seems that it may have inadvertently been added to both items, instead of just the one program item and not for the planning and permitting for construction. So, that's the housekeeping end of it. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Mr. Johnson. Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, just want to confirm with the body if there are any objections to the other referrals as read by the Clerk?

COUNCILMEMBER SUGIMURA: Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Member Sugimura.

DISCUSSION RELATING TO  
BILL NO. 46 (2022)

COUNCILMEMBER SUGIMURA: So, I wanted to take up Bill 46, as I, when I heard that the BFED Committee is not having any more Committee meetings, I thought I'm going to try to take this up on first reading.

SO, CHAIR, I WOULD LIKE TO MOVE TO WAIVE RULE 7.G.  
OF THE COUNCIL TO REQUIRE COMMITTEE REFERRALS  
AND REPORTING, IN ORDER TO TAKE ACTION TODAY.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama, on--

COUNCILMEMBER SUGIMURA: Bill 46.

CHAIR LEE: To take action on Bill 46. We need to waive, waive the Rule of the Council.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: So, again, I, I really did not realize that BFED was not having any more Committee meetings.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: So, that's, that creates urgency. If I . . .

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just for you, Member Sugimura, so there, there's a portion of time when we receive the Budget on the 24<sup>th</sup> and then we have to post for a six-day notice. I know this item is urgent. So, if the Members are open to it, I could add this item when we do the ERS and OPEB, and audits, you know, when we do those before we start the budget process, because we need that, the posting for six days. So, during that time, if the Members are supportive of that idea, we, we could take it up then.

CHAIR LEE: When would then be? March what?

VICE-CHAIR RAWLINS-FERNANDEZ: March 29. I see nodding heads.

COUNCILMEMBER SUGIMURA: So, I, can I ask a question?

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, if it's March 29, then what would the time schedule be for? If it passes, that would be first reading and then it won't get out till? I don't have a calendar here.

CHAIR LEE: Well, two readings in April.

COUNCILMEMBER SUGIMURA: So, it would be April? So, I was kind of hoping that we could take it up if the Members feel okay about it today, just so that we can move the timeline on cause this money has to be spent by June 30. But if the Members feel that they would like to take it up later, I'm open to that. I just, I just know the urgency because of the growing number of axis deer in our communities. And I have a whole speech if you want to hear, but.

CHAIR LEE: Wait. Okay, let's, Members, we're talking about waiving, yeah, the Rule.

COUNCILMEMBER SUGIMURA: Right.

CHAIR LEE: Member King. Member King.

COUNCILMEMBER KING: Yeah, I would support hearing this in budget if our Budget Chair is willing to hear it.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER KING: Because I think it's an important subject, but I think how we do this is really important and if the community wants to give input into how this is done and who gets these contracts and these monies. So, I would feel more comfortable if we do it in the budget, in a Committee setting, instead of trying to pass it through right now.

COUNCILMEMBER SUGIMURA: Okay, so if the, if it is, because I didn't realize that until I heard the discussion going on with Tamara with her West Maui purchase, and so I thought okay we better hear it otherwise it won't get heard, you know, in a timely basis.

So, this is a budget amendment from the Mayor. There is a write-up that they're going to submit. And it's either up or down, right? So, it's not like we can change it and, and you all know. You all have done budgets before, so you understand the, the force of the budget amendment. And what is written is going to be it, and it's not something that we can change, basically. So, but open for discussion. Everybody wants to learn more. I can talk about axis deer for days if you want. So, thank you very much for allowing it to, to go forward.

CHAIR LEE: Go forward meaning?

COUNCILMEMBER SUGIMURA: Well, if Tamara will, I mean, I'm sorry. If Keani will hear it.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: And the Members are fine--

CHAIR LEE: Okay, so you want to withdraw your motion on the, on the 7.G.?

COUNCILMEMBER SUGIMURA: Sure.

CHAIR LEE: And who, who was the second? Member Kama, withdraw. Okay, so the idea is that we're going to, we're going to probably hear it on March 29 or sooner, right?

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Mr. Clerk.

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

CHAIR LEE: Is there any objections, Members, to the other referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered. No objections.

DEPUTY COUNTY CLERK: Okay. Then, Chair, proceeding with bills for second and final reading.

**BILLS – SECOND AND FINAL READING**

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 25 (2022)

A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN  
DESIGNATION FROM SF-SINGLE FAMILY TO P-1 PUBLIC/QUASI-PUBLIC  
FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII,  
TAX MAP KEY (2) 3-9-48:109

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. May I ask the Clerk to call Bill 26?

CHAIR LEE: Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 26 (2022)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL  
DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING)  
FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII,  
TAX MAP KEY (2) 3-9-48:109

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS BILL 25 (2022) AND BILL 26 (2022) ON  
SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to move Bills 25 and 26  
on second and final reading.

Discussion, Member Paltin.



COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on December 16, 2021, and discussed two bills entitled "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM SINGLE-FAMILY TO P-1 PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109" and "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING)" for prop, the same property, "SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109".

The Maui Planning Commission reviewed the bills on May 26, 2020, and voted unanimously to recommend the bills be approved, with the condition that property owner work with the County to provide adequate off-street parking.

Your Committee recognized the Jewish Congregation of Maui was operating under a Special Use Permit that expired August 31, 2010.

Your Committee noted that structures built or expanded on the property should be consistent with the residential character and height of houses and structures in the neighborhood, and revised the bills to add conditions including: the maximum height of any structure on the property is limited to 30 feet or two stories, whichever is lower; and the permitted uses allowed are limited to churches; community centers; education, general and specialized; and facilities for nonprofit organizations.

Your Committee voted 8-0 to recommend passage of bills on first reading, recordation of the unilateral agreement, and filing of the communication. I did receive confirmation from the County Clerk's Office on February 15, 2022, that the unilateral agreement for Bill 26 (2022) was filed with the State Bureau of Conveyance. And I respectfully ask for the Members support of my motion.

CHAIR LEE: Any more discussion?

Member King.

COUNCILMEMBER KING: I just wanted to add to Member Paltin's description. This has been for, this, this Church has been there for a long time, since before my time. And this problem has persisted since before my time on the Council. So, I'm glad we're try, we're finally clearing it up. One of the big questions was who owned the roads? So, once that was solved, it was easier, easier to move forward. But with the restrictions, there, you know, it's not likely that there'll be any other kind of, any change in the use there. So, I think the, the community's comfortable with it, the Kihei Community

Association supported it. And, and they are in the SMA, so if they try to make any major changes, they would have to go through a SMA permit. So, I think everybody's good with this.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 27 (2022)

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,  
PRIVATE DONATIONS

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Did our Deputy Clerk say Bill 22?

DEPUTY COUNTY CLERK: Apologies if I did. I meant Bill 27 (2022).

CHAIR LEE: I think he said 27 (2022).

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, might be my hearing. Okay. My bad. May, if there aren't any objections, Chair, may I request our Deputy Clerk also call Bill 28, 29, and 31 through 34?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 28 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO THE DEPARTMENT OF FINANCE;  
COUNTYWIDE COSTS,  
DEPARTMENT OF TRANSPORTATION,  
ADMINISTRATION PROGRAM – GENERAL FUND,  
PARK MAUI PROGRAM – GENERAL FUND

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 29 (2022)

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 TRANSPORTATION,  
(ADMINISTRATION PROGRAM – GENERAL FUND)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 31 (2022)

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  
(STATE OF HAWAII, EXECUTIVE OFFICE ON AGING – SENIOR CENTER SERVICES)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 32 (2022)

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,  
POLYNESIAN VOYAGING SOCIETY COMMEMORATIVE LICENSE PLATES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 33 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF POLICE,  
MOLOKAI COMMUNITY PLAN AREA,  
GOVERNMENT FACILITIES, GENERAL FUND,  
MOLOKAI POLICE STATION ROOF REPLACEMENT;  
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 34 (2022)

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 POLICE,  
MOLOKAI COMMUNITY PLAN AREA,  
MOLOKAI POLICE STATION ROOF REPLACEMENT

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I figured out what it was. He said Bill 27 (2022), and I heard Bill 22. I'm going to blame the jet lag.

SO, I MOVE TO PASS BILL 27 THROUGH 29 AND BILLS 31  
THROUGH 34 ON SECOND AND FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to move these bills on second and final reading.

And discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 27 amends the Fiscal Year 2022 Budget, Appendix A, Part I, by increasing the appropriation under Department of Public Works, entitled "Private Donations" by \$700,000.

Bill 28 (2022) and Bill 29 amend the Fiscal Year 2022 Budget and Appendix D, by decreasing the appropriation for Tourism management enforcement, and other related costs of the Department of Finance, by \$680,000; and adding an appropriation under the Department of Transportation, General Fund, for the "Park Maui Program" in the same amount, along with conditional language to increase the equivalent personnel by 3.0 under the Department of Transportation, Administration Program – General Fund.

Bill 31 amends the Fiscal Year 2022 Budget, Appendix A, Part I, by adding a new grant entitled "State of Hawaii, Executive Office on Aging – Senior Service *[sic]*, Senior Center Services", in the amount of \$175,500.

Bill 32 amends Fiscal Year 2022 Budget, Appendix B, "Revenues – Fees, Rates, Assessments, Taxes" for the Department of Finance by adding a special number plate fee and fundraising fee for the Polynesian Voyaging Society.

Finally, Bills 34 and 35 *[sic]* amend the Fiscal Year 2022 Budget, Appendix C, by increasing Estimated Revenues for the Carryover/Savings from the General Fund by \$400,000, reappropriating the funds to the Department of Police for the Molokai Police Station Roof Replacement and adding a project and project description for the Molokai Police Station Roof Replacement in the amount of \$400,000. I ask for the Members continued support of these items. Mahalo, Chair.

CHAIR LEE: Wow. That's pretty good.

Vice, Member Paltin.

COUNCILMEMBER PALTIN: Oh, just clarifying. I heard Bills 34 and 35 was it 33 and 34?

CHAIR LEE: 33 and 34.

COUNCILMEMBER PALTIN: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Mahalo, Member Paltin.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Vice-Chair, when did you return? When did you return?

VICE-CHAIR RAWLINS-FERNANDEZ: On Thursday night. What is today? Friday. Wednesday night. Wednesday night and then I had to stay on Maui because I, it, there's only one plane and it stops flying at 7:30. And I didn't get back in time to make that, so I had to stay on Maui one night. Mahalo, Member Sinenci.

CHAIR LEE: Oh, I'm glad you're home safe and sound.

VICE-CHAIR RAWLINS-FERNANDEZ: Me too.

CHAIR LEE: Ready to spend a long weekend with your family.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: I'm sure they missed you.

So, Members, it's time to go home and--

COUNCILMEMBER KING: I think we have one more, Chair.

CHAIR LEE: Oh, I'm sorry, we did? We do?

COUNCILMEMBER KING: Member Paltin.

CHAIR LEE: Let's do it. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with unfinished business.

CHAIR LEE: Oh, yeah.

## UNFINISHED BUSINESS

### BILLS

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 147 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY  
CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP  
FOR THE ISLAND OF MAUI

DEPUTY COUNTY CLERK: And Chair, County Communication 22-51 is also before the body  
at this time.

CHAIR LEE: Okay. I'm so sorry, Member Paltin. We wouldn't have, we wouldn't want to  
miss this one.

COUNCILMEMBER PALTIN: Happens to the best of us.

I MOVE TO PASS BILL 147 (2021) ON FIRST READING.

And then, I have a couple more moves, but--

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER PALTIN: Okay. Then--

CHAIR LEE: Okay, discussion? Moved by Member Paltin, seconded by Member King, to pass Bill 147. Okay. And then, you want amendments?

Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO AMEND BILL 147 (2021) BY ADDING THE FIRST AMENDMENT TO UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING DATED JULY 31, 2020, AS EXHIBIT "B", WHICH AMENDS THE UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING DATED JULY 31, 2020, A CAP, A COPY OF WHICH IS ATTACHED. THE AMENDED BILL WOULD BE BILL 147 (2021), FD1.

And I think that first July 31, should have been 2021, not 2020, cause that would make it the same.

CHAIR LEE: Okay, which is it though, Member Paltin?

COUNCILMEMBER PALTIN: Okay, here. It would be, I'm just going to go with it as written, how's that?

CHAIR LEE: Okay. Alright. One of several amendments, you're, you're going to make.

COUNCILMEMBER PALTIN: Yeah.

CHAIR LEE: Okay, so we need a second for that amendment.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Member King. Moved by Member Paltin, seconded by Member King, for that amendment. Discussion?

COUNCILMEMBER PALTIN: Okay, Bill 147 (2021) passed first reading at the November 19, 2021, Council meeting. Following the meeting, the State Bureau of Conveyances



returned the First Amendment to Unilateral Agreement and Declaration for Conditional Zoning dated July 31, 2020, stating the document needed to cite the, cite, needed to cite to the original Unilateral Agreement number. Therefore, the FIRST AMENDMENT TO THE UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING DATED JULY 31, 2020, is necessary.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: By passing Bill 147 (2021), FD1, on first reading and directing the Clerk to record the FIRST AMENDMENT TO UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING DATED JULY 31, 2020, the Council will enable the bill to proceed through the legislative process, consistent with the Maui County Code.

CHAIR LEE: Okay. Anything else? Any questions? Discussion? If not, on the amendment, raise your hand and say "aye".

Member, yes, Member Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. I just wanted to confirm, Councilmember Paltin mentioned recordation of the first amendment to the unilateral agreement, but that wasn't included in the amending motion. Is it her intent to include that as well as part of the motion?

CHAIR LEE: Member Paltin?

COUNCILMEMBER PALTIN: Sure.

I MOVE TO DIRECT THE COUNTY CLERK TO RECORD THE  
FIRST AMENDMENT TO THE UNILATERAL AGREEMENT  
AND DECLARATION FOR A CONDITIONAL ZONING DATED  
JULY 31, 2020.

I wasn't sure if I could do both at the same time. Thanks for that.

CHAIR LEE: Okay, you stopped reading the other half then. Are you,

COUNCILMEMBER PALTIN: Cause . . .

CHAIR LEE: Are we straight now, Mr. Clerk? Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, so now we understand that the amending motion is to:  
1) add the Exhibit "B"; and 2) to direct us to record the unilateral agreement. Thank  
you.

CHAIR LEE: Okay. So, can we take the vote now? All those in favor, cause we're adding  
those two items. All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Did you have any other amendments, Member Paltin?

COUNCILMEMBER PALTIN: No. I, I guess I did them all in one time. I thought I had to do  
a two-step process, but--

CHAIR LEE: I see, I see.

COUNCILMEMBER PALTIN: Thank you, Mr. Krueger.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Okay, eight "ayes", zero "noes", one "excused"; Member Johnson. Motion  
carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, just wanted to confirm what the disposition will be of County Communication 22-51.

CHAIR LEE: Mem, Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Let's file it.

COUNCILMEMBER PALTIN: Let's file it.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay, make a motion.

COUNCILMEMBER PALTIN:

I MOVE TO FILE IT.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Vice, moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez, to file that communication. What, what number was that, 50? What was that?

COUNCILMEMBER PALTIN: 51.

CHAIR LEE: 50, okay.

COUNCILMEMBER PALTIN:

CC 22-51.

CHAIR LEE: 22-51, okay. Any discussion on that? No, none right? Okay.

COUNCILMEMBER PALTIN: None.

CHAIR LEE: Okay, good. All those in favor of that motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there is no further business before the Council.

CHAIR LEE: Okay, Members, any announcements. I know Member King has one about SB2096.

COUNCILMEMBER KING: Oh, the one I was testifying on today. It passed out of Committee, so it's going onto WAM. So, that's the one that's going to lower the blood alcohol limit and hopefully help with our, you know, our traffic issues, traffic fatalities.

But I also want to give a big shoutout to Lieutenant Hankins who unfortunately is going to be leaving the Police Department soon, sadly. And he is a big advocate who's the one that, you know, has to go door to door to tell people when their child, when their loved ones died in a, in a drunk driving accident. And so, he, he was very passionate about this issue. And I think he'll continue to follow it even when he's not on the force anymore. Good guy.

CHAIR LEE: Yeah. Thank you. Thank you for that announcement. Anybody else have anything coming up? Anything special?

Vice-Chair Rawlins-Fernandez, did you tell Joe Biden we said hello?

VICE-CHAIR RAWLINS-FERNANDEZ: I did. And I also asked him to decommission the Red Hill tanks.

CHAIR LEE: Okay. And he definitely said, right on.

VICE-CHAIR RAWLINS-FERNANDEZ: He said he'll get right on it.

CHAIR LEE: Okay, very good. Anything else? Otherwise, this meeting is adjourned.

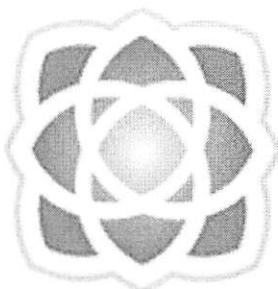
### ADJOURNMENT

The regular meeting of February 18, 2022 was adjourned by the Chair at 2:49 p.m.

A handwritten signature in black ink, reading "Kathy L. Kaohu". The signature is written in a cursive, flowing style.

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KATHY KAOHU, DEPUTY COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII



# MAUI

CHAMBER OF COMMERCE  
VOICE OF BUSINESS

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Maui County Council  
Alice Lee, Chair  
Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council

## Testimony in support of Resolution 22-51

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify in support of Resolution 22-51 which authorizes the Mayor to enter into a Public-Private Partnership (PPP) to assist with the infrastructure at Waikapu Country Town so that they can build extra affordable housing units.

The Chamber supports efforts to increase the number of residential workforce housing units (RWHU) and applauds the Council and the administration for working together to come up with innovative approaches to infrastructure and RWHU needs.

As you know, infrastructure is very costly for either the County or a developer to bear alone. With this PPP approach, the prices of housing can be kept lower and the number of RWHUs can increase from the originally proposed number.

We hope that this is the first among many innovative approaches to our affordable housing crisis.

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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**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

Maui County Council  
Alice Lee, Chair  
Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council

**Testimony in support of BILL 46 (2022)**

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify in support of Bill 46 (2022) which creates a micro grant program for axis deer mitigation.

As you are undoubtedly aware, axis deer populations on Maui County out of control and are causing damage to our agriculture and ecosystems. Population reduction is needed and this bill provides an important tool as part of a larger comprehensive management plan. Fencing is one solution and hunting is another. There are areas in which hunting is not possible and other solutions for those areas are needed.

We would like to thank Councilmember Sugimura for working with the administration to introduce this bill.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



P. O. Box 2122 Wailuku, HI 96793

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2022 FEB 17 AM 11:03

OFFICE OF THE  
COUNTY CLERK

February 17, 2022

Honorable Alice Lee, Chair and Members  
Maui County Council  
Wailuku, Maui, HI 96793

**RE: Resolution Supporting Pohakea Watershed Lands/ Ma`alaea Mauka Legacy Land Application**

Aloha Chair Lee and Members,

Ma`alaea Village Association (MVA) and its 190 members and wide network of supporters, acknowledges this Council and South Maui Councilmember Kelly King for your foresight in supporting purchase of the land called "Ma`alaea Mauka" with County Open Space funds. Mahalo! The purchase and transfer to the State DLNR Forestry Division (DOFAW) is underway thanks to the efforts of the Trust for Public Lands.

The Resolution before you supports the \$1 million request for **Pohakea Watershed Lands(Ma`alaea Mauka)**. This will provide the additional funds that may be necessary to include the leases for three wells along with the land purchase. The resolution sites the importance of this parcel:

- It is a keystone property for watershed protection
- Is critical for managing wildfires, a chronic threat in this area of Maui
- Is key to mitigating erosion/soil runoff and pollution of Ma`alaea Bay and its nearshore coral reefs

Maui will benefit from the desire of DLNR Division of Forestry and Wildlife to assume title to this land.

- Without designation the parcel would likely continue to be threatened by wildfire and erosion
- The scenic vistas and natural resources will be protected to enhance Maui's quality of life
- The State plans to add this property and surrounding state lands in forest reserve to manage them holistically to prevent fire, restore native habitat and enhance public recreational activities
- The historic Lahaina Pali Trail will be expanded with additional parking and signage for the benefit of Maui residents and visitors.

MVA will be actively involved with other community partners including DOFAW, Maui Nui Marine Resource Council, Maui Cultural Lands and the Mauna Kahalawai Watershed Partnership in developing a management plan to enhance public benefits and large scale protection of these important natural and cultural resources.

Approval of the designation of this land for Legacy Land Conservation will ensure much needed protection for generations to come.

Mahalo for your support!

Lynn Britton  
Immediate Past President and Co-Founder, Ma`alaea Village Association

Cc: Scott Fretz, Maui District Manager, DLNR Division of Forestry and Wildlife (DOFAW)



## County Clerk

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**From:** Tamara A. Paltin  
**Sent:** Friday, February 18, 2022 9:04 AM  
**To:** County Clerk  
**Subject:** Fwd: Appointment of Jordan Molina/Public Works

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**From:** Francine Aarona <mopsaarona@gmail.com>  
**Sent:** Friday, February 18, 2022 9:02:24 AM  
**To:** Alice L. Lee <Alice.Lee@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>  
**Subject:** Appointment of Jordan Molina/Public Works

Aloha Chair Lee, VC Rawlins, and Council Members,

Mahalo for always allowing me to have conversation with you. Hope all is well.

I may or may not have had the pleasure of meeting Mr. Jordan Molina. I don't have any reservations for his appointment but I know that you know of his performance as deputy director. My concern or shall I say my want, is that he has a hard hat to enforce rules of the public works department. My eyes and my ears alone tell me that there is a lot of cleaning up to do in Pa'ia.

I look forward to working with him and wish him all the energy to put up with me. I think I drained Rowena 🙄.

Mahalo again for accepting my mana'o. Good health to all of you and have a great weekend.

Always, Aunt Mopsy/Protect Pa'ia

## County Clerk

---

**From:** Jim Crowe <mauicrowe@gmail.com>  
**Sent:** Wednesday, February 16, 2022 3:35 PM  
**To:** County Clerk  
**Subject:** Yuki Lei's axis deer program: I support it. No reply.

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2022 FEB 16 PM 3:53

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2022 FEB 17 AM 11:03  
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COUNTY CLERK

## Council of the County of Maui

### Bill 46

Friday, February 18, 2022, 9:00 AM

Maui County Council Members,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **strongly supports Bill 46** to amend the budget for the county of maui to provide funds for axis deer control. Hawaii's ranchers have been addressing the invasive deer issue with the resources they have access to. This includes trapping, harvesting, managing access for hunting, installing deer fences, and working with neighboring ranches to coordinate these efforts. This has been at significant costs to the ranches. This funding will be an immense help to combatting the invasive deer issue.

We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director



## County Clerk

---

**From:** Austin Gapsis <austingapsis@gmail.com>  
**Sent:** Thursday, February 17, 2022 8:31 AM  
**To:** County Clerk  
**Subject:** Testimony on bill 46

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2022 FEB 17 AM 8:48

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COUNTY CLERK

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

Bill 46 testimony:

The axis deer problem is very real and needs to be addressed. But the community needs to be cut in on the deal as well.

If the large land owners want compensation for the damages caused by the deer they should not receive any without allowing public access for hunting. The problem is not real for them if they won't jump through that small hoop they're just grabbing easy money.

Everyone I know also finds it off putting Maui nui venison gets a fat contract to go shoot the deer that ate my garden then charge me 50 bucks a pound for the meat. Particularly because they are allowed access to places that are not publicly available. It feels like the Maui residents are completely cut out of the deal. We get all the bad that comes from the deer but none of the good.

Please go to bat for your community. I know it's not the easiest path but carve out a commitment for public access and hunting and draft a waiver. There's a lot of people out there that want to be a part of the solution

Mahalo

Austin

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February 17, 2022

2022 FEB 18 AM 7: 54

Testimony in Support of Resolution 22-55

OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Councilmembers,

I am writing in support of the acquisition and protection of the Ma'alaea Mauka and Pohakea watershed which Resolution 22-55 addresses. I urge the Council to support the Resolution and the Application to the Department of Land and Natural Resources' Legacy Land Conservation Program. The protection of the watershed and habitat are critical to maintain and preserve the natural environment and open space. Management by DLNR, along with community partners, to work to minimize wildfires and reduce erosion and subsequent runoff into Ma'alaea Bay after rain events, will benefit the people of Maui who value clean water and air. My family has enjoyed the beauty of Maui and Ma'alaea since becoming property owners in Ma'alaea in 1977. We fully support this effort to ensure this scenic parcel of land is around for the enjoyment of all for years to come.

Mahalo nui loa to Councilmember King for introducing this Resolution!

Sincerely,

Lora Harbo  
Gayle Harbo  
David Liebersbach

**County Clerk**

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**From:** Lyndon Ibele <akibele75@gmail.com>  
**Sent:** Wednesday, February 16, 2022 6:51 AM  
**To:** County Clerk  
**Subject:** In support of Resolution 22-55

2022 FEB 16 AM 8:19

OFFICE OF THE  
COUNTY CLERK

Aloha to the Maui County Council members:

In regards to the February 18, 2022 regular meeting of the Council, I am writing to urge the Council's support for Resolution 22-25 entitled "SUPPORTING MA'ALAEA MAUKA'S APPLICATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES' LEGACY LAND CONSERVATION PROGRAM, introduced by CM Kelly King.

As a 20+ year property owner in Ma'alaea, I strongly support efforts to protect/preserve/manage this land parcel for the benefit of all Maui residents and visitors.

Sincerely,

Lyndon Ibele



## County Clerk

---

**From:** William Jacintho <wjacintho90@gmail.com>  
**Sent:** Thursday, February 17, 2022 9:11 AM  
**To:** County Clerk  
**Subject:** Bill 46 County Council Meeting 2-18-22 9:00am

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2022 FEB 17 AM 11: 03

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COUNTY CLERK

You don't often get email from wjacintho90@gmail.com. [Learn why this is important](#)

Maui Cattlemen's Association SUPPORTS Bill 46. This is a Bill that helps all farmers and ranchers help the community of Maui County with our County Deer problem. Grants need to also be written in a way that any farmer or rancher can qualify to apply. Past grants were specific to Corporations or non profit organizations.

Thank you very much,  
William G. Jacintho, Association President

**Council of the County of Maui**

**A G E N D A**

Regular Meeting of February 18, 2022

9:00 AM

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**Meeting Site:**

Online via BlueJeans link <https://maui.bluejeans.com/295235670>

**Remote Testimony Sites:**

None.

Courtesy Live Broadcast: Akaku: Maui Community Media, Channel 53

website: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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**ORAL OR WRITTEN TESTIMONY**

Craig Nihei  
CN FARMS LLC  
2659 Omaopio Road  
Kula, Hawaii 96790

Bill 46

Micro Grants for Axis Deer Mitigation

To all Councilmembers,

I am a farmer that has been farming for close to 30 years. I have been having issues with the axis deer from the beginning since I started farming in the early 1990s. My dad who also has been farming had issues with the axis deer in the early to mid 1980s.

Tried to control the deer population by getting the permit to hunt from DLNR and have been unsuccessful, due to my areas close relations to my neighbors.

It has come to my attention from the email that I received that there might be a micro grant to help with the axis deer problem. I am assuming that the grant money will probably be used for fencing or any type of means to control the deer population.

So, to give you a prospective of my situation, if my dad had issues and I have been having issues with the deer, wouldn't you agree that the population, obviously has gone up significantly.

The micro grant money would greatly help all of the farmers, including myself in offsetting the cost of a fence and labor to put up the fence.

The issue I have right now is that I have spent my own money for fence and hardware already. I think that if you are going to give out micro grants to farmers, it would be a more consistent and fair way, if you can put in the bill, that if the farmer has spent money on any means to control the deer, within the last 5 years, that the county would consider giving grant money to the farmer, as long as they have the receipt to prove that they have spent the money.

Please consider the information that I have given as my testimony, as to the micro grant to control the axis deer problem. Any help to the farmers would be greatly appreciated at this time.

Thank you for allowing me to express my concerns.



## County Clerk

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**From:** aknranch <aknranch@aol.com>  
**Sent:** Thursday, February 17, 2022 12:20 PM  
**To:** County Clerk  
**Subject:** Axis Deer

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

Maui County Council Chair & Members I'm in support of Bill 46 the Mayor's proposal micro grant program for axis deer mitigation ,ranchers and farmers have been struggling to survive because of this deer problem we have over \$50,000 worth of fence line that is totally destroyed from deer I have one paddock with 39 acres and 300 deer running through no grass for animals the farms have been eaten we need help and also it trickles down to a big problem with RPT I've been getting calls from people that they have been on them pertaining to taxes because the ranchers cannot hold the amount of cattle that they have held in the past, and also for the farmers there's no more crops we really need to get some help.Mahalo Annette Niles aknranch &Maui Mamaki Tea Company

Sent from the all new AOL app for iOS

## County Clerk

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**From:** Harriet Taniguchi <hataniguchi@comcast.net>  
**Sent:** Wednesday, February 16, 2022 2:30 PM  
**To:** County Clerk  
**Subject:** Micro Grants Program for Axis Deer Mitigation

2022 FEB 16 PM 3: 53

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[You don't often get email from hataniguchi@comcast.net. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Dear Mayor Victorino and Councilmembers in Session,

I am very supportive of the Micro Grants because I'm a small family farmer (12.5) acres at 460 Naele Road, Kula, Maui HI 96790. My family- AGENA- have farmed in Kula for over 80 years and we have never had this problem.

Because of the drought the deer came in and stripped the lower branches of our avocado, lime, persimmon and yuzu trees.

As a result we lost some fruits and 6 mature trees died.

I recently contracted an installer to construct fencing to hopefully keep the deer out. Because of lack of rain since the last storm they are already in the orchard. The fencing will cost us at least \$21,000.

Therefore, any assistance would be helpful.

I want to thank Councilmember Sugimura and Mayor Victorino for addressing this problem.

Thank You,

Harriet Agena Taniguchi  
Sent from my iPhone

## County Clerk

**From:** Tapani Vuori <tvuori@mauiocenter.com>  
**Sent:** Wednesday, February 16, 2022 4:11 PM  
**To:** County Clerk  
**Subject:** Testimony on RESO 22-55 // Pohakea Watershed Lands

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

The Honorable Maui County Council Chair and the Council Members

From: Tapani Vuori

Re: Hearing **RESO 22-55**, SUPPORTING MA'ALAEA MAUKA'S APPLICATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES' LEGACY LAND CONSERVATION PROGRAM

Hearing: Friday, February 18, 2022

Aloha Chair and County Council,

### I STRONGLY SUPPORT RESO 22-55.

My name is Tapani Vuori. I am General Manager of Maui Ocean Center (MOC), President of Maui Ocean Center Marine Institute (MOCMI), Vice President of Ma'alaea Village Association (MVA), and Secretary of Ma'alaea Triangle Association (MTA). I am writing to express my **very strong and enthusiastic support** for the proposed acquisition and protection of Mā'alaea Mauka and Pohakea Watershed. The protection of these lands will ensure that natural, cultural and historical resources are preserved, provide much needed resources for natural hazards mitigation, as well as the opportunity to expand access to open spaces and the Lahaina Pali Trail.

This specific TMK lot is critical for the health of the watershed and specifically to the near shore marine ecosystem. Ma'alaea Bay is classified as 303d impaired body of water by EPA and non-point source pollution is responsible for this. As of today Ma'alaea Bay has less than 8% coral Reef coverage as per DLNR/DAR and Limu has become difficult to find. The Ma'alaea community is working towards creating a more sustainable, livable and healthy community and has taken a more holistic and collaborative approach to address issues detrimental to this vision. This vision not only addresses issues of concern today but will create a better outcomes for generations to come.

Within our community there is collaborative efforts currently underway in regards to creating a regional wastewater reclamation center that is technologically advanced and future proof with reuse and recharging of watershed crucial parts of it. There is also a Low Impact Development (LID) study that was recently completed to optimize the permeability of the large parking lot at MTA. Pohakea Watershed study that was completed in 2018 is a foundational document to help the community build upon this vision. Currently watershed restoration and sedimentation prevention efforts are underway.

I have been at Maui Ocean Center since 2002 and have personally witnessed multiple storm and fire events. During the storm events I have seen mud and boulders come downhill from the hillside; I have seen basketball sized boulders roll down on Ma'alaea Road and sedimentation fill up the gulches and storm drains. Ma'alaea Harbor is full of sedimentation and one can talk to any boat owner there the #1 complaint is that their boats are getting stuck at the bottom. Maui Ocean Center operates under the NPDES permit from DOH/EPA which is based on the Clean Water Act of 1972. We measure water quality in the harbor monthly and in the zone of mixing twice a year. I have personally taken operational water quality samples from the non point source storm



water entering the harbor and the nutrient readings have been an order of magnitude difference vis-à-vis standard water quality sampling results.

This TMK lot also has significant cultural value as the "King's Trail" traverses through this lot. There are also few remaining petroglyphs in the area at the Ma'alaea Harbor area on the hillside. Ma'alaea also played a significant role in pre contact days in warfare and also is known for its red dirt (Alaea) found in Ma'alaea.

Needless to say that Ma'alaea is also one of the main commercial boating centers with whale watching and snorkel tours and as such a significant economic engine for the Maui economy.

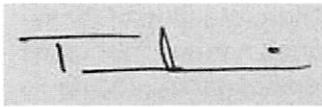
Finally and not least importantly we just need to treat the environment and nature with respect and inalienable rights it deserves and not leave a mark behind us.

"I WANT TO ASK YOU TO KEEP THIS GREAT WONDER OF NATURE AS IT NOW IS. I HOPE YOU WILL NOT HAVE A BUILDING OF ANY KIND, NOT A SUMMER COTTAGE, A HOTEL OR ANYTHING ELSE, TO MAR THE WONDERFUL GRANDEUR, THE SUBLIMITY, THE GREAT LONELINESS AND BEAUTY OF THE CANYON. LEAVE IT AS IT IS. YOU CANNOT IMPROVE ON IT. THE AGES HAVE BEEN AT WORK ON IT, AND MAN CAN ONLY MAR IT. WHAT YOU CAN DO IS TO KEEP IT FOR YOUR CHILDREN, YOUR CHILDREN'S CHILDREN, AND FOR ALL WHO COME AFTER YOU, AS ONE OF THE GREAT SIGHTS WHICH EVERY AMERICAN IF HE CAN TRAVEL AT ALL SHOULD SEE."

- Speech by Theodore Roosevelt at the Grand Canyon, May 6, 1903

The acquisition and future management of this property by DLNR DOFAW will ensure protection for perpetuity so that future generations will be able to be able to enjoy the many bounties that Mā'alaea has to offer.

Mahalo,



Tapani Vuori  
General Manager  
Maui Ocean Center  
c.808.561.2022  
[tvuori@mauiocenter.com](mailto:tvuori@mauiocenter.com)

TAPANI VUORI  
GENERAL MANAGER  
PH: 808.270.7097 • C/TXT: 808.561.2022  
192 MĀ'ALAEA RD. WAILUKU, HI 96793



Debuts Summer 2021

## County Clerk

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**From:** Jamie Woodburn <jamiewoodburn1@gmail.com>  
**Sent:** Friday, February 18, 2022 6:19 AM  
**To:** County Clerk  
**Cc:** Warren Watanabe; Joshua Circle-Woodburn  
**Subject:** deer mitigation

2022 FEB 18 AM 7: 54

OFFICE OF THE  
COUNTY CLERK

You don't often get email from jamiewoodburn1@gmail.com. [Learn why this is important](#)

Date: February 18, 2021  
To: Maui County Clerk  
From: Jamie Woodburn, Maui Olive Company  
Re: Testimony in support of County assistance for mitigation of deer damage to crops

I am the co-founder of Maui Olive Company and would like to support any County effort that would provide assistance to farmers and ranchers with respect to offsetting cost incurred to mitigate and control deer infestation. We operate the only commercial olive mill in the State and produce locally sourced olive oil for local consumption. Deer have become our number one challenge, with almost daily damage to our trees and orchard. Our orchards are located in the Waipoli area of Upper Kula and we have been dealing with significant deer damage for the past 3 years. At one point we were losing 5-6 trees per week. The deer damage the lower region of the tree trunks, scrape off the bark and the trees die.

We have begun to work with our neighbors and landlords in an effort to install 7' deer fence to protect approximately 20 acres along Waipoli and Kawehi Roads in Kula. Estimates to complete the fence range from \$30-45,000. Any assistance the County can provide to help the cost of this project would be greatly appreciated.

I realize my testimony is late but I only learned of the hearing yesterday, and I am one the mainland for medical appointments.

I appreciate your consideration.

Aloha,  
Jamie Woodburn  
Maui Olive Company

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

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OFFICE OF THE  
COUNTY CLERK

January 14, 2021

Mr. Craig Peterson, President  
Kahana Sunset AOA  
4909 Lower Honoapiilani Road  
Lahaina, Hawaii 96761

Dear Mr. Peterson:

**SUBJECT: FAILURE OF BUILDING "F", A 12-UNIT TWO-STORY TOWNHOUSE AND FAILED SEAWALL IN THE SHORELINE SETBACK AREA, AND AUTHORIZED STAGING FOR DELINQUENT SAND BAG REMOVAL, AT THE 80-UNIT KAHANA SUNSET CONDOMINIUM LOCATED ON 4.46 ACRES AT 4909 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII, TMK: (2) 4-3-003:015 (SMX 2021/0198) (SM2 2021/0077) (SSA 2020/0069 (EAE 2021/0038)**

Thank you for your November 12, 2021 letter providing background, status, a proposal to make repairs, and alternatives for the above-referenced property. We appreciate your willingness to communicate your concerns and acknowledge site and engineering limitations. Please note that no new permits are authorized by this letter.

All 80 units at Kahana Sunset are individually owned and are located in six buildings situated throughout the property. Building F is constructed as one 12-unit townhouse structure, with common walls and a continuous seawall. Building F has exhibited signs of potential structural failure most likely due to physical undermining by the ocean and, as a precaution, has been closed for occupancy since July 2020, because it is no longer safe for habitation which has been the result from increasing coastal hazards. The Department concurs with findings by the AOA's structural engineers that, under existing conditions, Building F may potentially further fail structurally by sinking into growing voids beneath the building.

The Department is in receipt of your building structural foundation plans and seawall structural foundation plans for Building F, titled, Foundations Strengthening for Kahana Sunset Condominiums Building F, submitted by JPB Engineering Inc as sheets 001, 002, S100, S101, S300, dated November 9, 2020 and submitted on June 9, 2021, under application SMX 2021/0198 with amended plans to include staging plans. The seawall structural plans, dated as June 4, 2021, and submitted on June 9, 2021 as sheets 001, 002, S100, S300, and S301. The structural foundation plans propose new foundations for Building F and its attached seawall with pilings extending down to bedrock, to approximately 25 feet below Building F and the seawall. The pilings for the seawall will be continuous, creating a new seawall.

**Environmental setting requires multiple jurisdictional authorizations.** Planners from the Department, Office of Planning and Sustainable Development (OPSD), and State Department of Land and Natural Resources (DLNR) have been to the site and understand the environmental setting, as well as the complexity of repairs at the shoreline that require both isolation of the construction environment from the ocean as well as protection of the marine resources, simultaneously. Completion of foundation repairs in the shoreline setback area, as submitted, require both State and County permits, supported by an Environmental Assessment that would examine all alternatives.

The Department was on site most recently on November 2, 2021, to observe Building F's internal wall stress cracks and high waves impacting Building F and the entirety of Keonenui Bay. Besides the continuous scouring beneath the seawall and Building F noted by the structural engineer, these similar ocean conditions and forces that are faced by this building during typical seasonal high wave events are not unusual. Further, these conditions and forces are immense and becoming more regular due to changing shoreline conditions resulting from observed and projected sea level rise.

**Request for repairs to Building F and its seawall:** Building F is underlain by unconsolidated sediments down to about 25 feet below sea level that are no longer adequately supporting the building foundation. The proposed repair to Building F involves first adding a new foundation micropile structure approximately 25 feet down to bedrock in order to stabilize the building, which is undermined from coastal erosion to an unknown extent. Second, to repair the seawall-lanai complex fronting Building F, the plans propose to construct a new continuous concrete seawall extending approximately 25 feet below the surface to bedrock in order to halt the existing incursion of ocean waters landward under the seawall and under Building F to an unknown extent. These two actions require State authorizations to place new sand bags in the shoreline and water fronting Building F in order to safely perform the work. On June 30, 2021, the Department, along with State personnel, received a full briefing from JPB Structural Engineers about the proposed building foundation and seawall repairs.

While the limited options for Building F have not yet been fully discussed between the Department and Kahana Sunset AOA, the Department strongly recommends the removal of Building F and fronting seawall due to concerns for short-term and long-term health and safety of the occupants and shoreline users, as well as cumulative impacts of interventions to Keonenui Bay. The Department would support and authorize limited structural foundation repairs for the express purpose of stabilizing the building to temporarily prevent further building movement caused by continuous ocean undermining. However, the requested structural foundation strengthening must be accompanied by a scheduled removal of the Building F. The Department emphasizes that there are limits on long-term sustainability of the building even if repairs are ultimately allowed and pursued. These limits must be clearly conveyed to all unit owners, including Building F unit owners and other building unit owners.

Chapter 205A, Hawaii Revised Statutes, was amended in 2020 by Act 16. Under the changes enacted by Act 16, the Department cannot approve shoreline or Special Management Area (SMA) permits as proposed for the fronting seawall structural plans, which would, in essence, build a new seawall of continuous concrete down 25 feet to bedrock. Additionally, the Shoreline Rules for the Maui Planning Commission, under 12-203-12, permitted structures and activities



within the shoreline area, strictly limit the massing and types of structures to minor structures in the shoreline setback area. In summary, the requested action represents a new seawall and not a repair.

The application suggests that proposed repairs to stabilize the building foundation would be achieved only if the proposed seawall repairs are also pursued. However, since the seawall repairs are not allowed under Act 16, the structural engineer should only propose seawall stabilization repairs in a like-for-like manner, as a repair, not as a new seawall.

**Sequence of Actions –Step One: Removal of existing delinquent sand bags:** The Department requires that you must first remove sand bags in the water fronting Building A. Further, bulk bags should not be used as a longer-term protective measure because the bulk bags will not withstand the winter wave energy in front of Building F and will be released to the ocean as marine debris that impacts the marine environment. Additionally, future deployment of bulk bags is a State of Hawaii determination and not a County SMA permit determination. As has been previously communicated to the Kahana Sunset Board of Directors, Kahana Sunset must first, as a singular action, fulfill the DLNR required removal of the delinquent Elcorock sand bags in the water at Building A, as authorized under permit EMG: MA-17-29, dated May 22, 2017, before any permits possibly may be issued for repairs to Building F or its seawall. The Department notes that these sand bags were authorized by the DLNR for temporary deployment in order to repair an undermined seawall at another Kahana Sunset building -- Building A.

To support Kahana Sunset's fulfillment of the DLNR sandbag-removal requirement, the Department has diligently worked with your consultant over the past two years regarding the most efficient and responsible way to remove the sand bags. The Department has commented on multiple sets of plans to improve the sand bag removal process that fully protects the marine environment. Additionally, on September 15, 2021, the Department issued permits authorizing use of the shoreline setback area to assist in achieving sandbag removal (SM2 2021/0077 and SSA 2020/0069) in response to your submitted assessment application (SMX 2021/0198). The sand bag removal requires machinery on the shoreline with proper best management practices. Additional permissions from the State may still be required for sand bag removal. It is the Kahana Sunset Board of Directors' responsibility to gain full permissions from the State of Hawaii before proceeding with the sand bag removal actions.

Most likely, the removal operations for the delinquent sand bags cannot occur until the winter wave season is over – at the earliest, this action must be planned for April or May 2022.

**Step Two: Stabilize Building F from further failure.** The Department will further evaluate the structural foundation plan for Building F under the submitted SSA 2020/0069 application. Any permit approval for future foundation work would not preclude the continued pursuit of removing Building F from the shoreline. Approval of permits for foundation work would be limited to stabilizing the building from further structural damage and to assure that the building would not collapse into the ocean.

The Department acknowledges that any proposed foundation work will depend on authorization from DLNR to place sand bags in front of the Building F seawall and in the shoreline. Building F foundation work would follow completion of removal of sand bags as detailed in Step



One, above. To strengthen the Building F foundation, please first secure authorization from DLNR to deploy new sand bags as construction best management practices for the proposed work.

Timelines for Building F repairs could occur at the earliest by May or June 2022, when the proposed bulk bags could be safely deployed with some stability outside of the winter high wave season. However, the summer season king tides and/or potential hurricanes or coastal storms can present challenging conditions that should be monitored closely and construction windows should be minimized. Please note that permits will be conditioned to require immediate emergency removal if a large and potentially damaging storm or wave event is predicted. This is to preempt bags from being damaged or destroyed, thus polluting the shoreline and marine environment.

The structural engineering plans propose seawall repairs which build a new seawall down 25 feet or to bedrock. However, repairs to the fronting seawall-lanai complex must be limited to like-for-like repairs only and cannot be expanded as a new seawall down to 25-feet or bedrock, as proposed. Act 16 of the Coastal Zone Management Act prohibits new seawalls for sandy shoreline settings. Only limited repairs can be authorized. A new seawall, as proposed, would require a variance request to the existing *Shoreline Rules for the Maui Planning Commission*. *Variance*

**Step Three: Explore demolition of Building F and relocation elsewhere on the property, with support from the Department, as an initial Managed Retreat Strategy.** The Department requests that, over the next three months, Kahana Sunset gain professional opinions, cost estimates, and timelines for the demolition and removal for Building F and its seawall, rehabilitation of the coastal area as a pocket beach with the adjoining parcel to the south, and concurrent or subsequent reconstruction of twelve new units relocated elsewhere on the large parcel as a viable alternative. There are various areas suitable for rebuilding. This information is critical to Board of Directors' and unit owners' decision making about Building F.

The Kahana Sunset Board of Directors and unit owners must understand the property's future sea level rise environment and plan for a future with rising sea levels with continued and expanding erosion from high wave impacts along with the potential for episodic storms.

- The Department asks that the BOD envision swapping some of the parcel common area for a new common area that would be a beautiful pocket beach with some of the most gorgeous sand in all of Maui in a natural setting, devoid of future dangerous, unsightly, and costly seawalls.
- If (and when) Kahana Sunset decides to remove, relocate, and reconstruct these Building F units elsewhere on the property, the Department will investigate dedicating resources, as possible, to assist the Board of Directors with this managed retreat process.

**Step Four: Accept reality and put this pro-active shoreline planning to a test by envisioning a new common shoreline area and gaining owners' support for a managed retreat strategy.** Once the above information in Step Three has been gained, seek formal authorization for demolition and relocation of Building F and demolition of the seawall from the affected unit owners as well as all owners at Kahana Sunset. Your November 12, 2021, letter alludes to the difficulty of gaining full concurrence to affect common space under your covenants, but this action must be fully explored and promoted as the preferred alternative to rehabilitation of

a failing Building F that will continue to remain a potential health and safety hazard and costly endeavor.

If Building F units are reconstructed elsewhere on the property, they would likely occupy current common areas. These would be replaced or compensated with a beautiful pocket park with beautiful sand in a natural setting, devoid of future dangerous, unsightly, and costly seawalls.

**Additional Information:** All owners at Kahana Sunset should be aware of the following key points and observations by the Department when considering Building F and its seawall:

- The Department has been involved in repairs to Building F and its seawall since 2007 and thus has an understanding and history with this property, both Buildings A and F, and the major rehabilitation efforts along all sections of the parcel's shoreline that has been repeatedly damaged by coastal hazards, requiring continual repairs.
- Subsurface conditions under Building F are unknown. Most likely there are cavities and sinkholes of removed sediment, caused by the ocean undermining the slab-on-grade foundation.
- Building F is being flanked by the ocean on its south side from recent coastal erosion on the neighboring property at 4885 Lower Honoapiilani Road. The large concrete staircase structure and the adjoining seawall structure both have failed, collapsed, and have been totally undermined with the ocean incursion at least 20 feet inland, no longer providing any flank protection for Building F into the future.
- The Department suggests that Kahana Sunset re-evaluate the structural engineering solution in light of ongoing ocean conditions and cumulative impacts from coastal erosion at Keonenui Bay, especially due to recent potential flanking on its south side by the failed shoreline structures as noted above.
- The impacts of sea level rise will continue to increase the vulnerability and instability of Building F.
- Building F has become structurally unstable, deemed unsafe for occupancy by your structural engineer, and has been effectively condemned since July 2020 due to health and safety concerns.
- Due to repetitive repairs to the original seawall fronting Building F since 2007, the seawall structure has substantially changed and is no longer a seawall but rather a seawall-bulwark complex of boulders and mortar in a monolithic concrete structure, possessing excessive weight that has become suspended in the air, due to repeated ocean undermining of the structure. The result of this suspended-in-the-air seawall-bulwark structure is that it is tilting en masse and moving away from Building F's slab-on-grade foundation as observed by continuous cracks indicating surface separation of the lanai and seawall from

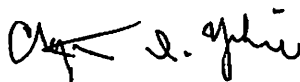
Building F's foundation. These cracks, indicating separation, are apparent from one end of the structure to the other.

- Subsurface conditions under the seawall-bulwark are unknown. Thus, both the seawall-bulwark and Building F have become unstable and unsafe for occupation. Furthermore, the extent of instability and undermining of Building F at this time is still unknown.
- The Kahana Sunset Board of Directors and unit owners may be unaware of the track record of repetitive failure of many shoreline structures at Kahana Sunset and within Keonenui Bay within the past 15 years. With the history of seawall repairs and repetitive failures at Kahana Sunset, the Department has in the past at least twice requested that the Board of Directors seriously consider relocation of Buildings A and F to safer locations on the 4.46-acre parcel, which can be physically achieved. As these buildings incur repeated expensive repairs, with no end in sight, which require multiple permits per repair, more cost-effective and safer solutions must be sought in order to prioritize health and safety and to protect the coastal environment.

The Department is committed to working with you to find solutions for this very difficult problem, and would appreciate your keeping the Department updated on the ongoing and pending tasks described herein. If you wish to meet to discuss further, our key staff will be made available.

Thank you for your cooperation. If you have any questions, need further information, or if additional clarification is required, please contact James Buika, Coastal Resource Planner, at james.buika@mauicounty.gov or at (808) 270-6271.

Sincerely,



CLAYTON I. YOSHIDA  
Planning Program Administrator

*for* MICHELE MCLEAN, AICP  
Planning Director

xc: Jacky Takakura, Planning Program Administrator (PDF)  
James A. Buika, Coastal Resource Planner (PDF)  
Erin M. Derrington, Coastal Resource Planner (PDF)  
Development Services Administration (PDF)  
Stephanie Chen, Corporation Council (PDF)  
Acting Administrator, Department of Land and Natural Resources-Office of Conservation and Coastal Lands  
Daniel Ornellas, Maui Land Agent, Department of Land and Natural Resources (PDF)  
Shellie Habel, (PDF)  
Michelle Cockett, Consultant (PDF)  
Carol Tu'ua, Manager Kahana Sunset (PDF)  
Tara Owens, University of Hawaii Sea Grant College Program Maui (PDF)  
The Honorable Tamara Paltin, Maui County Council (PDF)  
Project File

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MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JORDAN E. HART  
Deputy Director



**DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793**

2022 FEB 18 AM 7:54

OFFICE OF THE  
COUNTY CLERK

September 15, 2021

Mr. Craig Peterson, President  
Kahana Sunset AOA  
4909 Lower Honoapiilani Road  
Lahaina, Hawaii 96761

Dear Mr. Peterson:

**SUBJECT: APPROVAL OF A SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT AND SHORELINE SETBACK APPROVAL (SSA) FOR UTILIZATION OF A STAGING AREA LOCATED IN THE SHORELINE SETBACK AREA IN ORDER TO ACCOMMODATE REMOVAL OF EXISTING SAND BAGS LOCATED AT BUILDING "A" IN STATE CONSERVATION LAND AS WELL AS FUTURE SAND BAG DEPLOYMENT LOCATED FRONTING BUILDING "F" FOR TEMPORARY PROTECTION LOCATED IN THE STATE CONSERVATION AREA FOR THE KAHANA SUNSET AOA, AN 80-UNIT CONDOMINIUM, LOCATED AT 4909 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII, TMK: (2) 4-3-003:015 (SMX 2021/0198) (SM2 2021/0077) (SSA 2020/0069) (EAE 2021/0038)**

The Maui Planning Department (Department) has reviewed your subject SMA application and SSA Application both received on June 9, 2021. This permit is for a limited scope of work for use of an identified staging area to support removal of existing deployed sand bags fronting Building A. The sand bags are located in the shoreline area in the State Conservation Zone, beyond the high wash of the waves. The permit covers staging to achieve future shoreline work, as necessary. The sand bags are required to be removed by the Department of Land and Natural Resources. The Department is familiar with the environmental setting of the area and has recently conducted site visits on February 9, 2021 and August 11, 2021.

Below are findings and a determination for a SMA Minor Permit approval for the defined scope of work, as described below.

- 1) The scope of work within the SMA, is to provide a staging and stockpiling area, including machinery, equipment and materials, in the shoreline setback area, for the purpose to support operations for the removal of existing derelict sand bags located in front of Building A in the conservation zone within the high wash of the waves. This permit approval supports only the removal of the subject sand bags through staging within the shoreline setback area. The staging area will be clear of any danger from wave action and will not impact the marine environment;

- 2) The project has a valuation of less than \$500,000;  
(Valuation is \$366,000)
- 3) This permit authorization also allows for staging of machinery, equipment and materials for additional future shoreline activity, as required and determined by the Planning Director (Director). Additional shoreline activity is not yet determined or authorized beyond the subject scope of work;
- 4) This proposed action is a development according the Hawaii Revised Statutes (HRS) 205A-22, definitions;
- 5) Land Use Designations are State Land Use District Urban, Maui Island Plan within the Urban Growth Boundary, Community Plan Single Family, County Zoning R-3 Residential, Special Management Area, Flood Zones: VE, AE and X with a Base Flood Elevation of 17 feet. The Applicant is concurrently requesting a Community Plan Amendment (CPA) from Single-Family to Hotel and a Change in Zoning (CIZ) from R-3 Residential to H-M Hotel District in order to have the land use designations consistent with the existing use. This request has been heard by Maui County Council twice to date and has been deferred for further review. The action is consistent with the West Maui Community Plan. Currently, the existing development designation standards are granted through a 1968 variance. If the CPA and CIZ requests are granted, the 1968 variance would no longer need to be in effect. The Applicant states that requested CPA and CIZ actions are solely for the purpose of land use consistency as required by HRS 205A Coastal Zone Management. The Applicant states that there is no intention of expanding the number of units nor is there an intention to build higher than what is presently configured (three-stories). Kahana Sunset has agreed to a limitation of any future development to existing heights as a condition of approval;
- 6) The project, limited to the staging and stockpile, has no significant adverse environmental or ecological effects, provided Best Management Practices (BMPs) are implemented;
- 7) The project is consistent with the objectives, policies, and SMA guidelines set forth in the HRS Chapter 205-A, and is consistent with the Community Plan, Maui County General Plan and Zoning; and
- 8) For record keeping purposes, on April 17, 2021, the Department requested an application change from a SMA Emergency Permit request to an SMA Assessment application request with your Consultant in order to supplement processing of the subject scope of work. The Director has determined that no new application processing fee is required. A processing fee for both the SMA Emergency Permit application and the Shoreline Setback Approval Permit were received on November 12, 2020. The SSA 2020/0069 permit application has been carried forward as part of this permit approval.

**In consideration of the foregoing, you are hereby granted a Special Management Area Minor Permit (SM2 2021/0077) subject to the following conditions:**

- 1) That the Applicant shall develop the project in substantial compliance with representations made to the Department during this application process, including the June 9, 2021 application submittal to the Department, to include Project Site Specific Conditions listed in the STAGING PLAN/PARTIAL SITE PLAN Drawing No. SK001 dated March 2021, as well as the six-page description: Kahana Sunset Sandbag Removal, Equipment Staging at Bldg. A & Sandbag Placement at Bldg. F Seawall with no date.
- 2) That the offshore removal of sand bags using heavy machinery and equipment in the aquatic zone shall be authorized by the Department of Land and Natural Resources Office of Conservation and Coastal Lands (DLNR-OCCL). The removed sand bags will be placed within the shoreline setback area once removed.
- 3) That in the event historic resources, including human skeletal remains, structural remains, cultural deposits, or lava tubes are identified during construction activities, all work shall cease in the immediate vicinity of the find. The find shall be protected from additional disturbance and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Section, shall be contacted immediately at (808) 243-1285. Work shall not continue until cleared by DLNR-SHPD.
- 4) That project shall be initiated by **October 30, 2022**, and shall be completed within one year of said initiation.

Furthermore, in accordance with the Shoreline Rules for the Maui Planning Commission (Shoreline Rules), Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

- 1) The site is a shoreline property and is subject to the Shoreline Rules;
- 2) A portion of the work will take place inside the shoreline setback area;
- 3) The proposed work inside the shoreline setback area is a permissible activity, pursuant to section 12-203-12(a)(9) which allows: A structure, or activity that has been determined by the Director to be a minor activity within the shoreline setback area that does not adversely affect beach processes, does not artificially fix the shoreline, or does not interfere with public access or public views to and along the shoreline and which meets the purpose of this chapter, HRS 205-A, as amended, and chapter 19.62, Maui County Code, related to the coastal high hazards districts;
- 4) The action does not enlarge or expand any structure and does not trigger a Flood Development Permit; and

- 5) The Director has determined that a State Certified Shoreline is not required for this action.

Accordingly, you are hereby granted a Shoreline Setback Approval (SSA 2020/0069), subject to the following conditions:

- 1) That the Applicant shall develop the project in substantial compliance with representations made to the Department during this application process, including the June 9, 2021 application submittal to the Department, to include Project Site Specific Conditions listed in the STAGING PLAN/PARTIAL SITE PLAN Drawing No. SK001 dated March 2021 as well as the six-page description: Kahana Sunset Sandbag Removal, Equipment Staging at Bldg. A & Sandbag Placement at Bldg. F Seawall with no date.
- 2) That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust shall be used.
- 3) That any remedial trimming of vegetation at the shoreline that is not described in this scope of work but is designed to achieve continued life safety at the shoreline, may be conducted as part of this permit.
- 4) That additional reasonable temporary fencing or post-and-rope guideposts and signage designed to guide the public out of harm's way, as well as to ensure public beach access, may be constructed at the shoreline as part of this permit.
- 5) That the Applicant post at the property entrance the subject permit numbers and issuance date in a visible location for the public and the residents to see for the entire construction time period. Examples are available from the Department.
- 6) That the Applicant provides hard copies of this subject permit to the manager of the construction crew for access at all times for viewing by the public, if necessary.
- 7) That full compliance with all other governmental requirements shall be rendered.

Moreover, the Department finds that the proposed action triggers compliance with environmental review because it includes the use of a shoreline area. However, the project qualifies for an exemption, specifically: Exemption Category 1, "Operations, repairs, and maintenance of existing structures, facilities, equipment, or topographic features, involving negligible or no expansive or change of use


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September 22, 2021  
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beyond that previously existing” and Exemption Category 4, “Minor alterations in the conditions of land, water, or vegetation.” In light of the above determination, you are granted an Environmental Assessment Exemption (EAE 2021/0038).

In summary, the Department grants a Special Management Area Minor Permit (SM2 2021/0077), Shoreline Setback Approval (SSA 2020/0069) and Environmental Assessment Exemption (EAE 2021/0038) for the work described in your SMA Assessment Application (SMX 2021/0198).

Thank you for your cooperation. If additional clarification is required, please contact James Buika, Coastal Resource Planner at james.buika@mauicounty.gov or at (808) 270-6271.

Sincerely,



CLAYTON I. YOSHIDA  
Planning Program Administrator

*for* MICHELE MCLEAN, AICP  
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)  
James A. Buika, Coastal Resource Planner (PDF)  
Erin M. Derrington, Coastal Resource Planner (PDF)  
Development Services Administration (PDF)  
Samuel J. Lemmo, Department of Land and Natural Resources-Office of Conservation and Coastal Lands (PDF)  
Daniel Ornellas, Maui Land Agent, Department of Land and Natural Resources (PDF)  
Michelle Cockett, Consultant (PDF)  
The Honorable Tamara Paltin, Maui County Council  
Project File

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