

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

September 11, 2020

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, SEPTEMBER 11, 2020, BEGINNING AT 9:00 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: My gavel today is my stapler. Will the Council meeting of September 11 please come to order?

Before you do the roll call, Madam Clerk, I would like to greet everyone in Filipino this morning. And in Visayan, you would say maayong buntag, maayong buntag.

Madam Clerk, roll call.

### ROLL CALL

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

EXCUSED: NONE.

CHAIR LEE: Alright, shall we begin with opening remarks with Councilmember Tamara Paltin?

### OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: You want me to keep going?

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

CHAIR LEE: Thank you for your, your remarks. They were very enlightening. Thank you very much, Member Paltin.

If I may, at this, at this time, also remember those who we lost in 9/11, 19 years ago. And if you don't mind, can we just take a moment of silence to remember them and their families and friends.

MEMBERS OF THE COUNCIL OBSERVED A MOMENT OF SILENCE.

CHAIR LEE: Thank you, Members.

Alright, I'm, would 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: Thank you.

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.

Madam Clerk.

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

CHAIR LEE: Thank you.

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

Individuals connected to the Council's online meeting intending to testify should notify staff in the meeting chat. If you do not intend to testify, you can view the meeting on Akaku, Channel 53 or on mauicounty.us. Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by

videoconference should keep both their video and microphones muted and should unmute them when it is time for, for their testimony.

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

Chair, the first person to testify is Jason Economou. And Jason will be followed by, followed by Cara Flores.

CHAIR LEE: Thank you.

### PRESENTATION OF WRITTEN TESTIMONY

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI (testifying on Committee Report No. 20-115):

Hi. Good morning, Council.

CHAIR LEE: Good morning.

MR. ECONOMOU: Thank you so much for giving me the opportunity to testify this morning. My name is Jason Economou and I am an employee of the Realtors Association of Maui and I am testifying on their behalf as government affairs director.

And I'm really happy to be testifying on Committee Report 20-115. I, I think if you all remember this, I was probably the biggest critic of this legislation back in April when you guys assigned it to Committee. And since then, the Planning Department has been just exemplary in listening to public input from the Realtors Association and other stakeholders in this, this legislation. I think this legislation in its form, that it passed out of Committee, balances property rights, vested property rights with the very real need to preserve long-term rental housing.

And I commend this Council and, and the Planning and Sustainable Land Use Committee for, for coming up with a good piece of legislation. That's really just far superior, far superior compared to its previous forms that you were presented with. So, the Realtors Association of Maui supports this legislation and we thank you for the opportunity to provide our input, and to have that input listened to. We appreciate that.

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

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Economou, for your testimony. I just wanted to clarify, when you said, in April when we presented it to the Planning Department. You mean, when the Planning Department presented it to us, right?

MR. ECONOMOU: Yea, I must've mis-spoke there. Sorry about that. What I, what I meant was at the Council meeting in April, when the Planning Department presented it to you guys, I was a big critic. And I have changed my mind, I have changed my ways. I have been convinced. And I, it's all because you guys. You worked with us and I appreciate that.

COUNCILMEMBER PALTIN: Thank you. Just wanted to clarify it's, it's the Planning Department's bill.

MR. ECONOMOU: Yes. Yes.

COUNCILMEMBER KING: Chair, you're muted. We didn't hear what you just said.

CHAIR LEE: Yea, I'm sorry. Are there any more questions? I don't see any hands up. If not, no more questions, thank you, Jason. Appreciate you coming.

MR. ECONOMOU: Alright. Have a great day. Take care. Bye.

CHAIR LEE: You too.

Madam Clerk.

COUNTY CLERK: Chair, the next person to testify is Cara Flores. And Cara will be followed by Shelly Cravalho Wagner.

MS. CARA FLORES, HALE HAWAI'I (testifying on County Communication No. 20-450):

Hi, can you hear me?

CHAIR LEE: Yes. Hi. Good morning.



MS. FLORES: Good morning. My internet has been dropping. I'm testifying on 20-450, the, what Ms. Paltin explained this morning. I'm representing Hale Hawai'i. And as soon as we found out about this app and its existence, we--

CHAIR LEE: Ms. Flores, can you speak a little louder please?

MS. FLORES: Yes. Since we found out about the Perseus app and its existence, we've been very supportive of it. I think that most people in the community would like to know in real time if they've been exposed to COVID. And also, I think most people would take their kuleana of letting other people know if they become COVID positive, they would like to anonymously notify people. So, I think there's nothing else in Hawaii that's like this.

And the Department of Health has, in Maui, has been notifying us sometimes of businesses. But I know a lot of other places, there's been complaints that people don't know. And so, while we can notify the people who we know, who we're close to when we get exposed, we cannot notify strangers who we've never met. And so, if I stood in line at the grocery store behind a stranger for 15 minutes, I would like the ability to let them know that hey, you were within, you know, so many feet of someone who is COVID positive. And I would also, myself, like to know that.

I think it's amazing that this group took this on and created this app. Nobody's paid them for it, you know. It's a nonprofit and they did it out of their care for the community, and their care for in, the indigenous people, Native Hawaiians, because we know that, you know, the Native Hawaiian community, Micronesians, a lot of these specific communities are getting hit harder than normal. And so, they did that out of love for the people in our community.

And I very support this app. I think it, I think it's a game-changer. Hale Hawai'i, our mission is to make Hawaii COVID-19 free. And honestly, I think this is one of the, like, biggest opportunities that we've had to do something about it. And I like that it combines testing and contract tracing and automates it so it would relieve a lot of the burden of people who are having to manually call and contact trace.

And, you know, days make a huge difference in this disease. If you have, you know, two-day delay because someone has to manually call and get a hold of someone, that person can infect a lot of people in those two days unintentionally because they don't have symptoms. And I do believe most people want to do the right thing. And most people, if they knew they were exposed to COVID, would just choose to stay home for a couple weeks and self-isolate because people in Hawaii do care about their community.

But we don't know if we've been exposed right now, and so we don't know that we should be self-isolating, maybe in situations where we were standing behind someone with COVID at the grocery store. And I think that knowledge is power, and this enables people to make informed decisions on a very personal level. And I think most people will do the right thing and it could really slow down and maybe even stop COVID spread in our community. It's a huge tool to help stop community spread. So, I wanted to testify in support of that. Mahalo.

CHAIR LEE: Ms. King, questions?

COUNCILMEMBER KING: Thank you. Can we get Ms. Flores back on? Are you still here, Cara? Oh, there you are. Thank you so much for your letter and for bring, for bringing this to our attention, this Perseus program. My question was, my question is if, if this, if we can get the Mayor to authorize this program, is it contained just to Maui users? And how does that, because it's a, it's an app, right? So, wouldn't it be available now, or how do they keep it just on Maui? You know?

MS. FLORES: I don't, I don't know the technical question of how they would limit it to only Maui. I know the group is actively trying to get it launched on every island. Unfortunately, the Department of Health didn't choose to utilize this tool and I don't understand why. So, they've had to go to each municipality. So, they're, they're working on it.

It's hard, I mean, I think you guys understand better than anyone. It's hard to get in with politicians and get in front of them to let them know about things. So, I think as more people learn about this, more people will support it. But yea, I don't know technically. I'm not involved with it in anyway other than knowing about it. But Kevin might be able to tell you.

But yea, I do know, you know, they, they're trying to get launched on every island. So, if they do, then they won't have that issue anymore.

COUNCILMEMBER KING: Oh, okay. I, I thought maybe, I thought maybe you had some technical information. But I really appreciate the way you folks are doing . . . , because you are all volunteers too. I mean, your, they're . . . our best interest as well, so thank you.

CHAIR LEE: Anymore questions, Members? If not, thank you.

Let's have the next testifier.

COUNTY CLERK: The next testifier is Shelly Cravalho Wagner. Shelly will be followed by Bobby Pahia.

MS. SHELLEY CRAVALHO WAGNER (testifying on Bill No. 87 (2020)):

Aloha mai kakou. Shelly Cravalho Wagner, testifying on Bill 87. 9/11/2001 is still remembered nationally, primarily for the horrific terrorism that shook the shores of the United States and the aftermath that followed. Like most of you, I can vividly still remember that day and the days following.

To have the second reading today on 9/11 is also extremely significant. As faith would have it, September 11, 1936 is the day our dad was born. So, it has other significance to us. So, on behalf of my family, I want to formally mahalo each of you for your continued consideration of our proposal and your kokua for our proposed name change of Hale Māka'i to Joseph C. Cravalho Hale Māka'i. Mahalo nui.

CHAIR LEE: Thank you so much, Shelly. Are there any questions? If not, thank you very much.

May we have the next testifier?

COUNTY CLERK: The next testifier is Bobby Pahia. Bobby will be followed by Stephanie Yan.

CHAIR LEE: Bobby, are you there?

COUNTY CLERK: He's muted, Chair.

CHAIR LEE: Bobby, can you unmute yourself?

Okay, let's move on. We can come back to him.

COUNTY CLERK: Okay, Chair. Next to testify is Stephanie Yan.

CHAIR LEE: Okay.

DR. STEPHANIE YAN (testifying on County Communication No. 20-450):

Hello. Good morning.

CHAIR LEE: Good morning.

DR. YAN: Hi. It was so funny you started with a Visayan greeting for good morning, and I'm Visaya. So--

*(Spoke in Filipino.)*

Thank you for having me here today. Thank you, Councilmember. And thank you, Tamara, for putting this resolution up front. I am really encouraged by all of your enthusiasm and the communities' enthusiasm for this app.

To give you a little bit of history of how this app came about and how I started supporting it was that, in March of this year, I was given a paper from a science mag, I think, and it was talking about the limitations of manual contact tracing in this kind of infectious disease. They did some mathematical modeling and they, it showed that the, the way this disease spread is it's too, it's, it's so kind of widespread, kind of the medusa kind of spread, not the single-spread pathway that manual contact tracers are used to doing. So, they predicted this mathematical modeling back in March, I think, predicted that manual contact tracing would get overwhelmed if it doesn't have any digital contact tracing or help from tech.

So, if you look at the best practices around the world, these places that have contained the disease through testing and contact tracing have involved some type of digital contact tracing. So, in March, I went around, I scoured, kind of like what in, where, what kind of contact tracing is being done around the world. And then I, I met, I happened upon the Safe Paths contact tracing group at Harvard/MIT. And I reached out to them and they were very receptive. They were very interested in having a pilot here in Hawaii, especially in Maui, cause it's such a small island. It would be the best pilot for them. And in that time too, we had very low cases.

And so, they were very interested in having the DOH run it though, cause they always worked through, they want to work through a governmental institution. So, I was knocking on the Maui DOH door for weeks and weeks. And I couldn't get through because I think at that time, and I don't know if it's the same now given new leadership, that there was this kind of, this is the State DOH territory, so nobody wanted to touch that. Everybody told me go to the State DOH, go to the State DOH.

So, with Harvard Safe Paths, we were going to go to the State DOH. And then all these tech partners also reached out to them, such as Sustain Hawaii, the Aloha Trace People reached out to them. And so, they put us together. And I was like this glue that held the group together and we would have meetings to come up with the best solution for Hawaii. And then, we, we unanimously voted on Kevin's Sustain Hawaii

tech group to be the tech lead for the, for the coalition. And then we started, you know, knocking on the door to the State DOH for I think a whole month. We didn't really get any traction.

And then finally, one of the players there was able, because of his connections, political and whatnot, was able to get in front of Sarah Park. And for a couple of weeks, she was like, no, no, we're doing, what we're doing is fine and we don't want any digital contact tracing. And then we just kept on, you know, knocking on her door again and they presented again. And then so she said, okay, I like the diary portion, but I don't like the notification.

And then hence, there was this, you know, kind of conundrum in me because I know from the mathematical modeling, from the science that I know, if you take away the, the notification, immediate notification to people, if you just delay that notification more than 24 hours from the time somebody tests positive, you don't have the success you would otherwise to isolate and contact trace. And you lose your epidemiological advantage.

So, that was kind of like the conflict inside me. I'm like, well, if we go with what they want and give them what they want, we can have them as partners. But then the app is just like a show. It doesn't, it didn't really, you know, I don't have any political connection, I don't have any, you know, I don't have anything to gain from this app, but I just wanted to help.

So, there was a point of split in the group where we said, okay, we'll do a two-pronged approach. We'll keep working with the DOH, a couple of guys will keep working with the DOH. And since Sustain Hawaii has had this already developed platform from the health base, they can develop this app that we need faster than what will the DOH allow us. And this app has the immediate notification, which is the key portion of a contact tracing app. So, we went with Sustain Hawaii and it, it, our predictions were true. We got the app done about two months ago, ready to launch. And so, now because--

CHAIR LEE: Excuse me. Excuse me, Stephanie Yan.

DR. YAN: Yea.

CHAIR LEE: Dr. Yang *[sic]*. Could you please summarize your testimony in a minute?

DR. YAN: Oh, sorry. So, yes, so I'm just, because of this background, somebody was asking about, like, if other people could use it because of the fact that we don't have the State DOH buy-in. We have to go out to each of the community in order for Google and

Apple to approve it for public use. And I feel that this app is the best comprehensive solution because it offers travel solutions to verify people's positive test that are FDA-EUA approved.

It offers quarantine solutions. I don't want people to think that people are going to be required to be tracked when they're in quarantine. It's not a tracking program. It's a, a notification program where, or it's a, it, it spurs people onto scan the QR code where they are so that the tracking is more accurate. So, it doesn't track visitors that come. It doesn't have that privacy invasion there.

And then it has the contact tracing portion which it notifies people within 24 hours of getting a positive test, and allows people to notify their friends, take their kuleana and kind of not do it through a social media thing like Facebook, which is not very anonymous and which people are doing now.

And then for the people at home, the kupunas, and those high-risk people that don't have the computer, this app is very well made in order to allow those people to participate because it's GPS-based. It can show location, so where the hotspots, like kind of like a COVID weather map.

CHAIR LEE: Okay, thank you. Thank you very much.

DR. YAN: Okay. Thank you.

CHAIR LEE: We have, we do have some questions.

Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you for being here. Is it Dr. Young, or Dr. Yang?

DR. YAN: Dr. Yan.

COUNCILMEMBER KING: Yan. Okay. Thank you for being here. And, Chair, maybe we could ask the Dr. to be a resource, since you seem to know about, a lot about this app. I guess what my question was, is I was trying to figure out how you limit a program? So, I'm getting from you, are, are you saying that every county has to approve it in order for it to become useful in our State? Or is it possible just if we get our Mayor to sign onto this declaration that we could have it available to Mauians?

DR. YAN: So, if our Mayor approves it, it could be available to the three islands that the Mayor has, you know--

COUNCILMEMBER KING: Okay. Yea, no, I can ask that later on when we get to the issue. But that was what I was wondering is how you limit an app that's on everybody's phone to just one county. But we can talk about that later. Thank you, Chair. Thank you so much for being here.

DR. YAN: Thank you.

CHAIR LEE: Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Dr. Yan, for being here today. I just had a question. Is there a cost to using the, the Google app?

DR. YAN: No, it's free for the public to use. And that was the, the nonprofit funding to it. That was the, kind of the key to it. If you want participation, you got to make it widely available to people. So, it's been developed with that, with Kevin Vaccarello, the lead tech's money, as well as funding, as well as Sustain Hawaii and some crowdfunding sources there.

COUNCILMEMBER SINENCI: Okay, great. Thank you, Chair.

DR. YAN: You're welcome.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much for your persistence. I'm just curious, how much did the app cost, or this project cost?

DR. YAN: Kevin is going to testify next and I'm hoping that he can highlight that and answer that question for you accurately.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Anymore questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. Just following up on Member King's question. If Dr. Yan is available, I would love to have her as a resource when this item comes up.

DR. YAN: I would be very much, be very happy to be available for you guys anytime you want to. If you want a live demo too for the whole group, to see how user friendly it is,

we can also make that arrangement. And also, if we could get our, our business partners, the Chamber of Commerce, to, to see this app live, I think they would be, be very supportive of it.

CHAIR LEE: Ms. Paltin, what was your plan on this item today?

COUNCILMEMBER PALTIN: I would like to try and pass it on the floor and refer the subject matter to my Committee for a demonstration at the next Committee meeting. I think, you know, this is such a critical thing. All these businesses shut down and we need to do something.

And, you know, a resolution, I, I know the Mayor has received a demonstration. Mr. Vaccarello can go into more detail on that. I think his IT was looking into it. But that was in August, I believe, or I'm not sure. So, I'm, I'm hoping they had enough time to look into it. And, you know, if we pass the resolution on the floor today, he can either follow it up with a signature, or letter, or not. And, you know, my feelings about resolutions, they're just pieces of paper, so I don't see a problem with passing it today.

DR. YAN: And I think it's timely--

CHAIR LEE: You know, you know, it's, it appears, okay, we're having feedback. Okay. It appears that--

COUNCILMEMBER PALTIN: Is that Koa?

CHAIR LEE: Oh, it's the dog. Not mine; mine is taking a nap.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: I told her, do not make noise for the next two hours. And she said okay. So, anyway, Ms. Paltin, I have a lot of questions, although, I see a lot of merit, you know, in this app. But, you know, I really wouldn't mind having more comments like let's say from Corp. Counsel or DOH. You know, are we going to bump heads with them, or you know? I, I don't want to, us to support something that we, hasn't fully been vetted.

And, like for instance, when somebody mentioned being in a line at the supermarket and you have this app. And you notice the person in front of you, you know, according to this app has, is testing positive or showing signs of positivity, and you say something and, and then it turns out to be wrong. What's, you know, what's our liability, you know. What, what happens in cases where there's a mistake and you're sort of accusing somebody of having something they don't have.



So, you know, there are legal questions, to me. But why don't we just discuss it when the time comes as far as, cause you know, I certainly feel like I can support something like this, but I don't know about the resolution today for myself, for myself.

Okay, are there any more questions for Dr. Yan? If not--

DR. YAN: I just want to--

CHAIR LEE: Go ahead.

DR. YAN: I just want to clarify that the app does verify the, the test result itself; the FD, that is FDA-EUA approved and from a legit clinic. So, no one will ever be marked positive where they are not verified, because the app is connected to 95 percent of EHR's across the United States.

CHAIR LEE: So, while you're standing in line, you can get an answer from the people in the United States on the mainland?

DR. YAN: Yes. Yes, so while you're standing in line and your, your, you shouldn't be standing in line if you're COVID positive, but you can tell the app that you're positive and then it will look through the, the medical records if you allow it to, if you consent it to. And then it will verify that you're actually really are positive by a FDA-EUA CLIA-approved lab.

CHAIR LEE: Okay. Again, I still have questions about privacy issues and, and liability. But anyway, I really believe this is a wonderful thing and I just have some questions.

Any more questions for Dr. Yan? If not, thank you and we look forward to the next. And, and can you stay to be a resource person when we do, bring this matter up?

DR. YAN: Yes, definitely.

CHAIR LEE: You have time? Okay.

DR. YAN: Thank you.

CHAIR LEE: Thank you. Thank you.

Okay, Madam Clerk, next testifier.

COUNTY CLERK: Chair, next to testify is Kai Duponte. Kai Duponte will be followed by Mr. Bobby Pahia.

MS. KAI DUPONTE, HALE HAWAI'I (testifying on County Communication No. 20-450):

Aloha. I'm not sure my, oh good, I guess my camera is working; you can see my ugly mug. Aloha, Councilmembers.

CHAIR LEE: Aloha.

MS. DUPONTE: Thank you so much. Can you hear me? Aloha. Thank you so much for hearing this. I am with HALE Hawai'i as well, and we're a grassroots organization volunteer that just was created around this COVID situation, because of our worry and concern. The goal here is, I think all of us can agree, that the goal is to open up Hawaii safely. We want to open up. We want our jobs back. And, but we want to be safe. We do not want to jeopardize the lives of our residents and visitors.

I'm here to support this Sustain Hawaii Perseus app for both contact tracing and helping with incoming travelers as well. The Hawaii contact tracing system has been a terrible disappointment and I really have to say, as somebody who has a lot of trust in government, I'm, I'm, I really feel betrayed about how they were saying that it was good and, and it wasn't. I think that this is a time for us to use tools as well as our live contact tracers that are now being hired. Contact tracing is important in infection control.

Josh Green, I just read yesterday, he's talking about opening up October 1. That's good and yet bad, because we're no, we're not anymore prepared than we were before when they were saying that we were delaying opening up. Nations' not doing well, in fact, it's predicted the nations' going to get worse.

And, you know, by the time a person receives a positive result, it's taking up to three days, and I hear more sometimes. And then it takes time, they're saying for the contact tracer to contact the person it may be 48 hours from that point before the initial contact is made. Too much time has passed for the person to remember where he has been; not for me, I'm home. But, you know, for others who are out and about. And so, this app would assist them in remembering where you, where they've been. It helps the person to assist to track their symptoms. I know that it would help me. And use of the app would be voluntary. It's voluntary. It's not big brother.

And I really have to end this to say that we don't have time to deal with political, the political mechanisms and resistance right now. Private citizens are doing what we can because we're afraid that our kupuna, and I'm kupuna now too, and, you know, is that, that we're going to be losing people. And we already are losing people. And, and so,

I'm really hoping that you folks will help with this and I appreciate your, and I appreciate Congresswoman Paltin for bringing this to everyone's attention and appreciate all of you. Thank you.

CHAIR LEE: Thank you very much. Are there any questions for Ms. Duponte?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I, I just wanted to clarify that I'm, I'm not a Congresswoman.

MS. DUPONTE: I'm sorry, Councilwoman. I'm so sorry. It starts with a "C". I'm so--

CHAIR LEE: . . . one day, you never know. You never know.

MS. DUPONTE: Thank you. I'm so sorry, Councilwoman.

COUNCILMEMBER PALTIN: --just for the record.

MS. DUPONTE: Yes. Thank you. You can tell I'm not used to this. I am physically--

CHAIR LEE: Yea, well, she has to start someplace, yea. Okay. Thank you very much.

MS. DUPONTE: Thank you.

CHAIR LEE: May we have the next testifier?

COUNTY CLERK: The next testifier is Mr. Bobby Pahia. And Mr. Pahia will be followed by Annie Alvarado.

MR. BOBBY PAHIA (testifying on County Communication No. 20-451):

Good morning, Council Chair.

CHAIR LEE: Good morning.

MR. PAHIA: And, good morning, and esteemed Councilmembers. Thank you for the time. And e kala mai I didn't chime in earlier. I want to just make, I, I come before you today to want to make you aware of some initiatives that I am currently moving forward. And these initiatives will address food security, food sustainability, workforce development, and of course the environmental impact and conservation of our natural resources; big package.

We, we plan and we are moving forward in creating alliances, strategic partners with: 1) the Waikapu Community Association; 2) of course, with Maui County government officials. Also, with the . . . Partners, Michael Atherton and Partners. And also, with the Hawaiian Island Land Trust. Because I think we all know that there's a deal on the table that Mr. Atherton wants to put in, in this lands into a conservation easement.

I currently lease 320 acres from him. And I feel that we have a plan in place that can address the fore mentioned items that I talked about. I believe that this is something that we need to address. I, I'm willing to negotiate and have discussions with potential other collaborators. We are seeking funds, we will be seeking Federal funds through the USDA, especially in the rural development section, and the Native American Agricultural Funds. Also, we also will be seeking funding from private entities, you know, Ulupono Foundation, Castle Foundation, and the various other private organizations.

But I do come before you today to ask and, ask for your support, and ask that you advocate for this project. And I'm, we're, what I'm really seeking as we move forward, the first items that we want to address in this project is putting in water infrastructure, potable water infrastructure, sewage infrastructure, and the broadband capabilities to have installed on this farm.

I currently have 15 farmers that, that I, I have the latitude to sublease to. And under these, these items of food security, you know, we need to support the farmers because they're the ones that produce, and we need a system to distribute. We plan to move forward on this, this project, utilizing, we're, we're currently forming a, a nonprofit social enterprise model, because our intentions is really to supply food to our community. We're, we're creating a community farm plan that will be entailed in the whole project, working on workforce development. Because as we move forward, this will create a lot of job opportunities.

And the, the, we will be working and moving towards some capital improvements on this land, specifically for a, a slaughter facility, because I have one farmer down here that is a hog farmer and he has, he has to pivot away from, you know, servicing the hospitality industry and therefore, will be servicing our community needs. So, you know, the only slaughter facility we have on the islands is Nakasone's. They've been in business for the last three, three generations, and they appear to be on the reality, on the cusp of phasing out. So, a slaughter facility for hogs and chickens, we are working on currently.

I come before you to advocate for your support, especially for the water and sewer infrastructure. And I'm going to advocate for, we'd like to advocate to tap into the, the

CARES Act funds to do some feasibility studies on water, sewer, and broadband capabilities. I believe that we, another thing is that, yes, I do lease the land from . . . Partners, Michael Atherton and Partners. But I think that this project will be a tremendous compliment to his Wailuku Town that he is currently pursuing to, to start.

I think there's a lot of details in everything that I said. But I think to summarize everything, I think that's pretty much it. And we're excited about moving forward, because I think that we can create a model down here. And you know, we're going to go after models like Ma'o Farms in, on Oahu and the Kula, oh shucks, I lost, lost my track. But there's some models that are very successful that, that integrate the community of, within their model and being sustainable.

CHAIR LEE: Okay. Thank you very much.

MR. PAHIA: I think, thank you.

CHAIR LEE: Are you, Bobby, are you talking about County Communication 20-4 . . . , which has to do with the--

MR. PAHIA: Oh, I'm sorry. It was 20-451. And thank you, Councilmember Sugimura, for introducing me to the Council.

CHAIR LEE: Okay. Alright. Thank you. Are there any questions for Bobby?

Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Pahia, mahalo for your comments this morning. My one question, if you can respond, you mentioned a couple of hundreds of acres currently. Is that the site you plan for this project?

MR. PAHIA: I have a lease for 320 acres, and that is the site that we will be trying to move on.

COUNCILMEMBER HOKAMA: Okay. Okay. And you feel you're comfortable with the length of your current agreement that moving forward wouldn't be a problem with the length of your agreement, Mr. Pahia?

MR. PAHIA: Yes. I'm comfortable with my, the length of my lease agreement now. However, everything is about timing and the opportunity. So, as we transition to having the Hawaiian Island Land Trust manage these resources, this is when I plan to go in for a, a longer lease. Because being that the land will be in agriculture in perpetuity and I've

created a great relationship with the owners here, they trust me. And I believe that I will be positioning myself for a, for a 100-year lease. I currently have a 30-year lease.

COUNCILMEMBER HOKAMA: Well, good luck. I wish you success, Mr. Pahia. I, I encourage you and thank you for your persistence regarding this agricultural initiative. Thank you very much.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Bobby. Good to see you. It's exciting to hear all the details. Is your project, is, are we also talking about the Regenitech facility possible being in the, in this, in your space?

MR. PAHIA: That has, I, they have been in discussion with me about that. But I do have to take that to the, to the next level which will be Michael Atherton and Partners.

COUNCILMEMBER KING: Okay. And you haven't ascertained whether that's allowable on ag conservation yet? I was actually surprised, I thought we were already in ag conservation on that land, but I guess it's still in the works?

MR. PAHIA: Yea, they're trying to close the deal by the end of the year.

COUNCILMEMBER KING: Oh, okay. So, they're still working on it.

MR. PAHIA: Yea.

COUNCILMEMBER KING: I'm happy to talk to you offline about it too, since I'm down there a lot . . . find the time to . . . wear our masks, and social distance, and have a conversation.

MR. PAHIA: I would love to. I'd love to, Kelly.

COUNCILMEMBER KING: Okay, great. Thanks for being here.

MR. PAHIA: Thank you.

CHAIR LEE: Are there any other questions? If not, thank you, Bobby. Good to see you. Aloha.

MR. PAHIA: Nice to see you too. Thank you. Aloha.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Thank you, Chair. Our next testifier is Annie Alvarado. And Ms. Alvarado will be followed by Kevin Vaccarello.

MS. ANNIE ALVARADO (testifying on County Communication No. 20-451):

Good morning, everyone; Council Chair and Councilmembers. It's such a pleasure to be here.

CHAIR LEE: Good morning.

MS. ALVARADO: I am also testifying on, on behalf of the Hawaii Taro Farm. I am a volunteer that is helping them with all the technical development processes, and fundraising, and what have you, whatever comes up. I did write the RFI for them and it is a very comprehensive approach to bringing on farm technology, creating jobs. And most importantly, as Bobby stated, is we're going to be coordinating with all the social service agencies that feed our community.

The Farm would really like to grow crops that the community can directly either retrieve from the farm themselves through, you know, public events and community involved events where they could possibly come onto the farm and pick their own vegetables or fruit, whatever it is that they'd like. Or we can provide them directly to the social service agency. The long and the short of it is that we feel that we really need to rethink how we're servicing our own community. Farm is both regenerative and has, does have conventional farming on it. That's just kind of what it is.

And we're excited to be here. We thank you for the opportunity to explain this to you. The number one thing that we're excited about is all the folks that, that all the different sectors, professional sectors to start with, that are just eagerly responding to our RFI as we prepare to, to apply for Federal funding. We have, we're working on an EDA grant, as Bobby mentioned the Native American Agriculture Fund, USDA. We're also looking at, for private lending as well for our own purposes, because we understand that's important.

This speaks to the sustainability of our food system. It's a synchronized farming approach where the farmers take it all the way to value added. We also want to be a place where we can train local residents in farming on how to take care of their community farms, providing them with plants to grow their community farms in their backyard or wherever else they have them.

And we want to be a place where farmers can come to get trained on using this new technology or have access to the food scientists and other agricultural special, specialists that we intend to, to contract with to enhance our farming capability. So, I thank you so much. If you have any questions, I'm happy to answer them, or Bobby. Really appreciate being here.

And again, the one thing that we are interested in is it possible to get funding for, through the Maui CARES Act to start with all the studies to, to launch this, this really great farming, I think, opportunity and social opportunity to have a way to feed our own people and Hawaii as a whole? Thank you.

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

COUNCILMEMBER KAMA: Chair. Chair.

CHAIR LEE: Oh, do you have a question, Ms. Kama?

COUNCILMEMBER KAMA: Yes, I do, Chair. Thank you. Good morning, Ms. Alvarado. I just have just one question for you.

MS. ALVARADO: Yes, Ma'am.

COUNCILMEMBER KAMA: When do you anticipate, or are you prepared to do some kind of a presentation regarding your proposal?

MS. ALVARADO: Yes. Both Bobby and I are very much prepared for this.

COUNCILMEMBER KAMA: Okay. Okay. Thank you.

MS. ALVARADO: Thank you.

CHAIR LEE: Okay. Thank you very much for your testimony.

Madam Clerk, may we have the next testifier?

COUNTY CLERK: Next to testify is Mr. Kevin Vaccarello. And Mr. Vaccarello will be followed by Ms. Lucienne de Naie.



MR. KEVIN VACCARELLO, SUSTAIN HAWAII (testifying on County Communication No. 20-450):

Aloha and good morning, Chair and, and Councilmembers. I really appreciate the opportunity to be speaking today. And deep mahalos to Councilmember Paltin for the support and, and pushing some of this forward as best as can just so folks can be a little bit more aware.

As mentioned, we're a 2003 founded Native Hawaiian nonprofit. We've been blessed, I've been blessed to be working with some amazing folks on our board. And then, also, blessed to have a really pretty significantly robust tech team, group, folks that are from MIT, Harvard, Yale, CalTech, Stanford. And, and who even hired guns for, for groups like Amazon, Walmart, Berkshire Hathaway and the likes, so that a lot of folks that hear that we're Sustain Hawaii from Waimanalo sometimes think, oh, maybe not as sophisticated as needed for something so significant for the State. So, apologize for having to do that in advance, but I just want to establish there's a, there's some credibility there as far as technical capacity.

We also have a very robust team of healthcare workers and professional doctors, epidemiologists, various data scientists, infectious disease specialists that have helped inform a lot of the, the stuff that we built. And, oh sorry, I'm of course testifying or providing information relative to the 20-450.

So, as a result of our efforts for the last five months, we've done tons of work. I've been, unfortunately, working 16 hours a day, every day, seven days a week for the last five months. My wife is happy and not happy with the amount of things that we've done. She's, she's pleased with what we're doing, of course, for everybody.

Our, our intent first and foremost is to provide solutions to the community at large, and specifically for those that are most vulnerable. And unfortunately, the most vulnerable community members are Native Hawaiian, Pacific Islanders, and Filipino. And if you start looking at the data, there's a 5 to 15-fold differential in impacts on health and, and lives actually being lost. So, when you compound that additionally with that same community, except community members being the most vulnerable with tourism being closed, not having access to work and not being able to pay for food, or shelter, or other basic needs is a completely additional set of conditions that we're hyper-concerned about. And that's maybe even worse or more disconcerting than, than the Coronavirus itself. So, we're just trying to help create protocol.

And we're, everyone talks about contact tracing. And I just want to clarify that that's one of the tools inside a raft of tools, a suite of tools that we provide. It's actually a, we

consider it a protocol, a safe opening protocol with many different things; from testing to, to tracing, to treating, to quarantine management, exposure notification. There's a lot of stuff that goes into it. So, it's much more than this one thing.

And along those lines, I want to be clear that privacy has been a very, very significant driver married with efficacy. So, for those who are concerned about data being shared, all of it's on the user's phone until they test COVID positive. It's never shared otherwise. If it is to be shared, at some point, it's voluntary. And it's only the data that an individual who tests COVID positive is willing to share anonymously. It's never anything related to their private information in any capacity.

The other thing that I'd like to very clearly point out is that we know there's tons of room for improvement. There's tons of innovators, there's great thinkers that are out there. By no means do we think we're a silver bullet in any capacity. We, we want to work with others. We want to collaborate with others. Technology, there's, we, we built it as a platform so our platform can integrate with many other solutions. It doesn't have to be ours or someone else. It's not a, it's not a "it", "this", or "that"; it's a "both/and", to us. Cause the "both/and" rather than "either/or" actually helps us as a community work together to address this very, very significant issue that's unprecedented for our community members. So, technology and integrating with other partners is a very, very easy thing to do.

What's difficult, unfortunately, is politics and money. So, we're looking for political will and support. And we're looking for, you know, some of the business leaders and for folks to rise above those types of issues to truly get to what's important. And our protocol is, is one of three things in this order: 1) is lives; 2) is livelihoods; and 3) is liabilities. Number one is lives, is health and wellness. There's not, no amount of money that could ever pay for one's health nor their life. Number two, livelihoods; unless we get back to work, people are going to be struggling too much and we're opening up a whole nother set of conditions. Liabilities are those that exist on governmental agencies, business owners, educational institutions. Those folks can all address their liabilities by addressing their lives and their livelihoods. So, that's what our framework is built for.

We're specifically geared towards engaging the community members from, from a grassroots perspective. We've been working with the community at large, understanding the needs, testing on the ground, getting feedback, changing what's, what the, based on the feedback, iterating as fast as we can and keep pushing new functions and features so that we can then share that.

So, the way that this works, our barriers currently, and then couple of questions that have been asked, in order for this to work there's Google and Apple have jurisdictions

that are established. So, if we are approved or endorsed by one of four types of entity. One is governmental entity and whether you're just a leader who's, has signing authority on government letterhead, that actually will suffice to endorse us to be available as an option for folks to use as a tool. So, it could be, it could be you as a Councilmember for your own districts, and or as the Council at large, you can just submit endorsements. It doesn't necessarily have to be Mayor. Mayor would be awesome. You could also, it could be State, it could be Congress, so I'm actually reaching out to some of those folks.

It could also be insurers, it could be HMSA, it could be Kaiser Permanente, it could be HMAA. It could be educational institutions. Those educational institutions could be private school, public school, higher-ed. They, they satisfy. We can also have hospitals, healthcare practitioners, clinics, and community health centers. So, we're working with the federally qualified health centers and many groups, Institute of Human Services and others. So, I'll leave it at that and, and, and happy to answer any questions. But I really appreciate the opportunity. Mahalo.

CHAIR LEE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Kevin. Oh, it's been, oh I don't know how many years since.

MR. VACCARELLO: Aloha.

COUNCILMEMBER KING: Wow, it's been a long time since I heard your name or worked with you. So, anyway, welcome back into my sphere. And thank you for sticking with Sustain Hawaii for so long. It looks like you're with an organization called Zyntropia now? That's what's on your little square on the screen. Is that the name of your?

MR. VACCARELLO: Oh, Zyntropia. That's a, that's a project that's very, very, very far preferred future project.

COUNCILMEMBER KING: Okay, well I don't want to get into that, but that's how you're signed in just to let you know.

MR. VACCARELLO: Yea, yea, oh, sorry.

COUNCILMEMBER KING: That's okay. But thank you for working on this, because I do think it's groundbreaking. And so, the, the, what you're telling us is very enlightening as far as maybe our resolution doesn't even need to be for the Mayor, urging the Mayor.

Maybe we, that the Council could endorse this if we wanted to, and that would suffice for the County, is that what you're saying?

MR. VACCARELLO: Yea.

COUNCILMEMBER KING: Okay. So, or, and then you mentioned an individual Councilmember. So, if an individual Councilmember wanted to endorse it, I don't know if you have an endorsement form, that would open it up for that district, or how would that work as far as the County?

MR. VACCARELLO: That's correct. So, the, the fundamental thing is right now we were approved by Apple and Google and we're in what's called a private beta space. So, we're testing it on the ground, the app is available, people are using it, but it's in private. I, we need one of those four types of entities to actually provide an endorsement for it to be publicly accessible so folks in the community can access it. As soon as that happens, we're public, it's on Apple and Google app, app store and Google Play. And from that point forward anyone can download it no matter where you are actually in the world.

However, Google and Apple have access to seeing the, the IP records of where people are downloading from. So, if we haven't gotten permission from certain jurisdictions, then they'll be able to know that, okay, you know, you have too many coming from California, what's going on with that? Or, or even on Oahu or whatever it may be. And unless we can explain that, oh, those are visitors going back and forth to Maui or it's other visitors from California coming to Maui, that's, then that's legitimate. If it's outside of that, then we would need to provide a letter that just says, oh yes, Oahu is interested and supporting it publicly, and Kauai, and Big Island, and California, and anywhere else for that matter. So, once we're public on Apple and Google, then it's just a, it's even simpler for us to get additional jurisdictions to support and to use.

COUNCILMEMBER KING: Okay. That, that kind of answered my question, because I was wondering how you would keep it to one jurisdiction once it goes on the app, right, then it's kind of worldwide.

So, Chair, if, is it, it sounds like we would maybe need to have Mr. Vaccarello on as a resource as well when we get to this item. Is that possible?

CHAIR LEE: Yes. So, are there any objections to asking, per the Council Rules? Mr., could you repeat your last name? I don't think the name on the screen is your name.

COUNCILMEMBER KING: Oh, it's Kevin Vaccarello.

CHAIR LEE: Vaccarello. Okay.

COUNCILMEMBER KING: Thanks. Thank you for--

CHAIR LEE: Any objections to having Mr. Vaccarello a resource person when this item comes up?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Okay. Then, we have another question.

MR. VACCARELLO: Mahalo.

CHAIR LEE: Another question from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I, I asked Cara this question earlier and she said you would be the expert on the costs. What is the cost for this? How much would it cost us?

MR. VACCARELLO: Yea, I, I unfortunately, I'm the unfortunate painful expert on the cost. The, so far, so we had built for three years a separate tool called "Healthy" before COVID. So, we used a bunch of the resources that we already had from some of the, the data functionality inside of that. So, that that's been a, that was a multi-year investment in and of itself. So, from the time that we took those investments plus what we've done to date, it's been about \$500,000.

And my wife, very fortunately is extremely supportive of my bizarre tendencies at times to just dive in and do what we know we are able to do. So, I have to give major thanks to her for being so supportive. But she's also concerned. And we ended up selling a part of our, our plant-based restaurant in Waimanalo to, to support it. So, we're just into, we want to make sure that this works for folks. We want to make sure that everybody's protected best can be. And we want to, we want to live and breathe by example and show that our level of support and commitment is there.

COUNCILMEMBER SUGIMURA: So, just a follow up to that is, so that's how much it cost you, and how much would it cost the County or the State to participate in this? The State is your goal, right? Or how much would it cost us?

MR. VACCARELLO: The intent, actually, has always been for us to provide it for free of course. But if, because there's so much CARES Act monies, we were hoping that the,

those have, those expire by the end of this year as far as our understanding is concerned. So, we would love to have everybody in all of Maui and the rest of the State covered. And we could continue supporting with maintenance and improvements for, I don't know, a million dollars or something for everybody. I don't know. I, it's, it's, that's not the value proposition, but that would allow us to continue ongoing for the next six months to a year to keep covering our cost.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Anymore questions? If not, thank you. And we will see you later when we bring up the item for discussion.

MR. VACCARELLO: Mahalo.

CHAIR LEE: Mr., Madam Clerk.

COUNTY CLERK: Thank you, Chair. Next to testify is Ms. Lucienne de Naie. Ms. de Naie will be followed by Ms. Patricia Hunt.

MS. LUCIENNE DENAIE (testifying on County Communication Nos. 20-447, 20-448, 20-450, 20-451, 20-455, 20-458, 20-462, and 20-463; and Committee Reports 20-107, 20-108, 20-110, 20-111, 20-113, and 20-115):

Mahalo. Can everyone hear?

CHAIR LEE: Yes. Good morning.

MS. DE NAIE: Good. I'll, I'll try my video too. We'll see if we're a lucky day today. I'm testifying as a member of the community on a number of items. So, if I could just read those numbers for the Clerk. Should I do that upfront, or as--

CHAIR LEE: Either, either way.

MS. DE NAIE: --as I testify?

CHAIR LEE: Either way.

MS. DE NAIE: Alright. Well, let me start with some of the, the very brief ones. First, on the No. 450, the Perseus tracking app. Appreciate the opening remarks by Member Paltin. And appreciate this thoughtful discussion. This is just very exciting. We, we, we need to do something that I think deals with us as a community and not just wait for the State

to have programs. And, you know, hopefully they will come. But I applaud the fact that the Council is interested in new ideas. And if some action can be taken by the end of this meeting, it sounds like you have some expertise here to ask questions of. I would be very supportive of that.

Moving onto, a number of Members have put out different proposals to refer to community, to Committee. And there's some great ones that are trying to support our, our community. And among those would be 20-447, supporting our reporters; definitely support that.

20-463, for discussing the better connectivity for our rural communities. Living in a rural community with in and out broadband, definitely, we need some solutions, and hopefully very safe solutions.

20-451, supporting the efforts of the Hawaii Taro Farm. I, I have toured this as a, a advisory board member of the Hawaiian Island Land Trust. It's just a terrific thing that they're doing there to establish small farmers on Maui. And we really do need to support. Thank you to the Councilmembers; Councilmember Sugimura and others who are, are bringing this to our attention.

Also, would like to support some good ideas that are being proposed, like County Communication 20-448, relaxing the Sunshine Law to allow us to continue meeting online like this. This is a great idea, especially those of us who have to drive, you know, 45 miles to go to a Council meeting roundtrip. It's, this is, this is great, and it allows us all, I think, to get more done. So, let's make this legal.

Resolution *[sic]* 20-455, the tax relief for low-income rental projects. This, in general, is a good idea, but I think it should be tied in, I'm sure the discussion will include all this, to the, the new housing plan that's been approved. Because that's going to, I think, give us an idea of where more . . . really truly affordable rental housing is needed, and how much of it is needed. We don't just want to write a blank check and say everybody that does a, a rental project and says it's going to serve this need, you don't have to pay any property taxes for the entire life of the project. That may or may not be a good idea. But I think it's certainly a good conversation that we start.

And then 20-458, which is funding for the County's portion of USGS stream monitoring. Of course, this is so needed. We really need to know what's going on with our streams because we depend upon them for water. However, I have to say, we have a monitoring device on our stream, and in . . . cause it's part of that East Maui decision. But it's at a location where it doesn't really tell us very much. So, I'm hoping the public could have some input on where these monitoring devices go. And not to get in the weeds here, but I think people who live in the community, it would be very helpful for

us to, to have more input on how they're, how they're placed and then make sure we have access to the monitoring information.

Some of the great resos that are on the agenda today; resolution *[sic]* 107, I would be totally in support of the Hale Kaiola Project. I've tracked it from the beginning. The, the developers have been very forward in reaching out to the community, and very transparent.

Also, 108, the Liloa Hale Senior Housing Project, please move this forward.

Resolution 1-0 *[sic]*, 110, the Kanaha Greywater Project is a terrific idea to capture the greywater and reuse it for the landscape. We have lots of native plants in the Kanaha area. During dry weather they probably would appreciate that water. Why waste it sending it into our sewers?

And 111, the HSAC Legislative Package, has some great ideas: advancing the idea of single, single-payer healthcare; giving counties the authority to establish rental car limits; using the liquor fines to, to help treat alcohol addiction; a number of the other things in there. Thank you all for supporting those. Those are all good ideas we should move forward.

Resolution *[sic]* 113, the Haleakala Upcountry Market. We know the Pinsky's. They come and they have a coconut trimming business and come and trim our coconut trees for us. And they, they're a great farm family. And this is kind of the thing we need during these times, is a chance for, you know, local farms to have markets, and local communities to have access to fresh food without driving all over the place.

And then on the resolution *[sic]* 115, on the transient rentals on apartment zone and light industrial and industrial zone, I, I'm glad that the bill has gone through its iterations. Of course, you know, some people do not feel it's perfect at this time. But I think it's a good start at, at saying that this is the direction we want to head given the times that we have and the uncertainty of what we know about those times. So, I applaud all who have worked towards those and urge it to be passed.

And then last is the item that I actually have something significant to say on. And that is the County Communication 20-462. And that is the referring to the Planning Committee, Planning and Sustainable Land Use Committee of the Mā'alaea Mauka lands purchase. I have been tracking this for the last few years, the, the whole issue of what happens to these lands.

And I'm happy to report that HILT has been trying to get together their proposal for the funds, because the funds aren't just released. HILT has to actually write a grant



proposal and then submit that. And, and part of that is they have to provide information on who would hold the title, who would do the management and so forth and so on, because of course those are important questions to be answered on any purchase the County might be funding. And so, those are coming in, into line.

It is, there's a great interest by the State Department of Forestry and Wildlife in taking the title on the land should it be purchased and including it in its management of the surrounding 4,000 acres as part of the Pohakea Watershed Management Plan. And that of course is the ideal solution that this becomes part of a larger management. And then Maui Nui Marine Resource Council will know next month if their Federal grant for management, specific funding for, for specific management activities on these lands and the surrounding State lands is funded. So, this is all good timing.

There's a meeting happening next Friday between HILT and the State to sort of work out, you know, who would agree to what. So, it is moving forward, and all this can be reported back in Committee. But just letting you know there is forward motion here. So, thank you all for your time and that is the end of my testimony.

CHAIR LEE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Lucienne. Wow, that was a, a, a laundry list. But thank you for all your support. So, I just wanted to mention on CC 20-462, on the Mā'alaea Mauka Project, cause I'm really excited to hear what you just reported out on that, that it's moving forward with all these different entities. I just wanted to make sure that we're also, that you're also including the Mā'alaea Village Association in the, in, in, just keeping them updated, because that was one of the big drivers of me getting this into the budget was, you know, coming from that entity as well.

MS. DE NAIE: Yes. Well, Lynn Britton, the president of that association would have been here today, but she had another commitment. And it is she who actually organized the, the Zoom conference that we're having next Friday. They're intimately involved with this. Without them, none of this would have happened. I'm, I'm just kind of a supportive player, because, you know, this is something that is a very worthwhile conservation area. And the State is very excited, because the Old Lahaina Pali Trail has its trailhead there and they would love to have one continuous management of the trail.

COUNCILMEMBER KING: Okay, great. I just didn't hear you mention them, so I wanted to make sure because that's, that's--

MS. DE NAIE: Sorry, my, my omission.

COUNCILMEMBER KING: That's okay. That's okay.

MS. DE NAIE: Good question.

COUNCILMEMBER KING: That's great. Great, great work. Thank you.

CHAIR LEE: Alright. Any more questions?

Yes, Ms. Paltin and then Mr. Sinenci.

COUNCILMEMBER PALTIN: Thank you, Chair. And thank you, Ms. de Naie, for your testimony. I'm so happy to see people watching what we're doing and approving of it. My question was, you know, when I introduced this for the Council today, would you have a objection; my intent was for it to go to the Budget Committee actually because of the monetary portion, or was it that you were specifically wanting it to go to the PSLU Committee?

MS. DE NAIE: No. I don't think that we're attached to it going to any particular Committee. I assumed since you forwarded the request that it would go to your Committee cause that's sort of the standard procedure. But if it's going to be forwarded to Budget, we're happy to present to any Committee that wants an update, and hopefully we'll have more to report after next week.

COUNCILMEMBER PALTIN: Okay, yea. It, it does say on the annotated version that it's supposed to go to PSLU Committee, but in my head, I was thinking it belonged in the budget one because of the, the purchase portion of it. The--

MS. DE NAIE: Yes. I don't think there'd be any objection by any of the parties. It, it's kind of logical that it's at that phase now.

COUNCILMEMBER PALTIN: Okay. Cool. Thank you. Just wanted to clarify.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Ms. de Naie, for your testimony this morning. I got a clarifying question about the, the Mā'alaea purchase. You mentioned the Hawaiian Island Land Trust. Is that the same as the Legacy Land Conservation Program?

MS. DE NAIE: No. The Legacy Land Conservation Program is a, is a State-funded review board. And HILT can apply to the Legacy Lands board for funding, as can the County, as can a, any nonprofit can as well. So, that's a State program that comes out of a excise, you know, a transfer tax fund from, from real estate transfers.

COUNCILMEMBER SINENCI: Okay, great. Thank you for that clarification. Thank you, Chair.

MS. DE NAIE: Alright, can I sign off? Mahalo.

CHAIR LEE: Any more questions? Okay. Thank you. Thank you very much, Ms. de Naie.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. Our next testifier is Ms. Patricia Hunt. And Ms. Hunt will be followed by Mr. Dennis Miller.

MS. PATRICIA HUNT (testifying on County Communication Nos. 20-438, 20-439, and 20-457; and Committee Report 20-112):

Hi. My name is Patricia Hunt and I feel import, it was important for me to speak today and take time out of my busy schedule, it's my birthday. And I wanted to state on 20-438, Director of Housing and Human Concerns; 20-439, Director of Housing and Human Concerns for Aging and Disabled; 20-457, Prosecuting Attorney transmittal bill; and hold on one second, 20-112, governor ethics transmitting committee.

First and foremost, Dr. Yan, I think should be, and her team should be commended. I know you guys aren't lawyers and I know that you have Corporate Counsel. And the question that you might have for that app I think are important. I think a lot of people have addressed concerns. We need to put our differences aside for now. We need to expedite for the County to meet with Dr. Yan and, and have Corporate Counsel present to ask the proper questions that need to be asked to go through politically, and stop going through political red tape when this app could help save lives, and all lives matter. We need to put people first, and politics and dollars last. I understand we have to put the State and our country back to work, but we need to do it safely.

I have a question for Dr. Yan, and maybe Council can ask this question. Is if the app can just be exclusive for COVID and not open up their computer-generated HIPAA information on people when they are just giving that information. That yes, they were in a grocery store, wherever they were, and they found out that they were, somebody tested positive and it can be remain anonymous? Can it also be used for the Police

Departments, the Firefighters, EMT's, and the hospitals, and Department of Education?

And I would like Dr. Yan to get my email address, and Kevin, because I actually worked for Betsy DeVos, who's head of the Department of Education a while, several years ago. And I would like to reach out to Congresswoman Tulsi Gabbard, Senator Hirono, because I think this is important. The County and the Mayor, I, I can't speak for any of you, but I think that everybody's trying to do what's right for everybody's safety.

And I think if we all work together on a bigger level, Oahu has people coming back and forth on business every day. And I've met somebody who comes and flies back and forth to Honolulu, and they're not in quarantine. And they're coming from inter-island. That's a concern, because they're coming from a bigger, from the bigger island. I think this app could network with the Attorney General's Office and with the Governor Lieutenant Josh Green. I think he's a doctor first, and hopefully a politician last. And I think he demonstrated that when he tried to come over here and help prepare Maui hospital.

I have a question on 20-457, the Prosecuting Attorney transmittal proposed bill for ordinance, and Mayor of County Maui to enter into intergovernmental agreement with Department Attorney General in the State of Hawaii. I would like to get a copy of that for the record of whatever this bill is. And I would like to be able to read this proposal that's on here. But it doesn't state what it is exactly.

Also, with the housing situation for the elderly and for the local people and local families. I don't know if any of the County Council has been down to VIP Grocery. These are local Hawaiians and children who have porta potty's during this virus time. And it's really sad, because these are little kids riding on bicycles on a little highway, and they should be put in housing. Now, I know nobody expected a national pandemic, but how is it Big Island, when they had the lava flow that damaged a lot of homes for local people, and some of those people I met, they transplanted here to Maui cause they lost everything and they had family they could come stay with.

But they had temporary housing built. Is the Mayor and County Council looking at talking to Big Island's Mayor and politicians on their housing that, when it was on the news, looks like it was a short-term solution for people who were in dire need. And I think, I believe those housing facilities went up pretty quickly. Also, so that's an option for them, for you guys to look into and maybe talk to the other islands and see as far as putting up housing for the elderly and for the local families.

I would like to know if there is a way where I could actually get in touch with Kevin and Dr. Yan. I have worked for some people over the years that might be able to also help

on a bigger level. You know, I always thought Hawaii, when I first came here years ago to heal after an accident, that Hawaii was very special to me. And I always thought if Hawaii could teach the world aloha, the world would be a beautiful place. Unfortunately, there's a lot of people who do have aloha and there's some who don't. And I have experienced that. But I think the State of Hawaii, this app, can not only help the State of Hawaii, but it can help on a national level and help all States and all people.

If we cut out the political red tape and expedite a meeting to sit down with the Corporate Counsel and the proper appropriate people to sit down and meet with Kevin and Dr. Yan. They took time out of their schedules and they sound like they're brilliant, very intelligent people that literally aren't the average person who can sit down and mathematically put together all, all this information that took, I'm sure, a lot of time.

So, I'm just asking if, Dr. Yan, I have some people I would love to get in touch with to help expedite this also. And I think if the Mayor could, or one of the County Council, you do a resolution now. We don't have time to play games with this. And I think we should have learned other States like New York . . . we're not the mainland. Manhattan is an island, just like Oahu; it's no different except they have a lot more hospitals than Hawaii. And right now--

CHAIR LEE: Okay. Can you please wrap it up? Can you please conclude your testimony?

MS. HUNT: So, in conclusion, I would also like to request the, on the gov, on the ethics 20-112, how many legal issues have there been since you had Corporate Counsel Patrick Wong in office? I see that 20-112 is a resolution settlement with Geoffrey E. Wittmer. And I would like to know how many other issues they've had since, prior to Moana but, taking over Corporate Counsel when Patrick Wong was the Corporate Counsel attorney. And if I have to ask for a public records request, I will.

And thank each and every one of you, County Council. And I just hope that it sounds like people are really trying to work together. I just hope that we can cut through the red tape. And I would like to suggest, I've been trying to meet with the Mayor virtually, because I do have a great idea that's sustainable. It has made millions of dollars in Florida. It could put jobs back here. It could keep the island and keep it sustainable where they're not relying 80 or 90 percent on tourism. And it would take land, if you have land, you can do this product. You have so many agricultural people. You could put their time in and run with this and it would help the economy here in the islands.

So, I'm just asking that you put people over dollars and red tape and politicians, and put people's lives first because all lives matter. Thank you very much for your time today. And god bless all of you.

CHAIR LEE: Thank you. And are there any questions?

If not, Madam Clerk.

COUNTY CLERK: Next to testify is Mr. Dennis Miller. And Mr. Miller will be followed by the last four digits of telephone 0428.

MR. DENNIS MILLER, DEMOCRATIC PARTY'S HEALTH COMMITTEE AND MEDICARE FOR ALL HAWAII (testifying on Committee Report 20-111):

Hello, can you hear me?

CHAIR LEE: Hello. Yes.

MR. MILLER: Okay. Hi there. Hi, Maui County Council.

CHAIR LEE: Hi.

MR. MILLER: My name is Dennis Miller. I'm in Honolulu and I'm representing the Hawaii Democratic Party's Health Committee and a community group called "Medicare For All Hawaii". I'm speaking about Committee Report 20-111, relating to a single-payer healthcare bill. I'm speaking in strong support of this proposed bill.

And I want to mention that we have increasing costs, everyone's aware of this. And I want to point out that Gordon Ito, in 2017, November, announced that our insurance premiums are going up six and a half percent per year. By 2026, a family of four in Hawaii is going to cost \$42,000 per year for health insurance. Obviously, that is not realistic. Sometimes single-payer is portrayed as being pie in the sky asking for too much. However, the reality is accepting our current system which is putting us on a path to a \$42,000 per year bill for a family of four. That is what is unrealistic.

And we can note why it's going up, why the costs are going up. In 2009, HMSA completed its transition to managed care. It just added complexity to payment. And it added more paperwork for doctors, so that doctor's physician charting doubled overnight. Soon the private contractors taking care of Medicaid followed suit and did their own version of a similar pay per value type of payment complexity.

And that is why the 340,000 people in Hawaii on Medicaid had a very difficult time finding a doctor. Doctors stopped accepting Medicaid as a result of those increases in their paperwork. They could not afford the time to take care of Medicaid patients for

the same previously low reimbursement. Our doctors are saying the current administrative system is so bad, that they are quitting, retiring, leaving the State or going to work for a hospital, because of our current administrative system. Clearly, we have to simplify that.

And that is what this single-payer bill proposes. It proposes full funding of the Hawaii Health Authority. Hawaii Health Authority in a law passed in 2009, Senator David Ige voted for it in 2009. We need to get Governor David Ige's support for it now. If allowed to do its job, it could redesign a new payment system that would simply be simpler. And that the simple fact is less insurance complexity costs less than more insurance complexity.

And that's the basic premise of single-payer. You have less insurance bureaucracy. Costs go down. All these prior authorizations go down. And questionable denials of care disappear. This will rescue our doctors. They'll reopen their clinics in rural areas. People with Medicaid will be able to see a doctor in person, not have to rely on the telehealth. You know, if you got some older guy who doesn't want to do telehealth and he wants to see a doctor in person and he's on Medicaid, he'll be able to do it.

The second part of that bill refers to the first step of single-payer. And when I say first step, I mean that a State cannot do single-payer on its own in one moment, because that implies Medicare, which is a Federal program and obviously a State cannot touch a Federal program. But what the Hawaii Health Authority can do is, in bite-size incremental steps, begin to modify the sectors of health insurance in Hawaii that are available for a State to regulate starting with public employees.

Following the example of Connecticut, which went to a self-insured system for their Medicaid program a few years ago, Connecticut chopped 14 percent off of their Medicaid bill, applying that figure to our public employee's health insurance. That would be \$175 million per year in savings on top of additional savings from, in the system ceasing to prefund future EUTF payments. This puts money in the pockets of the public unions, and it helps doctors, and it saves money for the State.

CHAIR LEE: Mr.--

MR. MILLER: So--

CHAIR LEE: Mr. Miller. Mr. Miller, could you please conclude your testimony?

MR. MILLER: Yes. And to wrap up, this is complicated. So, I urge you to do two things. One, pass this; but two, ask an expert on this topic, Dr. Stephen Kemble to have a presentation with the full Council explaining this in detail sometime when you have an

hour for a Zoom. Please contact Dr. Stephen Kemble, supporter of the Hawaii Health Authority for a more thorough and complete analysis of this situation. Thank you very much.

CHAIR LEE: Thank you. Are there any questions for Mr. Miller? If not, thank you very much.

Oh, Mr. Hokama has a question.

COUNCILMEMBER HOKAMA: Are you, in your comments to us this morning, are you advocating to go back to the 1974 Hawaii Prepaid Healthcare Program?

MR. MILLER: No. That program would remain untouched; however, it would be satisfied by the new program. So, empowering the Hawaii Health Authority does not entail repealing prepaid. It does entail satisfying the requirement that everyone has health insurance, but it does so in a much more efficient manner.

COUNCILMEMBER HOKAMA: Okay. Well, you talked about public employees and so, you know, that's all by contract agreements, right?

MR. MILLER: Yes.

COUNCILMEMBER HOKAMA: Okay. Thank you for your comments. I appreciate it.

MR. MILLER: Thank you, sir.

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

Madam Clerk.

MR. MILLER: Thank you.

CHAIR LEE: Oh, Ms. Tamara Paltin has a question.

COUNCILMEMBER PALTIN: I just was wondering if there would be any objection to asking Mr. Miller to stay on as a resource due to the Amendment Summary Form for the single-payer healthcare which I proposed?

CHAIR LEE: Alright. Any objections--

COUNCILMEMBER PALTIN: In case anyone has questions.

CHAIR LEE: --to having Mr. Miller be a resource person with the item comes up?



MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Thank you. Mr. Miller, can you come back, and can you stay--

MR. MILLER: Mahalo.

CHAIR LEE: --till we have that discussion? Okay great. Thank you.

MR. MILLER: Yea, I'll keep my phone on.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Thank you. Okay, any more questions for him right now? No questions.

Ms. Kaohu.

COUNTY CLERK: Next to testify is testifier associated with the last four digits of telephone number 0428, 0428. And go ahead.

MR. LEE IMADA, THE MAUI NEWS (testifying on County Communication No. 20-447):

Oh, hi. This is Lee Imada. I'm the managing editor at the Maui News. And this is an experience; I've never been on this end of the testimony before. But I'm wanting to testify on County Communication 20-447. It's regarding supporting the staff and workers at the Maui News. And I just wanted to say that the workers at the Maui News, including its reporters, editors, photographers, page designers, want to thank Councilmember Yuki Lei Sugimura and other Councilmembers, and the community, for their support of the Maui News.

You know, I grew up receiving the Maui News three times a week in the mail. I became a summer intern in 1977, two days after my graduation from high school, Maui High, and returned each subsequent summer of my college years at Northwestern University in Chicago to work at the, in the sports and news departments. In 1981, I was hired full-time, a few months after my colleague, renowned and award-winning photographer Matthew Thayer. Through the years, I've been a reporter, page designer, editor, and then succeeded to managing editor in 2012.

While Matt has been on the scene of most of the major events in the last four decades on Maui. I have mostly been behind the scenes in the office putting out the paper, editing stories, designing pages for those events. From Aloha 243, the plane that lost

part of its fuselage while landing at Kahului Airport to the devastating fire in Lahaina a couple years ago, we are the chronicles of Maui County's history.

We are a place for interchange of ideas in our stories and letters to the editor. We keep watch on the actions of government bringing to the attention of the public, fiscal and policy decisions being made that affect their taxes and lives. Our reporters also focus on people who do good and no good in our community, new scholars, community group events, and happenings, slices of Maui County lives can be found in our pages.

During my years, our newsroom staff has reached as high as 30. It is now down to 12. And our company strategy appears to be more cutting. We have not had a raise in more than a decade, and we have had our vacation and severance trimmed, health insurance premium contributions raised, and defined benefit plan frozen. We have lost several quality reporters and editors at the Maui News in recent years. For those remaining, the dedication and commitment to the craft and the community keep the paper running and bringing the news that people need and want to know.

The threat of outsourcing of our jobs was a morale blow to my crew, working at 75 percent staffing due to furloughs amid the worst public health disaster in my lifetime. The support we have received is uplifting. And while people have their opinions about what we should cover and how we write our stories. We know that we select our stories based on their relevance and importance to the community without malice and with the goal of practicing journalism with our industry's highest standards of objectivity and ethics.

We thank you for your support in helping us continue to bring high-quality reporting to our community. Thank you very much.

CHAIR LEE: Thank you, Lee. Thank you. That was a really great testimony and, and we appreciate all the work that all of you do for, for our community.

Questions? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And thank you, Lee. Great to hear from you. On the reso, I'm, unless I'm mistaken, I don't see the copy of the reso being sent to Ogden Newspaper, which I believe is the owner of the Maui News. Are you comfortable with the reso being sent to Ogden Newspapers as well for their review?

MR. IMADA: Sure. Yea, we have no problem with, with that. Basically, we're in the middle of a news, a contract negotiations and it's kind of down to the wire. And this

outsourcing thing and a severance, trimming of our severance are pretty, according to our negotiator, are the two impediments to getting a settlement, so.

COUNCILMEMBER MOLINA: Okay. Great.

MR. IMADA: That'll be fine.

COUNCILMEMBER MOLINA: Alright. Thank you very much, Lee. Thank you, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Lee.

MR. IMADA: Hi.

COUNCILMEMBER KING: Just wanted to find out when was it that you, that the Maui News got bought out by the mainland entity?

MR. IMADA: I believe it was about 2000. I think it was in the year 2000. So, they've been here about 20 years. We've been owned by them for about 20 years.

COUNCILMEMBER KING: Okay. That's the main entity that has a lot of other papers on the mainland?

MR. IMADA: Yea. I understand about 40 to 45, something like that.

COUNCILMEMBER KING: Okay. And do you, do you see this as being an influential piece of, if we pass this resolution, you know, I mean basically we could send it to all these other entities, but if the paper that's doing the hiring and firing doesn't get it, then we, you know. I just wondered how influential you think that the County Council can be on the Odgen Press.

MR. IMADA: I, I think, well, our union negotiator Brad Sherman will be, is on, will be testifying and he can probably address that more. But what he tells me is that, you know, we're kind of at an, not an, I wouldn't use the word impasse, but we're kind of at loggerheads on these last two issues. And you know, there, any kind of public support, and certainly the support of an entity like the County Council, would, would add pressure on the, on the company to move off some positions that, you know, are, we consider, you know, onerous and, and unacceptable. So, I believe, yea, the resolution would, would have impact.

COUNCILMEMBER KING: Okay. Thank you.

MR. IMADA: Thanks.

CHAIR LEE: Okay. Any more questions? If not, thank you again, Lee.

MR. IMADA: Thank you. Thank you for having me.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is Karri Ayasanonda. Karri Ayasanonda will be followed by Mr. Sne Patel.

CHAIR LEE: Karri?

Okay, next.

COUNTY CLERK: Next testifier.

MR. SNE PATEL (testifying on County Communication Nos. 20-448 and 20-450):

Aloha, Councilmembers. Thank you for allowing me to say some words. Thank you, Chair Lee. I wanted to testify CC Communications 20-448. The Coronavirus pandemic has asked many of us to re-envision how we conduct life on a daily basis. In some ways, it's accelerated trend curbs, especially in the way we use technology to navigate home, school, and work. I'm finding that out right now with homeschooling.

So, the, the government should be no exception in the trend, to leverage technology to function better. The Sunshine Law is critical to ensuring a transparent accountable democracy, and helping citizens to engage with the government to help create solutions that work for all our people. Expanding its scope to include virtual meetings by interactive conference technology is critical to ensure transparency and participation during a time when large group gatherings are not permitted.

I applaud Maui County Council for continuing to conduct business in this innovative way. So, thank you folks for continuing that effort and trying to lead the charge to change some, you know, expand the Sunshine Law and do it legally. So, that testimony was on behalf of Kuka, we're a soon to launch testimony app for Maui County, so we fit right in line with the mission that you folks are proposing.

I also wanted to give testimony on 450, the Perseus app. As many of you know, I'm the President of the Lahaina Town Action Committee. And we need to do something.

You know, we got to do something to get us towards a path to reopening our communities and economies safely. You know, if it means giving up some level of freedom to get back to some level of normal, I think most people would be for that. As President of the Lahaina Town Action Committee, I hear the frustration from both the businesses and local community on a daily level, with the lack of initiatives put forward to assist and reopening our local economy.

So, we need to start somewhere. And if this app, you know, allows us to move forward in a positive way that allows us to get, you know, accurate information and data, I think that's going to be critical because information is power. So, I personally hope that some progress is made today with regards to that. So, thank you for allowing me to speak and thank you for your time.

CHAIR LEE: Thank you. Are there any questions for the testifier?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Patel. And just had two questions. One, the, the, you said you were working on, I can't remember the name of it, the, the app that you're working on for testimony? Who, what did you call that? Kuka?

MR. PATEL: The app, the name of that app is Kuka, yea, K-U-K-A.

COUNCILMEMBER KING: Okay. So, is that the one that you were working on a couple years ago when you came and testified at a budget hearing in front of the Council?

MR. PATEL: Yea. So that's the same one and, yea, we've been making progress. And so, yea, this was pre-pandemic where I wish we had it already started. But we move forward now working with Code for Hawaii which is a Brigade of Code for America, and so we're very close to . . . and we've been working diligently on it. And so, yea, we're, we're moving forward.

COUNCILMEMBER KING: Okay. And then that works, and that fits in well with our current online system of testimony and holding meetings?

MR. PATEL: Yea, I've been meeting with David Raatz and we're going to be, there's going to be an API that integrates with Granicus, well, Legistar.com, which will provide for us to, you know, integrate both softwares. The idea, though, is for the testimony to be pre-recorded and sent. So, you know, some of the things that, you know, I've noticed is: a) a lot of times people are testifying as today, nobody knows what they're testifying for; if they're for or against the issue.

So, before they submit a testimony, all of that is already propagated along with their zip code where they're testifying from. And then that's portrayed, like that's digitally rendered on their testimony. And the testimony is prerecorded, so it's sent directly from their phone to a system, to a central place where it'll be stored just like Akaku has all of these meetings stored, right. So, there, that's where the transparency part comes from. So, yea, it's a bit different than what this system is. But I think it'll line in perfectly, because people would be able to do it on their own time, you know.

COUNCILMEMBER KING: Okay. So, I just wanted to ask you if you would help us in our testimony when we get to the State Legislature on this issue supporting that, you know, the continuance of online. It would be really great to have your, your support with our, with our County Council . . . HSAC on that.

MR. PATEL: Yea.

COUNCILMEMBER KING: Okay.

MR. PATEL: 100 percent we would--

COUNCILMEMBER KING: We'll be in touch.

MR. PATEL: --definitely be there.

COUNCILMEMBER KING: Okay. Thank you. Aloha.

MR. PATEL: Thank you. Aloha.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Patel. Mahalo for your testimony. I can hear all that homeschool learning going on in the background.

MR. PATEL: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: In your testimony, you commented about giving up some freedoms in order for some normalcy. And I, I just wanted to make sure that . . . is voluntary.

MR. PATEL: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. PATEL: Well, you know, the, yea it is voluntary, but we never know what's behind that curtain. And all I'm saying is we all have made sacrifices. And I, I think that when it comes down to public opinion where people are like, you know, oh, you know, the conspiracy theories are going to come out, they're going to have this or that. All I'm trying to say is, look they can have that; I'm not trying to hide anything. Or, you know, most people aren't. And so, I think that, you know, for me, it's the health and safety of the community first and foremost and getting back to some sort of normal, right.

So, and, and I understand that part that, yea, it is voluntary. And I hope people do volunteer because that's going to be the success of the application, right? If nobody, if everyone downloads it and then no one volunteers that information, you know, it's not going to be as useful.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Patel. Mahalo, Chair.

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

May we have the next testifier?

COUNTY CLERK: Our next testifier is Mr. Brad Sherman. Mr. Sherman will be followed by Mr. Albert Perez.

CHAIR LEE: And how many more after that, cause we're going to be taking a break shortly?

COUNTY CLERK: Two more following Mr. Perez.

CHAIR LEE: Okay. Just to let the Members know, I'm going to recess after the last testifier for 15 minutes, take a 15-minute break. Okay, so who did you call on for testimony just now?

COUNTY CLERK: Mr. Brad Sherman.

CHAIR LEE: Mr. Brad Sherman. Okay. Mr. Brad Sherman.

MR. BRAD SHERMAN (testifying on County Communication No. 20-447):

Good morning, Councilmembers. Can you hear me okay?

CHAIR LEE: Yes, we can.

MR. SHERMAN: I apologize for that. So, yes, good morning. I'm coming before you today to express first appreciation for Communication 20-447, supporting a free press and the rights of Maui County workers employed at the Maui News and to speak in support of it.

I'm a former employee at the Maui News. I spent 17 years in the sports department surrounded by outstanding colleagues, including of course, Lee Imada who you just heard from a little while ago and who I consider a mentor. I've also had, even while now living in Washington State, the honor of the last two and a half years of serving as an officer in the union, the Pacific Media Workers Guild that represents Maui News workers in the newsroom, circulation, in advertising, and the press. The workers that the Guild represents are the workers that we need at Maui's local paper. We need Maui County workers doing these jobs.

I think that upon first hearing about executives in West Virginia who own the paper wanting to outsource Maui News jobs away from Maui County, many people initially worry about newsroom jobs and that's certainly understandable. The people who may well be targeted first if this outsourcing were to go ahead are people who edit stories and do get them on the page, who make decisions that absolutely are about Maui News content.

Those people need to know and to understand the communities that are being covered. This is not just about spelling Honoapiilani Highway correctly, though of course, clearly that's important. But this is about what photos run with what stories, what headlines will say, and what items will get prominent play in the paper. This is about ensuring that coverage shows respect to culture. This is about ensuring that Maui County's paper covers Maui County properly and comprehensively and considerately.

But this is also about more than just a newsroom, because what they, what the company is proposing is about more than just a newsroom. The paper is a business as well as an institution. And they need revenue. And that revenue comes in a large part of course from advertising. And that means we need a sales staff that also knows the community, that can understand the needs of clients, that knows the ebb and flow of Maui County's economy in normal times, and certainly in uncertain and what obviously can times be even frightening circumstances like now.

We need as well people to provide service, circulation, delivery, classified ads, response to subscriber questions in all of those cases. We need people who know how to serve Maui County residents. We have to protect a paper that in every sense of the word works with and for Maui County; service, sales and of course coverage.



I also want to address what Councilmember King asked earlier. This resolution will matter. It will defend local journalism. It will serve Maui County. Reader support which we've absolutely received, community support which we certainly receive, leadership support like we're talking about today; all of it has the power to influence ownership. All of it is appreciated and all of it is needed to ensure that Maui County has the local paper that it desires and that it deserves.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And thanks, Brad, for sharing with us and appreciated all the work you did for the Maui News. If I may ask a somewhat personal question if you're comfortable with disclosing that? What were your reasons for leaving the Maui News? Was it related to job economics or other reasons?

MR. SHERMAN: I mean, as with most people when they make these kind of decisions, there were a lot of factors, but honestly, family on the mainland was, was probably one of the, the biggest driving forces. It was hard. My wife also was worked the Maui News one day longer than I did. Her day, her starting day was one day earlier, but also 17 years there. It was hard to leave that community. It was hard to leave that paper, hard to leave the people who worked there, which show, I mean, it shows how strong the pull of being closer to family was because goodness gracious, I mean, I, I loved that job and I loved that paper.

COUNCILMEMBER MOLINA: Thank you very much, Mr. Sherman, for sharing. Thank you, Chair.

MR. SHERMAN: Thank you, Councilmember Molina.

CHAIR LEE: Are there any more que--

Mr. Hokama and the Ms. Kama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Mr. Sherman, thank you for sharing your comments with us this morning. Ogden Papers is a, I guess has a traditional background like our Maui News, for us was the Cameron's. For Ogden is obviously Ogden Family.

But what I wanted to ask is the way they're trying to approach it, do you think they're, for me, it looks like another USA Today, right? Maui's part of this big entity and we're going to be that little article on the back page because I'm assuming Ogden is going to

go where their key market is. And that to me looks like it's in the northeast area, right; the Ohio's, the West Virginia's, and everything else? So, how, do you think they can fairly represent the news of Maui?

MR. SHERMAN: I mean, that's obviously the--

COUNCILMEMBER HOKAMA: You know--

MR. SHERMAN: Excuse me, go ahead. I apologize.

COUNCILMEMBER HOKAMA: Okay. And again, yea, Mr., I support what you're saying. I don't like this outsourcing, because I don't know how a West Virginian can appreciate what a Molokai person is going through, even knowing maybe if he knows where Molokai is in the County. So--

MR. SHERMAN: Yea. You know--

COUNCILMEMBER HOKAMA: --you know, it is a little personal, because for us, the news is a critical component of information. And I just toss that out to you if you have a response. Thank you.

MR. SHERMAN: I definitely have a response. I apologize for stepping on your, as you were speaking. But, no, that's exactly the concern that we have. There was some discussion on social media about this a few days ago. And a former Maui News employee talked about how, if a paper in Texas outsources work to Kansas, you know, to a nearby State, that's problematic. And that's to say nothing of outsourcing coverage of, you know, of, you know of anywhere in the islands to, to someplace else. It's just, it's incredibly difficult and it's absolutely personal is right. You're of course right about that as well.

I think, you know, just about everybody who, who lives in Maui County, who's lived there for any length of time has themselves been in the paper or has a friend or a relative who's been in the paper, because it is personal. News coverage is personal, especially at a community paper. And yea, that's, I mean, we need people who understand. And I think, you know, Lee mentioned this in, not in his testimony but earlier, in some other moments he was speaking, that understands the community and respects the community and the culture. And that means needing people who understand the community and the culture.

COUNCILMEMBER HOKAMA: One follow up please, Chair? Mr. Sherman, do you think Ogden would consider selling the Maui News to a local hui?

MR. SHERMAN: I, you know, I, I'm not, I'm not trying to be coy, I don't know. I mean, local ownership is obvious, I mean, we obvious, Maui News had it for decade upon decade and, and you know, flourished, did great work, award winning work.

COUNCILMEMBER HOKAMA: Yea, cause my contacts in West Virginia had replied to me that Ogden is a big monopoly regarding news in the West Virginia region. And their primary concern right now, like many other businesses, is basically bottom line. And you know for us, we're concerned about our bottom lines, definitely. But I think we have our, the amount of compassion that we balance it off with the needs of our people. And I'm not too sure that somebody in Ogden west, I mean in West Virginia, Wheeling, West Virginia, and have the compassion to understand what our people need in Maui County. So, I just share my response from my counterparts in West Virginia. Thank you, Mr. Sherman.

MR. SHERMAN: Thank you. Yea, I share your concern, and very much so. Thank you.

CHAIR LEE: Thank you.

Ms. Kama, you have a question?

COUNCILMEMBER KAMA: Well, thank you, Chair. Thank you for being here, Mr. Sherman, and sharing your testimony. I was kind of like thinking what Mr. Hokama had mentioned about the purchasing of the newspaper by a private entity. So, has that ever occurred in the history of the Maui News at any time?

MR. SHERMAN: I mean, obviously there was Cameron Family ownership for--

COUNCILMEMBER KAMA: Right.

MR. SHERMAN: --you know, it seems like forever. And it was, it was Ogden after that. Honestly, I'll have to admit, I don't know if the Cameron's were, you know, a local buyer that purchased it from a previous owner. I'm honestly not, not sure, I have to admit. But generating local ownership, finding local ownership, purchasing papers from chains is, you know, I hate to use, you know the mainland is not always the perfect example, but it happened on the mainland where people are concerned that chains are not going to invest in community coverage--

COUNCILMEMBER KAMA: Yea. Yes.

MR. SHERMAN: --the way that local ownership will. It does happen and it's frequently works out very, very well.

COUNCILMEMBER KAMA: Okay. Okay, well thank you very much, sir. Thank you, Chair.

MR. SHERMAN: Thank you.

CHAIR LEE: Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Sherman. Mahalo for your testimony. So, I wanted to kind of dovetail off of what Member King had asked earlier. And so, in the "BE IT RESOLVED" clauses, the first two that it supports the vital role of the free press in Maui County, that it supports the rights of Maui County workers employed at the only local daily newspaper. So, you were saying that this resolution with the "BE IT RESOLVED" clauses will have an impact with that language?

MR. SHERMAN: There is no doubt in my mind that it will have an impact. And this, and in fact, it, we need it. We need this type of impact. I mean, that's why I'm, I was so pleased that this resolution was drafted, that employees can seek to apply pressure. I am, you know, as Lee mentioned, I'm on the bargaining committee. As we're doing this contract bargaining, we can seek to apply pressure there. But that alone will not be enough. And I don't like having to think in these aggressive terms, but sometimes it's necessary and I think this is one of those times. We need to make this owner understand the importance of what we're talking about. And letters to the editor, social media posts, activity in the office, resolutions like this; those are the things that will make those changes happen, will make them change.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. So, that language is sufficient? Is, is, sorry, what I was saying.

MR. SHERMAN: It's magnificent.

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

CHAIR LEE: Any more questions?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want to express our appreciation for you being here. I know you rushed from another meeting to testify, so I appreciate that. I don't know if we want him to be present for this, when it comes up, as a resource, if the Members think it's necessary?

CHAIR LEE: I don't, I don't really think--

COUNCILMEMBER SUGIMURA: You don't think so? Okay.

CHAIR LEE: --this is at all controversial.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Okay, thank you, Mr. Sherman.

COUNCILMEMBER SUGIMURA: Thank you very much, Mr. Sherman.

MR. SHERMAN: Thank you, and in particular, Councilmember Sugimura. I'm very, and to all the entire Council of course, but mahalo.

CHAIR LEE: Thank you.

Madam Clerk, may we have the next testifier?

COUNTY CLERK: Our next testifier is Mr. Albert Perez. Mr. Perez will be followed by Mr. Tom Croly.

MR. ALBERT PEREZ, MAUI TOMORROW (testifying on Committee Report 20-107):

Aloha. Good morning, Councilmembers. Can you hear me?

CHAIR LEE: Good morning. Yes, we can.

MR. PEREZ: Good morning. Testifying today on county resolution *[sic]* 20-102, this is the Hale Kaiola project. My testimony will be brief. I just want to say that there are developers who specialize in quality affordable housing and they know how to provide nice affordable housing, they specialize in it. We need to encourage these types of developers instead of allowing 201H exemptions for developers who just take advantage of the process and provide the minimum required affordable housing while maximizing the profit from the market portion of their development.

It is impressive that this particular developer, Ray Phillips, has made an effort to have this development, including the requested exemptions fit into the surrounding neighborhood. Of course, this is consistent with the approach of Mr. Phillips, who I know through the affordable housing meetings at the group formerly known as FACE Maui and now Stand Up Maui.

Mr. Phillips cares about the quality of life for the future project residents, as well as their neighbors. I want to be clear; we support these fee exemption requests. These are exactly the type of subsidy that the County should be providing in order to help provide truly affordable housing without diminishing the quality of life for the residents and their neighbors. So, Maui Tomorrow urges approval of this project. Mahalo.

CHAIR LEE: Alright. Thank you.

Ms. Sugimura. Unmute yourself. Unmute yourself.

COUNCILMEMBER SUGIMURA: Sorry about that. So, Haleakala in your background. Is that, that's a beautiful backdrop you got there.

MR. PEREZ: Yes.

COUNCILMEMBER SUGIMURA: So, Mr. Perez, this, this project, I agree with you, it's a good project. Did you know that there are only eight parking stalls for visitors?

MR. PEREZ: No.

COUNCILMEMBER SUGIMURA: And I just want to get your opinion about that?

MR. PEREZ: I've, I've looked at this many times, and that fact escaped me, but.

COUNCILMEMBER SUGIMURA: Do you have an opinion about that?

MR. PEREZ: Do I have a statement about not having visitor parking?

COUNCILMEMBER SUGIMURA: Well, I think there are, there's eight. But I just wondered what your feeling may be about that.

MR. PEREZ: Well, I, you know, I haven't thought about that. But my immediate reaction is, you can't let the perfect be the enemy of the good. And I think this is a good overall project. And there may be probably ways to work around that if in fact it turns out to be a limiting factor for people who want to have more people come and visit. There's ways to work around that.

COUNCILMEMBER SUGIMURA: I wonder what their neighbors might think about that. That's been a question, as I drive around the community and seeing the number of cars that, you know, are there just from the residents. And then you have only eight parking stalls for visitors, so that's a concern for me and I just wanted to see your reaction. Thank you.

MR. PEREZ: Thank you.

CHAIR LEE: Are there any more questions?

Mr. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Albert. I appreciate your support for the project and, and also the focus on Ray Phillips interaction with the community. And so, I just wanted to ask you if you felt like that was the, one of, cause I feel like that's one of the main issues in getting these developments to happen; is working within the community, and just wondered if you agree with that assessment.

MR. PEREZ: Well, I think it's definitely necessary. It's a, I would say it's a precondition for having a successful project. It's not the only thing. It has to be a good project as well.

COUNCILMEMBER KING: Right. Right. But if they're willing to tweak it to make it fit in the community.

MR. PEREZ: Yes. Yes, and I've met with Mr. Phillips about this project--

COUNCILMEMBER KING: Okay.

MR. PEREZ: --at least once, maybe twice.

COUNCILMEMBER KING: Does Maui Tomorrow take positions on visitor parking for these types of developments? Because, you know, I live a couple blocks from this development. There's no visitor parking in my development. We just, people park on the street if they want to come visit us, or they'd park in an extra spot if there's one in our driveway. So, I just wondered if that was a big concern for Maui Tomorrow?

MR. PEREZ: As I mentioned earlier, this is the first time I thought about it.

COUNCILMEMBER KING: Okay.

MR. PEREZ: So, I do think that there are probably ways to work around it, so.

COUNCILMEMBER KING: Yea, I just never thought of visitor parking as a big issue with, within neighborhoods, because we don't really have any provided for us either in our neighborhood. Alright. Thank you. Thank you, Chair.

MR. PEREZ: Thank you.

CHAIR LEE: Alright. Thank you very much, Mr. Perez. Good to see you.

MR. PEREZ: Okay. Aloha.

CHAIR LEE: Aloha.

Madam Clerk, our next testifier.

COUNTY CLERK: Our next testifier is Mr. Tom Croly. And Mr. Tom Croly will be followed by Melodie Aduja.

MR. TOM CROLY (County Communication No. 20-450; and Committee Report 20-115):

Aloha, Councilmembers. Thank you for giving me the opportunity to testify. Regarding CR 20-115, I want to thank the Planning and Sustainable Land Use Committee for answering the many questions that were raised in Committee about this legislation. I believe that in its present form, it will achieve the goal of preventing future conversion of long-term occupancy units into short-term rentals while still protecting the existing short-term rental properties.

I hope that cooperation between the Planning Department and Real Property Tax Department will result in all of the short-term rentals being appropriately classified both from their ability to make that use by, by the Planning Department and taxed appropriately by Real Property Tax. So, again, I support this, this measure going forward today at first reading.

With respect to Communication 20-450, I have been very interested in this. I've been researching automatic contract, contact tracing apps ever since Apple and Google announced their very unprecedented partnership in, back in April. The app that Sustain Hawaii has developed is one solution that I very much like the goals and the problems that are try, they are trying to solve. However, I have also researched many other apps designed with similar goals.

And some States, I have already seen try to implement apps similar to the one that we're talking about here today, with limited success, you know. Through my research, I've become aware of many different apps. And I don't believe that the Council has all the information necessary for them to make a recommendation about this particular app at this particular moment.



Yesterday, I met with the Mayor and introduced him to one of the apps that I found called Safe Aloha that utilizes the Apple/Google interface that's built into your phone, okay. And that a person can turn on, on their phone and do nothing more, and they can start automatic tracing. So, this is something that I would like to have the opportunity to introduce the Council to, and just have you have a much broader perspective on this than, than you've been offered to date. The Safe Aloha app has been designed specifically to help Hawaii reopen safely to visitors. We would require a visitor to use this app, but residents could simply turn on the notification process built into their phone.

Now, as has already been pointed out to you, this is a very politically charged thing. We need the help of the Department of Health. We need the help of the Governor and so forth. So, there's a lot of moving pieces to this thing. But what I do believe that is that Maui County can't just go out on its own and say we support this app, and Kauai County do something else. That's not going to be one of the viable solutions. That isn't to say that what's been brought forward to you by Sustain Hawaii doesn't have good parts to it. But we can't do this on a piecemeal basis. It needs to be more comprehensive.

So, I would encourage you to send this item to Committee and do some more of the research that's necessary. And I would like to introduce you, as I have the Mayor, to the Safe Aloha folks who can tell you what their app can do and so forth. I'm not the expert on this, but I have been researching it and I can, I know right now you guys don't have the necessary information to make a decision about this that would be well-informed. Thank you, Chair.

CHAIR LEE: Are there any questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Croly, for your testimony on both items. I just wanted to clarify. You're aware that one is Bluetooth technology and one is GPS technology, and that the Safe Aloha app can already launch on Apple and Google Bluetooth?

MR. CROLY: Well, yes, I am aware of the differences and I didn't want to get into the differences to any great extent. But the Apple/Google protocol says that you can only use the Bluetooth. You can't use GPS. If there's any GPS associated with the app, then you can't use the Apple/Google protocol. Whoever Apple/Google says we're going to let this, this entity be the one that introduces the app for this given state, that has to come from a government entity. They have to say we want this to be our Apple/Google app. Now, that may not precede the Perseus app from going forward

as another solution. But again, we need to talk about should there be two solutions out there or should there be one solution? And, and that's the conversation I think that needs to take place.

COUNCILMEMBER PALTIN: Yes, thank you. And I guess, you know, the Bluetooth, the, the concern for me is just, you know, the, the, the invasion of privacy aspect to, that a lot of folks are concerned with. But thank you very much for your testimony.

MR. CROLY: Yea. Yea.

CHAIR LEE: Ms. King.

MR. CROLY: Privacy is a key, key matter that we need to talk about.

CHAIR LEE: Okay. Ms. King.

MR. CROLY: Thank you.

COUNCILMEMBER KING: Thank you, Chair. I think, I think my question was answered, but I was just going to ask Mr. Croly if he felt like there had to be only one solution, since he's--

MR. CROLY: Well, from, from, you know, one of the really key things is that you need adoption. You need everyone using this thing. If, if 20 percent of the people use it, you're going to have a very low effectiveness, right? If 80 percent of the people use it, it's going to work, right? So, when you, if you start splitting it up, while it may be possible, and I'm not sure, it may be possible technically to have two apps running on your phone, can you get people to use two different apps? Can you get people to turn on the notification in one place and download another app in another place?

I don't know the answers to those questions, but I can tell you some of the apps have failed that use GPS. Because there is this resistance to I don't want to download an app that, that is going to trace where I'm at, even though I understand from the developers who say, well, we're not tracing where you're at; only your phone is tracing that. But there is that perception that's out there. So, one--

COUNCILMEMBER KING: Well we're--

MR. CROLY --solution is probably better.

COUNCILMEMBER KING: Well we're, we're not mandating any solution. They're all voluntary. So, you know, that's the issue is--

MR. CROLY: Right. And a voluntary solution that might--

COUNCILMEMBER KING: . . . and people don't like it. We may only get 20 percent of the people using it anyway.

MR. CROLY: Well, if you have an app that you just have to turn on the, the notification in the phone, I think that right away you're going to get much higher adoption rates if they just have to click, click a button and, and away they go, as opposed to any app that they have to download. Now, we do have this advantage in that before we let--

COUNCILMEMBER KING: No, but, I, I just wanted to ask you, you're not, you're not suggesting that we mandate anything, so you know.

MR. CROLY: Well, I was just going to say because when we let visitors in, we can mandate that. We can say, if you want to avoid a 14-day quarantine, you must use this app. That's something that we can do for the visitors. If they say, no, I'm going to take the 14-day quarantine, I don't want to use your app, well then, they can do that. But we do have that opportunity with visitors.

We don't have that opportunity with residents. Residents are going to have to voluntarily opt into this. And as has already been pointed out, voluntarily say if they have been found COVID positive, I'm ready to tell this app or tell whomever to go do that. So, both of those are kind of questionable things.

But for the visitors we can say, you have to have this app on your phone. And part of, part of this, and I didn't want to get into all this, is the app would say, you have had your, your test; you're COVID negative. Now, once you get here you have to get another test and the app would control those, those aspects to it for the visitor, not for the resident.

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

MR. CROLY: Thank you very much for the opportunity.

CHAIR LEE: Sure.

Madam Clerk.

COUNTY CLERK: Our next testifier is Melodie Aduja. Melodie Aduja. And she will be followed by Ms. Faith Chase.

MS. MELODIE ADUJA, DEMOCRATIC PARTY OF HAWAII HEALTH COMMITTEE  
(testifying on Committee Report No. 20-111):

Aloha.

CHAIR LEE: Aloha.

MS. ADUJA: Okay. I guess for housekeeping, my name is Melodie Aduja. I'm with the Democratic Party, I'm the Chair of the Health Committee. I did submit testimony earlier this morning. One of the attachments, however, was erroneously included which is a letter to Congress, Councilwoman Paltin dated September 8. It actually should have been the testimony as well as two attachments which would be the Hawaii Health Authority report dated November 2019, as well as what was submitted earlier this morning, would be the Hawaii Health Authority report dated June 2020.

And at this point, I do want to thank Tamara Paltin for her generous consideration in submitting this resolution. We are highly in favor of it.

Okay. Aloha Maui County Councilmembers. The Health Committee of the Democratic Party of Hawaii stands in support of CR 111. This resolution and bill directs the Hawaii Health Authority to establish a single-payer or all-payer healthcare program for the State of Hawaii. An all-payer system would specify budgetary requirements and calculations of fees for the program. CR 20-111 will reduce administrative cost of healthcare and eliminate price competition. Under an all-payer system, payment rates are the same for all patients receiving the same services or treatment from the same provider.

Hawaii could achieve, Hawaii could achieve a much more cost-effective healthcare system by focusing on administrative simplification and reducing administrative overhead instead of relying on third-party health plans that add administrative burdens in an attempt to manage care.

Hawaii could start with an all-payer system with health plans funded, controlled, or regulated by the State; including State and County employees and retirees under the Hawaii Employee-Union Health Benefits Trust Fund, HRS Chapter 87A, Medicaid, commercial health insurance plans, and Medicare Advantage plan, and require equivalency of benefits and payments of professionals for Kaiser plans. This would bring the large majority of health plans in Hawaii into the all-payer system.

A savings to the State, County, businesses, and individuals paying for healthcare could be in a large range of 20 percent of what we now are spending on healthcare while

slowing the rate of increase in healthcare cost in the future. Hawaii could then afford single-payer, universal coverage with comprehensive benefits. Our Prepaid Healthcare Act could be preserved by using the minimum 10 percent co-payments required under the law for all plans and allowing providers to waive the co-payment for those qualifying for Medicaid.

In the face of the drastic drop in State tax revenues due to COVID-19 pandemic, Hawaii urgently needs to find ways to reduce cost. In order to achieve savings, the State must retain control of physician and hospital payments and fees, and contract with health insurance plans under the administrative services only contract that was limited to claims processing and a few other essential services. The State could then move to an administrative simple standardized payment system, instead of a very complex and expensive claims adjudication system now in place.

These changes could restore the viability of independent physician practices in Hawaii and reverse our loss of doctors. They would enable Hawaii to save our neighbor-islands and critical access hospitals from bankruptcy. We could achieve markedly improved access to care for people of Hawaii while saving around \$350 million per year for the State budget. Thank you very much. I'm available for questions.

CHAIR LEE: Any questions? Any questions?

Ms. Paltin. Congresswoman.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, seeing that I worked with Ms. Aduja on the Amendment Summary Form, I was just was wondering if she could stay on as a resource in case Members have questions?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: You, you're invited to stay on if you can.

MS. ADUJA: Thank you.

CHAIR LEE: Any other questions? If not, let's move on to the next testifier.

COUNTY CLERK: Our next testifier is Ms. Faith Chase. And Ms. Chase will be followed by Nicole Ferguson.

CHAIR LEE: And then how many after that? I mean, instead of a break, we may have to take lunch. Okay. Let's go. Ms.--

MS. FAITH CHASE (testifying on County Communication Nos. 20-447, 20-448, 20-450, and 20-460):

I'll be fast. Aloha, Council. I'm pleased to see our Council helping Maui News with County Communication 20-447. Since Ms. Ooka's passing and her large advertising expenditures of over \$100,000, the Maui News has always seemed to compromise in salaries and benefits with employees continuously willingly making sacrifices to keep the press running. The number one beauty nuance of a local paper is the uplifting of the youth with printing good grades, the robotic accolades, and especially in the sports pages. This is where our community has a regular pedestal for the youth that we count on.

It is certain that cultural sensitivity will become an immediate issue should they have to outsource. We need reporter boots on the ground. We need Matthew Thayer in the trees and on top of cars getting those award-winning shots. I'd also like to say that all community papers are important and deserve the support when needed.

I do believe, following up with Molina's request, that Cameron Nutting Williams is the strategic director initiatives and operatives of Ogden and she should definitely be sent this piece of legislation.

I like Councilmember Hokama's suggestion of a local purchase. That deserves returning to, if ever possible. Generating local ownership is a great idea. And with that, perhaps, an editorial board would be a welcome refinement to this local staple.

I am in super-duper strong favor of 20-448, that allows for virtual testimony. This has been a remarkable time to witness. This is provided to, in my mind, a 400 percent increase in accessibility and transparency. I'm really glad to see this move forward.

I'm in strong disagreement of Mr. Tom Croly's testimony regarding the Safe Aloha app alternative. I have zero faith in the Department of Health and the Governor. I am proud of Maui County going out on its own and making strong decisions for our County. I am very proud of County Communication 20-450, which supports the generous creation of the contact tracing app. This is the proper way to address this COVID alarm. And I

must say that you should be very proud as a County to take such smart leadership in such a sensitive space. Mahalo to all who have contributed to this, the app developers.

And as the needs grow in further development, please know that you have a larger willing and welcoming County that will support you when you ask. I believe we will be pleasantly surprised at the voluntary participation. Hawaii people care about Hawaii people. We care about each other.

And in closing, I'd just like to say I'm really happy to see the county commutation, County Communication 460 on the greywater reuse progress. Thank you.

CHAIR LEE: Wow. Thank you. Any questions for Faith? Okay. Appreciate your efficiency, Faith. Thank you.

MS. CHASE: Enjoy your lunch.

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

COUNTY CLERK: Our final testifier signed up is Nicole Ferguson.

MS. NICOLE FERGUSON (testifying on County Communication No. 20-450):

Alright. Aloha, Councilmembers. Thank you so much for the opportunity to testify. I have helped with several of the COVID-19 testing drives in Maui County, including twice in the last two weeks. And I've also been active in the community and also assisting Hawaii Emergency Management in Honolulu in part of July with COVID response.

I'm here to testify in strong support of resolution *[sic]* 20-450, with the Perseus app. I have had the privilege of working alongside Dr. Stephanie Yan, as well as Dr. Darragh O'carroll, who's the CMO for the app. And they're both excellent providers. They are excellent community members. And they are both really aware of the COVID situation in Hawaii and the app development that's been ongoing in that sphere.

I think the Perseus app would be much better than a Bluetooth app, such as mentioned by Mr. Tom Croly. I'm in strong opposition to the Bluetooth only method, as was suggested by Mr. Tom Croly. I think the Bluetooth pathway would be redundant, since there's already that kind of utility built into phones. One thing I'd also like to point out is that the Perseus app can work on non-smart phones also, since it's GPS based.

So, just to close, I think that the people behind this app development are really trustworthy, really intelligent people. The app itself be, because it's GPS based, is extremely useful and because it allows for immediate notification through people's phones, as opposed to the delay which could be built into some other apps. I think this is a very strong contender. I'll end my testimony and open up for questions if you have any. Thank you.

CHAIR LEE: Are there any questions for the testifier?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. So, I just wanted to ask the question I asked before. Is it, you know, do you think that we just need one solution or could, you know, several solutions work since they're all voluntary?

MS. FERGUSON: Sure. Great question. I think that what matters most is that there's, that Maui County adopts Perseus as soon as possible. And then if needed, it does allow for integration. So, it can then be integrated and made to play with other apps if needed. And so, I think that it's a strong early contender. And I think that if, if it needed to be changed down the line, right, say the, another app pops up and it's gaining traction, they could be made to play together really well is my understand. Now, I'm a biologist, not an app developer, but that's what I've been apprised of from the people involved in this.

COUNCILMEMBER KING: Okay. Thank you so much, Dr.

MS. FERGUSON: Not a doctor. I have master's but thank you.

COUNCILMEMBER KING: Well, we're giving people other titles today, I guess, so.

MS. FERGUSON: Sure. Thank you.

CHAIR LEE: Yes. When you come to the Council, you can be whatever you want to be. Any other questions? If not, thank you very much.

MS. FERGUSON: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, there are no other testifiers signed up to testify. And we'll give one last call. If an individual connected to the meeting has not testified but would like to do



so, please identify yourself now. Staff is unmuting everyone on our end, and you can also inform staff via the meeting chat. This is the last call for testifiers. Please indicate if you would like to testify.

CHAIR LEE: Members, are there any objections to receiving written testimony into the record, and to closing public testimony?

COUNTY CLERK: Excuse me. Chair. Excuse me, Chair.

CHAIR LEE: Yes.

COUNTY CLERK: Chair, we have one more individual requesting to testify. And that would be Claudia Imperato.

CHAIR LEE: Alright. Let's have one last, one last testifier. Can you call Claudia up?

COUNTY CLERK: Claudia Imperato, you're called up to testify. She's muted.

CHAIR LEE: She said, sorry I don't know how.

COUNCILMEMBER PALTIN: The little microphone button at the top of your screen. Just click it and you can unmute yourself.

MS. CLAUDIA IMPERATO (testifying on County Communication No. 20-450):

Oh, hi. Can you hear me now? This is Claudia.

CHAIR LEE: Oh, yes.

COUNCILMEMBER PALTIN: You can also unmute your camera if you'd like.

CHAIR LEE: Okay, Claudia, you can start your testimony.

MS. IMPERATO: Hi there, everybody.

CHAIR LEE: You have three minutes.

MS. IMPERATO: Thank you so much. Okay, great. So, I'm calling to testify in support of the Perseus app. I like that it's a voluntary opt in. I think it's a fantastic contact tracing solution, and I think it will greatly reduce the workload on the Department of Health. It's too slow to call everybody once somebody finds out that they have tested positive

for COVID. And the individual can also anonymously let everybody know that they are COVID positive. So, for me, I don't understand why this has not got more support. Thank you.

CHAIR LEE: Any questions? If not, are there any objections to receiving written testimony into the record and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

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

1. Stephanie Yan;
2. Kai Duponte, HALE Hawai'i;
3. Dennis B. Miller, Medicare For All Hawaii;
4. Melodie Aduja, Democratic Party of Hawaii Health Committee;
5. Deb Aweau;
6. Karri Ayasanonda;
7. Eric Bruner;
8. Laura Fisher;
9. Charley Ice, Democratic Party of Hawaii Health Committee;
10. Stephen B. Kemble;
11. Sherron Lawrence;
12. Julie Lewis;
13. Julie Ohashi;
14. Paula Phillips;
15. Martha E. Randolph, Democratic Party of Hawaii Health Committee;
16. Serina Souza;
17. Max J. Sword, Expedia Group;
18. Mary Trotto;
19. Pamela Tumpap, Maui Chamber of Commerce; and
20. Jamie-Sue West.

CHAIR LEE: Madam Clerk, proceed.

COUNTY CLERK: Proceeding onto minutes, Chair.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of July 10, 2020, were presented at this time.

CHAIR LEE: Okay. After the minutes, I'm going to ask you if you want to have a break or take a recess, a short recess or lunch break.

Okay, so let's deal with the minutes first. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES OF JULY 10, 2020.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the minutes from July 10, 2020.

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

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

NOES: NONE.

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

Now, Members, it is almost 11:40. You want to take a 15 minute break or you want to take an hour break?

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: One hour. We also have to think about staff too, yea, that they might need that break time as well. So, I prefer a one-hour break. Thank you.

CHAIR LEE: Very thoughtful.

Ms. King.

COUNCILMEMBER KING: Chair, yea, I, I don't mind. I think that's a good idea to take a one-hour break. I will probably not come back right on because I have a meeting at 12:30. I was anticipating either breaking for lunch or being done by noon. But, so personally, I have a meeting at 12:30. But I'm open to whatever. You know, I just won't be able to be right back on in an hour.

CHAIR LEE: Okay. Member King, I can almost guarantee you we would not finish the meeting in one hour.

COUNCILMEMBER KING: I'll come back on after my meeting. I promise.

CHAIR LEE: Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Somebody had their hand up. Was it you?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, it was me, yea.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I was just thinking that maybe we can go to 11:45? So, like a few more minutes and then that way Chair King can, Member King can, won't miss too much. I just, the first five items are just to file, unless others have stuff that they want to do to it?

CHAIR LEE: Okay. We'll, we'll, okay, any objections to doing five items, filing the five items and then recessing for an hour, right? Alright.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Madam Clerk, could you call up the five county communications?

COUNTY CLERK: Chair, proceeding with county communications.

CHAIR LEE: Actually, seven, right? Seven. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I was, I was going, I was going to not do 20-440, because that has the contracts and grants.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, the first six.

CHAIR LEE: So, six then? Okay. Up to 439. Alright. Madam Clerk.

COUNTY CLERK: Okay. Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 20-434 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated August 28, 2020)

Transmitting a request for an extension to submit the summary report of the temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2020 proposed General Obligation Bond Fund as of July 31, 2020, by September 30, 2020 to allow for additional time to review all the projects to be included in the upcoming General Obligation Bond issuance.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNTY CLERK: Oh, go ahead.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNTY CLERK: Would you like me to continue?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair. If Madam Clerk could go to 439?

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: CC 20-439.

NO. 20-435 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated August 28, 2020)

Reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of June 30, 2020.

NO. 20-436 - MARK I. TAKAMORI, DIRECTOR TRANSPORTATION,  
(August 18, 2020)

Transmitting a copy of the notice of grant award from the State Department of Transportation for the transportation planning portion of the Maui MPO FY2021 Unified Planning Work Program totaling \$400,000.

NO. 20-437 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 26, 2020)

Transmitting a copy of the notice of grant award from Matson Foundation Contribution in the amount of \$1,000.

NO. 20-438 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 31, 2020)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of Human Services for the Kahului Affordable Housing for Homeless Families Program in the amount of \$864,200, of which \$432,100 has been appropriated in the Fiscal Year 2021.

NO. 20-439 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 19, 2020)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Aging and Disability Resource Center in the amount of \$92,000.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-434  
THROUGH 20-438, 39, EXCEPT FOR THE, YEA, THAT'S IT,  
TILL 439.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Kelly King, to file County Communications 20-434 through 439.

Any discussion, Vice-Chair Rawlins-Fernandez? Oh, wait we have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Relating--

CHAIR LEE: Go ahead. Do that first.

VICE-CHAIR RAWLINS-FERNANDEZ: Relating to county communication for, oh yea, so these communications are informational, and no further action is required by Council. And we had a whole page now done.

CHAIR LEE: Okay. Do we have any, I saw a hand up, any questions? Okay, if not, all those in favor of the motion, raise your hand, say "aye".

AYES: COUNCILMEMBERS HOKAMA, 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 for that. We'll take a lunch break until 12:45. Alright, 12:45, I'll see you then. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:44 A.M., AND WAS RECONVENED AT 12:49 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the County Council meeting please reconvene. It is now approximately 12:50. And with us, we have, three, six, seven, eight; we have eight people. Member King is excused.

And Member Kama told me just recent, just a little while ago that she has to leave at 2:00. Or do you have to, your appointment is at two, the doctor's appointment is at two, so do you have to leave before two?

COUNCILMEMBER KAMA: I have to, actually, it's for my daughter, so I got to go pick her up at her caregivers. And so, I live in Kahului, her doctor is in Kahului, she's in Wailuku. So, I got to run over to Wailuku, pick her up, take her to her doctor in Kahului.

CHAIR LEE: Okay. So, does that mean that you're leaving at 1:30 or 1:45 or something?

COUNCILMEMBER KAMA: No. No. No.

CHAIR LEE: At 2:00?

COUNCILMEMBER KAMA: I'm leaving at 2:00. Get to Wailuku by 2:15, get back on this side by 2:45.

CHAIR LEE: Okay. So, let's finish with the county communications. And then, Member Kama has asked if we don't mind rearranging the calendar so that she can take up her two items before she has to leave.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Her two projects. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Kathy, can we continue on with county communications and then stop?

COUNTY CLERK: Okay.

NO. 20-440 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated September 3, 2020)

Transmitting 74 contracts/grants for August 2020.



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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 20-440, EXCEPT  
FOR THOSE GRANTS AND CONTRACTS THAT  
COUNCILMEMBERS REQUEST FOR COMMITTEE  
REFERRAL.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Is there a second? Okay. It's moved, been moved by Member Rawlins-Fernandez, seconded by Member Hokama, to file County Communication 20-440, except for the items that Members ask to be excluded.

Okay, first of all, going to Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

CHAIR LEE: Which ones do you want to pull out?

COUNCILMEMBER SINENCI: Yes, thank you, Chair.

FOR CONSIDERATION TO THE EACP COMMITTEE,  
CONTRACT NO. C6783-2, JUNK VEHICLE DISPOSAL  
PROGRAM; AND CONTRACT C6795-1 OF THE RECYCLE,  
RESIDENTIAL RECYCLABLE MATERIALS PROGRAM.

CHAIR LEE: Okay. Any objections anyone? If not, so ordered.

COUNCILMEMBER SUGIMURA: I have an. Chair. Chair.

So, you know, Mr. Sinenci, I have a item in my Committee regarding the abandoned vehicles already. So, I was going to ask for that junk, that junk vehicle. It kind of ties in with an item that I'm going to be hearing.

COUNCILMEMBER SINENCI: Okay. Yea, we can, I'm, I . . . the Committee. That's fine.

CHAIR LEE: Okay. Can you repeat again what goes to your Committee, what goes to WIT?

COUNCILMEMBER SINENCI:

IT LOOKS LIKE MEMBER SUGIMURA WANTS CONTRACT  
6783-2 TO THE WIT COMMITTEE, AND CONTRACT C6795-1  
TO THE EACP COMMITTEE.

CHAIR LEE: Okay. Any objections? So, ordered.

Next.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Sinenci.

CHAIR LEE: Next. Who else wants to pull out contracts?

COUNCILMEMBER SUGIMURA: I do.

CHAIR LEE: Okay. For some reason you froze, you guys were frozen momentarily. Okay,  
Ms., Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

SO, C6846-1 TO MY COMMITTEE; AND C7155--

CHAIR LEE: Can, oh, excuse me. Can you just, Ms. Sugimura, could you give us the, the  
number and then the title, so we know what, what it's about.

COUNCILMEMBER SUGIMURA: Okay. Alright.

C6846-1, THESE ARE STREETS IN PUKALANI, SO IOLANI-  
LOHA-LIHOLANI-MAKANI.

CHAIR LEE: You don't have to tell us the streets. It has just streets in Pukalani, okay? Okay  
and then the next one?

COUNCILMEMBER SUGIMURA:

OKAY, PAVEMENT; 7155, TREE TRIMMING, TREE  
INVENTORY, DOT; G4903, TIME EXTENSION MEO  
TRANSPORTATION.

That's it. Got it?

CHAIR LEE: Okay. Any objections, Members? Okay, so ordered.

Okay. Any other contracts? Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

C-6995.

CHAIR LEE: And that is?

VICE-CHAIR RAWLINS-FERNANDEZ:

THE MOLOKAI LANDFILL INTEGRATION, MOLOKAI  
INTEGRATED SOLID WASTE FACILITY.

CHAIR LEE: To which Committee?

VICE-CHAIR RAWLINS-FERNANDEZ:

EDB.

CHAIR LEE: EDB. Okay. Alright, any objections to that request?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered. Are there any more contracts that you want to pull out?

If, if not, all those in favor of the main motion, which is to file everything else, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, very good. Unanimous; eight "ayes", one "excused". Motion carries.

Madam Clerk. Madam Clerk. Oh, you're on muted.

NO. 20-441 - MICHAEL P. VICTORINO, MAYOR,  
(dated August 28, 2020)

Informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Petrina Costello effective August 27, 2020.

CHAIR LEE: Okay, any objections to referring that? I mean, let's see, oh, Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 20-441.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Keani Rawlins-Fernandez, to file County Communication 20-441.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Mayor received notice of Ms. Costello's resignation from the Commission on Persons with Disabilities effective August 27, 2020. And I'd like to thank Ms. Costello for her participation in local government and for volunteering her time for the community. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Next item, Madam Clerk. Madam Clerk.

COUNTY CLERK: E kala mai.

NO. 20-442 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated August 24, 2020)

Informing of the acceptance of Sewerline Easement "A", 491 Lihi Street, Wailuku,  
TMK: (2) 3-8-037:002 POR.

CHAIR LEE: Member, okay, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Madam Chair. If there are no  
objections, I'll also ask the Clerk to call up County Communications 20-443 through  
20-445.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, please proceed.

NO. 20-443 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated August 26, 2020)

Informing of the acceptance of Waterline Easement "W-5", Makena Farms Subdivision,  
affecting Lot 4-J, TMK: (2) 2-1-007:067 POR.

NO. 20-444 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated August 26, 2020)

Informing of the acceptance of Waterline Easement "A-2", Makena Farms Subdivision,  
affecting a portion of Lot 4-D, TMK: (2) 2-1-007:067 POR.

NO. 20-445 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated September 3, 2020)

Informing of the acceptance of Waterline Easement "W-1", Maui Preparatory Academy  
Subdivision, Lahaina, TMK: (2) 4-3-001:085 POR.

CHAIR LEE: Okay, for some reason my notes say call on Vice-Chair Rawlins-Fernandez for 20-445. But that is probably in the purview of Member Sugimura, right?

COUNCILMEMBER SUGIMURA: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I'll be 446.

CHAIR LEE: Yea, okay. So--

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: --from 442 to 445, right?

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-442  
THROUGH 20-445.

Thank you. I need a second.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KAMA: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll second.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file those communications.

COUNCILMEMBER SUGIMURA: Good teamwork. So, these communications are informational and require no further Council action. Thank you, Members.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Okay. Now, we're onto 446. Madam Clerk.

NO. 20-446 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, ECONOMIC  
DEVELOPMENT AND BUDGET COMMITTEE,  
(dated September 4, 2020)

Transmitting the following:

1. County Communication 20-341, from Council Vice-Chair Rawlins-Fernandez, relating to the Fiscal Year 2021 appropriation for Other Post-Employment Benefits; and
2. Correspondence dated August 31, 2020, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, POST-EMPLOYMENT OBLIGATIONS".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO DISCHARGE THE ECONOMIC DEVELOPMENT  
AND BUDGET COMMITTEE FROM FURTHER  
CONSIDERATION OF THE PROPOSED BILL ATTACHED TO  
COUNTY COMMUNICATION 20-446.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Mr. Hokama, to discharge this item from the Committee.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As the proviso language currently states, full payment must be made by September 30, 2020, therefore, discharge is needed to enable the Council to consider action today on the proposed bill. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER HOKAMA:

SECOND.



CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Mr. Hokama, to waive the Rules of the Council.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Again, we, we, we've discussed this last night; the necessity of moving forward with this bill. Mahalo, Chair.

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

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

CHAIR LEE: Okay, say "no". I mean, "no" for, okay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Okay. Ms. Rawlins-Fernandez again.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING,  
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND  
TO FILE COUNTY COMMUNICATION 20-446.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay. Moved by Ms. Rawlins-Fernandez, seconded by Mr. Hokama, to approve of County Communication 20-446. Discussion? Any more discussion?

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the record, the proposed bill would delete the proviso under the Department of Finance, Countywide Costs, Post-Employment Obligations, and replace it with a new proviso that states, "The annual

required contribution of \$13 million must be paid to the State of Hawaii Employer-Union Health Benefits Trust Fund by September 30, 2020 and the remaining appropriation may be remitted on or before June 30, 2021."

As discussed in your Economic Development and Budget Committee meeting of September 10, 2020, the Administration has requested this amendment in order to delay the second payment until after the February Real Property Tax payments are made. The Budget Director confirmed that the original \$13 million payment has already been made. And due to the ongoing pandemic and its impacts on the residents and finances of Maui County, this amendment seems to be a sound fiscal decision. I ask for the Councilmembers support of this motion. And excuse me for that beeping sound that you may have heard.

CHAIR LEE: Oh, we didn't hear that.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Okay, let's do three more and then done. Then we go straight to housing, okay?

Madam Chair.

COUNTY CLERK: For the record, that's--

CHAIR LEE: I mean, Madam Clerk.

COUNTY CLERK: For the record, Chair, that's BILL NO. 88, 88 (2020).

NO. 20-447 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated September 4, 2020)

Transmitting a proposed resolution entitled "SUPPORTING THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS OF MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY NEWSPAPER".

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO THE COUNTY COMMUNICATION 20-447,  
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND  
TO FILE COUNTY COMMUNICATION 20-447.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: I need a second. Thank you.

CHAIR LEE: Okay. It's been moved by--

COUNCILMEMBER SUGIMURA: May I request that the Clerk, oh sorry.

CHAIR LEE: Wait, wait, wait. It's been moved by Member Sugimura, seconded by Ms. Kama, to adopt the resolution.

And discussion, Ms. Sugimura. Discussion.

COUNCILMEMBER SUGIMURA: Yea, thank you. May I request the Clerk read the resolution in its entirety?

CHAIR LEE: Madam Clerk.

*(The resolution was read in its entirety.)*

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Madam Clerk, for reading that. And thank you, Chair. I recently learned that the West Maui, I'm sorry, West Virginia based Ogden Newspaper, Inc. is seeking to have mainland workers edit stories, design the paper of the Maui News. And the free press is a vital institution, which the resolution talks about. I believe that the residents of Maui County has been able to rely on the, on their unbiased writing. And they've represented news for our resident, and that they are currently very sensitive to our culture, knows the aloha spirit, and can represent us better than a West Virginia company.

I appreciate all the Members to support this, because I think all of us stand together supporting working families. We want to send our, our great appreciation to Lee Imada, who came and testified this morning, and told us his history of being, writing and being with the paper. He's given his life, really, to it. And I, and I will say that if you think about it, they are the check and balance so that things that we do in government can be reported factually in the spirit of communication and free press. And I request all of your support and passage of this resolution. Thank you.

CHAIR LEE: Any further? Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair.

BASED ON COMMENTS FROM MR. IMADA, I MOVE TO AMEND THE RESOLUTION UNDER THE "BE IT RESOLVED" CLAUSE TO HAVE THE, A COPY OF THE RESOLUTION SENT TO THE OWNERS OF THE MAUI NEWS; OGDEN NEWSPAPERS.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Sugimura, to amend the motion by adding the Ogden Company to, to the resolution.

Further discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Not much other than the fact that since these changes are, are driven by the owner, I would think that they should, you know, hear the concerns in this resolution that's being initiated by the Council. And I thank Councilmember Sugimura for this resolution. Thank you.

CHAIR LEE: Okay. All those in favor of the motion for amendment, signify by saying "aye", and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, there's eight "ayes", one "excused"; motion carries.

Now, the motion as, the main motion as amended. All those, any further discussion?

Mr. Hokama, and then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER HOKAMA: Chair, thank you. I'm speaking in support of the motion as amended. I want to thank Ms. Sugimura for proposing it this afternoon for us. I would just rhetorically, you know, present it to our community as this, would West Virginia like to have Maui County people write and draft the news for West Virginia? Cause if they can agree to that, then what they asking us maybe we should consider. But I don't think any West Virginian wants a Maui person to write about them and tell them about themselves. I think we would prefer that our own local people have that opportunity to present what is important to us in our daily newspaper. So, thank you very much for my opportunity.

CHAIR LEE: Thank you.

Ms. Rawlins-Fernandez, followed by Ms. Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in support of the motion. While I may not always agree with the way that stories are framed and the angle that are taken, you know, the press is vital to any democracy. And I echo the sentiments of Member Hokama, Member Sugimura, and both our testifiers, Mr. Imada and Mr. Sherman about the need to have reporters here locally, as well as the advertising salespeople. Because, we've been a strong proponent of keeping jobs here. And who knows us better than our own community? Definitely not West Virginia. In support of Member Molina's amendment. Perhaps Mr. Imada would be able to provide our support staff with the correct contact information and mailing address so that we get our resolution to the right person? Mahalo, Chair.

CHAIR LEE: Thank you.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. You know, there's something about this, this item that I really like. The fact that we're now being apprised that our newspaper, our local newspaper is being taken over. And I feel like we should say more. We should, we should be yelling to the people of our County, you know, that this is what is happening. Do you agree with this? And if you do, then that's fine. But if you don't; speak up, write letters, send emails, do something. But I think they can't because they don't know.

So, is it a way, is there a way that maybe we could put an ad in the Maui News or something, or to let our people know, you know, how important this issue is to us? And if it's important to them, that they'd be willing to do whatever necessary to, I mean, I think we just have to put pressure on this company. I mean, I can't, I can't for the life of me seeing somebody talking about me 10,000 miles away from me without talking to me first. And that really doesn't sit well. So, that's my two cents towards this. And I do support this resolution. I'm so proud that we can do something about it. So, thank you, Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I speak in support of the resolution as amended. And kind of following up on Member Hokama's comments. I find it quite condescending by the owners of the Maui News to basically tell us what's best for us. And I'm just hoping that they're consistent with their policy of other newspapers that they may own in other states. I mean, if they're not doing that to other, dictating to their other newspapers about content and editing, and only doing it to the Maui News, it's, you know, I find that very questionable and condescending and maybe even like a plantation manager perspective. You know, very looking down on us as, as a second-rate State if you will.

So, I'm just hoping that they're consistent with the same type of policy with other newspapers that they own in various states, cause I don't know if they have one in Virginia. And I don't know if they would take that same approach with a smaller publication in Virginia as they would with the Maui News here in Hawaii. So, anyway, that's just my thoughts. Thank you, Madam Chair.

CHAIR LEE: Thank you.

Ms. Paltin. Unmute. Unmute.

COUNCILMEMBER PALTIN: Thank you, Chair, for my opportunity. I'd like to speak in support of the motion. The role of locally written news in our community is multifaceted. It helps residents know what is going on specifically in their own areas. They can engage a community on controversial issues by providing different perspectives. It can inform residents of events to attend and support, give athletes a boost, and provide an outlet for readers to give feedback. As a truly unbiased source, local news plays a critical role as an additional check and balance on government and other entities so that any actions positive or negative can be exposed, and those involved can be held accountable.

According to Civil Beat, studies have shown that when local journalism disappears, government financing cost go up, fewer people run for office, and elected officials become less responsive to their constituents, and voter turnout decreases. So, for these reasons, I support the resolution. Thank you. Thank you, Ms. Sugimura, for putting it forward.

CHAIR LEE: Thank you. Any further comments?

I just want to thank again, Ms. Sugimura, for this resolution and to like take a really quick trip down memory lane for all you young-uns. You know, the, the history of the Maui News is very, very, they were so much a part of our community. And from Nora Cooper, and I'm talking about the top women back in the 60's, and the 70's, and the 80's. These were real leaders. And Nora Cooper was the editor at one time and then became the publisher. But before her, it was Margaret Sanford that was the publisher.

And they, some of the famous writers during that time were Jill Engledow; Liz Janes, who worked for KNUI, but also worked for the Maui News; Val Monson. And I just remember one guy, and that was Dave DeLeon. But there were many people, many, many people that were so much a part of our community. Even, for instance, Nora Cooper lived in Dream City and went to Christ the King Church. So, you know, they were, you know, they weren't just people who just came here and did a job. They were a part of the community, a very vital part. So, it gives me pride to support this resolution.

So, are there any further comments or questions? If not, all those in favor of the motion say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Great. 8-0, one "excused"; motion carries.

Madam Clerk, I'm thinking some of these are getting longer than we expected, so, can we go straight to the two committee reports on Affordable Housing? Report 20-107 and Report 20-108, since Ms. Kama has to leave pretty soon. Could you bring those up please?

COUNTY CLERK: Yes. Certainly. And for the record, that last RESOLUTION was NO. 20-121 for County Communication 20-447.

Alright, proceeding with committee reports.

(Councilmember King returned to the meeting at 1:21 p.m.)

## COMMITTEE REPORTS

### COMMITTEE REPORT

NO. 20-107 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 20-122, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;
2. That the proposed resolution, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and
3. That the proposed resolution, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED.



CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA:

I MOVE THAT THE RESOLUTION ATTACHED TO CR 20-107, APPROVING WITH MODIFICATIONS THE HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING PROJECT, IN ACCORDANCE WITH SECTION 2.97 OF THE MAUI COUNTY, LOCATED AT OHUKAI STREET AND KAIOLA PLACE IN KIHEI, MAUI, IDENTIFIED FOR REAL PROPERTY TAX PURPOSES AS TAX MAP KEY (2) 3-9-029:049, BE ADOPTED; AND THAT THE ASSOCIATED RESOLUTIONS APPROVING HALE KAIOLA WORKFORCE HOUSING PROJECT AND DISAPPROVING NAME, SAME, BE FILED.

COUNCILMEMBER KING:

SECOND THE MOTION.

CHAIR LEE: Moved by Mr., Mr.; moved by Member Kama, seconded by Member King, to adopt the resolution in Committee Report 20-107.

Discussion, Ms. Kama? Discussion.

COUNCILMEMBER KAMA: Your Affordable Housing--

CHAIR LEE: You want to talk about the project? That's okay.

Any, any other comments? Any comments on this? Alright, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Okay, so eight "ayes". I'm not, excuse me, nine "ayes". Ms. King--

COUNCILMEMBER KING: I'm back.

COUNCILMEMBER KAMA: Thank you. Thank you, Ms. King.

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

Madam Clerk.

COUNTY CLERK: That was RESO 20-122.

COMMITTEE REPORT

NO. 20-108 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 20-123, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;
2. That the proposed resolution, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED and
3. That the proposed resolution, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE", be FILED.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA:

I MOVE TO APPROVE THE RESOLUTION APPROVING WITH MODIFICATIONS THE LILOA HALE SENIOR HOUSING PROJECT, IN ACCORDANCE WITH SECTION 2.97, MAUI COUNTY CODE, IN KIHEI, MAUI, IDENTIFIED FOR REAL PROPERTY TAX PURPOSES AS TAX MAP KEY (2) 2-2-002:072 (POR); AND FOR THE FILING OF THE RESOLUTION APPROVING THE LILOA HALE SENIOR

RENTAL HOUSING PROJECT AND THE RESOLUTION  
DISAPPROVING THE LILOA HALE RENTAL HOUSING  
PROJECT.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member Kama, seconded by Member King, to approve Committee Report 20-108.

Discussion, Ms. Kama?

COUNCILMEMBER KAMA: Your Affordable Housing Committee, do you want a discussion, or do you want the rest of the report? I don't think there's any discussion

CHAIR LEE: I don't know.

COUNCILMEMBER KAMA: --there's any discussion--

CHAIR LEE: No, I just wondered if wanted to say anything further on this?

COUNCILMEMBER KAMA: I think I want to just make mention that in the report itself, there was a small error, because it says that the location of the project is Piilani Highway and Liloa Drive, but that was reversed. So, it's actually, the report should say that the site is bounded by Piilani Highway on the west and Liloa Drive on the east. But Madam Chair, that is the only correction on the report as I have recorded.

CHAIR LEE: Any further discussion?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to say that this project has gotten a lot of support. There, there was still a couple of concerns but, you know, the project developers worked really hard to work with the community. And I think the biggest thing they did was lower the height of the project for the view corridor. And that was a, that was a pretty big deal. They reduced a lot of, a lot of units. But the fact that this is going to be managed by Hale Mahaolu gives me a lot of confidence that it's going to basically be an extension for that. But I, and I think that, and I just want to say too that this is one of several projects that have been moving through South Maui.

And I hope people when, when they come before us stop saying, when are you ever going to get affordable housing done, because we are getting affordable housing done. So, I hope everybody will, thank you for the last project, and I hope everybody will approve, you know, I just urge my colleagues to approve this project as well. Thank you.

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

AYES: COUNCILMEMBERS HOKAMA, 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.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: We will go back to CC 20-448. Madam Clerk, right? Okay.

COUNTY CLERK: Yes, correct.

### COUNTY COMMUNICATIONS

NO. 20-448 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND  
TRANSPARENCY COMMITTEE, (dated September 3, 2020)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY".

CHAIR LEE: Alright, Mr. Molina. Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. May I ask for a brief recess to discuss with you a procedural matter related to this county communication?

CHAIR LEE: Sure. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:27 P.M., AND WAS RECONVENED AT 1:29 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the meeting please reconvene.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair, for the recess. May I request that the County Communication 20-448 be considered after doing Committee Report 20-111?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

COUNCILMEMBER MOLINA: Thank you.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 20-448 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 20-134. COUNTY COMMUNICATION NO. 20-448 WAS THEN FILED. See pages 126 through 142 for discussion and action.)

CHAIR LEE: Okay. So, the next one, Madam Clerk.

COUNTY CLERK: For the record, Chair, committee, the reso attached to Committee Report 20-108, RESOLUTION NO. 20-123 is assigned.

CHAIR LEE: Okay.

NO. 20-449 - ALICE L. LEE, COUNCIL CHAIR,  
(dated September 2, 2020)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF KEONI SHIROTA AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

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

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
TRANSMITTED WITH COUNTY COMMUNICATION 20-449,  
AND FILE COUNTY COMMUNICATION 20-449.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

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

CHAIR LEE: Okay. What did I say? Just checking.

VICE-CHAIR RAWLINS-FERNANDEZ: I couldn't read your lips, because you were too--

CHAIR LEE: You folks should be able to read my lips already, oh boy.

VICE-CHAIR RAWLINS-FERNANDEZ: But you had turned away, turned away. If you were looking toward the camera, I would've been able to read your lips.

CHAIR LEE: Okay. Okay. Alright, so damned if you do, damned if you don't. So, alright, yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Shirota received his Associates Degree in Liberal Arts at UH Maui College and is working on his bachelor's degree in Business Administration from west, UH West Oahu. He is currently employed as an Elections Warehouse Technician with the Office of the County Clerk. Prior to that, he was employed with S&J Bakery, Inc. Mr. Shirota's experience in the Office of the County Clerk will make him a great asset in the Office of Council Services.

On top of all of this work experience, he is just a pleasure to work with. He's such a nice guy. I'm, I'm sad for the Clerk's Office that they're losing him, but I'm happy for OCS that we're getting him. And I guess, you know, they took James and, and Kathy, so we can take Keoni. But we're all one family. We're all ohana, so.

CHAIR LEE: Yea, okay. We don't have to get into all of that, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I ask for the Members full support of approving Mr. Shirota's appointment.

CHAIR LEE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want to also add my support for this. When I was talking to him, and the thing that really told me that he has character is, I said, oh, so when are you going to start, you know, with us? And he said, oh not till after the elections, cause he made a commitment. And I just thought that's character, right? That's what we want, a man of your word. And appreciate it, so welcome. I will definitely support this.

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

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

NOES: NONE.

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

Congratulations, I hope, Mr. Shirota.

Alright, Madam Clerk.

COUNTY CLERK: For the record, that's RESOLUTION 20-124.

NO. 20-450 - TAMARA PALTIN, COUNCILMEMBER,  
(dated September 3, 2020)

Transmitting a proposed resolution entitled "URGING THE MAYOR TO AUTHORIZE APPLE AND GOOGLE TO RELEASE SUSTAIN HAWAII'S PERSEUS CONTACT TRACING APPLICATION FOR VOLUNTARY USE BY COUNTY CONSTITUENTS".

CHAIR LEE: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 20-450,

INCORPORATING ANY NONSUBSTANTIVE REVISIONS; FILE  
COUNTY COMMUNICATION 20-450; AND TO REFER THE  
SUBJECT MATTER TO THE PSLU COMMITTEE.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay, it's been moved by Member Paltin, seconded by Member King, to pass the resolution--

COUNCILMEMBER PALTIN: May I please--

CHAIR LEE: --to pass the resolution.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: May I please request Ms. Clerk to read the resolution in its entirety?

CHAIR LEE: Okay. Madam Clerk, could you read the resolution?

*(The resolution was read in its entirety.)*

COUNCILMEMBER PALTIN: Thank you, Chair. And thank you, Ms. Kaohu. We're now six months into the COVID-19 pandemic and cases in Hawaii are still growing. The State's response is unacceptable and it's our kuleana as policymakers to do what we can to ensure the health and safety of our residents.

The goal of this resolution, the goals of this resolution are to urge the Mayor to approve Sustain Hawai'i's Perseus, which is the Planned Emergency Response System Engaging Unified Support contact tracing application for voluntary public use via Apple or Google, and to show our support for the application as an adjunct to existing County and State testing and tracing protocols for containing the spread of COVID-19.

The Perseus contact tracing application was initially known as the Safe Travels application, but Sustain Hawai'i had to change its names as the State announced the launch of an app with the same name on August 31 of this year, which is mandatory for all travelers as of September 1. The State Safe Travels app is not for contact



tracing. It's for travelers to use to enter their information instead of filling out paperwork when they are flying to our islands. It has no epidemiological affect.

On August 31, the Governor announced the retirement of Bruce Anderson, the Department of Health Director. Two days later, Emily Roberson, an epidemiologist newly assigned to take over an overwhelmed contact tracing effort, requested a leave of absence until leadership could clarify chain of command issues that had, that made it hard to do her job. A day after that, Dr. Sarah Park, the State Epidemiologist was put on paid leave. On September 4, Jennifer Smith, a State DOH case investigator that explode, exposed flaws in Hawaii's COVID-19 contact tracing program, was placed on paid leave. Smith was responsible for blowing the whistle on the Department's failures, explaining how she and her colleagues were so understaffed that she felt she had to be in, looking outside the department for help.

We have seen a lack of information and a failure by our Department of Health in moving these types of projects forward in a timely manner to help slow the spread of COVID-19.

Hawaii County Council's Public Safety Committee voted to send a similar resolution to their County Council with a favorable recommendation on September 1.

The Mayor needs to endorse or authorize the release of the app to the public, otherwise we can't use it. I want to remind the public that the use of this app, once authorized by the Mayor, is completely voluntary, HIPAA compliant, and free to the public. The Perseus app could compliment manual contact tracing efforts, providing real time data that can help to quickly identify positive cases and notify close contacts. Lives and livelihoods are at stake and we should be doing what we can to help give our residents another tool in their toolbox to combat this potentially deadly virus.

And on a personal note, you know, when this, near spring break when the COVID-19 was becoming more of a problem, I took my daughter to the doctor's office for a dog bite. And while I was there, I overheard the doctor concerned that she was exposed to somebody that had later tested COVID positive. And I just grabbed my daughter and I ran out of the office. You know, I didn't want nothing to do with that. And I got a call later on from, from the doctor telling me not to tell anybody of what I had heard.

And I called Dr. Pang and I asked him why wouldn't I be telling people what I had heard? And he didn't have any satisfactory explanation for me, except for that was the, the call from the Department of Health. And now, five-six months later, I have lost complete trust in the Department of Health.

And so, you know, sometimes we need leaders that come out from grassroots, that come out from tech, that come out from the community. And, and when our people who are paid to do these jobs are failing us and we see it play out day after day in the news, we got to take our own actions.

And I think, you know, we have the choice to download Facebook, we have the choice to down Instagram, Whatsapp, whatever it is. And all of these applications are far more invasive than what is being offered here today. So, I'm just asking, respectfully, for the Councilmembers support of my motion to give the people the choice to download the app that can help them make a difference, can help us reopen safely.

I mean, I think most everyone's taken a drive through Lahaina Town, Front Street, walking down Kaanapali. Like, when, when the unemployment money runs out, we're going to be in a world of hurt. And that deadline is rapidly approaching. I seen my husband's unemployment balance whittling away, you know. We can't, we can't let politics and, and these types of things get in the way of that. Anyone can release any app. Anyone can be free to download it. Just writing a letter authorizing it doesn't mean anyone's going to download it, and so I'm committed to follow up with a presentation to let the public know what it's about. And then they can make the decision whether they want to download it or not.

It's, it's a simple thing that we can do to help our communities. Like they said, lives and livelihoods are at stake and, you know, also, the liability of us not doing anything. To not do anything is just, you know, it's a sentence for what's to come. So, just respectfully ask for your support. Thank you, Chair.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: Yea, I heard.

Mr. Molina and then Ms. King.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I appreciate what Member Paltin is doing. Certainly, we need to look at other options. And I, I know, I just wanted to know what your parameters are, Chair, as far as discussing this, so we don't get a full-on Committee discussion here on the Council level. So, I would certainly appreciate the matter going for further vetting in a presentation to the, whatever appropriate Committee is deemed. But I do have one question for Member Paltin, and I think she mentioned it earlier, that you sent this proposal, what was it, this past August, or it was August, right, you sent this to Administration? And thus far, have not gotten a response, am I correct?

COUNCILMEMBER PALTIN: I'm sorry. Councilmember Molina, the app developer sent it to the Administration. So, your question may be better aimed to the app developer and our resource Kevin Vaccarello. I had called Sandy Baz and sent him an email, but I haven't heard back from him, and that was about a week ago.

COUNCILMEMBER MOLINA: Oh, okay. I, I, I bring this up only because we can, we have that option. We don't have to wait for the Administration to approve this, to make a proposal, right? The Council can drive it as well. Am I correct?

COUNCILMEMBER PALTIN: I would defer to Corporation Counsel on that one.

COUNCILMEMBER MOLINA: Okay. Okay. Thank you.

CHAIR LEE: Okay, before I, you asked a question, Mr. Molina. So, it, it's very hard for me to restrict discussion, because I don't know, but there could be a majority of people who want to pass this today on the floor. So, that's why it's very difficult to say how we can, you know, restrict it when if people have questions, they need, you know, in order to make a decision whether to wait or pass it today might, might, they might be relying on the answers of some of the resource people that have been designated so that they can make their decisions.

COUNCILMEMBER MOLINA: Yea, I know--

CHAIR LEE: It's hard to say how this is going to go.

COUNCILMEMBER MOLINA: Yea, I know. I just, I mean, I have no objections to taking action on the reso if, if need be. But you mentioned concerns about the legal ramifications, so I thought maybe that's maybe more of a question for Committee. So, I was kind of thinking along those lines as well. So, but whatever, however way you want it. I was trying to just respect your time and what your parameters are for the, discussing this so we don't get a full-on drawn out Committee meeting here at the Council level. So, but, but it's certainly your call, Madam Chair.

CHAIR LEE: I wish it were. Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I agree with you that it's, you know, we've done this for others. This is not the first time we've taken up something on the floor and it turns into a discussion. But, you know, if we, if because there is a, the motion on the floor, I think, it behooves us to make sure we know what we're talking about.

I, I want to thank Member Paltin for bringing this up in, in this resolution, because I think we all got the email about this and I hadn't had time to delve into it like I wanted to. But I certainly know a lot of these people who are involved in developing it. Kevin Vaccarello and I go way back, and Ramsay Taum, and very respectable people that have worked on this project. So, that gives me a lot of faith in it.

We're in an emergency and we don't have time to sit down and vet and, you know, dot every "i", and cross every "t". And especially when we're talking about here is an option. And not even our option. We're asking, we're, actually this particular resolution is requesting that the Mayor do something. I, I heard earlier, and I go back to Member Molina's comment that this is actually within our purview to do too. So, I think that's something that we should discuss in Member Paltin's Committee since we don't have that resolution before us.

I, I do support pushing this other one through.

BUT I WANTED TO PROPOSE AN AMENDMENT PURSUANT TO THAT OTHER, THE OTHER COMMENT ABOUT OUR AUTHORITY AS WELL. AND IN THE, IN THE, ON PAGE, ON THE SECOND PAGE AT THE TOP, "WHEREAS", WHEN IT SAYS, "WHEREAS THE PERSEUS CONTACT TRACING APPLICATION NEEDS APPROVAL BY THE MAYOR TO GO PUBLIC", I WOULD, I WOULD PROPOSE AMENDING THAT TO SAY, "APPROVAL BY THE MAYOR OR ANOTHER GOVERNMENTAL AUTHORITY".

Because, you know, now we're recognizing that he's not the only one that could approve that. And then, you know, if we do go forward with another resolution, we haven't, we haven't already resolved that this is only can be done by the Mayor. So, that, that was one amendment I wanted to make.

And also, I was wondering if we need to put another name in there for the Director of Health, rather than Bruce Anderson since he did step down. So, or we could just say we send it to the Director of Health and, you know, not put a name in there.

But that would be my amendment to the resolution if I can get a second.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER PALTIN: Open to those as friendly amendments.

COUNCILMEMBER KING: Okay. Is that okay? Can we just put those in as friendly amendments? Thank you, Councilmember Molina, for seconding that.

But, but you know, I just, and I, and I wanted to say that, you know, we, we, we've heard that this is something that actually can mesh with other programs if they come out too. And I just don't think that, that we can wait on something like this. This is, this is too important, and it has potential to do a lot of good, especially for those of us who have been pushing for more contact tracing.

So, anyway, just, I hope every, I hope we can support this and push this through. And I'm glad that Member Paltin is going to take this into your Committee and, and possibly we could come up with a resolution for the Council to endorse it if we don't get action from the Administration. Thank you for accepting my friendly amendments.

CHAIR LEE: Anymore discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. For Corporation Counsel, Ms. Lutey. I still don't understand, if this is free and voluntary, why we need a damn approval of the County?

CHAIR LEE: Ms., Ms. Lutey.

CORPORATION COUNSEL MOANA LUTEY: Chair. I'm not sure that you do need this approval. I actually, one of the questions that have been a topic of discussion in my office is whether this actually sits with the State Department of Health. And I think that's something that's been acknowledged by Member Paltin.

COUNCILMEMBER HOKAMA: If the County, the Mayor does consider it, does the County in a way provide, is providing consent or an endorsement of the app?

CORPORATION COUNSEL: I think that this would be a licensing issue.

COUNCILMEMBER HOKAMA: Because we haven't put out any request. We haven't seen a demonstration of this app, nor have we been told where this sits in rankings with other similar apps. So, that would be my concern.

But, Ms. Lutey, would this in anyway have impact regarding HIPAA requirements?

CORPORATION COUNSEL: I don't know enough about--

COUNCILMEMBER HOKAMA: Who would deal with the data and collection, and just use of the data?

CORPORATION COUNSEL: I'm not clear on what data they're collecting. But my understanding of it is that a, at least from the Department of Health's perspectives, that they would call out what we couldn't have. I'm assuming that this app would be able to do the same so we're not in violation of any HIPAA requirements.

COUNCILMEMBER HOKAMA: We're, we're assuming there's no violations.

CORPORATION COUNSEL: Right. We have--

COUNCILMEMBER HOKAMA: Have you folks had a chance to view the app yet?

CORPORATION COUNSEL: I have not seen it. In your . . . , I--

COUNCILMEMBER HOKAMA: Are you--

CORPORATION COUNSEL: --there's a resource person that--

COUNCILMEMBER HOKAMA: . . . Ms. Lutey.

CORPORATION COUNSEL: I'm sorry.

COUNCILMEMBER HOKAMA: Would you know if the Administration did have an opportunity to--

CORPORATION COUNSEL: You keep cutting out, I'm so sorry. Are you asking if the Mayor has seen it yet?

COUNCILMEMBER HOKAMA: If the Administration has had the opportunity to review the app, see, see the app work.

CORPORATION COUNSEL: I'm not sure on that.

COUNCILMEMBER HOKAMA: Okay. Thank you, Ms. Lutey.

So, Chair, I'm going to not support the motion at this time. I think this should be referred to a nine Member Committee; so, either Mr. Molina, or Ms. Sugimura, or Ms. Rawlins-Fernandez would be my request. As well as, I would like to see what else is out there and make sure whatever we would like to endorse or support is the best app that we

can use. I'm not willing to just give an approval of something I haven't even seen yet, so I won't be supporting it at this time. Thank you.

CHAIR LEE: Any other questions?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. One of the questions that I had was about the cost. And I think they explained how much they've spent to make the app over time, and that it would cost about one million dollars for CARES Act money. And that's under the purview of Administration, not us to make that, you know, kind of determination. And I, I too would like to see it in action, get more information. And I, I value Tom Croly's, his testimony that he gave as another option. So, there's other options out there that I think we should look at and, and have that discussion before we vote. Thank you.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, yes, so it looks like I appreciate Member Paltin's presentation of this reso today. It looks like we're just, it's urging the Mayor to authorize, so, whether it's an, within our, our duty today is just to urge the Mayor and he can, he can continue with that. I like that Mayor Kawakami on Kauai has also considered this. So, just considering the urgency, I think.

Our, my community is looking at another series of testing only because we don't know where, you know, the information from the first round of testing went. So, we want to kind of follow up on and, and start to track. And I think many of the testifiers today had spoken to, you know, the hold up here in these meetings. So, I think let's, I just want to request that let's push it through. And then as we, you know, I, I get that there's still questions from the other Members, but those questions will be answered as we progress, as we push it forward. So, I'm supportive of pushing it forward today. Thank you, Chair.

CHAIR LEE: Anyone else?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I am supportive of this motion. As the Members have stated, it, time is of the essence, government constantly drags its feet. If we had done more when we had our numbers down to like zero, you know, perhaps we would've been in a better situation than we are now.

But as, you know, we heard in Member Hokama's Committee yesterday, in HFC Committee, where we thought someone was coming up with a plan. You know, we thought Department of Health was going to roll out this great plan that was going to continue having us in this position of being like one of the safest place on the planet, right, that we had like zero cases; we had such good control. The community made all these sacrifices and we're in a good position. And we were looking at, you know, opening up to people coming from out of state because we were doing such a good job.

And then, you know, our numbers steadily increased and it's, it's not been good. It's, it's, it's been a mess. And we need people to step up, and we need to have a plan. We need to have tools at our disposal. You know, cases are, you know, getting kind of crazy on Molokai and it's, it's scary. You know, not, not everyone is getting tested, you know. There, and, and not everyone is isolating. And there's a lot of concern. And I think sometimes, you know, like withholding information, you know, makes people panic. Sometimes too much information makes people panic. So, like you said earlier, Chair, you damned if you do, you damned if you don't.

But, you know, but I think I like to err on the side of giving more information, information that I know. This app is voluntary. Like social media, you know, we have, you have Facebook, you have Instagram, you have Twitter, you have Snapchat; you have all these different social media apps. And it's the same thing here. You know, just because we are saying that this app is, is a good choice, we're not saying that other apps are not a good choice. So, you know, if we end up with other apps that have different features, I think that that's even, that's better for us.

I, I have multiple social media accounts. And so, if some people are on Perseus and then other people are on, you know, what is that Safe Aloha, you know, Travel Safe, I, I would probably have all the apps. And then that way I would know if, you know, there, there are some people who are on this app, there are some people who were on this other app. And then I would have all the information, you know, at my disposal. And some people may not have any app. Not everyone has a smartphone, you know. So, I mean, and that's, that's just the reality of where we're at.

I think I wanted to ask Ms. Lutey a question about her comment earlier about Department of Health.

CHAIR LEE: Ms. Lutey.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Lutey.



CORPORATION COUNSEL: Hi.

VICE-CHAIR RAWLINS-FERNANDEZ: So, you, you commented earlier about how this would more appropriately sit with the Department of Health. Is there any legal reason that we wouldn't be able to pass this resolution supporting Perseus?

CORPORATION COUNSEL: No. There's no reason for that. It's just that's where all the data seems to come from currently.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, there's no legal reason that we can't pass this resolution? And, you know, as far as like HIPAA requirements go, my understanding with this app is you would voluntarily put this information. People, other people wouldn't be putting information into this, so I really don't see HIPAA concerns about this. Because if I am voluntarily giving information about my test results, then I'm waiving my privacy rights under HIPAA. It's not someone else that's putting that information for me; it's me. Yea, so I, I don't have concerns about HIPAA. Mahalo, Ms. Lutey.

And, and, you know, like with a lot of things, you know, when there's a lot of money involved, when there's a lot of competition involved, then politics come into play. And I, I'm seeing, you know, what goes on behind the scenes. I'm seeing, you know, the friends who are, you know, trying to compete to get the first app out there. And, you know, it, I think this is a good app. I, I think, and, and like I said, even if there's a, a, not as good as an app that's later developed and offered, or even a better app because we know that's how technology works. You put out something, you get MySpace first, and then MySpace ends up, you know, being secondary to Facebook. And then now everyone's on Facebook and no one has a MySpace. I'm dating myself there. But that's, you know, that's just how technology works.

And this Perseus app seems like a really good option right now. And it doesn't, you know, mean that we can't have any other apps after this. So, I will be supporting the motion. Mahalo, Chair.

CHAIR LEE: Okay. Anybody else? I'd like--

Oh, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair, for the last time I'm going to speak on this. So, the reso again is just, it's not force and effect of law; it's simply urging the Mayor to authorize Google and Apple to do what they have to do to allow

the Perseus to, app to proceed. And the Mayor certainly has the option not to, you know.

So, assuming this goes to Committee, then this Council, if this reso passes, goes to Committee and if it's discovered upon further review and vetting that maybe there may be better apps, other op, better options then, then so be it. But for me, I'm okay with the intent of this, with taking action on, on the reso. At least it sends a statement to the public that this Council is, you know, up on it and really concerned about what's transpired with this whole issue. So, for me, I will stand in support of the reso and look forward to the full-on Committee discussion at a future date. Thank you.

CHAIR LEE: Okay. Any further comments? Okay, I'd like to, at some point today say something.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Go ahead.

CHAIR LEE: Ms. Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: I just wanted to ask Corp. Counsel a question regarding HIPAA. Moana, so.

CORPORATION COUNSEL: I'm here.

COUNCILMEMBER SUGIMURA: Oh, okay. Thank you. So, with HIPAA, and just, you know, I'm not a doctor nor am I in the medical profession. But I do know that the medical profession is very concerned about following it when I go to the hospital or in a situation about not, you know, sharing private medical kind of information even if, you know, Kaiser is in, I, I've given them all of the responsibilities to take care of me. But they still treat it, you know, very, very cautiously and they don't talk about things without the purview of my permission, I guess. But I just wondered this kind of app, would it fall under that same kind of concern? I have a concern about that. I just wondered if you could, you know, talk about it?

CORPORATION COUNSEL: Thank you. The HIPAA really applies primarily to medical providers. And so, this is sort of an interesting difference with it, because they're not a provider. They're more a, like I think Member Rawlins-Fernandez described it as, you know, social media in a sense. And with the voluntary aspect of it, I don't think it's going to invoke HIPAA, but I haven't seen the app or what they are asking for. But that voluntariness is a lot different than what you normally see if you're going to a doctor. If you're conveying what your information is and the hospital is collecting it, you don't

have control over where it goes. It's very strictly regulated there. This just seems completely different from that.

COUNCILMEMBER SUGIMURA: So, there'll be no liability on the County's part from what you see?

CORPORATION COUNSEL: No, not if it's voluntary from what I can see. But I haven't seen the app yet.

COUNCILMEMBER SUGIMURA: So, we don't have enough information?

CORPORATION COUNSEL: Yea.

COUNCILMEMBER SUGIMURA: Thank you.

CORPORATION COUNSEL: Yea.

CHAIR LEE: Anybody else?

Okay, my comment is, I, I support the intent of the resolution. I think that this app has a tremendous amount of potential. I personally just don't know enough about it. I, I believe that, I'd hate to make a decision looking at one app and not even comparing it to another. So, for me, I would prefer to, I would have preferred to just refer this to Committee for further discussion and get, get everybody involved, not only the people who are working on the app. But my concern is I thought that the Department of Health was in charge of the policy with regard to tracing and testing and so forth, that we, that they had some kind of coordinated plan. And if it's not true, then we need to verify that.

Anyway, time to vote.

Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, for my second and final. I just want to say, if any other Member would like this in their Committee as well, I'm open to a dual or triple referral. And, and I agree with you. You know, in normal times, definitely that's the way I would like to go. But with this situation and so many people, you know, like we, we spoke about the other day the fragility of people's psyches, you know, I think this is like, like it's been said, an unprecedented time. And so, you know, it calls for us to go above and beyond. And at this point, you know, without taking this type of action, we're already behind the County of Kauai, the County of Hawaii.

And I'd like to say, you know, only the people that have really looked into this app and, and had the live demos and spoke with the people, they would be the only ones I would expect to download it if the Mayor were to give permission. And that's why, you know, I'm committed to having this presentation in my Committee for the broader public. We can release the app, we can give the permission, but nobody's going to download it if they don't know about it, if they don't feel safe about it. So, this is just the first step.

And because of this type of pandemic situation, because of the record numbers of unemployment, because of people stressing out and, and you know, we, we, with, because of the lack of a plan, we need to take this action. And so, you know, this is just the first step in a long chain of actions. We can't, we can't expect people that don't know anything about this app to download it and use it. And if people don't download it and use it, then it won't work. So, this is just the first step, you know, urging the Mayor.

I did have communication with Mr. Vaccarello that he communicated with Keanu Lau Hee on August 9, the Mayor's Administration got it, they passed it onto the IT. So, they, they, they know what it's about, you know. And if, if not everyone in the Administration got the demo, then they're welcome to come to PSLU or whatever other Committee wants to also have a referral of this item and see the demo. But the, the resolution and the approval is just the first step.

Nobody's going to download something that they don't know about. So, you know, because of the way that the bureaucracy is, like Member Rawlins-Fernandez said, and because of the pandemic times like Member Molina said, we kind of need to catch up and, and work things simultaneously. Just, just the approval alone is not going to get anyone that hasn't done their own research to download this app. So, you know, it's a, definitely a work in progress, and definitely not the way I would've liked to do it.

If I would've opened my own email on August 9 and read it, then maybe I would've been introducing this, you know, two weeks ago or, or what have you. But like all of us, we have like 1,000 emails a day and, and so it takes a little bit of time to sift our way through things. And I'm just glad that I had the time one night to read it, you know, and, and realize that the State doesn't have an overall comprehensive plan and yet they're speaking of opening up because of this urgency of money running out, of people's situation getting dire.

So, you know, that's, that's just my point. And I, and I don't mean to rush folks without doing the information. But at the same time, we all got the information August 9, and we all could've done the, the research between then and now. And, and that's what it means to be leaders, you know, to, to find the solutions that our communities need. So, that's my, my final plea. Thank you for my opportunity.

CHAIR LEE: Okay. I, I'd like to respond to that, since you sort of brought up some of my points. I totally agree that we need more discussion. I agree, I agree with you. But the more likely Committees would be EDB or GET; a nine Member Committee, yea, would be better, so then everybody gets all the information at the same time.

But one of the questions for, for wherever this goes is, is going to be, what are we going to do with this app, okay? We cannot, assuming we cannot convince the Mayor to utilize this app. We cannot convince the Governor to use this app. Who's going to use the, us, as individuals? We're going to go trace people? We're not even in the job of tracing. I mean, you know, it's not like we're working at the hotel or.

I mean, I don't, you see, so I have a lot of questions on the application of the app, as well as the implications and, and how it fits in the masterplan for the whole State and then the County. So, I have tons of questions. That's why I cannot, you know, make a decision on the reso. But on the subject matter, of course I support that.

And by the way, Mr. Molina or Ms. Rawlins-Fernandez, who wants this in their Committee? You'll take it, Mr. Molina? Okay.

COUNCILMEMBER MOLINA: Yea, I'll take it. I know Budget Chair Rawlins-Fernandez has a ton stuff, so if, you know--

CHAIR LEE: You too.

COUNCILMEMBER MOLINA: I'm fine. Yea, yea. Well, we're starting to whittle things down a little bit, and I'll make a commitment to bring this up real soon.

CHAIR LEE: Okay. Okay, very good. Okay, anybody with final questions? Please don't try and convince me cause I already made up my mind.

Yes, Ms. King.

COUNCILMEMBER PALTIN: Yea, just point of information. Was that a dual referral, or would that be a dual referral?

CHAIR LEE: No, no, no. Just, no, just to Mr., Mr. Molina, because it, we just had to pick one, right? Does it matter? Does it, does it matter to you?

COUNCILMEMBER PALTIN: Well, I had made arrangements for Wednesday already.

CHAIR LEE: For yourself?

COUNCILMEMBER PALTIN: But I guess I could do it, for a presentation. I guess I could possibly do the presentation under Coronavirus related, maybe?

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: --Corporation Counsel Lutey. I mean a--

CHAIR LEE: Okay, the only problem--

COUNCILMEMBER PALTIN: I'm happy to a dual referral.

CHAIR LEE: Okay. Dual referral, because keep in mind that you're a seven Member Committee yea. So, you want everybody to get this information at the same time. Okay, I tell you what, we'll make a dual referral and then you can work it out with Mr. Molina on how you want to unfold this. Okay? Okay, dual referral.

So, the motion on the floor is to pass this resolution and to refer the matter to GET and to PSLU. That's the motion.

Alright, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I think, I think that's fine. People, the people who aren't voting members, it doesn't, you know, can still attend PSLU if, if it goes there. But, you know, I wanted to say, and there's a message in the chat box from Kevin Vaccarello; they're not asking us for any funding. They're saying it might cost this much funding going forward to manage it, but they're not asking us to, for any funding with this resolution. The question was asking--

CHAIR LEE: No, I don't, I didn't think so. I didn't think so.

COUNCILMEMBER KING: Yea, no, I just wanted to make that clear, because that was said earlier that, you know, about the cost. And I just wanted to make it clear that, that, that Kevin is, has reinforced that. They're not asking, they're happy to provide it for free, there's no licensing needed and that they would work with other app provisor, providers as well.

I, I was listening to the questions you were asking, Chair, and I was thinking I wish someone had asked those questions before they release Facebook. And someone could have made a, someone could've made a decision. But what we're doing here is we're not, we're not mandating that this be the be all, and end all only application that could ever be used in Maui County. We're just offering, we're just urging that it should

be one option, and that's why I support it. Because I think other options will come up, people will be able to choose. Even, even if we only have this option, people will be able to choose if they want to do it or not. It's not a medical application. It's not like we're, it's, it's, it's something that we're doing to ourselves medically. It's an opportunity.

CHAIR LEE: Yea, I realize that, Ms. King. But if--

COUNCILMEMBER KING: No, I'm, I'm, I'm, but I'm saying this as part of my, my final remarks, Chair, because not, not to you necessarily. I'm just saying that all the questions you asked, I wish we could've asked about a lot of the social media that's out there. Because I do see this as part of the, the social media genre since we have the choice and since we're, it, it is something that connects with other devices. I like the fact that you don't have to have a smartphone for this particular app, because I still know people who don't; who have those little buttons that they have to push, you know.

So, so, and that's why I support it, because I think we need all the options on the table right now as soon as we can. And all we're doing is, and I hope we get to the point where we, once we vet this, that we take action ourself, you know, in lieu of the Mayor taking action. Because I, I personally don't see anything happening really quickly with the Administration, as far as endorsing this, and probably for the same reason. Probably because he's going to want to take his time and vet it out as well. But we need to move quickly, and we need to show, we need to, we need to make these bold actions, I think now, and, and not let the imperfect be the, the enemy of the good.

So . . . thoughts on that. And you know, I appreciate everybody's point of view and I know some people want to be more cautious, but I kind of think desperate times call for desperate measures. And I don't even see this as a desperate measure. I see this as adding another tool to the toolbox. So, thank you, colleagues. Hopefully we can vote on this soon.

CHAIR LEE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want to clarify, I didn't make up the one million dollars, cause that's what I had asked him and that was his response. And I'm glad for the clarification. Thank you.

COUNCILMEMBER KING: He didn't ask it. Yea, he wasn't requesting that money. I just wanted to make that clear.

COUNCILMEMBER SUGIMURA: That's, that was my question and that was his answer. So, just clarification on that.

CHAIR LEE: Okay, you guys. You know, and, and that's the problem, you know, with, this is going on and on, it's, I'm not blaming you, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Committee work in Council.

CHAIR LEE: --clarify something. I'm blaming all of you. You know, we have to at some point stop . . . and take . . . because it doesn't matter. It really doesn't matter. You keep talking . . . and . . . talking to. All of us have made up our minds already. You know, it's just an insult to keep going on and on and on. So, let's move it forward. And we, we're not even done with our agenda.

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

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

CHAIR LEE: One, two, three, four, five, five "ayes", I see.

Those against, raise your hand.

NOES: COUNCILMEMBERS HOKAMA, SUGIMURA, AND  
CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: I see three "noes" and one "excused"; motion carries. Motion passes. Okay.

COUNCILMEMBER PALTIN: And, just point of information.

CHAIR LEE: And then there's a dual referral to your Committee and to Mr. Molina's Committee. And you're going to work it out on how you're going to do this.

COUNCILMEMBER PALTIN: And, and file the, file the county communication as well.

CHAIR LEE: And file the county communication. Okay.

COUNCILMEMBER KING: And Chair, just to, just to reiterate, that was with the friendly amendments.



CHAIR LEE: With the friendly amendment. Okay.

Alright, Madam Clerk, let's continue.

COUNTY CLERK: That was--

CHAIR LEE: I hope we don't have another one of these coming up.

COUNTY CLERK: That was RESOLUTION 20-125.

CHAIR LEE: Okay.

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

NO. 20-451 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated August 21, 2020)

Relating to the Hawaii Taro Farm, LLC.

The recommended action is that County Communication 20-451 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 20-452 - YUKI LEI K. SUGIMURA COUNCILMEMBER,  
(dated September 3, 2020)

Relating to cultural preservation for 'Āhihi-Kīna'u Natural Area Reserve.

The recommended action is that County Communication 20-452 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 20-453 - MICHELE MCLEAN, PLANNING DIRECTOR,  
(dated August 20, 2020)

Transmitting a document entitled "Report on the Planning Department Cost of Services (User Fee) Study" dated March 2020 by Matrix Consulting Group.

The recommended action is that County Communication 20-453 be referred to the Economic Development and Budget Committee.

NO. 20-454 - RIKI HOKAMA, COUNCILMEMBER,  
(dated August 24, 2020)

Relating to auditing the Community Development Block Grant program for the County of Maui.

The recommended action is that County Communication 20-454 be referred to the Economic Development and Budget Committee.

NO. 20-455 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated August 28, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR VERY LOW INCOME, LOW INCOME, BELOW MODERATE INCOME AND MODERATE INCOME RENTAL UNIT PROJECTS".

The recommended action is that County Communication 20-455 be referred to the Economic Development and Budget Committee.

NO. 20-456 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated September 1, 2020)

Transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2020.

The recommended action is that County Communication 20-456 be referred to the Economic Development and Budget Committee.

CHAIR LEE: Stop. Thank you. Any objections to the referrals as read by the County Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Thank you.

Now, proceed, Ms., Madam Clerk.

NO. 20-457 - DON S. GUZMAN, PROSECUTING ATTORNEY,  
(dated August 19, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".

The recommended action is that County Communication 20-457 be referred to the Governance, Ethics, and Transparency Committee.

CHAIR LEE: Any objections to referring that to the GET Committee?

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL FOR COUNTY COMMUNICATION 20-457.

CHAIR LEE: Is there a second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. Moved by Mr. Molina, seconded by Mr., Ms. Paltin, to waive the Rules of the Council with regard to CC 20-457.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider this proposed bill today. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Looks like, unanimous. Eight "ayes", one "excused"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO PASS THE PROPOSED BILL ON FIRST READING  
AND FILING OF COUNTY COMMUNICATION NO. 20-457.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Rawlins-Fernandez, to pass this, this bill.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair and Members, for this consideration. The proposed bill would authorize an intergovernmental agreement with the State Department of Attorney General for the Victims of Crime Act Victim Assistance Grants Program, Special Needs Advocacy Project. And this is to be used for supporting or enhancing criminal victim assistance programs in Maui County.

The project period is July 1, 2020 of this year through June 30 of next year, 2021. And the total project amount is \$809,160. And the County is required to provide matching funds in the amount of \$161,632, which is an amount already provided for in the Department's Fiscal Year 2021 Budget.

The reason for this request to act on it today, this matter is time sensitive. Through the Department of the State Attorney General's Office, they've requested the execution of the grant no later than November 1, 2020. So, I ask for the Members full support. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, we have nine; eight "ayes"; one "excused", Ms. Kama; motion carries.

Madam Clerk.

COUNTY CLERK: For the record, that's BILL 89 (2020).

Okay, also to your Governance, Ethics, and Transparency Committee is County Communication 20-458 from the Director of Water Supply, transmitting a proposed bill.

CHAIR LEE: Okay, stop. Stop, one second.

Mr., Mr. Molina, I believe that this next item really should be referred to the WIT Committee. Is that okay with you?

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: Okay. Is that okay with you, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Okay. Alright, you may proceed, Ms. Kaohu.

NO. 20-458 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated August 26, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)".

The recommended action is that County Communication 20-458 be referred to the Water, Infrastructure, and Transportation Committee.

CHAIR LEE: Next.

NO. 20-459 - ALICE L. LEE, COUNCIL CHAIR,  
(dated September 3, 2020)

Relating to suggestions by HALE Hawai'i, a grassroots organization whose focus is to help Hawai'i's people and its leaders to keep Hawai'i safe from COVID-19.

The recommended action is that County Communication 20-459 be referred to the Healthy Families and Communities Committee.

NO. 20-460 - RIKI HOKAMA, COUNCILMEMBER,  
(dated September 4, 2020)

Relating to the Kanahā Beach Greywater Reuse Demonstration Project as it relates to the Department of Parks and Recreation.

The recommended action is that County Communication 20-460 be referred to the Healthy Families and Communities Committee.

NO. 20-461 - TAMARA PALTIN, COUNCILMEMBER,  
(dated August 28, 2020)

Relating to annual zoning conditions compliance reports for the 55-acre Haliimaile residential subdivision (Ordinance 3312).

The recommended action is that County Communication 20-461 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-462 - TAMARA PALTIN, COUNCILMEMBER,  
(dated August 26, 2020)

Relating to the purchase of 257.7 acres, Mā'alaea Mauka, identified as  
TMK: (2) 3-6-001:018.

The recommended action is that County Communication 20-462 be referred to the Planning  
and Sustainable Land Use Committee.

(COUNTY COMMUNICATION 20-462 WAS REFERRED TO  
THE ECONOMIC DEVELOPMENT AND BUDGET  
COMMITTEE.)

CHAIR LEE: Okay. You, you have one more, right?

Oh, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. When I put this item forward, my intention  
was if it would go to the Budget Committee because of the, it's relating to purchase of  
the, the land and--

VICE-CHAIR RAWLINS-FERNANDEZ: No objection.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Okay. Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Next one.

NO. 20-463 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated September 1, 2020)

Relating to COVID-19 pandemic impact of connectivity for rural communities and the  
gig digital economy, including distance learning, telemedicine, and social effects.

The recommended action is that County Communication 20-463 be referred to the Water,  
Infrastructure, and Transportation Committee.

CHAIR LEE: Okay. Any objections to the items read by the County Clerk for referrals, except for CC 20-462? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Alright. So, ordered. And we already did CC 20-462.

Alright, Madam Clerk.

COUNTY CLERK: And then from your, moving onto Committee Reports.

### COMMITTEE REPORTS

COMMITTEE REPORT  
NO. 20-109 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 90 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 20-109.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to adopt the, the recommendation in Committee Report 20-109.

Discussion, Ms. Rawlins-Fernandez?



VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Economic Development and Budget Committee met on August 27, 2020 to discuss a proposed bill to add an additional \$191,889 to the appropriation for the Department of Housing and Human Concerns, Aging and Disability Resource Center (ADRC) Expansion. This, we also discussed an additional, I think it was 92,000 that we . . . last night's meeting.

Your Committee noted that these funds would be used to supplement the existing support service network, other services, and operational costs. While these funds would not be used for programs specifically associated with the COVID-19 pandemic, they would be used to assist Department in addressing the increased request for service that have occurred during the Coronavirus.

Your Committee voted 8-0 to recommend passage of the proposed bill. I respectfully ask for the Members support of this motion. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, eight "ayes", one "excused"; motion carries. Ms. Kama, "excused".

Madam Clerk.

COUNTY CLERK: Chair, that would be BILL 90 (2020).

#### COMMITTEE REPORT

NO. 20-110 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 91 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES –

SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF WATER SUPPLY (STATE OF HAWAII, KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 92 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, STATE OF HAWAII, KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 20-415, from the Budget Director, be FILED.

CHAIR LEE: --Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 20-110.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Ms. Rawlins-Fernandez, seconded by Member King, to pass the recommendation in Committee Report 20-110.

Discussion, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Your Economic Development and Budget Committee met on August 27, 2020 to discuss proposed bills to add a new appropriation under the Department of Water Supply for \$450,000 in, in funds from the State.

Your Committee noted that these funds would be used for the Kanaha Beach Park Greywater Reuse Demonstration Project, and that this project requires matching funds of \$45,000. These matching funds would be allocated from the Department's operating budget and would not come from the General Fund.

The subject matter was referred to HFC Committee.

And your Committee voted 8-0 to recommend passage of the proposed bill and filing of the communication. I respectfully ask for the Councilmembers support of this motion. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

COUNTY CLERK: That would be BILLS NO. 91 (2020) and 92 (2020).

COMMITTEE REPORT

NO. 20-111 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 20-126, entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOCATE A PORTION OF LIQUOR FINES COLLECTED PER YEAR TO FUND ALCOHOL ADDICTION TREATMENT PROGRAMS," be ADOPTED;
2. That Resolution 20-127, entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A SINGLE-PAYER HEALTHCARE SYSTEM COVERING ALL HAWAII RESIDENTS," be ADOPTED;
3. That Resolution 20-128, entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE

PACKAGE A STATE BILL TO GIVE COUNTIES AUTHORITY TO ESTABLISH RENTAL-CAR LIMITS," be ADOPTED;

4. That Resolution 20-129, entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW MAUI COUNTY TO ESTABLISH A GENERAL EXCISE TAX SURCHARGE," be ADOPTED;
5. That Resolution 20-130, entitled "APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOCATE A PORTION OF LIQUOR FINES COLLECTED PER YEAR TO FUND ALCOHOL ADDICTION TREATMENT PROGRAMS," be ADOPTED;
6. That Resolution 20-131, entitled "APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO CREATE A SINGLE-PAYER HEALTHCARE SYSTEM COVERING ALL HAWAII RESIDENTS," be ADOPTED;
7. That Resolution 20-132, entitled "APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO GIVE COUNTIES AUTHORITY TO ESTABLISH RENTAL-CAR LIMITS," be ADOPTED; and
8. That Resolution 20-133, entitled "APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW MAUI COUNTY TO ESTABLISH A GENERAL EXCISE TAX SURCHARGE," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT NO. 20-111.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member Rawlins, to adopt the recommendations in Committee Report 20-111.

Ms. Paltin.

COUNCILMEMBER PALTIN: May I please move to amend the motion?

OKAY, I MOVE TO AMEND THE PROPOSED RESOLUTION NO. 2 AND 6, RESPECTIVELY, "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A SINGLE-PAYER HEALTHCARE SYSTEM COVERING ALL HAWAII RESIDENTS" AND "APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO CREATE A SINGLE-PAYER HEALTHCARE SYSTEM COVERING ALL HAWAII RESIDENTS" BY:

ADDING "OR ALL-PAYER" AFTER "SINGLE-PAYER" IN THE FIRST 'BE IT RESOLVED' CLAUSE AND REPLACING EXHIBIT "A" WITH THE ATTACHED PROPOSAL STATE, PROPOSED STATE BILL ENTITLED "A BILL FOR AN ACT RELATING TO HEALTH CARE INSURANCE".

The attachments: proposed resolutions incorporating the amendments included in my motions.

CHAIR LEE: Okay. A second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Member Paltin, seconded by Member Rawlins-Fernandez, to make that amendment.

Ms. Paltin, discussion?

COUNCILMEMBER PALTIN: Okay. The proposed State bill attached to the resolution is modeled after House Bill 1286 (2019), which would create a new entity to initiate a single-payer system, replacing the Hawaii Health Authority. My amendments would express support for either a single-payer or all-payer health system, with all-payer

being an incremental step towards single-payer, and substitute a proposed State bill to retain the Hawaii Health Authority to initiate a single-payer or all-payer system.

And this is what the testifier had intended for us to do when he testified in Committee. But we only had put it in the committee report and hadn't amended the actual legislation, so I was getting some not so happy calls. And, and we worked together to try and fix it, and this is the result. And so, that's why, sorry.

CHAIR LEE: Anymore discussion? All those in favor of--

Did you have discussion, Ms. King?

COUNCILMEMBER KING: Not on the amendment. No, not on the amendment.

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

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

CHAIR LEE: Those against, say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. We have seven "ayes", one "excused". I mean, eight "ayes", no, no. Seven "ayes", one "excused", and one "no"; motion carries.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Alright. Yes, Ms. King.

COUNCILMEMBER KING: On the adoption of this, are we going to include County Communication 20-448 in this package or are we doing that separate, so?

CHAIR LEE: No, Mr. Molina is going to take care of that.

COUNCILMEMBER KING: Oh, okay. Okay, but are we, are we going to try to put that into both the Maui County Package and HSAC? Cause it, it looks like it's just under HSAC here.

COUNCILMEMBER MOLINA: I, I believe we took, made a decision on the Maui package, Maui proposal on Tuesday.

COUNCILMEMBER KING: Oh, that was already included?

COUNCILMEMBER MOLINA: Yea.

COUNCILMEMBER KING: Oh, okay.

COUNCILMEMBER MOLINA: Madam Chair, if there's--

CHAIR LEE: Okay. So, that's the end of that one on the single-payer issue. That was number twos and, number 2 and 6.

Okay, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no other amendment considerations, I'd like to discuss the whole proposal here. So, please bear with me Members.

Your GET Committee met on August 25, 2020 and recommended four proposals for inclusion in the 2021 HSAC and Maui County Council Legislative Packages, respectively.

The first proposal relates to increased funding for alcohol addiction treatment programs. Your Committee supported increasing the percentage of liquor fines collected per year from 10 percent to 25 percent to allow the remaining 15 percent to fund alcohol-addiction treatment programs. And in addition to addressing preventative measures, it also includes education and enforcement. The funding of treatment programs would help to address the root of alcohol addiction and may help to curb alcohol-related injuries and fatalities.

The second proposal, which we just discussed the amendment for, relates to creating a single-payer healthcare system for all Hawaii residents. Your Committee supported providing relief from increasing cost and healthcare coverage instability for residents statewide, which would also help to reduce overhead expenses for businesses.

And the proposal also aligns with the County's General Plan, Countywide Policy Plan, to broaden healthcare services to improve health and wellness.

The third proposal gives County's the authority to establish rental car limits and regulate the number of rental cars within the County. COVID-19 pandemic made

evident the vast number of rental cars on our island at a given time, negatively impacting traffic, infrastructure, and the environment. And due to the drastic reduction of visitors to our islands, the number of rental cars that now sit parked in empty lots and on open land also pose safety and health concerns.

And finally, the fourth proposal extends Maui County's authority to establish a General Excise Tax surcharge to June 30, 2021. Your Committee notes Maui County is the only County without the ability to charge a half percent GET to offset real property tax rates if needed.

And your Committee voted 8-0 to recommend adoption of the resolutions. And the Council's deadline to submit proposals for inclusion into the HSAC Legislative Package is September 18, 2020, so I ask for the Members full support on this motion as amended.

CHAIR LEE: Okay. Anymore comments, questions? No?

Mr. Molina, I mean, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you for my opportunity to share comments. I have some, I'm going to, I'm in between supporting with reservations or voting "no", Chair. There's two of the four items I still have heartburn.

One is the healthcare proposal. And I appreciate the Committee making effort to at least mention the 1974 Hawaii Prepaid Healthcare Law, which was at that time groundbreaking. It was part of Governor Burns 1954 program. Took them, took the State Democratic Party 20 years to get it going, whereby the employers and the employees, not just for unions but for all employers and employees that had 20 hours or more, had benefits to take care their healthcare needs at a price that was affordable. And by law could not have the employee pay more than 1.5 percent of their wages.

It is the same party that deleted that benefit decades later. It was the same party that mishandled the ERS Retirement Fund. And the same party that screwed up hospitals and educational maintenance.

And now, comes to talk to us about reducing cost; interesting that they don't look at themselves as the main cause of these problems. So, for me, Chair, I find it interesting we going back to some of the great things that the previous leaders have decided on and was proven to be correct, that we chose to ignore.

And on the other one, my only concern with the technology one is, is the, my main question was is the technology breakdown only as it regards to audio of the meeting?



COUNCILMEMBER PALTIN: Oh, we're not there yet.

COUNCILMEMBER HOKAMA: Or, there's other, oh, I'm sorry. I'm sorry. Thank you, Ms. Paltin, for the reminder. I appreciate that. Thank you, Chair.

CHAIR LEE: Okay. Anybody else? All those--

Oh, Ms. Paltin.

COUNCILMEMBER PALTIN: I just wanted to speak in support. You know, I, I learned a lot from being on the HSAC Alternate. And you know, these are just things that I seen come up during the course of this past year of legislating. When Member Sugimura did things with the alcohol and then we funded education and prevention, but not addiction and treatment, I thought that was an issue that I, I'd like to see resolved.

You know, single-payer healthcare, I've been contacted many times about it, and it's even more apparent with, you know, all the employers and the hotels and things, that we, we really need to fix the situation. And, and I, I do agree with Member Hokama. And this is just one way that I'd like to try and do it.

And, you know, the rental car thing, surprisingly to me, that's gotten the most feedback, positive feedback. And you know, I did get a little bit of heartburn last night when the, Mr. Higashi said how proud they were of Maui that we rent the most cars, because he doesn't deal with the affects of it, you know. And he doesn't, he doesn't see the danger of like 20,000 cars in dried grass and, and, and them then cutting us off of access of our own taxpayer funded roads. So, you know, I, I'm not sure how far we'll get with it, but we got to try.

And I got some other County remedies in the pipes. So, thank you all for teaching me about this HSAC Legislative/Maui County Legislative Package. And I'm, I'm so happy to learn from the best in my conversations with Councilmembers on other islands. They didn't even know what I was talking about when I said legislative package. So, I really would like to thank Member King, Chair Lee, and our OCS staff for educating us well. Thank you.

CHAIR LEE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Member Paltin. And I, and I also want to hopefully commit both of us to working on getting all of these in this year,

because I feel bad that I kind of threw you to the wolves last year when I was on vacation. You had to go to the meeting, and they kicked a bunch of our legislation out of the package. So, this year we will commit to trying to get all of our, our package in there together, right?

CHAIR LEE: Okay. Any other comments?

Alright, Mr. Molina, anything else?

COUNCILMEMBER MOLINA: No, Madam Chair. I'm ready to take the vote on Committee Report 20-111 and then we can consider the County Communication 448 after.

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

COUNCILMEMBER KING: Is there a motion? Is there a motion?

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

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. So, we got one, two, three, four, five, six, seven "ayes"; one "no"; and one "excused", Ms. Kama.

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-448

CHAIR LEE: Okay. Then, Mr. Molina.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Chair. Moving onto County Communication 20-448.

I MOVE TO DISCHARGE THE GET COMMITTEE FROM  
FURTHER CONSIDERATION OF COUNTY COMMUNICATION  
20-448.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay, moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to discharge the Committee of CC 20-448.

Any discussion?

COUNCILMEMBER MOLINA: No discussion.

CHAIR LEE: No discussion. All in favor of discharge, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Looking at eight "ayes", one "excused"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to waive the Rules of the Council regarding this matter.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Again, approval of this motion by a two-thirds vote of the entire membership of the Council will enable us to act on this proposed resolution today.

CHAIR LEE: Okay. Any further discussion? All those in fa--

Ms. King.

COUNCILMEMBER KING: Yes, I just wanted to say I support this, and that I have already touched base with Common Cause on this to find out their reasoning for the, the, the one hour--

What?

VICE-CHAIR RAWLINS-FERNANDEZ: We're on the waiver. We're on the waiver.

COUNCILMEMBER KING: Oh, we're still on the waiver?

COUNCILMEMBER MOLINA: We're on the waiver now.

COUNCILMEMBER KING: Oh, sorry. I'll, I'll--

CHAIR LEE: On the waiver, yea.

CHAIR LEE: Okay. All those in favor of the waiver, say "aye", raise your hands.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Eight "ayes". I mean, seven "ayes", one, no. Eight "ayes", one" excused.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION AND  
FILING OF COUNTY COMMUNICATION 20-448.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by, what did I do just now? Okay. Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt the resolution in County Communication 20-448.

Mr. Molina, any more discussion?

COUNCILMEMBER MOLINA: Madam Chair, at this point, I'll yield the floor to my colleague, Member Paltin, for a amendment consideration.

CHAIR LEE: Okay. Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO AMEND EXHIBIT "A", AS ATTACHED TO THE RESOLUTION, AMENDING SECTION 92-3.5(B), HAWAII REVISED STATUTES, TO READ AS FOLLOWS, WITH THE PROPOSED NEW CONTENT UNDERSCORED.

AND I HOPE YOU ALL GOT THE ASF EMAILED TO YOU. PART (B) SAYS, "NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION TO THE CONTRARY, A BOARD MEMBER WITH A DISABILITY THAT LIMITS OR IMPAIRS THE MEMBER'S ABILITY TO PHYSICALLY ATTEND THE MEETING MAY PARTICIPATE IN A BOARD MEETING FROM A LOCATION NOT ACCESSIBLE TO THE PUBLIC; PROVIDED THAT THE MEMBER WITH A DISABILITY IS CONNECTED TO OTHER MEMBERS OF THE BOARD AND THE PUBLIC BY BOTH VIDEO AND AUDIO, VISUAL AND AUDIO MEANS, AND THE MEMBER IDENTIFIES WHERE THE MEMBER IS LOCATED AND WHO, IF ANYONE, IS PRESENT AT THAT LOCATION WITH THE MEMBER."

THEN I'M ADDING ON: "WHEN PRACTICABLE, MEETINGS HELD BY INTERACTIVE CONFERENCE TECHNOLOGY MAY BE RECESSED FOR UP TO ONE HOUR WHEN AUDIO COMMUNICATION CANNOT BE MAINTAINED WITH A QUORUM OF MEMBERS OR WITH THE PUBLIC LOCATION WHERE THE MEETING BY INTERACTIVE CONFERENCE TECHNOLOGY IS BEING HELD".

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Was it, was it--

Ms. King.

VICE-CHAIR RAWLINS-FERNANDEZ: That was her motion.

CHAIR LEE: Okay. Pardon me?

COUNCILMEMBER PALTIN: I moved--

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

COUNCILMEMBER PALTIN: --and Member Rawlins-Fernandez seconded.

COUNCILMEMBER KING: She moved and, and Member Rawlins-Fernandez seconded it.  
But I was just going to comment.

CHAIR LEE: Any further discussion? Further discussion?

COUNCILMEMBER PALTIN: So, the reason would be the allowance of a recess period of up to one hour is consistent with legislation proposed by the OIP on its website, dated August 6, 2020, and would make remote meetings more feasible.

I know that Common Cause said that they would support a longer one, but I kind of think that what we need is the support of both Common Cause, as well as OIP, and I think that's why we stuck with the one hour, and so, yea, ready for discussion I think.

(Council Chair Lee was excused from the meeting at 2:51 p.m.)

COUNCILMEMBER KING: Where, where did our Chair go?

COUNCILMEMBER PALTIN: Uh oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Paltin.

Member King, did you want to speak to the motion?

COUNCILMEMBER KING: Yes, I did. I just wanted to inform, yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, just for the record, as the Council Vice-Chair, I'm filling in for our Chair who has lost connectivity and we'll try to connect with her. And I know she would want us to carry on.

Member King.

COUNCILMEMBER KING: Okay, thank you. I think you're right. So, I just wanted to, to say that I have been in touch with Common Cause, and they didn't have a reason for, for, for the hour maximum. They just did it because OIP did, put that in there. So, I tried call, connecting with OIP. Their offices are closed. When we were able to actually call, get a call back from somebody or an email back from somebody, all it said was you're welcome to comment up till this date. And the date is past.

So, I think we should go ahead with the amendments, as you have, because they can always be changed in Committee at the Legislature. So, I will continue to work on finding out the reason that OIP put in that maximum hour. And if they are, you know, if they, because Common Cause agreed with me that it could create problems for us later on if we go over that hour and try to come back. But they didn't have an answer, they were just following OIP.

So, I think we should just go ahead and get this, you know, into our package, like it is, with the amendments. And then we'll work on, if there's a problem, you know, I'll be tracking this at the Legislature and I'll try to find out from OIP why they, why they insisted on that hour. It may be a really good reason, but we just don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King.

Any other discussion? Oh, and I did connect with Chair Lee, and she would like us to carry on. She is restarting her computer at this moment and will rejoin us momentarily.

Member Hokama.

COUNCILMEMBER HOKAMA: Thank, thank you, Chair. I appreciate it. If I may, a question for Ms. Lutey. Ms. Lutey, as we understand, before the amendment by my colleague, Ms. Paltin, right before that, it says that the, regarding the meeting for the public needs to be by the, the phrase is "by both visual and audio means"; "both visual and audio means". So, for me, I see a requirement of both audio and visual. With the amendment that is basically regarding and addressing the audio technical failure and the request to continue to be able to meet, wouldn't that be in conflict of the original requirement that we need both visual and audio?

CORPORATION COUNSEL: That's a good point, Member Hokama. I think maybe we could clear that language up a little bit.

COUNCILMEMBER HOKAMA: Yea, and again, so yea, I need to ask my colleague, Ms. Paltin, is there a reason why it's only the audio portion, Ms. Paltin, in your amendment? Because of my concern of the requirement that we need both the audio and the visual.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin.

COUNCILMEMBER PALTIN: Well, you know, as we can see right now, Member Lee dropped off the call. But if, if she were able to call into the BlueJeans and not have her computer working and participate that way, for me, I would be alright with it. You know, it's still, it's, it's kind of funny that when we're, we're discussing these types of things, the technological challenges seem to just pop up to be our example.

And so, you know, say her puppy, Koa, knocked her computer down, but her phone still worked. I would be okay with her calling into BlueJeans like some of the testifiers have and still participate in the proceedings, you know, just to make quorum sometimes, you know, so we can continue on with our work. Because I feel like every time that we have to adjourn or like that, it, it really does cost the taxpayers time and money with our staffing costs and things like that. And it, at these types of times, we really want to be as efficient as possible. So, that's my best explanation I got off the top of my head.

COUNCILMEMBER HOKAMA: And thank you for your comments, yea, Ms. Paltin. And, you know, that is why our current Charter still says, under emergency declaration, the Members can be by telephone conferencing, which is just audio. So, I appreciate your comments. But I think our Charter has already made it clear that that would be, that is the recommended procedure for us under telephone communications to be granted, with the caveat that it is, our decisions is only good for 90 days under emergency status. So, I appreciate the proposal, Ms. Paltin. Thank you very much for my opportunity, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama.

Member Paltin.

COUNCILMEMBER PALTIN: Yea, and I, I just wanted to say, I realize that we're allowed that for like emergency situations. And I just think, you know, beyond emergency situations, in everyday situations that it would be helpful to have this. When Councilmember



Molina's, before he got his Surface Pro, there was that one time where he couldn't join us on our Imi Pono video, but he was able to call in and, and participate in the meeting like that. And so, you know, I think it's great that we have that opportunity, by Charter, to do it in times of emergency.

(Council Chair Lee returned to the meeting at 2:58 p.m.)

COUNCILMEMBER PALTIN: And what I'm proposing is that it doesn't need to be a emergency to do it. It can be like part of our regular practice to save taxpayers time and, and expense to just carry on, you know, if, if we needed a quorum or what. We wouldn't have to adjourn just because there wasn't a video connection. People can, we can carry on with just the audio without a emergency, without a emergency proclamation, just as a matter of saving taxpayers money. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin.

And we have our Council Chair back. And so, I will return the gavel, figurative gavel to our Chair. Chair Lee.

CHAIR LEE: Thank you. Sorry about the interruption. But that was for dramatic effect. Nah. My device has been going crazy lately. For some reason, and I hope that doesn't happen to you, Mr. Molina, since you just got your Surface Pro. But I don't know why, this is the second time that its happened. But, but I had you on the phone. I had you on the phone. I was still connected. And so, every, everything was as really, you know, it wasn't an issue really. But thank you for taking over, Ms. Keani Rawlins-Fernandez.

Yes, Ms. King.

COUNCILMEMBER KING: Yea, I just wanted to follow up on Member Hokama's comment about the audio and visual. Because there is a section of this bill on page 4 of the actual bill that says "Board members shall be visible and audible to other members and the public during the public meetings." So, it would appear that the, the, the way we're trying to amend it is in conflict with an earlier section of this bill. I'm not sure if that's what you were referring to, Mr. Hokama. But, you know, this, this bill allows us to continue interaction, but it says we have to be visible and audible to each other at all times.

CHAIR LEE: Mr. Hokama, did you have your hand up? Yes.

COUNCILMEMBER HOKAMA: Yes, Chair. Thank you. And thank you for that comment, Ms. King. And, and that is one of the areas that wasn't clear to me. You know, if the

connection to the public is broken, I view that differently from communication broken down between Members, since the Members need to take action and vote. And so, I was just wondering, does this have anything to do with our connection between us and the public regarding the meeting? You know, if the public doesn't have connectivity to us for some technical reason we are un, uncontrolled, does the meeting stop? Or the meeting stops only when those of us who need to make the decision cannot have the requirements of audio/visual? So, I was going to ask Ms. Paltin if she had any clarification of the proposal?

COUNCILMEMBER KING: Oh, can I, can I just finish my earlier comment? Thank you for that, Mr. Hokama. Yea, my earlier comment was just, was basically trying to make this consistent. I, I think, I think it's, it's between the Councilmembers, because there's a lot of the public out there and sometimes they drop off. And one person dropping off shouldn't stop the entire meeting, right? So, yea, so it's really, it's really among those of us who can see each other, making sure that the, the functionality of our Council continues, and our staff, and everything.

But I just want to make sure that, I just want to make sure this starts, cause it's the first thing that the Legislature is going to notice, is that now we have an amendment that's in conflict with an earlier part of the bill. So, anyway, do we, do you want to address that, Ms. Paltin, or?

CHAIR LEE: Ms. Paltin, did you have anything to say?

COUNCILMEMBER PALTIN: Yea, for me, it would be systemic, you know, like how Ms. King was saying that if one person couldn't establish contact because of whatever the case, like, you know, if their battery died or something, that wouldn't be a thing. But if it's a systemic issue, where nobody could, you know, or, or a broad section of public couldn't do it, then, then that's something different.

Like, I guess in the example of Member Molina when the County Building was having poor connectivity. So, he could move Upcountry, or sorry, Makawao, and then, you know, we could continue on.

It's, it's, it's, you know, I guess giving everybody the opportunity to get to someplace where they can get connectivity. Where, whereas if, you know, the whole island connectivity was down, but the nine of us were on our cellphones talking to each other, that wouldn't, that wouldn't be acceptable to each, to, to me and, and that's not the intent of this bill. But, you know, if, if it's possible for folks to get to someplace where they could get connectivity, that was, that was my intent.

COUNCILMEMBER KING: Yea, I just think that we should add the word "audio" back in there, you know, make it audio/visual connectivity, because that's what it says earlier in the bill. So, if we had audio connectivity, not visual, we would still be in violation of this law as it's, as it's proposed.

So, what, what happened earlier with Mr. Molina calling in would not be allowed under this law, because it says, "Board members shall be visible and audible to other members and the public, and the public during the public meetings". So, we would have been, we would have been in violation to let somebody call in, cause you weren't visibly, you weren't visible to the, the rest of us.

CHAIR LEE: Okay. Let's hear from, okay, let's hear from others.

First Rawlins-Fernandez, and then Mr. Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just really quickly. I just wanted to add that where it says--

COUNCILMEMBER PALTIN: I guess I'm under pressure.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin, you're not muted. Member Paltin, you're not muted.

Okay, so, where it says that, "communication can't be maintained with a quorum of members". So, I guess the way that I understand this, and please correct me if I'm wrong, is that we would have to, you know, if one person wasn't able to connect. So, we're, we're using the example of the GET meeting where Member Molina was at the County Building, County Building's internet was not working, he went up to, back home where he had better internet. As the vice, the Committee Vice-Chair, I, I, you know, I could've continued. And so, I think there, and we would have had quorum.

So, I think there's, you know, ways of figuring this out so that we could, you know, perhaps Member Molina would've asked if, as the Committee Vice-Chair, I could've continued with testimony while he makes his way home or, you know, or something like that, so that we would stay within the hour. But ultimately, you know, it's, it's not like it's up to us. It's not our final decision. It'll be up to the Legislature and they can take that up, as far as connecting with audio, audio/visual.

I think, I, for me, like one of main things is what we do here is we ensure that we have consent from each other regarding when someone loses connectivity. So, we'll say, you know, like I called Chair Lee; do you want us to continue, or as the Council Vice-Chair, would you like me to recess the meeting so that you don't miss out on any words

that are spoken? Cause I know how Chair Lee loves to be able to hear what everyone has to say every second, so. So, that's it. Yea, I, I, I support the motion. And I think, I think, you know, we're, we're, we're going, we're going to figure this out however it, it gets passed. Mahalo, Chair.

CHAIR LEE: Just for your information, I never lost connection to you guys.

VICE-CHAIR RAWLINS-FERNANDEZ: We lost you again. Your video.

CHAIR LEE: Oh, no. Oh, no.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, this dramatic effect.

COUNCILMEMBER KING: . . . she spoke.

CHAIR LEE: Okay. You don't have my video, but you have my voice, right?

COUNCILMEMBER KING: Well, we have your video now. Oops, now you're, yea, we have your video now.

CHAIR LEE: Okay. Don't say anything that will shake this up, you know. Be calm. Everybody be calm. Okay, any more questions before this goes, conks off again?

Mr. Molina. Got to unmute--

COUNCILMEMBER MOLINA: Yea, thank you very much. Yea, thank you . . . almost posthumously. You know, Chair Lee would've wanted us to do this or do that. But anyway, all kidding aside. This, my, actually it's more of a question what Member King had brought up about the audio restrictions as it relates to the current law. I don't know if it would just be applicable when a, when a vote is actually taken or if it applies to the whole meeting, even though whoever's on audio is not directly participating. So, I don't know, maybe it's just more of a question for me if audio is, is restricted when an actual vote is taken. So, that, just for me was my question.

COUNCILMEMBER KING: Oh, can I respond to that, Chair.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Okay. So, this is, this is actually a proposed bill, so it's, I don't think it's current law, because the whole thing is about interactive, right, which is new. But it, it, I'm just saying in the proposed bill, it says, "Board members shall be visible and audible to other members and the public during the public meetings". So, they're,

what they're saying in the bill is it has to be both audio and visual. And so, that's why I was saying, if we're going to amend it to say just "audio", we're, you know, I have to, if I go, if I, I committed to defend this bill, so I'm just trying to make it align so that I don't have to defend why it says one thing somewhere and another, something another, in another place.

So, I think if we could change the amendment to just say to, where's the, the ASF again; to say, when, when a, "When practicable, a meeting held by interactive conference technology may be, may be recessed for up to one hour when audio and/or visual communication cannot be maintained".

CHAIR LEE: Okay, let, let's check with staff on whether that conforms with OIP.

David or Traci. David or Traci.

DIRECTOR OF COUNCIL SERVICES TRACI FUJITA: Hi.

CHAIR LEE: Traci.

DIRECTOR OF COUNCIL SERVICES: So, I'm looking at the OIP bill. I, I thought that we were tracking that same language, but I don't, I don't see it in here.

CHAIR LEE: David. David, you have anything to add?

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. Sure. As I understand the intent of the ASF that was proposed today, is to incorporate the language that's in the OIP draft bill. And I understood the, the policy behind that was to try to say that the Council, and ideally all four counties are endorsing the OIP proposal, which may in fact become part of the Governor's package and may have, in theory at least with that type of backing, a reasonable chance of actually getting enacted.

Which as the Councilmembers are well aware, it's not easy to get Sunshine Law amendments actually approved at the Legislature. And this is a fairly dramatic policy shift. And it's, it does seem notable that OIP is willing to take the lead on it. And it might be strategically beneficial to just try to track their language at this point. And as Councilmembers have mentioned, this is just a proposal. And once it gets introduced, they'll be presumably many hearings and amendments made. And the details of the language could be improved through that process perhaps. So, thank you, Chair.

CHAIR LEE: David. David, just repeat their language. Repeat what they have that we should align with.

SUPERVISING LEGISLATIVE ATTORNEY: Well, it's actually in the, in the ASF. And if the ASF is approved and added to the bill that was originally before the Council, then you'd have a match of the Council's language and the OIP language.

CHAIR LEE: Okay. Thank you.

COUNCILMEMBER KING: So, is, isn't that--

CHAIR LEE: Tamara.

COUNCILMEMBER KING: --the same exact language?

CHAIR LEE: Ms. Paltin, did you read what was in the ASF, for the record?

COUNCILMEMBER PALTIN: I did.

CHAIR LEE: Okay. And yet, there is confusion or--

COUNCILMEMBER PALTIN: So, in the beginning part--

CHAIR LEE: --a conflict of some kind.

COUNCILMEMBER PALTIN: Yea, in the beginning part, it says, "both video, visual and audio means". And then in the underlined portion, it just says, "when audio communication cannot be maintained with a". So, it, it doesn't, in my ASF, it doesn't make mention of visual and I guess that's what Councilmember King was saying that we want to be consistent, even though like, you know, for me I'm okay with just audio. And like how Mr. Raatz said, you know, we want to do what we can to stay close to OIP even if we don't understand it, so that it has a better chance of passing. So, I thought, I had thought that the underlined portion was what OIP wanted.

CHAIR LEE: Okay. Traci.

DIRECTOR OF COUNCIL SERVICES: I found the language in the OIP bill. So, it says, "a meeting held by interactive conference technology shall be recessed for up to one hour when audio communication cannot be maintained with a quorum of members or with the public, locations, location, location where the meeting by interactive conference technology is being held, provided that the meeting may reconvene when only audio communication is reestablished. If audio only communication is reestablished, then each speaker shall be required to state their name prior to making their remarks".

CHAIR LEE: That's good.

COUNCILMEMBER KING: Okay. So, can I ask a question?

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Yes, so, I'm just, I'm just, cause I'm visualizing being at the State Legislature and having them saying, well, this other part of the bill says that you have to have audio and visual connectivity among the, the members during the public meetings. So, is, can you, can you give me a reason why we are changing that to just audio? Or should I just say, just to go along with OIP, OIP's version? I mean, what's the, what would be the reason for having it different in that part of the amendment than the rest of the, in the earlier part of the bill? That's just what I'm trying to get. So, I, you know, I, I, I, I'm happy either way. I just need justification.

CHAIR LEE: Well, the, the answer would be to conform with the, the ruling of, you know, the regulations of OIP, right, David? That would be the answer or the justification, right?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair.

CHAIR LEE: Go ahead.

COUNCILMEMBER PALTIN: Technological failure and then just audio. Like they want audio and visual, but then technological failure occurs and you're only able to connect back audio, you're good. And then--

COUNCILMEMBER KING: So, we wouldn't be in violation of the earlier portion of the bill? I just wanted to, we could, we could, we could clearly say we're not in violation because this is only in, in, in term, times of technical difficulties.

CHAIR LEE: And we are mirroring their language, right? Okay. Alright, any more discussion on this?

Thanks, staff. We--

SUPERVISING LEGISLATIVE ATTORNEY: Thank you.

CHAIR LEE: Thank you for standing by.

Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Since you got Mr. Raatz. If you don't mind, Mr. Raatz. Knowing our County, yea, we have a interactive facility in Hana, we got one on Lanai, we have in, on Molokai, and now we have one in Lahaina. So, that last component where it says, "or with the public location where the meeting by interactive conference is being held". So, if my Lanai Office for the Lanai people to do the interactive conferencing and for testimony or whatever knocks off, but only Lanai knocks off that interactive public location, does this kick in where the one-hour recess would be part of it? And if there's no reestablishment, we would adjourn the meeting? Or if it happened in Hana for whatever reason or on Molokai? Is that--

SUPERVISING LEGISLATIVE ATTORNEY: Chair.

COUNCILMEMBER HOKAMA: Mr. Raatz, please.

CHAIR LEE: Mr. Raatz. Mr. Raatz.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair and Councilmember Hokama. Yes, I, I think that's an accurate reading. If you had a virtual meeting that also included one or more public locations, which is what this bill envisions, then any location where you either have a Councilmember or designated public location would have to maintain at least audio only connectivity. I think, I think maybe the confusion is this bill envisions that a meeting by interactive technology will be commenced with audio and video. And there's an apparent allowance if you have technical difficulties, if you're able to reconnect by audio only within that one hour period you can proceed. But if at any of those locations where you either have a Councilmember or a designated public location and you cannot reconnect via at least audio connection, then you would have to adjourn at that point.

COUNCILMEMBER HOKAMA: Okay. Cause I know, my understanding, yea, Mr. Raatz, is if it's one of the nine of us as the decisionmakers, we need to have both audio and visual as it relates to us, for us to continue, right? That's how I understand the law; that we must provide the public visual and audio means of what we're doing. You would agree with that?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair and Councilmember. I, I read, I read this bill as saying that that's how you have to start the meeting. So, there's in my mind a good faith responsibility that you're going to have audio and video connection throughout a meeting. But if you have technical difficulties and during that one-hour recess you're able to at least connect via audio, you could still continue on. So, it's, it's a pretty substantial liberalization.



I mean one reason in non-emergency times, the Council's been hesitant to have meetings via interactive technology is that severe restriction where you have to immediately adjourn if you lose connectivity. So, now, your, if this goes through in its, in its current form, you're granted the allowance of having up to an hour to work on that connectivity and to come back via audio only if you so choose.

COUNCILMEMBER HOKAMA: Okay. Okay, thank you, Mr. Raatz.

SUPERVISING LEGISLATIVE ATTORNEY: You're welcome.

CHAIR LEE: Anybody else? Okay, everybody all clear?

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, so Madam Chair, ready to vote on the proposed amendment to the motion.

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

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

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, so, I see three, four, five, six, seven; seven "ayes", one "excused", and one "no". Yea, I'm assuming Mr. Hokama is a "no"?

COUNCILMEMBER HOKAMA: Yes, Chair. I still think we need, I, I, believe audio and visual.

CHAIR LEE: Okay. Alright. Seven "ayes", one "excused", one "no"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. Just briefly, want to recap how we got to this fifth and last proposal for including this, into the 2021 HSAC Legislative Package. This of course would amend the Sunshine Law to allow boards and, boards to use interactive conference technology to conduct virtual meetings and allow a meeting conducted by interactive conference technology to continue without the need

to be adjourned when a technological failure occurs. And this was a recommendation from your GET Committee to combine the proposals that you had, as well as Councilmember Paltin, into one proposal to amend Section 92-3.5 of the Hawaii Revised Statutes. I ask for the Members support of this. Thank you.

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

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

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Seven "ayes", one "excused", one "no"; motion carries.

Madam, oh, Ms. Paltin.

COUNCILMEMBER PALTIN: Sorry, I forgot to take my hand down.

CHAIR LEE: Okay. You folks are getting, going batty.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. That would be RESOLUTIONS 20-126 through 20-134.

#### COMMITTEE REPORT

NO. 20-112 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-135, entitled "AUTHORIZING SETTLEMENT OF WITTMER, ET AL. V. COUNTY OF MAUI; COUNTY OF MAUI POLICE DEPARTMENT, AT AL., CIVIL 19-1-0198(1)," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT NO. 20-112.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt the recommendations in Committee Report 20-112.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I'd like to preface my discussion on this topic first by thanking you. You're certainly earning your pay today trying to facilitate today's meeting and playing traffic cop, so. And dealing with the technological issues as well.

Your GET Committee meeting met on this matter August 25, 2020. And your Committee did receive an overview of the claim in open session by a Deputy Corporation Counsel on this matter.

The claim alleges negligence by the County while Eric G. Wittmer was in custody on or about June 12, 2017, resulting in Mr. Wittmer's wrongful death.

At the request of the deputy, Deputy Corporation Counsel, your Committee held an executive session meeting to discuss confidential information related to the claim. And following the executive session meeting, your Committee voted 8-0 to recommend adoption of the resolution. Thank you.

CHAIR LEE: Okay. Any discussion, further discussion, questions? Alright, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, we look like, looks like we have eight "ayes", one "excused"; Ms. Kama. Motion carries.

Madam Clerk.

COUNTY CLERK: That would be RESOLUTION 20-135.

COMMITTEE REPORT

NO. 20-113 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 93 (2020), entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO TRINA T. PINSKY TO ESTABLISH AND OPERATE THE HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS, VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO OPERATE A FOOD TRUCK ON APPROXIMATELY 2.53 ACRES OF LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16157 HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA, ISLAND OF MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-273, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 20-113.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Mr., I mean, moved by Member Paltin, seconded by Mr. Sinenci, to approve the recommendations in Committee Report 20-113.

Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use Committee received a presentation from the landowner, Trina Pinsky, describing the proposed Haleakala Upcountry Market and food truck operation which would be located in Kula, Maui.

Market and food truck operations are not permitted uses in Rural District. Therefore, a Conditional Permit is required.

The proposed market and food truck will continue a historic use of the property as the former landowners previously operated the Sunrise Market and Protea Farm.

The Planning and Sustainable Land Use Committee included additional conditions to appropriately limit operating hours and prohibit vehicles larger than 16 passengers to address traffic concerns. Therefore, the Planning and Sustainable Land Use Committee unanimously recommended the bill be passed on first reading.

I respectfully ask the Councilmembers support for my motion. Thank you.

CHAIR LEE: Any further discussion? All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Motion carries. Look like eight "ayes", zero, I mean, one "excused"; Ms. Kama. Motion carries.

Madam Clerk.

COUNTY CLERK: That would be BILL 93 (2020).

COMMITTEE REPORT

NO. 20-114 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 94 (2020), entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.97, MAUI COUNTY CODE, DECLARING A MORATORIUM ON TRANSIENT ACCOMMODATION PERMITS ON LANAI," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-423, from the Planning Director, be FILED.

CHAIR LEE: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 20-114.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Mr. Hokama, to approve the recommendations in Committee Report 20-115 *[sic]*.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use Committee discussed the need to prohibit transient accommodation permits on Lanai for one-year or until Bed and Breakfast Home and Short-Term Rental Home permit caps are established.

The prohibition is needed to address the increasing shift of existing long-term housing units into transient accommodations and the lack of housing inventory for Lanai, on Lanai, for long-term residents. This is especially important considering Lanai is the only community plan area without established permit limits on Short-Term Rental Homes and Bed and Breakfast Homes.

Therefore, the Planning and Sustainable Land Use Committee unanimously recommended the bill be passed on first reading.

I respectfully ask the Councilmembers support for my motion. Thank you.

CHAIR LEE: Anymore discussion? If not--

Oh, Mr. Hokama. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Thank you. Very quickly, I speak in support of the motion. I would like to thank Chair Paltin for her expeditious and, you know, very good addressing of the issue. I think this is a countywide issue, not just a Lanai issue. And like our sister-island of Molokai, our people on Lanai have concerns of off-island ownership and taking away of, on this our island. If you notice, we don't really have construction of housing. It's just a static inventory and therefore whatever we have is very critical to maintain a residential inventory sufficient for residents. And so, I thank the Council and the Committee for taking this up. Mahalo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

COUNTY CLERK: That is BILL 94 (2020).

COMMITTEE REPORT

NO. 20-115 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 95 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-246, from the Planning Director, be FILED.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 20-115.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sinenci, to adopt, to approve the recommendations in Committee Report 20-115.

Discussion, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This revised proposed bill would prevent Apartment District properties permitted prior to April 20, 1989, from converting to Transient Vacation Rental use if the use has not started. However, Apartment District properties that have operated as a Transient Vacation Rental before January 1, 2020, would be allowed to continue their use.

Your Committee passed an amendment to change the date the use must have started from January 1, 2020 to the bill's enactment date and include payment of the Transient Accommodations Tax and General Excise Tax as evidence a qualified property was operating before the bill's enactment.

In the Light Industrial District, the bill fosters mixed use buildings by requiring buildings with dwelling units to include a permitted non-dwelling use. Additionally, greater apartment development is encouraged in the Light Industrial District on Maui and Lanai by allowing buildings a 60-foot maximum height if they contain five or more apartments, and 45-foot maximum height if they contain four or fewer apartments.

Consistent with the Molokai Planning Commission's recommendation, both the Light and Heavy Industrial Districts maximum building height would be 40-feet.

Your Committee expressed support for the revised proposed bill, which would preserve the inventory of long-term occupancy properties in the Apartment District while allowing existing Transient Vacation Rentals to continue and encourage mixed-uses in the Light Industrial Districts. Therefore, the Planning and Sustainable Land Use Committee recommended the bill be passed on first reading.



CHAIR LEE: Thank you. Any more discussion?

COUNCILMEMBER PALTIN: I respectfully ask the--

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I speak in support of the Committee's recommendation. And I appreciate the work of Chair Paltin on this very hard subject area. I think you have helped drive the Council in a good direction, Chair Paltin. I believe that some of the things as it regards to my concern of stacking of uses in various zoning categories is inappropriate in this current time compared to at least, you know, 100-150 years ago. And therefore, I appreciate your proposal today that I will be supporting wholeheartedly. Thank you.

COUNCILMEMBER PALTIN: Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: It looks like eight "ayes" and one "excused"; Ms. Kama. Motion carries.

Madam Clerk.

COUNTY CLERK: That would be BILL NO. 95 (2020).

COMMITTEE REPORT

NO. 20-116 - WATER, INFRASTRUCTURE, AND TRANSPORTATION  
COMMITTEE:

Recommending that Resolution 20-136, entitled "APPROVING DISPOSITION OF STRUCTURES ATTACHED TO COUNTY REAL PROPERTY FOR PURPOSES OF THE KALANA O MAUI CAMPUS PARKING EXPANSION," be ADOPTED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 20-116.

CHAIR LEE: Second?

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Moved by Ms. Sugimura, seconded by Mr. Hokama, to approve the recommendations in Committee Report 20-116.

Discussion, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Water, your Water, Infrastructure, Transportation Committee, we met three times on this; February 24, August 10, August 24, to discuss parking near the Kalana O Maui Campus.

This proposed resolution authorizes a disposition of real property located at 2154 Kaohu Street and 251 Napua Street, Wailuku, Maui, Hawaii. The Department of Management explained to your Committee that this resolution would allow for the creation of at least 52 new parking stalls to be used to offset the ongoing shortage of employees and fleet vehicle parking.

Your Committee voted zero, 8-0 to adopt the resolution. It was a good discussion in the meeting of a lot of other related matters. And we look forward to providing parking to our employees. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Madam Clerk. Motion carries; one "excused".

COUNTY CLERK: Thank you, Chair. That would be RESOLUTION 20-136. And I do need to clarify, I mentioned bill, but it's really a reso.

CHAIR LEE: Okay.

COUNTY CLERK: Finally, moving onto ordinances for second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 87 (2020)

### A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, RELATING TO NAMES OF PUBLIC FACILITIES DESIGNATED

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO PASS BILL 87 (2020) ON SECOND AND FINAL  
READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Ms. Sugimura, seconded by Mr. Sinenci, to pass Bill 87 on second and final reading.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER PALTIN: I thought Hokama seconded it. No?

CHAIR LEE: No. Sometimes they both say it together, you know. But you have to choose one, you know, what I mean?

COUNCILMEMBER SUGIMURA: So, the, the Bill 87 (2020) proposes to amend Chapter 12.40, Maui County Code, by adding a new Section 12.40.270, to rename the Hale Māka'i, also known as the Maui Police Department headquarters and the Wailuku Police Station to Joseph C. Cravalho Hale Māka'i. And also, importantly, today is the birthday of Joseph Cravalho. And it's also the day that this becomes official and law. So, there was a coincidence, a very special day in many days. I also want to thank the family who have been with us, testifying from Big Island, and has been a active part of this meeting in renaming.

So, before I turn the floor over to you, Chair, I want to know who the member is that you're holding in your hand?

CHAIR LEE: The future mascot of the County of Maui. Her name is Koa. She's eating my watch right now. She eats everything, you know. But she's the most lovable, lovable little puppy in the world.

COUNCILMEMBER SUGIMURA: Oh, cute.

CHAIR LEE: She just had her second shot yesterday.

COUNCILMEMBER SUGIMURA: Oh, really brand new.

CHAIR LEE: Yea. Okay, you're muted. You're muted. Any last words everybody? Anybody--

COUNCILMEMBER SUGIMURA: So, ask for you, I ask for Members full support. Thank you.

CHAIR LEE: Okay. All those in favor, say "aye".

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

CHAIR LEE: Opposed, "nay".

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Motion carries with eight "ayes", one "excused"; Member Kama.

Well, thank you, Members. I hope you have a wonderful, wonderful weekend. It was a tough day at times, but that's the way it goes; it's our job. You know, sometimes we don't have the easy issues to deal with. But the main thing is at the end of the day, you know, we're still friends. Okay. So, any last comments from anybody?

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Have a good weekend.

CHAIR LEE: Everybody be safe. Take care.

COUNCILMEMBER SUGIMURA: Wear a mask.

CHAIR LEE: And we'll see you back at work. When, when is our next meeting?

COUNCILMEMBER SUGIMURA: I have a Tuesday meeting.

CHAIR LEE: Tuesday. You didn't cancel that one, right?

COUNCILMEMBER SUGIMURA: Mine is Tuesday.

CHAIR LEE: You didn't cancel that, right?

COUNCILMEMBER SUGIMURA: I rescheduled it to Tuesday. So, mine is Tuesday at 1:30. Not, it's usually at Monday at 1:30, I guess.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: It's Tuesday at 2:30.

CHAIR LEE: Alright.

Oh, Ms. King.

COUNCILMEMBER KING: We have a CAR Committee meeting on Monday.

COUNCILMEMBER SUGIMURA: At 9.

COUNCILMEMBER KING: Monday morning at 9. And I hope to see everybody there. We're going to review UIC, NPDES permits and hopefully be able to also add an environmental specialist on our planning commissions.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Exciting meeting.

CHAIR LEE: Alright, very good. We'll see all of you on Monday. Take care. Bye.

COUNCILMEMBER KING: Bye.

CHAIR LEE: Koa, say bye everybody. Love you. Bye.

COUNCILMEMBER SINENCI: Bye, Koa.

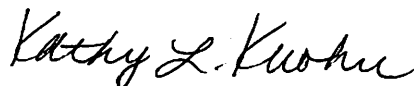
COUNCILMEMBER KING: He's trying to, he's trying to bite his own hand now.

CHAIR LEE: Good.

COUNCILMEMBER MOLINA: Good job, Chair.

### ADJOURNMENT

The regular meeting of September 11, 2020 was adjourned by the Chair at 3:39 p.m.



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KATHY KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

**From:** Traci N. T. Fujita  
**Sent:** Tuesday, September 8, 2020 8:04 AM  
**To:** County Clerk  
**Subject:** FW: Resolution CC-20-450:Tech Solutions to Help Reopen Maui Safely

RECEIVED  
2020 SEP -8 AM 9:48  
OFFICE OF THE  
COUNTY CLERK

**From:** syan Krusa <stephanieroseyan@gmail.com>  
**Sent:** Monday, September 7, 2020 12:45 PM  
**To:** Kasie M. Takayama <Kasie.Apotakayama@mauicounty.us>; Christi A. Keliikoa <Christi.Keliikoa@mauicounty.us>; Angela R. Lucero <Angela.Lucero@mauicounty.us>; Traci N. T. Fujita <Traci.Fujita@mauicounty.us>; Michele L. Blair <Michele.Blair@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Krystal K. Cabiles <Krystal.Cabiles@mauicounty.us>; Nicole A. Siegel <Nicole.Siegel@mauicounty.us>; David M. Raatz <David.Raatz@mauicounty.us>  
**Subject:** Resolution CC-20-450:Tech Solutions to Help Reopen Maui Safely

Aloha Maui Council Members,

Deep thanks for your kokua-such an exemplary group of folks that are working on the frontlines of this to help so many of our most vulnerable community members.

I hope this email finds you well. I wanted to let you know that we have a contact tracing app made by a Hawaii-based nonprofit, Sustain Hawaii, that is ready to launch, which can also help identify clusters and contact tracing with COVID19 positive individuals before bigger clusters can form.

We have a resolution at the Council of Maui County floor CC-20-450 to ask mayor to write letter of endorsement for the app to be approved by Apple and Google to be made public, currently it is approved only for Beta testing.

CC 20-450 COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "URGING THE MAYOR TO AUTHORIZE APPLE AND GOOGLE TO RELEASE SUSTAIN HAWAII'S PERSEUS CONTACT TRACING APPLICATION FOR VOLUNTARY USE BY COUNTY CONSTITUENTS".

We need city officials to give us this letter of support to get apple and google approval to enable the rest of Hawaii to download the app for FREE. It is the one time that the state will get something that is already made for free, see it adopted, see it as a success before investing in its sustainability. **We are not asking anyone for money (yet), just a simple letter of support from the Mayor so the Apple and Google store can allow our app to be downloaded by the public for free.** If the app is a success with the public, then we will find ways to obtain funding, whether it is through crowdfunding, governmental assistance with CARES ACT funds or from foundations.

Sustain Hawaii and the County of Kauai has gotten approval to pilot Sustain Hawaii's PERSEUS app with Apple and Google.

Please forward to them and any others that may be interested. I'm also happy to schedule additional meetings and demos as may be of benefit.

Mahalo.  
Sincerely,  
Stephanie Yan

"PERSEUS (Planned Emergency Response System Engaging Unified Support) is a comprehensive, integrated solution that more prudently aids a safe reopening of local economies. Such integrated solutions should be evaluated relative to its medical/healthcare practitioner support and technical/engineering/security capacity, as well as the organization's history of related community betterment activities.

To follow are key features of PERSEUS:  
LIVES, LIVELIHOODS, LIABILITIES

- 1) self-symptom reporting for improved personal guidance and epidemiologically improved future response for employers and schools
- 2) agnostic integration with FDA EUA-approved test results administered by authorized healthcare practitioners. Immediate verification with consent of users to make sure their tests results are from FDA EUA and CLIA certified labs and clinics
- 3) completely private location tracking - data is only on the app user's device until they test COVID-19 positive, at which time they are asked to voluntarily share some or all location data anonymously
- 4) complements manual contact tracers with enhanced privacy, more data, greater accuracy, optional automated redactions, etc
- 5) improve efficacy of controlled containment via near-realtime exposure notifications  
(<https://science.sciencemag.org/content/368/6491/eabb6936>)
- 6) quarantine management/enforcement

As a sidenote, Apple and Google are now providing Bluetooth Exposure Notification natively on their operating systems without the need to download an app. It would be a redundant security and privacy risk for DOH and the State to expose personally identifiable data to even more parties by downloading an app that uses the GAEN API . This can also work in tandem with this Google offering once it is available but is more comprehensive and this app is ready to use now with one endorsement letter from Mayor.

- <https://9to5mac.com/2020/09/01/covid-19-exposure-ios-13-7-built-in/>  
 - [https://www.scss.tcd.ie/Doug.Leith/pubs/contact\\_tracing\\_app\\_traffic.pdf](https://www.scss.tcd.ie/Doug.Leith/pubs/contact_tracing_app_traffic.pdf) "

Our efforts for the last 3-4 months was to lecture about the value of digital contact tracing and how this can help in our fight to eliminate COVID19 in Hawaii. We have made numerous fb live demos and zoom demos to different communities across the island. We feel that we have empowered enough of the Hawaii community to be supportive and not be fearful of digital contact tracing and we feel that the app will be adopted here in Hawaii due to the efforts we have made on the ground on educating everyone about how secure, HIPAA compliant and anonymous the app is. We have only been met with positive comments on our lecture and live demo sessions to communities all over Hawaii. Our lectures on the value and importance of digital contact tracing has been viewed by over 12,000 people and shared over 150 times in social media. We have also presented our live demo to the public at large as well as healthcare providers , nurses, and testing site partners and everyone has been very supportive.

<https://www.facebook.com/HALEHawaii808/videos/338414404014627/>

<https://www.facebook.com/1170369634/videos/10220954297905090/?extid=jIM1dh95d1Pxkfl6>

<https://www.facebook.com/watch/?v=305611803831967&extid=6rwaoFdfDL4qlmNY>

We feel that we have effectively flipped the storyline on contact tracing app as a big brother surveillance app into the apps that will enable more trust and freedom via science-based, data-driven transparency. Without it, the public will feel less safe and secure and we can't prudently reopen the economy. People who have seen our demos have come out of it feeling hopeful that they will have in magnitudes more freedom with the anonymous-sharing digital contact tracing app and our solutions. After our presentations, the overwhelming majority described the feeling of HOPE for a safe reopening.

As you requested , here's the template letter of endorsement attached to this email.

Supporters of the App are:

Office of Mayor of Kauai  
 Hawaii County Council members  
 City Council Office of Matt Kanealii-Kleinfelder-District 5 of the Big Island  
 Hawaii Pacific University  
 Pacific Island Leadership Institute  
 College of Health & Society  
 Waimanalo Health Center  
 Papa Ola Lokai  
 Heluna Health  
 Rebuilding Travel  
 Retail Association of Hawaii  
 Hawaii Teachers' Union  
 Hawaii Hospitality Union  
 Hale Hawaii- we had 4K viewers for our lecture on contact tracing and live demo  
 HICOVID Hawaii COVID19 Healthcare Provider Taskforce



Mel Rapozo and Charlie Iona- are supportive we were on their show on Tuesday, August 18, 2020 with over 5K viewers. everyone in the comments were supportive of a digital contact tracing app in Hawaii

We have leaders of HMA, Maui Medical Society, Hawai'i Pandemic Applied Modeling work group (HiPAM) who are supportive. We are in the process now of getting endorsements from these organizations. Several doctors from Kaiser Permanent/Hawaii Physicians' Medical Group, AlohaCare are also supportive.

Source of funds:

Kevin Vaccarello , Executive Director of SustainHawaii

Crowdfunding

Please see the template letter of endorsement.

I hope that you will be able to support the public launch of this app as so many in our community are asking/begging for it and we are confident that it will be adopted by the majority of the population here in Hawaii.

<https://www.safe-travels.org/>

[https://youtu.be/\\_xWForN6oIA](https://youtu.be/_xWForN6oIA)

RECEIVED

2020 SEP -9 AM 10: 08

November 5, 2020

OFFICE OF THE  
COUNTY CLERK

Dear Maui Council Members,

Thank you for hearing resolution CC-20-450 on the floor. I am a physician , a mother and an asthmatic. We have had 6-7 months to get the infrastructure of infection control set up here in Hawaii and it is obvious that we still have so much work to do, but this app which can provide a comprehensive suite of tech solutions for Hawaii to control the spread of COVID19 is and have been ready for two months. It is time to adopt this app to save the lives of the most vulnerable here in Hawaii. . This is a privacy-protective contact tracing app with industry standard level security (and when needed HIPAA and soc2 security available) made by a Hawaii-based nonprofit,Sustain Hawaii, that is ready to launch and has been ready to launch for two months now.

I have been working on getting a contact tracing application for Hawaii since March of 2020. I reached out to the Harvard/MIT group SafePaths in early April. In April, Harvard/MIT Safepaths developers and other technological experts in Hawaii formed the Aloha Trace Coalition to create one app that would help us with digital contact tracing in Hawaii. We have reached out to the state DOH and they were not very interested in the comprehensive suite of technological solutions to help our specific situation here in Hawaii. The contact tracing application that Sustain Hawaii has created is ready to go public. It is currently approved by Apple for a pilot with Kauai and Sustain Hawaii is independently running another pilot at Waimanalo. The only thing hindering a wide community launch with approval from the Apple and Google store is a letter of support or endorsement from an authorized county official to allow each county's constituents to be able to download the app from the Apple and Google store. This is the easiest path to launch this app with the complete set of solutions for opening up Hawaii. The app can be free for the public to download and use.

Please see the website: [safe-travels.org](https://safe-travels.org) (we currently need to change the name because as of two days ago, there's an app launch by the state with the same name) and this youtube video: [https://youtu.be/\\_xWForN6oIA](https://youtu.be/_xWForN6oIA)



In creating and designing the application, we are aware of statistical analysis and mathematical modeling that is specific to the infectiousness of the SARS-COV2 virus that doesn't lend it to effective manual contact tracing alone without the major assistance of a digital contact tracing application. Mathematical modeling has shown that if contact tracing takes more than 24 hours with this virus, it has little success of epidemiological control. Best practices from other parts of the world who have used contact tracing to help with mitigation of the spread of the disease have all used a digital contact tracing app. This is due to the fact that the Kappa of the Rnaught of this specific infection is very narrow and with that Kappa being narrow, manual contact tracers alone are ineffectual and can rapidly be overwhelmed with the dynamics of the infectiousness of SARS-COV2.

Our efforts for the last 3-4 months was to lecture about the value of digital contact tracing and show the community how these technological tools can help in our fight to eliminate COVID19 in Hawaii. We have made numerous fb live demos and zoom demos to different communities across the island. We feel that we have empowered enough of the Hawaii community to be supportive and not be fearful of digital contact tracing. We have residents of Hawaii knowledgeable about how secure, HIPAA-compliant and anonymous the app is. We have only been met with positive comments on our lecture and live demo sessions to communities all over Hawaii. Our lectures on the value and importance of digital contact tracing has been viewed by over 12,000 people and shared over 150 times in social media. We have also presented our live demo to the public at large as well as healthcare providers, nurses, and testing site partners and everyone has been very supportive.

<https://www.facebook.com/1170369634/videos/10220954297905090/?extid=jIM1dh95d1Pxxkfl6>

<https://www.facebook.com/watch/?v=305611803831967&extid=6rwaoFdfDL4qlmNY>

We feel that we have effectively flipped the storyline on contact tracing apps as a big brother surveillance app into the apps that will enable more trust and freedom via science-based, data-driven transparency. Without it, the public will feel less safe and secure and we can't prudently reopen the economy. People who have seen our demos have come out of it feeling hopeful that they will have in magnitude more freedom with the anonymous-sharing digital



contact tracing app and our solutions. After our presentations, the overwhelming majority described the feeling of HOPE for a safe reopening.

Supporters of the App are:

City Council Office of Matt Kanealii-Kleinfelder-District 5 of the Big Island, it recently passed their floor to move up to a nonbinding resolution for the mayor to sign

Hawaii Pacific University

Pacific Island Leadership Institute

College of Health & Society

Waimanalo Health Center

Papa Ola Lokai

Heluna Health

Rebuilding Travel

Retail Association of Hawaii

Hawaii Teachers' Union

Hawaii Hospitality Union

Hale Hawaii- we had 4K viewers for our lecture on contact tracing and live demo

HICOVID Hawaii COVID19 Healthcare Provider Taskforce

Mel Rapozo and Charlie Iona- are supportive; we were on their show on Tuesday, August 18, 2020 with over 5K viewers. everyone in the comments were supportive of a digital contact tracing app in Hawaii

We have leaders of HMA, Maui Medical Society, Hawai'i Pandemic Applied Modeling work group (HiPAM) who are supportive. We are in the process now of getting endorsements from these organizations. Several doctors from Kaiser Permanente/Hawaii Physicians' Medical Group, AlohaCare are also supportive.

Source of funds for the application:

Kevin Vaccarello , Executive Director of SustainHawaii

Crowdfunding

Below are some of the features that are currently offered by this comprehensive app. This is a comprehensive set of solutions specific to Hawaii, from self-reporting and risk calculators to risk



mitigation strategies, telehealth, testing, exposure notifications, etc. (Please see below). It can be one of the greatest tools in order to reopen our society without closing down every 2-3 months. It will also significantly decrease the number of manual contact tracers needed and save money and resources and increase the speed of notifying contacts of COVID19 positive individuals.

Until we have Anti-CoV-2 antibody therapeutics (5 months?) and vaccines (12-18 months?), this pandemic isn't going away. In the meantime, we need non-pharmaceutical interventions that will improve our safety and help restart the economy, with high emphasis on tourists. Precision, real-time monitoring with voluntary, active participation can reduce transmission. Data and algorithms are among our best, nearest-term tools, if used properly.

#### Protocol

- 1) Educate
- 2) Trace
- 3) Test
- 4) Treat
- 5) Iterate

#### Digital Tools to Assist Protocol:

- 1) voluntary surveys / syndromic surveillance with automated CDC-defined responses; also includes directions to telehealth, labs and/or rapid testing which can be sent to employers/workplaces and schools to verify the health status and testing status of individuals with the consent of each individual.
- 2) contact tracing with immediate, physician- or lab-verified notification to all individuals who had been within 2-5 meters of someone COVID+ and/or with severe enough symptoms over the prior 30 days. This can be used in schools as well; there's an option to have ID cards with gps on them.
- 3) telehealth has patient-driven mobile scheduling, video conferencing and automated eligibility and billing with CMS-defined COVID-19 reimbursements
- 4) rapid testing (agnostic; optional mobile 60-minute PCR and/or 15-minute serology)
- 5) Identity authentication associated to physician-/lab-approved bill of health to enable travel and tourism and business to safely resume (All Access Pass); the app is connected to 95% of all EHR



in the country and can verify all FDA-EUA approved tests , so airlines can use the app to verify the validity negative tests before boarding.

6) quarantine solution: random prompts for people in quarantine to take pictures or scan QR location codes. The pictures and location QR codes contain their gps to ensure they are where they are supposed to quarantine.

7) can also enable geofencing

The All Access Pass can be used to incentivize tourists when making reservations to visit their destinations, as an option to bypass the 14-day quarantine. Travelers would show real-time validation by accredited healthcare practitioners of good health, pre-agree to test and contact trace when they arrive, as well as share medical updates for 15-30 days after leaving the islands.

The employer/employee aspects of the app will have users' identity securely authenticated and tied to their electronic health records with physician-validated test results. This is the only way we're aware of to have accredited confidence in the symptomatic and/or test results. A QR code feature can also be implemented for brick and mortar establishments to help minimize risk exposure.

Those without smartphones also have the option to participate in the contact tracing by purchasing ID cards or key cards with gps on them (at cost about \$20/card)

These are what is offered with this contact tracing app for Hawaii. It is imperative, we support this app publically in order to protect our most vulnerable population (Native Hawaiians, Pacific Islanders and Kupunas) AND open up society. It's going to be "whack-a-mole" for about two years, we need to arm ourselves with the fastest way to detect where the mole is in order to whack quickly AND never shut down again.

The app developers need city officials to give us this letter of support to get apple and google approval to enable the rest of Hawaii to download the app for FREE. It is the one time that the state will get something that is already made for free, see it adopted, see it as a success before investing in its sustainability. They are not asking anyone for money (yet), just a simple letter of support from the Mayors so the Apple and Google store can allow our app to be downloaded by the public for free. If the app is a success with the public, then they will find



ways to obtain funding, whether it is through crowdfunding, governmental assistance or from foundations.

Sustain Hawaii's interest in creating the app grew out of concerns over the devastating health and economic effects of the COVID-19 pandemic on our island communities, and in particular, our Native Hawaiian community. Through its app, Sustain Hawaii seeks to assist contact tracing efforts by enabling tracing to occur at a faster pace. The app will help to identify contacts and to notify exposed individuals to quarantine earlier. This would result in containing the transmission of COVID-19 and preventing greater exponential spread. Where the spread of disease has been mitigated in other parts of the world, they have used best practices, which includes the use of a digital contact tracing app.

Sustain Hawaii is a local nonprofit committed to creating a sustainable economy that provides a better quality of life in a just and equitable manner. With a board of over 80% Native Hawaiians, in the past, Sustain Hawaii has worked closely on projects with organizations such as the USDA, Hawaii Department of Agriculture, the Department of Education, OHA, and Kamehameha Schools.

To create this app, Kevin Vaccarello, the founder, executive director, and tech lead of Sustain Hawaii, worked with a team of experienced people, including PhDs, engineers, data scientists, and product designers.

Sincerely,

Stephanie Yan, MD  
General, Trauma and Critical Care Surgeon  
808-977-0955  
stephanieroseyan@gmail.com

Electronically signed by Stephanie Rose Yan, MD on 09/05/2020 11:08 am in  Eaton Health





Sent on 09/05/2020 at 11:10 AM HST

## Clinical fax

ATTN: Council of the County of Maui Testimony

From: Stephanie Rose Yan, MD

Subject: Testimony for Resolution CC-20-450

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Note: Stephanie Rose Yan, MD has also prepared an interactive patient chart online with additional clinical content.

**To access chart:**

1. Go to [elationemr.com/fax](http://elationemr.com/fax)
2. Enter the **Reference Code** on this fax

**Reference Code:**

**W9R-XUC-T3V**

**Confidentiality Notice**

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September 5, 2020

Council of the County of Maui Testimony  
Fax: 808-270-7171

**Re: Island Family Surgical Care C. LLC (DOB: 11/15/2018)**

**Subject: Testimony for Resolution CC-20-450**

To help you with seeing this patient, I've created a customized, interactive, HIPAA compliant patient chart that you can easily access online by following the instructions below. Please use Google Chrome or Firefox instead of Internet Explorer if at all possible to view the interactive chart.



Electronically signed by Stephanie Rose Yan, MD on 09/05/2020 11:09 am in ~~Elation~~ElationHealth

**Note: Interactive patient chart available online**

To accompany this letter, Stephanie Rose Yan, MD has prepared an interactive patient chart for you to view online. Anyone in your practice can access the chart following the instructions below:

1. Go to [elationemr.com/fax](http://elationemr.com/fax)
2. Enter this Reference Code: **W9R-XUC-T3V**

**Interactive Patient Chart Contents:**

- 09/05/2020 Miscellaneous Report *Letter to Council of Maui*





August 21, 2020

RECEIVED  
2020 SEP -8 AM 7: 50

OFFICE OF THE  
COUNTY CLERK

Aloha Governor Ige and Hawaii Leaders:

I am writing you from the grassroots organization HALE Hawai'i, whose mission is to help Hawai'i's people and its leaders to keep Hawai'i safe from COVID-19. We want leaders to know that preventing the virus from coming in and spreading is very important to most of Hawai'i's residents. Tools are just becoming available to make this goal so much more feasible.

We would like to add our support to the Hawaii HealthCare Provider Taskforce (HICOVID) open letter dated August 2020 <https://hicovid.org/>. All of our suggestions dovetail with their letter.

We believe that the goal for Hawaii needs to be changed from Mitigation to Elimination. We have learned from very recent and painful experience that trying to keep our numbers in the double digits is a not possible, since this virus is so infectious and grows exponentially and out of control in the blink of an eye. We do realize that the goal of zero cases means that some cases will slip through, but with strict safety protocol like New Zealand's, the cases can be brought under control and again eliminated in a relatively short amount of time.

Our suggestions for elimination are in four steps and relate to the HICOVID suggestions:

1. The State needs to purchase the newly available saliva testing and become self-sustainable in Hawai'i. Priority for its use would be for healthcare providers (including care home providers), first responders, schools and those in essential positions that are at high risk for exposure. The tests could also be used for incoming travelers and would be made available for universal testing, so that those infected who are asymptomatic would be identified and isolated. The saliva test created by the New Yale University is available now; their email contact is [salivadirect@gmail.com](mailto:salivadirect@gmail.com). More information about it can be found here: <https://www.scientificamerican.com/article/covid-19-spit-tests-used-by-nba-are-now-authorized-by-fda/>. The University of Hawai'i has developed and is in the latter part of testing their saliva test product, Assure, which the State would switch to once it is FDA-approved. Status updates on it can be found here: <https://www.oceanit.com/news/press-release-assure-19-aug-19/> and their website is at: <https://assure19.com/>
2. Improve contract tracing by using the digital contact tracing system that has already been developed in Hawai'i by Kevin Vacarello of Sustain Hawaii. They have developed a free app that people could use to track their movements and choose to share it voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers.



This link provides information on Sustain Hawaii: <https://www.sustainhawaii.org/kevin-vaccarello.html> and this is information on the Safe Travels app: <https://www.safe-travels.org/>

3. Better tracking for incoming travelers (both returning residents and visitors). We recommend using the same Safe Travels app for this: <https://www.safe-travels.org/> and making this a requirement for incoming travelers.
4. Enforcing quarantine for incoming travelers. Resources need to be created to allow for those with authority to fully enforce quarantine breakers. Enforcement would be made much easier by use of the Safe Travels tracking device. HALE Hawai'i recommends following the Kauai Plan as a model for a quicker quarantine with more testing: <https://halehawaii.cc/kauai-plan> and our petition shows support of the plan: <https://sign.moveon.org/petitions/we-need-a-covid-19-free-hawaii-i-and-effective-quarantine-enforcement>

Hawai'i leaders, eliminating COVID-19 in our beautiful state is very possible following these four steps, with tools that have recently become available! Please protect our home for all of us!

With much hope and aloha,

Kai Duponte, MSW

HALE Hawai'i

[www.halehawaii.cc](http://www.halehawaii.cc)



RECEIVED

2020 SEP 11 AM 7:54

OFFICE OF THE  
COUNTY CLERK

Dennis B Miller  
2330 Kalakaua Ave, Ste 146  
Honolulu, HI 96815  
Email: [singlepayerhawaii@gmail.com](mailto:singlepayerhawaii@gmail.com)  
Member, Medicare For All Hawaii

September 10, 2020

To:

**County of Maui Hawaii**

File #: CR 20-111

Relating to Creation of a Single Payer Healthcare System

Dear Maui County Council Members,

Please pass the Resolution and Bill related to the creation of a Single Payer System. The bill calls for the legislature to fully support and fund the existing law HRS322H The Hawaii Health Authority in part 1, and for the creation of an administratively-simple Self Insured system for public employees, in part 2.

The Hawaii Health Authority is an elegantly simple and complete bill, passed in 2009, with the statutory authority to create THE DESIGN for a completely new healthcare system for Hawaii that achieves Universal coverage in Hawaii. Then, after creating that design, it submits that design to the legislature for review and potential approval. However, it can also proceed in bite sized incremental steps. If approved, then, based on the existing power bestowed to the HHA, that design would become the new healthcare system for Hawaii.

The second part of the bill, referring to establishing a Self Insured Health Insurance system which is based on HB 1462, a bill which passed the Hawaii House of Representatives in 2019, replaces the current health insurance for public employees. This is a practical, bite sized, path for establishing the foundation of Universal Single Payer Healthcare. The new system could significantly reduce current health insurance costs for public employees in one way: replacing an extremely costly payment processing and physician charting system with a simplified, efficient administrative system.

We know the current insurance model employed by the major health insurance companies in Hawaii, including those for MedQuest Hawaii and Medicare Advantage, are unbearably costly because a rash of Hawaii physicians have been quitting because of it. Closing their clinics, and either leaving Hawaii or taking a job at a hospital, where patient care costs more, but insurance companies earn more. Clinics who used to accept Medicaid are no longer able to accept Medicaid because of administrative changes which doubled physician charting time while leaving reimbursement the same. In 2015, Medicare, via

MACRA, adopted a similar 'pay per value' approach to payments and charting. This resulted in, in 2016, 47% of Hawaii physicians refusing to accept new Medicare patients. Our current health insurance administrative burdens are so severe that Hawaii has a physician shortage as a result.

All of this is to say that we are, right now, vastly overpaying for the cost of healthcare insurance due to unnecessarily complex health insurance bureaucracy.

The HHA board members would, if selected based on understanding why the current Managed Care system is both unnecessary and is the cause of high costs, then design an admin-simple Self Insured system. Please look at the success Connecticut had with reclaiming Medicaid from private contractors who used Managed Care. Connecticut switched to a Self Insured system and achieved a 14% reduction in Medicaid costs without reducing benefits or coverage. If that same formula were applied to Hawaii's public employees, the savings would be around \$175 million dollars per year. This is in addition to additional savings from no longer needing to prefund \$500 million per year towards future EUTF.

We are fortunate to have an almost \$4 billion EUTF fund at the moment. That is an adequate sum to remain as a reserve in the event of shortfalls if the same year revenue from the new Self Insured system for public employees were inadequate. Because of that sum, the state would not have to purchase additional back up insurance. Moreover, when Gov Ige paused the current pre funding of EUTF, he increased the unfunded liabilities, which lowered Hawaii's bond rating. By fully switching public employees to a Self Insured system with the reserve account, Hawaii's bond rating will be restored.

And, this leaves money in the public union's pocket because their contribution to health insurance would go down. And the clinics and hospitals who treat those patients would benefit from the simpler admin system. And we patients would have lower out of pocket costs.

I understand that at first glance, ceasing to prefund retiree benefits sounds alarmingly risky. However, the current admin system in use for public employees is overcharging the state around 15% of a very large amount and is imposing high admin costs on providers. We don't need and can't afford to pay for counter productive insurance bureaucracy. We can have an efficient health insurance system and we can't afford not to.

As a personal observation, once the Self Insured for public employees demonstrates that healthcare without burdensome administrative costs can flourish, then the premise of single payer will be established, (again, as it already is established around the world) and rolling single payer out to the rest of the nonfederal sectors could follow, including Medicare Advantage. It is worth noting that in a detailed presentation of such a scenario, you can see potential health insurance cost reductions of up to 30%.

Please contact Dr. Stephen B Kemble, an eminent supporter of the Hawaii Health Authority and request a full 90 minute zoom presentation on this matter.

From there, I ask that Maui County Council do more than pass this sample bill, I ask that you use your platform to host health policy town halls at which common misinformation about single payer can be corrected. In this way, each county council can help to expand upon the large public will in order to help

create the political will for our legislature and our insurance companies to embrace a new paradigm in which healthcare doesn't cost an arm and a leg.

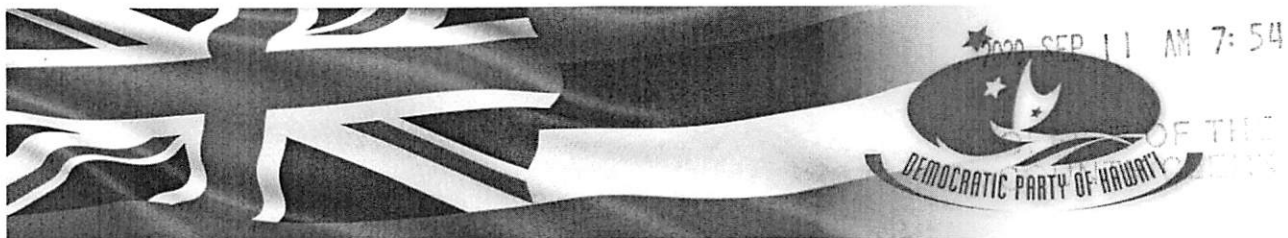
Additionally, in this new system there will be a large reduction in the number of medical billers and related insurance company employees. Since the state and private sector will receive a windfall in the form of reduced health insurance premiums, the state will be able to afford an enhanced unemployment benefit program for all displaced insurance/medical biller workers for two years. This will protect their homes and help them to transition into new careers; no jobs are just 'lost.'

Single Payer is often presented as an unrealistic goal. *The truth is, attempting to maintain our current health insurance system is unrealistic,* (Former Insurance Commissioner Gordon Ito said in November 2017, "at the current rate of annual 6.5% cost increases, health insurance for a family of four will cost \$42,000 per year by 2026." That is unrealistic.) **and passing a law for simplified health insurance administration is as simple as passing a law for simplified health insurance administration.**

After this long testimony, I have not even mentioned covid-19, which is causing and exacerbating flaws in our current system, including the issue of union workers in the tourist industry losing their jobs and therefor their health insurance. We must act now to allow the Hawaii Health Authority to design a sensible healthcare system ASAP. Our lives and our economy require that we do.

Thank you for your time,

Dennis B Miller  
Member, Medicare For All Hawaii



## HEALTH COMMITTEE

Friday, September 11, 2020  
9:00 a.m.

### RE: CR 20-111, Single Payer Healthcare Testifying in Support

Aloha Maui County Councilmembers:

The Health Committee of the Democratic Party of Hawai'i (The Party) stands in support of CR 20-111. This Resolution and bill direct the Hawai'i Health Authority to establish a single payer or all-payer health care program for the State of Hawai'i. An all-payer system would specify budgetary requirements and calculation of fees for the program. CR 20-111 will reduce administrative costs of healthcare and eliminates price competition. Under an all-payer system, payment rates are the same for all patients receiving the same service or treatment from the same provider.

Thanks to our Prepaid Health Care Act, Hawai'i's health costs have historically been among the lowest in the country, with the most generous benefit package and broadest coverage and access to care. However, recent reforms have been adding administrative costs and burdens and are failing to control total costs, leading to a doubling of health insurance premiums in the past decade, while we are experiencing a rapidly worsening physician shortage and declining access to care. These trends are unsustainable. Hawai'i can and must do better.

The term "all-payer" essentially means all payers of health care services must pay the same rates for the same services, regardless of the source of funding for any given patient. The fundamental rationale is to markedly simplify and standardize the payment system and claims adjudication process, enabling large administrative savings for both health care providers and also payers, whether government, or health plans funded from businesses and individuals, or directly from patients in the form of co-payments and deductibles. Administrative costs are the largest driver of unnecessary and wasted health spending in the U.S. Recent reforms, collectively referred to as "value-based" payment, have added even more administrative burdens while failing to reduce utilization of care enough to offset their administrative overhead. Hawai'i could achieve a much more cost-effective health care system by focusing on administrative simplification and reducing administrative overhead, instead of relying on third party health plans that add more administrative burdens in an attempt to manage care in ways that are largely ineffective and counterproductive.

A form of all-payer for hospital payment has been implemented in Maryland for decades, achieving significant cost-savings. Maryland is now moving beyond all-payer to implement an even more cost-effective and administratively simple form of hospital payment via global budgeting. Hawai'i could do the same, and also expand the all-payer concept to payment of physicians and other independent professionals with standardized rates, using a simpler and more incentive-neutral form of fee-for-service based on the time associated with each procedure.

A well-designed all-payer system would regulate health insurance plans to require the same benefits, same network of all qualified providers, same fees and payment system, and same formulary and streamlined prior authorization policies, achieving large administrative savings. This is exactly what is done in many other countries with universal coverage and multiple payers, including France, Germany, The Netherlands, Switzerland, Israel, and Japan, all of which provide universal coverage at far lower cost than partial and inadequate coverage in the U.S.

Hawai'i could start with an all-payer system with health plans funded, controlled, or regulated by the state, including state and county employees and retirees under the Hawai'i Employee-Union Health Benefits Trust Fund (EUTF), H.R.S. Chapter 87A, Medicaid, commercial health insurance plans, and a Medicare Advantage plan, and require equivalency of benefits and payment of professionals for the Kaiser plans. This would bring the large majority of health care in Hawai'i into the all-payer system. The savings for the state, businesses, and individuals paying for health care could be in the range of 20% of what we are now spending on health care while slowing the rate of increase in health care cost into the future. Hawai'i could then afford single – payer, universal coverage with comprehensive benefits. Our Prepaid Health Care Act could be preserved by using the minimum 10% co-payments required under this law for all plans and allowing providers to waive the co-payment for those qualifying for Medicaid.

This proposal is essentially what was recommended in the Hawai'i Health Authority reports to the Administration and Legislature in 2011 and 2013, and reports in 2019 and 2020. (*Please see*, attached HHA Reports, November 2019, and June 2020.) The single payer and all-payer concept are very much aligned with the purpose of the Hawai'i Health Authority as defined in HRS 322H. The Hawai'i Health Authority is the appropriate body to design and implement this plan.

For these reasons, we urge you to vote favorably on this bill to direct the Hawai'i Health Authority to establish a single payer or all-payer health care program for the State of Hawai'i.

Mahalo for the opportunity to testify,  
Melodie Aduja  
Chair, Health Committee of the Democratic Party of Hawai'i



# **Hawaii's Healthcare Cost and Access Crisis**

**Report to Governor David Ige and Hawaii Legislature**

**The Hawaii Health Authority**

**November, 2019**

The Hawaii Health Authority (HHA)<sup>1</sup> is charged under Hawaii law, HRS 322H, with designing a universal healthcare system covering all residents of Hawaii. The HHA met regularly from 2011 until April 2013, working toward this goal. At that time, The Abercrombie Administration made it clear that there would be no further support for the HHA, and health reform efforts would instead proceed under the Hawaii Health Project, spearheaded and largely funded by Hawaii's health insurance plans.

According to the minutes of the last meeting of the HHA on April 17, 2013<sup>1</sup>, the HHA was informed by Beth Giesting, co-chair of the Hawaii Health Project, that Hawaii was a recipient of a federal State Innovation Grant supporting expansion of patient centered medical homes and improved care coordination services targeting patients with complex or specialized health care needs. The goals of this project were to improve value in healthcare spending, develop quality metrics, save money for the system, and assure that people got the right level of care for what they needed. The plan was to move away from fee-for-service, especially for primary care and hospital services.

In that meeting, members of the HHA supported the goals of care coordination, community care networks, and patient-centered medical homes, but expressed serious concerns about the strategies being proposed to reach those goals, particularly in our Medicaid program. Reliance on contracting Medicaid funds through competing private managed care organizations (MedQUEST) was already having the effect of driving doctors out of participation with the MedQUEST plans, causing worsening access to care for Medicaid patients. If doctors won't participate, then care coordination programs cannot be effective. Also, relying on a fragmented multi-payer financing system perpetuates high administrative cost that would likely sabotage the goal of reducing cost.

The Hawaii Health Authority stopped regular meetings thereafter, but asked that the results of the Hawaii Health Project and progress toward the goals of reform be re-evaluated after several years. This report is that re-evaluation.

## **Health Transformation from 2013 to 2019:**

Since 2013, Hawaii's dominant insurer, HMSA, has followed through with the plan recommended by the Hawaii Health Project, converting primary care payment from fee-for-service to "value-based" payment, with full implementation since January 2017. Value-based payment in Hawaii has meant capitation (a fixed payment per member per month instead of fee-for-service) for primary care practices combined with pay-for-performance incentives, with a goal of tying payment to controlling total cost of care for patients attributed to each primary care practice. This effectively shifts insurance risk from health plans onto doctors.

Value-based payment is founded on the implicit and demeaning assumption that doctors (like many health plans) are primarily motivated by money, not the best interest of the patient. The rationale for payment transformation is to replace the presumed incentive under fee-for-service to maximize volume of care (and presumably provide unnecessary care), with a payment system that would reward restricting care, hopefully to only what is truly necessary (has value), while relying on pay-for-quality to counter the incentive under capitation to skimp on necessary care, and on risk adjustment to counter the incentive to avoid caring for sicker, more complex, and socially disadvantaged patients and populations who might cost more or bring down quality metrics. Both pay-for-performance and risk adjustment rely on much more detailed documentation and data reporting than fee-for-service,

requiring primary care practices to increase staffing and implement computerized data processing systems to comply with the model.

HMSA has not figured out a way to capitate hospitals or specialist physicians, and none of the other Hawaii health insurance plans have implemented payment transformation or “value-based” payment, but HMSA’s 90% dominance of the non-Kaiser commercial health insurance market gives them unilateral control over payment to independent physician practices.

Hawaii’s MedQUEST program has continued to contract Medicaid to competing managed care organizations that are still paying doctors with fee-for-service, but MedQUEST and the plans have indicated their intention to move to value-based payment similar to what HMSA has done. Meanwhile, acceptance of MedQUEST by independent doctors is more abysmal than ever.

## **Outcomes as of 2019:**

### **Physician workforce:**

Under HMSA’s model, some primary care practices are paid a higher capitation rate than others, and those that do not effectively implement the required staffing and computerization are also denied pay-for-performance bonuses, creating winners and losers. HMSA has attempted to set capitation rates based on each practice’s prior fee-for-service income, but without increasing payment to cover the increased overhead required by the model. The most successful primary care practices have been large, established practices that accept few new patients and are paid at the high end of the capitation range. Newer practices that still take new patients are doing worse financially, many to the point that they can no longer stay in practice. A recent Hawaii Medical Association survey of all Hawaii primary care practices found only 22% of respondents are happy with the model and doing better financially, and around 60% are unhappy and doing worse financially. Another UH survey of all Hawaii doctors found 74% of respondents are unhappy with HMSA’s payment transformation model<sup>2</sup>. Due to uncertainties in payment and practice overhead cost, primary care doctors new to practice are no longer willing to consider independent practice in Hawaii, and will only take salaried positions with the large health systems such as Hawaii Pacific Health, Queen’s, Kaiser, or the VA.

A major outcome for Hawaii’s primary care work force is a worsening physician shortage, especially for primary care. Hawaii is now over 800 doctors short of what is needed for our population, and we lost 108 more full-time equivalent physicians in 2018-19<sup>3</sup>. Independent physicians have been pushed to affiliate their practices into competing Accountable Care Organizations, organized by Hawaii Pacific Health and Queen’s Health Systems, so as to be able to manage insurance risk under capitation, for access to capital for computerization, and to establish funding streams for care coordination and other wraparound services that do not work well under fee-for-service payment. An unintended result has been to drive large numbers of primary care doctors out of independent practice. We are seeing a wave of doctors retiring and moving out of state, and many that remain have given up independent practice for employment by Queen’s, Hawaii Pacific Health, or Kaiser. Younger doctors are no longer willing or able to start independent practices.

### Care Coordination:

Payment transformation and organizing independent primary care practices and hospitals into independent practice associations and accountable care organizations has allowed for funding streams separate from fee-for-service. These are being used for care coordination programs, such as interdisciplinary teams consulting to nursing homes and skilled nursing facilities, telehealth programs, and psychiatric consultation to primary care practices via the collaborative care model. These programs are indeed showing early evidence of significant cost savings and improved access to needed care for primary care practices affiliated with an integrated network or ACO, and populations covered by specific insurers, such as Medicare or HMSA. Queen's has generously funded collaborative care psychiatric consultation for all patients of primary care practices affiliated with Queen's, regardless of the patient's insurance. However, there is nothing about such beneficial programs that depends on capitation or shifting insurance risk onto providers of care. Such programs could just as well (and most cost-effectively) be funded by the state or by the state requiring insurers to pool funds for such services, making them community based and available to the whole population based on patient need.

### Access to Care:

Although HMSA, the MedQUEST managed care plans, and Medicare all report adequate networks of participating physicians, patients attempting to find needed care are reporting increasing difficulty finding any available doctors, especially for primary care and psychiatry. Practices feeling squeezed by HMSA's payment transformation are responding by first closing to new patients with insurers that pay lower rates – specifically MedQUEST and Medicare. As more doctors retire or quit practice and the doctor shortage gets worse, more and more of the remaining practices are overwhelmed and closing to *all* new referrals. A recent [article in WalletHub](#)<sup>4</sup> rated the state of Hawaii 36<sup>th</sup> in access to health care overall, and 51<sup>st</sup> (dead last!) in physician acceptance of Medicare. On Oahu, loss of access to care appears to be worst for primary care and psychiatry, especially for those with Medicare or Medicaid, but on the neighbor islands lack of access is severe across all specialties and all insurers<sup>3</sup>. Lack of access to psychiatric care for Medicaid patients is a major contributor to our homeless crisis. Hawaii is experiencing an equally severe [shortage of nurses](#), with high levels of “burnout.”<sup>5</sup> If current trends are not reversed, it will soon be impossible for anyone with a serious chronic illness to continue to live on the neighbor islands if they need ongoing care for their health problems.

### Cost of Health Insurance:

Although HMSA reports small savings in health spending from primary care practices participating in payment transformation, this has not translated into any slowing of the rise in total cost (including administrative and medical management costs) as reflected in health insurance premiums. During the period from 2013 to 2019, HMSA commercial premiums have continued to rise at an average rate of about 7% per year<sup>6</sup>. According to [Kaiser State Health Facts](#)<sup>7</sup>, Hawaii Medicaid costs have also been rising about 3% faster than the national average since the program was privatized in the late 1990's. These cost increases are not sustainable for either the state budget or for individuals and businesses that are required by our Prepaid Health Care law and the ACA to pay for health insurance.

Data from Hawaii Pacific Health<sup>8</sup> from the first two years of primary care capitation (2017-2018) has shown reduced primary care visits (which does not affect cost since capitation payment is fixed and does not depend on volume of care provided), a slight increase in referrals to specialists, and no significant change in use of emergency rooms and rates of hospitalization. A study of the outcomes of primary care

capitation in Hawaii published in JAMA<sup>9</sup> this July also reported small improvements in some quality metrics, but no significant savings or changes in utilization of care.<sup>10</sup>

The promise of reduced health care cost from payment transformation and “value-based” payment is clearly not being realized. A likely explanation is that there was not actually significant over-use of primary care under fee-for-service in Hawaii, and in fact Hawaii had the lowest per capita health care costs in the U.S. prior to payment transformation, when everyone was paid with fee-for-service<sup>11, 12</sup>. HMSA’s payment transformation has not found significant savings from reducing presumably unnecessary care, and any savings achieved have been more than offset by increased administrative cost, for both primary care practices and for HMSA.

### **Conclusions:**

Payment transformation as promoted by the Hawaii Health Project and implemented mainly by HMSA has so far resulted in some beneficial care coordination projects, but it has been a major contributor to our worsening physician and nurse shortages and declining access to care, and it has not slowed the rise in Hawaii health care costs at all. It is now clear that HMSA and the health plans do not have an effective answer to our problems with access and cost, and their “solutions” appear to be making both worse.

The proposals developed by the Hawaii Health Authority, before it was sidelined in favor of the Hawaii Health Project and HMSA’s implementation of “value-based” payment transformation, would emphasize reducing administrative burdens and costs through standardization of fees, benefits, networks, formularies, and prior authorization policies across all payers, and they would manage insurance risk by maximizing risk pooling across the entire population instead of shifting risk onto doctors and hospitals. An all-payer system that equalized payment to hospitals across all payers and reduced administrative costs would also go a long way toward restoring fiscal solvency to our neighbor island critical access hospitals. These are precisely the features that enable other countries with universal health care systems and multiple payers to cover everyone for half the per capita cost of U.S. health care.

The HHA proposals would be disruptive to the U.S. competitive insurance business model, but that model is responsible for widespread interference in delivery of care and care coordination and it is a major driver of increased and unnecessary cost. The HHA’s proposals would not be disruptive at all to the actual delivery of health care, and have the potential to achieve substantial savings, possibly 20-30% or more of Hawaii’s health care costs. It is time to give them another look and re-activate the Hawaii Health Authority to fulfill its statutory mission.

Stephen Kemble, MD  
Marion Poirier, RN  
(Remaining Members of the Hawaii Health Authority)

## References:

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# **Hawaii Health Care Savings Achievable through Administrative Simplification**

**Report to Governor David Ige and Hawaii Legislature  
The Hawaii Health Authority  
June, 2020**

## The Hawaii Health Authority

The Hawaii Health Authority (HHA)<sup>1</sup> is charged under Hawaii law, HRS 322H, with designing a universal healthcare system covering all residents of Hawaii. The HHA met regularly from 2011 until April 2013, working toward this goal. Due to lack of support from recent administrations the HHA has not met since 2013, but the remaining members have remained committed to finding ways to improve access and reduce cost for the state of Hawaii.

The last HHA report in November 2019 documented the failures of Hawaii's health transformation effort, spearheaded by the health plans, to achieve any of the goals of reform. Outcomes include a worsening physician shortage, worst in primary care and on the neighbor islands, and an epidemic of physician demoralization and burnout and rapid destruction of independent primary care practices. As primary care practices are squeezed financially by HMSA's payment transformation, we have witnessed a wave of practices refusing new patients with either Medicare or Medicaid, leading to a crisis in access to care. In July 2019, Wallet Hub rated Hawaii 51<sup>st</sup>, worst in the nation, for finding doctors accepting new patients with Medicare. Meanwhile, the cost of health care to the state has continued to rise at an average rate of about 7% per year over the past decade, with no end in sight.

## Payment Transformation and Hawaii's Primary Care and Physician Workforce Crisis

Hawaii Public Radio (HPR) reported recently on a study by Aired Alliance, done prior to the COVID-19 pandemic, on the effects of HMSA's Payment Transformation (PT), which pays primary care doctors a flat payment per attributed patient per month (capitation). This was supposed to avoid the presumed incentive under fee-for-service payment to increase income by increasing the volume of services, and presumably provide unnecessary service.

However, primary care doctors do not think like insurance executives and are generally focused on meeting the needs of their patients, not taking maximum advantage of financial incentives. Hawaii primary care doctors have always been too busy to expand volume of services, and there never was any evidence of excessive volume of primary care services in Hawaii when everyone was paid with fee-for-service.

Pure capitation is a simpler way to pay doctors, but it introduces perverse incentives to skimp on care and to avoid care of sicker, poorer, and more complex patients. The counter-incentives used by HMSA and Medicare are pay-for-quality or outcomes and risk adjustment, both of which depend on very detailed documentation and data reporting. The result is increasing administrative costs for both the payer and for the primary care practices, and there have been no offsetting savings from reduced utilization.

Even worse, these counter-incentives fail to prevent skimping on care, "cherry picking" easier patient populations and avoiding sicker, poorer, and more complex patients and populations that require more of the doctor's time, and gaming of documentation to increase payment, which are the problems they were intended to counter. The only practices that are able to do well under HMSA's payment transformation are large, stable practices with mostly middle-class patients and few new patients. Newer practices that take a lot of new patients and don't discriminate against "difficult" patients are not surviving financially.



The Aimed Alliance report found that a majority of Hawaii primary care doctors say HMSA's PT has reduced quality of care by causing them to refrain from providing treatment or services, caused them to refer patients to urgent care or specialists instead of seeing them in the office, and caused an increase in administrative tasks that requires them to work longer hours and/or hire more staff. About half say low capitation rates and higher overhead have resulted in reduced practice revenue, and over 80% felt PT has contributed to Hawaii's physician shortage. 80% would discourage new doctors from starting a primary care practice in Hawaii. Other surveys confirm that primary care practices squeezed financially by PT have stopped accepting new patients with Medicare or Medicaid, because their fees are even lower than commercial insurance plans.

## **The COVID-19 Pandemic and Its Effects on Hawaii Health Care**

Since the COVID-19 pandemic, social distancing and fear have markedly reduced primary care office visits, with many practices reporting about 60-70% drop in fee-for-service practice revenue, even with ramping up telehealth. Hospitals have had to curtail elective surgeries and patients with strokes and heart attacks and complications of diabetes are avoiding coming to the hospital for fear of catching COVID-19, so hospital revenues have plummeted, while deaths and complications from all causes are increasing. The rapid rise in unemployment in Hawaii means many will soon lose their health insurance or be forced onto Medicaid.

Capitation has a positive feature, in that payments are independent of whether the patient comes to the office or not, but this does not solve the problems of excessive administrative burdens and cost, perverse incentives to skimp on care and avoid sicker patients, inadequate capitation rates, and loss of insurance. It appears we are well on the way to losing most of Hawaii's independent primary care practices by the end of this year, with devastating consequences.

The immediate need is for all of Hawaii's health plans, including the Medicaid managed care plans, to significantly increase primary care payment. It would be very helpful if Medicaid rates for evaluation and management services (much of primary care) could be raised at least to the level of Medicare. Over the next 1-2 years, Hawaii must take major steps to reduce the administrative waste in health care that has been causing steady increases in the cost of health care, while primary care payment has become so inadequate that our doctors are being forced out of practice.

## **Self-Insuring Hawaii Employee and Retiree Health Benefits and Medicaid**

Substantial savings could be achieved if the state of Hawaii were to adopt HB 1462 and move from a fully insured health benefits model to a self-insured "pay-as-you-go" model, provided payment were simplified and standardized so as to reduce administrative costs for both the state and for doctors. Twenty nine other states now self-insure all their state and county employees and retiree health benefits, with savings of up to 22%. Philadelphia switched from fully insuring city employees through an insurance company to self-funding in 2008, and over the next 5 years their health benefit costs dropped from \$98.4M in FY 2008 to \$76.4M in FY 2013, a 22% drop. Utah switched to self-insurance and saw their health benefits administrative costs drop from 15% to 5% of their health care budget.

Similar savings could be achieved if the Department of Human Services were to take Medicaid back from managed care organizations and return to a self-insured model with joint federal and state funding, as Medicaid was originally designed, but with enhanced payments to primary care for care coordination. Oklahoma's Medicaid program tried turning over some counties to managed care organizations and in the rest they paid primary care doctors directly an extra fee to cover care coordination (Primary Care Case Management, or PCCM). After several years, PCCM proved significantly more cost-effective. Connecticut followed the lead of Oklahoma and after 12 years of managed care they terminated their Medicaid managed care contracts in 2012, self-funding Medicaid with primary care case management and raising Medicaid rates for physicians to Medicare levels. Six years later, physician participation in Medicaid had improved substantially, emergency room and hospital costs had dropped 25%, and Connecticut saw their per-member Medicaid costs drop from \$706 per member per month in 2012 to \$610 per member per month in 2018, a 14% drop.

Self-insuring does come with a caveat – It must be paired with an administratively simple and more cost-effective payment system, and cannot be simply turned over to a health insurance company offering an “Administrative Services Only” (ASO) contract that enables the insurance company to retain what they think should be “their share” of the health care budget, perpetuating the administrative waste in the current system while sticking the state with the risk of high cost cases. Self-insured states do need to hire a third party to administer claims processing, but an Internet search for “Self-funding state health benefits” will quickly show pages of ads from insurance companies offering ASO contracts to states and large corporations wanting to self-fund, and they would not be advertising if they did not expect to profit from these ASO contracts. David Belk's book, The Great American Healthcare Scam, has a whole chapter on how self-insurance can be exploited by insurance companies.

Self-insuring can save significant money for the state of Hawaii, but only if the state sets up a mechanism to define how doctors and hospitals will be paid and how care will be managed, and writes the RFP (Request for Proposal) for an ASO contract so as to limit it to claims processing, and not controlling rates, fees, payment systems, prior authorizations, etc. This means Hawaii can't just switch to self-funding and ask a health plan to take care of the details using the same strategies that have gotten us into our current crisis with health care access and cost. How health care financing is structured must be controlled by a state appointed board that is not tied to health insurance plans. The Hawaii Health Authority is already in statute with a mandate to handle just such things, and it needs to be activated and used in order to do self-insuring in a way that will actually save money.

Before the COVID-19 pandemic the Hawai'i state budget was almost 8 billion per year. Health care costs comprise 30% of \$8B, with about half of that 30% attributable to employee/retiree EUTF health benefits and the other half to Medicaid (state share). Based on the experience of Connecticut, self-funding Medicaid would save about 14% per year, and on the employee/retiree side, if we move to a simpler, more cost-effective payment system than that of HMSA, we could save at least 15% there as well. 30% of \$8B is \$2.4B, and 14% - 15% of \$2.4B is about \$350M in savings per year.

## **Simplifying and Standardizing Physician and Hospital Payment**

A more cost-effective way to pay doctors would be with standardized fee-for-service, as HMSA used to do before the passage of the ACA. We could do even better with a simplified time-based fee-for-service system similar to how independent psychiatrists were paid prior to 2013, but we recommend that the

time include time for documentation and care coordination, and not just face-to-face time, and also that the hourly rates be negotiated collectively with physicians to assure that physician payment continues to be reasonable over time. Collective negotiation would require an anti-trust exemption (not difficult to justify if fees are going to be standardized and not determined by a "market") and a requirement that all physicians must, as a condition of licensure, be members of the organization representing them in fee negotiations. Alaska already has a federal anti-trust exemption allowing collective mediation on fees between a physician organization and their dominant health plan, a situation similar to Hawaii. The Hawaii Medical Association (HMA) would be the logical organization to do this, and if all doctors had to join, dues would be reduced substantially.

Other functions that health insurance companies have coopted include network development and contracting, credentialing, rooting out fraud and abuse (other than their own), and quality improvement projects. All of these could and should be turned over to the same physician organization empowered to negotiate fees, and all but quality improvement could be covered by the dues paid to the professional organization, at no cost to the state. Quality improvement should be funded with grants from the state for projects and should function similarly to Mountain Pacific Quality Health. The expense of doing quality improvement this way would be nominal.

Hospitals should be paid with global budgets, with pooled funding from all health plans and other payers, and not with fees for every item and procedure attributed to individual patients and controlled by a hospital "chargemaster", or through competing risk-bearing ACOs (Accountable Care Organizations). Savings from eliminating hospital billing and collections would be in the range of 15% of total hospital revenues. Hospital based physicians should be paid with salaries from the hospital's budget. This would require a state agency to negotiate budgets with hospitals, and to gather the funds from all payers and allocate them to hospitals based on community needs. The HHA could assist with designing how the system would work, and with assuring it was done in the community interest, and not primarily the interests of health insurance plans.

The other component necessary for a high-performing, cost-effective health system would be programs for special needs. These should be community based, and not contracted to health plans, so as to assure availability of such services to everyone in the community based on patient need, not insurance status. These community-based programs would be multidisciplinary and funded with global budgets pooled from all payers, in the same way as hospitals, with professionals paid on salaries. Examples include programs for the seriously mentally ill and substance abuse, community health centers, team-based care of complex medical and surgical patients in the community, and specialist consultations to primary care such as Collaborative Care in psychiatry. The same model would work well for many other specialist consultations besides psychiatry, that do not involve procedures.

All of this depends on an adequate and healthy primary care work force. Assuring adequate pay and minimizing administrative burdens for primary care practices must be a priority. The HHA could help with this also. In addition to assuring adequate pay, the availability of community-based programs for special needs as described above would provide essential support to make primary care viable and rewarding again.

## Conclusions

In the face of a drastic drop in state tax revenues due to the COVID-19 pandemic, Hawaii urgently needs to find ways to reduce cost. There are substantial opportunities for savings in health care if the state were to pass HB 1462 and move from a fully insured model to a self-insured health benefits program for state and county employees and retirees, and if DHS were to terminate our Medicaid Managed Care contracts and go back to self-insuring Medicaid with enhanced primary care case management.

In order to achieve savings, the state must retain control of physician and hospital payment and fees, and contract with a health insurance plan under an “Administrative Services Only” contract that was limited to claims processing and a few other essential services. The state could then move to an administratively simple standardized payment system instead of the very complex and expensive claims adjudication system now in place. These changes could restore the viability of independent physician practices in Hawaii and reverse our loss of doctors. They would enable Hawaii to save our neighbor island and critical access hospitals from bankruptcy. We could achieve markedly improved access to care for the people of Hawaii, while saving around \$350 million per year for the state budget.

Stephen Kemble, MD  
Marion Poirier, RN  
(Remaining Members of the Hawaii Health Authority)

## County Clerk

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**From:** Deborah S <debaweau@gmail.com>  
**Sent:** Tuesday, September 08, 2020 7:39 PM  
**To:** County Clerk  
**Subject:** Testimony for Sept. 11 meeting

RECEIVED

2020 SEP -9 AM 7:47

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members:

I am writing you because I care about the control of COVID-19 on our island and would like to support the use of a digital contact tracing system that has already been developed in Hawai'i to help with that.

As all of us know, our Department of Health has failed miserably in the area of contact tracing and adequate contact tracing is crucial to containing this virus. The PERSEUS system would improve contact tracing significantly by improving accuracy and reducing the staff time it takes to trace infections. They have developed a free app that people could use to track their movements and choose to share it voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers. I also strongly recommend using this app to track travelers during quarantine.

Key features of PERSEUS:

- 1) self-symptom reporting for improved personal guidance and epidemiologically improved future response
- 2) agnostic integration with FDA EUA-approved test results administered by authorized healthcare practitioners
- 3) completely private location tracking - data is only on the app user's device until they test COVID-19 positive, at which time they are asked to voluntarily share some or all location data anonymously
- 4) complements manual contact tracers with enhanced privacy, more data, greater accuracy, optional automated redactions, etc
- 5) improve efficacy of controlled containment via near-realtime exposure notifications  
(<https://science.sciencemag.org/content/368/6491/eabb6936>)
- 6) quarantine management/enforcement

Thank you for your efforts in trying to keep our home safe!

Sincerely,

Deb Aweau

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**From:** Karri Ayasanonda <karrija@gmail.com>  
**Sent:** Wednesday, September 9, 2020 10:26 PM  
**To:** County Clerk  
**Subject:** PERSEUS System

RECEIVED  
2020 SEP 10 AM 7:41

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members,

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- 6) quarantine management/enforcement

Thank you for your efforts in trying to keep our home safe!

Sincerely

Karri Ayasanonda

## County Clerk

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**From:** Eric Bruner <ebruner808@gmail.com>  
**Sent:** Monday, September 07, 2020 1:14 PM  
**To:** County Clerk  
**Subject:** EB supports Purseus App CC20-450 use in Hawaii

Hi,

I support the new app being proposed by Purseus CC20-450 for use in managing CV in Hawaii and opening back up tourism.

Lets do something now to get us back to work.

Thank you.

Eric Bruner  
Kahului 96732  
949-291-6009

RECEIVED  
2020 SEP -8 AM 7:50  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** Laura Fisher <fishpanic99@hotmail.com>  
**Sent:** Tuesday, September 08, 2020 4:53 PM  
**To:** County Clerk  
**Subject:** PLEASE

RECEIVED

2020 SEP -9 AM 7: 47

OFFICE OF THE  
COUNTY CLERK

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- 6) quarantine management/enforcement

Thank you for your efforts in trying to keep our home safe!

Sincerely,

Laura Fisher



September 10, 2020

Testimony Supporting CR-20-111 Medicare For All  
(Maui County Council Agenda for September 11, 2020)

RECEIVED

2020 SEP 11 AM 7:54

Hawaii State Association of Counties Legislative Package 2021

OFFICE OF THE  
COUNTY CLERK

Mahalo for considering amending the proposed resolution entitled "***A Bill To Create A Single Payer Health Care System Covering All Hawaii Residents***". The amendment acknowledges the essential initial phase of converting the system of unfunded liabilities inherent in the private insurance system provided to State and county employees. This proposal continues the invaluable work done by the Hawaii Health Authority (HHA) under HRS 322H, to return Hawaii to its previous national pre-eminence of low employee health care premiums and State-wide low health care costs. Hawaii thus follows 46 other states in providing this system to some of its employees, and 29 states offering it to all employees.

The amendment being proposed keeps HHA in the driver's seat, in accord with statute. The bill proposed by HHA is the result of extensive research, both locally and nationally, regarding the respective impacts of two distinct approaches to health care. The first is the one Hawaii once enjoyed, with among the lowest-cost employee premiums and overall health care costs and the highest access to health care in the nation, prior to adopting the second, a "reform" pre-funded liability scheme, in an effort to be compatible with the Affordable Care Act. This required going from straightforward reimbursement for health care services to an insurance industry mediated payment justification scheme requiring hours of paperwork that is driving health care professionals from Hawaii practice with a consequent growing shortage of nurses and doctors. Also as a consequence, our premiums and health care costs have gone from a long-term stable state to rising steadily. It was a well-intended reform that does not work as hoped.

The task of redesigning a system to comport with present-day realities falls, by statute, to the Hawaii Health Authority, which has made strides in approaching a solution that protects all care providers and preserves patient choice, but substitutes a simple administrative system to pay the fees for service. With a change in administrations anticipated and the rise of a major federal initiative to simplify and improve the system of reimbursement, changes are coming. The public wants it, and it has been shown effective right here in Hawaii. The momentum behind the single payer approach can then be extended to all Hawaii citizens through the cost-savings we achieve in this first step. Mahalo for your support.

We can return Hawaii to a simpler and less expensive system that also improves the retention of health care personnel and general public access to health care, even in rural communities. A team of health professionals is prepared to help you understand the issues through informational meetings.

Charley Ice  
Health Committee Member, Hawaii Democratic Party  
Former O'ahu Region 5 Chair (Representative Districts 32, 33, 34, & 35)  
Waimalu, Puuloa, O'ahu

## County Clerk

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**From:** Stephen Kemble <stephenbkemble@gmail.com>  
**Sent:** Thursday, September 10, 2020 9:42 PM  
**To:** County Clerk  
**Subject:** CR 20-111, Re Single Payer Healthcare

RECEIVED  
2020 SEP 11 AM 7:54  
OFFICE OF THE  
COUNTY CLERK

To: County Clerk, Maui County  
Re: CR 20-111, Re Single-Payer Healthcare  
Testimony in support

I am writing in support of CR 20-111. The Hawaii Health Authority is already in statute as HRS 322(H), and it is the appropriate vehicle to design a more cost-effective universal health care system for Hawaii. I was appointed to the Hawaii Health Authority by Gov. Abercrombie in 2011, and we developed a roadmap for how to move from where we were to a universal system covering all residents of Hawaii. Unfortunately, our recommendations were ignored, and the result has been unabated escalation in health insurance costs, a worsening physician shortage, and declining access to care for residents of Hawaii. There is a better way. For further details, see our last unofficial report, copied below:

Stephen B. Kemble, M.D.  
Original Member of Hawaii Health Authority  
1950 Mott-Smith Dr.  
Honolulu, HI 96822  
(808) 497-6521  
<[stephenbkemble@gmail.com](mailto:stephenbkemble@gmail.com)>

## Hawaii Health Care Savings Achievable through Administrative Simplification

Report to Governor David Ige and Hawaii Legislature

The Hawaii Health Authority

June, 2020

## The Hawaii Health Authority

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However, primary care doctors do not think like insurance executives and are generally focused on meeting the needs of their patients, not taking maximum advantage of financial incentives. Hawaii primary care doctors have always been too busy to expand volume of services, and there never was any evidence of excessive volume of primary care services in Hawaii when everyone was paid with fee-for-service.

Pure capitation is a simpler way to pay doctors, but it introduces perverse incentives to skimp on care and to avoid care of sicker, poorer, and more complex patients. The counter-incentives used by HMSA and Medicare are pay-for-quality or outcomes and risk adjustment, both of which depend on very detailed documentation and data reporting. The result is increasing administrative costs for both the payer and for the primary care practices, and there have been no offsetting savings from reduced utilization.

Even worse, these counter-incentives fail to prevent skimping on care, “cherry picking” easier patient populations and avoiding sicker, poorer, and more complex patients and populations that require more of the doctor’s time, and gaming of documentation to increase payment, which are the problems they were intended to counter. The only practices that are able to do well under HMSA’s payment transformation are large, stable practices with mostly middle-class patients and few new patients. Newer practices that take a lot of new patients and don’t discriminate against “difficult” patients are not surviving financially.

The Aimed Alliance report found that a majority of Hawaii primary care doctors say HMSA’s PT has reduced quality of care by causing them to refrain from providing treatment or services, caused them to refer patients to urgent care or specialists instead of seeing them in the office, and caused an increase in administrative tasks that requires them to work longer hours and/or hire more staff. About half say low capitation rates and higher overhead have resulted in reduced practice revenue, and over 80% felt PT has contributed to Hawaii’s physician shortage. 80% would discourage new doctors from starting a primary care practice in Hawaii. Other surveys confirm that primary care practices squeezed financially by PT have stopped accepting new patients with Medicare or Medicaid, because their fees are even lower than commercial insurance plans.

## The COVID-19 Pandemic and Its Effects on Hawaii Health Care

Since the COVID-19 pandemic, social distancing and fear have markedly reduced primary care office visits, with many practices reporting about 60-70% drop in fee-for-service practice revenue, even with ramping up telehealth. Hospitals have had to curtail elective surgeries and patients with strokes and heart attacks and complications of diabetes are avoiding coming to the hospital for fear of catching COVID-19, so hospital revenues have plummeted, while deaths and complications from all causes are increasing. The rapid rise in unemployment in Hawaii means many will soon lose their health insurance or be forced onto Medicaid.

Capitation has a positive feature, in that payments are independent of whether the patient comes to the office or not, but this does not solve the problems of excessive administrative burdens and cost, perverse incentives to skimp on care and avoid sicker patients, inadequate capitation rates, and loss of insurance. It appears we are well on the way to losing most of Hawaii’s independent primary care practices by the end of this year, with devastating consequences.

The immediate need is for all of Hawaii’s health plans, including the Medicaid managed care plans, to significantly increase primary care payment. It would be very helpful if Medicaid rates for evaluation and management services (much of primary care) could be raised at least to the level of Medicare. Over the next 1-2 years, Hawaii must take major steps to reduce the administrative waste in health care that has been causing steady increases in the cost of health care, while primary care payment has become so inadequate that our doctors are being forced out of practice.

## Self-Insuring Hawaii Employee and Retiree Health Benefits and Medicaid

Substantial savings could be achieved if the state of Hawaii were to adopt HB 1462 and move from a fully insured health benefits model to a self-insured “pay-as-you-go” model, provided payment were simplified and standardized so as to reduce administrative costs for both the state and for doctors. Twenty nine other states now self-insure all their state and county employees and retiree health benefits, with savings of up to 22%. Philadelphia switched from fully insuring city employees through an insurance company to self-funding in 2008, and over the next 5 years their health benefit costs dropped from \$98.4M in FY 2008 to \$76.4M in FY 2013, a 22% drop. Utah switched to self-insurance and saw their health benefits administrative costs drop from 15% to 5% of their health care budget.

Similar savings could be achieved if the Department of Human Services were to take Medicaid back from managed care organizations and return to a self-insured model with joint federal and state funding, as Medicaid was originally designed, but with enhanced payments to primary care for care coordination. Oklahoma’s Medicaid program tried turning over some counties to managed care organizations and in the rest they paid primary care doctors directly an extra fee to cover care coordination (Primary Care Case Management, or PCCM). After several years, PCCM proved significantly more cost-effective. Connecticut followed the lead of Oklahoma and after 12 years of managed care they terminated their Medicaid managed care contracts in 2012, self-funding Medicaid with primary care case management and raising Medicaid rates for physicians to Medicare levels. Six years later, physician participation in Medicaid had improved substantially, emergency room and hospital costs had dropped 25%, and Connecticut saw their per-member Medicaid costs drop from \$706 per member per month in 2012 to \$610 per member per month in 2018, a 14% drop.

Self-insuring does come with a caveat – It must be paired with an administratively simple and more cost-effective payment system, and cannot be simply turned over to a health insurance company offering an “Administrative Services Only” (ASO) contract that enables the insurance company to retain what they think should be “their share” of the health care budget, perpetuating the administrative waste in the current system while sticking the state with the risk of high cost cases. Self-insured states do need to hire a third party to administer claims processing, but an Internet search for “Self-funding state health benefits” will quickly show pages of ads from insurance companies offering ASO contracts to states and large corporations wanting to self-fund, and they would not be advertising if they did not expect to profit from these ASO contracts. David Belk’s book, The Great American Healthcare Scam, has a whole chapter on how self-insurance can be exploited by insurance companies.

Self-insuring can save significant money for the state of Hawaii, but only if the state sets up a mechanism to define how doctors and hospitals will be paid and how care will be managed, and writes the RFP (Request for Proposal) for an ASO contract so as to limit it to claims processing, and not controlling rates, fees, payment systems, prior authorizations, etc. This means Hawaii can’t just switch to self-funding and ask a health plan to take care of the details using the same strategies that have gotten us into our current crisis with health care access and cost. How health care financing is structured must be controlled by a state appointed board that is not tied to health insurance plans. The Hawaii Health Authority is already in statute with a mandate to handle just such things, and it needs to be activated and used in order to do self-insuring in a way that will actually save money.

Before the COVID-19 pandemic the Hawai'i state budget was almost 8 billion per year. Health care costs comprise 30% of \$8B, with about half of that 30% attributable to employee/retiree EUTF health benefits and the other half to Medicaid (state share). Based on the experience of Connecticut, self-funding Medicaid would save about 14% per year, and on the employee/retiree side, if we move to a simpler, more cost-effective payment system than that of HMSA, we could save at least 15% there as well. 30% of \$8B is \$2.4B, and 14% - 15% of \$2.4B is about \$350M in savings per year.

## Simplifying and Standardizing Physician and Hospital Payment

A more cost-effective way to pay doctors would be with standardized fee-for-service, as HMSA used to do before the passage of the ACA. We could do even better with a simplified time-based fee-for-service system similar to how independent psychiatrists were paid prior to 2013, but we recommend that the time include time for documentation and care coordination, and not just face-to-face time, and also that the hourly rates be negotiated collectively with physicians to assure that physician payment continues to be reasonable over time. Collective negotiation would require an anti-trust exemption (not difficult to justify if fees are going to be standardized and not determined by a "market") and a requirement that all physicians must, as a condition of licensure, be members of the organization representing them in fee negotiations. Alaska already has a federal anti-trust exemption allowing collective mediation on fees between a physician organization and their dominant health plan, a situation similar to Hawaii. The Hawaii Medical Association (HMA) would be the logical organization to do this, and if all doctors had to join, dues would be reduced substantially.

Other functions that health insurance companies have coopted include network development and contracting, credentialing, rooting out fraud and abuse (other than their own), and quality improvement projects. All of these could and should be turned over to the same physician organization empowered to negotiate fees, and all but quality improvement could be covered by the dues paid to the professional organization, at no cost to the state. Quality improvement should be funded with grants from the state for projects and should function similarly to Mountain Pacific Quality Health. The expense of doing quality improvement this way would be nominal.

Hospitals should be paid with global budgets, with pooled funding from all health plans and other payers, and not with fees for every item and procedure attributed to individual patients and controlled by a hospital "chargemaster", or through competing risk-bearing ACOs (Accountable Care Organizations). Savings from eliminating hospital billing and collections would be in the range of 15% of total hospital revenues. Hospital based physicians should be paid with salaries from the hospital's budget. This would require a state agency to negotiate budgets with hospitals, and to gather the funds from all payers and allocate them to hospitals based on community needs. The HHA could assist with designing how the system would work, and with assuring it was done in the community interest, and not primarily the interests of health insurance plans.

The other component necessary for a high-performing, cost-effective health system would be programs for special needs. These should be community based, and not contracted to health plans, so as to assure availability of such services to everyone in the community based on patient need, not insurance status. These community-based programs would be multidisciplinary and funded with global budgets pooled from all payers, in the same

way as hospitals, with professionals paid on salaries. Examples include programs for the seriously mentally ill and substance abuse, community health centers, team-based care of complex medical and surgical patients in the community, and specialist consultations to primary care such as Collaborative Care in psychiatry. The same model would work well for many other specialist consultations besides psychiatry, that do not involve procedures.

All of this depends on an adequate and healthy primary care work force. Assuring adequate pay and minimizing administrative burdens for primary care practices must be a priority. The HHA could help with this also. In addition to assuring adequate pay, the availability of community-based programs for special needs as described above would provide essential support to make primary care viable and rewarding again.

## Conclusions

In the face of a drastic drop in state tax revenues due to the COVID-19 pandemic, Hawaii urgently needs to find ways to reduce cost. There are substantial opportunities for savings in health care if the state were to pass HB 1462 and move from a fully insured model to a self-insured health benefits program for state and county employees and retirees, and if DHS were to terminate our Medicaid Managed Care contracts and go back to self-insuring Medicaid with enhanced primary care case management.

In order to achieve savings, the state must retain control of physician and hospital payment and fees, and contract with a health insurance plan under an “Administrative Services Only” contract that was limited to claims processing and a few other essential services. The state could then move to an administratively simple standardized payment system instead of the very complex and expensive claims adjudication system now in place. These changes could restore the viability of independent physician practices in Hawaii and reverse our loss of doctors. They would enable Hawaii to save our neighbor island and critical access hospitals from bankruptcy. We could achieve markedly improved access to care for the people of Hawaii, while saving around \$350 million per year for the state budget.

Stephen Kemble, MD

Marion Poirier, RN

(Remaining Members of the Hawaii Health Authority)



## County Clerk

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**From:** Sherron Lawrence <sherron808@mac.com>  
**Sent:** Tuesday, September 08, 2020 3:35 PM  
**To:** County Clerk  
**Subject:** Aloha Maui Council Members

RECEIVED

2020 SEP -8 PM 4:29

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members:

I am writing you because I care about the control of COVID-19 on our island and would like to support the use of a digital contact tracing system that has already been developed in Hawai'i to help with that.

As all of us know, our Department of Health has failed miserably in the area of contact tracing and adequate contact tracing is crucial to containing this virus. The PERSEUS system would improve contact tracing significantly by improving accuracy and reducing the staff time it takes to trace infections. They have developed a free app that people could use to track their movements and choose to share it voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers. I also strongly recommend using this app to track travelers during quarantine.

Key features of PERSEUS:

- 1) self-symptom reporting for improved personal guidance and epidemiologically improved future response.
  - 2) agnostic integration with FDA EUA-approved test results administered by authorized healthcare practitioners.
  - 3) completely private location tracking - data is only on the app user's device until they test COVID-19 positive, at which time they are asked to voluntarily share some or all location data anonymously.
  - 4) complements manual contact tracers with enhanced privacy, more data, greater accuracy, optional automated redactions, etc.
  - 5) improve efficacy of controlled containment via near-realtime exposure notifications (<https://science.sciencemag.org/content/368/6491/eabb6936>)
  - 6) quarantine management/enforcement
- Thank you for your efforts in trying to keep our home safe!

Mahalo,

Sherron Lawrence  
(808)357-0739

Mahalo,

Sherron Lawrence  
Maui Property  
Realtor - RS-81593  
(808)357-0739

## County Clerk

---

**From:** Julie Anne Lewis <mauijewel@gmail.com>  
**Sent:** Tuesday, September 08, 2020 12:44 PM  
**To:** County Clerk  
**Subject:** Help stop the spread covid19 on Maui

RECEIVED  
2020 SEP -8 PM, 12: 49

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members:

I am writing you because I care about the control of COVID-19 on our island and would like to support the use of a digital contact tracing system that has already been developed in Hawai'i to help with that.

As all of us know, our Department of Health has failed miserably in the area of contact tracing and adequate contact tracing is crucial to containing this virus. The PERSEUS system would improve contact tracing significantly by improving accuracy and reducing the staff time it takes to trace infections. They have developed a free app that people could use to track their movements and choose to share it voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers. I also strongly recommend using this app to track travelers during quarantine.

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(<https://science.sciencemag.org/content/368/6491/eabb6936>)
- 6) quarantine management/enforcement

Mahalo Nui,  
Julie Lewis  
Pukalani HI

## County Clerk

---

**From:** Julie Ohashi <julie.k.ohashi@gmail.com>  
**Sent:** Tuesday, September 08, 2020 4:25 PM  
**To:** County Clerk  
**Subject:** We NEED automatic contact tracing in Maui

RECEIVED

2020 SEP -8 PM 4: 29

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members:

I am writing to you because I care about the control of COVID-19 on our island and would like to support the use of a digital contact tracing system that has already been developed in Hawai'i to help with that.

As all of us know, our Department of Health has failed miserably in the area of contact tracing and adequate contact tracing is crucial to containing this virus. The PERSEUS system would improve contact tracing significantly by improving accuracy and reducing the staff time it takes to trace infections. They have developed a free app that people could use to track their movements and choose to share it voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers. I also strongly recommend using this app to track travelers during quarantine.

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- 5) improve efficacy of controlled containment via near-realtime exposure notifications (<https://science.sciencemag.org/content/368/6491/eabb6936>)
- 6) quarantine management/enforcement

Thank you for your efforts in trying to keep our home safe!

Sincerely,  
Julie Ohashi

## County Clerk

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**From:** Tamara A. Paltin  
**Sent:** Thursday, September 10, 2020 4:28 PM  
**To:** County Clerk  
**Subject:** Fwd: Vacation Rentals

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2020 SEP 10 PM 4:32

OFFICE OF THE  
COUNTY CLERK

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**From:** paulalee <paulalee@hawaii.rr.com>  
**Sent:** Thursday, September 10, 2020 4:23:14 PM  
**To:** 'Michele McLean' <Michele.McLean@co.maui.hi.us>  
**Cc:** Mike J. Molina <Mike.Molina@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>  
**Subject:** Vacation Rentals

Aloha Michele,

I saw in the news that you will be discussing Vacation Rentals tomorrow. I will not be able to attend but would please like to recommend that you do whatever you can to stop any more TVRs from being permitted in Maui County. UHERO says that the economy won't come back until at least 2024. There is no demand for these type of rentals because there are thousands of empty hotel rooms and condos already.

I am for the proposed bill that would prevent long-term rental and owner occupied properties from converting to TVR use in the apartment, light industrial and heavy industrial districts.

I have noticed that the residential rental prices have also started to decline a little since the outbreak which I believe is a direct correlation of the current economy.

Mahalo for your time,

Paula Phillips

Haiku



Virus-free. [www.avast.com](http://www.avast.com)

## County Clerk

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**From:** Martha Randolph <merandhi@gmail.com>  
**Sent:** Thursday, September 10, 2020 5:49 PM  
**To:** County Clerk  
**Subject:** CR 20-111 Single Payer Bill

RECEIVED

2020 SEP 11 AM 7:53

OFFICE OF THE  
COUNTY CLERK

As a long time member of the Health Committee of the democratic Party of Hawaii I fully support this bill as being a serious step towards providing universal health insurance to everyone in Hawaii and a way to save the state money,\.

I also feel that the State DOH has shown itself to be in desperate need of a serious clean up and reorganization so you do not want to give them power over anything that has to do with the real health of the people of Hawaii.

Martha E Randolph  
President of Democratic Precinct 4  
Democratic District 25  
DPH Kupuna Caucus Treasurer  
DPH Environmental Caucus SCC Representative  
808-284-0264

## County Clerk

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**From:** Kuulei Serafina <pulelehuahoni@gmail.com>  
**Sent:** Tuesday, September 08, 2020 5:04 PM  
**To:** County Clerk

RECEIVED

2020 SEP -9 AM 7: 47

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members:

My name is Serina Souza.

I am writing you because I care about the control of COVID-19 on our island and would like to support the use of a digital contact tracing system that has already been developed in Hawai'i to help with that.

As all of us know, our Department of Health has failed miserably in the area of contact tracing and adequate contact tracing is crucial to containing this virus. The PERSEUS system would improve contact tracing significantly by improving accuracy and reducing the staff time it takes to trace infections. They have developed a free app that people could use to track their movements and choose to share it

voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers. I also strongly recommend using this app to track travelers during quarantine.

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- 5) improve efficacy of controlled containment via near-realtime exposure notifications  
(<https://science.sciencemag.org/content/368/6491/eabb6936>)
- 6) quarantine management/enforcement

Thank you for your efforts in trying to keep our home safe! Thank you for listening to my concerns.

Me Kealoha Pumehana,  
Serina Souza  
(808) 359 - 4693  
[pulelehuahoni@gmail.com](mailto:pulelehuahoni@gmail.com)



2020 SEP 11 AM 7:54

OFFICE OF THE  
COUNTY CLERK

September 11, 2020

Council Chair Alice L. Lee  
Maui County Council  
Kalana O Maui Building  
200 High Street  
8th Floor  
Wailuku, Hawai'i 96793

Re: Lana'i Moratorium on Transient Accommodation Permits (CR20-114) and Transient Vacation Rentals in The Apartment, Light Industrial, and Heavy Industrial Districts (CR 20-115)

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and Members of the Maui County Council,

Mahalo for the opportunity to comment on the County of Maui's efforts to regulate transient vacation rentals. Expedia Group, a family of travel brands including vacation rental leader Vrbo, is grateful for Maui's ongoing partnership to collaboratively develop balanced vacation rental regulations.

Expedia Group supports and welcomes regulation of the short-term rental industry. Vacation rentals are an important part of Maui's community fabric and responsible regulations can help Maui meet local and tourism needs.

In their current form, these two proposals would severely limit the number of transient accommodation permits on Lana'i and would prohibit transient vacation rentals (TVRs) in apartment, light industrial and heavy industrial districts. From previous experience, we have found that such measures are not the most effective means to prevent the proliferation of vacation rentals.

In June, Kaua'i Mayor Kawakami and Expedia Group announced a historic memorandum of understanding (MOU) designed to assist Kaua'i in identifying noncompliant rentals while protecting the ability of owners and operators of compliant short-term rentals to advertise on Expedia Group's platforms (see attachment). This is the first cooperative agreement between a travel platform and any government entity in Hawai'i. Since that agreement, Airbnb has also signed a similar agreement with Kaua'i County.

Expedia Group has also initiated this same MOU discussion with representatives of the Maui County administration. Implementing this MOU will ultimately lead to much more effective and sustainable enforcement.

Maui County deserves short-term rental regulations that responsibly limit inventory while also recognizing the important economic value vacation rentals provide to the local economy and Maui families. Expedia Group has learned that policies work best when governments and platforms work together.

Please do not hesitate to contact me should you have any questions.

Mahalo,



Max J Sword, Expedia Group

## County Clerk

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**From:** Mary Trotto <Mary.Trotto@liu.edu>  
**Sent:** Tuesday, September 08, 2020 3:09 AM  
**To:** County Clerk  
**Subject:** written testimony on two affordable housing committee proposals for the September 11th meeting of the Council

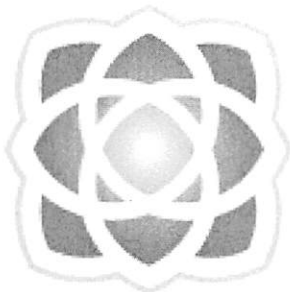
Affordable Housing Committee 2 proposals on the agenda for September 11<sup>th</sup>  
Please make sure both projects listed for approval Hale Kaiola Residential Work Force Housing and Liloa Hale Senior Rental Housing are **truly affordable for the lowest** economic eligible group and is **affordable in perpetuity**.

Thank you

With warmest aloha,  
Dr. Mary  
10 Upena Lane  
Kihei Maui Hi  
96753

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2020 SEP -8 AM 7:51  
OFFICE OF THE  
COUNTY CLERK





**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

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2020 SEP 11 AM 7:53

OFFICE OF THE  
COUNTY CLERK

**Testimony on CR 20-115  
Relating to the Transient Vacation Rentals in Apartment Zoned Areas  
Friday, September 11, 2020**

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

The Maui Chamber of Commerce would like to provide our feedback on CR 20-115 regarding Transient Vacation Rental use in Apartment-Zoned areas.

While we appreciate that the Planning and Sustainable Land Use Committee heard our concerns and made a slight adjustment in the date, we feel the current date of September 24, 2020 does not give property owners in these areas any advanced notice. We also appreciated that the Committee did not include the proposed amendment regarding advertising in this bill.

We understand the Director of Finance clarified that properties with condominium units file an annual report with unit classifications and that the Director of Finance must be notified within 30 days of a change in a unit's classification so they would know who has already made that change as of August 10. However, this does not take into account anyone who is in the process of changing their unit classification. There may be owners who are working toward changing their unit classification (but have not needed to file yet) and are in the process of finding a new place to live and/or getting their unit ready for short-term rentals, which could take months. Given this, we feel the County should notify impacted properties to inform them of the change to be transparent and owners should be given at least 2 months to file the change before this bill goes into effect. Therefore, with the timing of this bill, we are continuing to support the date of January 1, 2021.

Mahalo for the opportunity to provide testimony on this matter.

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.

## County Clerk

---

**From:** Jamie-Sue West <jslwest@yahoo.com>  
**Sent:** Tuesday, September 08, 2020 4:49 PM  
**To:** County Clerk  
**Subject:** Contact Tracing on Maui is Necessary Now!

RECEIVED

2020 SEP -9 AM 7:47

OFFICE OF THE  
COUNTY CLERK

Aloha Honorable Maui Council Members:

I am writing you because I care about the control of COVID-19 on our island and would like to support the use of a digital contact tracing system that has already been developed in Hawai'i to help with that.

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voluntarily should they be COVID-19 positive. Some people would prefer to work with a live contact tracer, but having the option of a digital system that remembers where you have been would make tracking so much easier on the individual and would reduce the amount of work needed by live contact tracers. I also strongly recommend using this app to track travelers during quarantine.

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- 5) improve efficacy of controlled containment via near-realtime exposure notifications  
(<https://science.sciencemag.org/content/368/6491/eabb6936>)
- 6) quarantine management/enforcement

Thank you for your efforts in trying to keep our home safe!

Sincerely,

Jamie-Sue West  
Kihei Resident

Sent from Yahoo Mail on Android