

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 1, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, APRIL 1, 2022, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council meeting of April 1, 2022, please come to order.

Members, this morning, the greeting is pryvit in honor of our Ukrainian friends.

Mr. Clerk, 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.

ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha and pryvit, Chair and fellow Councilmembers. Hau'oli la . . . kakou. We're here at 200 South High Street, 8th Floor, with my trusty companion Uncle Don Atay. And nice to be here. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: And apologies, Chair. Just to clarify for the Members, they should, Members should inform us who's present if they're attending the meeting remotely.

Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and pryvit, Madam Chair, my colleagues, and everyone else tuning in to this first day of April, our County Council meeting. For the record, I am transmitting from my residence here in Makawao. And I am alone. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha and pryvit. And aloha kakahiaka, everyone. I am also transmitting from my home office, where I seem to have better connection. We're still working on that district office connection. And my husband is in the next room in his home office.

CHAIR LEE: Good morning.

COUNCILMEMBER KING: Good morning.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair and follow Councilmembers. Pryvit all of you. I am alone in my, my space on Lanai and I look forward to a great meeting. And I'm representing the Ukraine colors today in full support. So, aloha and thank you.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Pryvit and aloha kakahiaka kakou. We're broadcasting live and direct from the Lahaina District Office at 845 Wainee Street, Suite 205. And with me today, I have EA Angela Lucero and Christian Balagso. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Pryvit, everybody. Good morning. And I'm in the Council chambers, along with staff David Raatz, Kathy Kaohu, James and Joycie and Lauren, and testifiers. And I wish you were here with me. I guess that's it. I have my staff listening in, Jordan Helle and Miki Yokouchi is in my office. Good morning.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And pryvit to my fellow colleagues and everyone out there. I am in my workstation in my home. Lena is in the other room and she's singing in her bedroom. Anyway, you might hear some noises. Hopefully not. But good morning to everyone and aloha.

CHAIR LEE: Aloha.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka kakou, my Molokai nui a hina. I'm at the Molokai District Office alone on my side of the office. And we have Zhantell Lindon on the other side of the office. And I'm also wearing my colors.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Ku'e.

CHAIR LEE: Good morning.

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

CHAIR LEE: Pryvit, Members and people out there listening and watching. Thank you for joining us this morning. I'm in my workspace at home. And next door is my, my little puppy Koa Lei Lee, who is, I had to give her timeout because she was barking. So, now, I want to make sure she doesn't bark throughout the meeting. Looking forward to a very productive meeting this morning. And that's it for now.

James.

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

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

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

Joining the meeting from the Office of Council Services is Deputy Director David Raatz. And joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey and First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: Opening remarks will be provided by Councilmember Paltin this morning.

COUNCILMEMBER PALTIN: Oh shoot, what? Nah, nah, nah. April Fools.

CHAIR LEE: Very good. You got me going for a second.

VICE-CHAIR RAWLINS-FERNANDEZ: April Fools.

OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Paltin.

CHAIR LEE: Thank you, Member Paltin, for those special remarks.

Now everyone, I'd like to invite you to 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 time to speak. Decorum shall be maintained at all times.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on ceremonial resolutions. Chair, there are currently no individuals signed up to testify on ceremonial resolutions.

CHAIR LEE: Alright. Please, Members, if there are no objections to closing public testimony on ceremonial resolutions. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-92

CONGRATULATING THE MAUI PREPARATORY
ACADEMY BOYS BASKETBALL TEAM FOR
WINNING THEIR FIRST DIVISION II STATE
CHAMPIONSHIP ON FEBRUARY 26, 2022

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The Councilmembers, oh, Councilmembers, the Maui Prep athletic director informed me that the team captain is out of town today and requested the, this item to postponed to the April 22 Council meeting. Postponing this item will allow the team captain to attend and to share his comments on this great accomplishment. It would be an honor to have all the players present for this special recognition. If there are no objections, I would like to postpone this item.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Member Paltin, did you want to postpone it until April 22 or beyond that time?

COUNCILMEMBER PALTIN: Yeah. We did confirm with them that April 22 would work.

CHAIR LEE: Alright. Thank you.

Mr. Clerk.

RESOLUTION
NO. 22-93

CONGRATULATING THE KING KEKAULIKE
HIGH SCHOOL BOYS SOCCER TEAM FOR
WINNING THEIR FIRST DIVISION I STATE
CHAMPIONSHIP ON MARCH 5, 2022

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION 22-93,
ENTITLED "CONGRATULATING THE KING KEKAULIKE HIGH
SCHOOL BOYS SOCCER TEAM FOR WINNING THEIR FIRST
DIVISION I STATE CHAMPIONSHIP ON MARCH 5, 2022".

CHAIR LEE: Second?

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER SUGIMURA: I need a second.

CHAIR LEE: Moved by Member, moved by Member Sugimura, seconded by Member Molina,
to adopt Resolution 22-93.

Discussion, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. I would like to thank, I would like to have
the deputy director, or Clerk's Office read the resolution in full. Thanks.

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Member Sugimura, discussion?

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you for reading the resolution
in the entirety. I'm so proud that Maui County is, and the Council's taking this action to

recognize the King Kekaulike High School Boys Soccer team, that brought home their first Division I State Championship on March 5, 2022. How special is this? This is only the third championship, State championship, for the school, as it was previously done with 2004 with canoe paddling, 2006 football, but this is our first soccer. I'm so proud of the boys.

You have brought great pride to us in Maui County, and Upcountry, especially. I'm thus proud to represent you. And I wanted to also say that the coaches, which is Tye Perdido and Aaron Hamamura, and as usual, right, we have great people in our community who give that extra time when they can to give back to them. And Tye Perdido is a Maui County firefighter, so he works with us. He is a Firefighter II with the rescue company, and he'll say a few words in a minute.

I also would like to thank PK Higa, who has pulled this, the, who is the Athletic Director for the school, and I've worked with him on other projects. He's awesome. And Jamie, Jamie Yap, who is the District Superintendent. All of these people make wonderful leadership, take wonderful leadership positions to move our kids forward.

So, at this time, if you don't mind, Chair, I would like to ask, oh, I would like to ask for the Members support. And then, when it's appropriate for Amy Strand, as well as to recognize the boys, and for Tye Perdido to say a few words. After you pass this resolution. Thank you.

CHAIR LEE: Right. But we, let's check if anybody else has anything to say. Further discussion?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And thank you, Member Sugimura, for introducing this resolution. This is certainly a very well, well-deserved recognition of the Nā Ali'i of King Kekaulike High School and soccer team.

And, you know, Madam Chair, it's always our neighbor island schools are generally at a disadvantage when they have to go play on Oahu, cause there's a lot of extra pressure. You're travelling and then when you, when especially you play the Oahu schools, it's like a home game for them. So, it's really a testament and a credit to these fine young athletes that they can handle this kind of pressure, and the coaches to keep things together and to win a State championship. So, it's certainly something very, very special and something that they're going to remember for all the rest of their lives. So, great job, Nā Ali'i.

And my two older kids are King Kekaulike graduates. And when they heard the school won the State championship, they were all excited in the mainland, in California and Virginia. So, go Nā Ali'i. Good job. And mahalo to all of the coaches, the school staff, and of course the parents. Thank you very much, Madam Chair.

CHAIR LEE: Well said.

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I too wanted to offer my congratulations to the na, na kane o Nā Ali'i King Kekaulike. Congratulations. You know, Maui County soccer has always been, you know, one of our best, especially Upcountry too. So, congratulations. We've always traveled Upcountry to, to challenge you guys up there. So, mahalo for bringing, bringing home the gold for Maui County. And again, also, congratulations to the support staff, the coaches, all the teachers, all of your teachers that supported you along the way, as well as all your parents doing all the fundraising and driving you everywhere. Good job.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just a quick congratulations to add to my colleagues' words. And you know, I, I was thinking back about our newest high school and thinking, wow, that's great, you know, to come this far to win a State championship. Then I thought, well that was over 25 years ago we opened that school. And I was on the Board of Education at the time. But very inspiring as we get ready to open another high school, the one in South Maui in the next couple of years. And we'll be doing it the same way. I think it was a little more difficult for King Kekaulike to get started because the way they are opening high schools is one class at a time, so it took four years for them to get fully, get all four grade levels fully integrated.

And just want to congratulate the, the faculty and the coaching staff. And nice to hear Jamie Yap's name because he was our principal back then when I was on the board. But everybody's come a long way. And I think to have the high school not only whole and successful and having these kinds of championships just adds to our stature as far as Maui's school community. Thank you.

CHAIR LEE: Thank you, Member King.

Anybody else? If not, all those in favor of adopting the resolution, please raise your hand and say "aye".

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

NOES: NONE.

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

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Members. Such an exciting day. I feel like they're my children in my community, so I would love for us to recognize them. They're actually sitting in the King Kekaulike High School Performing Arts Center, which you know, if haven't seen it you must see it. It's a beautiful, beautiful center that has drawn students from other places to hold concerts and to do wonderful things. So, we have that icon there at the school. And now we have this most wonderful team.

And Chair, if you would allow for the coach, as well as Amy Strand to say a few words. How do we do this virtually?

CHAIR LEE: We'll just ask, why don't you invite the first person one at a time, Member Sugimura.

COUNCILMEMBER SUGIMURA: Okay. Okay, I will. So, is, is coach there to say a few words?

COACH TYE PERDIDO: Good morning, everyone, Council.

COUNCILMEMBER SUGIMURA: Good morning.

COACH PERDIDO: Thank you guys for having us as part of the meeting this morning. Yeah, I'm super honored to, you know, be able to share this moment with the boys and--

CHAIR LEE: Excuse me. Excuse me. Excuse me. Could you please state your name for the record? Your name.

COACH PERDIDO: Tye Perdido, one of the co-head coaches for the Kekaulike Boys Varsity Team.

CHAIR LEE: Welcome.

COACH PERDIDO: Thank you. Yeah, I'm super honored to, to have the opportunity to speak for you, in front of you guys to congratulate the boys. They made a huge accomplishment for Maui to be able to go over and win the tournament. Huge testament to the boys and their parents for raising such fine young men. They were very respectful throughout the year and just good players to coach. All of them very coachable and, and they showed it on the field and off. Not only being able to keep up their grades to be on the field, but also being in their level of play.

I think everyone who got . . . in the State tournament saw that the boys were able to keep their composure in very tough moments and showed a really good respectful side for Maui County. So, thank you guys for all the hard work and dedication. And thank you, Council, for congratulating them and making this moment that they achieved something much bigger than, than just us winning a trophy.

CHAIR LEE: Thank you very much.

Member Sugimura, did you--

COUNCILMEMBER SUGIMURA: Yeah, I think, is Principal Amy Strand there to say a few words? Hi, is Amy Strand there?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER SUGIMURA: Okay.

PRINCIPAL AMY STRAND: Hi. Good morning. Amy Strand, Principal, King Kekaulike High School. Yes, thank you for having us today and thank you for helping us to celebrate these fine young men and athletes. And, you know, when we started, when I started at this school, it was a regular year up until March and then we've been under a pandemic pretty much the whole time that I've been here. And as we began this year, we really were hoping for a return to some normalcy and allowing our students to get back to school and having some time to enjoy athletics, and, and have that typical high school experience.

And as we began this year, we really thought, you know, it's great that these kids are going to get to be back on the field. And, you know, in the back of your mind, you're hoping for great success, but our main real hope for the kids was just to get back on that field. So, being able to bring home a State trophy and celebrate this win just is so special for us and so special for these boys. So, I just want to thank you for giving them this special opportunity to have this recognition.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. What an honor. And I guess that I think there's a couple of players who would like to speak. So, Coach, can you introduce a couple of players? I can't read the handwriting of this note that my staff just sent me.

COACH PERDIDO: Yeah, head coach Tye Perdido again. So, we'll be bringing up two of our three captains. So, Owen Riecke will be our first to come up, and then Kai Thomas to follow.

COUNCILMEMBER SUGIMURA: Thank you.

MR. OWEN RIECKE: Hi. My name is Owen Riecke. I am a junior at King Kekaulike High School. First of all, I'm super proud of my teammates, my coaches, and I would like to thank everyone who has supported us on this journey. We couldn't have done it without them. And I just wanted to say this was a dream and a goal of both me and the team since I started playing at this school in 2019, 2020. And I am super proud of us for making that dream possible. . . .

CHAIR LEE: Thank you, Mr. Riecke.

MR. KAI THOMAS: Hi. I'm Kai Thomas a senior at Kekaulike High School. I just wanted to say that I'm one of the older kids on the team. I'm a senior and my four years at Kekaulike has been amazing. The coaches are really good role models to the entire team, teaching us how to become great athletes, as well as players, and just people off the field. I'm really proud of the boys and the team for putting in the hard work this season, and I wish them the best of luck in the future season.

CHAIR LEE: Thank you, Mr. Thomas.

Member King.

COUNCILMEMBER KING: I was just clapping.

CHAIR LEE: You're muted.

COUNCILMEMBER KING: Chair, I was just clapping. I, I didn't raise my hand.

CHAIR LEE: Oh. Alright.

COUNCILMEMBER KING: Clapping silently for the boys.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much, Council, for honoring them. And I wish you would have been here in the chambers so that we could give you the leis personally. But thank you for making the time to be with us. And we're so proud that you represented Maui County in the State tournament, and you won. So, congratulations. And I guess I hope to see many more of these recognitions in the future, but congratulations.

CHAIR LEE: Thank you very much, Member Sugimura. And thank you, members of our soccer team in, at King Kekaulike.

SET THE CONSENT CALENDAR

CHAIR LEE: Now, Members, moving on with the agenda. We have before us, let's see, setting the Consent Calendar. Members, at this time, we will set the Consent Calendar. As a reminder the calendar can still be adjusted even after it's set. Are there any requested changes to the Consent Calendar at this time, Members? None? Okay, Members can add or remove items to the Consent Calendar once done. Are there any objections to setting the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If there are no objections, the Consent Calendar is set.

Mr. Clerk, please proceed with testimony. But before we begin with testimony, Members, I just want to remind testifiers that the Reso. 22-94, regarding the Charter Commission, will be taken up at the April 22 Council meeting and not today. Okay?

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 or at the Council chambers at the County Building or at any of the courtesy testimony sites we've agendized.

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, if you're connected to BlueJeans, please disconnect. Once the testimony period is closed, only the Councilmembers, staff, and designated resource persons will remain connected to the BlueJeans meeting. All other individuals will be disconnected. The remainder of the meeting can be viewed on Akaku Maui Community Media, Channel 53, or on mauicounty.legistar.com. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first person we have signed up to testify is Wesley Lo. To be followed by Kathleen Ross Aoki.

CHAIR LEE: Good morning.

PRESENTATION OF ORAL TESTIMONY

MR. WESLEY LO, HALE MAKUA HEALTH SERVICES (testifying on Committee Report No. 22-31):

Morning. Morning, Madam Chair. This is Wesley Lo, the Chief Executive Officer for Hale Makua Health Services, and I am testifying on item number 22-31. I have provided written testimony, for the record, but I did want to summarize some key points quickly.

I am testifying in support of the resolution for the 2.8-acre conveyance to Hale Makua. Just real quickly, with the dramatically changing demographics and our quickly aging population, it is imperative that we keep up with healthcare for our kupuna. And this project is critical of meeting this need for the County.

During the March 14 meeting of the Human Concerns and Parks Committee, there was discussion related to a possible amendment to the proposed resolution that would require consent by the County if there were a further sale of the property by Hale Makua. The concern was to ensure the County and the public had opportunity to

assess any new ownership. Firstly, it should be noted that Hale Makua has been serving the needs for our kupuna for over 75 years, and it is highly unlikely that there would be a further conveyance to another related party.

After the meeting, we confirmed with Corporation Counsel and our internal counsel. The current declarations as presented in the resolution already limit the use of the property for healthcare purposes. And any amendment that would require consent would severely hamper Hale Makua's ability to obtain financing, and ultimately stop any development of the rehab center, effectively ending this project. In our discussions, it was discussed that any consent would likely increase the liability for the County. So, we do have concerns if that consent were required.

As it relates to the public process, as you may know, probably know from better than most that there is a significant process around healthcare in the State of Hawaii called a Certificate of Need process, which has substantial review and criteria analysis that is required. And it requires approval by the State and significant public input.

Councilmember Paltin, after the meeting, did ask me if the CON had to happen before any transfer of the property. I will state that while technically it could happen, because of the significant financial and operational risk, it is highly unlikely. If somebody were to acquire the property without a CON, they would not be able to use the property and, you know, this, this would be a significant investment and significant risk.

In short, I hope you will support this critical development ensuring the health and safety of our kupuna for now in the future. Thank you very much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Kathleen Ross Aoki. To be followed by Ted Kefalas.

MS. KATHLEEN ROSS AOKI, PLANNING DEPARTMENT [testifying on Committee Report No. 22-33 and Bill No. 66 (2022)]:

Aloha, Chair Lee and Councilmembers. My name is Kathleen Ross Aoki, and I am testifying as a Planning Department employee. My testimony today is on two items, Committee Report No. 22-33, Bill 24, relating to the lowering of heights, specifically in the P-2 District; and also Bill 66.

Bill 24 proposes to change the maximum height allowance in the P-2 District from 90 feet within the entire County to several maximum heights in different areas depending on where in the County you're looking at. Back in 2009, discussion of creating the P-2 District began. I was here then. The primary reason for creating this district was because we were continuously having to inform other County and State agencies that their proposed projects exceeded the height limit of the parcel's zoning. Many public projects scattered throughout the County needed to apply for and hope to get a variance.

Some examples of these were the hospital, Baldwin High School's gym, UHMC buildings, the Kihei Police Station, the Kaunakakai and Wailea Fire Stations, and classroom buildings and other facilities for Kamehameha Schools in Kula. It was clear that there would always be certain Public/Quasi-Public facilities that would never be able to meet the maximum height limits of these districts. So, to be proactive and streamline the Code and reduce the amount of time, cost, and energy a variance added to a public project, we proposed a second Public/Quasi-Public District that would better serve these specific type of facilities.

The proposed P-2 District ordinance went through public review and there was unanimous support throughout the review and adoption, and it became law in June of 2013. Creating this district meant two things. When future facilities were going to be planned, consideration of rezoning a property to P-1 or P-2 would be made based on the use and the scale of the project. And two, as part of the department's dessert project, recommendations to rezone parcels that are appropriately suited for the P-2 District would be brought forward to the Council for their consideration.

The Department recently transmitted a proposed Maui Digital Map No. 4 that recommends 13 parcels be rezoned to P-2. This is also on today's agenda as Bill 66. It's important to note that we continue to review the many, many parcels that may be eligible for P-2 zoning. And Map No. 4 is only our first path. There are currently only three properties in the County that are zoned P-2, so any future rezoning of properties would require public input, and the County Counsel would ultimately have that . . .

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

MS. AOKI: I will conclude. I encourage you to retain the height of the existing 90 foot maximum and allow future applications seeking P-2 zoning to come before you. I also like to just state that Planning Director McLean has submitted written testimony for your review. She is not able to be here today but asked me to address any questions that you may have on her testimony. Thank you.

CHAIR LEE: Thank you.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was clarify, wanted to clarify. So, the P-2 lowering applies right now to Molokai, Lanai, Hana, and West Maui. And I do have an ASF for West Maui to raise the P-2 to 60 as previously discussed. Is that not sufficient anymore, 60 for West Maui?

MS. AOKI: I think 60 is okay. I mean, it's better than 45, definitely better than 45. I just know of a lot of facilities that could go beyond that, so I recognize that view plains and heights is something that is sort of on everybody's mind right now. If you made it 90, if you kept it where it's at, any application for P-2 zoning is going to come before you. It's going to become before this body. So, you as a body would have the ability to put a condition on that zoning if you wanted it to be less than 90. So it would still afford you that opportunity to make, you know, anything less than 90.

If it's 60 and they want to come in with something that's 61 feet, or an inch over, they're going to have to do a variance. That's going to be required. And it just adds a lot of time, cost, and energy to do that. And you, you would be looking at that project anyway when it came in for zoning.

COUNCILMEMBER PALTIN: And, and just to clarify, the ASF is only for West Maui. I was letting Hana, Molokai, and Lanai decide for themselves. Okay. Thank you.

MS. AOKI: You're welcome.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Ted Kefalas. To be followed by Rose Reilly.

CHAIR LEE: Mr. Kethalas *[sic]*?

DEPUTY COUNTY CLERK: Ted Kefalas?

MR. TED KEFALAS, GRASSROOT INSTITUTE OF HAWAII (testifying on Resolution No. 22-90):

Yes?

CHAIR LEE: Oh, Kefalas. Okay.

MR. KEFALAS: Aloha, Chair Lee and Councilmembers. My name is Ted Kefalas, I'm the Director of Strategic Campaigns, the Grassroot Institute. My internet is a little spotty right now, so if I drop out, please bear with me or I can try to call back in.

We'd like to offer our comments on Resolution 22-90. Our organization has studied the Jones Act extensively and commissioned an independent study in July of 2020 by John Dunham & Associates. This study concluded that the Jones Act costs the Hawaii economy \$1.2 billion annually. As a result of the Jones Act, Hawaii has typically imported several million barrels of Russian crude oil every year. And it's estimated that Russian oil previously accounted for at least 25 percent of Hawaii's supply.

That means the local residents in Hawaii are left to bear a disproportionate share of the burden as a result of President Biden's recent ban on Russian oil, liquid natural gas, and coal. A waiver of the Jones Act would give Hawaii much needed purchasing flexibility and help ensure our energy security. This would allow Hawaii to access less expensive oil from other U.S. States as opposed to foreign countries.

In addition to Congressman Ed Case's letter that was attached to the resolution, the Grassroot Institute also wrote a letter to President Biden requesting a one-year exemption of the Jones Act for Hawaii. We appreciate the work done by Councilman Molina to address this issue, and we would like to offer a few slight amendments to this resolution.

First, we suggest . . .

CHAIR LEE: Okay.

MR. KEFALAS: Second . . .

CHAIR LEE: Can you repeat?

MR. KEFALAS: Can you all hear me?

CHAIR LEE: No. We missed the last couple of sentences.

MR. KEFALAS: Can you all hear me.

CHAIR LEE: Can you hear me?

MR. KEFALAS: Okay, sorry about that. Yes, can you hear me?

CHAIR LEE: Can you turn off your, can you turn off your video? That might help.

MR. KEFALAS: Yes. Yes. My apologies.

CHAIR LEE: And repeat your recommended amendments.

MR. KEFALAS: Okay, can you hear me now?

CHAIR LEE: Yes.

MR. KEFALAS: Yes. Our, our first recommended amendment is replace the instance of the United States Secretary of Homeland Security with President of the United States. That's because the Jones Act waiver from the Secretary of Homeland Security is limited by law to only 10 days and can only be extended for a maximum of 45 days. Meanwhile, the President can waive the Jones Act for a longer period of time through an executive order.

In addition, H.R. 6974, which was rep, introduced by Representative Case in the U.S. House would apply to all petroleum movements, and we think this resolution could be stronger if it included similar language rather than just talking about oil.

And finally, it may be helpful to request a government task force to study this issue and examine the source of all of the State's petroleum imports, as well as the various factors that determine sourcing, like tanker costs. Otherwise, we feel this resolution excellently conveys the severity of the situation to our Congressional delegation. And mahalo for your time and consideration.

CHAIR LEE: Thank you, Mr. Kefalas. Members, questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Ted. Nice to see you. It's very rare that I, I agree with the Grassroots, so I got, I give you shout out for that. You said one year is the recommendation. Do you ever, does yours to think that a longer term than one year? Like would you go as far as permanently saying that?

CHAIR LEE: Mr. Kefa--

MR. KEFALAS: I'm sorry, you, you cut out there for a second.

COUNCILMEMBER JOHNSON: Okay. I beg your pardon, Ted. Let me try to rephrase and ask it again. You mentioned one year was the, how long you would like to have the Jones Act suspended. Are, do you or your institute feel that permanently suspending the Jones Act is, would be helpful as well?

MR. KEFALAS: I'm sorry, Councilmember, you keep cutting out on my end. We would like, we originally asked for a one-year waiver. I'm not sure if you can hear me right now. But we originally asked for a one-year waiver. And we are really asking for a waiver for as long as the Russian oil ban is going on.

COUNCILMEMBER JOHNSON: Oh, okay. Thank you for that clarification, Ted. Chair, I have no further questions.

CHAIR LEE: Other questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I, I agree with Mr. Johnson. But thank you, Mr. Kefalas for your testimony. I just wanted to know if you could clarify about what you said about being able to access oil source from America. Is it that currently American ships can't come from America to Hawaii, or we would be using foreign flag ships from America to come to Hawaii? I just, I just didn't understand that part.

MR. KEFALAS: So, the, the biggest thing that we're, so we're advocating for the ability for a foreign flag . . . vessel to transport oil from the mainland to Hawaii. Right now, you know, foreign ships are transporting oil from, well, previously from Russia, but from Libya and from other countries, because it's cheaper to import that oil from a foreign country as opposed to shipping it on a Jones Act compliant ship of which there are limited amounts. And their shipping it on a Jones Act ship from the mainland to Hawaii is much more expensive. That's why we previously sourced from mostly foreign sources.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR LEE: Any more questions?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And good morning, Mr. Kefalas. And thank you for your testimony and for your work in the Grassroots Institute on this matter. Just for clarification, so can you cite where on the resolution we should make that change to, I guess, have the reso directed to President Biden instead of the Homeland Security official Mr. Mayorkas?

MR. KEFALAS: I'm sorry, Councilmember, you cut, you keep cutting out. My internet is pretty spotty. But I believe you were asking about where we should include the change from Secretary of Homeland Security to the President?

COUNCILMEMBER MOLINA: Correct.

MR. KEFALAS: Is that correct?

COUNCILMEMBER MOLINA: Correct. But you know what, just a thought. Maybe, instead, Mr. Kefalas, what might make it easier if you could send those recommended changes in writing to the Council if possible? And then, we'll take a look at it and find out where best to consider those amendments on the resolution.

MR. KEFALAS: Okay. Sounds good. Sorry about that, as well. Sorry about that, everybody. Thank you for the opportunity to testify this morning.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Mr. Kefalas. Thank you, Madam Chair.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Kefalas. Thank you for your testimony. I, I just wanted to ask a question about the, because the Grassroots Institute is, you're listed as a Conservative and Libertarian institute. Are you at all funded by the petroleum industry, or is it independent?

MR. KEFALAS: No, ma'am. We have close to 400 independent donors. We're, we're not in, funded by any one petroleum institute or anything like that. You know, we are a independent organization.

COUNCILMEMBER KING: Okay. Great. Alright, thank you. Thanks for answering that. Aloha.

CHAIR LEE: Any other questions, Members? If not, thank you, Mr. Kefalas.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Rose Reilly. To be followed by Christopher Fishkin.

MS. ROSE REILLY (testifying on Committee Report 22-31; and Resolution Nos. 22-58 and 22-91):

Aloha. Good morning, Council. So, I'm testifying on Resolution 22-58 and 22-91. I'm not sure why there's two, but Public Works Director. So, again, since, you know, I've moved here, I've been seeing complaints about the amount of illegal construction that goes on. And so, we have another permit that was issued and they went ahead and moved a bunch of dirt they weren't allowed to move, put up walls they weren't allowed to put up, again, again. And you know, this guy has been on there, Jordan Molina, for how long, I don't know. But he's allowing this to happen.

So, was declared an illegal permit over there in Napili, it's a really wet area. It provides a danger to the community, our water, which the County is accountable for, the State has made very clear. And so, I really, I'm like so agitated because this is happening all the time within these things, with the Planning Department, with McLean, you know. Like, all these guys, they're putting out illegal permits. The guys that have the permits are doing things they are not allowed to do. Nobody's checking on them. I mean, someone could have been out there making sure they weren't digging up dirt they weren't supposed to be, moving things around and putting up walls they shouldn't have been putting up. There could be accountability. There could be people checking on these things before it's up already and then the residents of the area have to make lawsuits against the developer and the County.

Like, so, I really, I am not in support of rehiring Jordan Molina. And I would like to see an aloha aina in that position. I would like to see someone who is of the land, understands the necessities of clear planning that has to do with waterways and the way that this area works. Like, these developers are horrible. Like, I'm just going through it now at my place. I had a measuring tape in the bottom of the toilet. The guy's coming over, he's like, oh yeah, I mean it was underneath. It took a really long time. Like, he's, oh you . . . just wanted to sell it, so we were just throwing the things up.

It's like the same thing with the guys that are coming over to build in Waikapu next. They put in those driveways with those cheap pipes and everything. Everybody's got \$10,000 more of bills to deal with these guys. I really think that we need to have a lot more accountability in these departments. And we need to have a lot more accountability with these developers.

I think that there should be tests. You know, even in Texas, you have to take a test that tells that you have, like, knowledge of how it works to be in Texas, like, the history of Texas, to get a driver license. Like, I feel like these people are getting these, you know, permits and they don't know anything about Hawaii. They don't know about how the water systems work. And like, it's just a liability and it's so infuriating.

So, I also want to testify on 22-31. I am completely opposed to any fast-tracking or skipping steps to put in another elderly facility. I've seen the one that they put up there in Pukalani. Full of white people, you know. Who's going into these things. Where's the . . . going? They know, I see . . . all over the streets over here in Wailuku. You know, it's like, so taking land that is illegally taken. It is already that the family has stood up and said that it's our property, we have the legal deeds.

Because I have friends who are, what you call it, the real estate. And the first thing they teach them when they go to school is that they have special insurance for those fake titles that say this title is backed by insurance because it is not legitimate. And I absolutely oppose any skipping of steps and verifying that process to put in another facility for people who moved here and have family elsewhere where they can go and get help in their elderly age. Thank you so much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Christopher Fishkin. To be followed by Ash Hooks.

MR. CHRISTOPHER FISHKIN (testifying on Resolution No. 22-58):

Good morning, Councilmembers. Can you hear me?

CHAIR LEE: Yes.

MR. FISHKIN: Okay. First, while I honor the exemplary, I'm, I'm testifying on Jordan Molina's nomination. First of all, I honor the exemplary work of our County Clerk Kathy Kaohu in her capacity as an executive assistant. Her work product's responsible for both the developer deferral agreements audit and stopping the unlawful Upcountry water bill. Confirming Mr. Molina, her son, as Director of Public Works is not based upon her qualifications, it's based upon his. Otherwise, this will just be another example of cronyism in the County of Maui.

Mr. Molina, as Acting Director of Public Works, is presently in breach of his duties for failing to reinstate the stop-work order on the Brown Development. The Brown Development put a falsified evaluation on its application for an after the fact SMA permit, which issuance itself is highly questionable, to the County of Maui for \$15,000. That's called fraud. The developer is once again acting in bad faith by attempting to defraud the County of Maui of fines and penalties owed on this after the fact permit. How long is Mr. Molina going to wait before he acts in accordance with his duties as Acting Director?

Furthermore, you have in your possession a letter from an attorney for the Napili Association, which details in specificity many other additional reasons why the stop permit order is required to be reissued by Mr. Molina. I believe that both Josh Donners *[sic]*, Downer's letter and my testimony and others here today constitute actual notice to the Council regarding the continued unlawful development and progress by the Brown Development, and where Mr. Molina is the order of magnitude estimate by the Brown Development pursuant to the rules.

Pursuant to UIPA requests, the Department of Planning and Public Works responded that they have none. Meanwhile, Corporation Council continues to protect . . . Ms. Lutey, and defend these unlawful director decisions like this which exposes the County of Maui to greater liability. The County Council's failure to investigate these decisions leads to expensive unnecessary lawsuits against the County, and protracted litigation. I guess I'm confused cause it was always my understanding that the County attorneys are tasked to mitigate liability, not to increase it. I am giving the Council actual notice so that it may conduct an appropriate investigation with Mr. Molina during these hearings so as not to expose the County to further liability. I'm also giving notice through this testimony that SMA permit 2000/0042 in Napili has a fraudulent order of magnitude estimates, similar to the ones at Palama Drive.

The, Mr. Molina's ignominious predecessor David Goode once said that the Department of Public Works has, to his knowledge, never been asked by the Planning Department to review an order of magnitude estimate for an SMA minor permit. Never. The, so, so, how did Mr. Molina presently approve the present false amount provided

by Brown's minor permit? The rules state Department of Planning can, not shall, ask Public Works to review an order of magnitude estimates. Planning does not have the licensed engineer for that. Public Works does. How convenient. So, exactly how many minor permits in the County of Maui, one more, just 10 seconds, Chair.

CHAIR LEE: Yes.

MR. FISHKIN: Exactly how many minor permits have been granted without a review and approval by a licensed engineer in Public Works? And how many are fraudulently devalued in order for the developer to avoid a major permit, which requires environmental assessment public hearings? So, basically, bottom line, this is collusion between two departments and the developers. And to put this in perspective there is one major permit for every thousand minors in Maui. Should the residents now do their own audit? Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Ash Hooks. To be followed by Joshua Downer.

CHAIR LEE: Mr. Hooks?

DEPUTY COUNTY CLERK: Ash Hooks, it is your time to testify.

Chair, we'll proceed to the next testifier. The next individual signed up to testify is Joshua Downer. To be followed by Cara Flores.

MR. JOSHUA DOWNER (testifying on Resolution No. 22-58):

Aloha, Madam Chair, Members of the Council. Thank you for allowing me to testify today. I'm here to testify regarding the appointment of Mr. Molina. You know, for the last year and a half, this Council has been made very well aware of the unlawful construction in Napili. And there's been discussion and debate about what is within the Council's power to do something about it. And reasonable minds can disagree on where that line is, and what is within the Council's power versus what is within the Mayor's Administration and, and his appointee's power to administer faithfully the law.

In this case, we have a very clear opportunity for the Council to exercise its power to ensure that the laws protecting Napili are upheld. Mr. Molina has before him very clear requests from the community to enforce the law to reinstate the stop work orders that were instated under his predecessor before she left that position and before her, her support person Mr. Hyland was pressured out of the position after installing the stop work orders. And we have not yet heard back from him on his willingness to do it.

So, very simply, my request to the Council is to put to Mr. Molina the question, will he enforce the law? Will he reinstate the stop work orders? And if not, that he should not be confirmed in this position.

CHAIR LEE: Alright. Thank you very much, Mr. Downer. Questions, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Downer, for your testify. I just wanted to clarify, are you a licensed attorney in the State of Hawaii?

MR. DOWNER: No, ma'am.

COUNCILMEMBER PALTIN: Okay. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Cara Flores. To be followed by Jasee Lau.

MS. CARA FLORES [testifying on Bill No. 69 (2022)]:

Aloha. Can you hear me?

CHAIR LEE: Yes.

MS. FLORES: Awesome. I wanted to testify on Bill 69, which is the Mayor's proposed budget. And I'm only going to hit three of the points, but I did email you a longer list of things. First, I think for affordable housing, we need to invest in off-site infrastructure to encourage the properties that are 100 percent affordable. Also, I think the County should be buying up land to develop these kind of properties.

April is fair housing month, so I think it's a good time to really talk about and dwell on the fact that Maui has a major fair housing problem with families and other people being discriminated against regularly. And I think it's time we hire a full-time person to enforce fair housing and to educate landlords and tenants on what fair housing is. And make sure that it's happening here in the County.

The most important thing I wanted to testify on today is the fact that we need more walkable and bikeable communities. And talk is cheap but implementing is hard and costs a lot of money. The only way we're going to have more walkable communities is to make that the first priority in any capital improvement projects that happen.

And we can see that that didn't happen with Kihei High School. The first priority was obviously with the Department of Transportation to make the congestion and traffic less, not to make it a safe walkable, bikeable path. And so, I think the County should be holding them accountable to that. I also think the County of Maui should be investing in putting in the budget greenways, walkable paths, bikeable paths for our students who need to go to and from school. And also seeking out Federal monies that are available for those specific projects.

Also, with the ARPA funds, you're allowed to spend some on it on infrastructure. I would encourage you to work with the Mayor and try to get some of that spent on making more walkable paths and crossings, specifically over the Piilani Highway or under it, for our students. Or to work with the Department of Transportation and collaborate with the State and Federal government to make these things happen.

There's over 3,000 students who are mauka, or will be mauka of the Piilani Highway once the high school opens. And they will all need to cross, potentially, onto the makai side. And so, crossing the highway is really dangerous. There's already students doing it and it's really scary. I went and videotaped some of it yesterday. If you'd like to see it, I plan to send it to the Department of Transportation to address that. But it is a big problem.

It'll be much worse in the next 10 years as more developments get built. Some of them are going to be up on the mountain on the mauka side of the highway. And those students might need to go through the . . . such as Kihei Elementary and Lokelani. And so, there's just going to be more and more students crossing this highway, and they need a safe passage. Mahalo.

CHAIR LEE: Any ques, any Members with questions? If not, thank you very much.

May we have the next testifier please?

DEPUTY COUNTY CLERK: Chair, the next testifier is Jasee Lau, in the chambers. To be followed by Sam Small.

MR. JASEE LAU [testifying on Resolution Nos. 22-58, 22-89, and 22-90; and Bill No. 60 (2022)]:

Aloha kakahiaka. That's with a Molokai accent, I think. Eh, Madam Chair, you look great. My name is Jasee Lau here. How do you do that, Madam Chair? I always wanted to be invisible. I see you in the chamber, but you're not here. But I guess I'm old school cause I'm here in person. Along with, I would've sat by my representative Yuki Lei Sugimura over there, but somebody put blue tape all behind the first two rows of the chambers. Yeah, I was just noticing a little, mostly everything's here. It's a shame that they got this nice room but nobody's using it. I see you put the tapestry back, Ms. King. So, two points for attendance on Yuki Lei today for, yeah, cause I mentioned that before so, about her attendance.

I mentioned my name is Jasee Lau from . . . The format here is I believe it's going to be better for the world viewers, because just watching 10 people, a dozen people sitting in a semi-circle gets kind of boring after a while. We know everybody's got a short-spanned attention.

I was speaking on the, I guess the main topic today was getting everybody riled up is the appointment of the Director of Public Works. Originally, I thought that, I know you're not really supposed to answer questions Mr. Molina, but if this person is related to you, then I have no problem with appointing them. And the, oh yeah, the last two years, it's good to see you again. A lot of things have changed, but the more they change, the more they stay the same, I guess. It's an old quote from the mainland. I have faith in you guys, though. In two years, I knew you was doing a good job, and also your staff.

So, what mainly concern, that catches my passion on this one is the, of course the war. And we all know that's over money and oil. The king could have give us some good advice on that one, but he's gone now. So, we rely on king Jesus for that one. I think of, back in the days it kind of, I don't know if you guys put them side by side together, 22-89 and 22-90 together, but I always defer to the Kingdom of Hawaii. And why did the United States come help Hawaii when we needed them? So, I don't know. I'm not trying to cause more conflict. But somehow that Jones Act thing is in there. And I'm going to write a letter to Uncle Joe when I get back, cause I've been, I wrote one letter to him, but I didn't send it.

Bill No. 60 is the license plates. I would like to, you guys to look into Kingdom of Hawaii tags. Thank you for your time.

CHAIR LEE: Thank you very much, Jasee. Questions, Members?

MR. LAU: I can--

CHAIR LEE: Vice-Chair Rawlings Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I wanted to just say hi to Mr. Lau. It's been a long time. I've received your letters. Thank you so much for them. And I'm happy that we've been able to make a space for you to be able to provide testimony again. I love your Molokai accent. Mahalo, Chair.

MR. LAU: I don't know what that means.

CHAIR LEE: Any other questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. I just want to say good morning to--

MR. LAU: Ohayo.

COUNCILMEMBER SUGIMURA: --Jasee Lau. And nice to see you in person. Of course, first day of testimony, it has to be you to show up in person all the way from my neighborhood. So, good morning.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Sam Small. To be followed by Jennifer Karaca.

CHAIR LEE: Mr. Small?

MR. SAM SMALL (testifying on County Communication No. 22-82 and Resolution No. 22-58):

I'm trying. Okay, I think I'm on.

CHAIR LEE: Yes.

MR. SMALL: Can you hear me? Great. Good. Thank you. Good morning, Council. As always, it's an honor to participate in the democratic process and appreciate all the time and energy that you put in these complicated issues. Many of them long-standing.

There's a surprising confluence today with the proposal budget coming from the Mayor, and the confirmation of Jordan Molina as Director of Public Works. For decades, our budget has essentially been in violation of the Charter. The Charter requires the budget to include all monies owed to the County. But the monies related to the deferral agreements, the three lot or less deferral agreements, which I have testified to the Council as an expert witness over, those monies are not accounted for in the budget. And there is reason and I think justification for the public to, if I was an attorney, I'd be filing suit. And file an injunction against this budget because it is lacking.

I believe you, this Council, should return the budget to the Mayor, not accept it, because it is lacking in an accounting of the deferral agreements. And the deferral agreements are a very complicated thing created by Corporation Counsel. Agreements for over 40 years that were never followed up on. They never accounted for them. They never have collected on a single one of them.

And Jordan Molina is tied to this because in 2001, he worked directly with Chris Salem, hired by Kathy Kaohu, to work on legislation to solve this problem. Chris Salem knew about the deferral agreements directly because of a falsified order of magnitude estimate on a parcel next door to him on Hui Road E, just up the road from Greg Brown, where 20 years later we have another falsified order of magnitude estimate. Twenty years later and it's still going on. How is that, how is that even possible?

It's possible because Corporation Counsel has done everything, absolutely possible within their power to stop the process. They have inserted themselves because they wrote these deferral agreements. And they are protecting the firms like Unemori Engineering who submitted the falsified order of magnitude estimate at Hui Road E, which violated the, the, the citizens' rights. That's what's happening.

You know, the question as to Josh Downer, whether he's a lawyer. I got two, I've got two things I'm testifying on, so that's the first three minutes. They're conflated, so I'm just going to continue. Thank you. The question to Josh Downer is whether he's an attorney licensed here in Hawaii is irrelevant. He is a licensed attorney. And the Napili community, the, the, Napili Bay Community Association has an advisor, Brad Salter, who is a licensed attorney here in Hawaii. And Terry Revere is also involved in pursuing appropriate measures enforcing the Administration and this Council if you are to continue to be negligent in your responsibilities to launch an investigation. So, those are licensed attorneys in Hawaii.

People ask me, why, do I live in Napili? I don't live in Napili. But Greg Brown's process, the abuse of process that is supporting Greg Brown's is not a Napili Bay issue only. It is island wide. And therefore, as a citizen, my rights under SMA legislation have been violated. And I have every right to confront this situation. Do not anyone try and use the fact that I don't live in Napili. That's a, a bogus position to hold. All of these situations are tied back to Corporation Counsel. Their abuse and it's also tied to, to, to the directors and administrators within the departments who have direct relationships with attorneys and with engineering firms that are abusing the process.

Finally, I do want to, you know, we've mentioned many times that we were tremendously fortunate to have working for the County, Derek Hyland, for a period of time. He was apparently intimidated out of his position and has left Maui, Maui, and doesn't seem to be willing to dip his toes back into this. But I do have a, a quote from him. I asked him, are you going to testify? How are you, how are you going to testify? I'll read it quickly. "I'm doing very well. Thank you. I'm a strong believer that only citizens of Maui should be involved in the selection process. The only items I will touch on relating to the Maui Council is who, what, where, and when the approval of building permit for Greg Brown stop work and failure in the correction process during my time as supervisor of building inspections. I will say in multiple meetings with myself and former Public Works Director, Mr. Molina, would not have pursued any violations relating to building permit B2020/0448. His belief was that it was the Planning Department's issue. He was unable to grasp the fact that the Public Works Director has a duty as the building official to correct any violation as the sole issuing agency of the . . . permit." A minute more, not even.

"He also failed to recognize the Planning Department is a subordinate agency in the building permit process and had to be reminded by the former Public Works Director that it was ultimately her duty to correct the building permit. Director McLean is acting outside her authority. And if Jordan Molina is allowing her to do that, then he should be denied his position." Thank you for the opportunity.

CHAIR LEE: Members, are there any questions? If not, thank you very much Mr. Small.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Jennifer Karaca. To be followed by Grace Shigetani. Grace Shigetani is the last individual we have signed up to testify. If there's anyone else connected to the BlueJeans meeting or at one of the district offices who wishes to testify, please let staff know now. Thank you. Or yeah, sign up in the meeting chat. Thank you.

MS. JENNIFER KARACA (testifying on Committee Report No. 22-28):

Aloha and good morning. My name is Jennifer Karaca. Karaca's close, but . . . pronounced. I just want to say thank you to the APT Committee for passing Bill 54 out of that. Our group was very agreeable to the amendments. We're really so thankful for you guys taking the time to discuss that and pass that. We hope that you would continue to pass that out of Council. From what we've gathered, the Administration is also agreeable to it. So, I just wanted to get on here and say we thank you for the amendments. We thank you for the support. And we hope that we can get this passed out of Council as well, so that we can get a director and deputy director established for the upcoming department. That's it.

CHAIR LEE: Very good, Jennifer. Good to see you. Any questions for the testifier? If not, thank you.

MS. KARACA: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Grace Shigetani. To be followed by Junya Nakoa.

CHAIR LEE: Ms. Shigetani? Shigetani?

MS. GRACE SHIGETANI (testifying on Committee Report No. 22-31 and Resolution Nos. 22-58 & 22-91):

Aloha. Sorry, I'm, this is my, actually my second time testifying. But I'm quite new to this, so if I, like I comment in the chat or something, I apologize. I just don't know the rules.

Good morning. My name is Grace Shigetani. I appreciate the opportunity to be, to give comment and share my manao. I wasn't expecting to testify but I actually heard my housemate and good friend Rose testifying. So, I, I have some input, so I thought I'd share.

So, as far as 22-58, I think a lot of folks have spoken to this at length already. And I just would like to second and echo support for all the comments that Rose Reilly, Cecilia Reilly, not sure, made earlier in this testimony session.

And then, as far as Resolution 22-91, same thing, I 100 percent agree with every, everything that Rose Reilly said earlier in her testimony. I agree then at the title of that land is cloudy. I am also a lawyer, not licensed in Hawaii, but in California. And I know the individuals involved in a, on a personal basis. And, and I have a legal opinion as to their claim as far as the title goes, which I won't get into. But I, I guess it's supporting, what Rose said is to oppose the approval. Oh sorry. No, 22-31 is what I'm speaking about. So, earlier, 22-91 about the Public Works and 22-58, that was, I'm so sorry, 22-31 about the Hale Makua land title in Waiehu is what I was just speaking about in terms of the land claim and the Hale Makua permit. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Junya Nakoa. To be followed by Faith Chase.

CHAIR LEE: Good morning.

MR. JUNYA NAKOA (testifying on Resolutions Nos. 22-58, 22-86, 22-89, and 22-91):

Aloha. Aloha. Good morning. Okay, I just start off with that because I stay small kine mad, piss off, okay. So, going try and watch my colorful language, but going be hard, yeah.

Okay. Whoo, okay, first one, you got 89, 22-89, you know, condemning Russia's invasion of Ukraine, yeah. Yeah, you know, that's stupid, yeah. Russia like go . . . Ukraine. Just like how America did to us, to Hawaii. Same thing, yeah. So, that's all I like talk about. You know what I mean? That's, yeah, it's about, it's about this thing.

But you know what, America did that to us Hawaiians. And look, that's why we gotta go through all this right now. Grumble, grumble about all kine stuff and Hawaiians get screwed up, yeah. Double standards us Hawaiians getting, okay. Big time. And I going talk about um later on. But yes, America when screw us Hawaiians up too, so no forget that part, yeah. See my color in the back and the color on my head, yeah, same thing. Okay, I going skip, I going change um, so no need three minutes on that one. I only going in circles.

Okay, the 86, 22-86, Director of Water Supply. I don't know this wahine Helene Kau, don't know about um. But as you guys see on the news about what happened to one

of the former, former employees of the water, Water Supply, you know. He when, he when speak his mind which we should be doing as Hawaiian, yeah. And we be, should be protected as employees. I'm a, I was a union, one union whatever for 14 years, so I know our rights that we have. We can grumble, you know, that kine stuff yeah. So, I hope this Helene Kau, Director of Water Supply, no do, no do what, you know, just because you one whistleblower I going fire you, eh. Cause that's what's happening in this, in this County.

You know, when we, we doing through this whole thing, process of the Greg Brown, plenty people scared talk, okay. So, I hope this director going make sure that when people grumble about the safety about our water and if the thing, . . . she not going fire the person. That's the kind people we should be condemned, congratulation. Mahalo braddah. Thank you for protecting us. Not firing the buggahs. So I hope that this Helene Kau, Director of Water Supply no do the same thing like the, like the braddah just . . . He never testify earlier. But I mean, nuff already, gang. Nuff. You know, you guys like get good people for come work for the County, but when they speak their mind and do what is right to protect our County, they get fired. They get fired. That's jam up. And you get all the kine pressure. You get people who like open up to me, but they scared. Junya, no drop my name, I no like get fired, brah. I need my job. So, whoever the directors, okay, they better remember that kine stuff.

Oh, that's not me. That's not me. Okay, no give me, no give me scolding, Alice. It wasn't me. Yeah, but, oh yeah, so, again, get all these directors, Water Supply, I hope they not going fire one other braddah who trying to protect our water supply, okay. I hope this thing stop already. Enough. Enough. Nuff, nuff, nuff. We like good people come work for us in our County, represent us, protect us, our resources. But when they do their job, for some reason they get fired. That's screwed up, brah. That is screwed up. Hope that is not too colorful. But okay. I pau that one, the 86, about the water supply. But, but yeah, no forget, okay?

And then, the, okay, 22-58, approving of Jordan Molina Director of Planning [sic], okay. I am totally against this buggah, this item, okay. I just got notified last night that a ceremonial . . . whatever, the stone, you know the kine rock wall in Molokai., they told uncle over there that he have to tear um down because he no more permit, because it's in a SMA area, okay, SMA area. So, he when wait, he when wait for the, the person for come out there. . . . 9:00, nobody show up. Stayed there to, stayed there couple hours, nobody show up. Okay, so then he go home. Then the wahine who from the Planning when go . . . went there and told him yeah, you gotta, you gotta tear um down because he no more one permit. That one, never have a permit and it is an SMA area.

I talk to, I talk to uncle this morning, 6:00 in the morning. Apologize for waking him up, but he said no, thank you. But see, that, that, so with that, then now we gotta . . . to

Jordan Molina is for the Greg Brown one, the final, the, the follow-up, the follow-up meeting, the one I was a resource. Coincidence that our Molokai Councilmember when ask either Michele McLean or Jordan Molina what they thought, what they think about the walls. Okay, Michele McLean when point the finger to the planning, Planning Department like how they always do, point finger to each other, okay.

So now, I talking about Jordan Molina said? Oh, those two walls no more permit. No need permit. No need, even though it's in an SMA area. But what's up with these double standards, gangy? Eh? That's why I no like, that's why I like talk, and I talked to Jordan Molina this morning. Call him up. I give um credit, he when call me up right before this meeting, yeah. And you know what . . . said, you know what was his answer? Oh, where this thing stay? Where, where this thing, ah, brah, I think only get one. If you guys go do your homework, get off your okole and go do your homework and go look in your Department or the, you know, the whatever, the permitting department, which is the Planning and the Public Works, you go figure um out. You get paid for do um, not me. I'm a constituent. I no get paid nothing, zero dollars, okay. This guy getting paid, he get paid and he telling me where this damn thing stay, okay. So, that's why I really, I, I really against approving of Jordan Molina.

Okay. Now I going to the next one, brah. 22-91, the disapproving of Jordan Molina. Yes, I 100 percent back this item up, 110 percent. Because the kine answers he's giving us, or you guys even, is so, so not even strong enough to be, be, if you going be one director you better have some cojones and do the job. And do the job. If you going be one director, you better be able to do the job. And, okay, and all that kine stuff.

And then, I got the same letter from Derek Hyland. But lucky that Sam Small guy when read um, cause whoa, that's a little bit too much reading for Junya. But you guys heard um already, I not going read um, cause I wanna add a couple other words in . . . But you try look at that one. Even that one it shows that he no like take the power. He not going do nothing about um. He said that he when point finger to the Planning Department. You read the letter. Listen to um, okay?

It's, it's if he no more, if he no more the cojones, if he no more the cojones for do that kine stuff, get out of there. And no come tell me, one constituent who no get paid nothing for where the damn thing stay, yeah. I, I, but I am pissed off with this, with this system, permitting system, everything. We locals get pushed out of this. And like I said, going back to '89, how America, Russia invading Ukraine, America doing that to us Hawaiian. They like us broke down one, one . . . but they going let one million dollar house have one wall. What the heck is going on, gang?

So, yeah, I support the blue and yellow. But me, I support the flag behind me, more strong, okay. So, you guys gotta start, eh, these guys going stir the pot up from now on. Okay, I know that, eh, I letting you guys know I running for office. I no care if the thing going hurt me politically, but I no care about being politically correct, okay. And by . . . I do get into office, woo hoo, watch me knock on some doors, brah. Eh, watch out, okay. But I just telling you guys, please look deep into what you guys going do with Jordan Molina because so far he neva show nothing to me.

And I called his office for the last year, and I no see nothing to show me that he going do the job and not let these millionaires push him around, or the Corp. Counsel guy push him and all you guys around, okay. Me, if I was inside there, whoa, I tell Corp. Counsel all kine stuff. I no let them tell me nothing. . . . Eh, I going finish up real quick, real quick. And I promise the next Mayor that I'm support, supporting is be able to talk back to the lawyers, yeah. Okay, thank you, guys. Thank you, guys. Thank you, guys. Mahalo. Okay, now, cool down. Breathe. Breathe. Aloha. You guys have a great Friday. Have a awesome one. Good luck on your guys' agenda. Chee hoo. Mahalo.

CHAIR LEE: No questions. So, good luck. Thank you, Junya.

Mr. Clerk.

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

MS. FAITH CHASE (testifying on Committee Report No. 22-28 and Resolution No. 22-62):

Good morning, Chair Lee. Good morning, Council. Forgive me, I'm testifying on my phone. I don't have the reference numbers, but I have two items I'd like to speak on. The selection for the Director of Ag. I've said it before in previous testimony, just hoping that perhaps the Mayor's Office, who might be listening, those decision makers, make considerations for, I, you know, I see the five-year experience in a agricultural organization or agricultural production operation. I would again impress how important it is that that experience also somehow would be able to be revealed an audit of successful activities. And I would also like to see a balance. Naturally, I believe that the equal opportunity voter regulations will be to followed. Nice to see a wahine, maybe perhaps in that position.

The second item I'd like to speak to is the selection of Donna Sterling to the Department of Water Supply. I think this is a really, this is a really interesting crossroads that we've come to because Ms. Sterling is a Hawaiian homesteader. And it might not be known

to this body, perhaps to the Board of Water Supply, in 2002, there was a depart, there was a public meeting where it was questioned why the water delivery to the Kahikinui Hawaiian Homestead had ceased. And basically, the minutes read, no answer was given.

So, I think that where we are with the Supreme Court, the recent Supreme Court decision with the East Maui diversions, where we are with the Board of Water Supply, where we are with this great Council putting forward, having the fortitude to put forward, that you're interested in running that operation is really important. Because unbeknownst to a lot of people, Kahikinui, and if I had a map and I could share a screen, it would probably blow some minds. Kahikinui was, had a transmission of water that came all the way from Waikamoi. So, that's a, you're driving to Hana, and you just start the windy road and you look mauka, that's Waikamoi. So, the water goes all the way around the mountain to past Ulupalakua, the winery, Kaupo, Kanaio, Kahikinui. So, it's a really good time for a Hawaiian homesteader to be on the board. So, I'm really excited to see that selection.

And as things move forward, I really hope and pray that people listen in a different way and the Department of Hawaiian Homestead actually is more participatory. I've heard this Council, this body, ask them to come and give their input. I think that's, that's a little bit behind the ball. I'd like to see them be more proactive and I think by having her as the selection on the Board of Water Supply will actually kind of meet that in the middle. Thank you for your time. Have a great Friday.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do not have any other testifiers noted. If an individual connected to the meeting has not testified but would like to do so, please identify yourself now. Or if you're at a--

MR. JORDAN HART, (testifying on Resolution 22-58):

Chair?

DEPUTY COUNTY CLERK: --Council district office, oh.

CHAIR LEE: Member Paltin?

DEPUTY COUNTY CLERK: Yes?

COUNCILMEMBER PALTIN: Oh, I think Jordan Hart wanted to testify.

CHAIR LEE: Jordan Hart? Okay.

CHAIR LEE: Mr. Clerk, please call Mr. Hart.

DEPUTY COUNTY CLERK: Yes. Mr. Hart, it is your time to testify. If there's anyone waiting at a district office who would like to testify, please inform staff now.

MR. HART: Aloha, Chair and Members. I'm testifying on Resolution 22-58, the confirmation of Jordan Molina. I'm testifying as an individual on my personal time. I just want to testify that I have worked with Mr. Molina for several years now, and I believe that he is extremely ethical, has a high level of integrity, but he also has a solid understanding of the development industry from a private perspective, as well as a vast knowledge of the County system doing the budget process, implementing the agency administrative processes and personnel. And I think that that's something that you don't often find, especially considering he is born and raised on Maui, Native Hawaiian. You put all of those things together and I think it's rare that you'll find a candidate like that. And so, I want to give my whole-hearted endorsement for his confirmation. Thank you very much.

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

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chair, no one else has indicated that they would like to testify, but we'll do a last call. This is last call for testimony. If you would like to testify, please identify yourself now. Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Members, are there any objects to receiving the 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. Wesley Lo, Hale Makua Health Services;
2. Michele McLean, Planning Director;

3. Ted Kefalas, Grassroot Institute of Hawaii;
4. Barbara Barry;
5. Tamar Goodfellow, Maui Health Foundation;
6. Lauren Loor;
7. Ku'uhaku Park;
8. Alice Sherer;
9. Theresa Thompson; and
10. Pamela Tumpap, Maui Chamber of Commerce.

CHAIR LEE: No objections? So, ordered.

Mr. Clerk, before we proceed, I think this is a good time to have a short recess, or morning recess. So, let's return at 10:55, okay. Meeting in recess until 10:55.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:39 A.M., AND WAS RECONVENED AT 10:57 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of April 1, 2022, please reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of January 7, 2022 was presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES OF JANUARY 7, 2022.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Temp Kama, to approve the minutes of January 7, 2022.

Discussion? No discussion? All those in favor of the motion, please raise your hand and say "aye".

Okay, and do we have one, two. Okay, who's missing? Anybody missing?

COUNCILMEMBER KAMA: Tamara. I don't see Tamara.

CHAIR LEE: Okay. Okay, I see her now.

COUNCILMEMBER KAMA: Okay.

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

NOES: NONE.

CHAIR LEE: Three, four, five, six, seven, eight, nine. Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

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

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-74 - MICHAEL P. VICTORINO, MAYOR,
(dated March 14, 2022)

Informing of the appointment of Kenneth Duane Sparkman to the Maui County Arborist Committee.

(Councilmember Sugimura was excused from the meeting at 10:58 a.m.)

NO. 22-75 - MICHAEL P. VICTORINO, MAYOR,
(dated March 14, 2022)

Informing of a vacancy on the Maui County Arborist Committee due to the resignation of Billi Bellinger, effective March 7, 2022.

NO. 22-76 - MICHAEL P. VICTORINO, MAYOR,
(dated March 16, 2022)

Informing of a vacancy on the Liquor Control Adjudication Board due to the resignation of Colleen Cluney, effective March 15, 2022.

NO. 22-77 - MICHAEL P. VICTORINO, MAYOR,
(dated March 23, 2022)

Informing of the appointment of Ernest Harold Rezents to the Maui County Arborist Committee.

CHAIR LEE: That's Mr. Rezents. Okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

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

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER SUGIMURA.

CHAIR LEE: One, two, three, four, five, six, seven, eight. Okay, eight "ayes", zero "noes", one "excused"; Member Sugimura. Motion carries.

Next, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 22-78 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 11, 2022)

Transmitting 55 contracts/grants for the month of February 2022.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 22-78, EXCEPT
FOR THOSE GRANTS AND CONTRACTS THAT
COUNCILMEMBERS REQUEST FOR COMMITTEE
REFERRAL.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Second? Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Pro
Temp Kama to file CC 22-78, except for the contracts or grants Members wish to pull.
Okay, Members?

Member Johnson.

(Councilmember Sugimura returned to the meeting at 11:00 a.m.)

COUNCILMEMBER JOHNSON: Thank you, Chair.

IF COUNCILMEMBER KAMA WOULD ALLOW IT, I WOULD
LIKE TO PULL GRANT G5580 FOR HER COMMITTEE, FOR
THE YOUTH SUICIDE PREVENTION PROGRAM.

It's a very important topic and I think it's, it's, it earns discussion. Mahalo, Chair.

CHAIR LEE: Member Kama?

COUNCILMEMBER KAMA: Yes, Chair, it would be my pleasure to do so for Member Johnson.

CHAIR LEE: Any other contracts? Member King?

COUNCILMEMBER KING: Thank you, Chair.

I'D LIKE TO PULL G5547, THE COMMUNITY
ENVIRONMENTAL STEWARDSHIP PROGRAM, REFER TO
CARE COMMITTEE.

CHAIR LEE: Alright. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No? So, ordered. And similarly, for the G5508 *[sic]*. Any objections to pulling this one and referring this matter to the parks and, Human Concerns and Parks Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered on those two.

Any others, Members? Okay, if not, all those in favor of filing C 22-78, except for G5508 *[sic]* and G5547, raise your hand and say "aye".

DEPUTY COUNTY CLERK: Chair? Apologies, this is, this is Deputy County Clerk Krueger. There is one other referral, right? We have down three grants excepted from the filing. Oh, two. Oh, 5580. Apologies, just wanted to clarify that for the record. Thank you.

CHAIR LEE: G5508 and G5580? No.

DEPUTY COUNTY CLERK: Yes.

CHAIR LEE: Mr. Johnson? Mr. Johnson.

COUNCILMEMBER JOHNSON: I beg your, I beg your pardon, Chair. The one I'm asking for is G5580.

CHAIR LEE: 8-0?

COUNCILMEMBER JOHNSON: And I think you said 0-8, so I don't know if that's the other one, so I don't want to confuse anybody. But that's the I'm asking.

CHAIR LEE: No, no, no. My mistake then. I, I just misspoke. G5580. Okay, the, nobody asked for G5508, right?

Okay, so again, we are filing C 22-78, except for G5580 and G5547, right? Okay.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Yes, Chair, that's correct. The body can move forward with the vote.

CHAIR LEE: Alright. All those in favor, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: One, two, three, four, five, six, okay. Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

NO. 22-79 - HELENE KAU, ACTING DIRECTOR OF WATER SUPPLY,
(dated March 21, 2022)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for January 2022 for all registered well reporters in the County of Maui.

The recommended action is that County Communication No. 22-79 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.

COUNCILMEMBER KING: I just have a quick question, Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Ask Member Sugimura, are we going to have a meeting where we're going to hear all of these reports that we've been pulling out over the past year?

CHAIR LEE: Member Sugimura? Member Sugimura, did you hear the question? Wasn't the question for Member Sugimura?

COUNCILMEMBER KING: Yes.

COUNCILMEMBER SUGIMURA: I'm having computer problems.

COUNCILMEMBER KING: Oh.

COUNCILMEMBER SUGIMURA: Yes. The answer is yes.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Alright. Mr. Clerk.

NO. 22-80 - SHANE M. SINENCI, CHAIR, AGRICULTURE AND PUBLIC TRUST COMMITTEE, (dated March 24, 2022)

Transmitting a proposed amendment to Resolution 22-79, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS AND THE MAUI COUNTY CULTURAL RESOURCES COMMISSION PROPOSED BILLS RELATING TO CULTURAL OVERLAY DISTRICTS".

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. If there are no objections, may I please ask the Clerk to call up this item during the unfinished business portion of the agenda, when we address Committee Report 22-24?

CHAIR LEE: Alright. Mr. Clerk, did you get that?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Alright.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Any objections, Members, to that request?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

(See pages 109 through 115 for discussion and action.)

CHAIR LEE: Mr. Clerk.

NO. 22-81 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 21, 2022)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2023 Fund as of February 28, 2022.

The recommended action is that County Communication No. 22-81 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-82 - MICHAEL P. VICTORINO, MAYOR,
(dated March 24, 2022)

Transmitting the Mayor's Fiscal Year 2023 Budget Message.

The recommended action is that County Communication No. 22-82 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Members, any objections to these referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, all, if not, so, ordered.

Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-28 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending that Bill 54, CD1 (2022), entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 22-28.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member, Vice-Chair Rawlins-Fernandez, to approve of, of Committee Report 22-28.

Discussion, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Your Agriculture and Public Trust Committee met on March 15, 2022, to discuss Bill 54, entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE".

Bill 54 establishes qualifications for the Director and Deputy Director that are in addition to those already established in Section 6-4 of the County Charter.

Committee revised Bill 54 to replace enumerated requirements with language recommended by the Community Impact Working Group. The Director and Deputy Director qualifications established in Bill 54, Committee Draft 1, include minimum experience in ag production, food distribution systems, ag programs in Hawaii, management and budget, working with various cultural backgrounds and native Hawaiian farming techniques.

In addition, the Director is encouraged to attend continuing education classes and is required to research ag sec, sector issues and collaborate with community experts to advance local agriculture.

Your Committee voted 5-0 to recommend Bill 54, CD1 (2022), be passed on first reading.

COUNCILMEMBER JOHNSON: No, it's Rose. Or, I mean, that's the, the wrong one she's, she's just going off.

CHAIR LEE: Staff, can you please mute that person?

Okay, please proceed, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you. The, the Department of Ag will be established on July 1, 2022, so it's critical that these qualifications are established to provide guidance to the Administration in their recruitment process. So, I respectfully ask for the Members support of my motion. Thank you, Chair.

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

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

NOES: NONE.

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

COUNCILMEMBER SINENCI: Thank you, Members.

CHAIR LEE: Mr. Clerk.

COMMITTEE REPORT
NO. 22-29 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending that the Miscellaneous Communication dated February 7, 2022, from the County Clerk, transmitting Grant G5537, between the County of Maui and University of Hawaii, relating to the Building Coastal Resilience Through Seabird Protection and Raising Public Awareness project, be FILED.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-29.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Moved by Member King, seconded by Member Sinenci, to approve the committee, recommendations in Committee Report 22-29.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Your CARE Committee met on March 16, 2022, to discuss Grant G5537, relating to the Building Coastal Resilience Through Seabird Protection and Raising Public Awareness project.

Grant G5537 was awarded to the University of Hawaii Maui Nui Seabird Recovery Project, or MNSRP, for the period of January 1 through December 31, 2022.

MNSRP is responsible for protecting seabirds and their habitats, involving the public in its work, and building the foundation for healthy, resilient, coastal terrestrial, and nearshore coral reef habitats.

MNSRP's major goals and objectives included raising awareness among Maui residents and visitors on the importance of restoring stable seabird populations through an expanded digital media library, protecting and enhancing seabird populations and their habitats through outreach and predator control activities, and increasing awareness of seabirds among teachers and students to provide classroom presentations and curricula focused on biology and ecosystem services.

Burrow counts, this is what we heard in our Committee, burrow counts of the indigenous wedge-tailed shearwater, or 'ua'u kani, have more than doubled from 376 in 2018 to 1,069 in 2021 at the Kamaole III nesting habitat. There's still available habitat, so carrying capacity has not been reached and more work is still to be done.

Your Committee expressed support for environmental protection and voted 7-0 to recommend filing of the communication. I ask for the Members full support of the recommendations.

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

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

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 22-30 - GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-24, entitled "AUTHORIZING SETTLEMENT OF JESSICA HARRIS VS. HALEAKALA BIKE COMPANY, INCORPORATED; PARADISE VACATION ADVENTURES, LLC; STATE OF HAWAII; COUNTY OF MAUI, ET AL., CIVIL 18-1-0202(1)," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-24 TO AUTHORIZE SETTLEMENT OF JESSICA HARRIS VS. HALEAKALA BIKE COMPANY, INCORPORATED; PARADISE VACATION ADVENTURES, LLC; STATE OF HAWAII; COUNTY OF MAUI, ET AL., CIVIL CASE NO. 18-1-0202(1).

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second?

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to adopt Resolution 22-24, contained in Committee Report 22-30.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, much, Madam Chair. Your Government Relations, Ethics, and Transparency Committee met on March 15, 2022 and March 22, 2022.

Your Committee received an overview of the claim in open session by a Deputy Corporation Counsel. The claim alleges negligence by the County and the State in: 1) failing to ensure that Haleakala Bike Company was suitable to operate an unguided bicycle-tour business through the County's permitting process as regulated by Chapter 5.22 of the Maui County Code; 2) allowing bicycle tours to operate on Mount

Haleakala despite a persistent history of bicycle-related injuries and deaths occurring there; 3) allowing Haleakala Bike Company to operate without a permit as an unguided bicycle-tour company; and 4) claims for indemnity or contribution, which resulted in injuries and damages Ms. Harris sustained while riding a bicycle down Haleakala Crater Road on May 3, 2017.

At the request of Corporation Counsel, your Committee held an executive session meeting to discuss confidential information related to the claim.

And the purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim filed on June 23, 2020, under terms set forth in the executive session meeting.

Your Committee voted in open session 5-0 to recommend adoption of Resolution 22-24. Thank you, Madam Chair.

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

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

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 22-31 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending that Resolution 22-69, CD1, entitled "AUTHORIZING THE DISPOSITION OF REAL PROPERTY TO HALE MAKUA HEALTH SERVICES," be ADOPTED.

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA:

I MOVE TO ADOPT RECOMMENDATION IN COMMITTEE
REPORT 22-31.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member, Pro Temp Kama, seconded by Member Sugimura, to approve the recommendation in Committee Report 22-31.

Discussion, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Human Concerns and Parks Committee met on March 14, 2022, to discuss Resolution 22-69, CD1.

The proposed resolution authorizes a grant and disposition of a 2.831-acre portion of the County property located at 275 Uhu Street, Kahului, Maui, Hawaii, to Hale Makua Health Services for the expansion of healthcare services to the community.

Your Committee supported, your Committee supported the need to expand services to assist Maui's kupuna community.

Your Committee voted 5-0 to recommend adoption of Resolution 22-69, CD1. I respectfully ask the Councilmembers support of the motion. Thank you, Chair.

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

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, you have before you Committee Report--

CHAIR LEE: Member King? Oh, I'm sorry. Momentary. Momentary freeze.

Mr. Clerk.

COMMITTEE REPORT

NO. 22-32 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. That Bill 39, CD1 (2022), entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 40 (2022), entitled "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, ELECTRIC GUN DEALER LICENSE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-32.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member, Pro Temp Kama, second by Vice-Chair Rawlins-Fernandez, to approve the recommendations in Committee Report 22-32.

Discussion? Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Human Concerns and Parks Committee met on March 14, 2022, to discuss Bill 39, CD1 (2022) and Bill 40 (2022).

These bills provide for the sale and transfer of electric guns and cartridges in the County, as required and in conformity with Chapter 134, Hawaii Revised Statutes; and amend the Fiscal Year 2022 Budget, Appendix B, Revenues - Fees, Rates, Assessments and Taxes, Department of Finance, by adding an application fee and annual license fee for gun dealer licenses, effective July 1, 2022.

The Department of the Corporation Counsel noted that in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016), the United States Supreme Court overruled a decision of the Massachusetts Supreme Judicial Court and found that the outright ban of electric guns was a violation of the Second Amendment.

Bill 39 was proposed due to the impact of the State of Hawaii ordinance, HB 891, CD1, enacted in July 2021, which legalizes the sale and possession of electric guns for Hawaii residents 21 years of age or older as of January 1, 2022.

The Maui Police Department said Bill 39 will serve as a model for other counties and has the full support of the Chief of Police.

Your Committee noted that Bill 40 would set the application fee and annual license fee to sell, offer for sale, distribute, or otherwise transfer electric guns or cartridges to a person in the County, either at wholesale or retail at \$50, starting on July 1, 2022. The application fee and annual license fee expiring on June 30, 2022 is set at \$20.

Your Committee also supported adding language in subsection 5.30.060(F) to require a background check include "a national database to the extent permitted by law".

Your Committee voted 5-0 to recommend passage of Bill 39, CD1 (2022) and Bill 40 (2022). I respectfully ask for the Councilmembers support of the motion. Thank you, Chair.

CHAIR LEE: Anymore discussion?

COUNCILMEMBER SUGIMURA: Chair?

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. I have been informed that there is a court case filed against the County of Maui because of this, this bill. So, can I ask for Corp. Counsel to clarify what's going on?

CHAIR LEE: Corp. Counsel.

COUNCILMEMBER SUGIMURA: --been informed on Wednesday.

CHAIR LEE: Mr. Whittaker.

DEPUTY CORPORATION COUNSEL KEOLA WHITTAKER: Thank you, Chair. Yes, there was a lawsuit filed against the County and the County Council regarding electric guns, because some sellers do not want to wait a few weeks for the regulations and want to sell them now. But to be perfectly frank, it's a frivolous lawsuit. People can own electric guns now under State law and you have the right to regulate their sale.

I suspect the lawsuit was only filed so that a gun rights organization can go out to its members and take credit for an ordinance that you were going to pass anyway. So, to be frank, Chair, it's sad that a pro-gun group wants to cause the taxpayers of Maui County money by filing an unnecessary and frivolous lawsuit that will be moot in a matter of weeks just for their own political gain.

You're on solid legal ground. You followed our recommendations to pass this ordinance and made reasonable amendments to our initial draft. So, we recommend its passage. Once passed, I expect the lawsuit will be dismissed. So, don't feel forced into any action because of the gun advocates. Solid legal ground as long as you pass this ordinance through regular process. But of course, we're available to discuss strategy in executive session. But I don't think that's necessary.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR LEE: Alright, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much for the summary and update of what's going on. And can you tell us who filed the lawsuit, what group? Or who filed this lawsuit?

DEPUTY CORPORATION COUNSEL WHITTAKER: Sure, it's a--

CHAIR LEE: Mr. Whittaker.

DEPUTY CORPORATION COUNSEL WHITTAKER: Thank you, Member Sugimura. It is Pro Gun Advocates. There's a Pro Gun group. There is a Maui Ammo and Gun, it's a company that wants to sell the electric guns here in Maui. And there's also an individual plaintiff.

COUNCILMEMBER SUGIMURA: But they're trying to stop this bill from going forward? Is that the intent?

DEPUTY CORPORATION COUNSEL WHITTAKER: Well, you know, I believe the complaint is set up so that to kind of push you to pass the bill. But the, they also filed a preliminary injunction motion. And it's, it's weirdly worded. It wants to, it looks like it wants to stop action, but I presume that they want this ordinance passed. It's really unclear based on their filings.

COUNCILMEMBER SUGIMURA: So, you consider it frivolous, a frivolous lawsuit?

DEPUTY CORPORATION COUNSEL WHITTAKER: I consider it frivolous because what they're trying to do is push you to pass this ordinance, which you're doing anyway. I think it's designed so that they can take credit for actions you're going to take anyway. So, let me be clear that you're going to pass this ordinance. You're passing it in normal course. You're not doing it because you were forced to do it.

CHAIR LEE: Alright.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

CHAIR LEE: Before we ask for other questions. Member Sugimura, could you try to look forward instead of looking to your, your right side? Cause we only see your profile when you do that, okay. Thank you. I think you're talking to the monitor, right?

COUNCILMEMBER SUGIMURA: I'm talking to, looking at Keola and the, yeah.

CHAIR LEE: Well, we're over here on this side. Okay, any more questions, Members?

Member King.

COUNCILMEMBER KING: Yeah, I just wanted to thank Keola Whittaker for that very clear explanation of what's going on. And say that I support the bill not because of the lawsuit, but because I think it's a good idea and it seems, the report on it seems to be

very well thought out. So, for the record, I'm, I'm going for this. It has nothing to do with the lawsuit.

CHAIR LEE: Alright. Anybody else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And this was passed via the State Legislature and it's in State Statute for us to, to do. So, really, we're just going through the motions of what the State Legislature that the counties do. So, mahalo to our attorneys for calling it out for what it is, frivolous. And shame on Maui Ammo and Gun Supply, Hawaii Firearms Coalition, and Christy Guzman for this frivolous lawsuit wasting our taxpayer dollars. Mahalo, Chair.

CHAIR LEE: Anybody else?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I support the committee report. I just wanted to state, like, as we went around in Committee about the only part that I still do have a problem, but weren't able to address in Committee, although we tried, was that, you know, it seems a little bit discriminatory about Hawaii residents and checking their background, but not the whole United States or anyone else. And we weren't able to address that, but we had to move it forward. And so, I don't have a problem with moving forward cause we tried our best and we didn't come up with anything.

CHAIR LEE: Any other questions? If not, all those in favor

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: --of, Member, Pro Temp Kama.

COUNCILMEMBER KAMA: I just wanted to say that I appreciate the Members of the, of the Council who are not members of the HCP Committee, who weren't there. I mean, cause they don't need to be, but they are members nonetheless. They're just not voting members. But I appreciate their comments and I appreciate the support of this measure. But I also wanted to say that what we do is, in doing this, it's the right thing to do. Nobody needs to tell us what we should or should not do. If we believe in our hearts it's the right thing, it is the right thing.

And as Vice-Chair Rawlins-Fernandez had said, it is a State Law and therefore we are only supporting the implementation of that law. And it came to us when it came to us,

and we got on it as soon as we could. And that's the reality of it all. And I am really disappointed that people have to file a lawsuit to make us do what we already are doing. And I find that disconcerting. So, thank you, Chair.

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

Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I, I did see Deputy Corp. Counsel Mr. Whittaker come up when I made my comments. I was just wondering if he had anything to add, if that would be alright with you?

CHAIR LEE: That's fine. Mr. Whittaker.

DEPUTY CORPORATION COUNSEL WHITTAKER: Yes, thank you, Chair. I popped up just to say that I think the wording that's in the current ordinance is fine. It allows for a national search to the extent permitted by law. The reason we are hesitant about it is because there are certain searches that can be done for firearms only. And so, we just wanted to be clear that we don't know if it can be done for electric guns quite yet. So, to the extent permitted by law, they will be doing the national search.

CHAIR LEE: Very good. Any more comments or questions? If not, all those in favor--

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I have, I think other things, if you're talking about Committee discussion. There was a question could a member of the, a commissioner from the Police Commission be licensed to sell these kind of guns? For, just wanted clarification of that. And I think, I think it was kind of a vague discussion, so I just was curious. Mr. Whittaker.

CHAIR LEE: Mr. Whittaker, do you have any comments on that?

DEPUTY CORPORATION COUNSEL WHITTAKER: Sure, Chair. Thank you. Yes, a member of the Police Commission could sell these. My understanding is a son of one of the police commissioners is involved in one of the companies that filed the lawsuit against us, but not the commissioner himself.

COUNCILMEMBER SUGIMURA: Thank you.

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

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

NOES: NONE.

CHAIR LEE: All "ayes", zero "noes". That's nine "ayes", zero "noes"; motion carries. Okay,
very good.

Mr. Clerk.

COMMITTEE REPORT
NO. 22-33 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 24, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That County Communication 21-370, from Councilmember Tamara Paltin, be FILED; and
3. That Miscellaneous Communication, dated July 26, 2021, from the County Clerk, transmitting a copy of Resolution 21-114, adopted by the Council at its meeting of July 23, 2021, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 22-33.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Paltin, second by Member King, to, to approve the recommendations in Committee Report 22-33.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Staff will be distributing an Amendment Summary Form.

CHAIR LEE: By email?

COUNCILMEMBER PALTIN: You got it? Oh, I just got it. You guys got it? Okay.

I MOVE TO AMEND 20, BILL 24, CD1 TO INCREASE THE
MAXIMUM BUILDING HEIGHT IN THE P-2 PUBLIC/QUASI-
PUBLIC DISTRICT FROM 45 FEET TO 60 FEET IN THE WEST
MAUI COMMUNITY PLAN AREA.

Oh, shoot, read the wrong one.

UNDER SECTION 19.31.050, MAUI COUNTY CODE,
MAXIMUM HEIGHT (IN FEET) FOR THE P-2 PUBLIC/QUASI-
PUBLIC DISTRICT, BY STRIKING "45" AND INSERTING "60"
FOR THE WEST MAUI COMMUNITY PLAN AREA.

CHAIR LEE: Is there a second? I'm sorry. I'm reading my email.

COUNCILMEMBER KING: I still--

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER KING:

I STILL HAVEN'T GOTTEN IT YET, BUT I SECOND THE
MOTION.

CHAIR LEE: Okay, it's been moved by Member Paltin, seconded by Member King, to amend the main motion with this, with this amendment, as provided for in the ASF that was just sent to all of us.

Okay, discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you. While there are currently no P-2 Districts in the West Maui Community Plan area, should a P-2 District be created, the increased height limit of 60 feet will allow for the construction of gymnasiums or similar types of buildings.

And I am leaving the door open for the other district representatives that have lowered P-2, Hana, Molokai, and Lanai, to make their own decisions regarding their district. I did have a convers, couple of conversations with Ms. Aoki before today's meeting. And I did request that she provide testimony today. You know, I can totally see a gymnasium at 55 or 60 feet and things like that. She emphasized that a P-2 Public/Quasi-Public is mainly government buildings and things like that.

And while, you know, here in West Maui and the tourist nature of our district, view plains are very important, so are our sports and our children playing sports, and things along those line as well. So, I would respectfully request the Members support of my amendment.

CHAIR LEE: Anymore discussion?

Member Sinenci.

COUNCILMEMBER SINENCI: Chair, yeah, I can support Member Paltin's amendment. As for the Hana one, we just have one parcel in Hana that is that zoning. And, and we're okay with keeping it at 45. Thank you.

CHAIR LEE: Alright. Anybody else?

Vice-Chair Rawlins-Fernandez. You want to make, pertain to Molokai as well, or no? Any comments?

VICE-CHAIR RAWLINS-FERNANDEZ: No comments. I, I didn't check the minutes to see if that's what they wanted, the Molokai Planning Commission. I don't think so. I think what we did in Committee reflects the desire of the Molokai Planning Commission when they weighed in on it. So, I'm, I'm not making any amendment. Mahalo Chair.

CHAIR LEE: Only for the West Maui side. Striking 45 feet and replacing with 60 feet. Any more discussion? All those--

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, if I heard Kathleen Aoki, she said that this would come before us anyway so it sounded, she was saying it's not necessary to do 60 and you can just leave it at 90. But it would still come to us for, you know, West Maui, up for discussion. But you still want to decrease it to 60?

CHAIR LEE: Member Paltin?

COUNCILMEMBER SUGIMURA: Ms. Paltin?

COUNCILMEMBER PALTIN: Yeah, I, I would. The example that she had given of a 80-foot structure, related to King Kekaulike stadium lights, and in Member King's Committee and the discussion of seabirds and the stadium lights and what not, I think it's prudent to, to leave it at 60 just because, you know. I mean there is an exemption for schools and stadium lights, but it's a balancing act, you know. Seabirds are really necessary and important as we learned in her Committee, as are schools. And if we can play games in the daytime, so that the birds are not affected, I feel like that's a pretty good compromise.

COUNCILMEMBER SUGIMURA: But this is only for West Maui, right, you're talking about?

COUNCILMEMBER PALTIN: Correct.

COUNCILMEMBER SUGIMURA: You're not talking about King Kekaulike High School. I mean, it's built already.

COUNCILMEMBER PALTIN: Correct. This amendment and the original was only for West Maui, and then, you know, Hana.

CHAIR LEE: Okay. Anybody else?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for those comments, Member Paltin. And I support the 60 feet. I, you know, I was, I don't think anybody's going come to us if this ordinance passes. No one's going to come to us with a, a plan for a building that's 60 feet and one inch, cause the requirement will be there. So, hopefully anything that's designed on that zoning will be within that 60 feet.

But I just wanted to also note that, you know, we would probably like to look at this for South Maui, but we're in the middle of trying to get our community plan done. And so, you know, hopefully we can incorporate any, any necessary similar types of restraints

for South Maui in the community plan, which has been a little bit stalled right now due to loss of employees in that department.

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

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

NOES: NONE.

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

Member Paltin, anything else?

COUNCILMEMBER PALTIN: Nothing. Oh, wait, yeah, sorry, I do. April Fools. Let's see, your Planning and Sustainable Land Use Committee met on January 6, 2022 as well as February 24, 2022 and discussed, discussed a resolution to refer to the three Planning Commissions a proposed bill to amend the Comprehensive Zoning Ordinance by lowering the maximum building heights in various districts.

Your Committee discussed Bill 24 (2022), which the Council referred to your Committee entitled "A BILL FOR ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCES DEVELOPMENT STANDARDS IN THE B-2 BUSINESS COMMUNITY DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS".

Your Committee notes the three Planning Commissions met in October 2021, and the Urban Design Review Board met in November 2021 to review the proposed bill.

Your Committee further notes the Planning Department, and the Maui Planning Commission did not support reducing the maximum building height for the island of Maui. The Lanai Planning Commission supported the reduction to 45 feet and the Molokai Planning Commission recommended lowering the height to 35 feet.

The Planning Department transmitted, transmitted Bill 24, which included specific height limits for Lanai, Maui, and Molokai, consistent with the Planning Commissions' recommendations.

Your Committee discussed concerns for maximum building heights for various zoning districts in the West Maui and Hana community plan areas, and supported reducing the maximum building heights to 45 feet to protect and limit obstruction of scenic views in the West Maui community plan area.

Given the limited number of applicable buildings within the B-2 zoning district in Hana, your Committee also supported reducing the maximum building height to 45 feet in the Hana community plan area.

Your Committee voted 6-3 to recommend passage of Bill 24, CD1 on first reading and filing of the communications. Respectfully ask for the Members support of my main motion as amended.

CHAIR LEE: Any more discussion? If not, all those in favor--

Member Sugimura, are we going to need roll call? No?

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

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. 22-50

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

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, may we also have the Clerk call up Resolutions 22-61 and 22-62?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Mr. Clerk. So, ordered.

RESOLUTION
NO. 22-61

RELATING TO THE APPOINTMENT OF EVAN PURCELL DUST TO THE
COST OF GOVERNMENT COMMISSION FOR THE
COUNTY OF MAUI

RESOLUTION
NO. 22-62

RELATING TO THE APPOINTMENT OF
DONNA DEAN STERLING TO THE BOARD OF WATER SUPPLY
FOR THE COUNTY OF MAUI

CHAIR LEE: Is there a second? Was there a second?

COUNCILMEMBER MOLINA: No, Madam Chair. I'm going to make a motion.

CHAIR LEE: Oh, okay. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE FROM
FURTHER CONSIDERATION OF RESOLUTIONS 22-50, 22-61,
AND 22-62.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Seconded by Member King to discharge the, the Committee of 22-50, 22-61, and 22-62.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Council's deadline to approve or disapprove these, these nominations, well first, for Mr. Watanabe is April 1, today. And the deadline to approve or disapprove Mr. Dust and Ms. Sterling is April 15, 2022. If we do not take action today, these nominations will automatically be deemed approved, which is the reason for today's discharge request. Thank you.

CHAIR LEE: Okay. Any more discussion on the discharge? If not, all those in favor--

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: --of the mo--

Yes, Member.

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Chair, I'd like to be able to recuse myself from voting on this issue because Mr. Dust is a EA in my office.

CHAIR LEE: Okay. Alright, so we're, we're voting on the discharge. Anybody else? All those in favor of the discharge, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTIONS 22-50, 22-61,
AND 22-62 IN ACCORDANCE WITH RULE 7.G. OF THE RULES
OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

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

Any discussion on that motion, Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thanks, Madam Chair. This matter, again, is time-sensitive for the reasons stated during the discussion of the discharge request. Thank you.

CHAIR LEE: Okay, any more discussion? If not, all those in favor of waiving the Rules of the Council, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTIONS 22-50, 22-61, AND 22-62.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Who seconded it, I'm sorry?

COUNCILMEMBER KING: That was me.

CHAIR LEE: Oh, Member King. Moved by Member Molina, seconded by Member King, to adopt Resolutions 22-50, 22-61, and 22-62.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Members, since we already interviewed these nominees, I'll try to keep this as brief as I can. During its March 24, 2022 meeting, your GREAT Committee discussed the Mayor' nominations of Alton Watanabe to Civil Service Commission for a term expiring March 31, 2023, to fill a vacancy replacing Marcus Merchasin. Evan Purcell Dust to the Cost of Government Commission for a term expiring March 31, 2023, to fill a vacancy replacing Eric Cuomo. And Donna Dean Sterling to the Board of Water Supply for a term expiring March 31, 2026, to fill a vacancy replacing Leinaala Perry.

Mr. Watanabe has extensive knowledge of the Civil Service system through his employment with the University of Hawaii Maui College, the HGEA union, and in the County of Maui Department of Personnel.

Mr. Dust is a executive assistant to Councilmember Kama, and a partner with WCEP LLC which operates Maui HD, Maui IT and HD Pilot.

And Ms. Sterling is currently employed with Aerotek Hawaiian Wind Farm and has served as the president of Ka Ohana O Kahikinui, Kahikinui Hawaiian Homestead Association, and Helekunihi Cultural Foundation, and was on the Fire and Public Safety Commission.

After interviewing the nominees, I'm confident all of them will provide valuable knowledge and skills on their respective boards and commissions. And I would like to thank them for their willingness to serve. Thank you, Madam Chair.

CHAIR LEE: Alright. Any more discussion?

Member Sinenci.

COUNCILMEMBER SINENCI: Chair, yeah, just wanted to uphold our support in Committee for Ms. Donna Sterling as our East Maui representative of the Kahikinui area district. She has extensive knowledge and I'm sure she will contribute greatly to the Board of Water Supply. Thank you, Chair.

CHAIR LEE: Alright. Member King.

COUNCILMEMBER KING: Thank you, Chair. I support, we had good discussions in Committee and support all these nominees. I, my question, I'm not sure who it's for, but I was, you know, we did ask Mr. Dust to seek an opinion from the Board of Ethics, which we keep doing and I thought we had, we're, we're asking the Board of Ethics to kind of give us a ruling on any of our EA's applying for these boards or commissions. But I, it, it just occurred to me that maybe we needed, whoever's putting that in, we need to ask also if there's any kind of conflict with a board member voting on that. Because that didn't occur to me till Ms. Kama just decided to recuse herself that, you know, to ask whether or not we should be recusing ourselves. Member, Member Paltin and myself both had our, our EA's applied for boards or commissions. And I didn't, I didn't think to recuse myself, but maybe that should be added to that question to the Board of Ethics.

CHAIR LEE: Alright. We'll do that.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Member Paltin, did you have your hand up? Or did you have the same question?

COUNCILMEMBER PALTIN: Oh, different. Not a question, just a discussion. Is it my turn to discuss?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER PALTIN: Oh, okay. I just wanted to say that I support these people and I'm very thankful for their willingness to serve. And thank you to Mr. Mossman for putting these candidates forward. I'm looking forward to seeing good things come out of our boards and commissions with these three fine individuals.

CHAIR LEE: Thank you. Anyone else?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I want to also say that I support these nominees and appreciate them for volunteering. Alton, through the years, I've seen him work in different levels of his professional experience, and he really knows his, he knows the people part of our business. And I appreciate him putting himself and making himself available for the Civil Service Commission. And his work, working with our HR for the County of Maui, he'll add that depth.

I also have had the opportunity of working with Evan Dust. And that I know Member Kama will not go on or expound upon him because she's recusing herself. But I will say that he's very detailed. He shows up at the MPO meetings. I think he was a traffic planner in his, you know, previous profession and he thinks like in, you know, in that detailed way. And I think he would do a lot of good with the Cost of Government Commission and look at the, our, our organization, the County of Maui, and figure out ways that we can be more efficient and effective. So, I really support Evan, in particular. Thank you very much for allowing me to speak.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Molina?

COUNCILMEMBER MOLINA: Yeah?

CHAIR LEE: Are you requesting a recess?

COUNCILMEMBER MOLINA: No. No, no, no. I think we're done with those items. I think the next item up is Resolution 22-58. Has to be read by the Clerk.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR LEE: Mr., Mr. Clerk.

RESOLUTION
NO. 22-58

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

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. As I did in Committee, I will be recusing myself from participating in this discussion based on some potential concerns. Mr. Molina is a relative of mine, so I'll be recusing myself. And also, I will be signing off, so I'll be totally off, offline. And once the confirmation discussion is over, I'll come back online. Thank you, Madam Chair.

CHAIR LEE: Alright, thank you, Mr. Molina. Anyone else?

(Councilmember Molina was excused from the meeting at 11:49 a.m.)

CHAIR LEE: So, I shall call upon your Vice-Chair, Vice-Chair Rawlins-Fernandez, for this item 22-58. Vice-Chair? Are you his Vice-Chair? I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Are you Mr. Molina's Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Keani is the GREAT Committee Vice-Chair, yes, that's correct.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Ready?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And I, I, you know, with all of us having such big families and having lots of relatives, I hope that we won't have to always recuse ourselves for these kinds of things when there's no conflict of interest. Cause my understanding of the Board of Ethics is, if we're unable to make a decision without that influence, without that influence affecting our decision, then we would need to recuse ourselves. But if we're capable of making a decision without the influence of our relative, then, you know, we're, we're expected to vote. So, just cause we're, you know, I have lots of family and I know you all do too.

OKAY, I MOVE TO DISCHARGE THE GOVERNMENT
RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE
FROM FURTHER CONSIDERATION OF RESOLUTION 22-58.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to discharge the Committee of this matter.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Charter Section 6-2.5 provides that the Council must confirm or deny the appointment within 60 days after receiving notice of the appointment by the Mayor. Accordingly, the Council's deadline to approve or disapprove the nomination is April 12, 2022, or the nomination will automatically be deemed approved, which is the reason for today's discharge request. Mahalo, Chair.

CHAIR LEE: Alright, any discussion on that matter? If not, all those in favor of the motion to discharge, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER MOLINA.

CHAIR LEE: One, two, three, four, five, six, seven, eight. Eight "ayes", zero "noes", one "excused"; Mr. Molina. Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-58, IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive Rule 7.G. Rule of the Council.

Any discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This matter is time-sensitive for the reasons stated during the discussion of the discharge request. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER MOLINA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTIONS 22-58:

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to adopt Resolution 22-58.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. During its March 24, 2022 meeting, your GREAT Committee discussed the Mayor's nomination of Jordan Molina as the Director of Public Works and interviewed the nominee. Charter Section 8-5.2 states that the Director of Public Works shall be appointed by the Mayor with the approval of the Council and may be removed by the Mayor.

Mr. Molina has served as the Deputy Director of Public Works since October of 2019. Prior to that, he was the project engineer for TJ Gomes Trucking Co. Inc., and civil engineer in the Department of Water Supply, a legislative analyst in our Office of Council Services, a sole proprietor for JM Management, an executive assistant for Maui County Councilmembers.

During your Committee's interview of Mr. Molina, he provided an overview of, of his experience and knowledge of the County's operations, permitting, planning, budget, public reviews, procurement laws, technical writing, and the County's legislative process. I am confident that Mr. Molina will lead the Department of Public Works with integrity, while always keeping in mind the best interest of our County. I ask for the Members support of my motion. Mahalo, Chair.

CHAIR LEE: Thank you. Any more discussion? If not--

Member Sinenci, discussion?

COUNCILMEMBER SINENCI: Chair, yeah, I just had a procedural question. I see that there's also another item that, it looks like should Mr. Molina not be approved, then we would move to that one, Chair, for clarification.

CHAIR LEE: I'm sorry, what is your question about that?

COUNCILMEMBER SINENCI: We would consider, should Mr. Molina not be approved today, then we would move to the other item, is that correct?

CHAIR LEE: Yes, if, if we don't have the, enough aye votes for approval.

COUNCILMEMBER SINENCI: Oh, okay. And then, I guess my, the second part of my question was, what happens after that? Would we need to hear from the Administration for another applicant? Is that correct, Chair?

CHAIR LEE: Yes, there will be another nominee.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This is the discussion time, right?

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: Okay. For, for my discussion, I just wanted to address some West Maui resident testimony, if it's correct, is my understanding when I looked into it is that Aina Momona has to file an after the fact permit and an SMA assessment application. And that this is not under the jurisdiction of Public Works, but rather Planning. So Public Works doesn't weigh in on any of that at all. And in the other case, they did file and get an SMA approval. It's not confirmed what can be approved or not for Aina Momona yet. They haven't filed for an approval yet.

I'm not sure if the rock wall in question is a dry stack stone wall or a, oh, it's a dry stack stone wall? Okay, so, I mean, I think our Code doesn't even consider that really a structure. So, I would imagine they don't need a permit because dry stack stone wall is different from the other kind of stone wall. But regardless, I mean, I do not support cultural structures, depending on your definition of a structure, to have to go through that process. But I hope that clarifies that Public Works is not involved in issuing the SMA permit for a stone wall in the SMA. It's under the Planning Department.

In my two minutes that I got to question Director Molina, he did mention that since Civil Engineer V Agawa was harvested from Public Works to fill other necessary roles for the benefit of our entire County, West Maui has been left a little bit lacking in the traffic safety section. And I did speak with Director Molina off-line on that. And I think that

we have a budgetary solution proposed to address that. So, I'm comfortable in supporting Director Molina.

CHAIR LEE: Anybody else?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I think the words of the, of the testifiers mean a lot to me. When I heard Jordan Hart mention about how, how much in support he is, but I also hear, heard the numerous people in the community who are not working with him as a boss, and they had very important issues that they brought up. This is nothing personal in me, but when I asked Mr. Molina about a controversial project in Napili, he said as far as he was concerned it was not controversial. And I, I don't, and I don't think we should pick at the wounds of a injured community. So, I, at this time I won't support him at this time. Thank you.

CHAIR LEE: Anyone else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: As I said in Committee, and I just want to reiterate for the public of this important decision, is that I fully support Jordan Molina to be the Director of Public Works. And through the years, this term, I have been, one of the Committees, one of the departments that I have in my IT Committee is Public Works. And we have these monthly meetings to plan our agenda and look forward. And I will say that all his years of experience working in OCS, understanding the budget, understanding the departments, as well as his private practice, well, not practice is the wrong word, but his private experience outside the County, brings to us a person who has a lot of information that is perfect for this job. I fully support him. I will be voting to support his nomination to the Director of Public Works.

And I want to say that on a, on another note, the people who have come forward in testimony who have been pretty bitter about some of the things they've said about he and his family, I think is unwarranted. Because I believe that he makes decisions for the betterment of the people of Maui County. And it's not personal and he has nothing selfish, or he and his family have nothing selfish to, to gain from it. I think that's very inappropriate. But I just have to say that because I think very highly of the character that he has, as well as his family does, and what they're giving to us for the County of Maui, is a lot, lot, a lot of experience he's bringing. And I fully support him. And I look forward to continue working with him as the Director of the Department of Public Works. Thank you.

CHAIR LEE: Any other comments?

Member, Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. You know, this morning, we had acknowledged the young team from King Kekaulike High School. And you know, I feel so much pride because of what they have accomplished. So, when I take a look at today in what we're doing in terms of approving the Director of Public Works, it reminds me of that same feeling. Watching this young man go to school, grow up, having to go to college here and at the same time coming back home to serve his community. This young man cut his teeth on Maui County. This is a keiki o ka aina. And I am so proud of the fact that we have young people who are willing to go to school here, go to college here, come back to work here, and dedicate their life here, and this is home. We don't have too many of those young people because our young people look for something else somewhere else. And I am so proud and I'm very happy to be able to cast my vote in support of Jordan Molina as Director of Public Works. Thank you, Chair.

CHAIR LEE: Other, thank you. Any more discussion?

Vice-Chair Rawlins-Fernandez, then Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, for my second and final. Just wanted to make two points. One is I wanted to express my gratitude to Mr. Molina for being willing to step up in an election year knowing that, you know, he's an appointee. And so, there, there isn't that job security for him. And you know, I, I know he probably didn't even want to step up to do this work. So, I'm, I'm really grateful to him for his willingness to put himself out there to do this. So, mahalo Jordan for doing that and for being willing to put yourself, step up for our County this year with, you know, without any certainty of what, what's to happen come November.

The second point is, aside from the Greg Brown house, Jordan, Deputy, Acting Director Molina has, has been wonderful. I don't think that he did anything wrong. But I do appreciate all the testifiers providing them, providing us their feedback. I do think, I agree with Mr. Nakoa that our constituents shouldn't have to do this kind of, of monitoring. And so, I really look forward to Member Paltin's ideas come budget, on how we can work to resolve those issues. But I think, you know, I want to thank our testifiers too for always being there and, and for showing that they're, they're watching, you know, they're holding us accountable cause that is so critical. So, mahalo to our testifiers for doing that.

And I'll hold myself accountable in, with this vote for Acting Director Molina in working with him and the Department to whatever is going on in Napili to try to address those things. Mahalo, Chair.

CHAIR LEE: Member King, did you have your hand up?

COUNCILMEMBER KING: Yes, I did. Thank you, Chair. I appreciate this discussion. This is a really hard one for me because I'm, I'm torn. I, I'm very, I've been very disappointed in Public Works. The two main South Maui items, which were sidewalks, which were promised to South Maui in, during the Mayor's electoral campaign, a mile of sidewalks, we haven't gotten an inch and, and the North-South Collector Road. Those are, there's like some smaller things, but I feel like, and I'm torn because I don't want to put that all on the shoulders of Mr. Molina, but he, you know, I don't see it getting any better actually in the next eight months, some of the things we've been trying to accomplish in South Maui.

On top of that, the Brown house has really affected me because the stop work order was a Public Works order and it was taken off by Public Works, however that dynamic works between Planning and Public Works. That's where we're at now. And it would, it's been, there have been, I believe there have been violations and that those have not been fully addressed by either department.

But on the other hand, I also feel like there's, what, eight months left and who, you know, if we, if we disapprove Mr. Molina, who would come into this position for eight months knowing that they're, they have to, there's a learning curve first and then they, they only have eight months. So I'm really torn because I, I, I feel like we're in a, to me, it feels like a lose-lose because I haven't, you know, I was starting to . . . monthly meetings with the previous director. And then, she left, and those monthly meetings ended. And I was hoping to start making more progress on some of the issues with, within South Maui.

But I don't feel like they're completely understood by the person stepping into this position. So, I just really am not sure what I'm going to do on this vote. I'm really torn because I, I can't, you know, I think it's a natural progression to want to be the Director if there's an opening. But I, I don't know how we hold somebody accountable when the things that we're supposed to have gotten done in the first two years of this Administration haven't gotten done and some of them have slid. So, you know, that's just a, and, you know, of course it's nothing personal. And, but I just, I have to be accountable to my community and to the testifiers who came before us and with their concerns.

And I, and I actually was quite shocked. I have to agree with Mr. Johnson, I was quite shocked in our Committee when Mr. Molina characterized the Brown house as not being controversial. He didn't consider it controversial. And that, I mean, to me, that's one of the most controversial things on the island right now. So, I'm going to kind of leave it like that and wait to hear the rest of the discussion. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Chair, for my second and final. Yeah, I too appreciate the emails that was sent to us and the testimony this morning, also, Jordan's testimony. And like the other Members, I kind of feel the same way. We've got eight months. A lot of the Public Works projects that either lapsed, or weren't done, or you know, we're, we're now behind, and so I don't know if we disapprove him today his, if there would be another qualified person who would want the job for eight months, and to continue those projects that we need to quickly streamline, which we want to address in the upcoming budget next week. So, I can support, with that note, I can support Mr. Molina for being the, the interim director. Thank you.

CHAIR LEE: Anyone else?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Second and final. Although, I still do not agree that cultural structures need to comply with Maui County, U.S.A. permitting processes. I just wanted to clarify that as long as it's lower than seven feet and no retainage, no building is, permit is needed. But anything in the SMA needs an assessment filed even if it doesn't require a building permit.

Also wanted to clarify that Jordan Molina is not Jordan Hart's boss. And I also wanted to clarify also that I didn't, my budgetary solutions were for traffic and pedestrian safety in West Maui, because the last three budgets I requested like, you know, various crosswalks and they never did happen. And so, I, I have a different approach this year. And that the Greg Brown house solution that I suggested in Committee was that, you know, everyone doing their own research, coming up with their own questions, doing a transmittal, and sending that all over to the Board of Ethics because they can take action on results of an investigation whereas the Council cannot take actions based on the results of an investigation. So, just a few clarifications there. I think that's enough for me. Thanks.

CHAIR LEE: Anyone else? If not, all in favor of the motion to approve, well, roll call. For the motion to approve Jordan Molina as the Director of Public Works.

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.

CHAIR LEE:

EXCUSED.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

YES, WITH RESERVATIONS.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

NO.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

AYE.

DEPUTY COUNTY CLERK:

Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA:

YES.

DEPUTY COUNTY CLERK:

Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

AYE.

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

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBER JOHNSON.

EXCUSED: COUNCILMEMBER MOLINA.

DEPUTY COUNTY CLERK: Chair, there are seven "ayes", one "no", one "excused"; motion carries.

CHAIR LEE: Thank you.

Next item, Mr. Clerk.

RESOLUTION
NO. 22-86

APPROVING THE APPOINTMENT OF
HELENE KAU AS THE
DIRECTOR OF WATER SUPPLY

The recommended action is that Resolution No. 22-86 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-87

AUTHORIZING SETTLEMENT OF CLAIM NO.4063291
OF LORI DONALDSON

The recommended action is that Resolution No. 22-87 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Okay. Is Mr. Molina back? No?

DEPUTY COUNTY CLERK: We don't see him--

CHAIR LEE: Okay, any objections?

DEPUTY COUNTY CLERK: --back in the meeting yet.

CHAIR LEE: Any objections to referring these, these items to the GREAT Committee?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER KING: Maybe he thinks we're at lunch.

COUNCILMEMBER KAMA: No objections, Chair.

CHAIR LEE: Okay. Are there any timelines or, were any of these supposed to be considered for floor action, Mr. Clerk?

(Councilmember Molina returned to the meeting at 12:13 p.m.)

DEPUTY COUNTY CLERK: Chair, I believe Mr. Molina just entered the meeting.

CHAIR LEE: Okay. So, call up the items again, Mr. Clerk, for Mr. Molina.

DEPUTY COUNTY CLERK: Yes, Chair. The items that were read out were Resolutions 22-86, "APPROVING THE APPOINTMENT OF HELENE KAU AS THE DIRECTOR OF WATER SUPPLY"; and Resolution 22-87, "AUTHORIZING SETTLEMENT OF CLAIM NO. 4063291 OF LORI DONALDSON". And both are recommended for referral to your Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Mr. Molina, any objections to referring the, these two items to your Committee?

COUNCILMEMBER MOLINA: None whatsoever, Madam Chair.

CHAIR LEE: Thank you.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: The rest of the body, any objections to referring this to the GREAT Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Proceed, Mr. Clerk.

RESOLUTION
NO. 22-88

APPOINTMENT OF VERNON KANANIOLAIE
KALANIKAU TO THE AHA MOKU SEAT ON THE
CONSERVATION PLANNING COMMITTEE

CHAIR LEE: This is Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTION 22-88, IN
ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to waive the Rules
of the Council in, for this matter.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. The Council has already voted
to confirm this appointment. And this resolution is to correct a technical flaw in the
previous resolution. Thank you.

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

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

NOES: NONE.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-88.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Pro Temp Kama, to adopt Resolution 22-88.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. At the Council's meeting of March 4, 2022, the body adopted Resolution 22-59, intended to confirm the appointment of Mr. Kalanikau to the Aha Moku seat of the Conservation Planning Committee.

Due to a technical flaw in Resolution 22-59, the validity of the Council's confirmation could be called into question. So, this resolution will resolve any issues of legitimacy of the Council's appointment, and I ask for the Members full support. Thank you.

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

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

NOES: NONE.

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

DEPUTY COUNTY CLERK: Chair, Chair. Apologies, this is Deputy Clerk Krueger. We do not see Councilmember Johnson.

CHAIR LEE: Oops. Alright. Member Johnson, are you in favor of the motion to adopt Resolution 22-88?

COUNCILMEMBER JOHNSON: Yes. Beg your pardon.

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

Mr. Clerk.

RESOLUTION
NO. 22-89

CONDEMNING RUSSIA'S INVASION OF
UKRAINE AND SUPPORTING PEACE

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

ON BEHALF OF CHAIR LEE, I MOVE TO ADOPT THE
PROPOSED RESOLUTION ENTITLED "CONDEMNING
RUSSIA'S INVASION OF UKRAINE AND SUPPORTING
PEACE".

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member King, second by Pro Temp Kama, to adopted Resolution 22-89.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Oh, thank you, Chair. If there are no objections, I'd like to read the resolution in its entirety.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER KAMA: None.

CHAIR LEE: None. No objections.

Please proceed, Member King.

COUNCILMEMBER KING: Okay. Actually, I'm trying to shuffle through my papers here and I had it right in front of me. But maybe I can just ask the Clerk to go ahead and read it.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. I'm just bringing up the resolution real quick.

COUNCILMEMBER KING: Sorry about that. I had it. I had it in front of me. Oh, I'm sorry, I've got it. I've got it in front of me now. I'll just go ahead and read it. Thank you, Chair.

(The resolution was read in its entirety.)

COUNCILMEMBER KING: Thank you, Chair. And I, and I would, I would like to also add that, and just thank everybody for honoring what we are doing here today by, by showing the colors of Ukraine. And it, it's really hard to find something in anybody's closet that's blue and yellow together. So, I think everybody did an amazing job of expressing our support. It occurred to me that Member Kama's background is very similar to mine, although it's plain colors.

But I also wanted to point out that, that they are one of the largest, world's largest exporters, growers of sunflowers and exporters of sunflower oil, Ukraine is. So, that's one of the commodities that has been, we've been hearing shortages of around the world. So, anyway, I thought, I'll, I'll leave it there and let the other folks make their comments if they have comments to make.

CHAIR LEE: Thank you, Member King. Members, other comments?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for this resolution. I also rise in solidarity with the people of Ukraine. The atrocities of war are always heart-wrenching and difficult to witness. But the fallout, the loss of peoples' right to ea or sovereignty is equally as devastating. It's a slow death. When we think of war, we may picture consensual parties engaging in a violent disagreement. However, unprovoked annexation is quite a different thing.

The current invasion of aina and loss of lives stir up complex emotions of sadness, frustration, and anger, maybe most especially for kanaka o'iwi. It's hard to look upon the conflict between Ukraine and Russia without drawing parallels between the past and current political issues between Hawaii and America. My message to our brothers and sisters in Ukraine is don't let Russia do to you what America did to Hawaii, uē.

I'd like to share a quote from President Volodymyr Zelenskyy that resonates deep within my na'au.

(Spoke in Russian.)

Our weapons are our truth and our truth lies in the fact that this is our land, this is our country, our children, and we are going to defend all of this. Glory to Ukraine. Eō la.

CHAIR LEE: Thank you, Vice-Chair, for those words. Members, any other comments?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Chair and Kelly, for doing this, as, as I know that all of us have been very saddened by all that we've been seeing on the news and devastation of good people. And I stand with the Ukraine and its people. And I look forward to peace. Thank you.

CHAIR LEE: Thank you. Anyone else? I'd like to say something.

Member King.

COUNCILMEMBER KING: Yeah, I just wanted to say, I don't think anybody wants to follow that speech by Vice-Chair Rawlins-Fernandez. That was excellent. I really appreciate all your words, and especially the quote by the President of Ukraine.

But I, I'll, I wanted to add too that my husband and I are planning a Maui concert for Ukraine in the sunflowers on April 24. And I invite all who are listening today to look for those ticket sales. Just, the intent is to send 100 percent of the ticket sales to Ukraine for aid.

We're working with UNICEF. And I wanted to mention too that, you know, in talking to UNICEF, their statistics are that one child, since the beginning of this war, one child per second has become a refugee. One child per second. So, you know, this is, the focus is on sending aid to children and families through UNICEF who has been extremely supportive of all efforts to get that aid over there. And people are risking

their lives going over there to administer the aid and to bring supplies and food and clothing to these people.

So, I, I, I would like to just mahalo everyone on the Council for all your support for this item. And just knowing that everybody carries this really deep, you know, related to some of our other experiences as well, but just the greater experience of what happens when, when we don't stand up for peace. Thank you.

CHAIR LEE: Thank you.

Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. You know, I was just sitting here thinking about what we're all talking about, about having peace, right. We all want peace. And we want peace for you, for people across the world, we want peace everywhere. But, you know, peace begins with me, begins with you. And as we have peace within our hearts with each other, then that extent, explodes so that it reaches out to others. And it's hard for me to wish for peace for people across the globe because I can't feel them or touch them or honi them, but I can pray for them. And I think in these times, because we can't physically go there, we can't send all of our money there, we, just difficult trying to. But what can reach them is having peace in ourselves, with our neighbors, and having prayer for those that we cannot reach or touch or feel, but we can pray for them. And that's my comments, Chair. Thank you.

CHAIR LEE: Thank you, Pro Temp Kama.

Member Sugimura.

COUNCILMEMBER SUGIMURA: This is just a question to Member King. Is, is your concert going to be live so we can watch it online? I think you're going to have more than 300 people who are going to want to attend for such a good cause.

COUNCILMEMBER KING: Well, we'll see if we can get that to happen. It's very hard to get that kind of technical assistance when you're in the middle of a sunflower field. But I'll take it under advisement. That's a real good idea.

COUNCILMEMBER SUGIMURA: Or take donations. Thank you.

CHAIR LEE: Okay, Members, anyone else?

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And again, mahalo for this very timely resolution. I would just like to add on top of what everyone else was saying, not only for the, those who are being victimized, it's the guys in the military on both sides. Someone that was in the military myself, war is not something we look forward to. It's not a natural act to kill someone. And there's a lot of trauma involved. And for those that survive in the aftermath of the war, it can be a very trying time for them. And it affects their families.

And so, you know, we hope that in a perfect world that there would be no war. But please, let's also pray for those who have to carry out orders on behalf of the elected leaders who do the terrible things that they're doing, and on both sides. You know, of course, the people of Ukraine defending their land and their military doing what they have to do is admirable. But the soldiers who have to follow the orders of the, that very, I won't even mention his name, we all know how we feel about that dictator from Russia, to carry out these atrocities to eliminate people, women, children, so forth. These military people have to live with that, as well.

Talking to a veteran who has PTSD, sometimes the pain, to live with the pain, can be just as bad versus dying. So, let's all keep that in mind in any war that those who have to carry out the dirty work, so to speak, and who survive, they have to live with these atrocities on their mind. Because you're killing someone's child, someone's husband, someone's wife, someone's brother, someone's sister, grandpa, grandma, etc. So, it's certainly something that we all need to pray for. Thank you, Madam Chair.

CHAIR LEE: Member Paltin, and then Member Johnson.

COUNCILMEMBER PALTIN: Thank you, Chair. I just, you know, I fully echo Member Molina's statements. I prefer peace to violence. I understand that the soldiers on the Russian side may be . . . encouraged to carry out these things beyond their will. But I would like to recognize, you know, the people of Ukraine from the start were thought to be special operation that would take place in a week or so are holding strong. And, and that's because that they're defending their country, their way of life, their families. And it lasted much longer without any kind of on the ground support from any other nation, really. And I, I hope that they are victorious in defending their homeland with a minimal amount of lives lost as possible on both sides. And that cooler heads will prevail. Because, you know, not natural to want to kill others, not natural to kill others. And while it doesn't come close to being there, it's, it's also difficult to watch from the sidelines. Join Member Kama in praying for peace also.

CHAIR LEE: Thank you.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I echo all the sentiments of the Councilmembers mentioned before. I, I would be remiss if we didn't also mention there's a war in Yemen. And a lot of these wars that are going on, are, have American weapons that are being sold to fuel these wars. So, if you know I'm a dove, you know, I don't, I don't, I believe in peace before we go to war. You know, you make, you make, you make treaties and deals with your enemies, not your friends. It's, it's, you have to go to the table and sort these out with the people who are, you're against and people who you're fighting. So, that's why I was hoping for a diplomatic solution. It doesn't look like that obviously. War touches us in so many, on so many levels.

My, I, I just, this whole conversation takes me back 20 years ago at the kitchen table with my Okinawan grandmother talking about the Battle of Okinawa and how 150,000 civilians died on, on, in a three-month period. They call it a Typhoon of Steel. And I sat there listening to that story slack jawed. That was in 1944, 45. Now we're in 2022 and we're still, we still can't come up with better solutions than just putting people who don't even know each other in trenches and doing all these terrible things to each other and hurting all of the civilians? It's, when are we going to learn our lesson, you know?

And that's the thing that frustrates me about all this. It's like they, we, we keep going back to this, this kind of primal thing to kill, kill, to take each other's lives just to get these, these imaginary boundaries. It just doesn't make any sense to me. So, I know war touches everybody on so many ways and so many personal stories. And I, I, I pray for peace. I hope they, they sort this out and this, this is a great resolution. I appreciate the, the efforts of Councilmember King and Chair Lee. So, mahalo for that.

CHAIR LEE: Thank you.

Member Sinenci.

COUNCILMEMBER SINENCI: Chair, for my opportunity. And mahalo Members. I too wanted to offer my sentiments. As a long-time teacher watching the images of children with no parents and just wandering aimlessly, I too pray that children using conflicts to be set free for their healing to restore their bodies and minds and that their, for their reconciliation within their families and with their community. And an end to cycles of grief and trauma.

CHAIR LEE: Anyone else, first? So, I ask all of you, and most of you did, in fact, all of you did, wear blue and yellow today. Blue represents peace, and blue skies above the nation and the streams found throughout the country. Blue and yellow is the, are the colors of the Ukraine flag. The color yellow is a symbol of prosperity, and also represents the many wheatfields and sunflower fields throughout the land.

As President Biden said in the State of the Union Address, no matter how viciously Putin attacks the people of Ukraine, he will not break them. We draw inspiration from their bravery and iron will. And as president Zelenskyy said, light will win over darkness. So, God bless you the people of Ukraine and keep you strong. Thank you, Members.

Mr. Clerk. With all that discussion did we, did we vote on this item yet? No?

DEPUTY COUNTY CLERK: Chair, the main motion is still on the floor.

CHAIR LEE: Alright. Any more discussion? If not, all those--

Member Kama.

COUNCILMEMBER KAMA: I, Chair, I just want to say amen to all the discussion. Thank you.

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

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Thank you very much, Members.

Mr. Clerk.

RESOLUTION
NO. 22-90

URGING THE UNITED STATES SECRETARY OF HOMELAND SECURITY
TO TEMPORARILY WAIVE JONES ACT REQUIREMENTS FOR OIL
IMPORTED TO HAWAII

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, I apologize, this is an unusual request. Would it be possible to take our recess now? I anticipate there may be some extended discussion on this resolution. And also, this will be an opportunity to give our staff a little bit of a break. And I do have a matter I need to address somewhat immediately. But if you would consider us taking our lunch break now, if that's okay with the Members?

CHAIR LEE: Any objections? Do you, one hour?

COUNCILMEMBER KAMA: No objections.

CHAIR LEE: One hour enough? Is one hour enough? Okay, so we'll return at 1:40. This meeting is in recess until 1:40.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:38 P.M., AND WAS RECONVENED AT 1:44 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER KING, EXCUSED.)

CHAIR LEE: Will the Maui County Council April 1, 2022, meeting please reconvene.

Mr. Clerk, please resume.

RESOLUTION
NO. 22-90

URGING THE UNITED STATES SECRETARY OF HOMELAND SECURITY
TO TEMPORARILY WAIVE JONES ACT REQUIREMENTS FOR OIL
IMPORTED TO HAWAII

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION NO. 22-90.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Molina, seconded by Pro Temp Kama, to adopt Resolution 22-90.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. If you and the Members have no objections, I'd like to read the resolution in its entirety.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Seeing no objections, so ordered.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

(The resolution was read in its entirety.)

COUNCILMEMBER MOLINA: Madam Chair, I'm introduced this resolution because I feel very passionate about highlighting support for our Congressional delegation asking the President to grant Hawaii a one-year exemption of the Jones Act, provide our Federal decision makers the opportunity to look at the Act's possible reformation and to help stabilize our cost for fuel and a wide variety of goods and services.

And since Russia's invasion of Ukraine, we have all experienced the impact to our already high cost of living through the hikes in prices of gas, goods, and services. And a recent example of this, Hawaiian Electric announcing that electrical rates for Maui County residents will be going up by 20 percent. The Jones Act has historically and continues to negatively contribute to our high cost of living. And I believe it's time to address the inequity of these shipping costs for Maui County and State residents.

I appreciate and applaud the work of Congressman Case, representing Hawaii's 1st Congressional District of urban Honolulu, and his proactive initiatives to compel the President of the United States for a Jones Act waiver for Hawaii.

Now, while this resolution does not have the force and effect of law, it does send a message from us, as a Council, on behalf of our constituents, our residents of Maui

County and also the State of Hawaii, who are just tired of having to tolerate artificially high prices for our basic needs. So, in my opinion, changes need to be made to slow down this runaway train of skyrocketing prices due in part to the Jones Act.

I ask for my colleagues' full support of this resolution. And when you deem it appropriate, Madam Chair, I believe staff can share some information that, additional information that has come in with regards to this waiver of the Jones Act request. When you deem it appropriate, Madam Chair. Thank you.

CHAIR LEE: Thank you, Mr. Molina. Comments, questions, Members?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I rise in full support of this resolution. I want to remind everybody that the, Puerto Rico is also another part of our, it's also under the Jones Act. And they, and four years ago, they, they suspended the Jones Act when Puerto Rico got hit twice with two hurricanes. So, it's totally within the Federal government's purview. And it's been done before, and not years and years ago, only four years ago that happened under the former president. So, I think this is a very well thought out move by Councilmember Molina and I rise in full support. Our residents are suffering under all those things that he just mentioned. And that's, that's, we don't have to wait for a hurricane for this to, to know the writing on the wall that this is hurting our community. Why, you know, so, I, I, I'm in full support. Thank you, Chair.

CHAIR LEE: Thank you. Any other Member with questions or discussion? Ready for the vote? All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: So, I see eight "ayes", zero "noes" one "excused"; Member King. Motion carries.

COUNCILMEMBER MOLINA: Thank you, Members.

CHAIR LEE: Mr. Clerk.

RESOLUTION
NO. 22-91

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

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, my, my understanding why this was put on the agenda was just more of a procedural matter. So, in the event, I guess, the vote was not in the affirmative for the previous item, then I guess the Council would go to this item and take a vote on this disapprove, disapproval of the nominee for Public Works. So, I'm not--

CHAIR LEE: Motion to file?

COUNCILMEMBER MOLINA: Yeah.

CHAIR LEE: Motion to file?

COUNCILMEMBER MOLINA: Certainly.

I'LL ENTERTAIN A MOTION TO FILE.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to file Resolution 29-91 *[sic]*. Any further discussion?

COUNCILMEMBER MOLINA: No discussion.

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

Aye, everybody's "aye"? Member Paltin?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, eight "ayes", zero "noes", one "excused; Member King. Motion carries.

Mr. Clerk.

RESOLUTION
NO. 22-94

RETRACTING ALTERNATIVE AMENDMENTS TO THE
REVISED CHARTER OF THE COUNTY OF MAUI (1983),
AS AMENDED, RELATING TO THE 2021-2022 MAUI
COUNTY CHARTER COMMISSION FINAL REPORT

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

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair?

CHAIR LEE: I have you down as the person to go to for Resolution 22-94.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, it's not me.

CHAIR LEE: Is that incorrect? Is that the correct--

VICE-CHAIR RAWLINS-FERNANDEZ: I, I wasn't doing the motion for that. I was told--

CHAIR LEE: Member Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: --I wasn't doing the motion for that.

CHAIR LEE: Who is?

COUNCILMEMBER MOLINA: Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: It looks like Member Molina is.

CHAIR LEE: Okay. Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair.

MOVE TO POSTPONE RESOLUTION 22-94 UNTIL THE
APRIL 22, 2022 COUNCIL MEETING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: That's the motion. Second by, moved by Member Molina, seconded by Member Sinenci, to postpone Resolution 22-94, until the April 22 Council meeting.

Any discussion, Member Molina?

COUNCILMEMBER MOLINA: Yeah, Madam Chair. I'd like for the Members to consider this proposal. Better, in my opinion, to wait until we receive the Charter Commission's official report before acting on this item. So, therefore, I respectfully request the Members support of this motion. Thank you.

CHAIR LEE: Okay. Any more discussion?

Mem, Pro Temp Kama.

COUNCILMEMBER KAMA: Oh yeah, Chair, just want to ask when, when is the Commission going to send their comments back to us?

CHAIR LEE: They will be sending them shortly. The meeting was yesterday. And so, we will be receiving them officially within the next few days.

COUNCILMEMBER KAMA: Okay. Okay. Thank you.

CHAIR LEE: Alright. Anybody else? Okay, the motion is to postpone this item until April 22. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Clerk, next.

RESOLUTION
NO. 22-95

AUTHORIZING SETTLEMENT OF CLAIM NO. 4073176
OF FIRST INSURANCE COMPANY OF HAWAII, LTD.
ON BEHALF OF ITS INSURED ANITA MOSUELA

The recommended action is that Resolution No. 22-95 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-96

ADOPTING THE FUEL TAX RATES
FOR THE COUNTY OF MAUI,
EFFECTIVE JULY 1, 2022

The recommended action is that Resolution No. 22-96 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Members, any objections to these referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk. Bills.

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

BILLS

ORDINANCE NO. _____
BILL NO. 65 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF
THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF
LAND AND NATURAL RESOURCES, REGARDING THE
ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY
FOR BRUSH CLEARING AND PUBLIC PARKING PURPOSES

The recommended action is that Bill No. 65 (2022) be referred to the Government Relations, Ethics, and Transparency Committee.

ORDINANCE NO. _____
BILL NO. 66 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.02, MAUI COUNTY
CODE, ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP
FOR THE ISLAND OF MAUI

The recommended action is that Bill No. 66 (2022) be referred to the Planning and Sustainable Land Use Committee.

ORDINANCE NO. _____
BILL NO. 67 (2022)

A BILL FOR AN ORDINANCE FOR A CHANGE IN ZONING
FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS
DISTRICT FOR PROPERTY SITUATED AT KAUNAKAKAI,
MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049

The recommended action is that Bill No. 67 (2022) be referred to the Planning and Sustainable Land Use Committee.

ORDINANCE NO. _____
BILL NO. 68 (2022)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.97,
MAUI COUNTY CODE, CREATING A MANAGED
RETREAT REVOLVING FUND

The recommended action is that Bill No. 68 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 69 (2022)

A BILL FOR AN ORDINANCE RELATING TO THE
OPERATING BUDGET FOR THE COUNTY OF MAUI
FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023

The recommended action is that Bill No. 69 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 70 (2022)

A BILL FOR AN ORDINANCE RELATING TO THE
CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2023

The recommended action is that Bill No. 70 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 71 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE
ISSUANCE OF ONE HUNDRED FORTY-NINE MILLION SEVEN HUNDRED
THIRTY-SIX THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS
(\$149,736,793) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION
BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING
FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR

PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS

The recommended action is that Bill No. 71 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 72 (2022)

A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI

The recommended action is that Bill No. 72 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 73 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2023 BUDGET ORDINANCE

The recommended action is that Bill No. 73 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 74 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY
CODE, RELATING TO PARKING PROHIBITIONS ON UAKEA ROAD, HĀNA,
MAUI, HAWAII

The recommended action is that Bill No. 74 (2022) be referred to the Infrastructure and
Transportation Committee.

CHAIR LEE: Members, any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with bills for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 13, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.080,
MAUI COUNTY CODE, TO AMEND CONDITIONS, AMENDMENTS, AND
MODIFICATIONS OF CONDITIONAL PERMITS

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS BILL 13, CD1 ON SECOND AND FINAL
READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, pass, moved by Member Paltin, seconded by Member Sinenci, to pass Bill 13, CD1 (2022) on second and final reading.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on February 3, 2022 and February 24, 2022, and discussed Bill 13 (2022) to amend the conditions, amendments, modifications of conditional permits for the Island of Molokai

Bill 13's purpose is to amend Section 19.40.080, Maui County Code, to revoke the Planning Director's authority to approve nonsubstantive amendments to conditional permits for Molokai.

Resolution 21-92, adopted by the Council on June 4, 2021, referred to the Lanai, Maui, and Molokai Planning Commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO CONDITIONAL PERMIT AMENDMENTS".

The Department of Planning recommended amending the bill to exclude Molokai, consistent with the support of the Molokai Planning Commission. Council sought the Planning Commission's comments and recommendations to the proposed bill referred by Resolution 21-92, but instead received Bill 13.

Your Committee discussed Bill 13, CD1 that applies a Countywide approach to removing the Planning Director's authority to approve nonsubstantive amendments to conditional permits. Your Committee further amended the bill to give this authority to the respective planning commission.

Your Committee expressed support for Bill 13, CD1 and voted 8-1 to recommend passage of the proposed bill on first reading. On March 18, 2022, the Council voted 8-1 for passage of Bill 13, CD1 at first reading. I respectfully ask for the Members support of my motion. That's it.

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

COUNCILMEMBER MOLINA: "Aye".

COUNCILMEMBER PALTIN: Roll call.

CHAIR LEE: Why? Is there somebody--

COUNCILMEMBER PALTIN: Oh, it was--

COUNCILMEMBER SUGIMURA: I'm voting "no".

COUNCILMEMBER PALTIN: --8-1 in Committee . . .

CHAIR LEE: Oh, I'm sorry. Okay, I'm sorry. I didn't see you, Ms. Sugimura.

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.

CHAIR LEE:

EXCUSED.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

AYE.

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:

YES.

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 JOHNSON, KAMA, MOLINA,
PALTIN, SINENCI, VICE-CHAIR RAWLINS-
FERNANDEZ, AND CHAIR LEE.

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: COUNCILMEMBER KING.

DEPUTY COUNTY CLERK: Chair, there are seven "ayes", one "no", one "excused"; motion carries.

CHAIR LEE: Okay. Next.

ORDINANCE NO. _____
BILL NO. 60 (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, GENERAL FUND,
SPECIAL LICENSE PLATES

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up Bill 64 please?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk.

(Councilmember King returned to the meeting at 2:04 p.m.)

ORDINANCE NO. _____
BILL NO. 64 (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 FINANCE.
COUNTYWIDE COSTS.
BOND ISSUANCE AND DEBT SERVICE;
TOTAL OPERATING APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, Bill 60 amends Fiscal Year 2022, Appendix B, Revenues, Rates, Fees, Rates, Assessments and Taxes for Department of Finance by increasing the rate for Special License Plates from 25 to \$60 in accordance with Section 24, 249-9, Hawaii Revised Statutes.

DEPUTY COUNTY CLERK: Chair? Apologies to interrupt.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry. Mahalo, Mr. Clerk.

I MOVE, I MOVE TO PASS BILL 60 AND BILL 64 ON SECOND
AND FINAL READING.

CHAIR LEE: Alright.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Temp Kama, to pass Bill 60 and 64 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I won't repeat the first part. Bill 64 amends the Fiscal Year 2022 Budget by increasing the Estimated Revenues for Transient Accommodation Tax by \$3,100,000 and appropriating the funds to Countywide Costs, Bond Issuance and Debt Service. I ask Councilmembers' support for the motion. Mahalo, Chair.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, raise your hand and say "aye". Eight "ayes", zero "noes", one "excused"; motion carries.

DEPUTY COUNTY CLERK: Chair, I believe Councilmember King has returned to the meeting.

CHAIR LEE: Oh okay. How did I miss those sunflowers, sunflowers?

COUNCILMEMBER KING: Thank you, Member Paltin. She was . . . fingers.

CHAIR LEE: Okay, are you voting "aye", Member King?

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

NOES: NONE.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 61 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE,
RELATING TO USE OF THE AFFORDABLE HOUSING FUND

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO PASS BILL 61 (2022) ON SECOND AND FINAL
READING.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, second by Member Molina, to pass Bill 61 on second and final reading.

Discussion, Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Your Affordable Housing Committee met on February 25, 2022, and discussed a proposed bill amending Chapter 3.35, Maui County Code, to expand and clarify the allowable uses of the Affordable Housing Fund.

Your Committee had previously met to discuss the proposed bill amending both Chapters 3.34 and 3.35. And your Committee voted 9-0 to recommend passage of the revised proposed bill on first reading. I respectfully ask for Members support of my motion.

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

Member Paltin? Member Sugimura?

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

NOES: NONE.

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

COUNCILMEMBER JOHNSON: Mahalo, Members.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 22-24 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. That Resolution 22-79, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS AND THE MAUI COUNTY CULTURAL RESOURCES COMMISSION PROPOSED BILLS RELATING TO CULTURAL OVERLAY DISTRICTS, be ADOPTED; and
2. That County Communication 21-534, from Councilmember Shane M. Sinenci, be FILED.

DEPUTY COUNTY CLERK: And Chair, County Communication 22-80 is also before the body at this time.

COUNTY COMMUNICATION

NO. 22-80 - SHANE M. SINENCI, CHAIR, AGRICULTURE AND PUBLIC TRUST COMMITTEE, (dated March 24, 2022)

Transmitting a proposed amendment to Resolution 22-79, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS AND THE MAUI COUNTY CULTURAL RESOURCES COMMISSION PROPOSED BILLS RELATING TO CULTURAL OVERLAY DISTRICTS".

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, can the, okay, so, did the Clerk call up County Communication 22-80?

CHAIR LEE: Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, that item is also before the body at this time.

COUNCILMEMBER SINENCI: Okay, thank you.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 22-24.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson to approve the recommendations in Committee Report 22-24.

Discussion, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO AMEND RESOLUTION 22-79 TO AN FD1 VERSION
BY SUBSTITUTING A NEW EXHBIT "1" TO THE RESOLUTION
AND TO FILE COUNTY COMMUNICATION 22-80, WHICH IS
SUPERSEDED BY AN ASF THAT WE'LL BE SENDING OUT.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Are you sending out another ASF, or is this the one we already received earlier?

COUNCILMEMBER SINENCI: Oh, okay. Yeah, did you receive, everybody got that ASF?

CHAIR LEE: Did anyone not get the ASF?

Okay, Mr. Sinenci, proceed.

COUNCILMEMBER SINENCI: That was my motion.

CHAIR LEE: Any, any more discussion?

COUNCILMEMBER SINENCI: That was my motion, Chair.

CHAIR LEE: Okay.

CHAIR LEE: Seconded by, Member Johnson, was it? Yeah. Moved by Member Sinenci, seconded by Member Johnson.

Further discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. The revised bill has been amended to resolve some spelling errors and make other revisions for accuracy and clarity, and it, it is approved as to form and legality by the Department of Corporation Counsel. No revisions have been made to the bill designated Exhibit "2", or to the body of the resolution. So, I respectfully ask for the Members support of my motion to amend and file.

CHAIR LEE: Any further discussion? If--

Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just had a question. So, this is for, to, it's going to refer to the planning commissions to establish cultural overlay districts, as well as establish a Hana cultural overlay district, specifically. Is that correct?

COUNCILMEMBER SINENCI: Yeah, that's, that's the second bill, Member Paltin.

COUNCILMEMBER PALTIN: Oh, the Hana one is the second bill and the first one is just establishing?

COUNCILMEMBER SINENCI: Yes.

COUNCILMEMBER PALTIN: Okay. Okay, thank you. Sorry, thank you for the clarification.

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

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

NOES: NONE.

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

Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Members.

CHAIR LEE: Is that it? Okay.

Alright, Mr. Chair? I mean, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, there is the issue of Rule 19.C. that, that requires, that requires that any amendments made at a meeting that wasn't agendized, if it's final action that the body shouldn't take action on it unless the Rule is waived.

CHAIR LEE: Oh. Mr. Sinenci, you didn't include that in your, in your motion.

COUNCILMEMBER SINENCI: I don't see it in my notes.

CHAIR LEE: Okay. Alright. Mr. Clerk, will you help Mr. Sinenci with that motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci, I move to waive Rule 19.C. of the Rules of the Council.

COUNCILMEMBER KAMA: Second. I second.

CHAIR LEE: Okay, why didn't you do that, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, I'm just looking in my notes and I don't see that I had to, to do that, staff. I do have Mr. Raatz on the line.

CHAIR LEE: Okay. Mr. Raatz?

VICE-CHAIR RAWLINS-FERNANDEZ: It's okay, we can do it.

COUNCILMEMBER SINENCI: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: We're here, Chair.

CHAIR LEE: No, we just want clarification on why that was overlooked.

VICE-CHAIR RAWLINS-FERNANDEZ: Can we do that behind the scenes? Like, do we have to do it in open meeting?

CHAIR LEE: I think so, yeah. I would, I would like to find out. This is a, this is a lesson for the staff as well.

Okay, Mr. Raatz, are you on the, on the call?

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair Lee. And we appreciate the Deputy County Clerk noting Rule 19.C. It was, I believe a staff oversight. We should have included that in the Amendment Summary Form. Thank you, Chair.

CHAIR LEE: Okay. Just an oversight? Alright.

Now, Vice-Chair, do you want to make your motion again?

VICE-CHAIR RAWLINS-FERNANDEZ: I believe we have the motion on the floor already. It was moved and seconded by Pro Temp Kama.

CHAIR LEE: Well, I didn't recognize it. I didn't recognize it. At that point, I had asked Mr. Sinenci why didn't he make the motion? And then, he wasn't sure why it wasn't in his notes, and we just got clarification from Mr. Raatz. So, if you'd like to make the motion again, you can proceed with that.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO WAIVE RULE 19.C. OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KAMA: Second.

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

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Sinenci was asked, and he said it wasn't in his notes and that happens from time to time. Don't feel bad about it, staff. I think you're doing a fabulous job. Thank you for all your supportive work of all of us Councilmembers. Mahalo, Chair.

CHAIR LEE: Anybody else want to say anything? If not, all those in favor of the motion, raise your hand and say "aye".

Member Paltin?

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

NOES: NONE.

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

Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, I believe we have the main motion on the floor.

CHAIR LEE: Okay, any more discussion?

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Members. On the main motion, your Agriculture and Public Trust Committee met on November 30, 2021, and February 22, 2022, to discuss cultural overlay districts, recognizing the need to ensure better planning and development in and around areas that are culturally, historically, or archaeologically significant, such as iwi kupuna and burial sites.

Resolution 22-79 would refer two proposed bills relating to the establishment of cultural overlay districts to the Lanai, Maui, and Molokai Planning Commissions, and to the Cultural Resources Commission. The proposed bills include the amended bill attached to Exhibit "1", which details the cultural overlay district process and procedures, and contains other provisions related to the Cultural Resource Commission and the County Principal Archaeologist.

The second bill, attached as Exhibit "B", provides an example for the establishment of a cultural resource district, excuse me, within the Hana Moku. The comments we received back from the Planning Commission and the Cultural Resources Commission will help inform the Council's further deliberations on this important initiative.

Cultural overlay districts will help ensure that our vulnerable and valuable cultural resources are protected and preserved, not only for future generations, but also in honor of all those who came before us.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution with the attached revised proposed bills. So, I respectfully ask for the Members support of my motion.

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

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

NOES: NONE.

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

Alright. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there is no further business before the Council.

CHAIR LEE: Members, any parting words. Anybody have any special occasions coming up?

Member Sugimura?

COUNCILMEMBER SUGIMURA: So, tomorrow is the first Saturday of the month, and we're cleaning Pulehu Road in, by the Central Maui Landfill. So, anybody is welcome to join us. It's 7:30 to 11:00 in the morning. And we meet in Kula. And whoever shows up, we clean the road. Quite a good project. Thank you.

CHAIR LEE: Thank you. We'll, we'll be thinking of you, Member Sugimura.

CHAIR LEE: Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just wanted to wish everybody a restful weekend. And look forward to our meetings starting on Monday. Thank you.

CHAIR LEE: Thank you, Mr. Sinenci. Anyone else?

Member King, you may want to remind everybody about that concert coming up.

COUNCILMEMBER KING: Okay. Well, the, the, the tickets, tickets should be available as of next week. But the, it'll be on April 24, which is a Sunday. So, Sunday in the sunflowers. And we're partnering with Mana'o Radio, so we're really excited about that. And we're also partnering with UNICEF which sends the most money to the actual cause and not using any administrative costs, so we're excited about that.

CHAIR LEE: Thank you. You may want to stress that it's on a first come, the tickets are on a first-come, first-serve basis, right, because you only can accommodate 300 people?

COUNCILMEMBER KING: Yeah, we, you know, we, we were trying to keep it to, so that we don't wipe out the whole sunflower field with the concert. We were, that's, that's the economics of it. But we're excited because we're also going to have the farm stands available for the neighboring farmers, you know, to, to bring their produce and stuff. So, it'll be a farm tour, farm stand event as well.

CHAIR LEE: You didn't mention how much the tickets are.

COUNCILMEMBER KING: \$75.

CHAIR LEE: Whoa, \$75.

COUNCILMEMBER KING: That's, yeah, so we're trying to send everything we can to the Ukraine. So, and I've got an ask in for one of our new multimillionaires on the island to see if he'll match whatever we raise.

CHAIR LEE: Great idea. Great idea. Economic diversification.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I want to thank all the Councilmembers for getting all their questions and priorities in on time, yesterday. I know you all have been working so hard after receiving the budget. And I look forward to working with you all next, and really diving into it. Mahalo, Chair.

CHAIR LEE: Yes, we're all excited about that and looking forward to the long hours and the hard work of the budget. And now, anybody else?

Member Paltin.

COUNCILMEMBER PALTIN: Thanks, Chair. You know I would love to go to free clean-up, I got something super exciting going on in the morning. Taxes. So, that's where I'll be and what I'll be doing tomorrow. Get it out of the way.

COUNCILMEMBER KING: Is that another April Fool's joke?

COUNCILMEMBER PALTIN: Uh no, sadly no. Taxes are real.

CHAIR LEE: Alright. Anything else? Anyone else? If not, everybody have a wonderful weekend, safe weekend. And this meeting is adjourned.

ADJOURNMENT

The regular meeting of April 1, 2022 was adjourned by the Chair at 2:20 p.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



RECEIVED

2022 APR -1 AM 7: 58

April 1, 2022

Maui County Council Meeting

OFFICE OF THE
COUNTY CLERK

TO: Members of the Maui County Council

FROM: Wesley Lo
Chief Executive Officer
Hale Makua Health Services

RE: Support - Resolution 22-69 Authorizing the Grant and Disposition of Real Property to Hale Makua Health Services

My name is Wesley Lo, Chief Executive Officer of Hale Makua Health Services ("Hale Makua") I have previously provided testimony in support of Resolution 22-69 to authorize the grant and disposition of a portion of County property located at tax map key (2) 3-8-007:097 (the 'Property') to Hale Makua for the expansion of health care services to the community with an emphasis on serving our Kūpuna.

During the Human Concerns and Parks Committee meeting on March 14, 2022, there was discussion related to a possible amendment to the proposed Resolution that would require approval by the County's Administration and consent by the County Council if there were among other things, the sale of the property by Hale Makua Health Services.

Generally, the discussion centered around protecting the County's interest and ensuring that should Hale Makua choose to exit the development, the County would have the opportunity to assess new ownership and ensure that any new proposed owner would continue to serve the needs of the community.

During the meeting, concerns were brought up with any potential amendment related to creating possible liability to the County, as well as negatively impacting Hale Makua's ability to obtain financing to develop the property.

Subsequent to the meeting, Hale Makua conferred with its legal counsel, who in turn discussed the issues and alternatives with Corporation Counsel.

In general, the comments from Hale Makua are grouped into two different categories; 1) Transfer of Ownership and 2) Legal and liability matters.

Transfer of Ownership

- 1) Any transfer is still subject to the use restrictions in the Declaration.
- 2) While the transfer of the property after the CON is approved is not mandated, because of the significant financial and operational risk related to any transfer without a CON, the CON application process would commence upon contracting for the purchase of the facility with the new owner completing the purchase and closing when the new CON is issued.



- 3) Any further change in ownership and continuation of the services provided by Hale Makua will require the proposed owner to apply for its own certificate of need (CON) pursuant to HRS Chapter 323D and HAR Chapter 11-186. Thus, the proposed owner will be subject to review and approval by the Hawaii State Health Planning and Development Agency (SHPDA).
 - a. Specific Criteria for any CON includes the following:
 - Relationship to the Health Services and Facilities Plan
 - Need for and accessibility of the Proposal
 - Quality of Service or care that is proposed
 - Cost and Financial impact of the proposal
 - Relationship of the proposal to the existing health care system
 - Availability of resources for the proposed service
 - b. Any Change of Ownership to an unrelated party under current CON processes would typically require review by three advisory councils that provide for public input prior to the issuance of any CON. This includes a local "Subarea Health Planning Council", which is based in Maui County, a technical "Certificate of Need Review Panel" and a "Statewide Health Coordinating Council". Upon completion of all these public meetings, it would then go to SHPDA for final decision. The County's Administration will have the opportunity to participate in this process and provide its input.
- 4) Requiring the County's approval to a transfer potentially exposes the County to liability in the event that they or the Council do not approve the transfer, or fail to follow procedures, or are unable to act upon the request resulting in a delay which causes Hale Makua to lose the sale.
- 5) Inasmuch as the County's main objective is to provide an environment promoting the health care concept for the region, this objective is met thru the continued enforceability of the health care use restrictions in the Declaration.

Legal Matters

- 1) Prior approval of a sale would unnecessarily involve the County in Hale Makua's business affairs.
- 2) Seeking consent from the County would require disclosure of potentially proprietary and confidential information concerning Hale Makua and the potential transferee.
- 3) The process would delay the transfer of the property and could jeopardize operations and programs.
- 4) Separately requiring the consent of the County's Administration and the County Council could lead to conflicting decisions between the two bodies.
- 5) The approval requirement risks subjecting the transfer to becoming a political issue.
- 6) Hale Makua is risking its own capital and credit to develop and construct the facility all of which could be lost if the County does not approve a sale.
- 7) The provision as it stands is vague; Hale Makua would need to have a clear application process and timetable to process the application, the criteria for qualification and approval, and a restriction against imposing conditions such as the construction of improvements, mandating certain programs, etc.
- 8) Lenders will view the consent requirement as an impediment to their right to enforce and foreclose so they will require clear exceptions for foreclosure and deed in lieu of foreclosure transactions.



Thank you for your consideration on this important matter and for this opportunity to testify in support of Resolution 22-69 and in opposition to the proposed amendment.

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

March 29, 2022

RECEIVED
2022 MAR 29 AM 10:50

OFFICE OF THE
COUNTY CLERK

Honorable Michael Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 3-29-22
Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee,

**SUBJECT: COMMITTEE REPORT 22-23 AND BILL 24, CD1 (2022)
RELATING TO LOWERING OF MAXIMUM BUILDING
HEIGHTS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3
CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2
PUBLIC/QUASI-PUBLIC DISTRICTS**

Thank you for this opportunity to submit testimony on the amendments proposed to the P-2 Public/Quasi-Public District.

In 2013, the Council at the time unanimously supported and approved creating the P-2 District, recognizing that having only one public/quasi-public zoning district, P-1, with a height limit of 40' for all public and quasi-public facilities, was not reasonable nor practical. The bill being considered for adoption proposes to lower the current height maximum from 90' to 45' in the P-2 District for Lana'i and within the West Maui and Hana Community Plan areas. This equates to a mere 5' difference between the two public/quasi-public zoning districts. It further proposes to reduce the maximum height to 35' on Molokai, which is 5' less than the height limit in the P-1 District.

This would not only be detrimental to many existing facilities that should be re-zoned to properly reflect P-2 District standards, but it would also re-establish the burdensome and pointless variance requirement for new, similar type facilities in the future -- the very process the P-2 District was designed to eliminate. In the case of Moloka'i, there would be little to no reason to zone a property to the P-2 District because the development standards would be more restrictive than the P-1 District.

Currently, there are only three public/quasi-public facilities that are zoned P-2 District: St. Theresa's Church in Kihei, St. Anthony School in Wailuku, and Hale Makua/Kahului Community

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice Lee, Chair
March 29, 2022
Page 2

Center in Kahului. Any other property seeking P-2 District zoning would be required to submit a Change in Zoning application which would trigger a public hearing before the appropriate planning commission and final approval by the Council. Future Change in Zoning applications would afford the Council the opportunity to review the proposed project, analyze visual and environmental impacts, and adopt conditions – including height limits – as warranted.

The Department of Planning (Department) has recently transmitted a proposed bill to change the zoning of 13 parcels to the P-2 District in order to better align with the current development standards. There will likely be additional requests in the future as the Department continues to analyze and sort through the many public and quasi-public facilities within the county. The majority of these 13 parcels contain public facilities that were all required to seek variance approvals because of the limiting height maximums of their designated zoning districts, including P-1.

Baldwin High School, for example, was required to secure a variance to construct its 54' tall gymnasium. The University of Hawaii–Maui College, has required a number of variances for their classroom buildings (variance heights of 68', 74', 55'.9", etc.). Kamehameha Schools has also required a number of variance approvals for their classroom and ancillary buildings (variance heights of 51', 54', 60'.10", etc.). In 2004, the Maui Memorial Medical Center secured a variance of 81' for their expansion project. While it may be perceived that securing a variance is simple and assured, this is not necessarily the case. It is a request made to the Board of Variances and Appeals to deviate from the code, and there is never a certainty of approval, especially given the strict criteria. It is a discretionary approval based on criteria that the board members must follow. Applying for and processing a variance also adds to the length of time and cost of a project. In many instances, the applicant is either the County of Maui or the State of Hawaii and, as such, this delay in development and additional cost is ultimately borne by the taxpayers.

We ask that the County Council re-consider the proposed P-2 District height limit of 35' for Molokai and 45' for Lana'i and the West Maui and Hana Community Plan areas. This will help to facilitate future development of necessary and appropriate public and quasi-public facilities while also reducing needless, burdensome costs and delays.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,



MICHELE McLEAN, AICP
Planning Director

xc: Sandy Baz, Managing Director (.pdf)
Jordan Hart, Deputy Director (.pdf)
Jacky Takakura, Acting Planning Program Administrator (.pdf)
Kathleen Aoki, Planning Program Manager (.pdf)

MCM:KRA:atw

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RECEIVED
2022 MAR 31 PM 2:05

April 1, 2022

9 a.m.

Maui County Council Chamber and Videoconference

OFFICE OF THE
COUNTY CLERK

To: Maui County Council

Alice Lee, Chair

Keani Rawlins-Fernandez, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: Resolution 22-90 — "URGING THE UNITED STATES SECRETARY OF HOMELAND SECURITY TO TEMPORARILY WAIVE JONES ACT REQUIREMENTS FOR OIL IMPORTED TO HAWAII"

Comments Only

Dear Chair and Council members:

The Grassroot Institute would like to offer comments on Resolution 22-90, which would urge the U.S. Secretary of Homeland Security to temporarily waive the federal maritime law known as the Jones Act for oil imported to Hawaii.

The background for this resolution is that President Joe Biden banned in early March the importation to the U.S. of Russian oil, liquefied natural gas (LNG) and coal, in response to the Russia-Ukraine conflict, leaving parts of the U.S., and Hawaii especially, highly vulnerable to fuel shortages.

Our islands already are suffering from a run up in fuel prices; AAA Hawaii [reported yesterday](#) that the average regular unleaded gas price for Hawaii is \$5.20, which is 11 cents higher than last week and a new record for the state.

On Maui and throughout Hawaii, such fuel prices will reverberate throughout the economy, increase the cost of many goods and services and threaten our future well-being.

One of the reasons for this price spike is because Russia typically supplied a quarter to a third of all oil imported to Hawaii. The state's only refinery, Par Hawaii, has said it will turn to alternative sources to replace the imports from Russia, but because of the Jones Act, accessing oil from the U.S. mainland is too expensive — which is why Hawaii is almost wholly dependent on foreign fuel imports to begin with.

This 1920 law requires all goods shipped between U.S. ports to be on ships that are U.S. flagged and built, and mostly owned and crewed by Americans — and that has resulted in significantly higher build and operating costs for Jones Act vessels.

Ironically, the Jones Act was supposed to protect America's national security, but it is precisely because of the Jones Act that Hawaii is almost wholly dependent on foreign fuel sources and especially vulnerable among U.S. states to fallout from the crisis in Ukraine.

A waiver of the Jones Act would give Hawaii much-needed purchasing flexibility and help ensure its energy security. This would allow Hawaii to access less expensive oil from other U.S. states as opposed to foreign countries.

The Grassroot Institute of Hawaii and U.S. Rep. Ed Case recently wrote letters to President Biden requesting a one-year Jones Act exemption for Hawaii.

In addition, U.S. Rep. Case has proposed [HR6974](#) in the U.S. House of Representatives to exempt certain vessels transporting crude oil, petroleum products and LNG from the Jones Act for the duration of the ban on Russian imports.

We appreciate the work done by the Maui County Council to address this issue and offer only one slight amendment to the resolution.

We suggest the Maui County Council strike any instance of “United States Secretary of Homeland Security” in this resolution and replace it with “President of the United States.”

That’s because a Jones Act waiver from the Secretary of Homeland Security is limited by law to 10 days and can only be extended to a maximum of 45 days. Meanwhile, there is precedent for the president to waive the Jones Act for a longer period of time through an executive order.

Otherwise, this resolution excellently conveys the severity of the current situation to our congressional delegation, and would be a good start toward increasing Maui’s energy security.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of strategic campaigns
Grassroot Institute of Hawaii

County Clerk

From: Barbara Barry <begoniabarry@gmail.com>
Sent: Thursday, March 31, 2022 9:49 PM
To: Alice L. Lee; County Clerk; Keani N. Rawlins; Kelly King; Shane M. Sinenci; Tamara A. Paltin; Tasha A. Kama; Yukilei Sugimura; Gabe Johnson
Subject: CR 22-28

Aloha Chair Lee and esteemed Council members,

My name is Barbara Barry and I have a small farm in Ha'ikū. I'm also a commissioner on the Kula Ag park board
I apologize for the late testimony.

Thank you for the opportunity to comment on Bill 54 today.

I urge the Council to fully fund this essential new Dept of Agriculture in Maui County.

If we are to begin to accomplish the massive task of being truly food secure, there needs to be more staff and funding appropriated to truly give this Department the resources it needs up front.

With the huge amount of money in the coming budget, it seems like .03% offered to a new, extremely vital Department is chickenscratch.

When I think of all the money that was spent (wasted) on outside legal council to fight the injection well battle it seems shocking to see so little funds appropriated to producing food for our citizens and visitors.

Please be open to adding a lot more resources in both staff and funding.

A strong foundation will support our new and established small farms.

Many of our young farmers want to grow organically.

We need a dedicated Ag park or county land for organic grower only.

I feel that the focus of the Dept. should be on supporting our small to medium sized farms. The giant corporate farmers who export the bulk of their produce including the GMO seed industry seem to be doing fine without any help and were very opposed to establishing this Department in the 1 st place.

Mahalo for your consideration.

Barbara Barry

RECEIVED
2022 APR -1 AM 7:58
OFFICE OF THE
COUNTY CLERK

To: Honorable Alice Lee, Chair and Members of the Maui County Council

RECEIVED
2022 MAR 31 PM 2:04

From: Tamar Goodfellow, President, Maui Health Foundation

Re: Support for "CR 22-85, authorizing the disposition of real property to the Maui Health Foundation and for waiver of outstanding real property taxes"

OFFICE OF THE
COUNTY CLERK

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and Council Members,

My name is Tamar Goodfellow. I serve as the volunteer President of the Maui Health Foundation, a 25 year old non profit organization whose sole mission is to support the highest quality of health care at Maui Memorial Medical Center, Kula Hospital and Lanai.

My devotion to our hospital and to health care on our island stems from a personal passion to save lives here on Maui. With only one acute care hospital, Maui Memorial is the place that each of us, our family members, our friends, and our visitors will go in a life threatening medical emergency. I want it to be the best.

This is why I am asking for your support for the transfer of these lots.

- * Each year our only hospital cares for more than 40,000 patients, including those on medicare, quest/medicaid, the underinsured and uninsured. No one is turned away.
- * Maui Memorial has the second busiest emergency department in the state of Hawaii, second only to Queens.
- * Quality of care directly correlates to Care Providers. Island wide, we are short hundreds of doctors, nurses, technicians and aides. This shortage of Care Providers is a growing issue nationwide, but Maui is particularly challenged with recruiting and retaining Care Providers. Right now the hospital is short staffed in every department.
- * The single biggest barrier to recruiting and keeping Care Providers on Maui is the lack of housing at all income levels.

- * The County of Maui owns 55 lots in Maui Lani, walking distance from the hospital. The Maui Health Foundation is asking for your support to transfer in fee simple, 16 of those lots to be held in perpetuity by the Foundation for Care Provider housing.
- * Our program will be modeled after Na Hale O Maui. The land will be held in perpetuity by the Foundation. Homes will be built by a home builder, and sold to care providers at leasehold rates, meaning less the value of the land, and the restriction that future buyers must also be care providers. This makes the homes, first, available nearby the hospital, and second, attainable.
- * All healthcare providers are eligible. (They do not need to be hospital employees). If applicants are below the 140 AMI, they will be directed to NHOM. If they are above 140 AMI, they will be asked to get pre-qualified for a mortgage and be part of the Foundation lottery.
- * Selection criteria will be weighted by the following criteria: greatest community need (as determined by annual healthcare survey); Maui or Hawaii born Care Provider seeking to return home; current resident Care Provider seeking to purchase their first home.
- * Home buyers will own the home and improvements, but not the land. They will pay a monthly leasehold fee, determined to cover the management costs of the program/property. (Though not yet finalized, we have begun a dialogue with Na Hale O Maui asking them to act as the property manager for the 16 Maui Health Foundation homes funded by the lease rent to not only cover their management costs but also further their mission.)
- * There are deed restrictions. When a home owner sells, there will be a shared appreciation where the home owner will retain at least 50% of any equity in the home, (less the land value). The formula will be modeled after NHOM. Because the value of the land is deducted from any appreciation of the property, the price point for the homes can remain stable. The seller must sell to another qualified Care Provider.
- * We have been asked why the County should support housing for Physicians and Nurses who earn a substantial salary, versus community members with greater financial need. Simply put, we need housing for everyone, but the ability to attract and retain Health Care Providers is

becoming critical on Maui. Doctors may become wealthy over time, but initially have a difficult time qualifying for a mortgage because of their high education debt and lack of a guaranteed level of income, while they start and build their practice.

This property has a long and sordid history. Resolutions 22-84 and 22-85 are proposed as Phase 1, creating the opportunity to do something positive with the 33 lots that are not controversial, and address the critical need for workforce housing. Phase 2 includes 19 additional lots adjacent to Palama Street, that involve long standing issues (Wall, fill, drainage, etc.) that need to be resolved by engaging the Palama Street residents.

It should be noted however, that an existing archeological study conducted by Dr. Six shows no Iwi Kupuna sites on the property. In addition, the State Department of Health issued a letter stating that the mill mud used as fill on the lots has been tested and cleared for use, and finally, the County of Maui Department of Water has issued verification that water and meters are available for the 33 lots.

There is a critical need for housing for Care Providers that may save your life, or that of someone you love. I am happy to try and answer any questions you might have, but before I close, I would like to share a quote from Dr. Rafael Oania, a Board Certified Anesthesiologist, born and raised on Maui.

"It is a dream of mine to be able to come home to Maui to practice medicine. After years of training in New York City, I was ready to bring my talents back to Maui. However, the harsh reality of the housing crisis in Maui has steered me away from this dream. It's sad to think that a well paid physician isn't even able to afford or find an affordable home in Maui. It is a concern that not only affects the recruitment of physicians but the prosperity of the entire working class and families who are at risk of being unable to live a reasonable life on the island that they have called home for generations."

Mahalo for considering the passage of Resolution 22-85.

County Clerk

From: Lauren Loor <lauren.loor@gmail.com>
Sent: Thursday, March 31, 2022 7:35 PM
To: County Clerk
Cc: Kelly King; Keani N. Rawlins; Alice L. Lee; Tasha A. Kama; Gabe Johnson; Shane M. Sinenci; Mike J. Molina; Tamara A. Paltin; Yukilei Sugimura
Subject: Re: STRONG SUPPORT for Bill 54, ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE (CR 22-28)

Some people who received this message don't often get email from lauren.loor@gmail.com. [Learn why this is important](#)

Aloha Maui County Council,

I strongly support Bill 54, which would require reasonable qualifications for the Director and Deputy Director of the Department of Agriculture.

Maui County needs qualified professionals with experience in the Hawaii agricultural sector to lead the Department. It is important to make sure that these positions are filled by professional candidates that know our County's issues and have the experience and background to lead us to a more sustainable and food secure agricultural system. I respectfully ask that you pass Bill 54 and require these qualifications to ensure we have professional leaders in the Director and Deputy Director positions.

Mahalo,
Lauren Loor, MPH, INHC
Kahului, Maui

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2022 APR - 1 AM 7:58
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COUNTY CLERK

March 31, 2022

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2022 MAR 31 AM 10:52

Testimony of Ku`uhaku Park
On Behalf of the American Maritime Partnership
In Regards to Resolution 22-90
Before the Council of the County of Maui

OFFICE OF THE
COUNTY CLERK

The American Maritime Partnership (AMP) is the broadest and deepest coalition ever assembled to represent the 650,000 workers in the domestic maritime industry. AMP's membership includes vessel owners and operators, shipboard and shoreside workers, shipbuilders and repair yards, equipment manufacturers and vendors, dredging and marine construction contractors, maritime trade associations and national security organizations. All recognize that a strong domestic maritime industry is critical for America's economic, national, and homeland security, and is best supported by maintaining the Jones Act as the foundation of America's domestic maritime policy.

America's maritime policy is based on three time-tested requirements established in the best interests of the nation, American industry and its workforce. Any vessel transporting goods or passengers between two points in the United States or engaging in certain activities in U.S. waters must be U.S. owned, U.S. built, and U.S. crewed.

This legal system has served Hawai'i well, most recently during the pandemic and the supply chain crisis. While international shipping has suffered extreme delays and massive rate spikes, dedicated domestic shipping to Hawai'i has remained stable, reliable and cost-efficient.

In regards to Resolution 22-90, AMP offers a number of facts for the Council to consider:

1. There is no fuel shortage in Hawaii. There has been no interruption in the supply of crude oil and refined products into Hawai'i
2. If a waiver is needed, there is a well-established process specified by law to grant one. However, to date, no petroleum business or shipper has applied for a Jones Act waiver. This is despite the recent spike in fuel prices.
3. During the recent spike in fuel prices, no petroleum business or shipper has requested federal help in sourcing replacement crude oil for lost Russian imports.
4. During the recent spike in fuel prices, the cost for crude oil has gone up well over two dollars per gallon while the transportation costs to move crude oil domestically has risen by about a penny per gallon. The increased costs attributed to the Jones Act is less than one cent per gallon.
5. There is no guarantee that any cost benefit would be passed on to consumers. Waivers of the Jones Act would simply put money in the pockets of oil traders and provide no relief to consumers.
6. Waivers could negatively impact work opportunities for American mariners – including 13,000 residents of Hawai'i.
7. There is currently no shortage of domestic tankers to Hawai'i.
8. Foreign (non-Jones Act) tankers have always transported crude oil into Hawai'i.

9. It's notable that this resolution calling for a Jones Act exemption has been introduced without anyone ever checking with our local refineries to see if they needed or wanted an exemption.

Thank you for considering our testimony.

From: Alice sherer <in_wonderland@hawaii.rr.com>
Sent: Thursday, March 31, 2022 12:26 PM
To: County Clerk
Subject: Resolution 22-90

RECEIVED

2022 MAR 31 PM 2:04

OFFICE OF THE
COUNTY CLERK

[You don't often get email from in_wonderland@hawaii.rr.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

I want to express my support of proposed temporary relief from Jones Act costs. This is an outdated law which needs to be repealed to improve economic stability for the State of Hawaii.

Thank you for your attention to this.

Aloha,

Alice M Sherer

Hawaii County resident

Sent from my iPhone

From: ranchgirl808@aol.com
Sent: Thursday, March 31, 2022 8:15 AM
To: County Clerk
Subject: STRONG SUPPORT for Bill 54, ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE (CR 22-28)

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2022 MAR 31 AM 10:52

OFFICE OF THE
COUNTY CLERK

You don't often get email from ranchgirl808@aol.com. [Learn why this is important](#)

I strongly support Bill 54, which would require reasonable qualifications for the Director and Deputy Director of the Department of Agriculture.

Maui County needs qualified professionals with experience in the Hawaii agricultural sector to lead the Department. It is important to make sure that these positions are filled by professional candidates that know our County's issues and have the experience and background to lead us to a more sustainable and food secure agricultural system. I respectfully ask that you pass Bill 54 and require these qualifications to ensure we have professional leaders in the Director and Deputy Director positions.

Mahalo,
Theresa Thompson
Thompson Ranch
Kula

Mahalo nui for all of your support of the Maui County Department of Agriculture!



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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2022 APR -1 AM 7: 58

OFFICE OF THE
COUNTY CLERK

Maui County Council
Alice Lee, Chair
Keani Rawlins-Fernandez, Vice Chair
Members of the Maui County Council

Testimony regarding Resolution 22-61

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify on Resolution 22-61– "RELATING TO THE APPOINTMENT OF EVAN PURCELL DUST TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI".

Mr. Dust is a Chamber member and has his own marketing and video production company. He is also working on refurbishing computers to make them affordable for folks who can't afford new computers. He is actively involved in the community and doing great things there. While he is a relatively new Chamber member, he heard challenges that other members were facing on marketing/videos and created an offer for members to utilize their services. As you know, he works as the EA to Councilmember Kama where we have seen him shine and he greatly assisted us during the 2019 attainable housing and rentals forum.

Mr. Dust has been involved in government for most of his adult career. His experience would be very beneficial to the County of Maui and the Cost of Government Commission.

Please approve Mr. Dust for the Cost of Government Commission.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

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2022 APR -1 AM 7: 58

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COUNTY CLERK

Maui County Council
Alice Lee, Chair
Keani Rawlins-Fernandez, Vice Chair
Members of the Maui County Council

Testimony regarding Resolution 22-90

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify on Resolution 22-90 – "URGING THE UNITED STATES SECRETARY OF HOMELAND SECURITY TOTEMPORARILY WAIVE JONES ACT REQUIREMENTS FOR OIL IMPORTED TO HAWAII".

The Chamber has been an advocate of the waiver of the Jones Act permanently and completely for Hawaii and feel that this resolution is a small but necessary step in the process of this goal.

The Jones Act is a century-old federal law that requires all shipping between U.S. ports to be provided by U.S.-built and flagged vessels. With now less than 100 total Jones Act vessels in the country today (including the container ships of Hawai'i providers Matson and Pasha), with all Jones Act tankers dedicated to other purposes, and with the cost of shipping crude oil from the mainland to Hawai'i on any available Jones Act capacity being substantially higher than non-Jones Act international shipping of crude oil from overseas to Hawai'i, Hawai'i has been driven to depend virtually 100% on foreign oil for its gas and other fossil fuel-based energy needs. The ban on Russian imports, which has accounted for between one quarter and one-third of all Hawai'i oil imports in recent years, forces Hawai'i to seek other sources for its energy needs, and domestic oil is the clearest alternative but for the adequacy and cost of Jones Act shipping.

Additionally, we are constantly talking about Hawaii's high living wage and the Jones Act greatly contributes to that. As we look toward closing the gap between a minimum wage and Hawaii's living wage, we urge the state and county to look at other measures to bring the living wage down, including development of affordable/attainable housing and rentals and reducing the costs of other imports, where this measure will be a tremendous help.

Please adopt this resolution.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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2022 APR -1 AM 7: 58

OFFICE OF THE
COUNTY CLERK

Maui County Council
Alice Lee, Chair
Keani Rawlins-Fernandez, Vice Chair
Members of the Maui County Council

Testimony regarding Bill 13 CD1

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify on Bill 13, CD1 (2022) – "A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.080. MAUI COUNTY CODE, TO AMEND CONDITIONS, AMENDMENTS, AND MODIFICATIONS OF CONDITIONAL PERMITS".

The Chamber does not support adding more time and red tape to existing permitting processes. We do not understand what problem this bill is attempting to fix. We feel that the professionals at the planning department should retain the discretionary authority it currently has vs. having an already over-worked commission of volunteers review yet more items.

To remove the discretionary power of the Planning Director to approve amendments that are "not substantive and do not result in significant impacts above what would result from the approved conditional permit" would add more time delays in processing non-substantive amendments.

Please do not pass this bill.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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COUNTY CLERK

Maui County Council
Alice Lee, Chair
Keani Rawlins-Fernandez, Vice Chair
Members of the Maui County Council

Testimony regarding Bill 68

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify on Bill 68 (2022) – "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.97, MAUI COUNTY CODE, CREATING A MANAGED RETREAT REVOLVING FUND".

The Chamber understands and supports the intent of this bill. We support the need for a Managed Retreat Revolving Fund and support the funding mechanisms. However, we would like to see a comprehensive plan for the expenditures of the Maui County Transient Accommodations Tax. Our concern is that there is not such a plan at this time and the tax would be chipped at piecemeal without any firm direction on the expenditures of these funds. We would like to suggest that a plan be discussed in the upcoming budget deliberations.

Mahalo for the opportunity to comment on 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.