

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 16, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, APRIL 16, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular County Council meeting of April 16, please come to order.

Members, I put the greeting in the chat.

Mr. Clerk.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call.

ROLL CALL

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

EXCUSED: COUNCILMEMBERS NATALIE A. KAMA AND KELLY T. KING.

(Councilmember King was not present when the roll was called; however, she arrived at 9:16 a.m.)

CHAIR LEE: . . . my friends and colleagues. We're going to have a very busy day today because we have not only the Council meeting but a public hearing this evening. So, I'm going to ask you to please keep your questions very tight and concise so we can move this along as quickly as possible.

Alright. Mr. Clerk.

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

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

Joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey.

This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19.

If connectivity affecting quorum is lost, the Council will be in recess. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically recess to Tuesday, April 20, at 9 a.m., using the same virtual connections, unless the Council announces a different date and time.

CHAIR LEE: Alright. Thank you, Mr. Clerk. For opening remarks, we have Councilmember Tamara Paltin.

OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Paltin.

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

CHAIR LEE: Thank you, Member Paltin. That was very beautiful. And I'm sure the, Tasha Kama's family would be very grateful for those words.

Now, please join me with the Pledge of Allegiance to the flag. Ready?

PLEDGE OF ALLEGIANCE

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

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

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 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.

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

Chair, the first person signed up to testify is Mike Moran. To be followed by Dick Mayer.

CHAIR LEE: And Mr., Mr. Clerk, how many people do we have signed up to testify?

DEPUTY COUNTY CLERK: Chair, there are currently 10 individuals signed up to testify.

CHAIR LEE: Okay. Thank you.

Mr. Moran, good morning.

PRESENTATION OF WRITTEN TESTIMONY

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on County Communication No. 21-191 and Bill No. 39 (2021)]:

Good morning, Chair Lee and Councilmembers. Mike Moran, testifying for the Kihei Community Association. And we too offer our condolences to, to Member Kama and her family on this double tragedy for them.

Hearing that you've got two meetings today, we'll try and be extra brief. We're just talking on two items, and they're at the opposite end of the spectrum. The first one is Bill 39, which is the final reading for that. Our community has been involved in that endeavor for well over two years. So, we're very pleased that it's proceeding. And hopefully, there'll be time for our community to officially be more involved through that process. So, thank you to everyone for, and we expect, hopefully, that you will continue and vote yes on that today.

Our other item is, as I said on the opposite end of the spectrum, it's something brand new and this is Communication 21-191. And we realize that today it is just to be referred to a Committee. We're hoping that it does go to our Councilmember Kelly King. She proposed it, and of course, it's always nice to have your Member doing it in her Committee. And when it gets to Committee, we're kind of hoping that, you know, it can be modified. One, we're not sure that two years will be sufficient time. We don't expect our community, our community plan will be done in two years. Maybe that's a negative opinion, but it doesn't seem like it can be done in two years. And we would hope that it might be expanded from the term hotels to other things such as time shares. I don't want to stir, stray too far from the agenda item. I guess it's just, let's pass it, refer to Committee and we hope it will go out to, to our South Maui Committee. Thank you very much, Chair Lee. Aloha.

CHAIR LEE: Aloha to you. Any questions for Mr. Moran? If not, thank you. Thank you for coming.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Dick Mayer. To be followed by Dave Jorgensen.

MR. DICK MAYER [testifying on County Communication Nos. 21-190 and 21-191; and Bill No. 39 (2021)]:

Good morning, Councilmembers.

CHAIR LEE: Good morning.

MR. MAYER: Chair Lee, Chair Lee and others. And I also extend my condolences to Tasha. I know it's a time of great sorrow for her family, and I wish her and the family all the best.

There are three items that I would like to testify on. I'm not a paid lobbyist. The first is the item C 21-190, dealing with the County, with the Countywide Policy Plan. I think this is an excellent addition to the Countywide Policy Plan. As you may remember, I was on the GPAC. We put together the original Council, Countywide Policy Plan, and if we had only known, we would have added this to the policies in the plan and given us a head start on getting a, get ahead, getting ahead of the problem rather than now trying to patch up after the problems have gotten even more severe. So, I hope you'll get, get this adopted and add it to the Countywide Policy Plan.

But I would like to add one other item to that. And that is I hope that in the budget process that you put people in place who'll be able to implement this new addition to the Countywide Policy Plan. One of our problems has been that we have these wonderful policies that you and your colleagues have put together, but very often they just sit there. And I think we really need to be proactive with the Countywide Policy Plan, and of course, the island plans and the community plans. But please put somebody into the, and I'm not sure if it should be in the management office or the planning office, but somebody given direct responsibility whom you call, call out and say what have you done about this or that with regard to these plans?

The second item I want to testify on is, was the resolution that's now, the ordinance that's now being introduced regarding hotel moratorium. I think this is something that's overdue. And I think you all recall that a few weeks ago only, you passed a resolution urging the Planning Commission to hold back on further approvals. Immediately thereafter, they thumbed their noses at you, thinking it was only a resolution, it didn't have any force and effect. And that I think gives you motivation to say no, carry out what we're requesting, place a moratorium for the next two years, which is what this calls for, on new buildings in South and West Maui. You may also want to extend it to Central Maui where there are three, or four, or five hotels that are planning.

But the bill itself, I think, is, is a bit too narrow and I wish you would extend or amend the bill to allow not just building permits to be put on a moratorium, but all entitlements. Because what could happen in the next few weeks in West and South Maui is that the Planning Commission and even the Council could go ahead and rezone and community plan change, and whatever, a number of projects that are being proposed in those areas. And then at the end of the two years, they will just get their building permits.

I think we need to make sure it's a clear policy of the County right now that we do not want to have additional hotels. And what, one of the things that additional, an additional hotels do, is it actually makes it weaker at the existing facilities. All of our employees on Maui, who are now unemployed, who want go back to work, if a new hotel were to be built, it might take jobs away and, and the occupancy away from existing facilities. So, please pass this ordinance as quickly as you can, and make it as strong as you can.

And my third item, and I know you're in a rush today, deals with the advisory committees for west, for excuse me, for South Maui and Paia-Haiku area. This is something that's been long needed. It will allow our communities to, to, to better represent their needs and make decisions. At presence, the Planning Commission, as you well know, very often will be deciding about issues where they don't even have a member from that district on the, on the commission.

And I think it's very important that the local communities, the Planning Commission also, right now, has become rather dysfunctional. They meet only during the daytime, so many of the people from communities have no ability to enter into the process. And then when they do make that effort to leave their job and say, okay I'll go to the Planning Commission, it very often will be an item that's on the agenda later in the day. And the Planning Commission has forbid people to give testimony at the beginning of the meeting as you do correctly, but rather make them wait sometimes four, five, six hours before they're allowed to testify.

By having the advisory committees at the, at the grassroots level in the communities in both South and Paia-Haiku areas, that will give those communities at least the ability to have meetings in the evenings, and they're being encouraged to do that, and to make it possible for them to use technology that will allow members of their community to give testimony, etc.

I'm hoping that this becomes a model so that the other districts, Maui Island, Upcountry, Central Maui, West Maui, will also be able to be added to the list of communities.

Molokai and Lanai, they're okay, they have Planning Commissions over there. But Upcountry, Central Maui, and West Maui have no ability to, to enter into this community-based process. So, please, please adopt this.

So, thank you very much. And I wish you all well, and especially to Tasha Kama's family. All the best.

CHAIR LEE: Thank you very much, Dick. Any questions? Thank you very much for coming.

MR. MAYER: Thank you.

(Councilmember King arrived at the meeting at 9:16 a.m.)

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, Councilmember King has joined the meeting.

CHAIR LEE: Let the record show that Councilmember Kelly King has now joined us. Thank you. Good morning, Kelly.

COUNCILMEMBER KING: Aloha, Chair and colleagues. . . . is that the greeting today?

CHAIR LEE: Actually, it's . . .

COUNCILMEMBER KING: Oh, okay. It says . . . and I thought well that's Alice Lee, but is that also the greeting?

CHAIR LEE: Well, check, check the next couple boxes down.

COUNCILMEMBER KING: Okay. Anyway, aloha kakahiaka, everyone.

CHAIR LEE: Thank you.

Mr. Clerk.

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

MR. DAVE JORGENSEN, AMERICAN RESORT DEVELOPMENT ASSOCIATION,
(testifying on County Communication No. 21-191):

Good morning, Chair Lee, Councilmembers, and staff. With my sincere condolences to Councilwoman Tasha Kama and her family. My name is Dave Jorgenson. And I, I'm having some technical difficulties with my video, it says some background program has commandeered, so I apologize. Hopefully you can hear me.

CHAIR LEE: Yes, we can.

MR. JORGENSEN: Again, my name is Dave Jorgensen testifying on behalf of the American Resort Development Association, or ARDA, on the proposal referenced in Communication 21-191. I am legal counsel for ARDA Hawaii, and I am a paid lobbyist.

The proposal referenced in Communication 21-191 caught a lot of us off-guard, and I would submit that it needs to be thoroughly reviewed from all sides of the question. At this time when we're hopefully starting to come out from under the pandemic and we can finally see the economy start to recover, the last thing that's needed is a moratorium on business. I guess I would question the, the logic. Just mention that if another hotel opens, it'll take jobs away, it might attract employees from other hotels, but obviously it would open up more jobs to many more people.

There are also many legal and procedural questions that must be researched and thoroughly vetted before action should be taken on this proposal. And certainly, a full opportunity for public input from all segments of Maui should be afforded. For these and several other reasons, ARDA Hawaii respectfully requests this matter be referred to, to Committee for full review and discussion. Thank you very much. I'm available for any questions.

CHAIR LEE: Any questions for Mr. Jorgensen?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to clarify for Mr. Jorgensen and other testifiers that the intent is to refer this to Committee. So, you know, there's, it does, I agree that it needs to have a full discussion. I don't agree with all, some of the other points, but I do agree that this needs to have a full discussion. Thank you.

MR. JORGENSEN: Thank you.

CHAIR LEE: Any more questions or comments? Okay. Thank you, Mr. Jorgensen.

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Roberto Andrion. To be followed by Nick Drance.

MR. ROBERTO ANDRION, INTERNATIONAL LONGSHORE AND WAREHOUSE UNION 142 (testifying on County Communication No. 21-191):

Good morning, Councilmembers, Chair Lee--

CHAIR LEE: Good morning.

MR. ANDRION: --Vice-Chair Fernandez. I hope everything is well. And of course, we offer our condolences to Tasha and her family. My name is Roberto Andrion. I work for the ILWU. I'd like to say a statement on behalf of the ILWU on CC 21-191. The ILWU 142 opposes the proposed memorandum *[sic]* of hotel construction on the island of Maui. The COVID-19 pandemic caused record unemployment for the County of Maui. And today, there are still thousands of workers without jobs. While the economy seems to be recovering, it is going to take a few years before the economy may reach pre-pandemic levels.

The State unemployment is hovering around 10 percent today. Knowing that, this is the last thing that Maui County should be considering. Now is not the time to limit job growth. We need to ensure good paying jobs are available to all Maui residents. A moratorium of the hotel construction will limit good paying jobs, not only in the hospitality industry, but also in the construction industry, and hurt economic growth. Workers are struggling, and we should make it not worse, but better for them. For these reasons, we strongly oppose. Again, thank you for the opportunity to testify. And God bless all.

DEPUTY COUNTY CLERK: Chair, you're muted.

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

CHAIR LEE: I'm sorry. I'm trying to not cause any interference. Thank you, Mr. Andrion for coming. Are there any questions? If not, thank you.

May we have the next testifier, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Nick Drance. To be followed by David Dorn.

MR. NICK DRANCE (testifying on County Communication Nos. 21-185, 21-186, 21-187, 21-188, 21-189, 21-190, and 21-191):

Aloha, Chair--

CHAIR LEE: Aloha.

MR. DRANCE: --and Councilmembers. I also want to extend my condolences to Tasha Kama. I know that probably the most important thing in her life always has been home and family. And this must be an especially difficult time for her because of that. So, I offer my heartfelt condolences to her.

I wish to provide testimony on three items: CC 21-185, which discusses the acquisition of 100 Mahalani Street; brief budget comments on CC 21-185 through 189; and not so brief comments on CC 21-91 *[sic]*, regarding a moratorium on visitor accommodations development. With your permission, Chair, I'd like to combine the three-minute allotment for each.

CHAIR LEE: Go ahead.

MR. DRANCE: Thank you. Thank you. Regarding CC 21-185, the Mayor vetoed a line item which provided 9,000 square feet and 30 parking stalls for Council personnel. Some of the options and views he presented seemed reasonable and fair to consider. I support your final choice. And I will say that Councilmember office space is so small, it's unreasonable and unacceptable. No one would argue that. It's got, something has got to be done about that.

Regarding CC 185 *[sic]* through 189. Council, you can't go through another budget approval process every single year. You've got to make this a two-year plan with review and modification for the second year. It takes months and months to review the budget that interferes with the very important work you have before you in the first quarter of every year. It's an impossible workload. I believe that's a widely held view.

CC 21-190, I thank Chair King of the Climate Action, Resilience, and Environment Committee, and Members, which I believe includes all of you, for their report. It's pretty amazing. It contains policy recommendations related to long-term investment in our

future. I believe that these sorts of policies directly provide maximum economic and financial results.

My contention over the years is that they are a matter of fiscal responsibility. I was happy to learn that support for this initiative is unanimous among the Maui, Molokai, and Lanai Planning Commissions. I'm heartened by the fact that some of their suggested changes strengthen the contents of the report. These policies must have tiger-sharp teeth, or else they're nothing more than nice words on a piece of paper. I'd like to see the establishment of an oversight process. Dick Mayer touched on related issues.

As a follow up to CC 21-190, 191 builds on it and is equally amazing. Section 1. Findings and purpose reads, "The Council finds that the Maui Island Plan includes a policy calling for daily visitor population not to exceed one-third of the resident population". It took a pandemic to allow this topic to acquire real visibility. Let that be a lesson to us encouraging further action in a number of other areas. We shouldn't have to wait for dire circumstances to bring critical discussions to the forefront. Yes, your workload is excessive and long-term policy is tough to manage. However, CC 21-91 *[sic]* does that in this area and actually goes beyond recently expressed public sentiment. It mentions that Council construction moratoria are well-established tools for temporarily and appropriately preserve the status quo, as seen in the ordinance as cited.

I'd like to add that thanks to Elon Musk, the city of Austin, Texas recently had to impose a lottery system, whereby new construction was limited to one home per salesperson per development. We don't have an Elon Musk here to blame, we have a flawed system, I think. In this or a separate document I'd add a moratorium on construction of so-called luxury homes for mainlanders that continue to tax our environment and cultural resources more than the tax revenue that they provide. The benefit goes to mainlanders, not our island. We get traffic and an atmosphere that more closely resembles Orange County. Unfortunately, that's been a recurring theme for the last 130 years. Where does it end? I believe that turning that around completely can only happen if you agree with the notion of value in long-term versus short-term returns, tangible and intangible.

Climate Action and Resilience committee report from last December, which initiated this action, is pretty impressive. I hope it's more than aspirational. The first three pages of this document refer to language in the existing Countywide Policy Plan. With all due respect, I and others have mentioned, I don't think this and the Maui Island Plan are appropriately used as a guide. In my opinion, the core principles and mission statements of these documents deserve to have a real and visible presence in County government.

I've asked the legal question, if these documents are approved by ordinance, doesn't that make them legally binding? I don't have a clear answer. As far as you and I are concerned, if all the work that you are doing is not legally binding, what good is it? Those plans speak to many of what is being discussed today, many issues, related to the community plans. Within them, the subject of excessive development is dealt with.

CC 21-191 deals with this in part. Just about everyone I've spoken to objects to it, including tourists. I've mentioned this to Councilmember Kama two elections ago and she said, you know, it seems to happen so steadily over the years, you almost don't notice it. That's understandable. But fuel for thought, let's somehow take a step back and look again. We need a couple other moratoriums to catch our breath. Page 3 mentions the addition of Chapter 40 to the Maui County Code. A worthy first--

CHAIR LEE: Nick, can you, Nick, can you please conclude? Please conclude your testimony.

MR. DRANCE: Oh.

CHAIR LEE: Thank you.

MR. DRANCE: Oh, I thought I was combining all three. Alright.

CHAIR LEE: Yea, but I think you've gone on about six minutes already, okay?

MR. DRANCE: Okay. I thought that was nine. Alrighty. I'll wrap up. The automatic repeal in two years, I'm afraid that, about that, I wish that instead of that, there was something conditional within the community plans.

Last and something very personal to me, sometimes regardless of public sentiment, projects get approved in stages. Most recently, the Maui Coast Hotel. I'm going to really zip through this. Kam I is possibly the most crowded South Kihei beach closest to the Maui Coast. This is a huge problem. Talk about a moratorium on hotels. Let's see, the, alright, I'm going to, I'm going to eliminate almost all of my most personal comments about that.

Let's put some teeth into this hotel moratorium, please, and recognize that the public has been put in a position where they have to do the protests. The last one of which I had a little bit of an issue the way it was done. But the public shouldn't have to do a protest in order to get action on these sorts of items. I appreciate if you'd keep that, people are angry. I got some really, I didn't like the way that thing was done, and I got some angry and hateful comments because I thought that it should have been done in a more kind of human, sensitive way. Okay. Thank you so much.

CHAIR LEE: Thank you, Nick. We're, we're going to refer this item, so when it comes up in Committee, you can come back and fully discuss it and share all of your ideas. Okay.

MR. DRANCE: Thank you so much.

CHAIR LEE: Are there any questions for Mr. Drance? If not, thank you again for coming.

MR. DRANCE: Okay.

CHAIR LEE: May we have the next testifier?

MR. DRANCE: Mahalo nui.

DEPUTY COUNTY CLERK: Chair--

MR. DAVID DORN [testifying on County Communication No. 21-191 and Bill No. 39 (2021)]:

Hello, can you hear me?

DEPUTY COUNTY CLERK: --the next person signed up to testify is David Dorn. To be followed by the individual logged into the meeting under the name Stephen.

MR. DORN: Yes, hello. Hopefully you can hear me.

CHAIR LEE: Yes, we can.

MR. DORN: Hi. Aloha, Councilpersons and condolences to Councilmember Tasha Kama and her family. My name is David Dorn and I'm a Kihei resident. I am not a paid lobbyist. I support Bill 39, please vote yes.

I support CC 21-191, the moratorium on building permits for hotels. And I think this should be island wide. Why? Because we have too many hotels already. And we have three new hotels planned in Kihei that should have never have been approved. Dick Mayer said, the earlier testifier, that there were more planned for Central Maui, which has worsened. But it's believable.

Maui has an estimated 21,367 visitor units. Oahu has around 40,000. Maui only has 17.5 percent of Oahu's population, but it has 50 percent of Oahu's number of hotel and visitor accommodations. Maui has half as many visitor accommodations, but one-fifth of the population. That makes Maui far more tourist intensive than Oahu. Maui has

21,367 rental units. That is one rental unit for every 7.8 residents. And each rental unit can have multiple guests of course. Oahu has 40,000 rental units, which is one rental unit for every 23.8 residents. There's a big disparity there. You know, we have surpassed Oahu for being tourism-central.

Anyway, the problem is this, we do not have anywhere to put all these people. Visitors do not stay in their hotel rooms. They drive to Hana. They go to Haleakala to watch sunrise. They go to beaches. They park in our limited parking spots. They fill up our roads during rush-hour traffic. They fill up all the spaces and the places that we have, and now we have no more space to give. We here in Maui County have not been adding to our infrastructure. We have not kept pace with growth. We have not been adding new beach parks or adding new beach parking. We have not been building new recreational facilities and amenities for locals, let alone for all these tourists.

So, it's getting crowded around here. We know what happens when you put too many people into a canoe. Let's be akamai and pono to our residents. Let's stop this monster before it totally consumes us. Why not ask our construction industry to build something else other than hotels for a change? FYI, I work in the tourism industry and our tourist economy is recovering quickly already. And it might even reach higher levels than before. We're going to be in for a very business summer.

And what about President Joe Biden's \$2 trillion infrastructure program? Our share is about \$40 billion. We could build more roads, more parks, create more beach parking, preserve more open space, save more natural areas. And we need to open up more private land for public use. We need more places to put the people we have already. We need more places to go and more things to do. What about more hiking trails, more nature reserves, more recreational facilities? This is for our local residents, but our visitors can enjoy them as well.

We need more room to spread out and not be crowded on top of each other. We need to fix Maui and rebalance our infrastructure and improve our island's amenities before we do any more building hotels. So, please support this bill for a moratorium on building hotels and give us a chance to catch up and bring our island back into balance. Mahalo.

CHAIR LEE: Any questions, for Mr. Dorn?

Yes, Ms. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Dorn. Mahalo for your testimony this morning. Did you send your testimony in writing to the Council?

MR. DORN: I sent a different one, but I could send this one as well. No problem.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay.

CHAIR LEE: Thank you

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: Anymore questions? Thank you. No further questions. Thank you, Mr. Dorn, for coming.

Mr. Clerk, chop-chop.

DEPUTY COUNTY CLERK: Chair, our next person signed up to testify is Stephen. To be followed by the individual calling in from the phone number ending with these last four digits, 3106.

CHAIR LEE: Good morning, Stephen.

MR. STEPHEN WEST (testifying on County Communication No. 21-191):

Aloha, Council. My most sincere and deepest condolences to the ohana of Tasha Kama, and prayers to her. Thank you for the opportunity to speak.

I'm here to speak in opposition to the bill, the moratorium. And I, you know, didn't know it was going to be referred, so my testimony was it be referred. There needs to be substantial venting of this subject. I'm opposed to it. I think that, you know, we have some opportunities. Obviously, I'm an employee of the Grand Wailea Resort, and we would like to see that expand. And, you know, there's a lot of conditions that could be improved for the workers at that resort. And that's the whole reason of, you know, doing the construction. And so, obviously, I'm here to speak in opposition to this bill. But I will try to cut my testimony short. And I wish you all a wonderful day.

And one last issue that, you know, in relation to this, that I think is being overlooked, all the illegal transient vacation rentals that are on the island that actually do take away from business and legally, you know, operated hotels. I, I see it happening all the time. I wish that the Council would put money into enforcement for the, these people that are operating illegal transient vacation rentals within our communities and taking away affordable rentals and what-not in our community. So, thank you very much for the time to speak.

CHAIR LEE: Thank you, Stephen. Any questions, Members? If not, thank you for coming.

Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies. Stephen, could you please repeat your full name?
Oh, I believe he left the call. Okay.

Chair, the next person signed up to testify is the individual calling in from the phone number ending with these last four digits, 3106. To be followed by Rod Antone.

CHAIR LEE: Call again, Mr. Clerk.

DEPUTY COUNTY CLERK: The person calling in from 3106, it is your time to testify. You are unmuted, you should be able to speak.

CHAIR LEE: Okay, let's go to Mr. Antone and come back to 3106.

DEPUTY COUNTY CLERK: Okay. Then the next person signed up to testify is Rod Antone. To be followed by Livit Callentine.

MR. ROD ANTONE, MAUI HOTEL AND LODGING ASSOCIATION (testifying on County Communication No. 21-191):

Good morning, Councilmembers. I assume everybody can hear me, see me?

CHAIR LEE: Yes. Yes.

MR. ANTONE: Rod Antone, registered lobbyist with the State and County for the Maui Hotel and Lodging Association. Councilmember Kama, if you're listening, my deepest condolences. There's nothing more devastating, and I'm sorry.

This is in regards to the, amending the Building Code to add Chapter 40 relating to a moratorium on building permits for hotels. I'd like to point out real quickly, you know, the, the, I know it's going to be referred. But it makes, it refers to the tourism levels and, and how they're not at the ratio that we want with our resident levels. And then it kind of jumps into saying, well, if we, you know, restrict hotels, that will solve the problem. That's what I'm inferring from the language.

However, if we take Hawaiian Tourism Authority's data about the numbers of accommodations. In 2000, we had eight thousand, in the year 2000, I'm sorry, we had 8,577 hotel rooms. In 2020, it went down to 7,251. So, we decreased, and some of

that is because we've had, we had hotels turning into timeshares. Now, I know some of you are probably like, well, same thing but except this, this says just hotels. Now, if we look at vacation rentals, it was at 327 in 2000 and it jumps up to 6,000 in 2020. You know, so, it's, it's kind of obvious, you know, if the hotel room numbers aren't going up, but the tourist numbers are, they're staying somewhere and they're probably staying in the accommodations whose numbers have been going up.

So, please when this goes to Committee, please take that into account. Unfortunately, the hotels are the most visible, and so when you think about tourism, immediately, the mind looks at hotels. But we have accommodations in our neighborhoods that some of them are legal and some of them aren't. And I would ask that whichever Committee this is being referred to, please take that to account. Thank you very much.

CHAIR LEE: Any questions for Mr. Antone?

Ms. Sugimura, clarifying questions.

COUNCILMEMBER SUGIMURA: Yea. Mr. Antone, can you again, the vacation rental numbers, can you say it again? I didn't write fast enough.

MR. ANTONE: I, I will send this--

CHAIR LEE: Maybe, wait, wait, wait, hold on. Maybe he can email it to, to us. Your entire--

MR. ANTONE: I will send this.

CHAIR LEE: Your entire--

MR. ANTONE: I will send this to each Councilmember. And I got a quick technical question. Can I submit another written testimony? I already submitted one last night.

CHAIR LEE: Yea, sure you can, sure.

MR. ANTONE: An addendum. Great. Thank you very much.

COUNCILMEMBER SUGIMURA: Thank you, Rod.

CHAIR LEE: Then, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm not sure if my question is clarifying, so I'll save it for another time. I got Mr. Antone's phone number.

CHAIR LEE: Okay.

MR. ANTONE: I'll give you my cellphone too if you want it.

COUNCILMEMBER PALTIN: I think I got it.

MR. ANTONE: Awesome.

CHAIR LEE: Okay.

MR. ANTONE: Councilmember King, I'm sorry. You called me and I had your cellphone number and I didn't put it in there. I'm sorry. It wasn't because you're not important. I probably got a bunch of--

CHAIR LEE: Okay, you take care. Rod, you take care of that with Member King directly, okay?

MR. ANTONE: Thank you.

CHAIR LEE: Any questions on his testimony? If not, thanks again. Come, come back when we have it in Committee.

MR. ANTONE: I will. Thank you.

CHAIR LEE: Okay. Next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Livit Callentine. To be followed by Scott Shapiro.

MS. LIVIT CALLENTINE [testifying on County Communication No. 21-191 and Bill No. 39 (2021)]:

Good morning, Council.

CHAIR LEE: Good morning.

MS. CALLENTINE: Good morning. Good morning, Madam Chair and Councilmembers. I, too, extend my deepest, heartfelt sympathy towards Member Kama's family loss. It's just devastating.

I am, I am testifying in support of Bill 39 to create additional advisory committees. I think that doing this will strengthen the community plan process, as well. And as we, we often say when we're in the planning stages of, of a change in government, and in our community plans, how important the community plans are. But I fear that in the, in the aftermath of creating a new community plan or an updated community plan, the boots on the ground, the building permits, the SMA permits, they, they take priority. The actual building of something takes priority over the planning of what we want the environment to look like and what the communities want their community to reflect. So, I very much support this bill.

And I'd also like to testify on committee, on CC 21-191. I support this. I support the intention of this. And I'm really glad you're referring to Committee, and I'll do more thinking about it and come back then. But I just wanted to say in the meantime, have you thought about including SMA, the Special Management Area permits in a moratorium such as this? Because people will continue to apply and gain Special Management Area permits, either through the planning commissions, or through administrative approvals. And then they'll be entitled, but they won't be able to build. And so, I would just think about the Special Management Area and how this would play into that area.

And finally, I'm, I'm glad to see that you added a section at this point to the draft bill that allows for some exceptions, because I certainly would not want to see any life safety, health, health and safety issues go unresolved due to a moratorium like this. So, I'm glad you're thinking along the lines of there may be important exceptions to be made. Thank you for allowing me to testify.

CHAIR LEE: Thank you, Ms. Callentine.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Ms. Callentine. I hope you're enjoying your retirement. And I just wanted to clarify a question, ask when you mentioned the SMA permit portion of your testimony, it was only in relationship to the hotels, not, like, not other permits within the SMA, like for homes and what not? Or was it just clarifying which?

MS. CALLENTINE: Oh, what did I mean?

COUNCILMEMBER PALTIN: Yea.

MS. CALLENTINE: Oh, okay. I was talking to visitor accommodations such as hotels. But then as, as Mr. Antone was talking, I thought, well, you know, if maybe, if it's an idea

that we really want to stop, I mean the main thrust of this, of this proposed bill to me is that it recognizes that we're in the midst of a very important set of community plan updates in the two most heavily tourist dominant areas of the island. So, I think it's really important that we set the plan before we follow with new building and new actions. So, so, we might even consider putting a moratorium on issuing new short-term rental home permits at the same time.

CHAIR LEE: Okay.

MS. CALLENTINE: I don't know. That would be an option.

CHAIR LEE: Which is really not on the agenda. But that, that should be discussed in Committee, okay? You want to expand the scope of the bill, etc., okay? Any more questions? If not--

COUNCILMEMBER PALTIN: So, so the answer is visitor accommodations is what you were talking about?

MS. CALLENTINE: Yes. Yes.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR LEE: Okay.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, actually the letter that was, that came with the bill to the communication does say visitor accommodations. So, the bill, the bill is focused on hotels but, you know, the discussion could be broader when it gets to Committee.

CHAIR LEE: Okay. Thank you, Ms. Callentine.

MS. CALLENTINE: Thank you.

CHAIR LEE: Next testifier.

DEPUTY COUNTY CLERK: Next person signed up to testify is Scott Shapiro. To be followed by Jordan Hocker.

MR. SCOTT SHAPIRO [testifying on County Communication Nos. 21-190 and 21-191; and Bill No. 39 (2021)]:

Hi, everybody. My name is Scott Shapiro. I'm testifying on my own behalf on three items. I'll be very brief. My heartfelt condolences to Tasha Kama and her family.

Support CC 22-190 [sic] to include items that look at mitigating climate change and working towards climate resilience to be added to our Countywide Policy Plan, which directly benefits the next item I'd like to discuss, which is CC 21-191.

I am in full support of a hotel moratorium bill being referred to Committee. In this bill, the hotel is defined, I believe as any transient accommodation. So, it's just not, not just hotels. I'd like you also to look at on this, you know, moratoriums go back a long way. The City Council of Honolulu enacted a building per, building permit moratorium in 2018, and I urge you to read about the Supreme Court moratorium judgment and City Council of Honolulu. It's going to boil down to the threat of job loss versus the health, safety, and well-being of our community at-large.

I believe the big picture, the most important takeaway I found looking at this to have a truly successful moratorium is having a concrete delineated timeframe saying 24 months or 12 months, one year or two years. You know, a reachable plan to make the changes our community desires. To have a successful outcome of zoning changes or policy changes that meet everyone's expectations, or the moratorium, it's a hard word to say, the moratorium is all for nothing. We'll just be spinning our wheels.

In Honolulu, they established a 10-member task force to provide input to the Planning Department and Planning Commission. I'll ask you to create a task force for input to the Council and the Planning Department. You need to address unbalanced tourism.

With this, real quickly, I'd like you to consider any hotel development that's not yet been issued a building permit, to please ask the Planning Department to hold off on issuing these building permits until this action has been, until the outcome of the bill is known. So, if it passes, those permits would not be moved forward. But if it doesn't pass, then those building permits would go ahead.

My last item is Bill 39, which is, I'm in full support of community advisory committees. And I look forward to passing this on second reading. These advisory committees, as an example for today's agenda, could be a very useful resource during a hotel building permit moratorium to gather community input, and provide recommendations to the Planning Commission, as well as to you, the Council. Thank you very much.

CHAIR LEE: Any questions for the testifier? If not, thank you very much, Mr. Shapiro.

MR. SHAPIRO: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jordan Hocker. To be followed by the individual calling in from the phone number ending with these last four digits, 9460.

CHAIR LEE: Ms. Hocker.

MS. JORDAN HOCKER (testifying on County Communication No. 21-191):

Aloha, Council. I hope you're well today. My heart and my prayers is with Tasha Kama and, and her ohana.

Today I'm here to testify on agenda item CC 21-191. Thank you for refer, being willing to refer it to Committee. I have a couple suggestions. One, is that the definition of hotels or visitor accommodations be expanded to include basically all of them that are outlined by the HTA. I think that that would be a good idea.

I also agree with the previous testifier that two years is not quite long enough to allow West and South Maui to properly vet their community plans. I suggest that possibly four or five, and I'm open to really working that out in Committee.

And then my last point here, just to try to make it brief for you guys, is I live in Kula. And I really think that Chapter 40 of the amendment should apply to island wide. I love living in a rural area. I love knowing that I don't have to run into, I can go into town and I'll be inundated with the traffic and the people who are visiting, but then I get to go Upcountry and be in a non-urban area. And for the most part, I feel pretty insulated in that.

But there is no ignoring when I'm driving home and there's 15, 20 cars in a row, most of them look like rental vehicles and I know that they've driven all the way around the island and utilized my neighbors in Ulupalakua and Kaupo's one community access road, which you might know is very poorly maintained. And the reason I bring this up is to say that we are currently inundated with tourism and we do need some balance. And I do look forward to properly vetting this.

I look forward to this possibly opening up the Planning Commission's time to really get moving on affordable housing projects. I know that when we limit building, there's always the job scarcity talk, which is a very real thing. We do need jobs more than ever. But those jobs could be created through other building projects. So, I just really thank you, Councilmember King, for introducing this. And I look forward to Committee. Aloha. Thank you.

CHAIR LEE: Thank you, Ms. Hocker. Any questions? If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is the person calling in from the phone number ending with these last four digits, 9460. To be followed by Sandy Baz.

MR. DANIEL KANAHELE [testifying on County Communication No. 21-191 and Bill No 39 (2021)]:

Aloha, Chair Lee and County Councilmembers. I'm testifier 9460, also known as Daniel Kanahele, resident of South Maui. I appreciate the opportunity to give lengthy and long-winded testimony on two agenda items.

My, the first agenda item--

CHAIR LEE: Daniel. Daniel, we appreciate your sense of humor.

MR. KANAHELE: You're welcome, Chair Lee. So, I would like to testify on Communication No. 21-191. I'm in support of the, the communication being referred to Committee. And I will reserve my long-winded and lengthy testimony for Committee.

The next agenda item I would like to testify on, Bill No. 39 related to advisory committees to the Maui Planning Commission. I'm also in support of that bill, and I hope it will pass on second reading. And so, I'd like to at this time conclude my testimony. Thank you for the opportunity, Chair Lee and County Councilmembers. Have a wonderful day. Aloha.

CHAIR LEE: Aloha, Daniel. Appreciate your testimony. Any questions, Members?

If not, may we have the next testifier, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Sandy Baz. To be followed by Laura Lodata.

MR. SANDY BAZ, MANAGING DIRECTOR (testifying on County Communication No. 21-185):

Aloha, kakahiaka kakou. I'm Sandy Baz, Managing Director for the County of Maui and I'm testifying on behalf of County Communication 21-185. This is related to Bill No. 18, 19, and 20, as it relates to the Mayor's veto of certain sections of those bills.

So, Mayor did submit his letter dated April 1, and it's posted on your agenda. We did also submit a letter this morning to the Clerk's Office. I don't see it on, so I wanted to share that with you this morning. So, as referenced in County Communication 21-185, the Administration would like to offer the utilization of the first floor of Kalana Pakui, the Kalana Pakui Building, which is right next door here, to fulfill the immediate needs for the expanded space for the Legislative Branch. The first floor consists of approximately 7,500 square feet. And I did attach the floor plan so that you can get a good idea of what that is made up of.

While this is short of the request of 9,000 square feet, this space may be available as early as July of this year, this summer and will allow for OCS and the Council to fully occupy the 7th floor of the Kalana O Maui Building should you move legis, the Clerk's Office down there. And I believe there's other space that you could utilize there for other purposes, Legislative Branch. But we do hope that you consider this offer in the spirit of collaboration and look forward to continuing to work with you for future needs. So, thank you for considering this proposal and I can answer any questions may have.

CHAIR LEE: Thank you, Mr. Baz. Members, clarifying questions? We could ask him, Mr. Baz, would you be able to come back later when we take up this matter?

MANAGING DIRECTOR: Yes.

CHAIR LEE: Any objections, Members? Okay.

MEMBER VOICED NO OBJECTION.

CHAIR LEE: We'll, we have your number. We'll call you.

MANAGING DIRECTOR: Okay.

CHAIR LEE: But for now, Member Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Baz. I just was wondering if the Planning Commission Conference Room was included in the package deal?

MANAGING DIRECTOR: That is included in the 7,500 square feet.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Okay. No further questions. We'll, we'll talk about this later when the matter comes up, okay? Alright.

May we have the next testifier, Mr. Clerk?

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

CHAIR LEE: Laura?

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

CHAIR LEE: How do you spell her last name?

DEPUTY COUNTY CLERK: She's connected to the meeting as Laura Lodato, L-O-D-A-T-O. Chair, should--

CHAIR LEE: Okay, may we have Faith Chase, please?

DEPUTY COUNTY CLERK: Okay. The next person signed up to testify is Faith Chase. To be followed by Albert Perez.

MS. FAITH CHASE (testifying on County Communication Nos. 21-180, 21-185, 21-189, and 21-191):

Good morning, Chair. Good morning, Council.

CHAIR LEE: Good morning.

MS. CHASE: I echo everybody's sentiments and send my regards to Tasha Kama, Councilmember Tasha Kama's family. I'm so sorry to hear this.

I want to quickly speak to CC 21-180. Forgive me, I've missed two-and-a-half meetings of your budget. I usually replay em. I haven't had a chance to, so if I'm off course, you'll understand why.

In my preparation for the Commission on Healing Solutions for Homelessness, I printed out the public, Hawaii Public Housing Authority audit. And when I read this communication about this action plan and this money and the other two items that fall under DHHC, I don't know where this needs to be. But I have heard concern about, you know, the CARES funding and how it rolls through the Mayor's Office jurisdiction, decision-making task force, and stuff like this.

And I see, I'm just, I'm wondering if there's any sort of intermediary reporting mechanism that can be implored or asked for? Because I see that we're, there's two, \$25 billion coming down in ERA funds, Emergency Rental Assistance. And whatever that amounts comes through, trickles down to Maui County. I would really like to see some, I'm a little nervous about that. So, I know I've heard you guys ask the questions to the Mayor's representatives when they're on, but I just wanted to get that, take advantage of this agenda item and say I don't know where those intermediate quarterly reporting, not premature, but just clarity, are? I don't know where that, how I can frame that?

So, moving on, CC 21-185. I just want to say quickly, you know, I worked at the Maui News for seven years. You need to make sure that you consider the, the repaving costs. I worked nightshift for many years and while the trees are beautiful there, they bust up all the pavement and it's a dangerous landscape. So, just keep that in mind when you do your budgetary considerations.

CC 21-191, oh man, I wish we were in person cause I would walk over the balcony and give Kelly King a big hug, or a lei, or something. Do it, don't listen to these people. Don't, just moratorium. I know it's going to Committee. I heard their comments, so I'll skip forward.

This is really concerning to me, CC 21-189. And excuse me if, like I said, I missed something in previous meetings. You know, Hana [sic] maka is it Hana [sic] makamae? The drug, forgive me, Shane, maybe can you help me. The housing, the transitional housing for those that are seeking recovery in Hana. I don't lay any blame on any of the reporting. I understand why it's been removed, because the compliance issues. And I just would say, I would just like to say that we need to keep a pocket of, of, of money for some innovative ideas that are right around the corner. Councilmember Sinenci knows of community members that are willing to actually give up their estate to support something like this. There's new things moving forward.

And I think perhaps the reporting, the lack of reporting and continuity is not one person to blame, but we lost a really amazing counselor, Susie Cuffe, who was a long-standing board member, advocate, drug counselor, all these things. And I think that without any, her having a protege or somebody stepping into that space, we might have just been on rocky ground. And so, there is no way that you can take away money for drug rehabilitation in any shape or form for East Maui. I personally lost 88 percent of my braddahs from Keanae because of the drug pandemic over the last 25 years. It's a pandemic.

And so, if there, and then when I see Hana Canoe Club proviso maybe being moved around or removed, you know, that is one of those action items that gives somebody something to do that keeps them busy. It's all inter, interrelated. So, I don't know where that can be found later on. But I just, I just need to impress my seriousness for that. Thank you for your time today.

CHAIR LEE: Thank you, Faith. Any questions for the testifier? If not, aloha, Faith.

And may we have the next testifier, Mr. Clerk?

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Albert Perez. And then we'll return to the individual connected by phone number 3106 to see if they are able to testify.

CHAIR LEE: Okay. Alright. Albert?

MR. ALBERT PEREZ (testifying on County Communication No. 21-191):

Good morning, Councilmembers, Chair Lee. My heartfelt condolences and sympathies to Councilmember Tasha Kama and her family during this difficult time. Anyway, I, I'm going to move on, because that's just heartbreaking.

I'm testifying in support of County Communication 21-191. I would like to urge you to act as quickly as possible on this resolution. And I ask that it be referred to the CARE Committee, because it relates to an industry that's significantly affecting our environment and our quality of life. It also relates to resilience, in that our economy is already too vulnerable to downturns in the tourism industry. So, on the heels of a unanimous Council resolution calling for sustainable tourism, emphasizing quality over quantity, the Maui Planning Commission approved an SMA permit for 170 additional hotel rooms on South Kihei Road, right in the heart of all the tourist congestion.

During the deliberations, some of the planning commissioners stated that they felt the hotel approval would be consistent with the resolution because it was a quality hotel. This is a clear misinterpretation. Other commissioners expressed the view that the Council was putting the burden of disapproval on the Planning Commission, and that they wanted clear direction if they were to disapprove more hotel rooms. The Council has the opportunity to do exactly that by adopting an unambiguous moratorium on all visitor accommodations including hotels, timeshares, short-term rental homes, and bed and breakfasts. We're being overwhelmed and the first step in controlling over-tourism is to stop making the problem worse.

This moratorium should not be limited to West and South Maui, otherwise visitor accommodations will start springing up in our other communities exactly where we don't want them. We need to tie the lifting of the moratorium to compliance with the law, specifically the Maui Island Plan. When the ratio of visitors has dropped back down to one to three, then it can be lifted. In the meantime, the County can reduce over-tourism and increase affordable housing by acquiring lower cost visitor accommodations and converting them into housing for our residents.

I also don't think there should be any exceptions in the bill. That would create a line out the door for the Department of Public Works. And there shouldn't be automatic repeal after two years either. I urge you to act as quickly as possible. Mahalo.

CHAIR LEE: Thank you, Albert. Any questions, Members? If not, wait, we have one question.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Perez. I just wanted to clarify, did you imply that the, or were you thinking that the moratorium would affect that case that you mentioned in the Planning Commission?

MR. PEREZ: No, I don't think that the Council has jurisdiction in the SMA, short of the Charter change. But I could be wrong.

COUNCILMEMBER PALTIN: Okay. Thanks.

MR. PEREZ: Okay.

CHAIR LEE: Okay. Thank you.

MR. PEREZ: Okay. Aloha.

CHAIR LEE: Aloha, Albert.

Next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify is the individual calling in from the phone number ending with these last four digits, 3106. You are unmuted, if you are able to, please identify yourself and you may begin to testify. Chair, they are unmuted on our end, but we're not hearing anything.

CHAIR LEE: We'll give them another 30 seconds and then move on, and then close testimony.

DEPUTY COUNTY CLERK: Okay.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Okay. Chair, there is no one else currently signed up to testify. Is there, if there is anyone else connected to the meeting who has not testified but wishes to do so, please unmute yourself and identify yourself now. You can also inform staff via the meeting chat. This is our last call for testifiers. Please indicate if you would like to testify now. Chair--

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

MEMBERS VOICED NO OBJECTION.

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

1. David Dorn;
2. Mayor Michael P. Victorino;
3. Lynn Britton, Ma'alaea Village Association;
4. Thomas Fairbanks;
5. Mufi Hannemann, Hawaii Lodging & Tourism Association;
6. Lora Harbo;
7. Mark Hyde;
8. Lyndon Ibele;

9. Lee Imada, Maui Economic Opportunity, Inc.;
10. Marcy Koltun-Crilly;
11. Jim Maxwell;
12. Molokai-Lanai Soil & Water Conservation District;
13. Leilani Pulmano, Pacific Rim Land Inc.;
14. Adele Rugg;
15. Pamela Tumpap, Maui Chamber of Commerce; and
16. Madolin Wells.

CHAIR LEE: Mr. Clerk, were you about to say there was another testifier? Oh, okay.

DEPUTY COUNTY CLERK: No, Chair.

CHAIR LEE: Okay. Alright. Okay, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 21-178 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated March 31, 2021)

Transmitting Contract Modification 1 and Modification 2 from the State of Hawaii, Executive Office on Aging, for the Human Concerns Program, Aging and Disability Resource Center in the amount of \$450,965.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request that the Clerk also call up County Communication 21-179 and 21-180?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections? So, ordered.

Mr. Clerk.

NO. 21-179 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated April 5, 2021)

Transmitting a notice of grant award from the State of Hawaii, Hawaii Housing Finance and Development Corporation, for the National Housing Trust Fund in the amount of \$2,850,000.

NO. 21-180 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated April 5, 2021)

Transmitting Substantial Amendment No. 4 to the PY 2019 Annual Action Plan from the State of Hawaii, Hawaii Housing Finance and Development Corporation, for the National Housing Trust Fund in the amount of \$485,570.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 21-178
THROUGH 21-180.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Okay, it's been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to what is that, file county communication, did you say file?

VICE-CHAIR RAWLINS-FERNANDEZ: File.

CHAIR LEE: File County Communications 21-178 through 180.

Discussion? Vice-Chair Rawlins-Fernandez.

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

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: All "ayes", which is one, two, three, four, five, six, seven, eight "ayes", zero
"noes", one "excused"; Motion carries.

Mr. Clerk.

NO. 21-181 - MICHAEL P. VICTORINO, MAYOR,
(dated April 1, 2021)

Informing of a vacancy on the Urban Design Review Board due to the resignation of
Mikal Torgerson, effective March 31, 2021.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. May we have the Clerk also call
up County Communication 21-182?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

County Clerk.

NO. 21-182 - MICHAEL P. VICTORINO, MAYOR,
(dated April 1, 2021)

Informing of a vacancy on the Real Property Tax Review Board due to the resignation
of Thomas Croly, effective March 31, 2021.

DEPUTY COUNTY CLERK: And--

CHAIR LEE: Mr. Molina.

Pardon me?

DEPUTY COUNTY CLERK: Apologies, was--

CHAIR LEE: Oh, you're going to do one more? Okay.

DEPUTY COUNTY CLERK: Was 21-183 also called?

CHAIR LEE: No. Just two.

Okay, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATIONS NO. 21-181 AND
21-182.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Councilmember Mike Molina, seconded by Vice-Chair Rawlins-Fernandez, to file County Communications 21-181 and 182.

Mr. Molina, discussion?

COUNCILMEMBER MOLINA: Thank you very, Madam Chair. The Mayor received notice of Mr. Torgerson's resignation from the Urban Design Review Board, as well as Mr. Croly's resignation from the Real Property Tax Review Board. Both resignations are effective March 31, 2021. I want to thank both gentlemen for their dedicated service to local government. Mahalo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

NO. 21-183 - SANDY K. BAZ, MANAGING DIRECTOR,
(dated April 1, 2021)

Relating to the reallocation of the Civil Engineer VI, to Chief of Planning and Development in the Department of Management.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 21-183.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, to file County Communication 21-183.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. In accordance with Section 7, Fiscal Year 2021 General Budget Provisions, the Managing Director has notified the Council that the position of Civil Engineer IV *[sic]* will be reallocated to Chief of Planning and Development. The reallocation will provide direct and technical supervisory oversight and direction necessary to the Planning and Development

Section in the Management Program and will not affect the Capital Improvement Projects development and implementation related to engineering oversight.

Attached to the correspondence are organizational charts showing the existing and proposed organization of the Department based on this change. Thank you, Madam Chair.

CHAIR LEE: Thank you, Mr. Molina. Any questions?

Ms. King. Member King.

COUNCILMEMBER KING: Just a correction. I think Member Molina said Civil Engineer IV. But I think it says VI on my sheet. I think it's, is it, is that correct?

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: You know, I have IV. But maybe we might need clarification from, I guess, who would that be? The Management Office?

CHAIR LEE: Yea, I do have VI on mine as well.

COUNCILMEMBER MOLINA: Okay. If that, if that be the case, then I guess let's go with VI. Maybe this is a, might have been a typo from my notes here.

CHAIR LEE: Yea. Okay.

COUNCILMEMBER MOLINA: Thank you for that clarification.

COUNCILMEMBER KING: Sure. Thank you.

CHAIR LEE: Let the record show Civil Engineer VI, okay? Anymore comments or questions? If not, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

NO. 21-184 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 7, 2021)

Informing of the acceptance of a Warranty Deed for Roadway/Road Widening Lot,
Papalaua Street & Wainee Street, TMK: (2) 4-5-006:015.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATION 21-184.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Second? Moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file County Communication 21-184.

Discussion, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. This communication is purely informational, and no further action is required by the Council. Thank you, Chair. And thank you, Keani, for the second.

CHAIR LEE: Anymore discussion or questions? If not, let's vote. All those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. No "noes", obviously.

Mr. Clerk.

NO. 21-185 - MICHAEL P. VICTORINO, MAYOR,
(dated April 1, 2021)

Transmitting the following bills and notifying of his veto of items or portions thereof:

1. Bill No. 18 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. Bill No. 19 (2021), 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 FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY"; and
3. Bill No. 20 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO OVERRIDE THE VETO AS IT PERTAINS TO
BILL 18, DRAFT 1; BILL 19; AND BILL 20; RELATING TO THE
ACQUISITION OF 6.3 ACRES AT 100 MAHALANI STREET,
WAILUKU, MAUI, HAWAII; AND TO FILE COUNTY
COMMUNICATION 21-185.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, for procedural purposes, in order to have this discussion, and we requested Managing Director Baz to serve as resource personnel to have this discussion with us, learning of this new proposal from the Administration just this morning. So, Members, if you checked your email, you would have received from the County Clerk, this morning at 8:36, the floor plan and the, a memo from the admin, from the Mayor, explaining his proposal to the Council for consideration.

CHAIR LEE: --second, Ms., Ms. Rawlins-Fernandez.

Mr. Clerk, is Mr. Baz on the call? If not, can you have staff contact him?

DEPUTY COUNTY CLERK: Yes, Chair. I don't see Mr. Baz on the call, but we are reaching out to his office.

CHAIR LEE: Okay. Okay, I'm sorry. Then, Ms. Rawlins-Fernandez, you want to continue? We do have a question from Mr. Molina when you're done.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, I was just explaining procedurally how we'll move forward from here. So, we have the motion to override. We will hear from Managing Director Baz . . . is. And then from there, we can take the vote either to override the veto or not. Mahalo, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Just a procedural question related to Sunshine Law. As far as our discussion with Mr. Baz, maybe, I don't know if Corp. Counsel can comment. Should we, are we, because it's agendized as the override, should the discussion just be focused on the override? Or can we, do we have flexibility to discuss the proposal which just came to us this morning, basically? I know the proposal hasn't been agendized for today's matter. So, that's just my question to Corp. Counsel. What are our parameters as far as discussion?

Should it be just focused simply on the override or can it include this proposal from the Mayor, which we just received?

CHAIR LEE: Corp. Counsel, are you on the call? Ms. Lutey, good morning.

CORPORATION COUNSEL MOANA LUTEY: I'm here, Chair. Thank you. Good morning, everyone. I believe that this discussion is appropriate at this time. It is, I think, something that we could have anticipated based on this matter being agendized and the manner it has been.

CHAIR LEE: Well, I believe it also relates to the proviso that is agendized, yea?

CORPORATION COUNSEL: Right. Yes.

CHAIR LEE: Okay. Mr. Molina, you, you have more questions?

COUNCILMEMBER MOLINA: No. No, that's okay. I just needed that clarification.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: So, I'm satisfied. Thank you.

CHAIR LEE: Okay. Thank you.

I see Vice-Chair Rawlins-Fernandez' hand up, and then Ms. King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just a request. I, I understand if Members, you know, we did just receive that transmittal this morning at 8:36, right before, you know, we, we started our meeting. So, if, you know, Members would feel more comfortable, perhaps we can request a ten or fifteen minute recess so that we can read the transmittal, digest it, and prepare ourselves to ask questions of the Managing Director?

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

COUNCILMEMBER KING: Two things. One, can we, can we put this at the end of the agenda? And then, two, do we need a waiver? A waiver to, you know, from our County Council Rules in order to vote on this today. My two questions.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, I'm, I'm sure you've checked into that, whether a Rule waiver would be required or not?

COUNCILMEMBER KING: Just, I, I just don't, I, I, this is the first time I've addressed a veto like this that just came up, so I was just asking the question.

CHAIR LEE: Shall we ask Corp. Counsel?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Yea. Yea, so we, we, we either vote to override the veto or we let the veto stand. So, that's the vote we would be taking.

COUNCILMEMBER KING: Yea, right. I, I understand that, the vote. But I just wondering do we need to vote on a waiver first or, you know, since this is under the section . . . so.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I don't believe any waiver--

CHAIR LEE: No, our understanding, or my understanding--

Go ahead, Vice-Chair, you finished?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, a waiver of our Rules is unnecessary.

COUNCILMEMBER KING: Okay. Okay. Would there be any objections to, you know, moving through the rest of the communications and then putting this, then taking a break?

CHAIR LEE: Any objections?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: My, my only concern would be availability of Managing Director Baz, because there are questions that I would like to ask him. So, if he won't be available later, then I'd prefer not to hold it to the end of the agenda. But if he can be available later, then I have no objections to placing this at the end.

CHAIR LEE: Mr. Baz. Mr. Baz, would you be available later?

MANAGING DIRECTOR: I have a meeting with the Governor at 11:15. But other than, it should be 11:15 to about 12:30. Other than that, I can rearrange anything else I have.

CHAIR LEE: Members?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: No, Madam Chair. Just want to say I support the Budget Chair's request to have, deal with this matter now, since Mr. Baz likely will not be available. So, just want to state that for the record.

COUNCILMEMBER KING: Yea, that's fine. If he's, if he's here now, we might as well take advantage of his presence.

CHAIR LEE: Okay. Any objections, Members? Okay, let's, you want five minutes to read over the proposal? You want ten minutes? Ten minutes? Okay, we'll take a ten-minute break. Mr. Baz, please don't leave. We need you.

MANAGING DIRECTOR: No, I'll be here. And Chair, just for the Members understanding as well, the April 1 letter, which is posted on the agenda today does, in item 2 on the second page, reference specifically the first floor of Kalana Pakui. So, it was brought up in the prior communication as well.

CHAIR LEE: Alright. We will return at 10:35, okay? So, this meeting is in recess until 10:35.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:23 A.M., AND WAS RECONVENED AT 10:37 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the regular Council meeting of April 16 please reconvene.

Vice-Chair Rawlins-Fernandez, you want to reiterate, just repeat what the motion you made was, and your, your, you know, your comments?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the motion on the floor is to override the veto as it pertains to Bill 18, Draft 1; Bill 19; and Bill 20 relating to the acquisition of 6.3 acres at Mahalani Street, Wailuku, Maui, Hawaii; and to file County Communication 21-185.

So, Members, we have, I guess two options. We, we can vote to override. If we vote to override, in order to vote to override, we would need six votes. Or we can let the override stand and it would eliminate the condition that we put on the acquisition of this property. We, if we vote to override, we can also, the Administration would still have the ability to come before Council with a budget amendment later on if that's something that they would prefer to do.

So, we have Managing Director Baz with us to answer questions. I hope all the Members were able to locate and review the proposal that the Managing Director transmitted to the County Clerk this morning.

So, I, I have two questions to start and then the other Members. So, my first clarifying question, Managing Director Baz, mahalo for answering our questions this morning, is to clarify if the Legislative Branch, the Council would maintain control over the 7th and 8th floor. And that the Kalana Pakui Building first floor would be in addition to that.

MANAGING DIRECTOR: Yes, that's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Managing Director Baz. Okay. And then, my second question is two parts. One, why would the Administration, or is there a reason the Administration would not consider doing a budget amendment in July when the Kalana Pakui Building will be vacated? And if it hasn't considered that option, what assurance can you provide Council to give up this leverage of having this condition on this item that there will be follow through?

MANAGING DIRECTOR: Okay. So, the, well, once June 30 happens, the Fiscal Year Budget is, is stale. There's, you know, six months additional monies to spend for capital improvement projects, but the budget itself would be stale. So, amendment to it doesn't work.

Also, the acquisition of the Maui News would have occurred by then. And so, or hope to have occurred by then. So, that does create an issue if the acquisition was done with the conditions set forth. And . . . you have to refer back to Corporation Counsel on how that would work. But this is something that's, you know, very, you know, short-term.

So, you know, we would be looking at this, you know, providing the space, you know, quickly once, as soon as basically DSA is moving out to the new service center and we expect that to be done in June. And, you know, actions will be very quickly to take, you know, we're in front of you regularly for lots of different things. And so, you know, the, the, our word that this is going to be done in a manner that is accepting to you is, we would definitely want to keep that word. That's all I can explain right now, I guess, if that's good enough. If you want to discuss other possibilities, then we can. But . . . this is--

CHAIR LEE: Okay. Okay.

MANAGING DIRECTOR: --something the Mayor has committed to.

VICE-CHAIR RAWLINS-FERNANDEZ: Just a quick follow up.

CHAIR LEE: That answers your question. Yes, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. But he, mahalo, Managing Director for your response. So, we, we have amended the budget from the 2020 Budget, or the previous year budget into the upcoming budget. So, we, I, I've, as the Budget Chair, I have worked with the Budget Director on making those types of amendments to avoid funding lapsing. So, I know that that is possible to ensure that the funding for this would not lapse at the end of the fiscal year. So, I, I know there's, so there are ways to do it if that's something that, you know, we would want to do.

MANAGING DIRECTOR: Well, I guess our preference would be to, to allow the veto override, . . . allow the veto to go through and then we can act on this moving forward without any further requirements of Council . . . actions needed.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Managing Director Baz. Mahalo, Chair.

CHAIR LEE: Ms. Paltin. And then Mr. Molina.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Director Baz. I was wondering where the Planning Commission would be scheduled to meet once in person meetings resume.

MANAGING DIRECTOR: So, you know, that would be something we would want to discuss with you. You know, is that something that, you know, we could work on, possibility of joint space usage. If not, we can work on other locations for the Planning Commission should they start meeting in person sooner than space would be available.

COUNCILMEMBER PALTIN: Okay. And my other question was, is the building, the Kalana Pakui Building considered to be, like a historic building where you, if you want to move things around, there's a special process?

MANAGING DIRECTOR: Interior modifications of the building are fine. And the floor plan I showed you does, you know, there's been quite a bit of modifications to the interior of the building. In the exterior modifications to the building, would most likely require Historic Preservation Division the, to review it. But yea, the interior renovations would be fine.

COUNCILMEMBER PALTIN: And as far as you know, it's, it's okay. It's structurally sound? Just the other folks have other places to be moving to with the service center opening up and what not?

MANAGING DIRECTOR: Correct. Yea, the first floor is currently occupied by the Development Services Administration, and so they're going to be occupying the second floor of the new service center. So, they will be vacating this area.

COUNCILMEMBER PALTIN: And my last question was just for curiosity. Was it, original use was police station?

MANAGING DIRECTOR: My understanding, yes. It was built as a police station, so there's an actual, like a cell area in there. There's no, like gate. Well, actually there may still be a gate in there too. But yea, no, it was the police station in the past.

COUNCILMEMBER PALTIN: Okay. Thanks. I'll, I'll do my best not to break any laws. I wouldn't want to end up in that little cell.

MANAGING DIRECTOR: Okay.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And thanks for the walk down memory lane. That's right, that was an old police station.

Mr. Baz, is, is that area you're speaking of, is it a, how, how compliant is it as it relates to ADA? And if improvements need to be made, who's going to pay for it? Is it going to be the Council or the Administration?

MANAGING DIRECTOR: Well, the, okay, first of all, there is a ADA accessibility to that floor. And so, there is current accessibility. If any improvements would be required, then we would work on those. It could be a project of Public Works. Whether the, it's not necessarily the Administration or Council, the County has to cover the cost of those, General Fund costs. So, I wouldn't, it could, you know, again, maintain the project within Public Works as they do maintain the Kalana O Maui Campus as far as renovations and--

COUNCILMEMBER MOLINA: Okay. And then, again, your proposal is to have the Clerk's Office, as well, move into there? Because I know the Council wanted 9,000 square feet and you guys are offering 7,500.

MANAGING DIRECTOR: So, the, you know, I, and this is just from hearing a little bit of what desires have been presented in the past as far as the Legislative Branch goes but, you know, moving the Clerk's Office out of the 7th floor would leave expansion space for OCS. And the, you know, the square footage that the legislative, that the Clerk's Office currently takes up is significantly less than 7,500 square feet. So, there would be other

space available for you, for the Legislative Branch to, to utilize for other purposes as well. But that's really, you know, up to you guys. That's, you know, this is my speculation based on hearing things from what discussions have happened in the past.

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

CHAIR LEE: I just want to remind everybody too, that if, you know, we had talked about renting space at HGEA. That was really the plan, the initial plan. And we were just waiting for the people in, at HGEA to move out. Well, that would cost us \$15,000 a month minimum. If we moved into Kalana Pakui, it wouldn't, we wouldn't have rent to pay. We might have renovations to do but, so, maybe we would have had to do that at HGEA as well.

So, actually there are, actually there are a number of advantages to taking this. And also, the timing of it is, is good because, you know, this is a non-election year, so we could take our time renovating and retrofitting Kalana Pakui for the elections cause there are, like, big equipment that have, has to be moved, etc. A lot of things for OCC to, to work on. And this would be the time. To me, waiting till July might be, you know, just wasting two months of time that we could have been doing planning, planning and designing, and working with all the employees trying to figure out who should go where and so forth. So, please keep that in mind as well.

Ms. Sugimura, did you have your hand up? And then Ms. King.

COUNCILMEMBER SUGIMURA: Oh, Ms., are you to, on Ms. King?

CHAIR LEE: You didn't? Okay.

Ms. King.

COUNCILMEMBER SUGIMURA: I, oh, I do have a question. I'll wait.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Okay, thank you, Yuki. Yea, my, my question is more to I think Budget Chair Rawlins-Fernandez. The, so if we, we vote to oppo, if we don't override the veto, then we were, we're sort of on a wing and a prayer which, you know, cause we don't have anything firm. But if we override the veto, I think I heard her say if we override the veto, then we can still negotiate for the Kalana O, the, the what building is that, the Kalana?

CHAIR LEE: Kalana Pakui.

COUNCILMEMBER KING: Pakui Building. We can still negotiate for that and, and do a budget amendment. Because my concern, and I saw Member Rawlins-Fernandez nodding her head, so I think that was the case? That, that was my question. Because, you know, my concern is that we had, we had, you know, I, I understand they're saying well we will work on this, but we've had those kinds of agreements with the Administration before.

And we were supposed to have, back from my first term on the Council, we were supposed to have the County Clerk's Office move into the new service center, which still could have happened under this Administration because the, this Administration made those decisions. So, I, I would rather have us have a little bit of leverage, you know, to go into those. I, I agree with you that I think it's, it would be a good move, because I think that building is more accessible to the public. But I would like to, I would like to have that discussion with us having the leverage than not. So, that's kind of my position. Thank you.

CHAIR LEE: You realize, Ms. King, that we have leverage all the time with every, every budget amendment we pass, yea?

COUNCILMEMBER KING: Right. But we don't have any leverage of getting any of our folks into the service center, you know? Because we didn't put that into the stipulation when we funded the service center. And we don't, we have nothing to say about that right now. So, you know, that's, that's what would happen. I think if we allowed the veto to stand, then we're just hoping that we can follow through with the other, you know, offer.

CHAIR LEE: How would things change two months from now, in July, exactly?

COUNCILMEMBER KING: I don't know.

CHAIR LEE: Yea, it wouldn't. We, we would still be going on the Mayor's word, yea?

COUNCILMEMBER KING: Right.

CHAIR LEE: Same thing.

COUNCILMEMBER KING: Right. Well, we would have the leverage of the, of what's in the bill right now, which is to take one floor. So, you know, I mean I like the idea of moving into the other building, because it could happen much sooner. But I'm not convinced that that's going to happen because, you know, we were told by the Mayor that he wants to collaborate with us and then I hadn't heard anything more about this until it was proposed on the, on the agenda. So, that's just kind of my, my feeling, is I haven't

seen the level of collaboration that we've been promised for, from, you know, the last election. And so, I'm just not, I think it's wise of us to have some leverage which is--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --already in the existing bill. That's all I'm saying.

CHAIR LEE: That's fine.

Vice-Chair Rawlins-Fernandez, can you tell me what leverage we will have in July that we don't have now? Or could not have in the future?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry, if we overrode the veto?

CHAIR LEE: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: What leverage would?

CHAIR LEE: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: It, it seems like the Administration would like to remove that condition. And so, that is the leverage that they, that we would have, is that the Administration would like to remove that condition from this acquisition, from the funding for this acquisition.

I, I have, you know, I'm in full support of the Kalana Pakui Building. I think, I think that's a great offer and I'm very appreciative of the Administration. But I know I, the Council would like more, more assurance and perhaps, you know, an MOU.

So, we have 30 days to override the veto if that's something that this Council would like to do. The Charter permits 30 days. Our next meeting is on May 6. And so, the posting deadline would be April 29 for, you know, an MOU if that's something that would, you know, give everyone a little more confidence about this proposal.

CHAIR LEE: You know, if that's the will of the body, that's fine. But I just want to remind you, it was the Council that turned down the Maui News. It was offered to us and we turned it down. Then we, we proviso the use of monies to purchase the Maui News with this. So, I, you know, I don't think that the Mayor has shown any lack of collaboration. Maybe on other things, I don't know.

But I just feel that that he has, he has gone along with us to the extent that he was trying to help us find our own campus, cause we, I have been complaining to him all

this time. And so, he, he found this place, the Maui News, which the Council declined, which is their right. But then, they proviso the purchase of the Maui News with office space, which now the Mayor is offering to us, which we are saying, you know what, we want an MOU just to be sure.

I'm not sure what, what legal strength an MOU has. But if that's what the body wants, that's fine because I am not, I am not inclined to, to have a lengthy debate over this when, when all of you, the, the majority of you want to have an MOU done. So, any further discussion?

Ms. King, and then Ms., oh I'm sorry. Ms. Sugimura, did you ask your question?

COUNCILMEMBER SUGIMURA: Just let Member King finish her questions and then I'll go next.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Okay. Well, you know, I, whether it's an MOU or its change, a budget amendment that just puts that, that building in there instead of the taking a floor of the County Building, I think one of the, the other benefits of that is that it's going to be empty. It sounds like it's going to be empty and it will save us the rent if we put--

CHAIR LEE: That's right.

COUNCILMEMBER KING: --the Clerk's Office in there. But, so, you know, if we wait and do this, if we defer this to the next Council meeting, then we have, and they can post a budget amendment that puts that in there in, you know, that puts that stipulation in there that the, the County and County Clerk, the Council and County Clerk would have first right of refusal for that building, then that, that you can solve it that way too without, you know, I don't know if it's an MOU or if it's a budget amend, right into the budget amendment. But that would, that would just solidify that agreement, I think, between what we're trying to get to. And, you know, I, I, I'm very appreciative too. But I've also seen these things offered and not followed through on in the past. So, that's kind of my position why I think it would be better to do it in a budget amendment to this, you know.

CHAIR LEE: Okay. Ms. King. I mean, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Mr. Baz, just rose his hand.

CHAIR LEE: Oh, you know what, Ms. King, why don't you ask your question and then we'll move onto other people.

COUNCILMEMBER KING: Well, I, I think I, yea, I mean, you want to make any comments, Mr. Baz?

MANAGING DIRECTOR: Well, I, I could offer, possibly, another suggestion. You guys are deliberating on the FY 22 Budget right now. And what you could do is put a limitation on a portion of funds in the '22 Budget for the, you know, renovations or things that are needed at Kalana Pakui. And that would put, then, the restriction in place for the utilization of that in the future versus having to go back to the specific acquisition bills themselves.

CHAIR LEE: And then, let me interrupt you right there. And that is one of the reasons why I was hoping we would move on this today, forward, because we do have some carryover savings. I mean, carryover, we have some savings right now in OCS that could be spent on design, planning and design, and then, then after we have more information on how much we actually need, then we would amend the budget or put, put it in the budget for that purpose. Pushing this out to June or July means we don't get to use that money cause that'll go into carryover savings. So, these are the kinds of things that I'm thinking of from a practical point of view. Not trying to play games or anything, just looking at the nuts and bolts of this situation.

COUNCILMEMBER KING: Okay. So, so Mr., so, Managing Director Baz, so you feel that if we did that, out of a budget amendment and that's still the budget amendment, right? But then that would--

MANAGING DIRECTOR: No.

COUNCILMEMBER KING: You're talking about, you're talking about next, next year's budget, the Fiscal Year '22.

CHAIR LEE: Yea.

COUNCILMEMBER KING: That's what you're talking about?

MANAGING DIRECTOR: Correct. Yes.

CHAIR LEE: That's what he's talking about.

COUNCILMEMBER KING: Okay. So, but you feel that if we did that, you know, your suggestion that that would, that that would solidify that agreement that the Council has access to that, that building?

MANAGING DIRECTOR: I believe so.

COUNCILMEMBER KING: Okay. Thank you, Chair.

CHAIR LEE: Yes, Ms. Sugimura. Are you ready?

COUNCILMEMBER SUGIMURA: Okay, finally. Yes. So, two, one thing is I love the way this discussion is going, because I think that there is, I like Chair Lee's proposal about using money that we have in OCS that we could probably use for renovations of the Kalana Pakui Building. It makes sense to me and I think there's an element of trust that's starting to develop here, that if we can come to that agreement and know that whatever documents we need to solidify it in the future. But, you know, I think that what we're saying is, let's work together and this looks like a great alternative, and it makes sense.

I, I want to also add that the Kalana Pakui Building, when I was growing up, had the Council. I remember we used to visit then Mayor Eddie Tam. He used to be like the Chairman of the Board of Supervisors or whatever. And his secretary was a friend of, was Pat Tamayose's mom, so we used to go there all the time. But that building has a lot of memories for me too.

And I like this proposal. Please thank the Mayor. I think this is a good alternative. And I look forward to hearing what about the 30 parking stalls? I think that was also mentioned in page 2 of your document that was transmitted to us regarding the veto. So, I wonder if somebody could talk about that.

CHAIR LEE: Mr. Baz. That's a question for Mr. Baz, right? You're asking Mr. Baz?

Mr. Baz.

MANAGING DIRECTOR: Yea, and that is something under consideration. You know, we did, when we were looking at, you know, the availability of stalls, you know, we kind of addressed that in the response that there, you do have, there are already quite a bit allocated for the Legislative Branch. And we can allocate more. We do have vacancies that are being, occurring in parking because of the departments that are moving from here to the new service center, so there's fleet vehicles as well as employees.

You know, of course the people that are, have been on the list for a while, you know, even though, I think it's about 108 if I remember correctly, fleet vehicles and employees vacating this campus, you know, there's, there's more than that on the list. But we can definitely look at addressing similar situation that we did at the Old Wailuku Post Office

parking spot where there's, you know, allocations for the Members' staff, as well as OCS staff.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any further que, anybody else have?

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yes, so moving the County Clerk into the Pakui as a, as a possible option. Have we heard from, you know, I know the elections has, you know, a certain amount of machinery and those types of things, have they been able to, to see or review and look at the space at, at the Kalana Pakui to see if it'll suit their needs?

CHAIR LEE: Well, I, I didn't want to get ahead of our skis here. If the Council agrees to taking over that building, then we will have them take a look at it. Because not only do they have to look at the space situation, but they also have to let us know how much it's going to cost, if anything, to make renovations, etc.

COUNCILMEMBER SINENCI: Oh, okay. They're--

CHAIR LEE: So, I didn't want them to go take a look at it now and then you folks decide you don't want it. See what I'm saying?

COUNCILMEMBER SINENCI: And then, yea.

CHAIR LEE: So, we gotta do, first things first. First thing, the first step is for the Council to agree on that building. That's the first step. If you don't agree on that building, then we move on.

COUNCILMEMBER SINENCI: And then, just another concern would be, what types of levels of security for elections would be? I know there's a big iron gate, but what else it would need? Thank you. Thank you, Chair.

CHAIR LEE: A big iron gate where? At HGEA? Is that what you're saying?

COUNCILMEMBER SINENCI: At the, at the Kalana Pakui Building.

CHAIR LEE: Oh, okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Okay. You know what, we haven't heard from Mr. Johnson. Or, yea, we did hear from Ms. Paltin, right?

Mr. Johnson, did, you don't have to say anything, but do you want to say anything?

COUNCILMEMBER JOHNSON: Thank you, Chair. I, I, a lot of the questions that I had have been asked. So, I'm just going to close my mouth and open my ears and listen to the discussion. Mahalo.

CHAIR LEE: Okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Being mindful of the time, it's 11:05, and I know Managing Director Baz has a meeting at 11:15. So, my thoughts in proceeding are perhaps we can figure out, take an informal poll of where the Members are at with this proposal. If the Council would like to consider the Kalana Pakui Building first floor? And, you know, and so I think that would be first.

And then, the second would be what direction the Council would like to take in regards to whether we would do an MOU, whether we would condition funding in the FY '22 Budget as proposed by Managing Director Baz, which I think is also a really good idea. And with the OCS funds, that can always be recognized as carryover savings in FY '22 as well. We can recognize that and include that in our budget. And you know just keeping it all real, no matter who it falls under, what we're talking about is taxpayer dollars. So, regardless of whether it's the Council paying for it or the Administration paying for it, it's our taxpayers paying for it.

And so, those are the two things that I would like to hear from the Councilmembers. If we can perhaps take like an informal poll on that direction. And then, if we would like more time, perhaps I can withdraw my motion and we can table this for more discussion and final action at the May 6 Council meeting, since we have that time?

CHAIR LEE: Okay.

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Yea, I'd just like to share, you know, my decision to vote to purchase the Maui News building was to save the County money. So, in this situation, I would vote the same as well. If we're saving \$15,000 in rent of our taxpayer funding, I'm in support of that. Thank you.

CHAIR LEE: Okay. Anybody else?

Ms. King.

COUNCILMEMBER KING: Support. I support--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --moving into Pakui.

CHAIR LEE: Thank you.

Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, I'm on the fence with this. Cause this is, you know, no disrespect to the Administration, but this is an eleventh-hour proposal. The public hasn't had a chance to comment on it, so I'm open to voting on the override. So, or if it's to table it, I mean, what have you. But that's kind of where I'm at. So, if--

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: --if it is the decision of this body to vote on the override that's kind of where I'm at. Thank you.

CHAIR LEE: Okay. That's like two to one right now.

Ms. Paltin, I saw, does this mean yes, support? Three to one.

Mr. Johnson?

COUNCILMEMBER JOHNSON: I, I echo the sentiments of Councilmember Shane Sinenci.

CHAIR LEE: Okay.

COUNCILMEMBER JOHNSON: I like the idea of saving money. Mahalo.

CHAIR LEE: Four.

Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, it would be \$180,000 a year, \$15,000 a month. This is a great savings. I like this proposal. I support this move.

CHAIR LEE: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I do support moving into the Kalana Pakui Building. One last thing that I failed to mention was what Member Sugimura brought up, which was the parking. And just to clarify, that I intentionally left that condition vague, of 30 parking stalls, recognizing that the Wailuku parking structure would likely be completed in two years. And parking could be reserved there as well, not necessarily on campus. So, I hear the Members, majority of the Members would support the move to the first floor in the Kalana Pakui Building.

And then, the second part is whether Members would like to do an MOU now, or to do a condition in the FY 22 Budget under Public Works for maintenance, I believe that, for the Kalana Pakui Building?

CHAIR LEE: Okay. You know, the other concern I have is, you know, this is supposed to be a business transaction, you know, when you purchase the Maui News? I mean, and the Maui News has been hanging in the balance all this time while we've been dragging this out. So, you know, just remember this was a business transaction. It really wasn't to send a political message or anything like that. My, I, my recollection is that we did what we did, we proviso this deal to use as a bargaining chip to get what, the space we wanted. Now, it didn't really mean that we get all 9,000 square feet at one time. But this is something, apparently, that maybe they've been talking about and finally they decided on yesterday. So, that's why I think the timing is so tight.

So, the second step is, can you let me know if you want a MOU now or a budget amendment in July, right?

VICE-CHAIR RAWLINS-FERNANDEZ: The recommendation from Managing Director Baz was putting in a condition in the FY 22 Budget. So, not a budget amendment to the FY 21 Budget.

CHAIR LEE: Okay, putting a condition. So, MOU now or putting it in the FY 22 Budget?

Sugimura, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I think you're recommending that we take action now. So, if the MOU is going to, you know, do that so we can move on this. And of course, we do have to get the Clerk's Office involved in this discussion too, after. But--

CHAIR LEE: But that's later. That's later. We have to, we got to make the decision first, not them, yea?

COUNCILMEMBER SUGIMURA: Right. Right, right, right.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: But I believe that, you know, by doing something, the MOU, if that has to be the vehicle then that'll allow us to walk forward. You're right, it's been hanging around, so thank you.

CHAIR LEE: Let's, let me, can we go according to my picture of you? So, next would be Mr. Sinenci, how I see you folks on my screen.

COUNCILMEMBER SINENCI: I guess I'm leaning towards a MOU if we're considering some changes that the Clerk's need to suit their needs. But I'm open to both, Chair.

CHAIR LEE: Okay.

Ms. Paltin. Ms. Paltin? Yes? Okay, yes to which one? Yes?

COUNCILMEMBER PALTIN: Yes.

CHAIR LEE: Pick any, I mean, feel free you guys. Don't worry about me. Ms. Paltin, which one do you want, the MOU or the, it included in the FY22 Budget?

COUNCILMEMBER PALTIN: I don't really care. But if I gotta choose, I'd go FY22 Budget.

CHAIR LEE: Okay.

Mr. Molina.

COUNCILMEMBER MOLINA: I have no comments at this point. Thank you.

CHAIR LEE: Ms. King?

COUNCILMEMBER KING: I, I just want, I just want whatever works. So, you know, I think I'm comfortable with whatever the Council decides that will work to solidify the agreement. Because I like the fact that if it is going to save us money and allow, allow us to pull back on the County Clerk, you know, paying rent. That's, I think that's the main focus. And my main issue is just to make sure it is going to happen as promised.

So, I'll, whatever, whatever, and I think our Vice-Chair has that worked out. So, I'll, I'll support what the Council decides.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a clarifying question. If we do a MOU now, does that preclude us from doing a budget amendment in 2022?

CHAIR LEE: No. No.

COUNCILMEMBER JOHNSON: Okay, so then I--

CHAIR LEE: You can do both.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, I figured as much, that's why I figure MOU now, worst case scenario we go down the road and we face it at that other level. Thank you.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, my question is for Managing Director Baz. Would you folks be able to draft an MOU, and have it posted by April 29 for posting deadline?

MANAGING DIRECTOR: I actually would defer to you guys as far as what the language you'd want in the MOU. I mean, yea, we happen to work with Corporation Counsel . . . they can facilitate that between both branches here and get something--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I see our, our Deputy Clerk with his hand up, probably with a procedural concern.

CHAIR LEE: Yes, James?

DEPUTY COUNTY CLERK: Yes. Thank you, Chair. Yes, no, I just wanted to raise for the body's attention, the, we received the notification of the veto on April 1. My Office's understanding is that there's a 30-day clock on that, and that 30-day clock would expire on May 1. But, you know, we would defer to Corporation Counsel or OCS if they have a different opinion on when that clock expires.

CHAIR LEE: No, I think you're right. You're right, so. Okay. You want to rework the days?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, I, I, I see that it's 11:15. So, I don't know if we should let Managing Director Baz go?

MANAGING DIRECTOR: I, I, they can start without me for a few more minutes is fine.

VICE-CHAIR RAWLINS-FERNANDEZ: So, my apologies. The time stamp on the letter was April 16 and so I went 30-days from the April 16. So, I mean we can still do an MOU posting on April 29.

CHAIR LEE: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: This discussion is open, and it sounds like we're all in agreement, so can we just move forward and negotiate with the Administration without doing a formal MOU? I mean, I think it's, it's--

CHAIR LEE: Well, I think the Members agreed to a MOU, so let's stick with the MOU idea.

And let's see, Mr. Clerk? Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay, so when is our next Council meeting?

DEPUTY COUNTY CLERK: Chair, the next Council meeting, I believe is scheduled for May 6. Oh, May 7, May 7.

CHAIR LEE: So, I would have to, today is the 16. I would have to schedule a special Council meeting for the week of April 26. Is that it?

DEPUTY COUNTY CLERK: Yes. We could post as late as April 23 for a meeting on April 30.

CHAIR LEE: Does an MOU have to be passed at a Council meeting?

DEPUTY COUNTY CLERK: I, I don't believe I can answer that question. I would defer to Corp. Counsel or OCS.

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

Moana.

CORPORATION COUNSEL: Thank you. I think that the body could do a resolution authorizing that MOU. And one thing that you may want to consider is having the Chair be able to work that out with the Administration.

CHAIR LEE: I know, but we would still, even with the resolution, we'd still have to have a special Council meeting?

CORPORATION COUNSEL: Yes. If you want to do it before the vetoed deadline, yes, you would.

CHAIR LEE: Okay. What about the idea that you would authorize me? But still that would have to be done at, can it be done at today's meeting?

Yes, Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I think the Administration has shown good faith, and I, I would allow for an MOU to occur after the veto deadline. And so, if we, if we wanted to move forward, it sounds like the Members support moving into, or majority of the Members support moving into the first floor of the Kalana Pakui Building. It sounds like there's support for an MOU just to ensure that there's meeting of the minds between the Executive and the Legislative branches. And that we would still have that power in FY 22 Budget to condition funding for this. So, I think we have enough safeguards in place for that assurance that we, we can vote on the motion today to not override the veto.

CHAIR LEE: Okay, so does everybody understand that? The suggestion would be an MOU would be done after, afterwards. I'll work on it next week with the Administration. And then we can proceed today. We would vote the override down, file the communication, I believe, right? And then, we just move forward. Because, you know, Members, keep, keep in mind that we, we have ample opportunities to proviso future amendments of the Administration. This is not the only one.

So, you know, let's not get hung up on this because this is an opportunity really for us to take over Kalana Pakui first floor and not have to pay, like Member Sugimura said, 15,000 is, a month is 180,000 a year. But there are other expenses, you know, common area, maintenance, blah blah blah, all those kinds of things. So, it's, it's more, it's way more than 180,000 that we would be, the County would be saving.

Okay, so do you agree with the Vice-Chair's suggestion that we, I will work on, with her, the MOU, and we move forward on the vote today? Any objection to that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would like to either check with Corporation Counsel, or our attorneys, or the Deputy Clerk to make sure that I would be able to vote against my own motion? And if not, would it be cleaner for me to withdraw my motion and make a new motion to just file County Communication 21-185?

CHAIR LEE: Okay, who wants to take that? Corporation Counsel? County Clerk?

CORPORATION COUNSEL: I'll take that. Thank you.

CHAIR LEE: David Raatz?

Oh, okay. Ms. Lutey.

CORPORATION COUNSEL: Either way. Thank you. Vice-Chair Rawlins-Fernandez, you could handle this either way. You can vote against your motion or you can withdraw it.

CHAIR LEE: Okay. It's up to you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Lutey. Okay, yea, I, I think for the record keeping, I would like to just vote against my own motion and then I can make a motion to just file.

CHAIR LEE: Okay. Any objections to that, Members? Okay, are you folks ready for the vote, or do you want to talk about this further?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I see Member King lost connectivity.

Also, I think we're pau, we can, we can excuse Managing Director Baz.

CHAIR LEE: Yea. Thank you, Sandy. Thank you.

Okay, did Member King tell us that she was having connectivity problems?

COUNCILMEMBER KING: I'm back. Can you see me?

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING: I, yea, I did, I did get dropped for a minute but I'm back. So, I don't know what you said--

CHAIR LEE: Two, three--

COUNCILMEMBER KING: --the last--

CHAIR LEE: --four, five, six, seven, eight. Okay, there's eight of us.

Mr. Clerk, if you have any concerns or questions, say it now. Okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Also, taking the vote on the motion on the floor will allow Members to disagree with the direction that we're taking if Members would prefer to override.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: So, the motion is on the floor to override. Any more discussion? If--

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for the opportunity. Yes, as the seconder, and after deliberations, I'm going to also vote against my second as well. Thank you.

CHAIR LEE: Okay, anymore discussion? There's always a new first for this Council.

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

AYES: COUNCILMEMBER MOLINA,

CHAIR LEE: One "aye".

All those against the motion, raise your hand and say "no".

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

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: One, two, three, four, five, six, seven. Okay, seven "noes", one "aye", one "excused"; motion fails.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-185.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Member Rawlins-Fernandez, seconded by Member Sinenci, to file the communication. Any further discussion? If not, all those in favor of filing the communication, say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. I'll take that yawn, Member Paltin, as a "aye". Eight "ayes", one "excused"; motion carries.

Where are we? Do you folks want to take a lunch break, or you want to keep going? You want to take just a short, keep going? Keep going? Okay, keep going.

Mr. Clerk, keep going.

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

NO. 21-186 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated April 6, 2021)

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, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION, NATIONAL HOUSING FUND, TITLE III PROGRAMS".

The recommended action is that County Communication No. 21-186 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, refer?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

ACTUALLY, I'D LIKE TO MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL TO TAKE ACTION ON THIS GRANT TODAY.

COUNCILMEMBER PALTIN:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

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

Vice-Chair Rawlins-Fernandez, discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This is for a grant, so that's the time sensitivity. Mahalo, Chair.

CHAIR LEE: Okay. Any further questions or comments? All those in favor of the waiver, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: All "ayes", which is eight "aye", one "excused"; motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-186.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to pass the bill on first reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I of the Fiscal Year 2021 Budget, Department of Housing and Human Concerns by 1) further increasing the appropriation of the grant entitled "Aging and Disabilities *[sic]* Resource Center (ADRC) Expansion" by \$110,000 *[sic]*; 2) increasing the appropriation for the "National Housing Trust Fund" grant by \$335,570; and 3) increasing the appropriation for the "Title III Programs" grant by \$760,000.

The additional ADRC expansion funds will be used to continue to support the ADRC and the programs provided by the Office of Aging. The additional funds for the Title III Programs, sorry, will be used for supportive services, nutrition, National Family Caregiver support, and disease prevention and health promotion.

Finally, the additional funds that have been awarded to the Hawaii Housing Finance and Development Corporation from the National Housing Trust Fund will be used for a housing project that is currently in development.

We have Budget Director Michele Yoshimura on the call with us if Members have any questions. Yea, so it's Title III. And I, I ask the Members for their support of this motion. Mahalo, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Maybe a question for the Budget Director. One, are there any time limits for the use of these funds. And which housing projects that are currently in development that will be receiving these funds? I don't know if she can answer that, or that might be from DHHC. And if these funds have not been distributed, how will these funds be made available for projects currently in development?

CHAIR LEE: Ms. Yoshimura, are you on the call?

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, yes. I am on the call.

Member Molina, I'm not sure on the timeframe to use the funding. I'm not sure if Director Tsuhako is on the call. But we did just send a notification that was earlier on your agenda today. So, offhand, I don't, it's County Communications 21-178, 179, 180 for the additional funds. So, the information would be available to you under those items.

COUNCILMEMBER MOLINA: Okay. Thank you. So, Madam Chair, if, if Director Tsuhako is there, or maybe we can get it in writing to see, to see if I can get the other part of my question answered? If any house, housing projects are currently in development, if they will be receiving these funds, and if not, again, how will the funds be made available to projects currently in development? So, if the Director for Housing is not on hand, then maybe I can request that in writing. Thank you.

CHAIR LEE: Alright. Thank you.

BUDGET DIRECTOR: Chair?

CHAIR LEE: Did you hear that, Ms. Sugimura? I mean, not Sugimura, but Yoshimura?

BUDGET DIRECTOR: Yea, Chair Lee, I will respond to those questions in writing before second and final reading.

CHAIR LEE: Okay. Great.

BUDGET DIRECTOR: Thank you.

CHAIR LEE: Thank you. That's very helpful. Any other questions, Members? Okay, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 40 (2021).

Continuing with communications for referral.

NO. 21-187 - ALICE L. LEE, COUNCIL CHAIR,
(dated April 9, 2021)

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 COUNTY CLERK, (STATE OF HAWAII, STATE ELECTIONS CARES – HAVA)".

The recommended action is that County Communication No. 21-187 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The time sensitivity to waive the Rules is so that we can accept the funding and move forward with the programs that it would be used for.

CHAIR LEE: Any further discussion? Okay. All those in favor of waiving the Rule, say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-187.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass the attached bill on first reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I, of the Fiscal Year 2021 Budget, Office of the County Clerk, to add a new appropriation entitled "State of Hawaii, State Election CARES-HAVA" in the amount of \$12,545.

The CARES Act funds included \$400 million in Help America Vote Act (HAVA) Emergency Funds, to be used to prevent, prepare for, and respond to the Coronavirus for the Federal election cycle.

We have Budget Director Michele Yoshimura on the line if Members have questions. I ask for the Members support. Mahalo, Chair.

CHAIR LEE: Members, do you have any questions or discussion? If not, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, that is BILL 41 (2021).

NO. 21-188 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated April 9, 2021)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, EMERGENCY FUND (MARCH 2021 FLOODING EVENT)";
2. 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 PUBLIC WORKS (2021 FLOODING EVENT, ROAD AND DRAINAGE INFRASTRUCTURE DAMAGES)"; and
3. Copies of the emergency proclamations issued by Governor Ige and Mayor Victorino.

The recommended action is that County Communication No. 21-188 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the time sensitivity is the, the damage that has occurred because of the flooding event in March.

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

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

CHAIR LEE: Eight "aye". Mr. Johnson?

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez, discussion? I mean, not discussion, but your motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-188.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Rawlins-Fernandez, seconded by Member Sugimura, to pass the bills on first reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part II, and Appendix C of the Fiscal Year 2021 Budget to provide funding for cost related to the flooding of March 2021.

The first bill would add a condition to the Emergency Fund that \$9 million will be used for repair and reconstruction of road and drainage infrastructure damage and other related costs related to the March 2021 flooding event, while the second bill would add

a project under the Department of Public Works, entitled "2021 Flooding Event Road and Drainage Infrastructure Damages" and it would, and a project description.

The Department of Public Works has identified emergency repair projects resulting from heavy rains and flooding that recently occurred. The Department has started preliminary work on projects identified in the project description in Appendix C in order to expedite them and be eligible for the provisions granted under the emergency proclamations issued by Governor Ige and Mayor Victorino.

We have Budget Director Michele Yoshimura on the line, as well as representatives from the Department of Public Works. Oh, there I see, okay. I see Director Rowena Dagdag-Andaya, as well as Deputy Director Molina there if Members have questions. So, as I stated, we also received the breakdown for the proposed use of the \$9 million.

AND THEN, BEFORE I YIELD THE FLOOR, I WOULD ALSO LIKE TO MOVE TO AMEND THE MAIN MOTION TO INCLUDE ON PAGE 3 OF THE BILL, APPENDIX A, PART II, SPECIAL PURPOSE REVENUES, TO ADD THE FOLLOWING CONDITION UNDER THE 2021 FLOOD, FLOODING EVENT ROAD AND DRAINAGE INFRASTRUCTURE DAMAGE, WHICH WOULD READ:

"THE DEPARTMENT MUST PRESENT THE PLAN FOR EMERGENCY FUNDING USE AND A PLAN FOR COST RECOVERY FROM THE PROPERTY OWNERS OF THE KAUPAKALUA RESERVOIR, EAST MAUI IRRIGATION AND MAHI PONO HOLDINGS INC., TO THE COUNCIL BY, BY THE DEPARTMENT PRIOR TO THE WORK COMMENCING AND PROVIDE THE COUNCIL ANNUAL FINANCIAL AND PERFORMANCE REPORTS ON THE FUNDING".

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, Vice-Chair Rawlins-Fernandez, move, second, made an amendment. And seconded by Member Paltin.

Discussion? Further discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the purpose for this amendment is so that Members of the Council as well as the public will have transparency on how the funds will be used to repair the infrastructure that was damaged by the overflow of the Kaupakalua Dam.

The Dam is owned by, what did I say, East Maui Irrigation and Mahi Pono Holdings, Inc. And we, we know that the State officials sent a notification to the property owners, notice of deficiency letter setting a compliance schedule to remediate the structure's deficiencies. And so, the property owners were well aware of the deficiencies of this Dam and the potential damage that it could cause. And I feel that it's unfair for the taxpayers to foot the bill for the cost of all the damages that this Dam ultimately caused to our County's infrastructure. So, that's the purpose for the amendment. Mahalo, Chair.

CHAIR LEE: Okay. Can we have comments from the Department please, if you have any?

DIRECTOR OF PUBLIC WORKS ROWENA DAGDAG-ANDAYA: Yes. Thank you, Chair.

CHAIR LEE: Director?

DIRECTOR OF PUBLIC WORKS: Yes, thank you, Chair. The, most of the damage that occurred--

CHAIR LEE: Can you speak a little louder, Rowena, please?

DIRECTOR OF PUBLIC WORKS: Okay, I'll try. Can you hear us?

CHAIR LEE: Yea, if you talk little louder.

DIRECTOR OF PUBLIC WORKS: Okay, I think we have to get this here. Most of the damage occurred outside of the area, outside of the Dam, where the Dam's located. And either mauka of it, I think majority of the projects are outside of the, or mauka of the dam. We have one, two, three, four, five other projects that are, that are in other areas, either in Kula or in Kaupo, Makena, Polipoli, Molokai Akau Street. But yea, the, the project areas are either mauka of the Dam or away from the Dam. They wouldn't, I don't think they would have had been, they would have been affected by the Dam.

CHAIR LEE: Okay. Alright. Any more discussion or questions?

Yes, Mr. Molina, then Ms. King.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. And good morning, Madam Director. I had a chance to look at some of the damage a few days after. I went along Awalau Road and Kaupakalua Road. But I guess it was Awalau Road, there was some, I guess a portion of the bridge washed out. Would, is this, are these funds will be used to remediate or repair that, the bridge on that area, and other sites along Awalau Road?

CHAIR LEE: Director?

DIRECTOR OF PUBLIC WORKS: I'll turn it over to Jordan for details on the project.

DEPUTY DIRECTOR OF PUBLIC WORKS JORDAN MOLINA: Yea, so, Councilmember Molina, Awalau Road is one of the project, or one of the areas that received damage that we are looking to restore with these funds.

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

CHAIR LEE: Ms. King? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Department. I just, my question is related to the amendment. Is, are you able to differentiate the damage that was done by the Dam issues? D-A-M, not cussing. But, and differentiate those from other issues that, in the other areas you're talking about so that, you know, they can be held accountable for the damage that was done by the deficiencies?

DIRECTOR OF PUBLIC WORKS: Chair?

CHAIR LEE: Yes?

DIRECTOR OF PUBLIC WORKS: We can identify the location of these, the areas. I think you must have been, I think you were provided with a spreadsheet that shows, or that identifies the description of the work, as well as the location. But we can also have staff identify whether or not these areas were impacted by anything resulting from the Dam.

COUNCILMEMBER KING: Okay. Great. Thank you.

CHAIR LEE: Anybody else?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And just for the Members reference, we received it from the County Clerk, the spreadsheet that has the details and the location of the repairs. It, we received it at 11:33 from the County Clerk.

CHAIR LEE: Okay. Anymore comments or questions? All those in favor of the proposed amendment, say "aye", raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Anymore amendments? No.

Okay, then the main motion as amended. Any more discussion? If not, all those in favor, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 42 (2021) and 43 (2021).

NO. 21-189 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated April 9, 2021)

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 THE OFFICE OF THE MAYOR, (RENEWABLE ENERGY PROGRAMS GRANT; EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; HAIKU-PAIA-MAKAWAO ECONOMIC DEVELOPMENT, ENVIRONMENTAL AND CULTURAL PROGRAMS".

The recommended action is that County Communication 21-189 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This item is time sensitive, because we're approaching the end of our fiscal year and these amendments are necessary in order to expend the funds. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-189.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass the bill on first reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend the Fiscal Year 2021 Budget, Office of the Mayor, Renewable Energy Programs Grant; East Maui Economic Development, Environmental, and Cultural Programs; and Paia-Haiku Economic Development, Environmental, and Cultural Programs.

This bill would delete the word "Grant" from the title of the Renewable Energy Program Grant; delete the earmark for the Hana Canoe Club under the East Maui Economic Development, Environmental, and Cultural Programs; and reduce funding for the Haiku Hoolaulea and Flower Festival from \$25,000 to \$18,810 under the Paia-Haiku Economic Development, Environmental, and Cultural Programs.

The amendments to the Economic Development, Environmental, and Cultural Programs are at the request of Councilmember Molina and Councilmember Sinenci due to the impacts of COVID-19. And I'll invite them to share their comments after this, if they would like to.

We also have Budget Director Michele Yoshimura on the line. So, I ask for the Members full support. Mahalo, Chair.

CHAIR LEE: Any questions?

Yes, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I will certainly accept the offer from our Budget Vice-Chair to make some comments on this. Just simply a thank you to OED Coordinator Inamasu and the Department for working on this grant with Haiku Community Association for their desire to have a virtual event for this year. And it is my hope that someday can go back to in-person because it is one of the more delightful events in the community. So, just wanted to say thank you. Mahalo, Madam Chair.

CHAIR LEE: Thank you.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I'd like to express my gratitude too to the Department and the Administration. It's been an unprecedented year and so our ability to collectively move and be, create these options is definitely helpful for our community. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, continuing with county communications for referral.

NO. 21-190 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated April 6, 2021)

Transmitting comments and recommendations of the Maui, Molokai, and Lanai Planning Commissions relating to Resolution No. 20-170 entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 2.80B, MAUI COUNTY CODE, TO ADD 'MITIGATE CLIMATE CHANGE AND WORK TOWARD RESILIENCE' AS A GOAL OF THE COUNTYWIDE PLAN".

The recommended action is that County Communication No. 21-190 be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Member King.

DEPUTY COUNTY CLERK: To your Infrastructure and--

CHAIR LEE: Oh, sorry.

DEPUTY COUNTY CLERK: Apologies.

CHAIR LEE: Let's go one by one. We only have a few left.

Member King, this is going to be referred, right?

COUNCILMEMBER KING: Yes, it'll be referred because we need to discuss the recommendations from the--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --various planning commissions.

CHAIR LEE: Okay. Alright. Thank you.

Sorry for the interruption. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, apologies. Just to backtrack real quick. The bill that was attached to County Communication 21-189, that's BILL 44 (2021).

NO. 21-191 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated April 8, 2021)

Transmitting a proposed bill entitled "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR HOTELS".

The recommended action is that County Communication No. 21-191 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Okay, now, Ms. King, before you start, the Chair is going to recommend that because this matter has to do with the Building Code, that the, the bill be transmitted, referred to the IT Committee and the subject matter to your Committee. Is that satisfactory?

COUNCILMEMBER KING: No. Actually, I was going to propose that the bill go to the CARE Committee and then the subject matter could be shared for the two Committees. Because it originated from the concerns that came out of the Climate Action Advisory Committee, and also pertains to the, the resolution that we passed on sustainable tourism. So, it relates, to me it relates more to resilience and how we go forward in quality of life than it does with infrastructure. We don't consider hotels infrastructure in our community.

CHAIR LEE: Well, we consider the Building Code that goes under the Public Works Department. Yeah, and building permits goes under the Public Works Department, which comes under the Committee of Infrastructure and Transportation. So, that is my concern that, you know, I understand that you're the author of this bill and would like to see it in your Committee. But if we're following procedure, it's supposed to go to the IT Committee. Of course, the body can override me.

Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Sorry. So, I would like it to be referred to my Committee to be heard. Thank you.

CHAIR LEE: Anybody else?

Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: Just my question as to your agenda load. Would you have time to hear it in a timely manner after budget?

CHAIR LEE: Ms. Sugimura? Who you asking, oh, by the way? Who are you asking?

COUNCILMEMBER PALTIN: Oh, Member Sugimura.

CHAIR LEE: Okay, Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, right now, I have only one other thing on my agenda for May, I think it's 17, is my first meeting.

CHAIR LEE: I think, I think what everybody's concerned with, Ms. Sugimura, is that are you committing to--

COUNCILMEMBER SUGIMURA: Hearing it.

CHAIR LEE: --to scheduling it right away?

COUNCILMEMBER SUGIMURA: Yea. So, I said, next meeting is May 17. I will. At 9:00 in the morning. See you all there. I took everybody's names down who testified today, so I will notify all of you that we are going to hear this bill. Thank you.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Yea, I, I support it having, going to the CARE Committee. I was part of that discussion, and I think some of the issues that the testifiers brought up and wanted to do some changes was in line with, with those discussions we had previous. Thank you.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just to throw a wrench into things. Not that if she would want it. But, you know, it could be argued that this could also go to Planning and Land Use, because building permits, yea? I see that my colleague from West Maui probably want to choke my neck. But I, I just kind of throwing it out there as an option as well.

But I can understand Member King's sentiment, because as the author of the bill, she would have, you know, more control in terms of the scheduling hearings for it. Not to

say that Member Sugimura wouldn't delay it or anything like that. But it sounds like it's a matter of urgency from the community that they want to address this. So, you know, some food for thought to, you know, allow the maker of the bill to take it into her committee if that is, you know, that is the will of the body. So, anyway, those are my thoughts, Madam Chair. Thank you.

CHAIR LEE: Okay. Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just to echo Councilmember Molina, these are just my thoughts. But I like the idea of it being in the Climate Action Committee because, you know, the industry is one of our major polluters, it's the biggest water hog. I mean, we can go down the list of the things that they're affecting our, our water and our climate, so that's why I find it more in the . . . in that Committee. That's my two cents. Mahalo.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so I agree with your recommendation, Chair, that because this is a, the bill is regarding building permit and doesn't specifically have language within it, or in the rationale before the bill itself, that it intends to address climate change action, although, I do recognize this as a climate action mitigation. I would support the bill going to the proper Committee, which, which has Public Works under its jurisdiction, subject matter would be IT and not CARE. And then the subject matter referral would be, could be referred to the CARE Committee, because that's the, it goes along with the other bills and resolutions that the CARE Committee has discussed and has passed.

I, I recognize and understand Member Molina's sentiments, as well as Member King's, about wanting to have bills that we draft come to the Committee's that we Chair. I think that's a very slippery slope for order. If we are, you know, if we pass Rules for procedural order and organization, my preference is that we follow our Rules. And we have control over how we draft our bills, and if we would like things to go into the Committee that we Chair, that we can be mindful in how we draft our bills to ensure that it will end up in our Committee so that we would have control over scheduling and amending the bills.

So, for this reason, as well as there, you know, being really no, you know, procedural reason that the bill wouldn't be able to go to the subject matter referral as well. So, I think there are lots of different ways for this to have an amenable solution that we can all support each other. And for that reason, if we are taking a vote, I will vote for the bill to go to IT and the subject matter to go to CARE. Mahalo, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Well, I, I think a lot of our issues are, you know, crossover between different Committees, and this is one of them. And it emanated from concern about our community quality of life and resilience. And so, I'd like to see it stay there. I don't think it, I don't think it violates any procedure because, you know, we, we decide as a body where we want bills to go. And sometimes they can crossover. So, I would like to, I guess we need a motion.

SO, I'D LIKE TO MOVE THAT WE REFER THIS BILL TO THE
CARE COMMITTEE AS, YOU KNOW, MANY TESTIFIERS HAD
INTENDED.

And just leave it at that. We can take a vote.

CHAIR LEE: Is there a second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay. Moved by Member King, seconded by Member Johnson, to refer this matter to the CARE Committee. Any further discussion?

Ms. Paltin.

COUNCILMEMBER PALTIN: Thanks, Chair. I kind of agree with the sentiments of Member Rawlins-Fernandez, except in the cases where the subject matter department Chair is okay with letting it go. In this case, the subject matter department Chair would like it, and so, I support the other way, the subject matter referral to Committee and the bill to IT.

CHAIR LEE: Okay. Anybody else?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I would, for the record, echo that sentiment that Member Paltin shared, that if there's agreement between the Committee Chairs, then, you know, it can go that way. But if there is, if the Committee Chair, like Member Paltin, you know, wouldn't be hearing it cause she has the West Maui Community Plan, but it wouldn't go under her, to her anyway because it's not a Planning issue. It, it, the Planning Department is not in, does, doesn't have jurisdiction

over building permits. Public Works has jurisdiction over building permits, and so it would go to the subject matter Committee Chair of IT. So, mahalo, Chair.

CHAIR LEE: Ms. Sugimura, and then Mr. Molina.

COUNCILMEMBER SUGIMURA: Thank you. I think you heard me earlier, but I would like this referred to my Committee. And as I said, May 17 is my first meeting I would hear it after, after budget, after Keani is done. And I look forward to having a vibrant and vital community discussion based upon all the testimony that we received and things that I've read that has come across my desk and all of yours regarding this important subject matter. So, thank you.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just more of a procedural question. In the event this vote, you know, we only have eight Members today, if it deadlocks at 4 - 4, then what would prevail? Would it be your recommendation, or do, or would that be, have to be done in another motion, Madam Chair?

CHAIR LEE: With a 4 - 4 vote, this wouldn't go forward. It would just stay right on the table, you know, so that's where it would be. I would think that who, whoever is, you know, Ms. King, if you, you could work with Ms. Sugimura on what you want to have at the Committee meetings, you know, in addition to what she would normally have and what you had in mind? She's already committed to scheduling it right away. So, if you have other things in mind, as far as resource people or whatever, I'm sure you could work with her on that. I mean--

COUNCILMEMBER KING: Chair.

CHAIR LEE: --don't you want this to move forward?

COUNCILMEMBER KING: I do. But I, I think that the procedure would be if the vote doesn't, doesn't get five votes, then it would stay with whatever the recommendation is on the annotated agenda.

CHAIR LEE: Well, you just heard my recommendation.

COUNCILMEMBER KING: My, my, yes, I know your recommendation. But I'm saying that my proposal, my motion was to refer it to CARE Committee instead of IT. So, if my motion doesn't get the five votes it needs to pass, then it would stay where it is, not stay on the table. It would move forward, but it would go to IT. So, I mean, I just as

soon take a vote because, you know, I really believe that this is more of a climate action and resilience issue than it is a permit issue.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez. Did you have your hand up? No?

VICE-CHAIR RAWLINS-FERNANDEZ: I, I did. Mahalo, Chair. I was just, I agree with what Member King stated, that if the motion failed, that I don't think it would remain on the agenda. I think the, it would be referred to the Committee as recommended, which means it would go to IT. But, and, and I'm not sure if the Chair's vote would be a tiebreaker, so I don't know if, if we can have Mr. Raatz or legal advice on that procedure?

CHAIR LEE: Okay. But, but you realize the Chair has always vote in all the, on all votes. But David, are you there on the call?

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. Yes, I'm here.

CHAIR LEE: Okay, there he is. Okay. Did you hear the question, David?

SUPERVISING LEGISLATIVE ATTORNEY: I'm not sure I got the precise question. If it could be repeated please?

CHAIR LEE: Okay. Maybe Vice-Chair Rawlins-Fernandez can repeat the question.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Mr. Raatz. So, the question is, we have eight Councilmembers. If it's a tie, what would happen in this instance with a 4 - 4 vote? What, to refer it to a different Committee, refer this County Communication to a different Committee than what is being recommended on the agenda.

SUPERVISING LEGISLATIVE ATTORNEY: Got it. And thank you, Chair, if I may? And thank you, Vice-Chair, for that clarification. So, actually, the, the referral or any disposition of items on a Council agenda is a policy matter that takes five votes to have anything happen. So, five affirmative votes in response to a motion. Often for routine referrals where there's no disagreement, it's just done by general consensus without a formal motion. But technically, that is an action of the body. So, the short answer is, again, five votes are needed to do anything. If there aren't five votes for any particular motion, then the item does not get disposed of. And I would assume the Deputy County Clerk can correct me if I'm wrong, that the item would then just carry over to the next Council meeting agenda. Thank you, Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: So, thank you, Chair. So, Mr. Raatz, if we end up with a 4 - 4, then that would give me the opportunity to rewrite the bill so that the clarity is there for sending it to the CARE Committee? I mean, this, it would basically be, you know, I could resubmit it for the next Council meeting.

SUPERVISING LEGISLATIVE ATTORNEY: Chair, if I may? Yes. So, again, in the absence of five votes, nothing happens to dispose of the matter. And then, the next regular Council meeting is scheduled for May 7. That'll be a new agenda and a revised proposal or new proposal could be posted, and then the Council could choose how to dispose of it at that time.

COUNCILMEMBER KING: Okay. Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so because there would be, we wouldn't have five votes to refer the bill to any Committee, then this bill would appear again on the May 7 agenda. I think the posting deadline is April 30. And even if the bill remains as County Communication 21-191, Member King could always resubmit an amended bill. It would have a different county communication number, but it would have language that would enable it to be referred to the CARE Committee. Mahalo, Chair.

CHAIR LEE: Yes?

COUNCILMEMBER KING: So, Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: If that's the case, I mean, if we're going to do that any, if that's going to be happening, can I just withdraw it at this point, and just rework on it, work on it for the next meeting? Or you can't do that at this point? So, it has to be disposed of. Okay. Then, that would be my preference, is to vote on it. If we do end up in a 4 - 4 tie, then I'll, I'll work on the bill as suggested by Member Rawlins-Fernandez.

CHAIR LEE: Alright. So, we do have a motion on the floor, right, to refer this matter to the CARE Committee? Right? Okay.

All those in favor of the motion to refer this matter to the CARE Committee, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
AND SINENCI.

CHAIR LEE: One, two, three, four.

Okay, all those against, raise your hand and say "no".

NOES: COUNCILMEMBER PALTIN, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR
LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: So, again, it's 4 - 4. So, the matter stays on the Clerk's desk, yea, until the next
Council meeting.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Alright? Okay.

Mr. Clerk, moving on to the next item.

NO. 21-192 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated April 6, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING
SECTION 19.52.090, MAUI COUNTY CODE, RELATING TO UNLAWFUL
CONSUMPTION OF INTOXICATING LIQUOR AND OTHER MINOR UPDATES FOR
HISTORIC DISTRICTS NUMBERS ONE AND TWO (LAHAINA)", and related
documents.

The recommended action is that County Communication No. 21-192 be referred to the
Planning and Sustainable Land Use Committee.

CHAIR LEE: Okay. Any objection to, oh, Ms. Paltin, did you want to say something?

COUNCILMEMBER PALTIN: I'll accept it. Thank you.

CHAIR LEE: Any objections to referring this matter to the Planning and Sustainable Land Use Committee? I think that's the only one that's going to be referred right, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the body also accepted the referral of CC 21-190 to the--

CHAIR LEE: Oh, okay.

DEPUTY COUNTY CLERK: --Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Okay. Alright. That's right. Thank you. Two items to be referred.

Alright, Mr. Clerk. Second and final reading, ordinances.

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 33 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,
HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up bills, Bill 34 through Bill 38?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections.

Go ahead, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 34 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND
SCENIC VIEWS PRESERVATION FUND

ORDINANCE NO. _____
BILL NO. 35 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM (WAILUKU ECONOMIC DEVELOPMENT,
ENVIRONMENTAL, AND CULTURAL PROGRAMS; SOUTH MAUI ECONOMIC
DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS)

ORDINANCE NO. _____
BILL NO. 36 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF MANAGEMENT,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
GOVERNMENT FACILITIES, BOND FUND,
60 NORTH CHURCH STREET BUILDING RENOVATIONS;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 37 (2021)

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 MANAGEMENT,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
60 NORTH CHURCH STREET BUILDING RENOVATIONS

ORDINANCE NO. _____
BILL NO. 38 (2021)

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 MANAGEMENT – 60 NORTH CHURCH
STREET BUILDING RENOVATIONS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 33 THROUGH BILL 38 ON SECOND
AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to
pass Bills 33 through 38 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 33 amends Appendix A, Part II
of the Budget, Home Acquisition and Ownership Program Revolving Fund, which
would allow for disbursements of grants up to \$30,000 for Maui County residents
participating in the First-time Homebuyers down payment assistance program.

Bill 34 amends the Budget to amend condition 9, under Open Space, Natural
Resource, Cultural Resource, and Scenic Preservation Fund to change the recipients
of the Hawaiian Islands Land Trust to the Trust for Public Lands.

Bill 35 amends the Fiscal Year '21 Budget, Office of the Mayor, Office of the Economic
Development Program, by removing the condition for Wailuku First Friday event,
deleting the condition for South Maui Fourth Friday events, and reducing the
appropriation for Whale Day Festivals from \$60,000 to \$53,750 all due to COVID.

Bill 36 through Bill 38 amends the Fiscal Year '21 Budget, Office of the Mayor, to appropriate \$260,000 in Bond Funds to be used for preliminary design of the building located at 60 North Church Street.

I ask for the Council's continued support of these items. Mahalo, Chair.

CHAIR LEE: Any discussion or questions? If not, all those in favor of passing all of these Bills 33 through 38, on second and final reading, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 39 (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40,
MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES
TO THE MAUI PLANNING COMMISSION

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO PASS ON SECOND AND FINAL READING, BILL
NO. 39.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Mr. Sinenci? Seconded by, moved by Member Molina, seconded by Member Sinenci, to pass Bill 39 on second and final reading.

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I'd like to thank all of the citizens of South Maui and Haiku-Paia for stepping up to support this legislation. And also, my colleague, Councilmember King, for her proposal for her area. As well as my colleague from West Maui, Member Paltin, who so graciously allowed the GREAT Committee to take over this matter to help move this forward.

And in my opinion, Madam Chair, I believe that the Advisory Committees could certainly help to expedite review if used in a proper and efficient matter as it relates to permits and all of that stuff, for proposed matters for growth in the affected communities.

And I also envision this as helping, you know, increase government transparency. And that's what the public wants now, these days with information being shared so quickly on social meeting and public having an increased thirst for additional knowledge about what is happening in their community. I think it's important for this Council to step up and honor that. So, you know, it will pay us back in a more enlightened and satisfactory constituency with government, and a more balanced direction for our community. So, I ask for the Members full support of this legislation on second and final reading. Thank you, Madam Chair.

CHAIR LEE: Anymore discussion?

Ms. King.

COUNCILMEMBER KING: I feel like saying, yea, what he said. But, you know, yea, I do want to thank everybody who worked on this bill and supported the concept. And I do hope that we can eventually get a similar body in West Maui after they complete their community plan. And, because we've seen all too often how our community members can go to the Planning Commission and voice one opinion which, you know, happened recently, and get shot down and get, you know, voted against. So, this, I think gives us a stronger official vote for a voice, I mean for the community opinions. And eventually, we'll see another bill as was discussed earlier on the, you know, which is going to address some of the duties and the actual . . . changes. So, I really appreciate getting to this point. And I ask for the Members support.

And I also want to thank Member Sinenci for, you know, putting in his support with his community as well, and the people that came out from, that contributed from Hana and to the, the idea of needing these, these community advisory committees in every community. Thank you.

CHAIR LEE: Anybody else?

Mr. Molina, and then Mr. Sinenci.

COUNCILMEMBER MOLINA: Sorry, Madam Chair. For a second and last time, I just wanted to extend one additional thank you to the working group of citizens that volunteered their time to develop this bill, which is workable with the community and the County. Thank you.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair, for the opportunity. And yes, I just wanted to speak in support of the motion today. Maui is not getting any larger. We've just got a set amount of room over here. And so, we wanted to make sure that we have everyone's input as we move forward and design, urban designing of, of our community and, and well into the future for the next generation. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Congratulations South Maui and--

COUNCILMEMBER MOLINA: Thank you, Members.

CHAIR LEE: --Makawao-Haiku.

Alright. Members, this is amazing. I didn't think we would get through this quickly. Thank you very much for keeping everything tight. But we do have another meeting tonight at 6:00, so I'll see you then. Meanwhile, get some rest and we'll see you then, okay? Bye.

And now, this meeting is adjourned.

ADJOURNMENT

The regular meeting of April 16, 2021 was adjourned by the Chair at 12:17 p.m.

A handwritten signature in black ink, appearing to read "Kathy L. Kaohu", written over a horizontal line.

KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

County Clerk

RECEIVED
From:
Sent:
To: APR 16 AM 7:47
Cc:

OFFICE OF THE
SUBJECT: COUNTY CLERK

David Dorn <daviddorn808@gmail.com>
Thursday, April 15, 2021 6:49 PM
County Clerk
Kelly King; Tamara A. Paltin; Tasha A. Kama; Mike J. Molina; Gabe Johnson;
yuki.lee@mauicounty.us; Yukilei Sugimura; Alice L. Lee; Shane M. Sinenci; Keani N. Rawlins;
mayors.office
Testimony in Support of bill entitled, MORATORIUM ON VISITOR ACCOMMODATIONS
DEVELOPMENT IN WEST MAUI AND SOUTH MAUI

Testimony in Support of bill entitled MORATORIUM ON VISITOR ACCOMMODATIONS
DEVELOPMENT IN WEST MAUI AND SOUTH MAUI

Dear Council Persons, my name is David Dorn, I am a Kihei resident, and I am not a paid lobbyist. I support the moratorium on Visitor Accommodations Development.

It is no secret that Kihei is one of the fastest-growing urban areas in the state: South Maui's population is growing, and tourism is expanding beyond our ability to handle it. Many people have been calling for better-managed tourism, and placing caps on tourism has been discussed. There have even been County policy decisions on making tourism about "Quality over Quantity".

Rethinking our economy: The Pandemic forced many of us to reexamine our priorities and to rethink our island's economy. There is an urgent need to rebalance our economy away from tourism to a more sustainable model. Many people think that we have already reached our limit for how many tourists our island can handle, and several experts have said that we have, in fact, exceeded our island's carrying capacity. Yet they still come.

Three New Hotels for South Maui: What many local residents might be shocked to find out is that the Maui Planning Department has already approved Three New Hotels in South Maui. Two of these hotels were grandfathered in on old approvals that had previously expired and were extended multiple times. The Planning Commission should never have approved these hotels without a new study that reflected current conditions.

More people, same space: With just, the newly approved development Kihei Population is set to expand by about 5500, and many more developments are in the pipeline. The Maui County Planning Commission doesn't know how to say No! Keep in mind that there are no plans for adding any infrastructure. No new community centers, no new swimming pools, and no new beach parks.

Show me the water: Where is all the water coming from? In years past, any new developments would have to "Show me the water". They would have to develop their own water resources and prove that they could provide enough water to sustain themselves, But that has all gone by the wayside, and the building is accelerating at an alarming pace.

Population Exchange: Local people are leaving the island at a faster rate than they are being born, so Who are we building all this for anyway? Are we simply building and developing for its own sake, and who is buying all this new housing?

The answer is mostly mainlanders, It is a great time to be a real estate agent, developer, or builder. The largest share of recent home sales is to mainlanders, and a lot of second homes are being sold. Young local families are not aspiring to home-ownership here, but instead are looking for more affordable options on the mainland. Many of our high-school graduates who go to college on the mainland will not return. Our local population is aging and our younger population is leaving us. Affordable housing is not working for locals for many reasons, and housing alone is not enough to keep our young people here, they also need jobs and opportunities to get ahead, and they need a reasonable cost of living, All of these things are getting harder to attain on this island.

Timeshares and Hotel Rooms: A large portion of the building is Time Shares and Hotels rooms. But why is this happening now when we are consciously steering away from the tourism economy? And where do all of these people go?

Where do we put everybody? There are only so many roads, beaches, parking spaces, and places to put everyone. Finding a nice quiet beach to yourself is quickly becoming a thing of the past. Traffic jams are becoming the norm, and parking is getting scarce. Long lines in stores, and crowded restaurants are getting worse. Don't forget you now have to book to see the sunrise at Haleakala. and the tour boats to Molokini are often sold out, we just recently ran out of rental cars. All these things are signposts that we might be getting into problem territory. We are heading into a "People-pocalypse" (people+apocalypse) and there still time to do something about it.

Builders are going to keep building: Builders are going to keep building, that is what they do, developers and going to keep developing, and real estate people are going to keep selling to anyone who has the money to buy. People have to feed their families right?

So who is responsible for pumping the brakes? Our leaders have been asleep at the wheel. Too many administrations have come and gone without meaningfully addressing our island's carrying capacity, and have not taken any meaningful measures to slow the growth rate or limit the level of tourism. That has to stop, and we need to make our leaders accountable and compel them to do their jobs. Now is the time to stop the madness, and start to stand up for the local community.

Please support this Moratorium on Hotel building, and put a stop the devastating effects of overdevelopment and uncontrolled tourism.

Regards,

David Dorn

County Clerk

From: David Dorn <daviddorn808@gmail.com>
Sent: Friday, April 16, 2021 9:52 AM
To: County Clerk
Cc: Kelly King; Tamara A. Paltin; Tasha A. Kama; Mike J. Molina; Gabe Johnson; yuki.lee@mauicounty.us; Yukilei Sugimura; Alice L. Lee; Shane M. Sinenci; Keani N. Rawlins; mayors.office
Subject: Re: cc21-191 Moratorium On Visitor Accommodation Development "Building Permits for Hotels".

Re: cc21-191 Moratorium on Visitor Accommodation Development "Building Permits for Hotels".

***This is a copy of my verbal testimony**

Friday, April 16, 2021

Aloha Council Persons, and condolences to Councilmember Tasha Kama and her family.
My name is David Dorn, I am a Kihei resident, and I am not a paid lobbyist.

- I support Bill 39, "please vote yes".
- I support cc21-191 the moratorium on Building Permits for Hotels, And I think it should be island-wide.

WHY: because we have too many Hotels already.

And we have three new Hotels planned in Kihei that should never have been approved.

Dick Mayer (the earlier testifier) said there were more hotels planned for central Maui, which is very worrisome.

Maui has an estimated 21,367 visitor units. Oahu has around 40,000.

- Maui has 17.5 percent of Oahu's population, but has 50 percent of Oahu's number of hotel rooms.
- Maui has half as many Visitor accommodations as Oahu, but less than 1/5 Oahu's population.

This makes Maui a far more tourist-intensive island than Oahu.

- Maui has total estimated 21,367 rental units, that is One (1) rental unit for every 7.8 residents. (*Each unit can have multiple guests).
- Oahu has an estimated 40,000 rental units, which is One (1) rental unit per 23.8 residents. This is a significant disparity.

The problem is this.

We do not have anywhere to put all of these people. Visitors do not stay in their hotel rooms, they drive to Hana, they go to Haleakala to watch the sunrise, they go to the beaches, they park in limited parking spots, they fill up our roads during rush-hour traffic. They fill up all the spaces and places that we have, and now we have no more space to give.

We (here in Maui county) have not been adding to our infrastructure, we have not kept pace with growth, we have not been adding new beach parks, or adding new beach parking. We have not been building new recreational facilities and amenities for locals, let alone for all these tourists. So it is getting crowded around here.

We all know what happens when you put too many people into a canoe!!!

Let's be akamai, and pono to our residents.

Let's stop this monster before it totally consumes us.

Why not ask our construction industry to build something else other than Hotels for a change? FYI, I work in the tourism industry, and our Tourist economy is recovering quickly already and it might reach even higher levels than before. We are going to be in for a very busy summer.

What about President Joe Biden's 2 trillion dollar infrastructure program? (our share is about \$40 Billion).

We could build more roads, more parks, create more beach parking, preserve more open space, and save more natural areas, we need to open up more private land for public use.

We need more places to put the people we have already.

We need more places to go, more things to do.

We need more hiking trails, more nature reserves, more recreational facilities,

This is for our local residents, and for the visitors to enjoy as well.

We need more room to spread out and not crowd on top of each other.

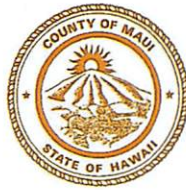
We need to Fix Maui, and rebalance our infrastructure, and improve our island's amenities before we do any more building of Hotels.

So please, support this bill for a moratorium on Building Hotels, and give us a chance to catch up and bring our island back into balance.

Mahalo.

Michael P. Victorino
Mayor

Sananda K. Baz
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

2021 APR 16 AM 8:11

OFFICE OF THE
COUNTY CLERK

April 15, 2021

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

SUBJECT: **COUNTY COMMUNICATION 21-185 RELATED TO BILL
NO 18 (2021) DRAFT 1, BILL NO. 19 (2021), AND BILL
NO. 20 (2021)**

As referenced in County Communication 21-185, the Administration would like to offer the utilization of the first floor of the Kalana Pakui building to fulfil the immediate need for expanded space for the legislative branch. The first floor consists of approximately 7,500 square feet, as shown on the attached floor plan. While this is short of the request of 9,000 square feet, the space may be available as early as July 2021 and will allow for OCS and the Council to fully occupy the 7th floor of the Kalana O Maui building.

I hope that you will consider this offer in the spirit of collaboration and I look forward to continuing to work with you on future needs. Thank you for your consideration of this proposal. Should you have any questions, please contact me at ext. 5535.

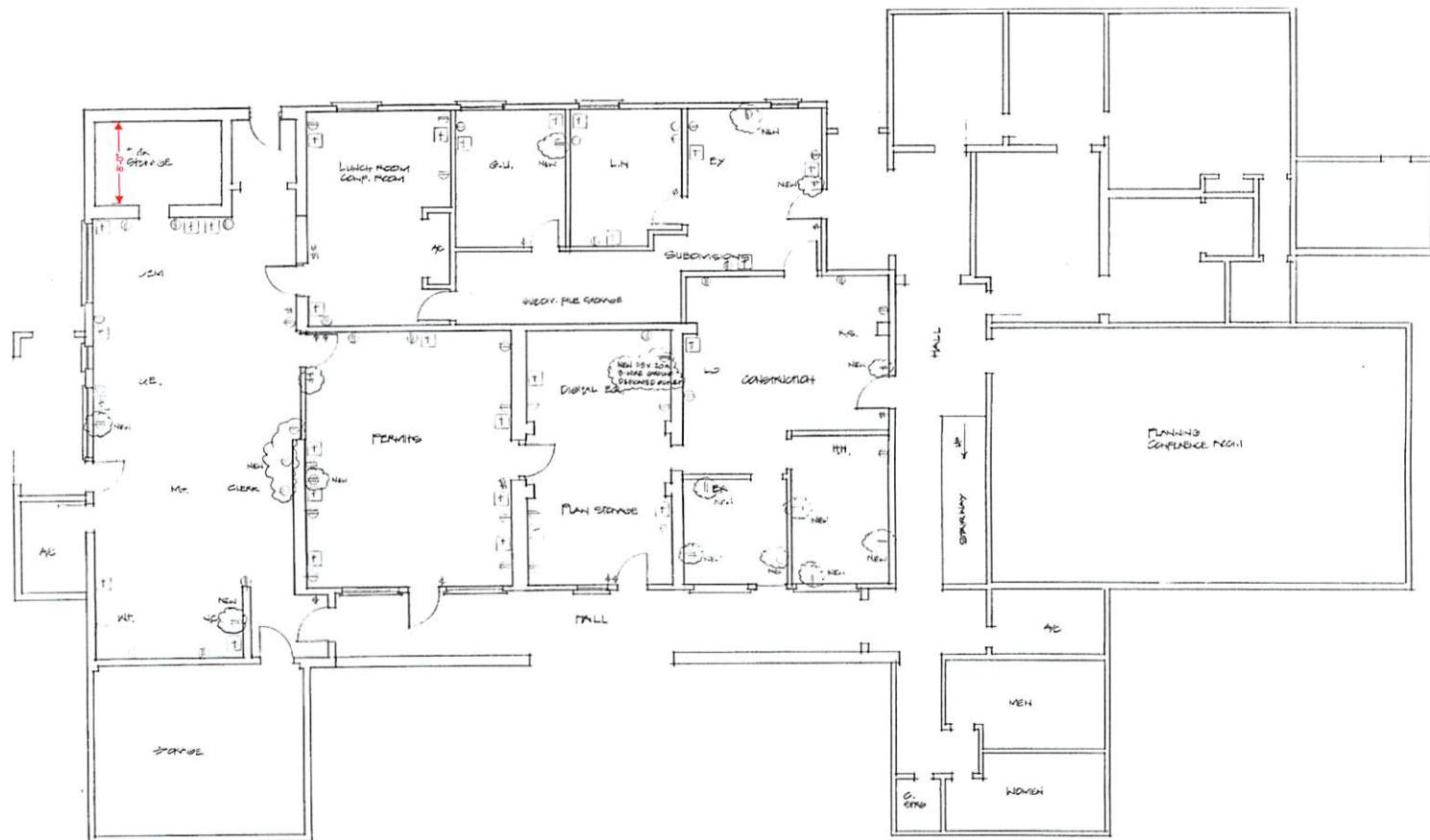
Sincerely,

A handwritten signature in black ink that reads "Michael P. Victorino".

MICHAEL P. VICTORINO
Mayor

Attachment

cc: Sandy Baz, Managing Director



KALAYA FARUI BUILDING
FLOOR PLAN
SCALE: 3/16" = 1'-0"

ELECTRICAL PLAN





RECEIVED

2021 APR 16 AM 7:47

OFFICE OF THE
COUNTY CLERK

RE: Support for Ma'alaea Mauka/Pohakea Open Space Purchase in FY 21-22 Budget

Aloha Council Chair Alice Lee, Budget Chair Keani Rawlins-Fernandez and Members,

Mahalo to Council for initiating the purchase of Ma'alaea Mauka/Pohakea Watershed with Open Space funds last year with \$500,000 seed money and the understanding that a request for 'full funding' could be made in the future. \$5.5 million is needed to complete the purchase.

The Spencer family is willing to sell, the Trust for Public Lands will facilitate the purchase, and DLNR Forestry will hold title and manage the tract as part of the greater Pohakea Watershed. Over 400 Maui residents and visitors and major Maui community organizations including MVA, Kihei Community Assn., Maui Tomorrow, Sierra Club, Maui Nui Marine Resource Council and Haiku Community Association have supported the purchase. The future is in your hands.

The benefits of keeping the parcel in open space with public ownership and stewardship are:

- Ma'alaea is the gateway to Lahaina and the connection between Central Maui, Kihei and West Maui;
- The 257-acre Ma'alaea Mauka parcel offers iconic views and vast scenic vistas;
- Management of the tract will reduce fire hazard to Ma'alaea village and disruptions to traffic to/from West Maui. With frequent road closures, Maui residents and visitors need a safe place to stop, rest, and turn around if necessary without blocking access to Ma'alaea and its major visitor attractions: Maui Ocean Center and Pacific Whale Foundation;
- Ma'alaea Bay restoration efforts depend on addressing drainage and sediment run-off from Pohakea Watershed State Conservation Lands above Ma'alaea Mauka lands;
- Preserving Ma'alaea's 'Conservation Corridor'- Kealia Pond National Wildlife Refuge, Lahaina Pali Trail, Ma'alaea Harbor, Hawaiian Islands National Humpback Whale Marine Sanctuary, Maui Ocean Center and PWF - will benefit future generations;
- The Maui Island Plan identifies Ma'alaea Mauka as the site of a future transit corridor; this would benefit future traffic reduction efforts between Central, South and West Maui;
- Ma'alaea Mauka includes the historic Lahaina Pali Trail. Trailhead parking and access for this popular recreational landmark should be expanded for hiking and recreation.

Mahalo for your consideration in making this a reality this year!

Lynn Britton
President, Ma'alaea Village Association

County Clerk

From: Mauibandb <mauibandb@aol.com>
Sent: Friday, April 16, 2021 11:58 AM
To: County Clerk
Subject: Testimony against Hotel Moratorium

RECEIVED

2021 APR 16 PM 12:31

OFFICE OF THE
COUNTY CLERK

Dear Council Chair Lee

: Testimony against a proposed moratorium on hotel building

Government should always tread cautiously on legislation that will have many unintended consequences on our prime revenue resource. Our high unemployment and the dependency on the visitor industry to provide the jobs needed are fragile. Most of our residents feel return to 2020 Visitor levels is not desirable and want to be sure whatever action taken will not diminish their future employment opportunities and children.

I believe the best way to manage visitor numbers is not through this method.

However, there is no reason not to do legislation that establishes even higher hurdles to be met based on the attributes of a proposed hotel development meet before consideration. The limitations should be precisely what the Council determines are the features the residents would like to see codified. They could come from and be added to the community plan as well. All hotel developments must come before Council before approval.

Projections now say we will not be up to 2017 occupancy levels until 2024, so there will be excess hotel room inventory remaining. There will be no incentive to add new hotels to resorts.

When you look at the amount of new hotel development, it is not a significant contributor to visitor unit inventory (when you subtract timeshare developments). The substantial increase in hotel/timeshare rooms has been timeshares over the past 15 years. To build a sprawling luxury timeshare is easily justified by developers as thousands of buyers share in the Developments risks. The development of a hotel has a 30-year return with a few to carry the risks. Timeshares hire significantly fewer employees and contribute less to our economy than a comparable visitor unit of a similar hotel. Timeshare has justified the growth and redevelopment of existing properties as well. You will find Hotel development is not the driving force for our change in visitor units in the past 20 years.

Anecdotal, we have heard residents of west Maui share vacation rentals in many neighborhoods in West Maui outnumber residents. We took a drive in May 2020 around the areas in West Maui, and it was a ghost town.

Your tax rate plan addresses the Vacation rental proliferation by taxing them at hotel rates. Higher taxes push up attrition in homes remaining in vacation inventory. The bonus to County in back taxes and the future will make it worthwhile to enforce compliance or conversion to residential use.

The massive incursion of illegal vacation rentals is the main reason why residents feel crowded out. Bringing the proliferation of illegal vacation rentals under control will significantly improve the quality of life for residents.

You may want to reward those that have legalized their rental by giving them a reduced rate than those illegals.

A moratorium on timeshare development might be more appropriate as this visitor unit contributor can grow without check. A severe increase in property tax for an illegal vacation rental will push many homes back to residential use. The anticipated excess inventory of hotel rooms until the year 2024 will mitigate the concerns. The Council's increase hurdles a Hotel must meet for development will limit growth to only the most worthy projects. An arbitrary moratorium on hotel development is not in the best interests of all the residents of Maui.

Sincerely,

Thomas Fairbanks



HAWAI'I LODGING & TOURISM
ASSOCIATION

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2021 APR 16 AM 7:47

OFFICE OF THE
COUNTY CLERK

Testimony of
Mufi Hannemann
President & CEO
Hawai'i Lodging & Tourism Association

Maui County Council
Council Meeting

CC 21-191: AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A
MORATORIUM ON BUILDING PERMITS FOR HOTELS

Chair Lee and members of the Maui County Council, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest private sector visitor industry organization.

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers—advocates on behalf of an industry that has been disproportionately hamstrung by the COVID-19 pandemic. Our people and our businesses are just beginning to get back on their feet, and we, as community, should be trying to make it easier for businesses to recover safely especially during an economic downturn that has hurt our state's top economic driver.

It should also be noted that the findings of this proposed measure cite tourism statistics from 2019 that do not take into account the pandemic, or the year-long depression in visitor arrival numbers. These numbers will not rebound overnight- we will not see 10 million visitors statewide or 70,000 daily visitors to Maui County any time soon. This would provide both West and South Maui ample time to update their respective community plans without limiting measured growth and or renovation of aging properties.

Moreover, restricting construction, expansion, or renovation would only harm other sectors of our economy like construction and other trades that have survived the pandemic. Building permits of all types ultimately mean more projects and, by extension, more jobs for Maui residents. It would seem self-destructive to enact such limiting constraints on both the travel industry and the trades in Maui which is historically the local county most reliant upon tourism for its economic wellbeing. This fact was made especially clear during and throughout a pandemic that has left Hawai'i with the highest unemployment rate in the nation.

For these reasons, HLTA strongly opposes this proposed measure.

Thank you for the opportunity to offer this testimony.

April 15, 2021

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2021 APR 16 AM 7:47

Dear Councilmembers,

OFFICE OF THE
COUNTY CLERK

I am writing in enthusiastic support of the timely and conscientious purchase, through the use of Open Space Funds, of the 257 acres of Spencer land which comprise the Ma'alaea Mauka and Pohakea watershed. As a seasonal resident of Ma'alaea, where my family has owned property for over 43 years, I gaze with appreciation at the mountainside above the bay every day I'm blessed to be here. I appreciate the open space that transforms from its brown desert-like appearance during the drier months to a verdant spring green after a soaking rain. I value the painted sky above the mauka as the sun sets, and the night sky, free of light pollution from the undeveloped slopes, that lets the stars shine brightly. I cherish the tranquil pastoral view of horses and cows grazing at the foot of the mountain on the sometimes hectic drive along Honoapiilani Highway between Ma'alaea and neighboring communities; a throwback to simpler times.

This open tract of land fosters a sense of well being, and also provides recreational opportunities. More vital though, is the value of its ecosystem, and the preservation of this natural land for the protection of the watershed. A healthy watershed, with restoration of natural stream flows to lessen dramatic storm water runoff events, is an important component in an environmentally sound Ma'alaea Bay.

Please ensure that the \$5.5 million from the Open Space Fund is maintained to fully fund the farsighted conservation purchase of the Ma'alaea Mauka and Pohakea watershed. The Trust for Public Lands will assist in the purchase and DLNR will manage the land. The need is there to protect the watershed and manage stormwater runoff; your funding of this purchase will help make it happen.

Mahalo for your time and your support!

Sincerely,

Lora Harbo
150 Hau'oli St., Apt. 400
Wailuku, HI 96793

County Clerk

From: Mark Hyde <hydem001@hawaii.rr.com>
Sent: Thursday, April 15, 2021 9:10 AM
To: County Clerk
Cc: Kelly King
Subject: 4/16 Council Meeting Agenda: Support CC 21-191

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2021 APR 15 AM 9:12
OFFICE OF THE
COUNTY CLERK

I support CC 21-191. Reasons why:

- The ratio of tourists to residents is out of balance from the duly adopted standard/guideline contained in the General Plan. If the council no longer supports this standard, amend the plan to say so. On the other hand, if the council continues to support it, act accordingly.
- Residents are increasingly feeling squeezed out (of housing, beaches, parking lots, streets and highways) with a genuine and understandable sense that Maui is being owned and run for others, not for us.
- All the major hotels in West and South Maui are owned by off-shore interests all of whom have a corporate duty to extract as much revenue/profit as possible from their investments. This basic incentive needs to be checked by good policy and restraint which can only come from local government - which includes you.
- During the Covid shutdown a general community consensus was voiced that we do not want to go back to the way things were pre-Covid, but that is where we are clearly going.
- I don't see any leadership or concrete plans coming from the Executive Branch of government to create this "new normal" state, but I do see tremendous hotel capacity expansion occurring in and around Kihei, Wailea and Makena. (Frankly, I doubt the Executive Branch has the structure or people capable of creating effective plans and interventions, but that is another subject altogether.)
- We need a "time out" to develop strategies and plans to achieve a good balance between visitors and residents or we will see more protests like "Take Back the Beach" that are unfortunately necessary in the face of government inaction and ineffectiveness. Protests are a cry for help in the face of desperation.
- Voters want change.

Mahalo,

Mark Hyde
4320 E. Waiola Loop
Kihei, Hawaii 96753
hydem001@hawaii.rr.com
(808) 344-3358

County Clerk

From: Lyndon Ibele <akibele75@gmail.com>
Sent: Thursday, April 15, 2021 6:53 AM
To: County Clerk; Mayors.Office@co.maui.hi.us; Kelly King; Alice Lee
Subject: Budget Testimony for April 16 public hearing

RECEIVED

1071 APR 15 AM 7:41

OFFICE OF THE
COUNTY CLERK

Aloha, to Mayor Victorino, Council Chair Alice Lee, Council Member Kelly King, and all of Maui County Council

I am a nonresident owner of a condominium in Ma'alaea for over 20 years. I am writing to you to voice my support for the use of Open Space Funds to initiate the purchase of the 257 acre "Spencer tract" in the Pohakea Watershed mauka of Ma'alaea.

The owner of the tract is willing to sell it to the County, the Trust for Public Lands has agreed to facilitate the purchase, and the DLNR has agreed to hold title and manage the tract as part of the greater Pohakea Watershed (which is already under DLNR management).

The benefits of placing this tract into public ownership and stewardship are many. The lands should remain in agricultural/open space use, free from development for the following reasons:

1. Ma'alaea is the gateway to Lahaina and the connection between Wailuku, Kahului, Kihei and West Maui;
2. The 257-acre Ma'alaea Mauka parcel offers iconic views and provides habitat for rare and endangered native animals;
3. Management of the tract will reduce fire hazard to the village of Ma'alaea and disruptions to traffic to/from West Maui. When there are road closures, Maui residents and visitors need a safe place to stop, rest, and turn around if necessary without blocking access to the village of Ma'alaea (as is the current practice by MPD);
4. Ma'alaea Bay restoration efforts depend on addressing drainage and sediment run-off from Pohakea Watershed State Conservation Lands above Ma'alaea that flow through Ma'alaea Mauka lands;
5. Preserving Ma'alaea's 'Conservation Corridor'- Kealia National Wildlife Refuge, Lahaina Pali Trail, Ma'alaea Harbor, Hawaiian Islands Humpback Whale National Marine Sanctuary, and Maui Ocean Center - will benefit future generations;
6. Ma'alaea Mauka lands are identified as the site of a future transit corridor which would benefit future traffic reduction efforts;
7. Ma'alaea Mauka lands include the historic Lahaina Pali Trail. Trailhead and parking for this popular recreational landmark should be expanded for hiking and enjoying Maui's scenic vistas.

Mahalo for this opportunity to voice my support for funding this important budget item.

Sincerely,

Lyndon Ibele

akibele75@gmail.com

907-787-9113

County Clerk

From: Lee Imada <lee.imada@meoinc.org>
Sent: Thursday, April 15, 2021 1:54 PM
To: County Clerk
Subject: Public Hearing (4/16/21) Testimony Operating Budget FY 2022 -- MEO Head Start testimony add

My daughter attends MEO Head Start virtual with Miss Kiki.

MEO has been a part of our lives for at least three years. And we are grateful for each year we have attended. The staff at MEO has been a godsend. They have helped us tremendously by supporting our goals we have for ourselves, our children, by supplying the resources we cannot find alone here. Without this program, the resources that they offer, would be very hard to find on our own. And having them as our brothers and sisters, it is tremendously helpful with their knowledge and their energy of loving what they do and what they stand for as MEO Head Start.

They have gone above and beyond for my family, including my daughter who is not attending MEO Head Start. . . . For me, they went out of their way to help. That's how I feel, but that is what they offer at MEO Head Start.

Without them, this Momma would be a struggling Momma, trying to do things on my own.

With the help of them, my gosh, my life is easier, especially during this pandemic. For example, our family case manager, she helped us tremendously by getting us resources that would help support our family by getting a laptop for my daughter who needs it for homeschooling. And our Head Start teacher, Miss Kiki, has gone out of her way . . . to be a support for my child. . . . She takes the time and just stops and gets to know each child, gets to know them by their name and just get personal with them. It's hard to find teachers like that nowadays. It's hard to find a teacher who takes the time, who takes her time, to share a moment with the children. And that is very hard to find, which is why I homeschool my oldest.

And so I would like to say on behalf of MEO Head Start, as a parent, I literally would be lost without them. Anyone who is helping MEO stay up and operating thank you, because without them, this community here, Maui, and all the islands that they are also involved with . . . Molokai . . . without them we would be struggling parents.

I just want to thank all of the staff, every member of MEO Head Start. Thank you all for doing what you do. And loving it. It shows me . . . it is your passion.

Mahalo to everyone. God bless you all.

Margaret Burrows-Nahoopii

--
Lee Imada, Executive Administrative Assistant

Maui Economic Opportunity, Inc.
99 Mahalani St, Wailuku HI 96793
<http://www.meoinc.org>

T: 808-243-4306E: lee.imada@meoinc.org

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2021 APR 15 PM 2:04
OFFICE OF THE
COUNTY CLERK

MEO's mission is to strengthen the community while helping people in need restore their hope, reach their potential, and enrich their lives.

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County Clerk

From: Marcy Koltun-Crilley <marcyfrommaui@icloud.com>
Sent: Friday, April 16, 2021 9:38 AM
To: County Clerk
Subject: Support hotel moratorium

Aloha!

I live in South Kihei and have for almost 30 years. I fully support Kelly Kings Proposal for a moratorium on building new hotels And Time Shares. I am not against tourism at all but we are already past what this island can handle!

Thank you!
Marcy Koltun-Crilley

Sent from my iPhone

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2021 APR 16 AM 9:37
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Jim Maxwell <2jsmax@gmail.com>
Sent: Friday, April 16, 2021 9:26 AM
To: County Clerk
Subject: Maalaea Mauka

RECEIVED

2021 APR 16 AM 9:28

OFFICE OF THE
COUNTY CLERK

Aloha. I am writing to support Councilwoman King's proposal for the purchase of the land Mauka of Maalaea Bay. Wouldn't it be wonderful if Maalaea Harbor had clear, clean water, abundant native fish and healthy coral? I am on the board of directors of the Maui Nui Marine Resource Council and the MNMRC has two programs that work toward returning the harbor to a more natural state. The first uses thousands of oysters to filter the water in the harbor. We immediately realized that filtering the water in the harbor would do little good if pollutants were continually renewed by stormwater runoff from the Pohakea watershed mauka of the harbor so we initiated a program to mitigate this runoff. That task would be made significantly easier if the county owned these lands.

I would also like to take this opportunity to thank the council and the mayor's office for their past and present support of MNMRC. I have contributed my own time and money to this organization because I admire how much they have been able to accomplish with a relatively small staff and limited resources.

Thank you,

Jim Maxwell

**County of Maui
Budget Committee
April 16, 2021**

RECEIVED
2021 APR 15 PM 3:04
OFFICE OF THE
COUNTY CLERK

FROM: Molokai-Lanai Soil & Water Conservation District (MLSWCD)
P.O. Box 396, Hoolehua, HI 96729
Molokailanaiswcd@gmail.com, 808-213-0360

TO: County of Maui, Budget committee of the County Council

REQUEST: 1) Line Item for MLSWCD \$30,000
2) Junk Car Removals - \$85,000

- 1) On behalf of the board directors for the Molokai-Lanai Soil & Water Conservation District, we would like to thank the County of Maui for its long-standing support to the Soil and Water Conservation District movement. The SWCD's have the responsibility to deal with the County Grading Ordinance (Chapter 20.08.080), as well as to provide conservation plans that is required for agricultural land users.

In addition to the technical support for the County's Grading ordinance, SWCD programs, services, and projects include, but not limited to:

- Conservation planning for agricultural land users, Mandated by State Law
- Conservation education
- Natural Resources protection projects
- And Community Outreach

Historically, we have also brought in over \$5 million worth of conservation projects on Molokai, more than \$850 thousand on Lanai and \$45 million on Maui in 2020 with partners such as USDA Natural Resources Conservation Service and Farm Service Agency.

Again, thank you for your continued support and especially towards the farmers and ranchers of Maui County.

- 2) The first free junk car removal began in 2002 and has since had scheduled events coordinated and partnered with the County of Maui Solid Waste Division, Public Works, and Highways approximately 2 to 5 years apart at no cash cost except with County personnel and County equipment. We have removed more than 2000 vehicles and other automotive items and hope to schedule another event soon. We anticipate diverting 600,000 tons of metal consisting of up to 200 vehicles. Issues with hazardous waste, environmental impacts, insects, rodents, and other health concerns continue to be a problem associated with these abandoned, derelict vehicles. With current policies and procedures, it is no longer advisable to conduct removal of these neglected vehicles as done in the past and now must seek private enterprise to provide this service. We seek support for this venture.

Please let us know if you have any questions.

RECEIVED

2021 APR 15 AM 9:12

OFFICE OF THE
COUNTY CLERK

April 15, 2021

Council Chair Alice L. Lee
VIA EMAIL: county.clerk@mauicounty.us

SUBJECT: CC 21-191 AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR HOTELS

Dear Chair Lee and Councilmembers:

WCME, LLC (“**WCME**”) opposes CC 21-191 (the “**Bill**”). WCME is a Maui company and has obtained a Special Management Area (SMA) Use Permit from the Maui Planning Commission to expand the Maui Coast Hotel.

The Bill seeks to prohibit the acceptance of building permit applications for “transient accommodations,” including new hotel units, in West Maui and South Maui until the earlier of two years from the law’s effective date or when the ordinance approving the South Maui community plan update takes effect if that date is later than the effective date of the ordinance approving the West Maui community plan update.

Our testimony focuses on hotel units. The Bill wrongfully assumes that the development of hotel units has led to a significant increase in the visitor to resident ratio, ignores the lesser community burden of and the substantial benefits that are provided by hotel development to the residents of Maui and violates the vested rights of WCME and other owners.

First, an increase in hotel rooms has not caused the increase in the daily visitor population. Hotel rooms on Maui have declined from 8,577 units in 2000 to 7,251 units in 2020. Hotels such as the Maui Prince, Kapalua Bay, Marriott Kaanapali and Maui Lu have been replaced by condominiums or timeshares. Less than a handful of hotels have been built during the last 25 years.

Second, hotel development benefits the residents of Maui. Hotels have onsite amenities, such as pools and restaurants, hotels employ more residents per unit than other visitor accommodations (such as short-term rental homes and timeshares). The benefits extend to the economy as well, because hotel guests spend more per day on food and beverage, entertainment, recreation, shopping and lodging than guests of other visitor accommodations.

Third, unlike other visitor accommodations (such as short-term rentals), hotels may only be developed in areas designated for hotel use (and not in residential neighborhoods) consistent with existing zoning laws. Accordingly, hotel development avoids the potentially adverse effects on neighborhood character, area infrastructure and the availability of on-street parking.

PACIFIC RIM LAND INC.



Finally, WCME obtained and relied on an SMA Use Permit for the expansion of Maui Coast Hotel, which is located in Kihei. WCME's right to complete the expansion is vested. Prohibiting the issuance of building permits for vested projects, subject only to a "discretionary exception" left in the hands of the Council, is unconstitutional. *See Allen v. City & Cty. of Honolulu*, 58 Haw. 432, 439, 571 P.2d 328, 331 (1977); *Waikiki Marketplace Inv. Co. v. Chair of Zoning Bd. of Appeals of City & County of Honolulu*, 86 Hawai'i 343, 949 P.2d 183. Failing to recognize vested rights is clearly a takings of WCME's property rights.

In reviewing the Hawai'i examples of moratoria cited in support of the Bill, (the mainland example is irrelevant), County Ordinance No. 1997 cited in the Bill included an express exemptions for, 'the processing, approval, or granting of any permit or approval application for hotel development for which a special management area permit has been granted prior to the effective date of this ordinance.'

Honolulu Ordinance 18-6 only applied to "large detached dwellings," "accessory dwelling unit[s] located on the same lot as an existing large detached dwelling" and "two family detached dwelling[s]" in one residential district on lots with an area of less than 10,000 square feet. (Section A.) Even in this limited application, the Ordinance contained (1) a general exception for "large detached dwellings" meeting specific characteristics (Section B), (2) exemptions for certain kinds of developments, including projects with SMA approval, "for which a discretionary permit has been lawfully issued by any government agency, and is in effect on the effective date of this ordinance" (Section C) and (3) and "exemptions for any development for which a building permit application has been submitted to and accepted as complete by any government agency for processing as of the effective date of this ordinance" (Section C).

WCME believes that hotel development is not the cause of an increase in daily visitor counts and this Bill is a clear taking of WCME's vested rights. For these reasons, WCME opposes CC 21-191.

Sincerely,
Leilani Pulmano
WCME, LLC

County Clerk

From: adele rugg <adeleonmaui@gmail.com>
Sent: Wednesday, April 14, 2021 2:33 PM
To: County Clerk
Subject: Ma`alaeaMauka/PohakeaWatershed

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2021 APR 14 PM 2:54

OFFICE OF THE
COUNTY CLERK

Aloha to all County Councilmembers ..

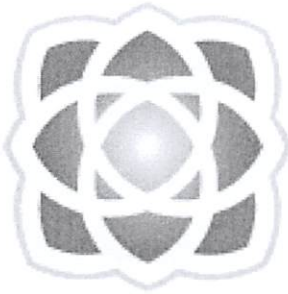
I humbly request that you support the purchase of the Ma`alaea Mauka / Pohakea Watershed property ..

This area is so very special to the entire community and with this purchase would be able to be held in open space forever ..

What a great gift this would be to the County ..

mahalo nui loa for your kokua ..

adele rugg



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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2021 APR 16 AM 7:46

OFFICE OF THE
COUNTY CLERK

**Testimony on CC 21-191
Amending the Building Code to Add Chapter 40
Relating to a Moratorium on Building Permits for Hotels
Friday, April 16, 2021**

Dear Chair Lee, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

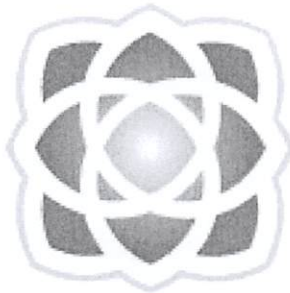
The Maui Chamber of Commerce opposes unilateral moratoriums because they are inflexible. We recognize this is an important time when we are all looking to renew the visitor industry and our community plan updates are crucial. We suggest the Council have dialogue on this before taking it up in committee and hold a community forum with stakeholders.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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2021 APR 16 AM 7:46

OFFICE OF THE
COUNTY CLERK

Testimony on Bill 39
Amending the Building Code to Add Chapter 40
Relating to a Moratorium on Building Permits for Hotels
Friday, April 16, 2021

Dear Chair Lee, Vice-Chair Rawlins-Fernandez and

Members of the Maui County Council

The Maui Chamber of Commerce opposes the proposed measure to establish additional Advisory Committees to the Maui Planning Commission.

We oppose these advisory committees as they add another layer to the process, which causes delays and increases costs. Currently, each community has the opportunity to share their input on projects in their area through the community plan process, which is currently underway. In addition, members of the community can ring in on specific projects through testimony at County Council and Maui Planning Commission meetings. Residents can also share their feedback with their Council Member, who represents their community area, as well as all Council Members. As there are already many means in which someone can voice their opinions on projects, zoning, and more, adding advisory committees will only complicate the process.

While this bill set out the process for appointing members, it does not establish any criteria, such as experience. Therefore, members of the advisory committees may not be experts in construction, zoning, architecture, building requirements, etc., and will be simply offering their opinions to the Maui Planning Commission.

Mahalo for the opportunity to provide testimony. We ask that you defer this bill.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

County Clerk

From: Madolin Wells <madolin@fivesenseshealing.com>
Sent: Monday, April 12, 2021 1:34 PM
To: County Clerk
Subject: Re: 21-191

RECEIVED

2021 APR 13 PM 1:27

OFFICE OF THE
COUNTY CLERK

Aloha Council Members,

I'm writing in support of Kelly King's proposal "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR HOTELS". This measure is drastically needed and seriously overdue, as Mauians helplessly watch their island being eaten and swallowed whole by development. It is a tragedy that's high time to stop.

Thank you, Congress Member King!

Your truly,

Madolin Wells, Kihei