

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

November 10, 2020

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON TUESDAY, NOVEMBER 10, 2020, BEGINNING AT 9:03 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting and public hearing please come to order. It is November 10, 2020.

Mr. Clerk, may we have roll call.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, apologies. I believe today is just a regular Council meeting.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Yes, I'll proceed--

CHAIR LEE: That's not what this says. But that's fine. Okay, I'll just cross out public hearing. Alright. Okay, again, will the Maui County Council regular Council meeting of November 10, 2020 please come to order. It, I have 9:04. It's probably, everybody has different times, but it's approximately 9:04 a.m.

Mr. Clerk, may we now have roll call?

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with 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.

CHAIR LEE: Thank you. I'm present. And . . . once again to everyone and to all those that are, who are listening and watching.

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

Also assisting the Council this morning from the Office of the County Clerk is myself, James Krueger; as well County Clerk Kathy Kaohu; and then our Legislative Division which includes Joyce Murashige, Lauren Saldana, and Dell Yoshida.

CHAIR LEE: Thank you. Do we have anyone from Administration on the call?

DEPUTY COUNTY CLERK: I see assisting from the Department of the Corporation Counsel right now is First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: Okay. Very good.

And now it's time for opening remarks. Can we call on Vice-Chair Rawlins-Fernandez please.

### OPENING REMARKS

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

CHAIR LEE: Thank you for those insightful remarks.

Now, I ask everyone to please join me in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Thank you, everyone. Before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it's your time to speak. Decorum shall be maintained at all times. And I would like to remind everyone that we need, we have many, many people signed up to testify, so we will be enforcing the time limits and ensuring that the testimony is relevant to the agenda items.

Okay. Mr. Clerk.

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

Individuals connected 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 watch the meeting on Akaku, Channel 53 or on maucounty.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 their time to testify.

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

Chair, the first person signed up to testify is Kai Duponte. To be followed by John Belles.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. KAI DUPONTE, HALE HAWAI'I (testifying on County Communication No. 20-557):

Aloha. Aloha. Aloha kakahiaka. My name is Kai Duponte. I am a retired social worker and I'm in Pukalani. I sent a letter in earlier, but I do have some other things I'd like to say orally. Thank you so much. I'm also with Hale Hawai'i, who was, is grassroots organization created around COVID.

This is about agenda item, supporting agenda item 20-557, "URGING THE MAYOR TO ESTABLISH A RAPID RESPONSE COVID TASK FORCE". And I'll, I'll just read this. That State has moved from a prevention/elimination strategy to one of mitigation by opening up non-quarantine tourism and we need intelligent tools to support our actions if we're going to survive this.

In North Dakota, just in the news yesterday, hospitals are full and requiring staff who were positive to come into work. We'll get to that point and past it if we don't plan to control this virus. Maui was going for long periods of time without any cases and now we hear about cases almost daily. I see that we have, we've gone from 16 to 24 active cases just since October 15. On Lanai, relaxing quarantine meant nearly an island-

wide breakout with no plan, and it was able to be maintained because it was so, it's very different than Maui.

Being overwhelmed by cases as bad as shutting down our economy and, will, is, is a bad outcome as well. So, we really need to find a balance between opening up, we, we've already done but we don't want to shut down. But yet, we don't want too many cases.

Every neighbor-island should have a COVID task force and they should all work together, along with Oahu. The neighbor-islands are different than Oahu. We have less cases, with the exception with the Big Island, but also less resources. One size does not fit all in the State.

For example, in Maui, we have 12 percent of the population, but 22 percent of the traveler arrivals and only 1 percent of the cases so far. Although, that number has been increasing and I'm really concerned about once we get to community spread, it's really going to be difficult to control.

A task force would do these, some of these things and more, would ensure that we keep up with the latest and best testing alternatives. There are saliva tests out there and doesn't seem like the State of Hawaii is, is trying to even get them. Ensure that we have good quality contact-tracing with a mix of digital, using the Perseus platform which you folks have already approved and that has made a huge difference. I understand Lanai is already using it and staff, Department of Health staff. Ensure that reports will be provided that give us information like Alaska does, transparent information about where the cases are coming from. The DOH--

CHAIR LEE: Sorry, please, please conclude your testimony. Okay.

MS. DUPONTE: Okay. Mask and distancing, metrics for closing, ensure that the Maui hospital follow CDC guidelines, and supervise distribution of vaccines. Thank you very much.

CHAIR LEE: Thank you.

MS. DUPONTE: I know a lot of people are going to be testifying. Thank you. Aloha.

CHAIR LEE: Thank you. Any questions for clarification? Only clarification now, okay. Alright, thank you very much.

May we have the next testifier?



DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is John Belles. To be followed by Cara Flores.

MR. JOHN BELLES (testifying on General Communication No. 20-6):

Testify about the, about the COVID-19 stuff. And, what you call, what I'm talk, I'm here to talk about the, the affordable housing thing. So, I don't know if I'm off the subject at this time. But that affordable housing thing for LCA 11216, I have the royal patent right here. I have the royal patent right here and the land commission award number. And I notified Michele McLean, I notified David Goode about that LCA 11216 parcel outside of Paia and that's heirs to Kekauonohi land. And they have, A&B has an expired lease. A&B is not authorized to sign on behalf of the family.

And also, your development is in violation of the covenant on the, on Bill No. 69, Ordinance 3312. The covenant of the heirs coming forward and stuff, they ignored the heirs like you guys usually do. And so, you know what, the bottom line is we going on that land, okay. I'm the executive trustee for that land and we going on that land and we going take care our community on LCA 11216. That's the entire Paia side of Haleakala Highway all the way up to the top of Piipolo. We going to occupy the whole thing. We going occupy the whole thing, so your only responsibility as a foreign agency of the United States, outside the Constitution and outside the District of Columbia with no treaty is to get those people off the property. Now, either you going laugh at me because when we go on the property with those houses there, you not going to be laughing. And we ain't going to move. We ain't going to move.

And then also, Molina, I'm in your district. I know you doing the best you can. And, you know, I just had some other things I wanted to address. It's all in the same parcel. The backfill from the plantation on the beach needs to be cleaned up. It's killing all the coral. And also, I wanted to point out Corporation Counsel can't make any legal determinations outside the Constitution of the United States without a license to practice law outside the Constitution. So, all your determinations is null and void, and we're not going to accept any foreign court rulings on this parcel.

We're going on the land. We're going to live there. Okay. Call your police, your foreign police, without jurisdiction, okay. You no more no laws because you no more no treaty. I got the copy from the Department of Defense, see um, right here. You guys got no treaty, so you no more no law, so you no more no right, no land, no nothing.

One more thing I want to address, I don't know what Kelly King is doing back in County Council. She sold out our parking lot, our public beach access parking lot to the hotel. She disappears from Council, and, and then she shows up again.

CHAIR LEE: Excuse me, Mr., Mr. Belles, please stay with the items that are on the agenda, okay?

MR. BELLES: Yea. Well, it's all part, it's all one community. It's all part of the agenda, because you know what, you guys keep defrauding us and getting away with murder, stealing property.

CHAIR LEE: Okay.

MR. BELLES: Okay. And we're done with this bullshit.

CHAIR LEE: Okay. Thank you very much. No questions.

Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Cara Flores. To be followed by Mike Morris.

MS. CARA FLORES (testifying on County Communication No. 20-557):

Hi. Good morning.

CHAIR LEE: Good morning.

MS. FLORES: I am testifying on item 20-557, regarding the resolution to request that the Mayor start a COVID-19 Task Force, a Rapid Response Task Force. And I just want to bring up and remind everybody the primary purpose of government and why governments start and organize is for the protection of the citizens. And so, that's the primary function of government. There's a lot more functions, but the number one function of government is to protect the people. And we're under threat of a serious health crisis of COVID-19.

And the pandemic, I've noticed especially in higher levels of government and we've seen it all in the news, there's been a lot of finger pointing, a lot of shirking of responsibility. Even when I call offices, you know, they'll say, oh, that's the Department of Health, that's this person, that's that person. And we really have to stop, because as a citizen it's really frustrating to hear an abundance of excuses and blame when we need people to take action.

And so, our Councilmembers traditionally have always been very proactive in doing your duty to serve the community. And I believe you're doing it again with this. And so, having a COVID-19 Task Force would help us to have a comprehensive plan for our County of Maui and the islands within it. It would help us to increase testing and keep testing on island so that we're taking care of the people of the County of Maui at least. It would help us in making sure that the mandates are enforced, such as the mask, and quarantine and those kind of things, and that they're done well. We could have a strategy and pivot as needed, so as cases go up or down, things could change, and we could recommend that.

We could help the schools to open safely. A lot of you may or may not know a lot of the schools on Maui opened this week or are planning to open the coming week. And some of them opened with very unsafe protocol and some are open with extremely safe protocol. There's a lot of discrepancy because it's left up to individuals who are not epidemiologists or experts to decide how these things happen, which is why having a task force would help us to be very consistent and safe.

It would help localize our contact-tracing and make it much more efficient. We can make sure it's working. Also, it would help us increase transparency. Like, what we're seeing on Kauai, they've been doing really good on their island with letting people know what's going on. So, when visitors come in and they don't have a result for their test yet, for example, we don't know if they're positive or negative, so it would be nice--

CHAIR LEE: Please conclude.

MS. FLORES: Yea, if, if a visitor comes in with an inconclusive result and it turns out to be positive, right now, the community is not being told that. So, we don't know how many people are visitors here who are COVID positive. So, those kind of information would help us. And we don't want to end up with, like El Paso, you know, right now. So, mahalo.

CHAIR LEE: Thank you.

Ms. Paltin has a question for you.

MS. FLORES: Yes.

COUNCILMEMBER PALTIN: Oh, my question is I think we might have lost sound.

MS. FLORES: Oh, can you hear me?

DEPUTY COUNTY CLERK: Oh, apologies, Chair. Just, right, Akaku is having an audio issue. I was going to request if after this testifier there could be a recess?

CHAIR LEE: Sure. Any questions?

COUNCILMEMBER PALTIN: I did have a question for her though.

CHAIR LEE: Oh, okay.

COUNCILMEMBER PALTIN: Aloha, Ms. Flores. Thank you for your testimony. I was not really listening cause I was trying to see the sound, or hear the sound, but did you say that there's no way for folks to know if visitors have, or tourists, non-residents, have tested positive, that number is not being reported to the public?

MS. FLORES: Yes, that's right. The only island that's reporting it right now is Kauai. So, Maui, we're not finding that out, yea.

COUNCILMEMBER PALTIN: And have you been in touch with those folks on Kauai that, it's the Mayor's decision to report that number? Like, the State is giving the information to the Mayor and, the Mayors and ours is just not being reported?

MS. FLORES: I don't know who's in charge of, you know, allowing that to be reported. But I would assume it comes through their Department of Health representative. But they're releasing like daily information. It's a lot more detailed than anybody else is getting.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Cara. So, I just wanted to find out . . . sort of at the forefront that's supporting the Perseus app? Have those folks gone ahead to . . . since we did that resolution?

MS. FLORES: Have they gone ahead with what, sorry?

COUNCILMEMBER KING: With implementation of the Perseus app in Maui County?

MS. FLORES: As we know, yea, they were able to get it onto the Apple Store. I know they launched it in Lanai. I, I know it's supposed to be coming onto Google soon, which is why there hasn't been a big public push for it. They're still waiting for, I don't know, what happens behind the scenes. But, you know, the process to go through to get onto Google App Store.

COUNCILMEMBER KING: Okay. Okay. Great. Thank you. Thank you for being here. Thanks for your support.

MS. FLORES: Thank you.

CHAIR LEE: Are there any other questions? If not, thank you, Ms. Flores.

Mr. Clerk, did you want us to take a short recess?

DEPUTY COUNTY CLERK: I've been corresponding with Akaku and it sounds like that their audio is back in. So, they should be okay, and we should be okay to proceed. Okay.

CHAIR LEE: Alright. Next.

DEPUTY COUNTY CLERK: The next person signed up to testify is Mike Morris. To be followed by Zhantell Lindo.

MR. MIKE MORRIS (testifying on County Communication 20-558):

Good morning, Chair. Good morning, Councilmembers. Mike Morris, from the Maui Family YMCA. And I'm testifying on 20-558, the Y is looking for a new, the lease renewal on the current property that we're on . . . and looking for an additional two acres.

I . . . of the current four acres we've been utilizing for programs for kids since 1990. Land would be used for additional parking area, for children to play in on, and new programing. We recently received a \$100,000 grant . . . Foundation near that area and used part of it as a community garden program and giveaway program. In May, we partnered with Grow Some Good, folks responsible for the Kihei gardens at Kihei Elementary School. And they've helped us start a plant giveaway at the Y since the pandemic started. They've given away 6,000 plants, 250 garden shovels, educational information since the pandemic started to help people start their own gardens at home.

We don't have any plans to build any buildings on that property, with the exception of maybe a shed to hold equipment, rakes and shovels and those kind of things. And the property is approximately two acres in addition to the four acres we already . . . Thank you for your time.

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

Yes, Member King.

COUNCILMEMBER KING: Just real quick. Thank you, Chair. Thank you for being here, Mr. Morris. What was the item you were testifying on? I, your testimony broke up right about the time you were saying that number.

MR. MORRIS: 20-558.

COUNCILMEMBER KING: Okay. Thank you.

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

MR. MORRIS: Thank you.

CHAIR LEE: May we have our next testifier?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Zhantell Lindo. To be followed by Brian Hauser.

MS. ZHANTELL LINDO (testifying on County Communication No. 20-545):

Aloha, Councilmembers, Council Chair Lee. Thank you so much for this opportunity. I am testifying on County Communication 20-545, a bill for an ordinance establishing and prohibiting the distribution of goods and funds to unsheltered individuals in public areas with stimulus, simultaneous provisions of wrap-around services.

I will admit that when I first got, got to look at this bill, I was really disturbed. But I want to approach this in a solution-oriented mindset and just kind of go through it and talk about my concerns for my island, because that's where I'm an expert at. And so, I cannot talk about homelessness or poverty in Wailuku, or Lahaina, or Maui County as a whole, cause that's not the way that homeless and unsheltered work.

And so, first of all, the purpose of the bill states two important things. And the second one says that it encourage unsheltered individuals to accept social services. The whole intent of the bill by prohibiting the distribution doesn't encourage anybody; it forces people.

I've been working with the unsheltered on Molokai and the mentally ill, just as a community resident with several ministry partners, on our own without any County funds since 2014. From 2016, I approached the Department of Housing and Human Concerns, the current, David over there, and asked him for help with our homeless and unsheltered, at which time, he told me that the Councilmember at that time said that

there was only one or two homeless people and we didn't have a problem. So, here we go fast-forward 2020 and we have a problem.

And what makes us unique is, at least 50 or 60 percent of our homeless population here are normal, are, are Molokai born and raised people. And, and some of them choose to not want to live in a house and that's their right. That's their right to choose if it, we shouldn't be infringing upon people's cultural preference and traditional standards to live by the fishpond in a hale, because we feel that they should have a house.

Technically, for the record, I disagree with housing first. I think putting people in a brand-new house or sheltering them without being able to find the core reason of why they are displaced and unsheltered is a big part of them being successful in housing. I also think that we, like Molokai, where we're lacking in services or those wrap-around services, will be caught in what we always caught in, which is there's a blanket ruling that prohibit things and, and causes all this confusion and lack of services. And, and we don't have the social services and wrap-around services that we need.

So, just in conclusion, I just want to say that rural areas like us, that's, it just will be devastating. And I think if you going be, if you're going to do something you might as well make homelessness illegal instead of being inhumane and saying that we cannot give aloha to people who are in need. Thank you.

CHAIR LEE: Okay, good to see you, Zhan. Are there any question? If not, mahalo.

May we have our next testifier?

DEPUTY COUNTY CLERK: The next person signed up to testify is Brian Hauser. To be followed by Nicole Huguenin.

MR. BRIAN HAUSER (testifying on County Communication No. 20-545):

Aloha. Good morning, Council. Good morning, Chair and Councilmembers. I'm here to testify on the same bill that the last testifier testified on; the distribution of goods and services without wrap-around services.

I'd like to be very brief, because I don't understand any merit of this bill whatsoever. And I, you know, the net result of that bill would be that if I went to buy a pie of pizza and I had an extra, a leftover slice of pizza and I saw somebody starving on the street, that I would be fined \$400 for giving somebody a slice of pizza.

There are many, there are many organizations and services that are provided for unsheltered individuals that should be allowed to move forward. If the County wants to provide information on wrap-around services in lieu of looking at the actual problem of homelessness and how to resolve that, you know, I just don't understand the merit. I, I'm going to stop testifying because I would really like the introducer of the bill to explain any merit of this bill to me. So, mahalo. Thank you so much for your time.

CHAIR LEE: Mr. Hauser, this matter will be sent to the Committee for further discussion. So, today is just receiving this communication and referring it to the appropriate Committee. No action will be taken today on this matter.

MR. HAUSER: Okay. Thank you so much.

CHAIR LEE: Are there any questions?

If not, may we have the next testifier?

DEPUTY COUNTY CLERK: The next person signed up to testify is Nicole Huguenin. To be followed by Adrienne Epifano.

MS. NICOLE HUGUENIN (testifying on County Communication No. 20-545):

Aloha and good morning, all. Thank you, Chair Lee and the entire Council, for your time today. I've been here before. My name is Nicole Huguenin and I am the Director of the Chilis on Wheels Maui, as well as the representative of the Coalition Maui Rapid Response. I'm reading today, cause I'm a little, I'm representing more than just myself.

It is safe to say that multiple people from our team are on the streets in Maui, Maui, servicing those experiencing homelessness every day of the week. I'm here today to discuss agenda item 20-545, the bill to limit food and water delivery to the homeless without wrap-around service providers present on County property.

Based on the review of five national court cases, including the 11<sup>th</sup> Circuit Court of Appeals ruling that feeding the homeless is expressive conduct conducted by the First Amendment. We believe this bill is illegal in nature and request it to be filed as it is a waste of taxpayer money to proceed further.

A little background, our coalition of, now includes non-profits, churches, and community members, and we believe in consistent weekly service where those experiencing homelessness reside on the streets. We offer basic human needs, like food, water and first-aid. And in, in offering that, we assess the next steps for health



and wellness of each individual. This approach allows us to build trusting relationships, and over time, we find a request for wrap-around services is initiated by the person experiencing homelessness, no matter their trauma, addiction or mental health capacity, which increases their ability to self-advocate and stick through the painstaking process of accessing long-term wrap-around support like housing.

Here's a breakdown of the people we have served by just two of our partner agencies. In 2020 alone, Maui Rescue Mission has served 651 unique individuals with showers, laundry, and resource support in Lahaina, Kahului, and Kihei. Chilis on Wheels Maui serves 366 people in Kahului alone last month with vegan meals, first-aid, and resource support.

Of those served throughout the year, we can safely say over 80 percent have requested support with food stamps, medical care and insurance, unemployment support, gathering of official documents, shelter, rehab, mental health, and connection to jobs. All of those, all of these require transportation, which we help them manage or provide ourselves. Based on our daily experiences, we are gravely concerned that mandatory wrap-around service providers are not able to fulfill the actual need of those on the streets as proposed in this bill.

Just this past month, our Lahaina street outreach worker supported five individuals in calling for longer term mental healthcare and shelter, only to be told there was no room, or they did not qualify. This is a consistent issue that we face as we support our homeless ohana in seeking shelter and other wrap-around services to get them off the street and into housing. Our team values collaboration and we consistently initiate coordination with DHHC agents and agencies like Family Life and other wrap-around service providers who align and work together. But we rarely see what . . . of these efforts. And that's all I have. Perfect timing.

CHAIR LEE: Well, thank you. Yes, perfect timing. Are there any questions? If not, thank you very much for your testimony.

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Adrienne Epifano. To be followed by Christopher Fishkin.

MS. ADRIENNE EPIFANO (testifying on County Communication No. 20-545):

Aloha kakahiaka. My name is Adrienne. I live in the Haiku-Pauwela area. I'm here to testify about 20-545. I would not like to see this proposal pass if at all possible, just on

the simple basis that there's not enough help for these people. There's just not, if we're being honest with each other. There's, it's rampant right now; homelessness, mental health, all of these issues are really coming to a head, especially now that things are kind of upside down in our world.

Where I come from in Colorado, and what I choose to believe here, is that the aloha spirit is alive and well. And if someone needs help, you help them no matter if it's a public place, a private place, it doesn't matter. You give help where help is needed and this would greatly tie the hands of the people that are trying to help even on a, what might seem like insignificant level with just a bottle of water, a new pair of pants to someone who needs it on the side of street. I just, I really don't want to see our aloha spirit be gagged by government control out here, because that's one thing that is very beautiful about our island is that it is alive and well. And let's keep it that way. Thank you for your time. Thank you for everyone who's testified for this. And I just really appreciate the moment to be heard. Mahalo.

CHAIR LEE: Thank you. Thank you for coming. Alright, are there any questions? If not, thank you again.

May we have the next testifier?

DEPUTY COUNTY CLERK: The next person signed up to testify is Christopher Fishkin. To be followed by Lisa Darcy.

MR. CHRISTOPHER FISHKIN (testifying on County Communication Nos. 20-545 and 20-557):

Good morning, Councilmembers. I'm testifying on two resolutions today. The first is the one just spoken to on the mandatory wrap-around with the, with the homeless. I had my own outreach. The other, the other is resolution 20-557. I had my own outreach program on Waikiki for many years to folks on the street. And I can tell you that every, all the testimony that's been stated here today is very accurate and I completely reject this proposal in accordance with the same reasons everyone else did. But I can tell you from somebody who did this work for many years, that it's, it's completely inappropriate and would harm people.

That being said, I'm going to move onto 20-557. I am a coalition coordinator for WhatWeLoveWeProtect. And I drafted a letter to the Mayor, which four of you Councilmembers publicly supported, which letter includes the urgent call for a COVID-19 Task Force for Maui County. There is no time in wasting to send this to

Committee. It can only encourage the Mayor, and I'm requesting that it be voted on today by the Council.

Without a task force in place and with medical staff from Maui Memorial/Kaiser reaching out to me to protect our hospital frontline workers, patients, and our community, I also filed a safety hazard complaint about Maui Memorial Medical Center to the DOH and the joint commission, which is now posted for public transparency at Mauicauses.org. This should be the role of a task force, not a private citizen.

Now, Ms. Lee has stated there are many changes needed on the County Council. First and foremost is professionalism "and we work for the people". Over time, elected officials and appointed officials--

CHAIR LEE: Mr. Fishkin, my, my opinion is not on the agenda. Can you please conclude your testimony?

MR. FISHKIN: No. Ms. Lee is trying to stifle me now.

CHAIR LEE: Alright. Mr. Fishkin, please stick to the agendized item, period.

MR. FISHKIN: She said about me to a Council staff member that "I hate that fucking haole".

CHAIR LEE: You will be muted. You will be muted.

Mr. Clerk, let's go on to the next testifier.

MR. FISHKIN: --said the racial animus in this--

CHAIR LEE: What did I say about being muted?

Go on to the next testifier. Decorum will be maintained at all times. Go ahead, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Who's the next testifier?

DEPUTY COUNTY CLERK: The next testifier is Lisa Darcy. To be followed by the individual calling in from the phone number ending with these last four digits, 2367.

MS. LISA DARCY (testifying on County Communication No. 20-545):

Good morning, Council.

CHAIR LEE: Good morning.

MS. DARCY: It is a beautiful day in the neighborhood. And I'm, I'm very grateful to be here. My name is Lisa Darcy. I am the founder of Share Your Mana, and I would like to testify on the proposed bill 20-545, the proposed bill.

It's impossible to have anywhere to start on this, as I have eight pages of notes typed. What I'd like to drop in and say is, that as somebody who has been serving this community for over 18 years in the capacity to assist those who are unsheltered plus added to my 30 years of work with mental health and unsheltered around the nation and actually internationally, it is perplexing to me how this, the same words are even in a sentence that are being proposed.

Immediately, Share Your Mana started asking legal questions, and I think that was brought up earlier. I've reached out to Attorney Lance Collins. I've reached out to Eric Tars who is the lead attorney at the National Law Center on Homelessness. I've reached out to Jesse Wu, who is the Director of Office of Public Housing and the Department of Urban Development. And he has actually moved the conversation to Marc Alexander in the Governor's Office to try to understand whether or not this is something that we could even be putting time towards.

I've gone to the HUD website to see if HUD would sanction such movement forward. I've gone to the Maui Homeless Alliance. And to just echo what the earlier testifier from Molokai, Zhan Lindo, indicated, just to let you know that last year, Molokai was not, it was intentionally not counted in the Point in Time Count. When it was brought up from some case managers that there are people that are residing homeless on Molokai and Lanai, the, the lead agency for the Point in Time Count, Family Life indicated that they didn't believe there was anybody there, so they were not even counted.

So, I need you to understand the level of complexity that is being touched on. I have, I have, I have, I've just pages and pages of questions. The cultural aspects, also, of Housing First, which only addresses 10 percent, which I actually support. They are, there is so much that begs to be asked on this that I highly recommend that this move forward and that this go into Committee. I do not want to see it die. I want it to have much larger platform for discussion and so you can have so much more information shared with you.

So, I also have several, and I don't know if it would be appropriate now, videos that people made. They cannot, do not have, again, people who are living in these circumstances would like to speak to this bill, but they do not have the ability to have data, or their phones aren't charged. So, I actually have several videos that I'd like to share.

CHAIR LEE: Lisa, Lisa, that would probably be more appropriate for when the matter is sent to Committee, when there'll be more time to, to really absorb and understand all of the information that you will be sharing from everyone. But we do thank you for the information you gave us today. And are there any questions for Lisa? Not seeing any hands. Thank you, Lisa, again, and for all the work you do. It's much appreciated. Thank you.

MS. DARCY: Oh, Councilmember Sinenci.

CHAIR LEE: Oh, I didn't see your hand. I'm sorry. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just clarification, Ms. Darcy, would like to see this forwarded to Committee for larger discussion, yea?

MS. DARCY: Yes.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR LEE: Anymore hands? If not, thank you, Lisa, again.

MS. DARCY: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is the individual connected to the meeting from the phone number ending with these last four digits: 2367. To be followed by Susun White.

MR. STEVE CALKINS (testifying on County Communication No. 20-545):

Aloha. My name is Steven Calkins. I'm one of the founders of Hungry Homeless Heroes. We started this volunteer organization at the beginning of COVID. And since then it's been about 25 weeks, about 250 days, and we have personally cooked and delivered over 55,000 meals so far. We average about 200 to 250 meals every single day. I personally go out there and deliver to these people, to these human beings.

And they are just that. They have bigger hearts than a lot of people that I can call my friends.

And for us to throw them under the bus, and for this bill to even be written on paper, would just, is such a clear violation of our First Amendment rights. I think it's pretty disgraceful. We call ourselves the State of Aloha, but does that mean aloha only for the people that have money to spend? These are kind of the questions that are coming up for me. I'd really, really encourage and invite these Councilmembers to come out and do a delivery with us one day and really get to meet these people themselves and understand that they are human beings and their worth is just as valuable as ours. And like I said, if we're going, if we're going to call ourselves the State of Aloha, we need to live in that aloha. And I do not see one bit of aloha in this bill whatsoever.

And like, like Lisa just said, I would, I would really like to hear from, from whoever proposed this bill themselves. Like let's hear from their mouth, or what's going in their head, and why they could even think that this is a reasonable solution. I'll, I'll pass my time on to somebody else.

CHAIR LEE: Thank you. Are there any questions? If not, appreciate you coming.

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Susun White. To be followed by Jelena Dackovic.

CHAIR LEE: Call her again please.

DEPUTY COUNTY CLERK: Susun White, it is your time to testify. I see that you are unmuted on your end, but we cannot hear you, if, if you are talking.

CHAIR LEE: Mr. Clerk, let's come back to her.

COUNCILMEMBER PALTIN: Go out and come back in.

DEPUTY COUNTY CLERK: Okay. The next person to testify, then, if Jelena Dackovic. To be followed by Tom Fischer.

MS. JELENA DACKOVIC (testifying on County Communication No. 20-545):

Good morning, everybody. My name is Jelena Dackovic. I am a street outreach worker and part of Maui Rapid Response. So, I strongly agree with every, everything

that Nicole said. And I am strongly against this bill. I am on the streets in west side every single day. So, I would like to use my time to actually invite you guys to come out with me, do the street outreach with me, meet these folks, and hear their experience firsthand. Thank you for your time.

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

MS. DACKOVIC: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next, the next person we have signed up to testify is Tom Fischer. To be followed by Faith Chase.

COUNCILMEMBER PALTIN: Oh, Susun White is on the cell now too.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Yes.

CHAIR LEE: So, for those types, could you just mute them and go on to the next one until we clear up--

MR. TOM FISCHER (testifying on County Communication No. 20-550):

Hello?

CHAIR LEE: --and see where the problem is.

DEPUTY COUNTY CLERK: Oh, yea, I believe that she was. We could hear Mr. Fischer from both his computer and his phone. But we can hear him now from his phone audio.

MR. FISCHER: Yes, thanks everyone. Sorry for the technological difficulties. Good morning, Council. And I appreciate the opportunity to provide testimony this morning. My name is Tom Fischer; project manager for the Kaiaulu O Kupuohi project. And I am providing public testimony on County Communication No. 20-550.

The president of Ikaika Ohana has submitted testimony on the pending resolution.

Sorry, can you guys hear me?

CHAIR LEE: Yes. Please continue.

COUNCILMEMBER KING: Chair, I think we need all the other Councilmembers to mute themselves as well.

MR. FISCHER: Sorry. Can everyone hear me?

CHAIR LEE: Yea. Yes, we can hear you. Can you please continue?

MR. FISCHER: Okay. Sorry. I'll just finish up here. The president of Ikaika Ohana has submitted testimony on the pending resolution, so I wanted to manage everyone's expectations. The resolution before you does not adequately reflect what we have in the budget today for traffic mitigation. That is why we need to reflect the \$1,335,000 in the resolution. That is what we know we have. We do have some contingency, as we often do, but these projects rarely have any significant amount of savings. Thank you. Sorry for the technological difficulties.

CHAIR LEE: Okay. No problem. Are there any questions for the testifier? If not, thank you very much.

May we have the next one?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Faith Chase. To be followed by the individual connected from the phone number ending with these last four digits, 6172.

MS. FAITH CHASE (testifying on County Communication Nos. 20-537, 20-545, 20-557, and 20-558):

Aloha, Chair Lee. Aloha, Councilmembers. I, I, I need to speak to 20-545. I, I agree with the Molokai testifier expressing how a blanket ruling would be, would do the Maui County an extreme disservice. I've testified five different times, specifically to the need that the agencies, well first of all, that we need to really implore separation of church and State. I know that sounds funny coming from somebody's name Faith, but I, I, I've said that before.

And I think that we need to look carefully at the agencies who have been doing good work and to re, just look at those grassroots organizations that weren't there before in years prior and when you're making budget considerations. I find it interesting that, wow, this is a really poorly written proposal, as well as the press release. I find it really



interesting that some of the lead grassroots organizations actually want to see the conversation continue. So, I will be following those conversations.

I don't want to see any conflict of the Commission that was created on Healing Solutions for the Homelessness. I want to see a bridge there, but I think I understand that perhaps COVID monies that need to be spent by the end of the year might be sort of a concern. This is what I see. I will be following this conversation.

I am in support of the County Communication 20-557, urging the Mayor to establish a Rapid Response COVID-19 Task Force. My god, let's do something. I called Civil Defense; I called the Department of Health. It's been since March, so I'm excited to see this and what develops out of that.

I, I'm writing in strange concern, particularly concern. And I know this is a sensitive subject, but County Communication 20-558, authorizing the grant of a lease for the County recreational space to the Maui Young Men's Christian Association, the YMCA, while I support much of the work that the YMCA does, I will have to express recent disappointments with the fashion in which the YMCA has recently dealt with those seeking shelter at the rural Camp Keanae. The Camp Keanae director, who has failed in serving his community was let go for a bunch of different reasons. The board of directors of the Y consequently failed in their fiduciary responsibilities. That is up for another day. But I'm saddened that I can't support the growing needs of Central Maui when it comes to the YMCA. Until the recent unfortunate events out there, which they're having a meeting today, the board of, of directors are having a meeting today. I really hope that they resolve that, because it affects the broader organization.

And then quick, County Communication 20-537, I'm just going to take advantage of this item, the vacancy on the Board of Ethics, so that we can return really quickly to the earlier testifier who, who didn't really, you know, exercise decorum or well-manners. But regarding occupying land commission awards, I do want to say that this is, I believe these conversations can actually be coordinated in a polite fashion. And nobody ever asks me what my job is or what I do, but it does, it does sort of overlay the job I do for a living. So, I'm going to re, I just wanted to say that.

I know that was an uncomfortable situation. But it also is a reflection of population that has been disregarded when it comes to housing, houseless, unsheltered, and those living in their cars; it really does. So, anyway, I just wanted to say I apologize for that previous testifier and the decorum that they expressed. But I do believe that those conversations will return to the forefront of your desktop, your agendas, and I believe that they can have, be done, they can be had politely. Thank you.

CHAIR LEE: Okay. Thank you, Faith.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Faith. So, I'm going to ask you, what is your job and what do you do?

MS. CHASE: I work for an umbrella nonprofit Kauai Foundation. But they help Hawaii Pae 'Aina and I am the director of the Bureau of Conveyances for the Hawaiian Kingdom Governance Authority. And we have a website, HKGA.GLOBAL. And, you know, these conversations are sensitive. I mean, they are, they're hard to have, but once you get through them, the land commission awards, tenancy, you know, it's a happy day. But we, we live in the most interesting times and that's why I took the job.

COUNCILMEMBER KING: Okay. Can you spell the name of that foundation?

MS. CHASE: Hawaiian Kingdom Governance Authority; H-K-G-A dot GLOBAL; instead of dot com, it's dot GLOBAL. So, you can see, you can read more. And I have some press releases that will be coming forward to all you County Councilmembers. Now you can understand where they're coming from.

COUNCILMEMBER KING: Okay. I thought you said something about Kauai Foundation.

MS. CHASE: Oh, Kauai Foundation is the umbrella nonprofit.

COUNCILMEMBER KING: Yea, is that spelled like Kauai, the, the County?

MS. CHASE: Kauai, yea, Kauai. It's a relatively dormant, you know, small organization. But it's the umbrella nonprofit, so we can do work to help in these difficult conversations like I said.

COUNCILMEMBER KING: Okay.

MS. CHASE: Thanks for asking.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Ms. Chase. Yea, in regards to the earlier testifier, Mr. Belles about, I guess, General Communication 20-6, it looks

like it's a change in zoning from Interim District to, to R-1 Residential District. So I don't know if, if this is the, just to inform if you were part of the conversation to inform that this was a zoning change. Thank you.

MS. CHASE: Thank you for that. I was unaware.

COUNCILMEMBER SINENCI: Chair, you're mute.

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

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is the individual connected to the meeting under the name Sam Retina. And then after that, we'll check in with Susun White again to see if we can connect with her.

MR. SAM SMALL (testifying on County Communication No. 20-557):

Hi. Hi. Am I on?

CHAIR LEE: Yes, you're on. I can hear you.

MR. SMALL: Is this, is this working? Thank you very much. Sam Small here. As always, it's an honor to participate in the democratic process. Speaking today in support of a COVID task force. You know, it is, it has become evident that the, that the Mayor's Office is not taking an aggressive approach to maximizing the tools that are available to us to stem the tide of COVID in our community.

We do, we are getting 22 percent of the tourists that are coming to Hawaii. And we are not prepared on Maui to deal with the COVID that is coming. The infection rate out of Alaska has proven that there are three people out of 1,000 that are arriving with COVID in their system. That's bringing, those numbers work out to around 60 to 70 people arriving to Maui every week with COVID, and we are not protected for that.

The Kaiser, one of the things that the task force would hopefully be able to coordinate is that Kaiser is not following CDC and DOH guidelines when it comes to masks. We found this out because employees at Kaiser have been submitting complaints with the Hawaii OSHA office. And Hawaii OSHA office has informed the employees that the Hawaii State Legislature has never empowered OSHA to enforce the CDC or Department of Health guidelines when it comes to aerosols.

There are enforcement when it comes to blood transmission, AIDS transmission. But for COVID through aerosols, there is no enforcement. In California, Kaiser running

hospitals there was cited by OSHA for violating the, the, the CDC and Department of Health guidelines. So, the same organization here is violating. But we don't have, in Hawaii, the authority specifically for OSHA to prosecute them and enforce. So, that's something that needs to be done by our State Legislature.

And just as you folks today are having a reso asking the Mayor to create this task force, perhaps, we can create another reso where you ask the State Legislature to come back early so that they can pass legislation that empowers OSHA to enforce CDC and Department of Health guidelines when it comes to aerosols so that our hospital workers, thank you, I'll wrap. Thank you, I'll wrap up. So, that our hospital workers can be protected, and we can avoid a third outbreak at Kaiser Memorial. There have already been two, we will have a third if they don't change their practices now. Thank you very much.

CHAIR LEE: Thank you, Sam. Are there any questions? If not, thank you for coming.

MR. SMALL: Yup.

CHAIR LEE: Mr. Clerk, can we have the next testifier please?

DEPUTY COUNTY CLERK: Chair, oh, first, I'd like to check in with Susun White real quick, just to see if she was able to solve her technical difficulties. Susun, it's your time to testify if you're able to do so.

CHAIR LEE: Mr., Mr. Clerk, can you also let us know about how many more testifiers there are?

DEPUTY COUNTY CLERK: Yes, Madam Chair. There's, after Susun, there's Carol Kamekona. She's the, currently the last person signed up to testify. If there's anyone else in the meeting who has not testified yet, but wishes to do so, please notify, please notify staff in the meeting chat now, so that we can get you signed up.

Susun, are you able to testify?

MR. BELLES: I'm able to testify again. I'm able to testify right now.

CHAIR LEE: I'm sorry, you had your turn. Thank you.

DEPUTY COUNTY CLERK: Okay, Chair, proceeding with the next testifier. That would be Carol Kamekona.

CHAIR LEE: Okay. Carol, are you there?

MS. CAROL KAMEKONA (testifying on County Communications Nos. 20-543, 20-545, and 20-557; and Committee Reports 20-140 and 20-145):

Aloha kakahiaka.

CHAIR LEE: Aloha.

MS. KAMEKONA: Can you hear me? Can you hear me?

COUNCILMEMBER KING: Yes, we can.

DEPUTY COUNTY CLERK: Yes. Yes, we can hear you.

MS. KAMEKONA: Aloha kakahiaka . . . kakou, Madam Chair and County Councilmembers. My name is Carol Lee Kamekona. And to start, I would like to say, regarding County Communications *[sic]* 20-140, relating to THRIVE; 20-145, relating to Lanai; 20-543, regarding the engineering technology; and 20-557, the COVID Task Force. I would like to say that for those four county communications, I am in support. And I would like to see that moved forward.

With regards to County Communication 20-545, the prohibition of services, I am totally in opposition of that bill. And in saying that, I would like to say, as a Christian and a person of faith, I am at a loss in understanding how anyone could turn their back on one of God's creations, one of those less fortunate; be it man or animal. It is not within our culture. Aloha kekahi i kekahi, to love one another. Where then is this love? Can someone show me where it is written in this proposed bill? This bill stiffens the actual essence of who we are as kanaka maoli. As many before me have stated, we are known as the Aloha State. We, as a people, are known as the aloha. So, where again is this model aloha kekahi i kekahi found in this bill? Mahalo, for allowing me this time. You guys have a good day. God bless. . . . Aloha.

CHAIR LEE: Aloha. Oh, we have a question.

Member King.

COUNCILMEMBER KING: Aloha. Ms. Kamekona, are you still there?

MS. KAMEKONA: Hi.

COUNCILMEMBER KING: Hi. Thank you for your testimony today. I just wanted to ask you if you see any value in, in regarding County Communication 20-545, if you see any value in having a discussion about this in Committee?

MS. KAMEKONA: Within my own community, I have spoken to many and we cannot understand how or what we want to do just as a person to provide for those that are less fortunate; even if it means a slice of pizza like the gentleman before me mentioned; even if it means a poncho for the rain; even it means having a tarp to cover your supplies or whatever goods you have so it doesn't get wet, or for you to lay down as hali'i on the ground. Why? That's as much as we can provide, why can't we not be allowed to do that? But many have already told me; they don't, they don't approve of this. And I am just speaking on behalf of myself. So, mahalo, Member King, for that question.

COUNCILMEMBER KING: Okay. Can you, can you give me a yes or no on, on that answer.

MS. KAMEKONA: No.

COUNCILMEMBER KING: Okay, thank you. Thank you, Chair.

CHAIR LEE: Any other questions? If not, thank you, Carol Lee.

May we have the next testifier, please?

DEPUTY COUNTY CLERK: Chair, we have another person who signed up to testify. Terese Masters, it is your time to testify.

CHAIR LEE: What's the name again?

DEPUTY COUNTY CLERK: Terese Masters. Terese, you are muted on your end. We cannot unmute you on our end. But I do see that you are in the meeting. Terese Masters.

CHAIR LEE: Could you please speak up?

MR. BELLES: They all full of it.

CHAIR LEE: You know, I'm going to say this for the last time, staff. Staff--

MS. TERESE MASTERS (testifying on County Communication No. 20-545):

Hi. Good morning. Can you hear me?

CHAIR LEE: Hold on one second, okay?

Staff, you know when certain people come on the call to mute them automatically because I said we are going to maintain decorum. We can't have people popping--

MS. MASTERS: Good morning. Can you hear me?

CHAIR LEE: --up on the screens and doing business at the same time. Okay? So, now we may, we can proceed.

Hello, Ms. Masters. Good morning.

MS. MASTERS: Hi. Good morning. Sorry.

CHAIR LEE: That's okay.

MS. MASTERS: I wanted to testify with regards to agenda item 20-545.

CHAIR LEE: Okay.

MS. MASTERS: I am so sorry.

CHAIR LEE: No, no, don't be. We've all had babies. We know what that's like. Please go ahead. Go ahead. Uh oh, you're frozen now.

Okay, Mr. Clerk. Clerk, are you there?

DEPUTY COUNTY CLERK: Yes, Chair. Terese Masters muted herself on her end.

CHAIR LEE: Oh, she did? Oh.

DEPUTY COUNTY CLERK: Yea.

CHAIR LEE: Okay. Let's try for Susun White.

COUNCILMEMBER KING: I saw Susun White earlier. We couldn't hear her, but we saw her.

CHAIR LEE: Okay, let's try again for her. Call her.

DEPUTY COUNTY CLERK: Susun White. I don't see her connected to the meeting, actually.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: But maybe she called in.

CHAIR LEE: Well, I--

DEPUTY COUNTY CLERK: Maybe she's attempting to call in.

CHAIR LEE: Okay. Alright. In the case of Susun White, I've been in communication with her. She is the director at the Paia Youth Council and testifying on 20-559. And she knows that we're not going to vote on this today. And she knows that this is going to be referred to Committee.

Okay, so, are there any other speakers? Any other testifiers?

DEPUTY COUNTY CLERK: Yes, we had another individual sign up. The person connected to the meeting under the name Jenn.

CHAIR LEE: Okay. Jenn.

MS. JENNIFER KARACA (testifying on County Communication No. 20-545):

Hi. Can you guys hear me?

CHAIR LEE: Yes.

MS. KARACA: Okay. So, my name is Jennifer Karaca and I am taking a break from my job today. And I'm representing myself as an individual. I'm not representing any organization. I am asking you guys to file this County Communication 545. This bill is unconstitutional. It would be a waste of time and taxpayer money to take this to Committee to discuss it, because it is not a legal bill.

It is community members expressive conduct that is protected by the First Amendment that would make this bill illegal. And as a individual who works for nonprofits that may receive funding from the County, how would we delineate me, as an individual providing food to the homeless, and when I'm doing that during my time as a professional? There is no way to delineate that. And people like myself could receive



a, you know, monetary, sorry, monetary penalization for helping people that need food just because we're not able to provide wrap-around services.

It, it doesn't make any sense to me. I, I think that if there needs to be a further discussion about this topic and wrap-around services, that another item can be introduced and then that could be sent to Committee. But taking this bill to Committee to discuss it when it's not a legal bill and wasting time and taxpayer money because meetings cost thousands of dollars to host, I don't think that's right, especially in the middle of a pandemic when we could be discussing ways to help the homeless, help the community, and find solutions. We should not be looking at ways to penalize people.

So, I'm asking that you do the right thing and file this unconstitutional bill. And then if it needs to be brought up in Committee later as a different topic or discussion, then do so in the right manner. That's all I have to say. Thank you.

CHAIR LEE: Alright, are there any questions for Jenn? If not, thank you, Jenn.

Mr. Clerk, do we have any more testifiers?

DEPUTY COUNTY CLERK: Chair, Jenn was the last person signed up to testify. If there's anyone else in the meeting who wants to testify but has not yet done so, please notify us now in the meeting chat. This is our last call. If you want to testify and have not done so yet, please notify us now.

COUNCILMEMBER KING: Chair, did we check one more time with Teresa *[sic]* Masters?

DEPUTY COUNTY CLERK: Let's see, Terese Masters, I no longer see her in the meeting. I believe she may have left.

CHAIR LEE: Anyone else? Do you see anybody?

DEPUTY COUNTY CLERK: Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Okay. Ask, are there any objections to receiving written testimony and, into the record, and to closing public testimony at this time?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. If not, so ordered.

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

1. Kai Duponte;
2. Cara Flores;
3. Christopher Fishkin;
4. Joan Barnes;
5. Danielle Bergan, Mental Health America of Hawaii;
6. Douglas Bigley, Ikaika Ohana;
7. Judith Carroll;
8. Rita Crane;
9. Mark Crowe;
10. Susan Davis;
11. Desiree Deter;
12. Rhonda M. Fosbinder;
13. Stan Franco;
14. Sarah Hofstadter;
15. Lui K. Hokoana, University of Hawaii Maui College;
16. Billy Jalbert;
17. Pete Jalbert;
18. Paul Janes-Brown;
19. Lauren Loor;
20. Leslie L. Luttig;
21. Tara Reed;
22. Cathryn Kelley Smith;
23. Debby Takahashi;
24. Judith Thomson;
25. Troyden Tomooka;
26. Susun White, Paia Youth and Cultural Center;
27. Karen Worthington;
28. Debbie Wyland; and
29. Katie Zimmerman.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of September 25, 2020, was presented at this time.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay, been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Hokama, to approve the minutes.

Any discussion? If not, all those in favor, 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: I see nine "ayes", zero "noes"; motion carries.

Members, do you want us to continue on with communications or do you want to take a short break now? Break? Okay. So, we, we'll take a short break and return at 10:35. Okay. Meeting in recess. Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:20 A.M., AND WAS RECONVENED AT 10:37 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of November 10 please reconvene.

Mr. Clerk, shall we begin with county communications?

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 20-530 - ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,  
(dated October 13, 2020)

Transmitting a copy of the FFY 2019-2022 Maui Transportation Improvement Program Revision #7 Administrative Modification which includes the Old Haleakala Highway Traffic Signal Improvements at Pukalani Street Project, Federal-Aid Project STP-0367(001).

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I ask the Clerk to also call up County Communications 20-531 through 20-536?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, okay, Mr. Clerk.

NO. 20-531 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 16, 2020)

Transmitting a notice of grant award, from the State of Hawaii, Hawaii Housing Finance and Development Corporation, for the Home Investment Partnership Program, in the amount of \$2,850,000.

NO. 20-532 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 16, 2020)

Transmitting a copy of the Contract Modification Order No. 2 from the State of Hawaii, Executive Office on Aging for the Kupuna Care Program in the amount of \$133,712.

NO. 20-533 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated October 29, 2020)

Transmitting two reports on the settlement of claims as of September 30, 2020.

NO. 20-534 - ERIC A. NAKAGAWA, DIRECTOR OF ENVIRONMENTAL  
MANAGEMENT, (dated October 21, 2020)

Transmitting a copy of the contract agreement for Advance Glass Disposal Fee Adm. Serv. Log No. 21-009 from the State of Hawaii Department of Health in the amount of \$124,800.

NO. 20-535 - ROBERT D. RIVERA, ACTING PROSECUTING ATTORNEY,  
(dated October 23, 2020)

Informing of the expenditure of State Asset Forfeiture Funds for the first quarter of FY 2021.

NO. 20-536 - KATHY L. KAOHU, COUNTY CLERK,  
(dated November 2, 2020)

Transmitting the notice of grant award from the Center for Tech and Civic Life in the amount of \$130,456.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-530  
THROUGH 20-536.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Hokama, to file County Communications 530, 20-530 through 20-536.

Discussion, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These communications are informational only, and no further action is required by the Council. Mahalo, Chair.

CHAIR LEE: Any further discussion? If not, 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: I see nine "ayes", zero "noes"; motion carries. Thank you.

Mr. Clerk.

NO. 20-537 - MICHAEL P. VICTORINO, MAYOR,  
(dated October 22, 2020)

Informing of a vacancy on the Board of Ethics due to the resignation of Travis Thompson, effective August 28, 2020.

CHAIR LEE: Councilmember Mike Molina.

COUNCILMEMBER SUGIMURA: Thank you, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 20-537.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Councilmember Mike Molina to file County Communication 20-537, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. The Mayor received notice of Mr. Thompson's resignation from the Board of Ethics, effective August 28, 2020. I'd like to thank him for his participation in local government and volunteering his time for the community.

On a side note, I'd like to add that in accordance with Charter Section 13-2(17), that within 30 days of the occurrence of a vacancy the Mayor must submit the name of a nominee to fill a vacancy. However, the Mayor's 30-day deadline was September 27, 2020 and no replacement nominee was received by the Council. Per the County Charter, the same Section that I just mentioned, should the Mayor fail to submit the name of a nominee within this time period, the Council may within 60 days nominate and approve the appointment of an individual to fill the vacancy.

I checked with Corporation Counsel and confirmed that it is now in the Council's jurisdiction to name a replacement nominee. And because the Council has just been notified of this vacancy on October 22, 2020 via the Mayor's letter, the Council has 60 days, or up until December 21, 2020 to nominate and approve an appointment of an individual to fill this vacancy on the Ethics Board.

So, with that being said, I ask for the Members support of this motion. Thank you, Madam Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for that explanation of where we're at on this, Councilmember Molina. I, I guess one of my, my question is, we just approved Mr. Thompson. I mean, he, he, was less than a year if I'm not mistaken that he served on this board before resigning. And, you know, do we ever, do we get, do we know why, because, you know, we don't want to make the same mistake with the next person. And, you know, people seem to be resigning from these boards. If we knew what the reason was, that might help us with the next appointee.

COUNCILMEMBER MOLINA: Well, in general, having worked, you know, for the prior Administration in this capacity overseeing boards and commissions, it's up to the nominee in general to express to the Administration what the reasons are. Some are very specific; some are very broad. They can just say I'm resigning due to medical reasons or personal reasons.

So, it's really up to the nominee cause at the same time we have to respect, the Administration has to respect their privacy as well. Of course, it's up to the nominee how, how they would like to share their reasons. If they want to be very open about it,

it's up to them. But, you know, we certainly cannot force them to tell us what are your specific reasons. So--

COUNCILMEMBER KING: So, that question was just to, did he share his reasons, cause we, we didn't hear in the announcement.

COUNCILMEMBER MOLINA: You know, I, I didn't get a chance to look at the, at the letter yet that's specifically from Mr. Thompson, but I can get back to you and to the Committee on that.

And since you brought this topic up, you know, we do have until December 21, if you, myself or any of you have a nominee you'd like to be considered, please get it to me prior to our December 1, GET meeting. I think that would be helpful, so we can then make a decision, Council decision assuming the nominee gets out of Committee by the December 18 Council meeting. So, that would be helpful if possible.

COUNCILMEMBER KING: Okay. And is it possible for you to send around to other Councilmembers the list of current members, so we can see, you know, so, you know, cause our, our intention to try to balance out geographically and demographically, so we can see who's, what the makeup of that board is. And then, hopefully who, the person we add to it will help balance the, the, the--

COUNCILMEMBER MOLINA: Certainly.

COUNCILMEMBER KING: --the membership out. Thank you.

COUNCILMEMBER MOLINA: Certainly. I'd be more than happy to do that.

COUNCILMEMBER KING: Okay. Thank you so much.

CHAIR LEE: Alright. We have questions from Member Kama and Member Paltin.

COUNCILMEMBER KAMA: Similar to, to Member King, Mr. Molina. Does, did Mr. Thompson come from a particular geographical location, therefore, his replacement would need to come from that same space?

COUNCILMEMBER MOLINA: Madam Chair, if I may answer the question from Member Kama?

CHAIR LEE: Sure.



COUNCILMEMBER MOLINA: I believe there's no requirement for geographical representation, but I believe Mr. Thompson came from the South Maui area. I think he resides in that area.

CHAIR LEE: Yea, he does. Okay, any more questions, Ms. Kama? No.

Okay, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. Just confirming that Mr. Thompson came from the South Maui area, but we don't have any West Maui member on the Board of Ethics. So, just a request if folks could look for folks from the West Maui area; that would be awesome.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Or East Maui.

CHAIR LEE: Okay. Any more hints for us?

COUNCILMEMBER PALTIN: Just, just West and East Maui isn't represented on the, on the sheet.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Either or.

CHAIR LEE: Well, Mr. Sinenci and Ms. Paltin, I guess you have to go look for possible nominees.

Ms. Sugimura, did you have your hand up?

COUNCILMEMBER SUGIMURA: I just wanted to thank Mr. Thompson for serving. And I don't know why he resigned, but I know that he has a lot of years of experience with the County in the past and his understanding and interest of our community is appreciated. I just want to say thank you to him.

CHAIR LEE: Alright. Anybody else? Alright, so Ms., we are going to, I guess pass the, file, you want to file this, Mr. Molina?

COUNCILMEMBER MOLINA: Yes, Madam Chair.

CHAIR LEE: No more discussion? All those in favor of filing this matter--

Ms. Sugimura. Oh, you're voting already?

COUNCILMEMBER SUGIMURA: I'm voting, yea.

CHAIR LEE: Okay. Oh, you're voting? Alright.

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

Mr. Clerk.

NO. 20-538 - MICHAEL P. VICTORINO, MAYOR,  
(dated November 2, 2020)

Informing of a vacancy on the Commission on Persons with Disabilities due to the  
resignation of Robert Carroll, effective November 1, 2020.

CHAIR LEE: Councilmember Michael Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair; appreciate the  
formalities.

I WOULD LIKE TO MOVE TO FILE COUNTY, BOTH COUNTY  
COMMUNICATIONS 20-538 ALONG WITH COUNTY  
COMMUNICATION 20-539, IF THERE ARE NO OBJECTIONS.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. No objections. But, Mr. Clerk, can you read County Communication 539?

DEPUTY COUNTY CLERK: Yes, Madam Chair.

NO. 20-539 - MICHAEL P. VICTORINO, MAYOR,  
(dated October 16, 2020)

Informing of the appointment of Pili Aloha Nahooikaika to the Committee on the Status of Women.

CHAIR LEE: Alright. So, the motion is to file both County Communications 20-538 and 539. Any more discussion, Mr. Molina, or anyone?

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. First, relating to County Communication 20, 20-538, the Mayor received notice of Mr. Carroll's resignation from the Commission on Persons with Disabilities effective November 1, 2020.

And for County Communication No. 20-539, the Mayor has appointed Pili Aloha Nahooikaika to the Committee on the Status of Women for a term expiring on March 31, 2025 to replace Mahie McPherson. Nominees to the Committee on the Status of Women are appointed by the Mayor with notice to, but without approval by the Council.

I want to thank both for their participation in local government and volunteering their time for the community. Thank you, Madam Chair.

CHAIR LEE: Alright. I, yes. Wait, we have Mr. Clerk, you have a question?

DEPUTY COUNTY CLERK: Oh, yes, Madam Chair, we just wanted to confirm who the second was for the motion.

CHAIR LEE: The second was, I guess Ms. Sugimura.

COUNCILMEMBER KING: I think three of us seconded.

CHAIR LEE: Take your pick. Put down Sugimura.

DEPUTY COUNTY CLERK: Thank you, Chair.

CHAIR LEE: Alright. Now, Ms. Sugimura, you had your hand up. Were you voting again?

COUNCILMEMBER SUGIMURA: Sure, I'll vote again. But first, before I vote, I just wanted to notify the Council that I got a call from Robert Carroll to say that the reason why he was, he would resign at this moment from the Commission on Persons with Disability, and this is the digital divide that we're seeing in East Maui because of the lack of computer connection for him, and he said that he missed meetings because of that. And he thought at this point, he, it would better for him to resign rather than not be able to appear on meetings because he couldn't connect. And it was frustrating, I think, for him and so he, therefore, that was his reason for resigning, which I think is a COVID-19 pandemic outcome more than it is his commitment to our community or his good work. So, I just wanted to thank him, and I hope that he will decide to serve on this commission once things get better and the pandemic is gone.

CHAIR LEE: I have a question. Mr. Sinenci, if we have other people who are representatives on various boards, can they not access the Council Office?

COUNCILMEMBER SINENCI: That was something that we brought up earlier. And we do have the digital bus that's parked down at Hana Bay. However, we've just received at the, the Parks will be doing some renovations in the next three to six months at the Hana Civic Center. So, it's, and this is where people would be able to come and access Wi-Fi. However, now that the Parks will be doing renovations, we're not sure if we can still open up our office for, for meeting purposes. So, it's just something that just came up recently. We're hoping that maybe we can move, possibly move the bus to an, to another area that's more accessible.

CHAIR LEE: Okay. Well, if you need help with that, let us know. Okay?

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR LEE: I'm sure there's a, another County facility that would be available. But we can talk about it.

Alright, any other questions? If not, all those in favor of the motion to file these items, 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: Okay, all nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

NO. 20-540 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated October 19, 2020)

Transmitting the State of Hawaii Commission on Water Resource Management water  
use reports for August 2020 for all registered well reporters in the County of Maui.

CHAIR LEE: Councilmember Yuki Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. If no objections, I'd also like to ask the  
Clerk to call up County Communications 20-541 and 542?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. So, ordered.

County Clerk. Mr. Clerk.

NO. 20-541 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated October 29, 2020)

Informing of the acceptance of Sewerline Easement "S-3", Kahului Town Site  
Subdivision, TMK: (2) 3-7-005:003 POR.

NO. 20-542 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated October 29, 2020)

Informing of the acceptance of Sewerline Easement "S-4", Kahului Town Site  
Subdivision, TMK: (2) 3-7-005:003 POR.

CHAIR LEE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I'D LIKE TO MOVE TO FILE COUNTY COMMUNICATIONS  
20-540 THROUGH 20-542.

CHAIR LEE: Okay. Any second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Ms. Sugimura, seconded by Vice-Chair Rawlins-Fernandez,  
to file the stated communications.

Ms. Sugimura, discussion?

COUNCILMEMBER SUGIMURA: Yea. Thank you, Members. These are informational and  
so no further action is required by the Council. Thank you.

CHAIR LEE: Any other comments or questions? If not, all those in favor of the motion to file  
County Communication 20-540 through 542, please raise your hand and say "aye".

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.

Mr. Clerk.

NO. 20-543 - ALICE L. LEE, COUNCIL CHAIR,  
(dated October 28, 2020)

Transmitting a proposed resolution entitled "URGING THE STATE OF HAWAI'I, UNIVERSITY OF HAWAI'I BOARD OF REGENTS, AND UNIVERSITY OF HAWAI'I COMMUNITY COLLEGES TO SUPPORT THE RETENTION AND EXPANSION OF THE ENGINEERING TECHNOLOGY PROGRAMS AT THE UNIVERSITY OF HAWAI'I MAUI COLLEGE".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
TRANSMITTED WITH COUNTY COMMUNICATION 20-543,  
AND TO FILE COUNTY COMMUNICATION 20-543.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sugimura, to, to pass, to adopt the resolution in County Communication 20-543.

Discussion, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I please request the Clerk read the resolution in it, in its entirety.

CHAIR LEE: Okay. Mr. Clerk. Can you read the resolution please?

DEPUTY COUNTY CLERK: Yes. I'm just pulling it up. Sorry, Chair.

CHAIR LEE: Oh.

DEPUTY COUNTY CLERK: Thank you.

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

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Mr. Deputy Clerk. Members, as a result of COVID, the COVID-19 pandemic, the University of Hawaii anticipates major budget deficits in the future, including possible elimination or reduction of the Engineering Technology program at UH Maui College. The purpose of this resolution is to urge the State and University to support not only the retention, but the expansion of the Engineering Technology program at UH Maui College.

This program prepares students to work in industries like high-performance computing centers, solar and wind energy production, and system administration in a variety of sectors. Industries that are some of the fastest growing in the world, and that require highly-skilled and trained individuals to meet the demands of the global workforce.

Reducing or eliminating the Engineering Technology program at UHMC runs contrary to the current trends and demands within State and globally. And an expanded program would provide graduates with the skills and knowledge, pursue local and remote work opportunities, and remain in Maui County and the State of Hawaii. Expanding training in this field could also help boost our local economy by attracting high growth companies, offering high-wage jobs to our local workforce.

So, on behalf of our Council Chair, who introduced this resolution, I would respectfully ask all Councilmembers to support the adoption of this resolution and help create more opportunities for our local students. Mahalo, Chair.

CHAIR LEE: Thank you for that. Any more discussion?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair, for introducing this bill. I just was reading over the Chancellor's testimony and I just was wonder, wondering if you did have discussion with him on this? And I guess, you know, in our own County, we have shortage of engineer, but it seems that he wanted the discussion to take place in the community. And I just was wondering if you had any discussion with him based on his testimony and the urgency for this? Is it like a timeframe that they're going to be making the decision soon to cut the program?

CHAIR LEE: I really don't know when they're planning to make the decision. I'm not against referring this matter. I actually introduced this on behalf of some citizens, including Rob Weltman of the Sierra Club. And he is an engineer. He and other people in the profession understand the tremendous need for the engineering degree to be available to our, our students, because this is the future, yea? So, if we need to make a case for it to be not eliminated, but I am not opposed to sending this to Committee for further discussion if that's what the body wants.



COUNCILMEMBER PALTIN: Oh, that's not necessary. Thanks for that insight. I just wasn't sure about where this was coming from.

CHAIR LEE: Alright. So, what would you like us to do? Do you want us, the plan was to move forward with it. But if you want, I thought you meant you want to hear more discussion on it from the community.

COUNCILMEMBER PALTIN: That, that discussion that you just gave me was sufficient.

CHAIR LEE: Oh, okay. Alright.

Yes, Ms. King. Ms. King.

COUNCILMEMBER KING: No, thank you, Chair. I, I, I support the intent behind the resolution. And I've actually personally been involved with some of the other community colleges around the State and helping with events, technology programs. And I think that, I think obviously what we're doing doesn't have the force and effect of law. And I think if this could actually inspire those discussions that Member Paltin was talking about, that we need to, as a community, come together and discuss the issues of diversifying our economy. To me this is kind of part of the heart and soul of diversifying our economy. You need the education piece. And we do all need to come together as a, as a community to discuss priorities. But I fully support this as one component of our diversified economy.

CHAIR LEE: Thank you. Any further discussion? If not, all those in favor of the motion to adopt the resolution, 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. Nine "ayes", zero "noes"; motion carries. Thank you, Members.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-157.

NO. 20-544 - ALICE L. LEE, COUNCIL CHAIR,  
(dated October 30, 2020)

Transmitting a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".

CHAIR LEE: Ms. King, were you planning to file this item?

COUNCILMEMBER KING: Well, adopt it first.

CHAIR LEE: Okay. Alright. I wasn't sure about, about this one.

Yes, Councilmember King.

COUNCILMEMBER KING: Okay. Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 20-544, AND TO  
FILE COUNTY COMMUNICATION 20-544.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Second. Okay, it's been moved by Member King, seconded by Member Hokama, to approve the proposals in County Communication 20-544.

Ms. King, discussion?

COUNCILMEMBER KING: Thank you, Chair. The waiver is not required because the proposed resolutions do not have the force and effect of law. So, similar to the proposal, the resolution that just passed.

The HSAC Executive Committee met on October 26, 2020 and recommended approval of eight proposals for inclusion in the 2021 HSAC Legislative Package. As predicted, they, the deadline was moved and we actually, on HSAC, didn't even really set a firm second deadline, because we don't know when, when those, these same approvals will come in from the other counties.

But the Package contains eight proposed State bills: A proposal from Maui County to allocate an additional 15 percent of liquor fines collected per year to be used to fund alcohol addiction treatment programs; A proposal from Maui County to implement single payer health insurance; A proposal from Maui County to allow counties to regulate the number of rental cars; A proposal from Maui County to amend the Sunshine Law and to continue to allow meetings by video conference even after the COVID-19 emergency. Those are the four from Maui County. And thank you, Member Paltin for addressing this issue at our HSAC meeting.

A proposal from Kauai County to improve policies for the transfer of titles to motor vehicles; a proposal from Kauai County to require vehicle registration fees for rental cars; a proposal from Kauai County to require that the cost of towing and disposal are paid as a condition of vehicle registration.

And lastly, a proposal from City and County of Honolulu to require the State to provide diagnostic and antibody tests free of charge to those unable to pay for them and by mandating health insurance coverage for diagnostic and antibody tests.

So, these, each of the four counties is required to review and approve the final package of proposals as approved by the HSAC Executive Committee before being sent to the State Legislature for the 2021 Legislative Session. The Legislature typically requests the bills by early December from HSAC. I respectfully ask for the Council's support. And I also would like to, Chair, if, if it's okay, offer Member Paltin any chance that she would like to comment, as she is the alternate HSAC member and attended this meeting that, when we approved these bills.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I don't have much to add. You know, we did have a, a lobbyist that was hired by HSAC. And his main point would be to get things going faster than later. And if anyone has any questions, I can try and answer them. Thank you.

CHAIR LEE: Any questions from the Members? If not, 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.

CHAIR LEE: Okay. Opposed, "nay", raise your hand.

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-158.

Chair, proceeding with County Communications for referral. The following County Communications and General Communications are recommended for referral to the following Committees as noted:

NO. 20-545 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,  
(dated November 2, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 12.55, MAUI COUNTY CODE, PROHIBITING THE DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WITHOUT SIMULTANEOUS PROVISION OF WRAP-AROUND SERVICES".

The recommended action is that County Communication 20-545 be referred to the Affordable Housing Committee.

(COUNTY COMMUNICATION NO. 20-545 WAS LATER FILED AND THE MATTER RELATING TO DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WAS REFERRED TO THE AFFORDABLE HOUSING COMMITTEE. See pages 105 through 109 for discussion.)

NO. 20-546 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated October 19, 2020)

Transmitting the Short-Term Investment Reports as of September 30, 2020 (Fiscal Year 2021 First Quarter).

The recommended action is that County Communication 20-546 be referred to the Economic Development and Budget Committee.

NO. 20-547 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated October 21, 2020)

Transmitting the Supplemental Summary of Total Funded Indebtedness Outstanding as of September 23, 2020, with supporting schedules detailing the bonds and loans included in the Supplemental Summary.

The recommended action is that County Communication 20-547 be referred to the Economic Development and Budget Committee.

NO. 20-548 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated November 2, 2020)

Relating to the acquisition of real property located at 20 South Church Street, TMK: (2) 3-4-013:010 and (2) 3-4-013:023 POR.

The recommended action is that County Communication 20-548 be referred to the Economic Development and Budget Committee.

NO. 20-549 - SANDY BAZ, MANAGING DIRECTOR,  
(dated October 20, 2020)

Transmitting the Fiscal Year 2021 1<sup>st</sup> Quarter CIP Reports.

The recommended action is that County Communication 20-549 be referred to the Economic Development and Budget Committee.

NO. 20-550 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,  
(dated October 30, 2020)

Transmitting a proposed resolution entitled "APPROVING PAYMENT OF THE TRAFFIC MITIGATION FEE FOR WEST MAUI FOR THE KAIAULU O KUPUOHI AFFORDABLE HOUSING PROJECT".

The recommended action is that County Communication 20-550 be referred to the Economic Development and Budget Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 20-550 WAS ADOPTED LATER IN THE

MEETING AND ASSIGNED RESOLUTION NO. 20-163.  
COUNTY COMMUNICATION NO. 20-550 WAS THEN FILED. See  
pages 71 through 94, and 127 through 137 for discussion.)

NO. 20-551 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated October 29, 2020)

Transmitting the Budget Implementation Report as of September 30, 2020 (Fiscal Year  
2021 First Quarter).

The recommended action is that County Communication 20-551 be referred to the Economic  
Development and Budget Committee.

NO. 20-552 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated November 2, 2020)

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  
APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE  
OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND  
PROGRAMS, OFFICE OF THE MAYOR, COVID-19 DISASTER RECOVERY GRANT,  
COVID-19 EMPLOYMENT RECOVERY GRANT".

The recommended action is that County Communication 20-552 be referred to the Economic  
Development and Budget Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY  
COMMUNICATION NO. 20-552 WAS PASSED ON FIRST  
READING LATER IN THE MEETING AND ASSIGNED BILL  
NO. 115 (2020). COUNTY COMMUNICATION NO. 20-552 WAS  
THEN FILED. See pages 55 through 59, and 109 for discussion.)

NO. 20-553 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated November 2, 2020)

Transmitting the following proposed bills entitled:

1. "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, OFFICE OF THE MAYOR, STATE OF HAWAII – UPCOUNTRY MAUI AGRICULTURAL PARK"; and

2. "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, OFFICE OF THE MAYOR, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, STATE OF HAWAII – UPCOUNTRY MAUI AGRICULTURAL PARK".

The recommended action is that County Communication 20-553 be referred to the Economic Development and Budget Committee.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 20-553 WERE PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NOS. 116 (2020), AND 117 (2020). COUNTY COMMUNICATION NO. 20-553 WAS THEN FILED. See pages 60 through 63, and 109 for discussion.)

NO. 20-554 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated November 2, 2020)

Transmitting the following proposed bills entitled:

1. "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 PLANNING, WEST MAUI TRANSIT-ORIENTED DEVELOPMENT (TOD) CORRIDOR PLAN"; and
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PLANNING, WEST MAUI COMMUNITY PLAN AREA, WEST MAUI TRANSIT-ORIENTED DEVELOPMENT (TOD) CORRIDOR PLAN".

The recommended action is that County Communication 20-554 be referred to the Economic Development and Budget Committee.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 20-554 WERE PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NOS. 118 (2020), AND 119 (2020). COUNTY COMMUNICATION NO. 20-554 WAS THEN FILED. See pages 63 through 67, and 110 for discussion.)

NO. 20-555 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated November 2, 2020)

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 APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF THE PROSECUTING ATTORNEY, CHILDREN'S PEACE CENTER; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION, COUNTYWIDE FEDERAL AID PROGRAM".

The recommended action is that County Communication 20-555 be referred to the Economic Development and Budget Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 20-555 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 120 (2020). COUNTY COMMUNICATION NO. 20-555 WAS THEN FILED. See pages 67 through 69, and 110 for discussion.)

NO. 20-556 - ERIC A. NAKAGAWA DIRECTOR OF ENVIRONMENTAL MANAGEMENT, (dated October 6, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

The recommended action is that County Communication 20-556 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

(COUNTY COMMUNICATION NO. 20-556 WAS LATER REFERRED TO THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE AND THE MATTER RELATING TO THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI SANITARY LANDFILL



SUBDIVISION WAS REFERRED TO THE WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE. See pages 103 through 105, and 109 for discussion.)

NO. 20-557 - KELLY TAKAYA KING, COUNCILMEMBER,  
(dated November 2, 2020)

Transmitting a proposed resolution entitled "URGING THE MAYOR TO ESTABLISH A RAPID RESPONSE COVID-19 TASK FORCE".

The recommended action is that County Communication 20-557 be referred to the Governance, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 20-557 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 20-159. THE MATTER RELATING TO A RAPID RESPONSE COVID-19 TASK FORCE WAS REFERRED TO THE HEALTHY FAMILIES AND COMMUNITIES COMMITTEE. COUNTY COMMUNICATION NO. 20-557 WAS THEN FILED. See pages 95 through 102, and 109 for discussion.)

NO. 20-558 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,  
(dated October 21, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO MAUI YOUNG MEN'S CHRISTIAN ASSOCIATION".

The recommended action is that County Communication 20-558 be referred to the Healthy Families and Communities Committee.

NO. 20-559 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,  
(dated October 27, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO PAIA YOUTH COUNCIL, INC.".

The recommended action is that County Communication 20-559 be referred to the Healthy Families and Communities Committee.

NO. 20-560 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated October 30, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING AN ARTS COMMISSION".

The recommended action is that County Communication 20-560 be referred to the Healthy Families and Communities Committee.

NO. 20-561 - MICHELE MCLEAN, PLANNING DIRECTOR,  
(dated October 15, 2020)

Transmitting the Planning Department's fourth report on the status of all active conditional permits.

The recommended action is that County Communication 20-561 be referred to the Planning and Sustainable Land Use Committee.

### GENERAL COMMUNICATIONS

NO. 20-5 - NATALIE I. KIEHM, A&B PROPERTIES HAWAII, LLC,  
(dated October 22, 2020)

Submitting the 2020 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

The recommended action is that General Communication 20-5 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-6 - CAROL K. REIMANN, A&B PROPERTIES HAWAII, LLC,  
(dated October 8, 2020)

Submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District & PK-1 Neighborhood Park District.

The recommended action is that General Communication 20-6 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Are there any objections to referring the items to, oh, we have several already.

Alright. Ms. Rawlins-Fernandez, Ms. Sugimura, and then Ms. King.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-552

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I have several, starting with CC 20-552, from the Budget Director.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

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

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

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

Any discussion? Ms. Rawlins-Fernandez?

No discussion? All those in, all those in favor say "aye", raise your hand.

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

COUNCILMEMBER MOLINA: Wait, wait. Chair.

CHAIR LEE: For the waiver. This is for the waiver.

COUNCILMEMBER MOLINA: Oh for, yea, okay.

CHAIR LEE: Okay. And then, any objections, any "noes"?

NOES: NONE.

CHAIR LEE: Okay, it's unanimous; nine "ayes" zero "noes".

Ms. Rawlins-Fernandez.

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 20-552.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sugimura, to, to pass the bill on first reading. Any further discussion?

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I, of the Fiscal Year 2021 Budget by adding two new appropriations entitled: 1) COVID-19 Disaster Recovery Grant in the amount of \$50,000; and 2) COVID-19 Employment Recovery Grant in the amount of \$475,000.

The COVID-19 Disaster Recovery Grant will provide disaster-relief and humanitarian assistance employment, as well as employment and training services to minimize the employment and economic impacts of the COVID-19 pandemic.

The COVID-19 Employment Recovery Grant will provide resources to respond to major economic dislocations, such as mass layoffs as a direct impact from the COVID-19 pandemic.

Budget Director Yoshimura is available to answer any questions the Members might have. I ask for the Members support of this motion.

CHAIR LEE: Alright. Any questions or comments, Members?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Just a question for Budget Director Yoshimura. Are these grants specifically for businesses or will employees have access to these funds? And will the County or a nonprofit be distributing these funds? And if it is a nonprofit, at this point, who will be in charge of distribution?

CHAIR LEE: Ms. Yoshimura.

COUNCILMEMBER MOLINA: Sorry, I know its kind of a heavy loaded, two questions or three questions.

CHAIR LEE: Ms. Yoshimura.

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, thank you. So, I do have JoAnn Inamasu available online. She, her office will be administering the grants, so I will defer those questions to her. Thank you.

CHAIR LEE: Ms. Inamasu.

ECONOMIC DEVELOPMENT DIRECTOR JOANN INAMASU: Hi. Thank you, Chair. And thank you, Councilmember Molina, for those questions. The workforce programs are administered through our office. We have Linda Puppulo heading the workforce programs, we have several different things going on here.

With these two grants that we're asking for approval on, the receipt of, these were grants that we, our office wrote for through the USDOL. And so, these are in response to that. But it is, it will be executed through our office with staff. We have rapid response staff Maureen Harvey on staff here, working down at the Maui American Job Center. But all of this will be administered through our office and not through a nonprofit. The intention is to service individuals in need, whether it be for training or job searching. We're upscaling in that way. So, I hope that answers your question, Councilmember.

COUNCILMEMBER MOLINA: Yea, yea. Thank you, Ms. Inamasu. I appreciate that. Thank you, Madam Chair.

CHAIR LEE: Okay. Any more questions?

Alright, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Inamasu. I just was wondering if folks are interested in new job training, do they just go to the website, the County website for OED? Or how would folks know the process to access these funds?

ECONOMIC DEVELOPMENT DIRECTOR: Thank you, Councilmember. We have had it out there for a while. There's actually several, couple options I would say. They could either contact the Maui American Job Center. And that's our office currently located down at the Maui Mall. They can do that online. Another way of doing a job search at their leisure and their time, is through the Maui County Virtual Job Fair. And I think I've mentioned this rather briefly, previously. But it was developed through our office in partnership with the University of Hawaii Maui College. So, that is both for job seekers and for employers.

The same help goes with Maureen Harvey and Karen Arakawa down at the Maui American Job Center and the Maui County Business Resource Center; is that they offer services, whether it be job search for job seekers or employers looking to, looking for employees, qualified employees. They also have access to different training programs. And they also have different programs through partners. So, if the individuals qualify, they can, their training can be taken care of, can be paid for. And that's in partnerships with different agencies here, community nonprofits, as well as with the college and different training agencies too. So, we try to get them from different angles, again, services for both the job seeker and for the employer.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, JoAnn. Good to see you. So, I just wanted to clarify for the public. We're, this is not, this, this motion is not to create any new programs. It's just adding new monies that you folks wrote grants for and received to the existing programs, correct?

ECONOMIC DEVELOPMENT DIRECTOR: You are correct, Councilmember. It is a very tough time for everyone and trying to get these programs in line, getting services out to the community. And, you know, it's been a challenge trying to get it, especially Molokai, Lanai, looking at different services for them, reacting to different things that

have arisen, whether it be layoffs or furloughs, and reacting to that. But this is where we're trying to look for some outside money to help leverage what we already have. So, thank you.

COUNCILMEMBER KING: Okay. Well, thank you for your good work on that and, and proving that we made a good move in adding another grant writer to your office.

ECONOMIC DEVELOPMENT DIRECTOR: Absolutely. And credit goes to Linda Puppolo with the program, and also Claudine Perry that helps us a great deal as well. So, thank you.

COUNCILMEMBER KING: Yea, thank you to both of them.

CHAIR LEE: Alright. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, thank you, JoAnn for being here this morning. So, with all the grants that were received, is any of that to be used to add additional staff to your office, or for the American Job Center?

ECONOMIC DEVELOPMENT DIRECTOR: We are trying to get another body there. So, we're looking at portions. We will take a percentage from one grant to leverage with another percentage to make some coverage there. But we are trying to add in at least one more body to assist at the American Job Center.

CHAIR LEE: Any more questions? If not, ready for the vote? 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: Okay, I see nine "ayes", zero "noes"; motion carries. Thank you.

Mr. Clerk, next item.

Or, Vice-Chair Rawlins-Fernandez.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-553

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. CC 20-553.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sugimura, to waive the Rules of the Council on this item.

Any discussion? If not, all those in favor of motion, say "aye", raise your hand. This is to waive the Rules.

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST  
READING, INCORPORATING ANY NONSUBSTANTIVE  
REVISIONS, AND TO FILE COUNTY COMMUNICATION  
20-553.

COUNCILMEMBER SUGIMURA:

SECOND.



COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER KING: Second.

CHAIR LEE: Yes, Ms. Sugimura. Oh, second? Oh, I was wondering. Seconded by Ms. Sugimura. Okay.

Let's have discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bills would amend Appendix A, Part I, and Appendix C of the Fiscal Year 2021 Budget by adding a new appropriation under the Office of the Mayor entitled "State of Hawaii – Upcountry Maui Agricultural Park", in the amount of \$3,500,000. The funds are for agricultural infrastructure and the relocation of an existing water pump.

Budget Director Yoshimura is available to answer any of the questions Members may have. And I ask for the Members support of this motion.

CHAIR LEE: Alright. Any questions?

Yes, Ms. King.

COUNCILMEMBER KING: Just a, thank you, Chair, just a clarification from Ms. Yoshimura. The \$3.5 million is from the State, State funds?

CHAIR LEE: Ms. Yoshimura.

BUDGET DIRECTOR: Chair, Councilmember King, yes, it is from the State.

COUNCILMEMBER KING: Okay. I remember that, that was the promise when we agreed to purchase the property, so just clarifying. Thank you.

CHAIR LEE: I saw Mr. Molina's hand up.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I guess for Director Yoshimura, just a couple of general questions. The, any matching funds being required from the County for this? And I guess, this, I guess the series of infrastructure, I guess improvements, how is this similar to the Kula Ag Park? Just more as an FYI. Just curious.

BUDGET DIRECTOR: Chair Lee, Councilmember Molina, I will again defer to JoAnn Inamasu. She has all the details on the project. Thank you.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: Ms. Inamasu.

ECONOMIC DEVELOPMENT DIRECTOR: Hi. Good morning, Chair, again. And good morning, Councilmember Molina, again. With regards to the park itself, we are looking at what we've done at the Kula Ag Park or what has been done. And I think I came before Committee to talk about what the new ag park would look like and seriously considered.

We haven't done the whole division of any sort, with regards to property. But there was also a need and I shared that with Councilmembers; the need for smaller parcels. . . . at the organic farmers not needing your whole ten acres, but maybe five acres instead. So, all of that has been taken into consideration. But the access to these funds would allow us to move forward in that planning process, in the planning and design, as well as moving the pump to access water for the park itself.

COUNCILMEMBER MOLINA: Okay. And so, no matching, no matching funds required from us, and you're getting, soliciting input from all facets of the agricultural community for this?

ECONOMIC DEVELOPMENT DIRECTOR: That is correct.

COUNCILMEMBER MOLINA: Okay. Great. Thank you.

ECONOMIC DEVELOPMENT DIRECTOR: Thank you.

CHAIR LEE: Any more questions? 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.

Alright. Mr. Clerk, next one. Third and last.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Yes, Councilmember, I mean, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, first a question. Do you see Member Hokama on your screen? Cause I don't see him on my screen. For voting purposes. Oh, there, okay, I see Member Hokama again.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Alright.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-554

VICE-CHAIR RAWLINS-FERNANDEZ: CC 20-554.

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

COUNCILMEMBER PALTIN:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

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

Any discussion? All those in favor, say "aye", raise your hand, to waive the Rules.

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.

Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST  
READING, INCORPORATING ANY NONSUBSTANTIVE  
REVISIONS, AND TO FILE COUNTY COMMUNICATION  
20-554.

CHAIR LEE: Second? Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: No, I'm not seconding. Okay. Vice-Chair Rawlins-Fernandez moved, and seconded by Councilmember King, to pass the proposed bills on first reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I, and Appendix C of the Fiscal Year 2021 Budget by adding a new grant under the Department of Planning entitled "West Maui Transit-Oriented Development (TOD) Corridor Plan", in the amount of \$500,000.

The State Office of Planning approved funding for the West Maui TOD Corridor Plan. The plan would advance State and County objectives, or TOD, by improving mobility, community life and opportunities for residents and visitors to West Maui.

Again, Budget Director Yoshimura and Planning Director McLean are available to answer any questions Members may have. I ask for the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Okay. Questions?

Ms. Sugimura, and then Ms. Paltin.

COUNCILMEMBER SUGIMURA: So, is, Ms. Yoshimura, is this, this is the only TOD that I know of is not to go to West Maui, but it's the Kaahumanu corridor from Wailuku down to the, towards the bus hub? Is this the same project, or did we get a new project?

BUDGET DIRECTOR: This is an additional project. We got a new one.

COUNCILMEMBER SUGIMURA: Oh, okay.

BUDGET DIRECTOR: So, the one for Central Maui is still ongoing. This is in addition to that.

COUNCILMEMBER SUGIMURA: Oh, okay. Thank you.

CHAIR LEE: Okay. Ms., Ms. Paltin and then Mr. Molina. Or was it, Ms. King?

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Oh. Okay.

COUNCILMEMBER KING: No.

CHAIR LEE: You had your hand up, yea, Ms. Paltin?

COUNCILMEMBER KING: No, I have no further discussion, Chair.

CHAIR LEE: Okay. Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I speak in support of the motion. This was a competitive grant from the State Office of Planning that resulted in \$500,000 for the West Maui Corridor from Lahaina Civic Center through Whaler's Village. And, you know, the timing is perfect coming on the heels of the West Maui Community Plan. We're very lucky to get this money and just encourage my colleagues to move it forward. Thank you.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. And, you know, since this was a somewhat late addition to the budget, you know, I think it's a good, something very positive. But because the West Maui community, as Member Paltin knows, is a very active and engaged community, maybe for Director McLean, can we get an explanation on the formation of the membership of the technical advisory committee, and how the community is to be actively engaged in this planning process?

CHAIR LEE: Ms. McLean. Planning Director, are you there?

DEPUTY PLANNING DIRECTOR JORDAN HART: Chair. Deputy Director Jordan Hart.

CHAIR LEE: Yes, Mr. Hart.

DEPUTY PLANNING DIRECTOR: So, the, the formation of the TAC would be modeled on the Kaahumanu Avenue Transportation Corridor, which would be consisting of experts in the field and the community relating to the subject matter.

COUNCILMEMBER MOLINA: Okay. And then as far as your engagement of the planning process.

DEPUTY PLANNING DIRECTOR: There would be a significant engagement component of the project and that would be planned, the way it would unfold is that there would be an RFP to select a consultant. The, the outreach plan would be outlined in the proposals that are received and then further established prior to contract execution.

COUNCILMEMBER MOLINA: Okay, great. Alright. Thank you, Mr. Director. Thank you, Madam Chair.

CHAIR LEE: Any more questions? If not, ready to vote?

COUNCILMEMBER KING: Oh, Chair, I think Mr. Hokama has--

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Mr. Hokama has his hand up.

COUNCILMEMBER HOKAMA: Chair.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: No questions. I want to just speak in support of the motion. I think this is another great example of having Council continue to support more regionalized efforts in planning for our infrastructure. And I particularly, I would agree with my colleague Ms. Paltin. Particularly between the Cannery Mall and the Whaler's Village component; that corridor that the road passes that is close to the shoreline, I would assume that this TOD would really look at the sea level rise issue and see whether the corridor is actually in the right place in that area between Cannery Mall and Whaler's Village because of its proximity to the shoreline. So, I think this is great

stuff, planning and moving forward the Council's initiatives to continue to invest in this type of regional planning. Thank you, Chair.

CHAIR LEE: Any more comments or questions? If not, 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: Nine "aye", zero "noes"; motion carries. Thank you.

Thank you, Mr. Hart.

Mr. Clerk.

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

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-555

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. CC 20-555.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

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

COUNCILMEMBER KAMA:

SECOND.

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

Any discussion? 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: Nine "ayes", zero "noes"; motion carries.

Vice-Chair Rawlins-Fernandez.

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 20-555.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Yuki, Councilmember Yuki Lei Sugimura.

Okay. Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix C by 1) adding construction management to the project description for the Children's Peace Center, Department of the Prosecuting Attorney; and 2) correcting a reference in the Countywide Road Resurfacing and Pavement Preservation, Countywide Federal Aid Program, Department of Public Works from County CIP to Federal Aid.



Budget Director Yoshimura is available to answer any questions the Members might have. And I thank the Members for helping to clear the Budget Committee of all these items, and to . . . expeditiously. Mahalo for the Members support. Mahalo, Chair.

CHAIR LEE: Okay, you know what, we changed our minds. Nah, just kidding.

Alright, we have, any more discussion? Any more discussion? None, zero? 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: Very good. Nine, zero; motion carries.

That was the last one, right, for you?

Mr. Clerk.

BUDGET DIRECTOR: Thank you, Chair.

CHAIR LEE: Oh, you're welcome. Was that Ms. Yoshimura--

BUDGET DIRECTOR: Thank you, Vice-Chair Rawlins-Fernandez.

CHAIR LEE: --who said that?

BUDGET DIRECTOR: Yes. Thank you.

CHAIR LEE: Okay. Don't forget us when we need something now.

COUNCILMEMBER HOKAMA: Chair.

CHAIR LEE: Yes, Mr. Hokama.

BUDGET DIRECTOR: Okay.

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-536

COUNCILMEMBER HOKAMA: Before we lose Budget Director Yoshimura, I would just like to bring up one point please. And I apologize. I just caught it since we're going through all the budget amendments for my colleague Ms. Rawlins-Fernandez. I would just ask, regarding the Communication 20-536, I know we did a filing unanimously, but I notice that it came from the County Clerk; the grant award. And I, you know, I hate to be bringing up last minute, but I just want to make sure we don't forget. I'm assuming someone has to send a budget amendment down for us to officially place this generous grant into our budget.

CHAIR LEE: Oh.

COUNCILMEMBER HOKAMA: And until we do that, we cannot officially receive the money. Is that accurate?

CHAIR LEE: Mr., Mr. Hokama.

COUNCILMEMBER HOKAMA: Yes, Chair.

CHAIR LEE: The County Clerk can explain that. It, this item will be coming up again.

COUNCILMEMBER HOKAMA: Okay.

CHAIR LEE: And so, she can explain it further. Kathy are you on the line?

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR LEE: Okay. Maybe she's not on the line.

COUNTY CLERK KATHY L. KAOHU: Can you hear me?

CHAIR LEE: Okay. There, yea, alright. Kathy.

COUNTY CLERK: Sorry. Yes, this is a communication to notify the Council of the award. And we're working with the Budget Director to put together a budget amendment that will hopefully make the November 20 Council meeting agenda.

COUNCILMEMBER HOKAMA: Thank you for that clarification, Ms., Madam Clerk and Chair. Thank you.

CHAIR LEE: Good catch. I knew it was coming up again, so I didn't think it, there would need, there would be a need for explanation.

Other questions? I saw hands. Ms. King.

COUNCILMEMBER KING: Yea, Chair, I had a, a motion I wanted to make. But I think Ms. Kama was before me when we, you know, we went through the list of people, of Councilmembers who wanted to address some of the referrals. Was Ms. Rawlins-Fernandez, then Ms. Kama, then myself, so.

CHAIR LEE: Okay. Ms. Kama.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-550

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO WAIVE COMMITTEE REFERRAL OF COUNTY  
COMMUNICATION 20-550.

CHAIR LEE: 550.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Oh, okay. Been moved by Member Kama, seconded by Member Sugimura, to, to waive the Rules of the Council regarding County Communication 20-550. Alright.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Any further discussion on that, to waive the Rule? Okay, 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.

CHAIR LEE: Is that nine "ayes"? Any "noes", by the way? Any "noes"?

NOES: NONE.

CHAIR LEE: Nine "ayes"; motion carries.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

MEMBERS, I MOVE TO ADOPT THE RESOLUTION ATTACHED TO COUNTY COMMUNICATION 20-550 WITH THE FOLLOWING AMENDMENTS: 1) IN PARAGRAPH 1 AFTER THE "BE IT RESOLVED" TO STRIKE THE AMOUNT OF "\$1,780,000" AND REPLACE IT WITH "\$1,355,000"; IN PARAGRAPH 2 TO STRIKE, "AND THE BALANCE OF \$445,000 MUST BE MADE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PROJECT"; AND TO FILE COUNTY COMMUNICATION 20-550.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, it's been moved by Member Kama, seconded by Member King, to make amendments to, to this proposed resolution in County Communication 20-550.

Discussion, Ms. Kama?

COUNCILMEMBER KAMA: Thank you. Chair, could you please ask the Clerk to distribute the Amendment Summary Form that they're holding for this matter?

CHAIR LEE: Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. Yes, we've, we've distributed the ASF--

COUNCILMEMBER KAMA: Thank you.

DEPUTY COUNTY CLERK: --that Councilmember Kama submitted. Chair, staff would just like to clarify that, so is the motion on the floor both to adopt and, adopt and amend that resolution at the same time? Or, apologies, we just wanted clarification on what the intent with the motion was.

COUNCILMEMBER KAMA: Yes, to adopt with the amendments.

CHAIR LEE: What is your question, Mr. Clerk.

DEPUTY COUNTY CLERK: No, well, just typically--

COUNCILMEMBER HOKAMA: Point of order, Chair.

DEPUTY COUNTY CLERK: --it would be done with, oh.

CHAIR LEE: Okay, Mr., Mr. Hokama.

COUNCILMEMBER HOKAMA: Madam Chair, my, my experience in procedure is that you cannot have an amendment till you have the main motion to adopt the original resolution as agendized for today's meeting.

CHAIR LEE: Yes. And that is the reason why we did it in that order, Mr. Clerk. But what's troubling you?

DEPUTY COUNTY CLERK: Oh, no. Well, it seems to me that Presiding Officer Pro Tempore Kama's motion is like an a, to adopt and amend at the same time. But instead of, I guess the typical procedure would be to have a main motion to adopt and then make an amending motion to make the appropriate amendment.

CHAIR LEE: Well, I believe she, there was a main motion to adopt.

COUNCILMEMBER KAMA: With the following amendments. That's, I think that's--

CHAIR LEE: Oh, I see, I see.

COUNCILMEMBER KAMA: --what Mr. Clerk is--

CHAIR LEE: I see. Okay, now I understand. Yea, those are two separate actions, okay?

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: So, we'll just take, we'll just take the first, the motion to adopt the resolution.

CHAIR LEE: Yea, right.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: All those in favor of adopting the propo, the resolution--

DEPUTY COUNTY CLERK: Chair, Chair.

COUNCILMEMBER KING: Wait.

CHAIR LEE: Yes.

COUNCILMEMBER KING: Point of order. I think we need to put the motion on the floor and then hear the amendments before we vote on the main motion.

So, the motion is made by Member Kama, I seconded the motion, and now she has to make a separate motion for the amendments before we vote.

CHAIR LEE: Okay, so, alright, now, because initially she said to adopt with amendments.

COUNCILMEMBER KING: Right.

COUNCILMEMBER KAMA: Right.

CHAIR LEE: So, we can't adopt with amendments. We have to adopt first, and then she makes, or somebody makes amendments.

COUNCILMEMBER KING: No, we don't, we don't make, we don't adopt the main motion yet. We just have the main motion is on the floor.

CHAIR LEE: No, no.

COUNCILMEMBER KING: The amendments come to the main motion.

CHAIR LEE: Right. Right.

COUNCILMEMBER KAMA: Right. So, how would we--

CHAIR LEE: We have the adoption first.

COUNCILMEMBER KAMA: Right. So, I'm going to read the amendments, right? And then we adopt the amendments.

CHAIR LEE: Okay. Well, well, let's, just let, make sure, Mr. Clerk, repeat who made the motion, who made the second on the, the adoption of the first motion. Okay. Where was it now; 552?

COUNCILMEMBER KAMA: Ms. King.

DEPUTY COUNTY CLERK: Right.

COUNCILMEMBER KAMA: The second.

DEPUTY COUNTY CLERK: So, the current amend, the current motion that we have on the floor, as staff understands it, was to adopt the resolution with amendments and to file the communication that was made by Councilmember Kama, seconded by Councilmember King. But appropriate procedure would be to just have a motion to adopt and file, and then amend that motion with whatever amendments the body wants to make.

COUNCILMEMBER KING: Right.

COUNCILMEMBER KAMA: Correct.

CHAIR LEE: Well, you know, that's what we're trying--

COUNCILMEMBER KING: I think she--

CHAIR LEE: Wait, wait, wait everybody. That's what, exactly what we're trying to do.

COUNCILMEMBER KING: No, but--

CHAIR LEE: We're going to go back to, for clarification purposes, we're going to start all over again. Instead of that double motion of adoption plus--

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: --amendments. We're separating that out and making it real clear that the motion now is to adopt the resolution, period.

COUNCILMEMBER KING: Right.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Good. Okay.

COUNCILMEMBER KAMA: So, I will do that.

CHAIR LEE: So, I wanted to make sure, Mr. Clerk, who made the motion and who seconded it. So, you said, Mr., Ms. Kama made the motion and Ms. King seconded, made the second? Okay.

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Now we're ready for the next action, right? I mean, why, why are you looking puzzled? I mean, what is, what is bothering you, Mr. Clerk?

COUNCILMEMBER KING: I think he's; I think he's bothered by not understanding that the motion on the floor is just to adopt the original resolution, and then my second. We went back, we went, we backtracked, and we got rid of the adopt the amendment.

CHAIR LEE: Yea, we back, we, we already backtracked. I mean, what else are you thinking of?

DEPUTY COUNTY CLERK: No, no, no. Chair, yea, if, if, yea, yea, no, everything's fine now. If the understanding that the motion on the floor is to adopt--

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Adopt the resolution.

DEPUTY COUNTY CLERK: --the resolution, then--

CHAIR LEE: Yea. Yea.

COUNCILMEMBER KAMA: And file the county communication.

CHAIR LEE: Because we, we do not want to move forward until everything is clear, yea?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: And then try and go back again. So, okay, we're at the first step.

Yes, Ms. Rawlins-Fernandez.



VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly. Perhaps we can completely clear the slate and withdraw all motions on the floor. And then that way, it, it's clear for the record where we are; Member Kama making the motion to adopt, second, and then Member Kama making the motion to amend, and then second.

CHAIR LEE: Yes, and that's exactly what we're doing. Exactly. So, we did the first one.

VICE-CHAIR RAWLINS-FERNANDEZ: Withdrawing.

CHAIR LEE: We adopted the, huh?

VICE-CHAIR RAWLINS-FERNANDEZ: But first to withdraw the motion that Member Kama initially made with the amendment, to clear the slate, the record.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER KAMA: Okay, let's clear the slate.

I WILL WITHDRAW.

CHAIR LEE: Okay. And then, Ms. King--

COUNCILMEMBER KAMA: And we're going to begin again.

CHAIR LEE: --withdraws her second.

COUNCILMEMBER KAMA: We'll begin again. Thank you.

CHAIR LEE: And we'll start all over again, okay?

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: One, two, three, go.

COUNCILMEMBER KAMA:

I MOVE, I MOVE TO ADOPT THE RESOLUTION ATTACHED  
TO COUNTY COMMUNICATION 20-550, AND TO FILE  
COUNTY COMMUNICATION 20-550.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Mr. Clerk, you got that? Alright?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay. And then, let's have a discussion on the motion.

Ms. Kama.

COUNCILMEMBER KAMA: I move to amend; I move to amend the resolution--

CHAIR LEE: Well, before you, Ms., Ms. Kama, before you move to amend, why don't you explain to us what is the, what is the original motion about?

COUNCILMEMBER KAMA: Oh, okay. So, earlier this, this morning, Mr. Fischer came and gave testimony that the resolution says that they will give to the County one, \$1,780,000 for the traffic mitigation. But what they're saying now is that they can't do that, but they can give \$1,355,000 right now for their project to continue to go on. And that's what the motion is all about. So, it's to, to allow them to just pay \$1,355,000 and not, and not pay the balance of 455,000 at the end of the, before the project is ready for occupancy. Just those two things.

CHAIR LEE: Okay, is everybody, is everybody clear on the, on that, on the issue?

COUNCILMEMBER KING: Chair. Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: I think what Ms. Kama was explaining was the actual amendment that she intends to make, not the original motion.

COUNCILMEMBER KAMA: Right. You're right. You're right. You're right, that is the amendment. But the motion--

COUNCILMEMBER KING: So, I, I think--

COUNCILMEMBER KAMA: . . . motion.

CHAIR LEE: Alright, don't have to repeat. Ms. Kama.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: I don't think we need to hear it again. Okay, so you, you kind of covered everything in, in your explanation; the original motion plus what you're planning to do. So, at this point, let's ask everyone if they have any questions about this.

COUNCILMEMBER KAMA: On the amendments.

CHAIR LEE: On anything.

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have several questions. One, regarding the urgency of this and not allowing it to go to Committee for further discussion. Another question is that they, you know, and I guess I would prefer to have this in, in, this discussion in Committee to understand better why a commitment that was made as a condition of this project is now not being honored.

CHAIR LEE: Okay, let's, let's answer the first one, question.

Ms. Kama.

COUNCILMEMBER KAMA: The urgency of the matter is because they are ready to break ground and they need their money now. And they are short as it is. But Mr., Mr. Fischer is on the line right now if you folks want to ask him any other questions you might want to ask of him. But that was my understanding is what the urgency is, that they're ready to go and they're ready to start.

CHAIR LEE: So, so in other words, the timing is such that the preference is that we deal with it today and not send this to Committee, which would take several weeks to dispose of?

COUNCILMEMBER KAMA: Correct.

CHAIR LEE: . . . the idea. Okay, what is your second question, Ms. Rawlins-Fernandez? Cause other people have questions, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, so, we, your amendment is to forgive the remaining 400,000-ish balance and not just defer payment?

COUNCILMEMBER KAMA: It's to, they promised, like you said earlier, \$1,780,000. And they're saying they can't give 1780, they can only give \$1,355,000. So, I guess if you want to say the \$445 [sic], to be forgiven, you could say that. But it's, that's what they'd like to be able to pay, is the 1.355.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: For the traffic mitigation.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay, let's get, get all the questions together.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I'm along the lines of Council Vice-Chair Rawlins-Fernandez to the urgency and why. Because we're asking now, something that was originally agreed upon 1.7, now the developer is asking us to reconsider, reduce the amount. And I don't know if someone from Administration can answer, who's driving this? Was it the developer? Or is this the Administration as well? There's just, there's just some questions that I think need to be answered. But I think would be more appropriate for Committee. But if there is a time-sensitivity to this, then what exactly is this deadline we're working with. So, those are kind of my questions.

CHAIR LEE: Okay. Ms. Sugimura had a question, then Ms. King.

COUNCILMEMBER KAMA: Chair, did you want Department to answer Mr. Molina's question?

COUNCILMEMBER SUGIMURA: I think . . . Linda Munsell--

CHAIR LEE: No, I'd like to ask all the questions now.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: And then have Mr. Fischer answer and any relevant department.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Mr. Bigley sent us an email explaining this. But if Ms. Munsell and Mr. Fischer; Ms. Munsell and/or Mr. Fischer wants to explain, it's

probably more direct, rather than just this email. But there is an email describing it, about the November 30 ready to closing, financially closing the week of November 30. All other sources are in place, and so that's why there's an urgency to take it up now for the project. But Ms. Munsell and/or Mr. Fischer probably could explain better.

CHAIR LEE: Ms. King.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: I got to leave for a 12:00 meeting. And I wanted to, sorry, it's my meeting that I scheduled during lunch. I got to leave.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Okay, so, I, I agree with Ms. Sugimura. But I, I did read those memos and had that discussion. But we're discussing an amendment that hasn't been proposed yet, so just wondering, should we, should we ask Member Kama to propose the amendment and get a second, and then go forward with the reasons for the amendment?

CHAIR LEE: Okay. But, but there's just one more, one or two more people to ask questions, you know. So, yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Of the amount due the County for the traffic mitigation, whether it's 1.78 million or 1.335, isn't 890,000 paid by the County?

COUNCILMEMBER KAMA: I don't know.

CHAIR LEE: Okay, we'll, we'll take it down as a question, because I'm, I'm sure these kinds of questions cannot be answered by the Member. Okay, we'll, we'll make a note of that question.

Ms. Paltin.

COUNCILMEMBER PALTIN: I know the answer to that question. But my question is, in the first "BE IT RESOLVED", when it says that the amount, whether it's 1.78 or 1.355 or 1.335, because the Amendment Summary Form has 1.355 and 1.335. So, not sure which one you're going with. But my main question is, as a fee for traffic mitigation in West Maui, my main concern is that the fee for traffic would, mitigation in West Maui is then spent specifically in West Maui.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: That's my main concern.

CHAIR LEE: Okay. It, it appears that there are a lot of questions. We need to go over the communication that was sent to us, the email that Ms. Sugimura is referring to. So, I'm going to recommend that we take a lunch break, come back at one, 1:15. And then hopefully we can have time to go look up, look it up, you know, look up the information, and bring the, who do you want to ask the questions to, so we can have people answer the questions?

COUNCILMEMBER PALTIN: For me, it would be someone, Director of Deputy Director of Public Works to ensure that this traffic mitigation monies is earmarked specifically for West Maui.

CHAIR LEE: Okay.

COUNCILMEMBER KING: So, I think for me it would be either Mr. Fischer or Mr. Bigley.

CHAIR LEE: Got Fischer or Bigley. Okay.

COUNCILMEMBER KAMA: Yea.

CHAIR LEE: Or Bigley. Okay. And then--

COUNCILMEMBER KAMA: Fischer's on the line.

CHAIR LEE: --Mr., Mr. Hokama, who do you want us to bring, as far as resource people?

COUNCILMEMBER HOKAMA: I don't need, Chair. I know how I'm going to vote. Thank you.

CHAIR LEE: Okay. Mr. Sinenci, anybody you want? No.

Okay, Ms. Sugimura, anybody you want?

COUNCILMEMBER SUGIMURA: So, either Mr. Bigley, Mr. Fischer, or Ms. Munsell was on the line ready to answer the question. She must, she must know the details.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: If anyone wants.

CHAIR LEE: Okay, but we're going, everybody's going to have to wait till after lunch.

Mr. Molina, did you want anybody in particular?

COUNCILMEMBER MOLINA: Other than what was already mentioned, I'm fine with, with who's being invited to come back.

CHAIR LEE: Okay. Alright, everybody, let's take a break. See you back at 1:15. Alright, any questions? Any last minute comments? If not, this meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:57 A.M., AND WAS RECONVENED AT 1:16 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of November 10 please come, please reconvene.

Mr. Clerk, I think we were waiting for some resource people to answer all the questions that the Members had. Do you know if they're on the call? Like Mr. Fischer--

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: --Mr. Bigley, Public Works, Housing and Human Concerns.

DEPUTY COUNTY CLERK: Yes, so I see, I see Mr. Fischer on the line.

MR. TOM FISCHER: Yes, can you all hear me?

DEPUTY COUNTY CLERK: I also see from, oh, I also see from the Department of Housing and Human Concerns, Linda Munsell. She's in the meeting as well.

CHAIR LEE: Okay. Why don't we start with Mr. Fischer? Mr. Fischer, did you hear the questions that the Members had for you?

MR. FISCHER: You know, I, I did. Can you all hear me?

CHAIR LEE: Yes, we can.

MR. FISCHER: Okay. I, I actually think, and Doug Bigley I think is on here as well. Doug, are you on? Okay, hi, Doug.

CHAIR LEE: Do you want him to answer the questions?

MR. FISCHER: No. I, I think what we'd like to do, is I'd like to maybe have Linda, I'm happy to, to participate, but I'd like to maybe have Linda give a summary to the Councilmembers about the deal and the history a little bit that, if that's okay?

CHAIR LEE: Linda Munsell, are you there?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS LINDA MUNSELL: Yes, Chair, I am. Thank you.

CHAIR LEE: And can you also, besides summarizing the request, can you explain why this issue just came up yesterday? My understanding it came up yesterday, just before the Council meeting.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Actually, yea, it came up very, very quickly. Let me, let me just give you a little bit of background. Thank you. Thank you, Chair. Good afternoon, Councilmembers. My name is Linda Munsell, I'm the Deputy Director of the Department of Housing and Human Concerns. I really do appreciate your consideration of this item today. And I do apologize for the rush that we're having; we're using to have it considered.

As you know, a lot of these projects are, take a lot of time to put together. And this project in particular has experienced a lot of delays that were not expected. And as a result, it did run into a number of additional expenses that were not anticipated in a project like this. And so, that's kind of the, the simple backdrop.

Earlier this month, the County executed an affordable housing grant with the developer. And recognizing that there had been some increased cost and there were some strains on their finances, they had asked for some consideration in whether they could adjust maybe the traffic mitigation fee that was going to be paid to the County. Knowing that that decision would ultimately lay in your hands, the way that we had written the grant was that the grant would offer a range of possible mitigation fees. We know that they could pay the \$1.335 at closing. And then the other question would be up to you to determine in the future about the remaining amount of the grant. And so, we had written the grant in that way.



And when we had forward it to the Budget Director, the Budget Director was uncomfortable with having a grant that, that indicated a range of, of amounts of a fee that would be paid in the future. And she asked that we draft this resolution and that we send it to consideration to you prior to their closing, which is at the end of the month. And so, that's the, the basis for the rush in this case. Just as a, and, and it will be up to this body, you know, how you want to go forward. I'll have, have, defer to the developer as far as the financing of this goes.

But one thing I do want to just mention to you. In this project and, and you all know that we have got financial challenges often with infrastructure on projects like this and, and one of the main, main barriers is that we don't have the funding or the financing to actually take care of the, some of these things. Through this grant, what we had tried to do is something that was creative. And we had tried to partner with them to give them additional money in the grant, and then allow them to leverage that funds into additional funds for the traffic mitigation fee.

In the original discussions when they first proposed this, they were thinking that they would be able to do a two for one kind of deal. We would give them a certain amount and they would be able to double that investment into a much, the \$1.78 million. As it happens, that has become a challenge. And that's a discussion you'll have to have with them.

And yet, I do want to remind you that this is a 2.96 project. Under normal circumstances, if we were doing a 2.97 project or a 201H project, they would actually be asking us for exemptions or consideration of fees. We would be deferring all kinds of things for them to make this, this project affordable. In this case, they're, they've turned that around. They've asked us to partner with them and help them leverage additional funds into this project for the infrastructure. And I, and I know that you're going to have all kinds of questions about that.

And, but I just wanted to put that out there just as a reminder too, that this was a creative opportunity for us to try something new. And what I don't want to have happen is for us to, without careful consideration, slam the door on these kinds of creative opportunities. And maybe we wouldn't structure it this way in the future. But this is where we are today, and I truly appreciate you taking this up. I know it's a rush and I apologize for that. But thank you.

CHAIR LEE: Alright. I saw Ms. Paltin's hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify that this hinges on the 800 something thousand from the Affordable Housing Fund. And if the 800,000 isn't granted to the developer, then there will be no traffic mitigation fees. So, the

choice is 800,000 something from the Affordable Housing Fund and a range of 1.335 to 1.78, or 1.335. But if none of the Affordable Housing Fund money gets used, then there's no traffic mitigation monies coming back. Is that accurate?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: That is the way that this is structured. We had committed an additional, I think, \$890,000 to this project, and then they were going to turn around and leverage that into additional funds. My understanding, and we would have to check with Corp. Counsel, I mean, you would have to approve a change to that as well. But my impression is that if we remove the \$890,000 then they would owe us nothing. That's my, my take on this.

COUNCILMEMBER PALTIN: So, we still come out roughly 400 grand ahead? And then if there's surplus, if we can keep the range in the wording of the Amendment Summary Form, if there is surplus, then we can be entitled to that as well?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes, Councilmember. That was our original intent with the grant. We knew that we would get the 1.335 at closing. But then depending on what would happen during the construction, sometimes there's cost savings in, in COVID right now, I'm not, not sure we would realize that. But there was the potential that we would be able to get additional funding anywhere between the 1.35 to the 1.78. They didn't say that they could not come up with the 1.78, but they couldn't guarantee it and that's why the grant was written in this way. But ultimately, this would come to you for a decision.

The reason it's here today in this fashion is because the Budget Director was uncomfortable and she's got, you know, rightly, rightly so she has some concerns. So, that's, that's why we're here today.

COUNCILMEMBER PALTIN: Okay. So, just for me, I'm, I prefer the extra four. And, and the only other clarification that I wanted, and I'm not sure if you can give it, is that the West Maui traffic mitigation will be spent in West Maui?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you. Thank you, Councilmember. I understand that that is correct. I believe that there's a, somebody from Public Works here. But my understanding is that that would be set aside for traffic mitigation on the West side.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Linda and Mr. Fischer. So, I just wanted to go back to, that was a really good explanation, to two things. One, is that my understanding of the reason why they may be short from that original 1.8 is there were carrying costs to hold onto the property before it could close. And could you speak to that real briefly about those carrying costs that were, were unexpected costs? Maybe Mr. Fischer.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: I would, okay. I'll defer that to Mr. Fischer.

COUNCILMEMBER KING: You're muted, Mr. Fischer. You're still muted. Maybe, did we mute you or can you unmute yourself?

CHAIR LEE: Mr. Clerk. Mr. Clerk, are you there? Can you help Mr. Fischer?

DEPUTY COUNTY CLERK: Mr. Fischer is, oh, there we go.

MR. DOUG BIGLEY: No, this is Doug. Can, can I take a shot at it?

COUNCILMEMBER KING: Oh, okay.

MR. BIGLEY: Because . . . you know, a lot of people like to . . .

COUNCILMEMBER KING: Yea, there you go.

MR. BIGLEY: Yea, the, the issue was, is, I'll just go back a little bit, is that, you know, when we go to these community meetings, the one we talk a lot about affordable housing, but the second most talked about item is traffic. And so, we were trying to, you know, that the idea that no good deed goes unpunished, I think this is maybe where this falls, is that we were trying to be creative in coming up with ways to leverage these local resources to attract the State and the Federal funds so we could solve infrastructure issues on the island. So, we kind of did, worked out a deal with the housing to do kind of this pilot program. And so, we proposed it.

But because, again, we were proposing things that were relatively new to everyone and they didn't really understand all the intricacies of it, we, it took time. You know, we've been cutting new ground as we've been trying to close a deal. And it kind of, the deal kind of dragged. So, because the deal dragged so long through the process, we ended up incurring substantially, a lot of additional cost to, you know, the, as it, as the time went on and on and on, we got charged more and more and more to keep this seller in, in the, interested in doing the deal, so.

MR. FISCHER: Hey, Doug.

MR. BIGLEY: Yea.

MR. FISCHER: Oh, can you hear me now?

MR. BIGLEY: Yea, totally.

MR. FISCHER: You might point out, I mean, just that the significance of that, you know, is \$144,000 a month that we were having to fund to keep the deal, you know, keep that escrow alive with the seller, who's not a very friendly seller to say the least.

MR. BIGLEY: Also, an extremely well . . . seller who had originally intended to do a market rate deal. So, it just got a little, it got a little tense at the end. But we had thought we were going to be closed long before. I think we started this with the County in November of . . . So, we've been at it for a while, so.

COUNCILMEMBER KING: Okay, thank you for that. Thank you for that. And then my other question was just about timing. Is this, if we don't approve this, does this jeopardize your HHFDC funding?

MR. BIGLEY: If, to be clear, if you, if you don't approve the reduction, you know, that, the 1.335, if you approve it the way it is, it will fall on us. I mean, we can't let the project go away. It's 89 units. We have over \$2 million invested in this deal right now. So, for us, we're hand strung. I mean, there's, there's just, it can't not close, so.

COUNCILMEMBER KING: Okay, but if we don't, but my question was, if we don't approve this today, does, what does that do to the timing of your project?

MR. BIGLEY: Let me, if you agree that you'll continue to fund the grant as is, this could, we'd be fine. If you don't fund the grant, because we need money at closing that's going to occur, you'll be funding December 1. So, if we don't have those funds, that would kill the deal.

MR. FISCHER: Yea.

COUNCILMEMBER KING: Okay. And you need this, you need this resolution passed to approve those funds one way or another?

MR. BIGLEY: Well, that's up to, I don't know. I don't know the intricacies of it, because when we signed the grant, I thought the way the grant was written was sufficient to, because the grant, in, in the grant agreement, this caught us by surprise too to be really candid

with you, is the way the grant agreement was written, it basically said that there was a floor and a ceiling. And we, we had agreed to that floor-ceiling range. And it also required for us to get to the floor in, excuse me, to get the reduction, we would have to come back to you at some point to get that relief, right?

COUNCILMEMBER KING: Okay.

MR. BIGLEY: So, just real quick, so when you, that's the way the grant was. And so, we, the reason we didn't want to go back to you today, right now, was because we didn't know what that floor really was. It might have been 1.335. It might have been 1.5. So, we said, okay, you know, six months from now, eight months from now when things clear up, we'll go back to Council. And so, the grant was, I thought, worked. But then it ran into this snag, because the person I think that was reviewing that, you know, wasn't involved, you know, wasn't going along with the process. So, to them, it just looked like oh, this is, you know, where is this coming from. You know, it's hard to get your arms around this if you're with it every day. So--

COUNCILMEMBER KING: Okay, but I just, so just to, to try to propose to my question, so you, so it's costing you, what \$120,000 a month to hold onto this property? So, if we send this back to Committee and it has to come back to Council and it takes another month or two, every month that we delay this is another \$120,000 that you can't give to us because you have to give it to this landowner to hang onto the property?

MR. BIGLEY: Well, it's, it's, it's worse than that. Because what I'm saying is if you don't fund, the deal goes. I mean, the deal, cause the grant has to fund at close, the, the \$4 million of that grant funds that closed . . . million dollars.

MR. FISCHER: Can I, can I add something here?

MR. BIGLEY: Yea.

MR. FISCHER: --maybe it will closure this. As far as the sources and the uses are concerned, when we, when this came up on the 29<sup>th</sup>, Linda and I had some discussions about it. We actually talked to the Mayor about it. And on October 30, we had to get on a call with HHFDC and confirm all of our financial funding was in place in order to make the, the November 12 board meeting, the HHFDC board meeting, which is on Thursday.

So, during this process, and I believe Linda even has an email committing that Maui County was going to fund \$4,007,000 of a grant at closing, which is going to be, closing is December 1. So, as long as that funding takes place, and that was, I believe and Linda can correct me if I'm wrong, that was kind of irrespective of what we're talking

about here today. That commitment was made, the assurance was given on the phone to HHFDC in order for us to move forward with that closing.

So, Doug's comments, we clearly have sources, uses, and balance for closing on December 1, as long as the County funds the \$4,007,000. We also, as part of the closing and settlement statement, the LP is going to make a payment of \$1,335,000 back to Maui County for the traffic mitigation payment. That's all in our closing numbers. From our perspective, as we said, I think somebody said sure, I'd rather have the, rather have the range, you know. If we can find savings, and as I said earlier in my testimony, savings don't always materialize, but if they do, we would be happy to increase whatever between the million 335 and a million 780 we can come up with. But the resolution was written in such a way that basically was obligating us to a million 780. And, or we don't get CO'd.

And this, that, that whole thing was just kind of, and probably, someone said this earlier, maybe it would be better served to talk about it in Committee. But as long as we're, as long as the County is going to move forward with its prior comments that they're going to close and wire the money on December 1, Doug's point; we close December 1, we wire the \$1.335 million back from the partnership, we commence construction December 9.

Sometime between December 9 and we, we start seeing our, and then once vertical in a project like this, your numbers are a lot easier to understand. You know, when you start talking about earthwork and sitework, that's where the real risks are. But once we come out of the ground it becomes much easier for us to estimate our budget going forward.

So, sometime after construction we had always figured in the grant document, we would be back to the County Council with a request. Either if we find the money, we just pay the money. If it's something less, we got to come back to Council and explain why we are where we are. But then we're dealing with real, you know, firm numbers. The firm numbers today are we know we have \$1,335,000 to pay the County of Maui for traffic impact fee at closing. As we go through the process, if we can find more, we're not opposed to giving the County more. If I don't have it, the way the resolution was, you know, being written, I'm, I'm kind of obligated to put even more money in. So, that's, that's just kind of my summary. And Doug, I just did that. It was a little more close to that--

MR. BIGLEY: That's fine.

MR. FISCHER: Thank you. Any questions?

COUNCILMEMBER KING: Okay. Alright. Thank you. Thank you, Chair. I'll yield.

CHAIR LEE: Mr. Hokama, did you have a question?

COUNCILMEMBER HOKAMA: I'm going to be looking at the, gosh, you know, I hate for the Council to come up with this during a Council meeting 20 days from a deadline. But my thoughts, Chair, is I'm happy to find a way to approve that \$4 million plus from the grant to allow the continued ability to acquire the real property. I think we can place those, the issues with this traffic mitigation concern in a trusted agency account. Because I don't believe there is a specific project identified yet for this funds, nor is there a engineers cost estimate for us to even consider whether the amount of money we're talking about is sufficient, insufficient, or totally undoable. So, you know, Public Works is going to need to give us some direction, Chair. But you know, I, I'm happy to find a way to make this go forward.

The interesting thing, Members, as we talk about a traffic mitigation is we're paying ourselves back. It's our money we're giving them to give back to us in a sense. Except for, as Ms. Paltin said, that extra \$400,000 which yea, I don't mind taking. But I wish we were told this in December of last year before we did the final approval of the project. Thank you, Chair.

CHAIR LEE: I'm wondering if Michele Yoshimura, the Budget Director, is on the line. Michele, are you there? Isn't this where the stall is? Isn't there, isn't the Budget Director the person who's holding up the train, Ms. Munsell?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: The Budget Director expressed concern about the ambiguity of the amount, yes. And just to clarify Mr. Hokama's point; the fee is actually being paid out of non-County funds to us. It's other sources of funding. But I understand what, what he would be saying. But yes, the concern was raised by the Budget Director and we wanted to honor that and try to resolve that for her as well.

CHAIR LEE: Yea, so if it, if we were able to resolve it with her today, cause that's where it's stopping. This, the whole project is stopping right there. You can see that the Council is, is open to helping with this to move forward, right?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yea. So--

CHAIR LEE: So, what do we, what do we need to do to satisfy her?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: I guess we would have to, we would have to verify with her, but she dislikes the, the ambiguity. So, there are a

couple of ways forward that I see. You could just approve the 1.335 and have it done. That would solve the problem for her. If you want to try and reserve the additional funding, you could change the wording slightly, but I would ask the Budget Director if she would be okay with that. And you could just change the wording to say something like "the 1.335 in traffic mitigation would be made at the time of closing of escrow and that the balance of 445 or some amount above, between that and the 178 would be paid based on cost savings from the project". That way you're, you're doing it both ways. And I don't have the exact wording for something like that, but that, I know that the saying 1.335 in this resolution would solve the Budget Director's problem.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just if we could get clarification from Corp. Counsel. If we make these types of changes, are they substantive enough where it may require it go back to Committee and, or can we still make these changes and go forward with it on the floor today?

CHAIR LEE: Corp. Counsel. Corp. Counsel.

DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. So, I believe that there has been enough notice provided to the public that you're considering these types of changes. So, I, I don't consider that it would be substantive that would have to go back to Committee, to Committee given that notice.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Just quick point of order, a point of process. Didn't we just approve a waiver of going to Committee at the beginning of this?

CHAIR LEE: Yes.

COUNCILMEMBER KING: I don't know why we would talk about sending it back to Committee when we waived the, the Council Rules from sending it to Committee.

CHAIR LEE: No, but the question was, was, was there a substantive change that would require it to go back to.

COUNCILMEMBER KING: But I, I think for the reso, the reso never went to Committee. The reso was, is on the floor, it's on the Council agenda--



CHAIR LEE: Okay.

COUNCILMEMBER KING: And we waived that--

CHAIR LEE: Okay, let's not, let's not spend too much time on that, cause we're trying to figure out the money part. So, let's say, would you be able to resolve this in, in an half an hour or something so we could come back to it, Ms. Munsell?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes. Let me, let me try to do that. I can touch base with Budget Director if she's available and come up with some alternate wording. I mean it's simply, it's very simple if we simply say 1.335 is the number. If we want to try and preserve the additional funding, the \$445,000--

CHAIR LEE: Wait, wait, wait, wait, wait. Ms. Munsell, let's not make this multiple choice. Just give us the answer, okay, in 30 minutes?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes.

CHAIR LEE: We have a lot more ground to cover. We have a lot of work to do. So, we can come back. The Council, as, as you heard, is open to hearing, you know, realistic solutions. So, maybe you can, but your challenge is not us. Your challenge is the Budget Director. So, you need to work it out with her. Okay?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Let me, let me just tell you, to clear up one, one other item. In order to ensure that this project would close, the Budget Director did commit to funding the, the money that they needed for the closing at the end of this month. So, we agreed that we would send this to you. She agreed that she would fund that and pending this resolution. So, we'll, we'll get that sorted out for you.

CHAIR LEE: Okay. Thank you. Members, any objections to just putting that at the end of the calendar? That, this particular item?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I just was wondering, since the Deputy Director of Public Works was on the call, if we could get a quick confirmation that the monies could be earmarked for West Maui?

CHAIR LEE: Public Works. Is it Mr. Molina? Is it Mr. Molina? Who is it?

DEPUTY DIRECTOR OF PUBLIC WORKS JORDAN MOLINA: Yea, Madam Chair. Jordan Molina with the Department of Public Works here.

CHAIR LEE: Did you hear the question?

DEPUTY DIRECTOR OF PUBLIC WORKS: Yea. So, I guess what I am reading is this resolution to accept these monies. And the number one "BE IT RESOLVED" clause states a fee for traffic mitigation in West Maui, so I would rely on the language of the reso to guide the use of the funds. Thank you.

CHAIR LEE: Okay. Ms. Paltin. Alright.

COUNCILMEMBER PALTIN: Funds for West, got it on record.

CHAIR LEE: Yea.

COUNCILMEMBER PALTIN: Thanks.

CHAIR LEE: We, we got it. We got that. We got that.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Any other questions before we leave this for now?

MR. BIGLEY: I just have one comment, as, as Linda goes away. And I know this goes without saying, but at this point, because . . . urgent and kind of getting this closed and buttoned up, you know, as much clarity, and I thought we had a little bit of clarity last time, so as much clarity whether it's you can have that would be fantastic. I mean, just a . . . would be great.

CHAIR LEE: Alright. Thank you.

Mr. Clerk.

MR. FISCHER: Thanks, everyone.

CHAIR LEE: Come back to this later. Let's proceed with the agenda.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: I think that since we're, we haven't left the referrals yet, I'd like to make a motion.

CHAIR LEE: Alright, on which one?

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-557

COUNCILMEMBER KING: Okay. On County Communication 20-557.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 20-557,  
INCORPORATING ANY NONSUBSTANTIVE CHANGES, AND  
TO FILE COUNTY COMMUNICATION 20-557.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER KING: Thank you, Member Kama.

CHAIR LEE: Okay. We didn't have to, oh, cause it wasn't in Committee, so we didn't have to, alright. Okay. We have on, a motion on the floor and it is to adopt this item; the Mayor to establish a Rapid Response COVID-19 Task Force.

Discussion, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Member Kama.

May I please request the Clerk to read the resolution in its entirety?

CHAIR LEE: Mr. Clerk, could you read the resolution, please?

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

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Mr. Clerk, for that rendition. Chair, on September 11, 2020, this Council adopted Resolution 20-125, "URGING THE MAYOR TO

AUTHORIZE APPLE AND GOOGLE TO RELEASE SUSTAIN HAWAII'S PERSEUS CONTACT-TRACING APPLICATION", and its use has still not had a countywide implementation plan. I believe they're going ahead with it, but there's no coordinated effort.

Less than a month ago, on October 15, 2020, the State began allowing trans-Pacific passengers, who test negative for COVID-19 prior to flying, to bypass the State's 14-day quarantine. We are now eight months into the COVID-19 pandemic, and this past weekend, Hawaii saw triple digit numbers of new COVID-19 cases two days in a row; 128 each on Saturday and Sunday. We are now over 100 cases associated with the current outbreak on Lanai and the island's on track to lift its stay at home order soon. I, I think they might have already done it. I think now they're in a safer at home order.

As of this week, Coronavirus cases are on the rise in 43 States with over 10 million infections reported in the U.S. since the beginning of the pandemic. Curfews are being reimplemented on the mainland, hospitals are filling up again, and the County needs a Rapid Response COVID-19 Task Force, so we can avoid going down the same path. Hawaii is already seeing an increase in cases with 11 of their 12 active cases being associated with travel.

A Rapid Response COVID-19 Task Force would be instrumental in planning for and implementing mitigation strategies and emergency responses related to COVID-19. This should include increased enforcement and education on the County's mask mandate, and perhaps requiring all travelers to take a second COVID-19 test within 72 hours after arriving on any island in the County or be required to quarantine for 14 days.

I respectfully ask all Councilmembers to support the adoption of this resolution. I would like to also remem, remind folks that we have had people from the Administration that we thought were working with the Administration come to us, like Dr. Pang, and give his opinions of why something should happen that's not happening right now. So, it's, it's disturbing to myself and to people in the public that the effort is not being coordinated and that there's no transparency. We should be doing whatever we can to protect the lives and livelihoods of our residents and visitors in establishing a Rapid Response COVID-19 Task Force, which would give us another tool in our toolbox to combat this potentially deadly virus.

And then in closing, I will say that this is, one of the people that's been helping to coordinate all the efforts on all the islands is Angela Keen, who's a former reporter from KITV. She also got COVID-19. It took her, she was still in recovery, she came and spoke at the last HSAC meeting as a guest speaker to relate to us her experience and

why she is coordinating with all these different groups throughout the County, and why we need to go through these more coordinated effort, better enforcement. Enforcement was one of the biggest things that she talked about that's lacking. Their group on Oahu is called Quarantine, Quarantine Breakers. So, there, they're trying to, what is it, Quarantine Breakers.

VICE-CHAIR RAWLINS-FERNANDEZ: Kapu. Kapu Breakers.

COUNCILMEMBER KING: She called it QB. She said they're, they're called QB's. But, but anyway, so, so that kind of brings it home statewide as well. And I just hope that Members can see this as the emergency it is. And that, that also knowing that the President-Elect of the United States has already convened a COVID Task Force in, and is already trying to put the plan down in action. So, hopefully we can have a coordinated effort nationwide. Thank you.

CHAIR LEE: Alright. Thank you. Any more discussion?

Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you very much, Chair. Thank you, Ms. King, for this proposal this afternoon. I will be speaking in support of the motion. I do also have some additional comments. I would ask that the subject matter be referred to the appropriate standing Committee for additional follow-up by Council, if we should choose. I think that would be an appropriate consideration I would ask the Members.

I appreciate the references to Lanai. And although Thursday we're looking at the slight upgrade from stay at home to safer at home policy, the island is still concerned about who comes on and off the island. And rightfully so. There is still concern, especially those that do not go through normal, what we would say public screening at our transportation facilities. There is a concern of whether or not safety protocols are being practiced and whether or not those potential visitors that are coming have been doing the appropriate requirements to ensure that Lanai protects its community and reduces its continued COVID-19 active cases.

I would say that is one of the key things that we're concerned about still yet on Lanai; whether it be the small boat harbor. I've always pushed for the continued requirements of assistance from the National Guard and others. So, I appreciate the efforts of my fellow colleagues that support us on Lanai on that matter.

But regarding this, I think the key point, that even for Lanai that we're concerned about, is a fair and consistent way to do contact-tracing. And I think that is something that from whether it's Dr. Fauci or President-Elect Biden, I think you hear a consistency that

contact-tracing is a key component besides wearing the masks and washing our hands to find a way to combat the actual active cases within our community areas.

So, I'm in full support of it. I thank Ms. King for the proposal. And I, I'm sure that the Administration will embrace this and join us in this fight to beat this epidemic. Thank you, Chair.

CHAIR LEE: Yes, Ms. Paltin, and then Ms. King.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member King. I just wanted to make mention that Perseus is available through Apple countywide. And I'm not sure if this would be the point. Couple points that I wanted to make. You know with the revelation from Ms. Flores, and I guess that would be a nonsubstantive amendment; changing her name to be spelled correctly. But we really have no idea if they're not reporting non-resident cases, how many cases there actually are within our County. So, we don't even know what we don't know kind of.

And I would just like to see if we can amend the resolution to take out that part about Perseus not yet being available countywide. And if we can ask that another one of the education pieces is that, you know, everybody landing anywhere in Maui County be informed of this tool of Perseus app, optional and free app to assist us with contact-tracing. Because, you know, if, if Maui has community spread similar along the lines of what Lanai, Lanai had, there's no way 24 Department of Health tracers with 11 National Guard or whatever will be able to handle that kind of thing. So, if we can just strike that Perseus is not yet available countywide and add it to part of the education piece.

And I, I just wanted to make comment about, we did receive some emails from the County Clerk against this reso. And I just wanted to make comment that, you know, the purpose is not to shut down again. That's, that's what I think our small businesses cannot handle. You know, if, if we sit back and do nothing and just, oh well there's not a lot of cases right now, you know, let's wait and see what happens, the possibility of becoming similar situation to what Lanai had to go through is even greater.

So, the, the purpose of this resolution is to avoid a shutdown. If there is community spread, to address it quickly and in a comprehensive manner so that we do not have to shut down. And, and it's not a step that should be, like, construed as fearmongering. It's, we're trying to keep things open. Because, you know, everybody knows the unemployment is running out. And not that, you know, we won't survive when the unemployment runs out for sure, but if we're open, we can't keep opening and closing, and opening and closing. That for sure more than anything will shut down small business. The, the uncertainty, the opening, the closing, the opening, the closing;

that's the worst thing. So, those are just my points. And I don't know if that's a friendly amendment, or, but.

CHAIR LEE: Well, well, we need you to make an amendment, okay?

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR LEE: Go ahead.

COUNCILMEMBER PALTIN: Should I do it now?

CHAIR LEE: Yea, do it right now.

COUNCILMEMBER KING: Do you, do you need to, do you need to write it down first?

COUNCILMEMBER PALTIN:

OH, I JUST MOVE TO AMEND THE RESOLUTION TO STRIKE THE PORTION ON PAGE 1, THAT SAYS, "WHEREAS, USE OF PERSEUS CONTACT-TRACING APP HAS NOT BEEN IMPLEMENTED COUNTYWIDE, AND" SO STRIKE THAT. AND THEN ADD ON TO--

CHAIR LEE: Well, are, is that going to be a second amendment or the same first one, the first--

COUNCILMEMBER PALTIN: See--

CHAIR LEE: --amendment. Same one?

COUNCILMEMBER PALTIN: I'm trying to do it one time, yea.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN:

AND THEN IN THE FIFTH "BE IT RESOLVED", "THAT IT REQUEST INCREASED EFFORTS TO EDUCATE THE PUBLIC, INCLUDING VISITORS, ABOUT THE COUNTY'S EXISTING PUBLIC HEALTH RULES ON GATHERING, SOCIAL DISTANCING, AND MASK WEARING, AND TO IMPROVE COMPLIANCE WITH THOSE RULES BY RESIDENTS AND

VISITORS ALIKE, AND EDUCATE ABOUT THE AVAILABILITY  
OF THE FREE OPTIONAL PERSEUS APP FOR CONTACT-  
TRACING.

CHAIR LEE: So, that's--

COUNCILMEMBER KING:

I'LL SECOND.

CHAIR LEE: --what you're adding?

COUNCILMEMBER KING: I'll second the--

CHAIR LEE: Oh, Ms. King.

COUNCILMEMBER KING:

YEA, I, I'LL SECOND THE AMENDMENT. AND THEN I ALSO  
WANTED TO ADD IN AS A FRIENDLY AMENDMENT TO  
REFER THE SUBJECT MATTER TO THE HFC COMMITTEE IF  
MR. HOKAMA IS WILLING TO TAKE THAT INTO HEALTHY  
FAMILIES AND COMMUNITIES.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Very, very good.

Before I call on Ms. Rawlins-Fernandez, Mr. Clerk, did you get that amendment?  
Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. We, we got that amendment okay. Thank you.

CHAIR LEE: Okay. Great.

Okay, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.



CHAIR LEE: You had your hand up, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. I just, since Member Paltin brought it up, the nonsubstantive change to correct the name; since we're making amendments.

CHAIR LEE: Sure. You want to make an amendment? I'm sorry, I didn't catch that.

COUNCILMEMBER PALTIN:

I GUESS HER LAST, HER FIRST NAME IS CARA, BUT IT'S  
SPELLED "CARE", ON THE--

COUNCILMEMBER KING: It was a typo.

COUNCILMEMBER PALTIN: --number.

CHAIR LEE: Okay. Mr. Clerk, did you get that one too?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay. Any other corrections or friendly amendments?

Alright, Mr. Hokama.

COUNCILMEMBER HOKAMA:

I HAVE A FRIENDLY AMENDMENT I WOULD ASK. AND THAT IS ON THE LAST RESOLVED CLAUSE, I WOULD LIKE TO HAVE THE MEMBERS OF THE LANAI EOC RECEIVE A COPY OF THE RESOLUTION. I, I THINK THEY'VE DONE AN EXCELLENT WORK AS OUR PROFESSIONALS. AND THAT I THINK IT WOULD BE, IT WOULD BE A GREAT ASSISTANCE TO ALLOW THEM TO RECEIVE PART OF THIS RESOLUTION THAT WOULD MOVE IT FORWARD. THEY'VE DONE A GREAT JOB.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Yea, no, no objections to that.

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: Okay. Any, any other additions, corrections? If not, all those in favor of the motion to approve or adopt the resolution as amended--

COUNCILMEMBER KING: I think, I think the amendment first. We need to vote on the amendment first.

CHAIR LEE: Okay. I thought all of these were friendly amendments?

COUNCILMEMBER KING: Well, I think Member Paltin, since she made a motion and I seconded it, we need to vote on her motion first.

CHAIR LEE: Okay. Let's do that then. All those in favor of the amendment, 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: I see nine "ayes", zero "noes"; motion carries.

Now, the main motion as amended. Okay, say "aye", raise your hand. Everybody. Is that everybody?

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. Okay. Very good.

I think we had another one that just popped up too.

Ms. Sugimura.

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-556

COUNCILMEMBER SUGIMURA: Thank you. So, the item 20-556, the Director of Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE", either go to my Committee or Keani's Committee for Budget since it's a purchase. But I would like to suggest that.

CHAIR LEE: Oh, I see.

COUNCILMEMBER SUGIMURA: . . . to the other. And, and we, I asked the Department if they could stand by for questions because this is time sensitive. It has to be done by the end of the year. So, Shayne Agawa is standing by, Chair, if you would allow him to answer questions.

CHAIR LEE: Okay. Okay. I don't think so, because we're going to refer the, the item, yea?

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: So, I would guess that we could do a, yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I asked Member Sugimura to, you know, check with DEM if they could have a representative, because as Member Sugimura said, it is time sensitive, meaning that it needs to be passed by the end of the year, before the end of the year. So, I was hoping the Deputy Director Agawa would be able to just kind of like shed some light on that, like if it is, you know, referred to a non-budget committee, if it would need to come to the Budget Committee and, yea. So, we just, we have, what, three more Council meetings left. So, it's not a very large window of opportunity for them to get their item.

CHAIR LEE: Well, I'm sure we can ask him questions, but I was planning to refer it to your Committee. And the subject matter can go to Ms. Sugimura's Committee as well. But the bill goes to your Committee.

COUNCILMEMBER SUGIMURA: The passage.

CHAIR LEE: Is that, is that okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. Yea, I, I can, I can take it up.

COUNCILMEMBER SUGIMURA: You can take it up? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea probably the first December meeting.

CHAIR LEE: I'm not absolutely sure why this was, GET was down, but I, I think that could have been a mistake.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, EACP.

COUNCILMEMBER SUGIMURA: EACP.

CHAIR LEE: I mean, EACP.

COUNCILMEMBER SUGIMURA: Okay. Good. Okay. Agreed.

CHAIR LEE: I have GET on mine.

COUNCILMEMBER SUGIMURA: Oh, you do.

CHAIR LEE: I just love this.

Yes, Ms., Ms. King, did you have your hand up?

COUNCILMEMBER KING: Yea, not about this issue, but I had one more issue before we leave the referrals.

CHAIR LEE: Oh, okay, let's, let's, any objections to referring this to the budget, this, let's see CC 20-556 to sending the bill *[sic]* to the EDB Committee, and then the subject matter to Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, so ordered.

VICE-CHAIR RAWLINS-FERNANDEZ: Quick question.

CHAIR LEE: Now, yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sugimura, so since the subject matter is being referred to your Committee, would you be able to take that up sooner so that when I take it up in, in EDB it won't have as much discussion?

COUNCILMEMBER SUGIMURA: So, maybe I can take it up ending of November, yea? Okay. That would help us, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

COUNCILMEMBER SUGIMURA: Teamwork, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, we can work together on that. Okay.

COUNCILMEMBER SUGIMURA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Yea, you guys get together and work it out.

Alright, so the next person is Ms. King.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 20-545

COUNCILMEMBER KING: Thank you, Chair. So, I have, I wanted to make a motion regarding County Communication 20-545. And, why don't I make my motion, if I get a second, I'll explain it.

BUT, I WOULD LIKE TO MOVE TO FILE THE BILL ATTACHED  
TO THIS AND REFER THE SUBJECT MATTER TO THE  
HOUSING, AFFORDABLE HOUSING COMMITTEE.

CHAIR LEE: Wait, wait, wait; 545.

COUNCILMEMBER SUGIMURA: Wait, what?

COUNCILMEMBER KING: I'm sorry, what was the original, I don't have the annotated agenda, so what was the original intent to refer this to?

COUNCILMEMBER SUGIMURA: Affordable Housing.

CHAIR LEE: To send it to the Affordable Housing Committee.

COUNCILMEMBER KING: So, so my, my motion would be to file the bill attached, but send the subject matter to the Committee.

CHAIR LEE: Okay. Is it okay with you, Ms. Kama, to do that?

COUNCILMEMBER KAMA: I'm fine with that, Chair. Thank you.

CHAIR LEE: Okay. Any objections from anybody else?

COUNCILMEMBER SUGIMURA: Well, I have a question; why? I mean what is the difference? I, I heard your words, but.

COUNCILMEMBER KING: Yea. Well, because, because, you know, just from the amount of mail I've been getting and listening to the testifiers today, there's a terrible angst around this bill; not just for the people involved in helping the homeless, but also for the homeless. And so, I think it might be a good discussion. I don't think Member Kama meant for it to cause the, the type of concern that it caused. And, you know, it's always a good discussion to talk about solutions for the homeless.

But to have something sitting in front of you that would make it illegal to make donations to our homeless is a terrifying thing for a lot of people. So, you know, if the bill comes back up because of the discussion, that's one thing, but I, I, I just, I think it would alleviate a lot of the, the concern and the out, this outreach around this bill. And I don't think that that was the original intent of it. So, that's why I would like to see the bill actually removed and then the subject matter still go to the Committee.

CHAIR LEE: Alright. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And, I'll, I'll, we do have, did we have a second to Member King's motion?

CHAIR LEE: Well, it wasn't really a, a motion. It was more of a request. And I asked if there were any objections.

COUNCILMEMBER MOLINA: Okay. Okay. Yea, I would state I have no objections. And I can agree with, this was an unexpected firestorm if you will. And even for myself, I, I, you know, I have some friends and acquaintances that are, you know, unfortunately

homeless. And if I were to give, if this bill as proposed would pass, I could get in trouble with the law for trying to help someone.

So, but I, I appreciate the subject matter going to Committee for a discussion. We can fully vet this out, find out what, what drove this proposal. But certainly, Committee is the appropriate place for the discussion and not here on the Council floor. So, thank you.

COUNCILMEMBER KING: Thank you, Mr. Molina.

And, Madam Chair, I, I believe I did make a motion. I thought that maybe Member Kama's comments were a second. But maybe that's why the Clerk came back on, because I think there is a motion that I--

CHAIR LEE: Okay. She did not second it. I called on her to see if she had any objections.

COUNCILMEMBER KING: Okay.

CHAIR LEE: So, we, we can make it a motion if you want to. So, you can start all over again making a motion.

COUNCILMEMBER KING: Okay. I, I move to, I move to file the bill attached to 20, communica, county communication--

CHAIR LEE: Excuse me, Ms. King. Maybe we did it already.

COUNCILMEMBER KING: I, I thought we did, yea.

CHAIR LEE: Mr. Clerk, is that what you were going to tell me; we did it already?

DEPUTY COUNTY CLERK: Oh, apologies for interrupting. It's just the, I'm not certain that the, that the Council can just file the bill by itself. I believe if the intent is to, to, you know, dispose of the bill, it would be a filing of the entire communication. But the body could still file the communication and refer the subject matter if that's the body's intent.

CHAIR LEE: Okay. That was our intent. Thank you.

Now, maybe now, Ms., Ms. King, you can make your motion.

COUNCILMEMBER KING: Okay.

I MOVE TO FILE COUNTY COMMUNICATION 20-545 AND  
REFER THE SUBJECT MATTER TO THE AFFORDABLE  
HOUSING COMMITTEE.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay, it's, was that you, Mr. Molina, that seconded it? Oh, okay. Moved by Ms. King, seconded by Mr. Molina, to file the communication and refer the subject matter to the Housing Committee. Okay? Affordable Housing Committee.

Discussion? Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will be supporting the motion on the floor. I, I saw that the, the bill attached to the County Communication was not signed off by Corporation Counsel as to form and legality. And my concern is that being that Circuit Court of Appeals have opined on this issue of feeding, you know, our unsheltered community, as being an expression that's protected under the First Amendment and the U.S. Constitution, that I, I'm not sure if that would be permissible.

So, in referring the subject matter I, you know, I, I would hope that the, the bill wouldn't just be reintroduced in the same state that it's currently in. But that it would be worked with Corporation Counsel for, for something that, you know, would be something that they could sign off as to form and legality.

Also, this is the type of discussion that was intended for Commission on Healing Solutions for Homelessness. So, I, you know, I think that the, I mean, that was part of the reason that this Council created the Commission; was so that that Commission can take a deeper dive and really allow the community to work together to propose something to this Council that, you know, we would, that the community would be supportive of, that would really do what, I think, you know, was the intention of this bill which was to help those in our unsheltered community. And so, for that reason, I'll be supporting the motion on the floor.

CHAIR LEE: Any other comments? 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: Alright. All nine "ayes", no "noes"; motion carries. Thank you.

So, are there any other communications that you'd like to act on? Otherwise, they're going to be referred.

Yes, Ms. Sugimura.

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-556

COUNCILMEMBER SUGIMURA: Just want the Committee to know, Keani, that Eric Nakagawa texted me and he said that that item is time, the funds lapse at the end of the year. So, you and I got to work together on that item, okay? Very good. That's all.

CHAIR LEE: Just amazed at how much you guys, rules are meant to be bent. Okay, let's see, so no other changes to the referrals as listed on your agenda, right?

So, Mr. Clerk, please proceed. Page, committee reports.

DEPUTY COUNTY CLERK: Yes, Madam Chair. And apologies, I'm still encountering some technical difficulties, so I'm only able to do audio right now.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: For the record, let's see, the resolution attached to County Communication 20-557, that's RESOLUTION 20-159.

The bill that was attached to County Communication 20-552, that's BILL 115 (2020).

The bills that were attached to County Communication 20-553, those are BILLS 116 (2020) and 117 (2020).

The bills that were attached to County Communication 20-554, those are BILLS 118 (2020) and 119 (2020).

And the bill that was attached to County Communication 20-555, that is BILL 120 (2020).

Chair, proceeding with committee reports.

CHAIR LEE: Yes. I'm sorry.

DEPUTY COUNTY CLERK: Apologies.

CHAIR LEE: No, no, no. I just wanted to let you know you have four pages left.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 20-139 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That the matter of the Hale O Pi'ikea Affordable Housing Project in Kihei, Maui, Hawaii be REFERRED to your Economic Development and Budget Committee; and
2. That County Communication 20-473, from Presiding Officer Pro Tempore Tasha Kama, be FILED.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE THAT THE COMMITTEE'S RECOMMENDATION AS STATED IN COMMITTEE REPORT 20-139 BE PASSED, NAMELY: 1) REFERRAL OF THE MATTER RELATING TO HALE O PI'IKEA AFFORDABLE HOUSING PROJECT IN KIHEI, MAUI, HAWAII, TO THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE; AND THE FILING OF THE COMMUNICATION.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay. It's been moved by Member Kama, seconded by Member Molina, to--

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: --approve the Committee, the recommendations in Committee Report 20-139.

Any further discussion? If not, 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: I see nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

COMMITTEE REPORT

NO. 20-140 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. That Resolution 20-160, entitled "SUPPORTING AN AGENDA TO TRANSFORM, HEAL, AND RENEW BY INVESTING IN A VIBRANT ECONOMY: 'THRIVE,'" be ADOPTED; and
2. That County Communication 20-498, from Councilmember Kelly Takaya King, be FILED.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 20-140.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Kama, to approve the recommendations in Committee Report 20-140.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. The proposed resolution urges Maui County's Congressional Delegation to co-sponsor House Resolution 1102, "Recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ('THRIVE')," and its Senate counterpart, Senate Resolution 693.

The THRIVE agenda is described as a "bold new vision to revive our nation's economy while addressing the interlocking crises of climate change, racial injustice, public health, and economic inequity with a plan to create dignified jobs for millions of unemployed workers and support a better life for millions more who remain vulnerable in this pivotal moment".

The THRIVE agenda has been endorsed by a variety of environmental, labor, religious, and social-justice organizations, and the Council could be the first legislative body in the country to formally support it.

Your Committee received information on the THRIVE agenda from former House, Hawaii House Representative Kaniela Ing, who is also the National Climate Justice Campaign Director at People's Action, an advocacy organization that supports the THRIVE agenda.

The Energy Commissioner from the Office of the Mayor informed your Committee the THRIVE agenda was in line with the Administration's resiliency and social-equity goals.

The THRIVE agenda's investments would be timely and beneficial for both the economy and the environment.

Your Committee voted 6-0 to recommend adoption of the proposed resolution and filing of the communication. I ask for Members support of your Committee's recommendation.

CHAIR LEE: Any more discussion?

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I speak in support of the motion, considering that our new President-Elect will now be going ahead and pushing through some executive orders that support the, the THRIVE agenda. It's, it's only makes sense to go ahead and, and support the THRIVE agenda. So, mahalo, Chair.

CHAIR LEE: Okay. Any more 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: Very good. Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-160.

COMMITTEE REPORT

NO. 20-141 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending that County Communication 20-15, from Council Chair Kelly Takaya King, relating to an entity to coordinate climate action, including mitigation and adaptation, be FILED.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. If there's no objections, could we also call up Committee Report 20-142?

CHAIR LEE: Yes.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Ms., no, no objections. Ms., I mean, Ms.; Mr. Clerk.

COMMITTEE REPORT

NO. 20-142 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending that County Communication 20-13, from Council Chair Kelly Takaya King, relating to the review of New York City's Climate Mobilization Act and other municipal laws on mitigation and adaptation of climate change, be FILED.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORTS 20-141 AND 20-142, TO FILE THE,  
THE TWO COMMUNICATIONS.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, moved by Ms. King, seconded by Ms. Kama, to file the communications in 20-141 and 20-142.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I hope I, I'm trying to save a couple of minutes here. On May 18, 2020, your Committee received a presentation from the Environmental Coordinator from the Office of the Mayor and the Managing Director on the Administration's actions and plans to mitigate and adapt to climate change.

On October 21, 2020, your Committee discussed local climate action with Rita Ryan, the Pro Tempore Chair of the Climate Action and Advisory Group, a local advocacy organization.

Your Committee gave recommendations to Ms. Ryan on possible partnerships and advised her to look past policies, look at, in past policies for inspiration on future initiatives.

There's no pending legislation action associated with County Communication 20-15, and your Committee therefore voted 5, or 6-0 to recommend filing of the communication.

And for Committee Report 20-142, your Committee noted New York City's Climate Mobilization Act and other municipal laws on mitigation and adaptation of climate

change were reviewed and discussed under another Committee item at its meeting of August 17, 2020.

There's no pending legislation action associated with County Communication 20-13. And your Committee therefore voted 6-0 to recommend filing of the communication. I ask for Members support of the, your Committee's recommendation.

CHAIR LEE: Alright. Any more discussion? If not, all those in favor of the motion for the double filings, 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: Aye. Okay. Nine "ayes", zero "noes"; motion carries, regarding Committee Report 20-141 and Committee Report 20-142.

Mr. Clerk.

#### COMMITTEE REPORT

NO. 20-143 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Bill 121 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-143, from Council Chair Kelly T. King, be FILED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT NO. 20-143.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Mr. Molina, seconded by Mr., Ms. King, to adopt the Committee Report, recommendations in 20-143.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on this matter September 22, 2020, October 6, 2020, and October 20, 2020. Your Committee considered a proposed bill that would require, to the extent permitted by law, advisory opinions rendered by the Board of Ethics to be posted on the County's website within 30 calendar days from the date of the opinion, and advisory opinions already rendered to be posted on the County's website within a reasonable amount of time.

A Deputy Corporation Counsel stated that the Board of Ethics supports the intent of the bill and has already started a process to be able to post copies of advisory opinions to the County's website.

And the Department's FY21 Budget includes a \$7,000 appropriation for the purpose of the Board's webpage and scanning project.

Your Committee voted 8-0 to recommend passage of the bill and filing of the communication.

And I'd like to thank Member King for bringing this matter to the attention of the Committee. Thank you, Madam Chair.

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.

Mr. Clerk.



DEPUTY COUNTY CLERK: Chair, for the record, that's BILL 121 (2020).

COMMITTEE REPORT

NO. 20-144 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-161, entitled "AUTHORIZING SETTLEMENT OF THERESA ANN COX v. COUNTY OF MAUI, ET AL. HCRC NO. RE-M-1165; HUD NO. 09-18-2683-8," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT NO. 20-144.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Member Kama, to approve the recommendations in Committee Report 20-144.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on this matter on October 20, 2020, and your Committee received an overview of the claim in open session by a Deputy Corporation Counsel.

The claim alleges retaliation and discrimination based on race, sex, and disability, while Ms. Cox was a resident at Hale Makana O` Waiale in Lahaina, between January 23, 2017 and January 2, 2019.

The purpose of the proposed resolution is to authorize the Department of Corporation Counsel to settle the claim.

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

Following the executive session meeting, your Committee voted 6-1 to recommend adoption of the resolution. I ask for the Members full support of this matter. Thank you.

CHAIR LEE: Thank you, Mr. Molina.

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I just wanted to renew my request to recuse myself from voting on this. I didn't participate in the executive session Committee discussion, and I would like to continue on that course.

CHAIR LEE: Alright. Are there any other comments or questions? If not, all those in favor of the motion, please say "aye", raise your hand. Yea.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR LEE: Okay, eight "ayes", one "recusal"; motion passes.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-161.

#### COMMITTEE REPORT

NO. 20-145 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Resolution 20-162, entitled "ADOPTING THE LĀNA'I CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS," be ADOPTED; and
2. That County Communication 20-83, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 20-145.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Moved by Member Paltin, seconded by Member Kama, to adopt the recommendations in Committee Report 20-145.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. This proposed resolution will update the 1997 Lānaʻi City Country Town Business District Design Guidelines and Standards consistent with the recommendation in the 2016 Lānaʻi Community Plan.

The Committee reviewed two versions of the proposed guidelines and standards, one including a prohibition on ground-signs.

Based on testimony in support of keeping ground-signs in the design guidelines and standards, your Committee concurred that the introduction of ground-signs in Lānaʻi City is beneficial feature of the rural town community character.

The Committee voted to recommend adoption of the resolution and attached Lānaʻi City Country Town Business District Design Guidelines and Standards without a ground-sign prohibition. I respectfully ask for the Councilmembers support of my motion. Thank you.

CHAIR LEE: Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. For Lānaʻi, this goes a way back. You know, in 1983, when we were still under Interim Zoning for most of the island yet, part of the issue was that designation, Interim. And unless we were continuing existing use, we had to follow County of Maui design standards. And obviously, it didn't fit for Lānaʻi.

It wasn't meant to be a Dream City type of Kahului requirements for subdivisions. It wasn't meant for us to have gutters and sidewalks on both side of the streets. You

know, Jim Dole and his engineers built Lāna'i to be a pedestrian community, and that is why our grid is numerical in one way and alphabetical in another. It was designed specifically to be a pedestrian, family community, where the plantation or pineapple, actually provided all transportation requirements.

Here we are, fast-forward to 2020. I appreciate this Council's support. I think that this current community has spoken out on what they believe is important for them in design guidelines for the current community and I'll, I'll support that. I think one of the things, though, that we try to remember, as far as one of the design principles of this type of communities, is the continued maintenance and enhancement of our historic character. And that is one of the things that I obviously made the community respond to with my proposal, and that was great.

So, again, the current community is very supportive of it. And I hope we would've get a couple of testifiers today, but I think they're pleased with the work of the Committee, and I want to thank Ms. Paltin. And again, I just wanted to say I appreciate Ms. Paltin, cause I did outreach to her and that Committee to please have the Lāna'i people participate in the process and I want to thank Ms. Paltin for doing that. I think we came up with the best possible position for today's decision-making. So, I thank the Members. And I thank the existing community and hope we can remember what the outer community wanted when they approved the projects for Lāna'i's development. Thank you.

CHAIR LEE: Any other comments? 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.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-162.

Chair, proceeding with ordinances for second and final reading. You have before Bill 103 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101--

CHAIR LEE: Okay. Mr. Clerk, could you hold on a second.

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wondered if we were going to go back to the other item that we, we left, we, I think we gave Ms. Munsell a half an hour to find a solution for the--

CHAIR LEE: Okay, we, we are going, but see, most of these bills are all budget. Only one is Ms. Paltin's, so--

COUNCILMEMBER KING: Oh, okay--

CHAIR LEE: --this could go through pretty fast.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay. Mr. Clerk.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 103 (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,  
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL  
OBLIGATION BONDS OF THE COUNTY OF MAUI  
ISSUANCE, SALE AND DELIVERY OF SAID BONDS  
(DEPARTMENT OF TRANSPORTATION – CENTRAL  
MAUI TRANSIT HUB)

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE BILL 103.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. This is for filing, huh. Alright. Alright. Any discussion? Moved by Member Rawlins-Fernandez, seconded by

VICE-CHAIR RAWLINS-FERNANDEZ: Member--

CHAIR LEE: --Mr. Sinenci. Mr. Sinenci, yea. Okay, to file Bill 103, which is listed for second and final reading.

Alright, Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: As you aptly pointed out, Chair. I think there was a inadvertent duplication. It's the same Bill as 105. In the excitement, I think, it ended up getting printed twice, so.

CHAIR LEE: Okay. Yea, that's all we have around here is excitement.

Okay. Any more questions or comments about that? If not, all those in favor of the motion, please say "aye", raise your hand, just to file Bill 103.

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

NOES: NONE.

CHAIR LEE: Alright. Motion carries; nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 104 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
GOVERNMENT FACILITIES, BOND FUND, CENTRAL MAUI TRANSIT HUB;  
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And here's where the quick part will come in. May I request the Clerk to also call up Bill 105 through Bill 112, if there are no objections?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Mr. Clerk. No objections, so ordered.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 105 (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,  
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL  
OBLIGATION BONDS OF THE COUNTY OF MAUI  
ISSUANCE, SALE AND DELIVERY OF SAID BONDS  
(DEPARTMENT OF TRANSPORTATION – CENTRAL  
MAUI TRANSIT HUB)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 106 (2020)

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 TRANSPORTATION,  
CENTRAL MAUI TRANSIT HUB

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 107 (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.27,  
MAUI COUNTY CODE, RELATING TO A  
VEHICLE DISPOSAL FEE FUND

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 108 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,  
SOLID WASTE ADMINISTRATION PROGRAM – SOLID WASTE MANAGEMENT FUND,  
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM –  
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND;  
OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM;  
DEPARTMENT OF POLICE, MOLOKAI POLICE STATION ROOF REPLACEMENT

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 109 (2020)

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 FIRE AND PUBLIC SAFETY;  
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,  
(FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE GRANT)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 110 (2020)

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 PUBLIC WORKS,  
COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION,  
COUNTYWIDE FEDERAL AID PROGRAM



ORDINANCE NO. \_\_\_\_\_  
BILL NO. 111 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO SECTION 14 OF THE GENERAL BUDGET PROVISIONS

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 112 (2020)

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,  
OFFICE OF THE MAYOR,  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 104 THROUGH BILL 112 ON SECOND  
AND FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Kama, to move Bills 104 to 112 on second and final reading.

Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 104 through 106 amends Fiscal Year 2021 Budget, Appendix C, Bond Authorization, to add 800,000 to appropriation under the Department of Transportation, Central Maui Transit Hub. Bid for the construction of this project exceeded the amount by 200,000.

Bill 107 amends Section 3.27.030B of the Maui County Code to correct an erroneous reference.

Bill 108 through Bill 112 are housekeeping amendments.

And I ask for the Councilmembers continued support of this motion. Mahalo, Chair.

CHAIR LEE: Alright. Any comments, 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.

One last one, before we go back.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 113 (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35, MAUI COUNTY  
CODE, RELATING TO ACCESSORY DWELLINGS

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS BILL 113 (2020) ON SECOND AND FINAL  
READING.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Ms. Paltin, seconded by Ms. Kama, to pass Bill 113 on second and final reading.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Bill 1, oh thank you, Chair. Bill 113 aligns the zoning and Fire Code to follow the Fire Code to allow accessory dwellings to be constructed with sprinkler systems if the property cannot meet the 20-foot wide fire apparatus access road requirement. Therefore, proper, more properties seeking to build accessory dwellings will qualify for development without compromising public safety. I respectfully ask for the Council's support for my motion. Thank you.

CHAIR LEE: Any more discussion? 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.

FURTHER DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 20-550

CHAIR LEE: Alright, Members, we'll go back to CC 20-550. Are we ready, Ms. Munsell?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes. Thank you, Chair. Actually, Councilmember Kama has put together an Amendment Summary Form, which covers the, the question that you're asking.

CHAIR LEE: Alright, so at this point, did you make a, an, a motion initially, Ms. Kama?

COUNCILMEMBER KAMA: Yes, initially--

CHAIR LEE: I think you did. I think you did.

COUNCILMEMBER KAMA: Initially, yes.

CHAIR LEE: And then, okay, so you would, and then you tried to make a couple of amendments, so those are withdrawn, right? Yea?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay. And you're making a new amendment, right?

COUNCILMEMBER KAMA: Correct.

CHAIR LEE: Okay. Let's hear your amendment.

COUNCILMEMBER KAMA: Okay. So, the amendments are--

CHAIR LEE: Oh, how many you have? One?

COUNCILMEMBER KAMA: Two.

CHAIR LEE: Okay, one at a time.

COUNCILMEMBER KAMA: Okay.

ONE, THE MOTION IS TO AMEND PARAGRAPH 1 AFTER THE  
"BE IT RESOLVED" TO STRIKE THE AMOUNT OF "\$1,780,000"  
AND REPLACE IT WITH "\$1,335,000".

COUNCILMEMBER KING: \$5,000.

COUNCILMEMBER KAMA: Right; \$35,000, yes.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Alright. Any more discussion on this. All those in--

Oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: So, Ms., Ms. Kama, just so we're clear, out of the \$1.335 million in your amendment--

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER HOKAMA: --\$890,000 is already provided by the County of Maui?

COUNCILMEMBER KAMA: I would assume so. That's part of the overall agreement when we first talked about it last year.

COUNCILMEMBER HOKAMA: Right. So, because, you know, I understand Ms. Paltin's point, you know. Why turn down that extra \$445,000 of outside funding? So, I understand.

COUNCILMEMBER KAMA: So, so this part, Mr. Hokama, only talks about the 1,335,000. The second part would have talked about the 445, the balance.

COUNCILMEMBER HOKAMA: Right. Right, right, right. No, I'm just trying to under, yea, be clear what is making up the 1.335, yea. And that, and that of that the County is going to pay \$890,000 worth of that total amount for traffic mitigation, for a traffic mitigation project that has yet to be identified by Public Works.

CHAIR LEE: Okay. We need that confirmation from Ms. Munsell.

COUNCILMEMBER KAMA: Ms. Munsell.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you, Chair. Yes, indeed, we increased the amount of the grant to the project by \$890,000. The \$1,335,000 will be returned to the County and paid out of non-County funds.

CHAIR LEE: Okay.

COUNCILMEMBER HOKAMA: Okay. And that will be at escrow, Ms. Munsell?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes, Councilmember Hokama. Yes, it will be.

COUNCILMEMBER HOKAMA: Okay.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Closing at the end of this month, I believe.

CHAIR LEE: Alright. You know, the--

COUNCILMEMBER HOKAMA: Okay. Thank you. Thank you, Chair.

CHAIR LEE: Ms. Munsell, since you have the amendment with you, was it supposed to be one amendment or two amendments?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you, Chair Lee. There's actually two parts to this amendment. So, it's the same amendment--

CHAIR LEE: Okay.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: --just two parts.

CHAIR LEE: It's the same amendment. Okay.

Alright, Ms. Kama. You give us the second part of--

COUNCILMEMBER KAMA: So--

CHAIR LEE: --this.

COUNCILMEMBER KAMA: Okay.

AND THE SECOND PART IS, AND FURTHER TO AMEND  
PARAGRAPH 2 TO STRIKE, "AND THE BALANCE OF 445,000  
MUST BE MADE PRIOR TO ISSUANCE OF A CERTIFICATE  
OF OCCUPANCY FOR THE PROJECT".

So, if you wanted it to read in its most clear, clear form. It says, "BE IT RESOLVED by the Council of the County of Maui: That the Grantee, through the Limited Partnership, must pay to the County of Maui, Department of Finance, the amount of \$1,335,000 as a fee for traffic mitigation in West Maui. That payment of \$1,335,000 of the Traffic Mitigation Fee must be made at the time of the closing of escrow related to the Project [and the balance of \$445,000 must be made prior to issuance of a certificate of occupancy for the Project]."

DIRECTOR OF HOUSING AND HUMAN CONCERNS: I'm sorry.

CHAIR LEE: Okay.

DIRECTOR OF HOUSING AND HUMAN CONCERNS: I'm sorry, the--

CHAIR LEE: You're sorry about what?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: Ms., Ms. Kama, the second "BE IT RESOLVED" would simply read, "That payment of the \$1,335,000 of Traffic Mitigation Fee must be made at the time of closing of escrow related to the Project."

COUNCILMEMBER KAMA: Right. Right, right. It ends at, at the project. I'm sorry. You're right. I didn't see the brackets.

CHAIR LEE: Alright. Ms. Munsell, I'm, I'm pretty sure you know that for residences there are no certificates of occupancy, that I know of. It's final inspection report. So, so we shouldn't put certificate of occupancy.

COUNCILMEMBER KAMA: That's why in Committee--

CHAIR LEE: That's only for commercial buildings. What? Wait, wait. Certificate of occupancy are for commercial buildings, right? I just want to get the verbiage correct so we can move forward, Ms. Munsell.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: That section, Chair Lee, is being struck, so--

CHAIR LEE: Okay, so--

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: --that issue is resolved.

CHAIR LEE: It's not an issue. It's a non-issue.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Right. Yes.

CHAIR LEE: Okay. Alright. Anybody else?

Yes, Ms. King.

COUNCILMEMBER KING: Just a question about if the developer, so the developer is agreeing to pay the balance before the, the project is being completed, that there's no issue with that, Ms. Munsell?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank, thank you for the question, Ms. King. The, the developer is agreeing to pay 1.335 million at the time of closing, which would occur at the end of this month or the beginning of December. And that's the end of their obligation.

COUNCILMEMBER KING: Oh. Okay. So, the second part about paying the additional 400,000 is not in there?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: That's, has been struck, yes.

COUNCILMEMBER KING: Okay. Okay, so, so we're actually just, we just have the one amendment? Okay, thank you.

CHAIR LEE: Got two parts to the one amendment.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Is it okay if I ask a question of Mr. Bigley--

CHAIR LEE: Oh, sure.

COUNCILMEMBER MOLINA: --related to his email to Councilmember King.

CHAIR LEE: Yea. Mr. Bigley, are you there on call?

MR. BIGLEY: I am.

CHAIR LEE: We have a question for you.

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair. Good afternoon, Mr. Bigley. Related to your email to Councilmember King, it mentions that, "if we are unable to get the relief from the County of Maui we are seeking under the resolution, we will need to leave more of our money in the development". So, as I understand this, you're saying to us that if, if we don't give the money for the traffic mitigation fee, you're going to have to pay for it. And if you have to pay for the fee in total, will this shut down the project? And, and explain to us what the burden is, you know, why . . . face this burden?

MR. BIGLEY: Okay. Yea, I can, I can let you, I'll let you know what this is.

COUNCILMEMBER MOLINA: Okay.

MR. BIGLEY: This was originally a . . . But to be clear, we're leaving currently, we have to leave \$823,000 in the deal. We have about 2 million in that we funded in predevelopment, out of our resources. We're leaving \$823,000 in. If we don't get the relief, the 445, then we have to leave a million two, million three, in the deal, additional.



Do you know what I'm saying? That we have to pay it is what I'm saying. And we're just looking for some relief. We normally--

COUNCILMEMBER MOLINA: And, and if you have, if you have to pay it, then you're probably have to looking at maybe adjusting rental prices for future--

MR. BIGLEY: No, we . . . rental prices, cause they're fixed. It's just, you know, we're, as you know, we're very active on the island and we're pursuing other things. We need liquidity. If I wrap all my liquidity up in a single deal, then I, it prevents me from doing other things, right? So, we'd have stuff down in Kihei we're finishing and, you know, it just makes it, it straps us, right? We need liquidity too and so we try not to what we call overfund these deals. And this particular one, we're just leaving a lot more than we ever had to.

COUNCILMEMBER MOLINA: Okay. Alright.

MR. BIGLEY: It, I mean, it truly is a burden, so.

COUNCILMEMBER MOLINA: Okay. Alright, thank you very much, Mr. Bigley.

MR. BIGLEY: But it--

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MR. BIGLEY: --cause it's not good for any--

CHAIR LEE: Okay, that's enough. Any more questions? Any more questions? Alright, all those in--

Oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, if Public Works is, do we have someone from Public Works, by chance, Chair.

CHAIR LEE: We did. Mr. Molina was here earlier. Mr. Jordan Molina?

DEPUTY COUNTY CLERK: Chair, he does not appear to be connected to the meeting anymore.

COUNCILMEMBER HOKAMA: Oh, okay. Okay, well, I appreciate you trying, Chair. I just was being curious, what would be the total amount required to do the traffic mitigation project, so we get a sense of what this \$1.3 million does to address the concerns of

the development? You know, if they've, Public Works says, you know, maybe Ms. Paltin knows, cause, you know, I know she knows the area quite well, so.

CHAIR LEE: Mr., Ms. Paltin.

COUNCILMEMBER PALTIN: Yea, Mr. Molina did have a meeting with my community in West Maui. I forget when it was, sometime last year, and he, we were discussing possible mitigations of Keawe Street. And he mentioned a possible dog bone roundabout. But there were a lot of studies that needs to be done. But that was one of the, one of the issues. He, he had about, like three mitigation measures that would, oh, I see that DPW is on, so he probably could explain it better. But I think one was a dog bone roundabout, one was a protected left, and one was a traffic light.

COUNCILMEMBER HOKAMA: Thank you, Ms. Paltin.

Mr. Molina, are you there with us? Are you?

DEPUTY DIRECTOR OF PUBLIC WORKS: Yes, Councilmember. Sorry, I've been juggling meetings.

COUNCILMEMBER HOKAMA: Yea, I appreciate your time, Director. I was wondering if you had a estimate or a sense of how much this traffic mitigation project would cost the County from this project?

DEPUTY DIRECTOR OF PUBLIC WORKS: So, we've done a preliminary study of what kind of options, kind of in the existing segment of Keawe Street, more in the, I guess that include Kupuohi as well. It did not include this particular intersection for this Kaiaulu project.

One of the challenges with Keawe Street is the current terminus of the bypass creates a lot of uncertainty, because it was not a, you know, it wasn't there before, it's there now, and it's proposed to leave.

COUNCILMEMBER HOKAMA: Right, right.

DEPUTY DIRECTOR OF PUBLIC WORKS: It's been kind of a issue we've been trying to work around. Let me see if I can find.

COUNCILMEMBER HOKAMA: Well, my point, yea, Deputy, is that, you know, we talked about this when we, prior to approving the project. And all had concerns because of the State, State road system and the terminus in that area. So, we understand, you know, it's not a County problem per say. But with this project, though, with this traffic

mitigation, when will the community really, really realize a project to address the issue of the traffic?

If you tell me, you know, yea, we're going to get 1.3 but, you know, to make it happen it's going to take 10 million, so until we get another \$8-plus million we're not going to do anything. Then at least we know that. And if the community asks us, we're going to tell them, yea, until we ante up more money, this project is not going to happen and there will be no mitigation efforts from the, for the project.

DEPUTY DIRECTOR OF PUBLIC WORKS: Yea, so, in addition to this money, there is also other West Maui traffic mitigation monies out there. One is from the SMA approval for, I believe it's KOR, that's what current, that's what funded the current assessment of Keawe Street. I don't have, I don't think our report gave us a real good estimate at this point, of cost. But yea, roughly, you're probably in the ballpark of 1 to 2 million in approve, in improvements to address, you know, that, those series of intersections from the highway back towards this project. But I don't think this will cover everything. Granted, you know, this is just one of, I would say it's around six or, six or seven intersections we're, we're discussing here.

COUNCILMEMBER HOKAMA: Right, right.

DEPUTY DIRECTOR OF PUBLIC WORKS: Or driveways. So, it, you know, it could be argued that they cover their share of the mitigation.

COUNCILMEMBER HOKAMA: No, I appreciate your comments, Director. And, and again, you know, I mean, there's a lot of good things about this project, but the Committee was always concerned about the ingress/egress from the project regarding the terminus factor. So, thank you very much. Thank you, Chair.

CHAIR LEE: Are there any further questions or comments? If not, all--

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Yea, I just wanted to make mention that it's the added layer of difficulty is a County road sandwiched between two State highways with no known end in sight of where the final bypass terminus is going to be. Department of Hawaiian Home Lands homesteaders made it very clear that they don't want the terminus to be by the post office. The folks at the coffee farms made it very clear they don't want it at Kaka'alaneo. And so, we kind of ran out of places to put the terminus. But we need it moved from Keawe Street and it's kind of within the State's purview. And the northern terminus was supposed to be funded by rental car surcharge which has done a nosedive as well. So, we got a lot of other issues.

And we do have other developments too that are on the hook for highway improvements in West Maui. Kapalua Mauka is one of them; \$3,500 per house they were supposed to give. So, there's a lot of balls in the air, really. Just for everyone's information.

CHAIR LEE: Oh, thank you. Any further comments or questions?

Mr. Clerk.

DEPUTY COUNTY CLERK: Oh. Chair, I just wanted to double-check. The motion that's on the floor right now is Councilmember Kama's entire amendment with both parts, is that correct?

CHAIR LEE: Yes. One amendment with two parts.

DEPUTY COUNTY CLERK: Okay. Okay. Thank you, Chair.

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

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

COUNCILMEMBER HOKAMA: With reservations.

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", one with reservations; motion carries. Thank you.

Now, the motion as amended. All in favor say "aye".

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.

Thank you, Members. This was a interesting day. Thank God we have a holiday tomorrow, right? I hope you folks get a lot of rest. Have, do something fun, you know? Any final parting remarks from anyone?

Mr. Clerk, did we cover everything? Did, did I fail to go back to anything?

DEPUTY COUNTY CLERK: No, Chair. That, that's the entire agenda. I will just add really quickly that for the record, that's RESOLUTION 20-163, and that's it.

CHAIR LEE: Alright. Thank you very much. Anything else?

Yes, Mr., Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to remind folks that I'll see you guys Thursday at PSLU.

CHAIR LEE: Oh, shucks.

COUNCILMEMBER PALTIN: No getting out of it

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Except for Mr. Hokama and Ms. Kama.

CHAIR LEE: Okay. Mr. Hokama, I thought I saw your hand up.

COUNCILMEMBER HOKAMA: Yea, very quickly, Chair. I'm going to use a point of personal privilege. Again, this is not COVID-related. But we had the passing of two very old-timer Lanaians; Mr. Felix Ballesteros, you know, who was I think born at like 1930. And then of course, I've also lost another Lanaian; Leonida, or her friends would call her . . . Batoon. Long time Lanai residents who helped build us during the pineapple era. And so, I just wanted to extend our condolences and sympathies to those two Lanai families that helped build what is Lanai today. Thank you.

CHAIR LEE: Thank you for that.

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I want to just honor Veterans. Veteran's Day is tomorrow. And besides it being a holiday and there's not going to be any ceremony like we normally would see, there is the Veteran's Cemetery will be open and you can honor the Veterans in a way that's good for you. But, thank you.

CHAIR LEE: Thanks. Thank you for reminding us.

Yes, Ms. King.

COUNCILMEMBER KING: Yea, I, I, I echo Member Sugimura's sentiments. And also, I wanted to make a hearty congratulations to one of our, our community members; Pat Simmons Sr. for the induction into the Rock and Roll Hall of Fame by the Doobie Brothers this past weekend. That was, I would love to do a ceremonial resolution, but I know they're not all from Maui, so I just thought I would congratulate them and let the group know how proud we are that we have. And not, and not only is he a great musician, but he's like one of the nicest guys you'll ever want to meet. Congratulations.

CHAIR LEE: Thank you for sharing that. Anyone else?

If not, everybody have a wonderful safe weekend. And I'll see you Thursday. Thank you very much for, for all the work you did; appreciate it. Bye.

## ADJOURNMENT

The regular meeting of November 10, 2020 was adjourned by the Chair at 3:03 p.m.



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KATHY KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

## County Clerk

**From:** kai <kaiduponte@yahoo.com>  
**Sent:** Monday, November 09, 2020 8:49 AM  
**To:** County Clerk  
**Cc:** Cara Flores; Sarah Hofstadter; Cynthia Ann Toth; Angela Keen; Dr. Stephanie Yan; Steve O'Neal; Dayna Moore; Kevin Vacarello  
**Subject:** Support for Agenda Item 20-557

RECEIVED

2020 NOV -9 AM 9:07

OFFICE OF THE  
COUNTY CLERK

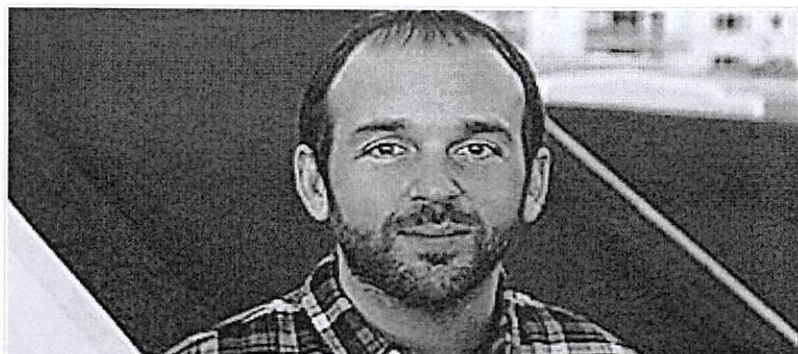
Aloha County Council Members! First of all, I want to mahalo you for being true heroes during this pandemic--you are the ones who are taking on the specific issues in the attempt to keep Maui County safe. Kudos to you. I am part of Hale Hawa'i, a grassroots group that was created to help protect Hawaii against COVID-19. Our website is [halehawaii.cc](http://halehawaii.cc) and we are on FaceBook (HaleHawaii and HaleHawaii Supporters Group).

I am writing to express my support for agenda item number 20-557, Councilmember King's resolution urging the Mayor to establish a rapid response COVID-19 task force.

Hawai'i has had at least 10 months to prepare for pandemic preparedness. We have not been hit hard yet and should have used the time to prepare--especially since leadership's plan was not to continue to protect us, but to open us up at the worst point of the pandemic. Private citizens like me or elected officials like you are not trained in infectious diseases. We need to be advised by a COVID-19 Task Force made up of professionals on issues such as mask laws and enforcement, contact tracing and a safer plan on waiving quarantine if our ill-planned single pretest plan blows up.

Examples that I can think of offhand of Maui County making mistakes with COVID preparedness are:

- Lana'i was opened up with no preparation or tools. They were not given a QR reader, so they were unable to verify the result of the pretest. They were not even given one testing machine (Angela Keen had to recruit a private donor to buy one AFTER they had already been opened up). Insufficient community education was given to prepare residents to distance and wear masks, stay away from groups, etc. This was an island that had not seen COVID infections for the 9 months while everyone else had been dealing with it, so of course they weren't living the COVID life. Yet the infection, which was obviously brought onto the island, is blamed on residents (see today's article as just the latest example): [Islands take another important step toward tourism recovery](#)



## **Islands take another important step toward tourism recovery**

Hawaii is now welcoming visitors from Japan under the same pretravel testing guidelines as U.S. visitors, at a t...

The Lana'i outbreak would not have happened if we had a COVID Task Force to advise the Mayor. I'm hearing that the Lana'i outbreak caused Mayor Victorino to accept use of the Perseus contact tracing platform, but it should not take a crisis to force our Mayor's hand.

- Another recent example of failure here on Maui is the lack of education around mask usage and the vague medical exemption. When we "opened up," tourists were not educated in any way about our mask laws, that are much stricter than those from where many are coming from. Private citizens (including Hale Hawa'i) had to create our own flyers and hand them out to hotels, rental car businesses, and even handed them out to individual tourists. Hotels and rental care companies appreciated the flyers, while individual tourists did not, with one threatening to run the private citizen handing out flyers over with their car (in a parking lot in Ma'alaea). You could not find any education about the mask law on our state or county websites. Calls were made to the Mayor's office, and finally they added information to their website. Private citizens should NOT have to be doing all of this--with no support from our leadership! We see that MPD is focusing on ticketing residents for not wearing masks while leaving tourists alone. Recently, it became known that our Whole Foods here decided to allow shoppers in without masks as long as they say they have a medical condition, because the Maui mask mandate allows for a vague medical exemption. Several of us have been in communication with them and the Mayor's office about this, with no response (their response was that those who do not want to be exposed should accept curbside service). A Task Force would have given clearer guidelines for a medical exemption, similar to applying for a Disability parking placard.

A Task Force would ensure that residents and tourists are educated about and encouraged the Perseus app, masks and distancing to control spread before it gets out of control. A Maui outbreak is almost inevitable, and it will not be easy to contain. We need a plan!

In order for schools to reopen safely and not have to shut down quickly, we need a plan!

Our one hospital does not understand the aerosol nature of the virus and spreads it rather than contains it. We need a plan!

I urge the Council to adopt Kelly King's proposed resolution without delay, and then to follow through by working with the Mayor to implement its recommendations.

Mahalo piha to all of you for listening to me.

Kai Duponte, MSW (retired) 808-342-3234  
Pukalani



## County Clerk

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**From:** Hale Hawaii <hale808hawaii@gmail.com>  
**Sent:** Tuesday, November 10, 2020 10:18 AM  
**To:** County Clerk  
**Subject:** Resolution 20-557

Aloha council members

I wanted to let you know HALE HAWAI'I supports a rapid response COVID-19 task force. We are also trying to get a task force started in other counties as well. This would enable quick and consistent actions and responses. It would help us to be much more proactive.

We also want to clarify that only 2 members of HALE HAWAI'I testified today Kai Duponte and Cara Flores. We are glad other members of the community called and also support this effort.

We found Christopher Fishkens testimony offensive and want to make sure it is clear he is not part of our organization. We want to work with the council, Mayor and other government agencies. We support you, want to help protect the community and help provide solutions.

If you ever would like to meet with us please let us know. We would love to share information and concerns with you at any time.

Much Aloha!  
Cara Flores  
Hale Hawai'i  
808-866-4611

## County Clerk

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**From:** fryrchriss@aol.com  
**Sent:** Friday, November 06, 2020 10:04 PM  
**To:** County Clerk  
**Subject:** INCLUDING DOCUMENTS Fwd: PLEASE REPLACE PREVIOUS EMAIL TESTIMONY ON RES 20-557 NOV 10TH WITH THIS  
**Attachments:** TESTIMONY NOV 10TH RAPID RESPONSE COVID-19 TASK FORCE.pdf; Complaint to Hawai'i Department of Health.pdf; Complaint to The Joint Commission.pdf

May apologies County Clerk. Having computer difficulties this evening. :)

see attached docs to Testimony.

-----Original Message-----

From: fryrchriss@aol.com  
To: county.clerk@mauicounty.us <county.clerk@mauicounty.us>  
Sent: Fri, Nov 6, 2020 10:01 pm  
Subject: re: PLEASE REPLACE PREVIOUS EMAIL TESTIMONY ON RES 20-557 NOV 10TH WITH THIS

County Clerk,

The previous email sent with my testimony on Res 20-557 on Nov 10th urging the Mayor to create a Rapid Response Covid-19 Task Force

was a preliminary draft, not intended for publication as testimony. Please replace it with the testimony provided in this email communication and also attached with supporting documentation.

Mahalo

Christopher P. Fishkin  
Kihei, Maui, HI  
808-213-4140

Dear Councilmembers,

I am writing to urge you to adopt 20-557 to urge the Mayor to create a Rapid Response Covid-19 Task Force for Maui County.

The Mayor's administration's response to the Covid-19 Pandemic on Maui has been inadequate and disjointed.

Whether he wants to acknowledge it or not, he needs help. We all need a little help sometimes, and when we are in a position of governing the young, the old and the vulnerable and the well being of our economy is at stake, it's important to swallow our pride and be available to work with all those who can help to make our service to the community, successful.

Our coalition of highly educated professionals, who bring much expertise on Covid-19 to the table, have worked tirelessly these past months to educate the public, and to help this Counsel to play a role in bringing critical aspects of our Covid-19 response to light, that the County is still failing at. I have also just filed a Hazard Safety Complaint against Maui Memorial Medical Center on behalf of medical staff employees who are afraid of retaliation. Our hospital is placing its staff and patients and our residential community, as well as travelers in harm's way, and with no oversight or accountability. Are you aware that the infectious disease doctor is retiring in January? That he has minimized, on behalf of Kaiser, aerosol Transmission of Covid-19? That the hospital with already two previous staff/patient spread outbreaks is now restricting N95 masks again, and doesn't consistently and properly test their facility regularly? And, who will replace the Infectious Disease Doctor during this Pandemic? Do we know if there will even be one?

I have been in direct communications with Mike Rembis, CEO, Kaiser Permanente. After these communications, and in my opinion, Kaiser Permanente is like having a fox to guard a hen house. They are not following CDC or DOH guidelines, and all our elected officials should be doing their part to keep the pressure on them to do so. It is not sufficient to rely on citizens to have to enforce the safety of our only health care facility. If I, a person living in affordable housing, who has no car, and lost my income due to Covid-19, can do my part; then certainly those tasked with the safety of our citizenry can, and should, do at least that. I understand that you have a lot on your plate. And that's why the County needs to be hiring persons in key roles to manage this crisis, and to help implement the strategies effectively to mitigate and eradicate Covid-19 from Maui County. You can't both run the County and manage Covid-19 effectively. But, Covid-19 must become our priority. And, the Host Culture, the Native Hawaiian Community is most at-risk from a community spread.

This is a crisis which demands leadership. That all solutions be vetted and the issues be addressed in multiple and creative ways if we are to maintain our low case count, given that the Mayor has chosen to participate in the State's Safe Travel Program. Right now, there is nothing particularly safe about it, and without much a more aggressive approach to mitigation, Maui County, is risking both its community members and its economy; putting both in harm's way as the Pandemic rages in the U.S. and in the world, all around us.

The resolution before you, provides a structure to meet all the challenges head-on and bring individuals with great expertise and knowledge, as well as elected officials together on a scheduled basis, to discuss the most pressing issues, as they arise, and to help the Mayor to make the most safe and effective strategies going forward.

Our Dept. of Education is failing us and we need to immediately help provide outdoor facilities for schools on Maui. Kids need to go to school and parents need to be able to work.

The Perseus App is now online, and available to all and we need to be providing incentives for our travelers and visitors to use the App, not just in Lana'i, but throughout Maui County.

We need to support Dr. Pang in his Herculean efforts to do volunteer departure tests, so that we have the crucial information we need, in order to know how many people are infected who have traveled to Maui.

We are finally starting to get education and enforcement about masks and the laws travelers and residents are required to be following in Maui County, during the Pandemic. But, relying on a former Mayor who is volunteering for the present Mayor, who, is relying on recruiting volunteers himself, is woefully inadequate. We are not a non-profit organization, we are the County of Maui.

We are cavalierly and rather pridefully, in my opinion, welcoming tourists with one pre-flight test and no Covid-19 Task Force.

Let me be clear, of all the original criteria the State had originally had required to reopen to Tourism, the Governor settled on requiring only one of them; a pre-flight test to overcome quarantine. He is not even calling back the legislature to even ensure that there is a State Law requiring a mask mandate statewide to protect the public. And, there is no law presently allowing OSHA to enforce safety laws in the workplace of our only hospital, as to aerosol transmission of the virus; like they have in California. Please inform our Hawai'i Legislature and Sen. Hirono and Sen. Schatz that we need a law like that to protect workplace safety in Maui Community.

The Mayor cannot abdicate our responsibility to the State and then simply blame them for whatever goes wrong. Josh Green stated to me that he is reluctant to intervene in Maui Politics. He indicated that he is relying on you who are the elected representatives of government, to safeguard your population. In my opinion, this Mayor and his administration is not doing nearly enough; there is more that he can and should be doing, and I believe that this Council has an affirmative obligation to help him do that, to the very best of its ability.

A medical doctor in Makawao was told that the Council was going to be hearing a resolution, urging the Mayor to create a Covid-19 Task Force. Her response was, incredulously, "We don't already have one?"

This Resolution is another positive step in the right direction.

Mahalo nui loa,

Christopher P. Fishkin

## **COMPLAINT TO THE JOINT COMMISSION**

**RE: MAUI MEMORIAL MEDICAL CENTER (MMMC)**

**HIOSH response to an MMMC employee OSHA Complaint Nov 3rd, 2020**

**"Due to the COVID-19, a lot of employees are expecting the employers to comply with the CDC and DOH guidelines and recommendations that they have in place. There are currently no standards or laws that we can enforce to have employers comply with the CDC and DOH recommendations." "Please report your complaint to The Joint Commission and, or Department of Health"**

### **Hazard Description:**

---

- 1. Covid-19 warm unit "where patients are placed to rule out Covid-19 or are actively positive"; plastic barriers within that unit were put up to isolate three rooms for regular ICU patients(that have been tested covid 19 negative). These plastic barriers are taped to the wall and are frequently torn, then repaired with tape. Critically ill patients which are the most vulnerable population should not be placed within this unit. The staff is known to unzip the plastic barriers to pass through from a contaminated area to a "clean area" to access medications and supplies.**
- 2. There is no scheduled or routine sanitization of the Covid-19 warm unit. Only patient rooms are cleaned. Our night and day shift staff have rarely seen any house keeping clean or sanitize the common areas, nurses station, break rooms, or supply rooms. If it is done it is infrequent, and well below standards of a hospital.**
- 3. Entry room into the Covid-19 unit also doubles as a N-95 mask distribution area. Positive patients are moved in and out of this closed entry room, where staff are lined up without proper protection waiting for their masks.**

**In each of the above hazards, hundreds of employees, if not all employees are in extreme danger. Furthermore, The safety of our community and our vulnerable patient population are in imminent danger.**

### **Hazard Location:**

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**Maui Memorial Medical Center, Wailuku tower 2nd floor, ICU**

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**This condition has previously been brought to the attention of:  
The employer, Kaiser Permanente**

**EXCERPTS FROM EMAIL COMMUNICATION TO  
MIKE A. REMBIS C.E.O. MAUI KAISER PERMANENTE  
NOV 2, 2020**

**re: restriction and inadequate supply of N95 Masks at MMMC;  
inconsistent and inadequate Covid-19 testing at facility**

**"Mr. Rembis, preceding the first Corona virus clusters at MMMC, you sent an electronic memo of March 24th, 2020 to all Maui Memorial Staff stating explicitly to that "we will not be revising our current mask policy related to usage by clinical and non-clinical staff or use of non hospital supplied masks". This was in direct contravention of your own KP Chairman and CEO Greg A. Adams, revising the KP policy in CA on mask usage, and sending a memo to KP employees at MMMC approx. eight hours earlier, that same day."**

**"A recent memo to employees notified them that as of last month you ended your employees being able to use their own N95 masks, which indicates that as the Pandemic surges across America and in Europe, including now a community spread on the island of Lana'i; your hospital is going backwards, not forwards. Restricting N95 mask use, and no consistent testing, is exactly what helped to create the first two clusters at your hospital. The fact that Maui reopened to tourism, on Oct 15th, 2020, increases the likelihood of increased cases at MMMC; which under present circumstances is likely to create yet more staff and patient spread clusters. It is well documented that surgical masks do not prevent the transmission of airborne virus' within enclosed structures, even in brief exposures in restrooms etc."**

**"The other significant issue is the fact that the hospital is conducting inconsistent staff testing, and in an ineffective manner. Mayor Victorino brought in Dr. Scott Miscovich, a leader in fighting Corona virus clusters, and the Premier Medical Group, to do a wide range of testing including staff and patients at Maui Memorial Hospital during the second cluster. According to Dr. Scott Miscovich, MD, MMMC "Needs full testing the right way (entire facility in one day). You need N95s on everyone. Then you need testing weekly." Because Maui Memorial is the only hospital, the facility should be hyper-vigilant with constant N95 use when in the circulated air structure. However, with the PPE being consistently restricted, and with no proper consistent staff testing being implemented, there was a second larger outbreak."**

**The Centers for Disease Control and Prevention updated its guidelines to say that COVID-19 transmission can be, in fact, airborne.**

**HAR Title 11**

**Section 11-93-3 (j) The director may deny, suspend, or revoke a 93-7 license for failure to comply with the requirements of this chapter or for any cause deemed a hazard to the health and safety of the patients and employees. [emphasis Fishkin] (k) Infractions which may require invoking of penalties under chapter 321, HRS, include, but are not limited to: (1) Operation of a hospital without a license granted by the department. (2) Violations of the provisions of this chapter which have been found as a result of routine or unannounced inspections of a hospital which has a license.**

#### **HRS Sec. 321-1**

**§321-11 Subjects of health rules, generally. [Repeal and reenactment on June 30, 2014. L Sp 2009, c 21, §8.] The department of health pursuant to chapter 91 may adopt rules that it deems necessary for the public health and safety respecting:**  
**(10) Hospitals, ..**

#### **§321-14.5 Hospitals; licensing.**

**(d) The rules shall provide that the department may conduct inspections and investigations of exempt hospitals to investigate complaints, [emphasis Fishkin] follow up on adverse accreditation findings, or conduct periodic validation surveys.**

**[§321-20] Remedies. Notwithstanding other penalties, the director may enforce this chapter in either administrative or judicial proceedings:...**

### **Safety Event Submission Confirmation**

**Print This Page For Your Records**

Thank you for submitting your safety event to The Joint Commission for review.

Visit the Office of Quality and Patient Safety webpage for information about the safety event review process.

Please print this page for your records. If you are unable to print this page, make a note of your safety event incident number. You will need this number to follow up with The Joint Commission or to submit an update to your safety event.

**Thank you for submitting your safety event!    Friday, November 6, 2020**

**Your safety event incident number is:    33570CAH-73693QSS**



# DOH COMPLAINT

## RE: MAUI MEMORIAL MEDICAL CENTER (MMMMC)

### HAWAII STATE DEPARTMENT OF HEALTH

Main Office: Kinau Hale  
1250 Punchbowl Street  
Honolulu, Hawaii 96813  
Phone: (808) 586-4400  
Fax: (808) 586-4444

Director – Libby Char, MD  
Phone: (808) 586-4410  
Fax: (808) 586-4444

### MAUI DISTRICT HEALTH OFFICE

State Office Building  
54 South High Street Rm. #301  
Wailuku, Maui, HI 96793  
Tel: (808) 984-8200

### HIOSH response to OSHA Complaint Nov 3rd, 2020

"Due to the COVID-19, a lot of employees are expecting the employers to comply with the CDC and DOH guidelines and recommendations that they have in place. There are currently no standards or laws that we can enforce to have employers comply with the CDC and DOH recommendations." "Please report your complaint to The Joint Commission and, or Department of Health"

### Hazard Description:

-----

1. Covid-19 warm unit "where patients are placed to rule out Covid-19 or are actively positive"; plastic barriers within that unit were put up to isolate three rooms for regular ICU patients(that have been tested covid 19 negative). These plastic barriers are taped to the wall and are frequently torn, then repaired with tape. Critically ill patients which are the most vulnerable population **should not** be placed within this unit. The staff is known to unzip the plastic barriers to pass through from a contaminated area to a "clean area" to access medications and supplies.

## DOH COMPLAINT RE: MMMC CONT'D

2. There is no scheduled or routine sanitization of the Covid-19 ward unit. Only patient rooms are cleaned. Our night and day shift staff have rarely seen any house keeping clean or sanitize the common areas, nurses station, break rooms, or supply rooms. If it is done it is infrequent, and **well below standards** of a hospital.

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In each of the above hazards, **hundreds of employees, if not all employees** are in **extreme danger**. Furthermore, The safety of our community and our vulnerable patient population are in imminent danger.

Hazard Location:

-----  
Maui Memorial Medical Center, Wailuku tower 2nd floor, ICU  
-----

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NOV 2, 2020

re: restriction and inadequate supply of N95 Masks at MMMC;  
inconsistent and inadequate Covid-19 testing at facility

"Mr. Rembis, preceding the first Corona virus clusters at MMMC, you sent an electronic memo of March 24th, 2020 to all Maui Memorial Staff stating explicitly to that "we will not be revising our current mask policy related to usage by clinical and non-clinical staff or use of non hospital supplied masks". This was in direct contravention of your own KP Chairman and CEO Greg A. Adams, revising the KP policy in CA on mask usage, and sending a memo to KP employees at MMMC approx. eight hours earlier, that same day."

## DOH COMPLAINT RE: MMMC CONT'D

"A recent memo to employees notified them that as of last month you ended your employees being able to use their own N95 masks, which indicates that as the Pandemic surges across America and in Europe, including now a community spread on the island of Lana'i; your hospital is going backwards, not forwards. Restricting N95 mask use, and no consistent testing, is exactly what helped to create the first two clusters at your hospital. The fact that Maui reopened to tourism, on Oct 15th, 2020, increases the likelihood of increased cases at MMMC; which under present circumstances is likely to create yet more staff and patient spread clusters. It is well documented that surgical masks do not prevent the transmission of airborne virus' within enclosed structures, even in brief exposures in restrooms etc."

"The other significant issue is the fact that the hospital is conducting inconsistent staff testing, and in an ineffective manner. Mayor Victorino brought in Dr. Scott Miscovich, a leader in fighting Corona virus clusters, and the Premier Medical Group, to do a wide range of testing including staff and patients at Maui Memorial Hospital during the second cluster. According to Dr. Scott Miscovich, MD, MMMC "Needs full testing the right way (entire facility in one day). You need N95s on everyone. Then you need testing weekly." Because Maui Memorial is the only hospital, the facility should be hyper-vigilant with constant N95 use when in the circulated air structure. However, with the PPE being consistently restricted, and with no proper consistent staff testing being implemented, there was a second larger outbreak."

The Centers for Disease Control and Prevention updated its guidelines to say that COVID-19 transmission can be, in fact, airborne.

### HAR Title 11

Section 11-93-3 (j) The director may deny, suspend, or revoke a 93-7 license for failure to comply with the requirements of this chapter **or for any cause deemed a hazard to the health and safety of the patients and employees.** [emphasis Fishkin] (k) Infractions which may require invoking of penalties under chapter 321, HRS, include, but are not limited to: (1) Operation of a hospital without a license granted by the department. (2) Violations of the provisions of this chapter which have been found as a result of routine or unannounced inspections of a hospital which has a license.

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(10) Hospitals, ..

**§321-14.5 Hospitals; licensing.**

(d) The rules shall provide that the department may conduct inspections and investigations of exempt hospitals **to investigate complaints**, [emphasis Fishkin] follow up on adverse accreditation findings, or conduct periodic validation surveys.

**[§321-20] Remedies.** Notwithstanding other penalties, the director may enforce this chapter in either administrative or judicial proceedings:

Christopher P. Fishkin

tel. # 808-213-4140

fryrchr@aol.com

A Coalition Coordinator,

"What we Love we Protect"

on behalf of MMMC Kaiser Medical Staff employee(s) who remain anonymous due to legitimate concerns of retaliation by employer Kaiser Permanente / Maui

## County Clerk

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**From:** Kelly King  
**Sent:** Tuesday, November 10, 2020 9:37 AM  
**To:** County Clerk  
**Subject:** FW: Proposed bill for chapter 12.55 ordinance

With Aloha,



**Office of Councilmember Kelly Takaya King**  
South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8<sup>th</sup> Fl  
Wailuku HI 96793  
[mauicounty.us](http://mauicounty.us)

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**From:** Joan Barnes <jmbmn1@gmail.com>  
**Sent:** Tuesday, November 10, 2020 6:16 AM  
**To:** Kelly King <Kelly.King@mauicounty.us>  
**Subject:** Proposed bill for chapter 12.55 ordinance

Good morning

I am writing in reference to the bill for a proposed ordinance establishing chapter 12.55 of the Maui County Code. While I have to believe the author had positive intentions, I also believe that prohibiting individuals and non-profits to reach out with a sandwich, blanket or meal without notifying authorities 48 hours in advance is an unreasonable part of the bill.

Public/private partnerships are critical as we continue to struggle with homelessness on our island. I am as frustrated by the situation as anyone, but I also appreciate that there are groups that are reaching out with goods and services which reduces some of the burden on government and taxpayers. I understand the need for coordination of services, but it needs to be practical as well. Twice, I have ridden with Cup of Cold Water as this mobile ministry provided critical goods and services to homeless throughout the island. The population they serve is transient and they go where the people are that need their services. The bill as written would essentially halt their mission.

2019 Cup of Cold Water statistics:

People served	9,116
Chilled Water distributed	9,116
Food items distributed	59,000
Basic first aid items	5,913
Clothing items	12,476
Hygiene	25,700

Combine this with others who may be unable to operate under this bill and you have a significant loss of services to our homeless. Who will pick up the slack? I doubt it will be the county. I urge you to work with those with boots on the ground in the community to rewrite this bill in a way that doesn't derail and criminalize existing homeless ministries.

Thank you,

Joan Barnes

465 Pulehuiki Rd.  
Kula, HI 96790  
808-495-7047

RECEIVED

2020 NOV -9 PM 4: 00

Maui County Council  
Attention:  
The Honorable Alice L. Lee  
Council Chair, County of Maui  
Wailuku, HI 96793

OFFICE OF THE  
COUNTY CLERK

Dear Council Member Lee,

I am writing you today in regards to the proposed bill, entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 12.55, MAUI COUNTY CODE, PROHIBITING THE DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WITHOUT SIMULTANEOUS PROVISION OF WRAP-AROUND SERVICES."

I am writing today to encourage you to reject this proposed bill and request further planning, research, and discussion. As written, the proposed bill could have a profound impact on the overall physical and mental wellbeing of our unsheltered neighbors. Specifically:

1. Enacting the bill as written would create a significant barrier to accessing basic human needs.
2. There is no accommodation for those with mild to severe mental illness who don't have the capacity to enroll in wrap around services.
3. The bill also has the potential to place additional burden on those service providers 'recognized by the county' by increasing the amount of time they'd need to spend on outreach as well as increased resources for food and hygiene.

Individuals and groups who provide goods to this community fill a critical gap. I understand the intent and purpose of Bill 12.55.010 is to "promote public health and welfare" and to "encourage unsheltered individuals to accept social services..." but additional thought and planning are necessary. We cannot risk the criminalization of human decency nor put conditions on basic human rights like food, clothing, and hygiene – especially during a pandemic.

Council Chair Lee, please consider all the potential impacts of this proposed bill and I urge you to reject it as is until more planning and discussions can occur. I'm certain a more effective solution can be achieved by working in concert with county officials, service providers, and members of the community.

Sincerely,

Danielle Bergan  
Community Coordinator  
Mental Health America of Hawaii



Written Testimony; Douglas Bigley, President, Ikaika Ohana

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2020 NOV 10 AM 7:58

I am here to provide written testimony on County Communication No. 20-550. I would like to provide a bit of **background**, I have an **ask** of the Maui County Council, and I have **status** of the development:

OFFICE OF THE  
COUNTY CLERK

**Background:**

First, I would like to thank the County of Maui Council, the Mayor's office, and the Department of Housing and Human Concerns as they have put forth a tremendous effort to solve the affordable housing crisis for the residents of Maui County. We have or will complete within a 30-month period, approximately 525 new housing units on Maui for families earning between 30 and 60 percent of the area median income. What this means, for example, is that you will be able to rent a new 2 bedroom / 2 bath apartment for between \$575 and \$1,275 per month and a 3 bedroom / 2 bath apartment for between \$650 and \$1,450 per month.

The resolution before you today represent a combined effort between the development community and Maui County to demonstrate an effort to help solve traffic issues that are problematic in almost every community we approach. And while I strongly believe that affordable housing can, in and of itself, reduce traffic, it is not enough because the problems in the community have existed for so long. The resolution before you now, is an effort to show the community of West Maui a sincere effort to contribute toward a broader resolution for traffic and hopefully garner additional support for more housing going forward. The resolution provides for the County of Maui to leverage non-county funding to help solve a local problem.

**Ask:**

As many of you are likely aware, we have been working with the County of Maui on this project for some time now. The reason, in large part, is because we are trying to close transactions as we create new programs with the County of Maui that others may follow. This will allow the County of Maui to do more units as the local programs better conform to State and Federal programs. All this, however, takes time.

I bring this to your attention because within the Resolution is a range that we have asked the County of Maui to consider that would provide the development with some relief to off-set the costs of the delay. We asked for the range because the negative impact of the delay may be partially offset by construction savings. We would be more comfortable if the County of Maui would provide the range in their Resolution as a real option so that we could avoid having to return to the County of Maui Council, yet again, if cost savings are not realized.

**Status:**

The 89-unit affordable housing development in West Maui is schedule to break-ground on December 9, 2020. We hope to see you all there!



## County Clerk

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**From:** judith carroll <silkangelmaui@hotmail.com>  
**Sent:** Thursday, November 05, 2020 9:57 PM  
**To:** County Clerk  
**Subject:** Agenda item 20-557

RECEIVED

2020 NOV -6 AM 8: 50

OFFICE OF THE  
COUNTY CLERK

Aloha,

i am in complete support of establishing a Rapid Response Covid-19 task force. This is way over due. There are many educated, talented, smart residents who are willing and ready to help the Mayor. We need to utilize these residents who can brainstorm, develop and implement a comprehensive safe plan to open going forward. As an island nation there are so many issues that are specific to Maui And there is no working model for us to follow. Please adopt this immediately so we can get to work, utilize the great minds of Maui to develop a safe plan going forward. Your consideration is greatly appreciated.

Aloha

Judith Carroll R.N.

Sent from my iPhone

## County Clerk

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**From:** Kelly King  
**Sent:** Tuesday, November 10, 2020 9:37 AM  
**To:** County Clerk  
**Subject:** FW: Chapter 12.55

With Aloha,



**Office of Councilmember Kelly Takaya King**  
South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8<sup>th</sup> Fl  
Wailuku HI 96793  
[mauicounty.us](http://mauicounty.us)

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**From:** rita.rz.crane@gmail.com <[rita.rz.crane@gmail.com](mailto:rita.rz.crane@gmail.com)>  
**Sent:** Tuesday, November 10, 2020 8:12 AM  
**To:** Kelly King <[Kelly.King@mauicounty.us](mailto:Kelly.King@mauicounty.us)>  
**Subject:** Chapter 12.55

Tuesday, November 10, 2020

Rita Crane  
1216 Calasa Rd  
Kula, HI 96790  
[Rita.rz.crane@gmail.com](mailto:Rita.rz.crane@gmail.com)

RE: Bill for Ordinance Establishing Chapter 12.55

Honorable Council Members,

I am writing to voice my concern for the proposed bill stated above. In its current form I object and hope you consider rejecting this bill to establish the prohibition of distribution of goods and funds in public areas without provision of wrap-around services. My concern is the difficulty of the public to supplement the needs of the unsheltered. It seems harsh to subject charitable giving by individuals and organizations by the process outlined. It restricts the public to supply an immediate need when one is observed. It means that the unsheltered are dependent on the law of the government. I believe the community can play a vital co-role in helping the needy.

Sincerely,  
Rita Crane

Sent from [Mail](#) for Windows 10

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**From:** Mark Crowe <mcrowe@alumni.nd.edu>  
**Sent:** Monday, November 9, 2020 9:13 AM  
**To:** Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Tamara A. Paltin; Riki Hokama; Yukilei Sugimura; Mike J. Molina; Shane M. Sinenci; Kelly King; Mayors Office; Maui\_County Council\_mailbox; County Clerk  
**Subject:** Testimony for 11-10-2020 Maui County Council meeting  
**Attachments:** CC20-545\_MarkCrowe.pdf

Dear Council Chair Lee, Vice-Chair Rawlins-Fernandez, Presiding Officer Pro Tempore Kama, and County Council Members:

Attached is my written testimony for the Nov. 10 County Council meeting. I am writing to recommend changes to the proposed bill "For an ordinance establishing chapter 12.55, Maui County Code, prohibiting the distribution of goods and funds to unsheltered individuals in public areas without simultaneous provision of wrap-around services."

Please let me know if you are unable to access my testimony or if you have additional questions.

Aloha,  
Mark Crowe

RECEIVED  
2020 NOV -9 AM 9:17  
OFFICE OF THE  
COUNTY CLERK

# Mark Crowe

66 Puakea Place  
Kula, HI 96790  
808-757-9523, mcrowe@alumni.nd.edu

November 9, 2020

## **Maui County Council Meeting**

Testimony submitted via email to: county.clerk@mauicounty.us,  
county.council@mauicounty.us, all council members, and Mayor Victorino

**Position on CC 20-545:** I oppose this bill as currently written and suggest revisions made after collaborating with providers who serve unsheltered people.

Dear Council Chair Lee, Vice-Chair Rawlins-Fernandez, Presiding Officer Pro Tempore Kama, and County Council Members:

My name is Mark Crowe, and I am a registered voter who lives in Kula, Hawaii 96790. I am writing to you as a private citizen.

As you know, the pandemic has amplified the need to make sure all individuals on Maui have access to the basic resources they need to stay physically, mentally, emotionally, and spiritually healthy. While Maui County has made great strides in helping families and individuals obtain shelter over the last year, we have also seen an influx of new individuals needing a different level of assistance, including those who have been released from jails and prisons because of the pandemic and those who are suffering new hardships because of pandemic-related job loss, domestic violence, severe illness, health conditions, and more.

I am writing about the proposed bill "For an ordinance establishing chapter 12.55, Maui County Code, prohibiting the distribution of goods and funds to unsheltered individuals in public areas without simultaneous provision of wrap-around services."

I oppose this bill as written for the following reasons:

- The bill does not clearly articulate the intent and goals of the bill.
- The bill does not provide clear guidance to individuals and organizations about what actions are and are not allowable or enforceable.
- The enforcement/violation provisions (12.55.030) only apply to part of the bill (the requirement to provide notice), but not the requirement for simultaneous provision of wrap-around services; this raises many questions about the bill as a whole and does not provide clear guidance to residents.
- Most importantly, I don't believe that Maui County yet has the infrastructure in place to require county-recognized providers of services to simultaneously provide wrap-

around services whenever an organization or individual "distributor" gives notice that they intend to provide goods.

In conclusion, I respectfully request that the County Commission work together with individuals and groups who provide "goods" to Maui's unsheltered individuals and families to develop practical, workable solutions to achieve agreed-upon goals that will increase unsheltered people's access to "county-recognized" services.

Mahalo for your service to the County and for your attention to my testimony.

Aloha,

A handwritten signature in black ink, appearing to read 'Mark Crowe', with a long horizontal flourish extending to the right.

Mark Crowe

## County Clerk

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**From:** Kelly King  
**Sent:** Tuesday, November 10, 2020 10:10 AM  
**To:** County Clerk  
**Subject:** FW: Opposition to Ordinance Bill 12:55

Testimony.

With Aloha,



**Office of Councilmember Kelly Takaya King**  
South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8<sup>th</sup> Fl  
Wailuku HI 96793  
[mauicounty.us](http://mauicounty.us)

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**From:** Susie Davis <[808sjdavis@gmail.com](mailto:808sjdavis@gmail.com)>  
**Sent:** Monday, November 9, 2020 3:59 PM  
**To:** Kelly King <[Kelly.King@mauicounty.us](mailto:Kelly.King@mauicounty.us)>  
**Subject:** Opposition to Ordinance Bill 12:55

### Susie Davis

1010 Eha Street # 104  
Wailuku, Maui, Hawaii 96793  
(808) 283-7777  
[808sjdavis@gmail.com](mailto:808sjdavis@gmail.com)

County Council  
County of Maui  
200 S. High Street  
Wailuku, Hawaii 96793

November 9, 2020

Kelly King  
Maui County Council member

Dear Council Member King

I am writing to express my deepest opposition to Bill 12:55. I believe that to enact this legislation is in humane and certainly shows no true care nor concern for Maui's growing homeless population.

I understand the premise of trying to connect our various County Human Services, however to deny basic necessities as are distributed, for example by the organization - A Cup of Cold Water, is to deny life itself, for some of these less fortunate people of our Island!

I sincerely hope that you will reject Bill 12:55, as it will do more harm than good to this growing segment of our Maui County population,

Sincerely,

Susan Davis  
Concerned Maui Citizen

## County Clerk

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**From:** desiree deter <dgdeter@hotmail.com>  
**Sent:** Tuesday, November 10, 2020 10:06 AM  
**To:** County Clerk  
**Subject:** Objecting to 20-557

Aloha!!

I'm writing to object. We do not need a Covid task force. This isn't a pandemic. It's not killing as many people as tuberculosis or diabetes. They say the vaccine has a 90% rate, and this virus has a 99% survival rate, so there isn't any need for worry. Seriously. You guys pushing this so hard is making everyone doubt you on everything. Remember the missile crisis? Well now we know that we can't trust you on anything. So if a pandemic does happen, we will not trust the government. So please, let's move on. Herd immunity, sick people stay home, the rest of us get back to business.

Thank you.  
Desiree Deter  
Lahaina Maui

Sent from my iPhone



MAUI COUNTY COUNCIL  
NOVEMBER 10, 2020 - REGULAR MEETING

RECEIVED  
2020 NOV -9 AM 9:17

OFFICE OF THE  
COUNTY CLERK

Written Testimony re: CC 20-559 "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO PAIA YOUTH COUNCIL, INC."

I am writing to testify in favor of the grant of a renewed and expanded lease to Paia Youth Council, Inc. The youth program operated as "Paia Youth and Cultural Center" ("PYCC") is a long-standing and well established program with strong leadership and powerful values and goals. Because of the unique programming they offer, which is tied to the land and sea and promotes fundamental Hawaiian values, they serve a youth population that would likely be underserved or not served by other youth programs.

When I told my son that I was going to testify on behalf of PYCC, he shouted, "Just tell them PYCC is the best thing ever!!" And he's right. Prior to attending PYCC, my son was a little bit lost, having lost his father's presence to Alzheimer's at an early age. There were a couple incidents at school, and he just needed both an outlet and support. He found both at PYCC, where the staff is extremely professional and well trained, and the kids work together to learn a wide variety of ocean and land activities that build both personal confidence and interpersonal skills. PYCC has been life-changer for my son and our whole family, and because of PYCC I have been able to maintain my business and keep my staff employed throughout these months of pandemic concerns.

Currently, PYCC is pretty limited in the services they can provide and the number of youth they can serve, by the available space. They utilize an older building very close to the ocean that is susceptible to flooding, and although they seem to be amazingly efficient at making the most out of what they have, they could clearly serve many more youth with their unique skills and opportunities if they had more space. Certainly they need a lease renewal in order to continue to provide their services. The ability to serve more youth is more critical now than ever, when parents need to work additional hours to recover from the economic impacts of COVID-19. In order to do so, they need a safe and enriching place for their kids to be. PYCC and the community both need this lease, for everyone's benefit.

PYCC is an outstanding and worthy non-profit organization that has proved itself successful with its management and programming over the course of many years. Please vote in favor of the grant of lease to PYCC so that more youth can be enriched and supported by the unique opportunities the Paia Youth Council provides. PYCC is an asset to the entire community.

Submitted by:  
Rhonda M. Fosbinder,  
Attorney at Law & PYCC Parent

## County Clerk

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**From:** Stan Franco <stanfranco9114@gmail.com>  
**Sent:** Sunday, November 08, 2020 5:01 PM  
**To:** County Clerk  
**Subject:** CC 20-545 on the PROHIBITING THE DISTRIBUTION OF GOODS AND SERVICES TO UNSHELTERED INDIVIDUALS

I am Stan Franco and I speak for myself. I personally believe that one of the purposes for this legislation is to "encourage unsheltered individuals to accept social services offered by the county or funded by the County....". will not happen. The homeless may not accept the mandated social services. Because of possible fines, Maui's people will be discouraged from giving food, clothing, etc. to help their brothers and sisters who are struggling in their life situations.

About 6 months ago, I went to buy lunch at Minit Stop in Kahului and saw a homeless man sitting outside. I bought lunch for him. Under this proposed legislation, I could be fined because I did not get approval from the Department of Housing and Human Concerns before giving the meal.

I think that these kinds of proposals should go to the Commission on Healing Solutions for Homelessness for their study and recommendation and should not be assigned to a Committee for discussion and action.

Thanks for your consideration.

Stan Franco  
214-3575

RECEIVED  
2020 NOV -9 AM 8:12  
OFFICE OF THE  
COUNTY CLERK



## County Clerk

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**From:** Sarah Hofstadter <skhof@comcast.net>  
**Sent:** Friday, November 06, 2020 12:05 PM  
**To:** County Clerk  
**Subject:** Agenda item number 20-557, Nov. 10 Council Meeting

RECEIVED

2020 NOV -6 PM 12:45

OFFICE OF THE  
COUNTY CLERK

I am writing to express my support for agenda item number 20-557, Councilmember King's resolution urging the Mayor to establish a rapid response COVID-19 task force.

As we have learned from recent experience on Lana'i, outbreaks of COVID-19 can occur very suddenly, and a rapid response is necessary to contain them. While such a response was mounted on Lana'i with reasonable efficiency due to the island's small, concentrated population, an outbreak on Maui would not be so easy to address. Maui has multiple population centers and thousands of visitors scattered all across the island. A much more extensive response would be needed to contain a Maui outbreak. It is critical to the public health of County residents that the County be able to spot outbreaks quickly and take immediate action to contain them. A task force formed expressly for that specific purpose would greatly improve the County's response time and effectiveness.

And a Maui outbreak is almost inevitable. Hundreds of visitors are now arriving in Kahului every day who are exempt from quarantine based on a single predeparture negative test, even though they have flown to Hawaii on an aircraft that is likely to have had infected persons on board. This poses a grave risk of bringing new sources of infection into the County. Given that the State of Hawai'i has seen fit to open up to quarantine-free tourism based on the single-test protocol, the introduction of new sources of infection is inevitable. This gives the County of Maui a heightened obligation to protect the health and lives of its residents, who have sacrificed a great deal to keep our communities healthy.

Several instances of visitors testing positive after arrival, despite negative predeparture tests, have already occurred. Contact tracing of visitors who are discovered to be infected after entering Maui County will be extremely difficult, making it almost impossible to contain outbreaks. If we had a task force, it could take actions such as adopting the PERSEUS app county-wide and developing ways to encourage visitors to download and use it.

In addition, our schools need much more support to enable them to transition to in-person or hybrid learning. The state Department of Health lacks educational expertise, and the Department of Education lacks public health expertise. A task force could combine people with knowledge in both areas, and provide "boots on the ground" consultations to our schools on how to keep staff and students safe. For example, research shows that outdoor classrooms are one of the safest ways to modify the school environment, yet despite our mild climate, Maui does not appear to have explored the idea of setting up temporary shelters for that purpose. A task force could bring together educators, public health experts, and construction personnel from private and public sectors to develop plans and muster the necessary resources to provide our keiki with the safest possible environment for in-person learning.

As another example, the current Maui County rules on masks are confusing and have loopholes, such as an exemption for persons who cannot wear masks due to a medical condition, without any discussion of how businesses can determine whether a claimed medical condition is valid, or whether businesses can refuse entry to persons claiming the exemption, and offer them accommodations (such as curbside delivery)

instead. A task force could identify such issues and make recommendations for improving the clarity and enforceability of the County's public health rules.

For all of these reasons and more, I urge the Council to adopt Kelly King's proposed resolution without delay, and then to follow through by working with the Mayor to implement its recommendations. Mahalo.

-- Sarah K. Hofstadter (Kihei resident)





UNIVERSITY of HAWAII\*  
**MAUI COLLEGE**

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2020 NOV -9 AM 9: 58

OFFICE OF THE  
COUNTY CLERK

November 9, 2020

Maui County Council  
Kalana O Maui Building, 8th Floor  
200 S. High Street  
Wailuku, HI 96793

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and distinguished members of the Maui County Council.

I am writing to comment on CC 20-543 – Urging the State of Hawai'i, University of Hawai'i Board of Regents, and University of Hawai'i Community Colleges to support the retention and expansion of the Engineering Technology programs at the University of Hawai'i Maui College.

I am in support of the intent of the measure, but would like to give our campus community and the governance entities of the college the opportunity to discuss and consider efficiency and reaffirming the job market and industry needs of the Maui Nui community for all UH Maui degree offerings.

As stated in the resolution, due to the pandemic, the University of Hawai'i is facing a 100 million dollar budget shortfall. The University of Hawai'i has been tasked by President Lassner to look at all campus operations and look at opportunities for streamlining and consolidation of campus degree offerings. Of the hundreds of degree programs in the University of Hawai'i system only one Maui College program showed up on a list for elimination or consolidation – the Bachelors of Applied Science (BAS) in Engineering Technology. This list was compiled by the University of Hawai'i system office and was based on program enrollment, graduation rates, and employer needs. The BAS degree was on the list because it has produced few graduates over the last 5 years, has low enrollment, and the degree requirement for this field is an Associate's degree. But, we expected this when the degree was created.

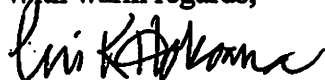
The BAS degree is targeted towards students who want to work on the telescopes on Haleakalā. A few of our graduates are currently working in this field locally here on Maui. The BAS program is also a pathway degree program – the college also offers an Associate in Applied Science (AAS) degree in Engineering Technology that could lead to a BAS degree. In order to develop more majors in the BAS degree the program will be offered via distance education in the Fall semester to students on Hawai'i island who also have the need to develop a workforce to support their local telescope industry.

310 W. Ka'ahumanu Avenue  
Kahului, HI 96732-1617  
Telephone: 808 984-3655  
Fax: 808 984-3546  
Website: [www.maui.hawaii.edu](http://www.maui.hawaii.edu)

An Equal Opportunity/Affirmative  
Action Institution

I agree that there is a need for this program but the resources of the college and the need of the Maui Nui community must temper that need. While the task from President Lassner has been to look at cutting our budgets I have asked the Maui College staff to reimagine what Maui College should be in service to Maui Nui - to look at the training needs of the Maui Nui community, to see how we support the quality of life in Maui Nui, and to support a more resilient and sustainable Maui Nui. I want to allow our staff in consultation with our community to continue to have these important and unprecedented discussions. Thus, all our programs for the time being will be scrutinized in order to move the college to more succinctly serve Maui Nui.

With warm regards,

A handwritten signature in black ink, appearing to read 'Lui K Hokoana', written in a cursive style.

Lui K Hokoana, EdD  
Chancellor

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Via email to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

2020 NOV -9 AM 8:12

November 10, 2020

Aloha Maui County Council,

OFFICE OF THE  
COUNTY CLERK

I am writing this testimony at the President of the board of Directors of the Pa'ia Youth & Cultural Center to respectfully request that you approve of the lease for additional land for a new home for Pa'ia Youth & Cultural Center. By approving this lease you will grant us the land we need to continue to build our community through our youth for the next 50 years!

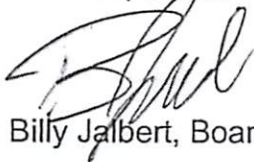
Covid-19 has put an exclamation point on the need for increased support for our youth. PYCC has continued as a safe haven in these trying times. We continue our underage drinking prevention program/ Malama Pono / Project Venture. We ran another successful HERO project this fall. The Skate program and KOPO are alive and well.

Our current building is 100 years old and one big wave event, hurricane or small Tsunami from destruction. We have been planning for nearly a decade to build a new youth center. The expanded land area will provide us with the space to accomplish this goal.

We have a 27-year track record of good stewardship of the land and "building community through our youth". Pā'ia Youth & Cultural Center will continue to honor and respect the land and make Maui a better place.

Mahalo again for all you do for our special island.

With respect and aloha,



Billy Jalbert, Board President

November 8, 2020  
Via e-mail [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

RECEIVED

2020 NOV -9 AM 8:12

Aloha Maui County Council,

I am a board member for Paia Youth Council, Inc. I am writing to respectfully request your support for the expanded lease area for Paia Youth and Cultural Center. PYCC is such an amazing asset to the community. It has continued to be a great place for the Youth of our community even in these challenging times.

OFFICE OF THE  
COUNTY CLERK

The building where PYCC is located is 100 years old. Located right behind the dunes on Paia Bay, it is incredibly vulnerable to wave events, a tsunami and sea level rise in the not too distant future. An expanded lease area will allow us to build a new Youth Center further from the shore that is more resilient to natural hazards. Our board has been making plans for a new Youth Center for some time and the expanded lease area is critical to making this happen.

I appreciate your consideration.

Mahalo,

Pete Jalbert, Makawao



## County Clerk

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**From:** Paul Janes-Brown <janesbrownp@gmail.com>  
**Sent:** Tuesday, November 10, 2020 3:45 AM  
**To:** County Clerk  
**Cc:** Trip Lynch; Kerith Harding  
**Subject:** Bill 12.55

RECEIVED

2020 NOV 10 AM 7:59

OFFICE OF THE  
COUNTY CLERK

Aloha madam Chair Lee and members of the County Council,

My name is Paul Janes-Brown, I am a resident of Kulamalu Hale in Makawao and I am testifying in opposition to Bill 12.55, PROHIBITION OF DISTRIBUTION ON GOODS AND FUNDS IN PUBLIC AREAS WITHOUT PROVISION OF WRAP-AROUND SERVICES.

We have one of the most difficult houseless problems in America, and while I sympathize with the intent of this bill, I cannot support its draconian measures that would criminalize giving someone money for a bus trip unless you brought that person onto private property.

This bill is anti-Christian, because the Bible asks us to "Do unto others as you would have them do unto you." (Luke 6:31) That means if I help someone on a side-walk, let's say I see someone who needs a shirt, and I give him/her one, I would be committing a crime and subject to a fine.

The provision in the bill for the form is completely impossible to comply with for most of the groups who supplement the work that the County and State do not do in helping those among us who are the most in need. Most groups have no set schedule or place, just as those who are among the houseless. All of the additional help organizations render assistance on an as needed basis, where they find houseless persons.

I cannot believe that you want to adopt such an un-Maui measure. Please defeat this Bill here and now. It is unenforceable, would severely impact many church based organizations that help our houseless populations and overburden an already underfunded and understaffed DHS or other unnamed "appropriate department..." It sends a terrible message as well.

Far from punishing those who are doing the hard work to help those in need, the County, State and Federal government should be providing resources for them so they can continue to their incredibly generous and selfless work. These organizations, run by volunteers, with mostly private donated resources, should be supported and thanked, not criminalized.

Mahalo nui loa. I know you will do the right thing.

Yours truly,  
Paul Janes-Brown

November 10<sup>th</sup>, 2020

RECEIVED

2020 NOV 10 AM 7: 58

Aloha Council Chair Lee members of the Maui County Council,

My name is Lauren Loor and I am submitting testimony for item CC 20-545 "A BHL FOR AN ORDINANCE ESTABLISHING CHAPTER 12.55, MAUI COUNTY CODE, PROHIBITING THE DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WITHOUT SIMULTANEOUS PROVISION OF WRAP-AROUND SERVICES".

OFFICE OF THE  
COUNTY CLERK

I am here to express concern regarding and opposition to this bill and the unintended consequences this bill could have when it comes to resources provided to unsheltered individuals especially during this time of the COVID-19 pandemic. While wrap around services are necessary for unsheltered individuals, the lack of the capacity to provide such services should not be a barrier for agencies and organizations who want to participate in providing food distributions, in particular, as well as distribution of other goods such as toiletries, sanitary products, etc.

This bill can impede particularly in emergency situations and slow down urgent care. During the COVID-19 many organizations in the community were able to get donations to provide to unsheltered individuals with food and any other major needs that they had such as clothes, toiletries, batteries, etc. Without these donations and the community organizing to help the unsheltered, the outcome for many unsheltered individuals and families could have been very different during this emergency situation.

Wrap around services and social supports can be encouraged, but should not have to be required. Many smaller organizations do not have the capacity to expand to be able to provide full wrap around services and resources should be used to promote such programs and not making it harder for food providers to participate in delivering care.

The 11th U.S. Circuit Court of Appeals officially ruled that feeding the homeless is "expressive conduct protected by the First Amendment." The court's recognized that sharing food with another human being is one of the oldest forms of human expression. Please move to file this communication and do not send it to committee because hearing this bill could lead to unintended consequences of prohibiting agencies and organizations from providing distribution of goods and funds to unsheltered individuals that are at risk and depend on meals and food distributions during this time. Thank you for your time.

Best,  
Lauren Loor

## County Clerk

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**From:** Leslie Luttig <luttigl@gmail.com>  
**Sent:** Friday, November 06, 2020 3:48 PM  
**To:** County Clerk  
**Subject:** NO. 20-557 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "URGING THE MAYOR TO ESTABLISH A RAPID RESPONSE COVID-19 TASK FORCE"

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2020 NOV -6 PM 4: 33

OFFICE OF THE  
COUNTY CLERK

I write in support of Council Members King proposal.

Mayor Victorino has opened our islands without a comprehensive response plan. We want to keep cases low on our islands so we can keep our citizens safe and alive, get kids safely in school, keep our precious small businesses open, and stop this cycle of opening and closing. So we are supporting an effort being pushed by several grassroots organizations and council member Kelly King to create a Maui County Rapid Response COVID-19 Task Force

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Leslie L. Luttig  
(608) 513-2510  
luttigl@gmail.com



## County Clerk

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**From:** Tara Reed <taraberry71515@gmail.com>  
**Sent:** Sunday, November 08, 2020 4:45 AM  
**To:** County Clerk  
**Subject:** ROHIBITION OF DISTRIBUTION TO UNSHELTERED INDIVIDUALS WITHOUT WRAP AROUND SERVICES

As a concerned private citizen I am very concerned about the passing of this bill. As a senate confirmed member of the Governors board on Mental Health and Substance Abuse I am adamantly opposed to this bill. The kindness of Aloha from such private agencies as cup of cold water and a variety of other community based outreach services this bill would prohibit their mission of kindness and basic human dignity of caring. Please reconsider thai bill as a hindrance not a help.

Tara Reed, BSW

Governors Board on Mental Health and Substance Abuse member

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2020 NOV -9 AM 8:12  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** Maui\_County Council\_mailbox  
**Sent:** Monday, November 09, 2020 8:16 AM  
**To:** County Clerk  
**Subject:** FW: Bill to Prohibit Distribution to the Homeless ...

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2020 NOV -9 AM 8:19

OFFICE OF THE  
COUNTY CLERK

**From:** Cathryn Kelley Smith <[ckelleysmith@gmail.com](mailto:ckelleysmith@gmail.com)>  
**Sent:** Friday, November 6, 2020 10:11 PM  
**To:** Maui\_County Council\_mailbox <[county.council@mauicounty.us](mailto:county.council@mauicounty.us)>  
**Subject:** Bill to Prohibit Distribution to the Homeless ...

Aloha Maui County Council Members,

This bill is repugnant to any person who cares and worries about the homeless on our island. It's a disgrace. The very opposite of the direction we should be taking.

Let's pursue some effective measures for alleviating the suffering of the homeless on Maui. Put yourself in their place and imagine how it feels. I know for me, that every night I thank God that I have a bed. How would you feel if you had neither bed nor shelter?

Mahalo,  
Cathryn Kelley Smith  
2136 Konou Pl.  
Apt. 102  
Kihei, HI 96753

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2020 NOV -9 AM 10:19

530 Melemele Street

Wailuku, HI 96793

November 8, 2020

OFFICE OF THE  
COUNTY CLERK

Dear Alice Lee,

I recently learned that the County is trying to pass a provision that says a licensed social worker has to be with a charitable group delivering foods, clothes, and toiletries to the Homeless on County property.

**THIS IS RIDICULOUS!**

Please do not vote of this item.

I work with A Cup of Cold Water. We DO NOT need a social worker with us when handing out paper bags of necessary items! It diminishes our JOY!

Please contact me about this item (12.55?)

[melemeletakahashi@gmail.com](mailto:melemeletakahashi@gmail.com)

Mahalo nui loa,



Debby Takahashi (Bob's wife)

## County Clerk

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**From:** Kelly King  
**Sent:** Tuesday, November 10, 2020 9:39 AM  
**To:** County Clerk  
**Subject:** FW: Chapter 12.55

With Aloha,

Office of Councilmember Kelly Takaya King South Maui Residency  
Office: 808.270.7108  
200 South High Street, 8th Fl  
Wailuku HI 96793  
mauicounty.us

-----Original Message-----

**From:** Judith Thomson <judy.thomson71@gmail.com>  
**Sent:** Tuesday, November 10, 2020 7:15 AM  
**To:** Kelly King <Kelly.King@mauicounty.us>  
**Subject:** Chapter 12.55

Dear Kelly,

I am opposed to Chapter 12.55. I have been part of the Cup of Cold Water ministry, and have seen first hand how this ministry provides love and services to our homeless population. It would be a shame to curtail such a program that provides some support to the homeless population in Maui County. Please reconsider Chapter 12.55.

Sincerely,

Judith Thomson

## County Clerk

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**From:** Troyden Tomooka <ttom822@aol.com>  
**Sent:** Monday, November 09, 2020 4:57 AM  
**To:** County Clerk  
**Subject:** Rapid task force

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COUNTY CLERK

I am in support of the Rapid task force  
Troyden Tomooka

Sent from my T-Mobile 4G LTE Device



## County Clerk

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**From:** Susun White <admin@pyccmaui.org>  
**Sent:** Monday, November 09, 2020 9:20 AM  
**To:** County Clerk

Aloha County Council,

The Pa`ia Youth Council, Inc is on the agenda tomorrow as item # CC-20-559. "Authorizing a grant of a lease of County Recreational Space to Paia Youth Council, Inc."

The attached was aired on Nov 3rd. Please view it as it gives a great feel for the history and some of the programs of the Paia Youth & Cultural Center.

I will testify orally and stand by if needed as a resource.

Thank you for your time and consideration.

Susun

<https://www.khon2.com/living-808/community-living-808/paia-youth-and-cultural-center-dedicates-its-facilities-to-hawaiiis-youth/>

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Susun White  
Executive Director  
Pa`ia Youth & Cultural Center  
*Building Community Through Our Youth*  
[www.pyccmaui.org](http://www.pyccmaui.org)

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2020 NOV -9 AM 9:59  
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Karen Worthington  
66 Puakea Place  
Kula, Hawaii 96790  
808-214-9336, karen@karenworthington.com

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2020 NOV -9 AM 8:12

OFFICE OF THE  
COUNTY CLERK

November 8, 2020

**Maui County Council Meeting**

Testimony submitted via email to: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us),  
[county.council@mauicounty.us](mailto:county.council@mauicounty.us), all council members, and Mayor Victorino

**Position on CC 20-545:** I oppose this bill as currently written and suggest revisions made after collaborating with providers who serve unsheltered people.

Dear Council Chair Lee, Vice-Chair Rawlins-Fernandez, Presiding Officer Pro Tempore Kama, and County Council Members:

My name is Karen Worthington, and I am a registered voter who lives in Kula, Hawaii 96790. I am writing to you as a private citizen. My work as a children's policy attorney focused on child abuse prevention, early childhood development, juvenile justice, and the child welfare system informs my testimony. I work with two Maui County collaboratives focused on preventing child abuse and neglect, and several organizations that serve unsheltered, homeless, and houseless individuals and families participate in those collaboratives.

As you know, the pandemic has amplified the need to make sure all individuals on Maui have access to the basic resources they need to stay physically, mentally, emotionally, and spiritually healthy. While Maui County has made great strides in helping families and individuals obtain shelter over the last year, we have also seen an influx of new individuals needing a different level of assistance, including those who have been released from jails and prisons because of the pandemic and those who are suffering new hardships because of pandemic-related job loss, domestic violence, severe illness, health conditions, and more.

I am writing about the proposed bill "For an ordinance establishing chapter 12.55, Maui County Code, prohibiting the distribution of goods and funds to unsheltered individuals in public areas without simultaneous provision of wrap-around services."

I oppose this bill *as written* for the following reasons:

- The bill does not clearly articulate the intent and goals of the bill.
- The bill does not provide clear guidance to individuals and organizations about what actions are and are not allowable or enforceable.
- The enforcement/violation provisions (12.55.030) only apply to part of the bill (the requirement to provide notice), but not the requirement for simultaneous provision of wrap-around services; this raises many questions about the bill as a whole and does not provide clear guidance to residents.

- Most importantly, I don't believe that Maui County yet has the infrastructure in place to require county-recognized providers of services to simultaneously provide wrap-around services whenever an organization or individual "distributor" gives notice that they intend to provide goods.

As this bill is written, it appears that if my family was having a picnic at a Maui County beach park and decided to share a sandwich or bottle of water with someone who is unsheltered, or allowed them to use our sunscreen, we would be subject to a \$100 fine (the first time we did this). I don't know if that is the intent of the law; if it is not, the bill must be rewritten.

The law also appears to prohibit giving coins to anyone asking for food or money at any public street corner or other space. The bill as written does not include provisions that would meaningfully achieve the goal of "encouraging unsheltered individuals to accept social services offered by the county or funded by the county, by supporting the county's participation in the national Housing and Urban Development policy of "housing first."

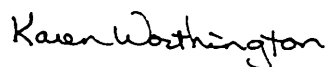
Given the vast needs of people in Maui County right now, it feels like putting resources toward regulating individual and group actions to help neighbors in need is not the best use of limited funds and energy. I agree that improving coordination of services for unsheltered individuals is an important goal, and I believe that linking individuals with supports and services through a "county-recognized provider of services" is a sound approach. At the same time, until that infrastructure is in place, writing a bill that requires that is premature and risks eliminating the provision of needed supports and services to the very people who need it the most.

If the goal is to "encourage unsheltered individuals to accept social services....," the County should direct resources toward addressing why individuals are not currently accepting those social services. The research and data will likely show that the top reasons *do not include* the distribution of goods by individuals and groups in an unregulated manner in public areas.

In conclusion, I respectfully request that the County Commission work together with individuals and groups who provide "goods" to Maui's unsheltered individuals and families to develop practical, workable solutions to achieve agreed-upon goals that will increase unsheltered people's access to "county-recognized" services.

Thank you for your service to the County and for your attention to my testimony. If you would like additional information related to this testimony, please do not hesitate to reach out to me.

Best regards,

A handwritten signature in black ink that reads "Karen Worthington". The signature is written in a cursive, flowing style.

Karen Worthington

## County Clerk

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**From:** Reflections Photography <info@martinwyand.com>  
**Sent:** Tuesday, November 10, 2020 9:26 AM  
**To:** County Clerk  
**Subject:** No to agenda item 20-557

Please do not pass this agenda 20-557. Maui County has had almost zero hospitalizations And deaths for months. But we have killed our businesses and ruined the lives of the people of Maui. We do not need more rules or regulations or task forces.

Reopen Maui now. This fear mongering just stop now. We can deal with any issues as they arise. Nothing has happened as predicted. It will Be a waste of money and time. Use the money to help the people of Maui. We do not need more government Debbie Wyand Resident of Maui

## County Clerk

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**From:** K Zimmerman <katieislands@yahoo.com>  
**Sent:** Sunday, November 08, 2020 1:35 PM  
**To:** County Clerk  
**Subject:** PAF 20-545 Prohibition of distribution of goods and funds in public areas without provision of wrap-around services

Aloha Council Members,

I am writing you today to kindly request your opposition to PAF 20-545, the Prohibition of Distribution of goods and funds in public areas without provision of wrap-around services. Limiting distribution of food and goods to our unsheltered friends is inhumane and cruel. While the intent of the proposed bill may be to provide additional support for the unsheltered, I do not believe it should be done this way, by imposing fines on individuals or organizations that are helping to build trust and provide resources to the unsheltered. Rather than creating laws to prohibit the distribution of goods, please focus your time, energy, and resources on increasing services to the unsheltered. There is not enough low income or affordable housing or beds at facilities to treat mental illness, physical illness, or substance abuse. Please focus your attention on increasing those resources; there are unsheltered people who want help and want housing and cannot get it.

Please oppose this bill, PAF 20-545.

Respectfully,

Katie Zimmerman REALTOR® (S) e-PRO  
RS- 75832  
Whalers Associates - Keller Williams Realty Maui  
2435 Kaanapali Pkwy Suite A3  
Lahaina, Maui Hawaii 96761  
cell: (808) 280-8986  
office: (808) 661-8777  
toll free: (800) 367-5632

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