

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

August 24, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON TUESDAY, AUGUST 24, 2021, BEGINNING AT 9:06 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of August 24, please come to order.

Good morning. And we'll get to the greeting in a minute.

Mr. Clerk.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call. In accordance with the Governor's most recent emergency proclamation relating to the COVID-19 response, Members should state who, if anyone, is present with them as part of roll call.

ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha, bonjour, ohayo gozaimasu, and o genki desu ka my Maui hikina where I'm here at the Cultural Center with myself and EA Dawn Lono.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and good morning, and o genki desu ka, Madam Chair and my colleagues and everyone else viewing in. For the record I'm in my home, even though you see the virtual background of the Council chambers, but I'm broadcasting from my residence here in Makawao. Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka, ohayo gozaimasu, o genki desu ka from my room as well. I'm at home, although I wish I was in this beautiful field behind me.

Hopefully in about five weeks will be the next bloom, and there is nobody in, here with me.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Minasan ohayo gozaimasu. (*Spoke in Japanese.*) I'm all alone by myself, in my room. It's good to see everyone. Aloha.

CHAIR LEE: Very good.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, bonjour, ohayo gozaimasu, o genki desu ka, my Maluuluolele. And I'm in the office in Lahaina with my EA Angela Lucero.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

CHAIR LEE: Excused.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Ohayo kakou. (*Spoke in Japanese.*) I'm here at the Molokai office and no one else is here with me.

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

CHAIR LEE: O genku [*sic*] desu ka and bonjour. Bonjour to our, all of our colleagues and everyone watching and listening. I'm here alone in my room. And I want to thank everybody for coming. And we should at least have Member Sugimura very shortly.

So, there are seven present, two excused for now.

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

EXCUSED: COUNCILMEMBERS NATALIE A. KAMA AND YUKI LEI K. SUGIMURA.

(Councilmember Sugimura was not present when the roll was called; however, she arrived at 9:12 a.m.)

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. 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 and First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: Okay. Mr. Clerk, you're breaking up a little bit. Looks like your connectivity is a little weak.

Member Molina, will you do us the honor by providing us with opening remarks?

OPENING REMARKS

The opening remarks were offered by Councilmember Michael Molina.

(Councilmember Sugimura arrived at the meeting at 9:09 am.)

CHAIR LEE: Thank you very much, Member Molina.

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

VICE-CHAIR RAWLINS-FERNANDEZ: I see Member Sugimura, Chair.

COUNCILMEMBER SUGIMURA: Hello, everybody.

CHAIR LEE: Okay. Let the record show that Member Sugimura has joined us and is ready to do her Pledge of Allegiance.

COUNCILMEMBER SUGIMURA: Very ready. Thank you.

PLEDGE OF ALLEGIANCE

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

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on ceremonial resolutions. We currently have one individual signed up to testify, and that is Mike Moran.

CHAIR LEE: Mike, good morning.

PRESENTATION OF ORAL TESTIMONY

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION:

Good morning, Chair Lee.

CHAIR LEE: Hi.

MR. MORAN: I was a little slow on the draw this morning. Thank you for the opportunity to speak on these actions this morning with the realization that it's not something the Council is doing. It's, you know, it's just to address achievements or accomplishments. And if, if it's okay, Chair, I'll just address the two of them together, cause one of the purposes is to kind of contrast between the two of them. At KCA, what we look at these resolutions as generally acknowledging accomplishments or achievements, somebody has done something.

And that's what we see in the first one with Hale Kau Kau. This is an organization that is, you know, it's a basic thing. I don't think it has to be called Christian, but it's a basic humanitarian thing to feed the hungry. And that's what this organization has been doing consistently. I thought, you know, talk about somebody, that they do it every

single day. There's no reason they're not providing a meal at their facility, as well as delivering food to those in need. So, we truly commend this action, and acknowledging them for what they are doing.

But when we look at the second one, is there any really accomplishment, or achievement there? This, this seems to be just words, you know. We're making slogans, government is making slogans. But what are they doing for pedestrian safety and particularly in South Maui? Tomorrow, you know, we have a Land Use Commission meeting, once again addressing the pedestrian safety for the high school. And here is the State Department of Education, but with the support of the Department of Transportation saying we want the kids to walk across the four-lane highway. We want to put them out there on the road. And yes, we'll have signal lights and all of that, but we all know that drivers run lights. And why would we consistently try and overturn a ruling that's been put in, in 2013, that's saying, no, we want the crossing has to be off grade.

So, we find it kind of distressing. I guess this is just happenstance that this is coming up today and because this is the month for pedestrian safety. And yet, here is our State Department fighting against pedestrian safety, against what the Land Use Commission conditioned, what the community consistently calls for. Now, I do understand that there's probably been a change at the Commission tomorrow and they, they're going to postpone that matter. I wasn't aware of that one when we prepared testimony.

But even, even in our County, you know, here's another slogan, but where are the sidewalks? Where are the bike paths, you know? To say we want to make it safe for pedestrians, but we're not doing it. Particularly in, in South Maui, we've been trying to get a sidewalk, contiguous sidewalk on South Kihei Road for decades and decades. So, I, I, you know, we kicked this around a lot before we decided to have kind of a negative slant on one of these resolutions and we sure fully expect that you go, you know, go ahead with it. But . . . would not have been proper to ignore it. Thank you very much for the opportunity, Chair Lee.

CHAIR LEE: Thank you so much, Mike. We have a question for you. We have two questions. Member King and then Member Sugimura.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Mike, and for your very thoughtful words. I just wanted to clarify what you said about the Land Use Commission meeting. They're still having the meeting tomorrow, but they took this item off the agenda, is that what you were indicating? Oh, I think we lost.

MR. MORAN: It, it's kind of tough to go to the Land Use Commission website start of business. But we were told by State Representative Tina Wildberger late yesterday that in, in communication with them, that this item was going to be postponed. So, I don't know if it's been officially stated, but I feel very comfortable that she was communicating with the executive at the LUC and, and she must've gotten that correct. We'll wait and see, you know, when it's official. But that is our understanding and that's what we're trying to advise the community, that apparently, it's postponed till whenever they say, maybe next month or so.

COUNCILMEMBER KING: Okay. Alright. I'll, I'll try to follow-up with Representative Wildberger. Thank you. Thank you for your--

MR. MORAN: You're welcome.

COUNCILMEMBER KING: --that notice. Yea, I was planning to attend and, and I guess I'll change my schedule as well. Thank you.

MR. MORAN: And my understanding is they'll, I'm sorry, they'll still have a meeting, but they're putting something else in its place. So, the meeting will go on, but not on that topic is my understanding. Thank you.

COUNCILMEMBER KING: Okay. Thank you, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Moran, for always being present. So, I just wanted to, we won't have a chance to interact, so I just wanted to thank you for your opinion. And I guess the Kihei Community Association, it is an awareness resolution for something that I think is very important just by looking at, you know, safety for our residents. So, that's the impact of it. But thank you very much for your comments.

CHAIR LEE: Alright, are there any more questions?

MR. MORAN: That's not a question, right? Okay. Thank you.

CHAIR LEE: Thank you, Mike.

MR. MORAN: You're welcome.

CHAIR LEE: I was going to say have a great weekend, but it's a little bit a way.

MR. MORAN: It feels that way. Have a good meeting.

CHAIR LEE: Thank you. Thank you.

Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: There are no other individuals signed up for, to testify on ceremonial resolutions.

CHAIR LEE: Alright. Any objections to closing testimony on ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Mr. Clerk, shall we proceed with the resolutions?

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with ceremonial resolutions.

RESOLUTION
NO. 21-129

CONGRATULATING HALE KAU KAU FOR 30
YEARS OF DEVOTED AND COMPASSIONATE
SERVICE TO THE COMMUNITY THROUGH ITS
MEAL PROGRAM

CHAIR LEE: Motion?

COUNCILMEMBER KING: Oh, did you call on me? I'm sorry, I didn't hear you call on me.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank, thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED "CONGRATULATING HALE KAU KAU FOR
30 YEARS OF DEVOTED AND COMPASSIONATE SERVICE
TO THE COMMUNITY THROUGH ITS MEAL PROGRAM".

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Mem, moved by Member King, seconded by Member Sinenci, to adopt the, the resolution as read, the title as read, anyway.

Member King.

COUNCILMEMBER KING: Thank you, Chair. In accordance with Rule 19.D., which allows for non-substantive revisions, if there are no objections, I'd like to incorporate the following non-substantive revisions into the proposed resolution. Since the Council agenda for today's meeting was posted, I was informed Hale Kau Kau serves 85 - 120 meals a night, instead of 70 - 180. I also learned Reverend Arnel Soriano is their new Executive Director. So, I'd like to make sure he receives a certified copy of the proposed resolution, as revised. And we corrected the spelling of the name of one of the recipients, if there are no objections.

CHAIR LEE: Any objections, Members, to adding that information?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Thank you, Chair. May I please request the Clerk to read the revised resolution in its entirety?

CHAIR LEE: Mr. Clerk, please read the resolution.

(The resolution was read in its entirety.)

CHAIR LEE: Any discussion?

Member King.

COUNCILMEMBER KING: Mahalo, Chair. Mahalo, Mr. Clerk, for reading that resolution. And I'd just like to say, well first of all, we have, I'm not sure if Dr. Mary Trotto is on. Someone is on his staff. And we, we, unfortunately Father Terry Watanabe could not be with us. So, today, we have with us, Father Arnel Soriano who has taken over for Father Watanabe. We also have Shawn Wallen on as Interim Program Director. There's someone on his staff, I don't know if that's Dr. Trotto, but I'm hoping. But, I, I

do want to say that as we face this new surge of COVID-19 infections and hospitalizations, I am once again reminded of the important role that organizations like Hale Kau Kau fill in our community.

Hale Kau Kau, with its team of dedicated volunteers and workers has served those in need with compassion and aloha and without discrimination for 30 years. And they have never turned away anyone who wants a meal. They're a model of the kind of compassionate service that ensures that our society's most vulnerable are cared for with a hot meal and basic necessities and human kindness.

During the pandemic, while many went into lockdown and retreated from activities, Hale Kau Kau responded by stepping up, increasing its service to offers facemasks, hand sanitizers, and handwashing facilities. By responding to the needs of its clients with compassion during this trying time, Hale Kau Kau and its team of volunteers not only served those most in need, but served and protect our broader community as well.

I want to thank all of those involved, past and present, and ongoing. And I ask for the Members full support of my resolution. Thank you, Chair.

CHAIR LEE: Thank you. Any other comments or remarks?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I would like to also acknowledge their importance of the work that they do in the community and for the people that may need a hand up in different times. And especially, I acknowledge, that I'm impressed, I didn't realize they also provided restroom facilities for the, for those in need. Because it's these kind of times that safety and health, and the well-being of our community is, is probably paramount important with the number of things going on in our community. So, thank you, Member King, for bringing this up. And I support this whole-heartedly. Thank you very much.

CHAIR LEE: Anyone else? If not all those in favor the motion to adopt the resolution, raise your hand and say "aye", please.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: I see one, two, three, four, five, six, seven, eight "ayes", one "excused"; motion carries. Thank you. Excused is Member Tasha Kama.

Yes, Member King?

COUNCILMEMBER KING: Yes, Chair. I just wanted to ask if it would be possible for Reverend Arnel to, Father Arnel, to say a few words, if he would like to?

CHAIR LEE: Of course. Father Arnel? Are you on the call?

COUNCILMEMBER KING: There you are. Aloha.

CHAIR LEE: Hi.

FATHER ARNEL SORIANO: Aloha. Good morning to Madam Alice Lee and the other Members. Mabuhay . . . and aloha. I'm Father Arnel Soriano. I'm the newly installed Parish Priest of Saint Theresa just yesterday. And I'm so blessed also, we're so blessed because our Mayor, loving Mayor was also present yesterday. And so, being a new member of this Saint Theresa community, I'm so, so proud to the whole community. And very thankful, especially our volunteers, who share their time, talent, and treasures. And a special blessing to all of you, for all of you because you have been supporting for 30 years this work of love and compassion.

So, thank you very much, and rest assured that I will pray for you. The whole community will pray for you, that God will give you the wisdom and the guidance for building this kingdom in Maui community. Thank you very much on behalf of Monsignor Terry, of course, a round of applause to Monsignor, for his leadership. And to our very reliable and very hardworking employees and staff of Hale Kau Kau; of course, Jeff, and Shawn, our chef Robert, and the other members of the, especially our volunteers. Again, have a nice day. Mabuhay.

COUNCILMEMBER KING: Mabuhay.

CHAIR LEE: Thank you, Father. Thank you for your blessings.

FATHER SORIANO: Yes.

COUNCILMEMBER KING: And Chair, may I just--

CHAIR LEE: We need them.

Okay. And the next person?

COUNCILMEMBER KING: Can I just ask if Dr. Trotto is on?

CHAIR LEE: Dr. Trotto?

COUNCILMEMBER KING: If not, maybe we could have our Interim Director Shawn Wallen. If you're there, would you like to say a few words?

CHAIR LEE: Is it Walden?

MS. SHAWN WALLEN: Good morning.

CHAIR LEE: Hi.

MS. WALLEN: Hi. Yes, I would love to say a few words. I'm Shawn. Dr. Mary is actually flying back to Maui today, so she wasn't able to join us this morning. I just want to say a big mahalo to Councilmember King, and all of the Members of Maui County Council, just for all your support for the work we're doing here at Hale Kau Kau. And especially our volunteers, which hold our program together. There's so many hours in the kitchen, all of our drivers that deliver meals, all across Kihei every day of the year to our homebound residents here. For all those who help with our fundraisers, so many hours put in to raise funds to keep the program going. To our partners that donate food, Whole Foods, Safeway, Maui United Way, and our partner Maui Food Bank, who is such a tremendous support to our program. And of course, the Maui County grant just helps keep our program going. All those who give financially and prayerfully to our program, we're just so thankful and . . . all blessings to all of you. Thank you so much.

CHAIR LEE: Thank you, Shawn. Thank you very much. Members, any more comments or questions?

Okay. Yes, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just want to ditto what a lot of the Members were mentioning earlier. I want to thank Hale Kau Kau and all of the volunteers and everyone who's been a big part to help feeding our unsheltered folks who need it the most. So, thanks once again. Aloha.

CHAIR LEE: Anyone else? I, too, would like to acknowledge Hale Kau Kau, and thank them so much for all the hard work and dedication that you've done and helped so many people. I, I keep saying this every time I have a chance, Monsignor Terry Watanabe was my next-door neighbor growing up. So, but now he's moved on to St. Anthony Church and we welcome Father Arnel. Thank you. Thank you everyone for your support. And thank you, Member King, for the resolution.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-129.

RESOLUTION
NO. 21-130

RECOGNIZING AUGUST 2021 AS
PEDESTRIAN SAFETY MONTH

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Madam Chair.

MAY I, MAY I MOVE TO ADOPT THE PROPOSED
RESOLUTION ENTITLED "RECOGNIZING AUGUST 2021 AS
PEDESTRIAN SAFETY MONTH".

CHAIR LEE: Any second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member King, to adopt the
resolution "RECOGNIZING AUGUST 2021 AS PEDESTRIAN SAFETY MONTH".

Discussion? Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Thank you. May I ask the Clerk to read the
resolution in its entirety, please? Thank you.

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Any discussion, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you very much, James Krueger, for reading the resolution in its entirety. And I want to say that I'm moved probably by Mike Moran's observation of the ceremonial resolution. And I personally want to just say that for him to recognize it, it tells me that it's making a statement, right? That the importance of it has been heard by some members of the community.

I will say that as a Chair of the Maui Metropolitan Planning Organization, and we have two Members on the Council who also sit on this important policy board that makes decisions about roads, safety, sidewalks, different things that impact exactly what this resolution is saying. So, I believe that by the copies of the certified resolutions it'll send a strong message to the, our Congressional team, because they send to us \$25 million through the MPO. And the policy boards help places that within the community for its use by the voices of the community.

So, the Congressional team to receive copies of this, I think is very important, as well as for Jade Butay, the Director of Transportation for the State of Hawaii, our Governor, because they are our partners in the placement of this, of all of the Federal and State funds and County funds that we do. And of course, our departments, Rowena Dagdag who implements the Complete Streets Policies to try to ensure that we have safer pedestrian or safer roads, and walkways for our community. So, thank you, Members. I hope you do support this. And thank you very much for allowing me to present this resolution.

CHAIR LEE: Member Sugimura, do you want to send a copy to the Land Use Commission?

COUNCILMEMBER SUGIMURA: Oh, that's a great idea. Friendly amendment.

CHAIR LEE: Any objections to doing that?

COUNCILMEMBER SUGIMURA: That's a great idea.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. I see another hand.

Member Molina, and then Member . . .

COUNCILMEMBER MOLINA: You know, Madam Chair, I think I saw Member Sinenci's hand go up before me, so I'll yield to Member Sinenci.

CHAIR LEE: Okay. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Member Molina. And yea, thank you, Chair. I'd like to speak in support of this timely resolution. When the Coronavirus pandemic shut us down last year, highways were empty as everyone stayed home. But those who did get behind the wheel engaged in some more risky behavior, which led to one of the country's deadliest years as far as traffic crashes. More motorists went too fast, failed to buckle up, and drove under the influence according to law enforcement and traffic safety experts.

Despite fewer cars on the roads, pedestrian deaths also rose last year. An analysis of State data projects that 6,700 pedestrians were killed on U.S. roads last year, an increase from 2019. So, as we reassess everything, let's all help to reeducate ourselves, all motorists on safe driving speeds, and to our rededication to the sanctity of lives. Mahalo, Chair.

CHAIR LEE: Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I wholeheartedly support this resolution and thank Member Sugimura for introducing this. And much mahalo to Ms. Armstrong of the MPO as well. And Madam Chair, as we all know, the Council serves as a conduit between the community and the department, especially when it comes for issues like this for pedestrian safety. As Member Sinenci said, this is quite a timely resolution. With the opening of schools again, and you will see a lot more keiki walking alongside the road.

And a great example of the community expressing their need for much more safety on our roads, pedestrian safety, is the need for a Haiku stop sign, as we just recently heard in Member Sugimura's Committee. So, we should always take the approach that, you know, do preventative measures now before an accident occurs. So, we need to continue to work with our department. And I thank our Public Works Department for doing their part to look at various traffic calming devices, not only for Haiku, but throughout our community as well. So, thank you again, Member Sugimura for this very timely resolution. Mahalo, Madam Chair.

CHAIR LEE: Thank you, Member Molina. And then, now, Member King and then Member Johnson.

COUNCILMEMBER KING: Oh, I think Member Johnson had his hand up before me, so I'll--

CHAIR LEE: Before you?

COUNCILMEMBER KING: --yield to him.

CHAIR LEE: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank you, Councilmember Kelly King. I'll be quick. I just want to rise in full support of this resolution. And, you know, before I was a Councilmember, I was on the Commission for Americans with Disabilities Act, in helping out people who needed that kind of help, such as sidewalks, and that whole idea of universal design that what's good for folks in wheelchairs, is good for everybody. We ought to look at the, our towns to be walkable towns. And Lanai City is a great example of what a walkable town should look like. You can, you can walk to the store and walk to the park, and that's actually what we need. And I think in future developments we should all be looking at that and making our towns more walkable. So, I rise in full support. Thank you, Chair.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. You know, I support this resolution as an awareness resolution. And, you know, as you heard earlier, we are having some big issues with the Department of Transportation, you know, helping the Department of Education bypass their original promise to do an underpass to the new high school rather than walking across the highway. And I was hoping to use this resolution in testimony to the Land Use Commission, as to why they should get the Department of Education to uphold its original promise but looks like they postponed that meeting from tomorrow.

But I, I think the problem that my community has more than anything is in the second "BE IT RESOLVED", "That it applauds and supports the efforts". And we certainly support all of the efforts for the Walk Wise Hawaii, but we're having a hard time applauding the, the, what's happening right now in our community. And, you know, in the light of the fact that we have seen a death of a young person in the last few years on that same highway, having people cross the highway right, you know, the kids cross the highway right where the high school is in multitudes is frightening for the community. So, I'm just going to propose this and if it doesn't fly, I'll still support the resolution.

BUT I WOULD, IF THERE'S NO OBJECTIONS, JUST TAKE OUT THE WORD "APPLAUDS", AND MAKE NUMBER 2 JUST SAY "THAT IT SUPPORTS THE EFFORTS OF THE HAWAII STATE DEPARTMENT OF ED, OR TRANSPORTATION", IF YOU ARE OKAY WITH THAT, MEMBER SUGIMURA?

CHAIR LEE: Member Sugimura?

COUNCILMEMBER SUGIMURA: Yea, that's fine.

CHAIR LEE: Are you okay with that?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Okay, great. Any objections from any of the other Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Any further comments or questions on this resolution? 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", one "excused"; motion carries.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Thank you, Member Sugimura.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-130.

SET THE CONSENT CALENDAR

COUNTY CLERK: The next item on the agenda is setting the Consent Calendar.

CHAIR LEE: Alright. Let's see. Members, at this time, we will set the Consent Calendar. As a reminder, the calendar can still be adjusted even after it is set. So, are there any changes, request for changes to the Consent Calendar at this time?

Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Can I pull 21-401?

CHAIR LEE: 21-401. Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered. Any, anyone else? If not, let's proceed. The calendar is set.

Mr. Clerk, please proceed with testimony.

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

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones off and should turn them on only when it is their time to testify.

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

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, only the Councilmembers, staff, and designated resource persons will be connected to the meeting. All other individuals will be disconnected. The remainder of the meeting can be viewed on Akaku 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 to testify is Cheryl Hendrickson. To be followed by Mike Moran.

CHAIR LEE: Thank you.

PRESENTATION OF ORAL TESTIMONY

MS. CHERYL HENDRICKSON (testifying on County Communication No. 21-420):

Hi. Good morning. I'm testifying on item 21-420. And I live mauka Haiku and I face the western skies. When I moved in, in '07, we'd have the occasional small plane, helicopter go over. And at night I would see the cargo aircraft arrive way off in the distance. Then a couple of years ago, I noticed passenger jets arriving, and throughout the day, into the night, and they were a lot closer. Then last year, during lockdown, the cargo stage 2 aircraft, which are banned all over the U.S., except for Hawaii and Alaska, started flying over my home. They are so loud. It literally shook the house, scared us awake, and motivated me to learn what was going on.

So, this is what's going on, or some of it. This is a map of the noise abatement zones in, on Maui. Senator Schatz, the Hawaii Department of Transportation established these in '12. The shaded parts are where pilots are to avoid. This is a map of the path over my house. They take off over the ocean, they thrust up to the 2,000-foot level, they go back over the ocean, over Hana, down to Kona, in to Hilo. Sorry, I'm shaking. I don't know why I'm so nervous. Anyway, this path comes from the mainland to Honolulu over Haiku. This path goes from Kona to the mainland over Haiku. When the southerlies are blowing, this map, they take off to the south, flip a little U over the isthmus, come over Haiku on to the mainland. This path, you probably noticed, they come in over Peahi, skirt Haleakala, over Lipoa, flip a U over Maalaea Bay. A lot of times they take a shortcut, flip over North Kihei and Maalaea.

This was the original path. They meet between the Big Island and Maui, come around south of Haleakala, in for the landing. This is where we want them to go back to or something similar. Now, the FAA and the aviation industry wants you to believe this is for safety and for efficiency. Efficiency to them means saving them time, saving them gas money, and to also land as many jets as possible in one given day.

I'm really concerned, because right now they are working on the Hawaii Air Space Modernization Plan, to be completed in the next couple of years. I'm worried about who's on that Committee. It needs to be a diverse amount of people, because this is not only a noise issue, it's an environmental issue. It's a public health issue, and it's also a blatant disregard of Maui and the whole State of Hawaii because it is happening on all the islands. Thank you.

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

MS. HENDRICKSON: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Mike Moran. To be followed by Kelly Carr.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on County Communication Nos. 21-409, 21-417, 21-421, & 21-422; and Bill Nos. 70 (2021), 71 (2021), & 72 (2021)]:

Aloha once again, Chair Lee. Mike Moran, for the Kihei Community Association. We're addressing seven, several items, but we'll be very brief on all. So, starting with 21-409, we realize this is just a referral, but this is what we see as this Council being action oriented, looking at a situation and deciding let's examine this. Let's see if we can get some more money going in to support the needs of our County from some of these offshore entities that are making huge profits. So, we'll be following that when it gets to, to the proper Committee. That's 409.

And then on 417, we thank Councilmember Paltin for addressing this. This has been a hot issue in South Maui, again, mostly this month. You know, we all appreciate the VFW facility that's been there for years. And KCA has had a few events down there. It's a wonderful little facility, but it is right in a residential neighborhood. And the type of events that were recently held down there, I'm sure our own Councilmember King got a lot of input from the community, and we did, too, asking is this legal? How can they do this? They're having these wild, wild parties down there. So, we appreciate Councilmember Paltin addressing this. And again, it's a referral matter, so we will follow that when it gets to Committee. I just lost my place here.

Okay. On 421, the Planning Director providing update on UH-Sea Grant Dune Restoration Program, another long-term hot-bed issue in South Maui. And you know, we've had one person from Sea Grant for many, many years. We had one for several years, she decided to leave, and then we had a second one replace her. Now, we have two and there's certainly a need for two people. So, we hope that there can be continued support for the two people trying to manage this huge program. We constantly get input from South Kihei Road, having the blowing sand. And we have to try and address the issue that this goes way beyond just having Public Works come in

and clear the sand away. You know, we have to go into all the environmental issues with it. So, we think this is a, a smart action to, to take. That was 421.

422, again, Councilmember Paltin, looking to phase out the transient accommodation in the Apartment District. You know, we have a huge district in our area, and a lot of times there's confusion about short-term rentals, how come these guys don't have permits? So, we thank Councilmember Paltin for, again, taking action to address this. And let's see what it can, can something be changed, should be improved? We're taking action to look at it.

And then, finally, the, the three ordinances 70, 71 and 72 for second and final reading. 70, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS THE OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM (RE-TREE HAWAII)". Our community, for years and years, has been asking how can we get more trees in, and especially in Central Kihei, where it's so hot and so dry? So, anything that we can get more trees in, we all know the huge advantages of trees. There's so many advantages. I will take up all three minutes just listing all the advantages. So, we think this is great.

Bill 71, the alternatives for the advisory committee. We addressed that previously, I guess the first reading. We think this is a good, prudent thing to look at. We do see some of the, excuse me, the current boards running into distressing situations because they don't, they come up short on, on people showing up, and then they have to postpone, or they can't move things because they don't have enough required votes to move it. So, we think this is very wise to look at the two additional advisory people on these new boards. Excuse me, my voice is fading out. I'm obviously talking too much.

Bill 72, pesticide and fertilizer use. Yes, thank you for, for taking this. And we, too, were distressed when the State Department of Health *[sic]* came on and talked about suing the County for trying to do something good for the community. So, we commend the, the Council for proceeding with this matter. Thank you very much for that hopefully all-encompassing testimony, Chair Lee. Aloha.

CHAIR LEE: Thank you. Member King.

COUNCILMEMBER KING: Thank you, Chair. Thanks again for being here, Mike, and for your thorough, very thorough testimony. You can tell you are reading our agenda. But I, no, I wanted to just get clarification on item 417, the County Communication about the VFW. Because I did get involved in that and, and speak with the Planning Director. Then they, they went very far in shutting them down. So, is the KCA's position, is the KCA okay with the operations as they were prior to when they started outsourcing for that commercial luau?

MR. MORAN: Absolutely. We felt it was a, you know, outstanding. Everything has a little hiccup. Once in a great while there would be an event. And yes, sometimes people are celebrating, and they get too loud. But it was like that kind of a, whoops, that one wasn't so good, somebody cracked down . . . that happen again. So, yea, we think it's an asset to the community. And it was very unfortunate that this event happened, but sometimes then corrections have to be made. So, no, we're in completely support of the VFW facility, and so long as it's kept under reasonable control, we continue to support it.

COUNCILMEMBER KING: Okay. Thank you for that. I think that's very clear. And, you know, I was, I was distressed about what happened, but then also, a bit distressed about the reaction because it's, it's now shutting down some of their own events, like their pancake breakfasts and things like that. So, hopefully, we can clarify that in Committee, when this item comes to Committee.

MR. MORAN: Yup and, and we particularly addressed that when we were in the, in the community conversation, saying we had folks asking, we said, no, no, the pancake breakfast is still on. That was a few weeks ago, cause we thought that was going to continue. So, yea, that's that's distressing. If it's, it seems like the pendulum may have swung too far in the other direction, so that, that's very unfortunate that's happened.

COUNCILMEMBER KING: Well, thank you for being on this issue. I think Member Paltin has questions as well. Thank you.

MR. MORAN: Certainly.

CHAIR LEE: Alright. Another question.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Moran, for your testimony. I also had a question on the 21-417, the VFW. It's currently scheduled to the Human Concerns, to go to the Human Concerns and Parks Committee. And some of the complaints that I was receiving was environmental in nature, about the turtle nesting and violations in the SMA area. And I just was wondering if you had a preference as to the Human Concerns and Parks Committee or the Climate Action, Resilience, and Environment Committee?

MR. MORAN: Well, not having complete understanding, but we believe sometimes the Council decides to split an issue into two Committees. And this sounds like something

that may be, because we've had issues for years with that, not with that particular facility, but that, that area.

And we had walked that area many years ago with the, with the State land agent and saw that some of the residents there were firmly in violation by impeding on State land by building, you know, fireplace, or cookout BBQ, permanent type BBQ's, you know, in State land. So, you know, there was a lot of environmental issues down there. And in fact, we were asked that very question again by the land agent when this came up, what about that, I guess. So, that particular, maybe that is the, the way to go to split that topic into two Committees.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you so much for your input. Thank you, Chair.

MR. MORAN: Merci, Tamara.

CHAIR LEE: Any more questions, Members? If not, thank you once again, Mike.

MR. MORAN: Aloha.

CHAIR LEE: Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Kelly Carr. To be followed by Shelby Serra.

CHAIR LEE: And then, how many after that?

DEPUTY COUNTY CLERK: Let's see, including Kelly Carr, there are seven testifiers remaining.

CHAIR LEE: Okay. Alright.

MS. KELLY CARR (testifying on County Communication No. 21-420):

Good morning.

CHAIR LEE: Hi.

MS. CARR: Can you see me okay?

CHAIR LEE: Yes, we can.

MS. CARR: Hi. I'm--

CHAIR LEE: Okay, now we--

MS. CARR: I am a Haiku resident.

CHAIR LEE: You're breaking up a little. Could you turn off your video and talk? And speak up.

MS. CARR: Yes, please.

CHAIR LEE: Proceed with your testimony please.

MS. CARR: Kelly Carr, I, I moved to Haiku 20 years ago from Kihei. And I'm, you know, I'm testifying about being the, the air traffic noise that has just become untenable. I don't want to waste the County's time by complaining about noise. I am concerned that the Council is not aware of how awful it is. When I'm inside my house, on my bed with my earphones in, I can still feel them vibrate the house. It, it's heartbreaking. And, in fact, it's infuriating. I live on ag land and I was really interested in the, you know, the Hawaii Farmers Union has this great farm apprentice program. But I'm, you know, I can't even really feel like I can get involved in these kinds of programs, because these planes aerosolize lead.

That's what comes out of the jet exhaust. It's lead. And it's going over the schools, and it's going over the houses, and it's going over our lands. We'll never have . . . out here in Haiku with the lead from the planes. It's got to stop. It stresses the farm animals. It stresses my dog. And as a single mom, doing online schooling with my kid all year, hearing these planes fly overhead, has driven me to the edge.

At the heart of the issue is the NextGen FAA program that, that directs all of the air traffic. NextGen is fantastic for the FAA, and it's a nightmare for the communities that are affected. It's not just Hawaii. It is, it is worldwide. The communities that are just, just up, just under siege by this noise. You know what it sounds like? It sounds like, it sounds like the soundtrack to a war movie. We haven't had planes making this war noise over Haiku since World War II. What are we doing?

You know, anybody that tries to get any resolution on this bumps up against the FAA, and everybody's wringing their hands that they can't do it. It's true, they can't. We can't fight the FAA. We won't win. And yet, in San Diego, the City Council changed

the flight paths in six months. Grassroots, that's how it's going to happen. Seattle turned it around. Phoenix turned it around. We need to get the planes off our island. I don't want the lead here. I'm sorry. You know, I am upset. And, and I, and just as a note on myself, I've waited months to calm down because I know that people can't hear me when I'm angry. So. I'm trying to be calm. But I have to say, what's, what's the next ten years going to be like? The, this, the way the flights are flying now, it's, it's effectively a highway that's gone in overnight. Okay. Like the FAA people, they say, they say it's, that the path isn't that different or whatever. And that's just Thank you, Council.

CHAIR LEE: Thank you, Ms. Carr.

Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Kelly Carr, for testifying. And I'm just curious, what time of the day do you hear the flights?

MS. CARR: It's all hours.

COUNCILMEMBER SUGIMURA: All hours? Okay.

MS. CARR: I know they pick up at . . . the . . . times, but it's all hours. And it's not strictly a matter of noise. I might add, the FAA did a fantastic, you know, study, their own study about noise. Are we going to talk about decibels, the decibels of a weed-whacker? We're not, we're not immune to noise out here. But the planes are entirely different.

COUNCILMEMBER SUGIMURA: And the name of the FAA study you're referring to, please?

MS. CARR: I will get it to you specifically. I, it's from an air conference I attended.

COUNCILMEMBER SUGIMURA: Okay.

MS. CARR: Cause there have been studies. Thank you.

COUNCILMEMBER SUGIMURA: Oh, okay. Thank you. I think this is going to get, probably referred to my Committee, so I'm just curious. I wonder if we could keep in touch. Thank you.

MS. CARR: I would like that. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Yes, Ms. Sugimura, it's headed to your Committee and maybe you can find out the contact information for Ms. Carr? Okay. Let's see. Anybody else? Any other questions?

COUNCILMEMBER SUGIMURA: And Hendrickson, if I could please? From staff.

CHAIR LEE: Alright. Mr. Clerk.

DEPUTY COUNTY CLERK: Oh, Chair.

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

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just for Councilmember Sugimura's information, we've been working with the Haiku community on the, this issue, and also with Congressman Kahele. He, of course, is a pilot for Hawaiian Airlines. So, he's given us great information about the flight paths. And their office is trying to do something for us. So, with Member Sugimura's request for information, I invite her to ask our office. We can provide information as well, that the Congressman has provided us with this. And hopefully we can have a meeting scheduled real soon in Councilmember Sugimura's Committee. Thank you.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Molina.

CHAIR LEE: Member Johnson, did you have your hand up? No?

COUNCILMEMBER JOHNSON: No, I did not, Chair.

CHAIR LEE: Anyone else? If not, thank you very much to the testifier. May we have the next one, Mr. Clerk?

DEPUTY COUNTY CLERK: The next individual signed up to testify is Shelby Serra. To be followed by Brandon Makaawaawa.

MS. SHELBY SERRA, PACIFIC WHALE FOUNDATION (testifying on County Communication No. 21-406):

Aloha, Council. Can you hear me?

CHAIR LEE: Yes. Aloha.

MS. SERRA: Alright. Pivoting from the air to the ocean, I suppose. My name is Shelby Serra. I'm testifying on behalf of the Pacific Whale Foundation in support of the proposed resolution attached to County Communication 21-406, relative to the protection of spinner dolphins in Hawaii. We wish to express our appreciation to Councilmember Paltin for introducing this proposed resolution. The purpose of the proposed resolution is to urge NOAA and National Marine Fisheries Service to finalize and publish a regulation that would prohibit the approach of spinner dolphins in Hawaii within 50 yards for persons, vessels, and objects.

The proposed regulation was initially introduced by NOAA and NMFS in a draft environmental impact statement in 2016, with a series of public meetings held throughout the State. After the public comment period on December 2016, it has taken nearly five years to develop the Final Environmental Impact Statement. The FEIS highlights five alternatives for potential protection of spinner dolphins. And NOAA/NMFS is recommending that Alternative 3(A) be approved. Alternative 3(A) would prohibit swimming and approaching Hawaiian spinner dolphins within 50 yards. And the prohibition applies to all forms of swimming-with and approach in water and air.

There are numerous studies that suggest that close human interaction with dolphins will change behavioral patterns over time, can lead to habitat displacement, impact reproductive fitness and population declines, and alter foraging patterns which can impact their health. The Pacific Whale Foundation Research Program studied spinner dolphins in Maui Nui and found that human activity such as swimming-with and viewing wild dolphins from vessels is altering their natural behavior patterns and preventing them from having adequate rest. We have available today, Stephanie Stack, who led the research team here, as a resource, should the Council require additional information.

I also wish to note that on July 21, 2021, the County of Hawaii adopted a similar resolution urging NOAA to promptly finalize and issue its publication of the proposed rule protecting spinner dolphins in Hawaii. Even though NOAA/NMFS is moving forward with the FEIS, there is no clear guidelines when the regulation will take effect. Therefore, we're asking NOAA/NMFS to move swiftly once public comment period for the FEIS has concluded to prevent further disruption, disturbance, and harassment of the spinner dolphins in Hawaii.

Finally, we wish to request one slight revision to the proposed resolution. We respectfully request that the first "BE IT RESOLVED" be revised to read as follows: "That it urges the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to promptly issue and finalize the publication of

Alternative 3(A) in the proposed rule, entitled "Enhancing Protections for Hawaiian Spinner Dolphins to Prevent Disturbance".

We have been advised by NOAA and NMFS that they will address Alternative 4 in a separate review. Alternative 4 would require the time-area closure of certain bays from 6:00 a.m. to 3:00 p.m. to allow spinner dolphins to rest, so they may adequately forage in evenings. The only bay in Maui is La Perouse, the others are off of Hawaii island. PWF supports Alternative 4, but we're pleased with the initial implemented, implementation of Alternative 3(A) at this time. Mahalo for your consideration of this proposed resolution, and the opportunity to provide comment.

CHAIR LEE: Perfect. Thank you, Ms. Serra. Any comments or questions, Members? If not, thank you. Oh, we have a question from Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just was wondering at the appropriate time if we can designate Stephanie Stack as a resource per Ms. Serra's testimony?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Thank you, Ms. Serra.

MS. SERRA: Mahalo, Council. Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Brandon Makaawaawa. To be followed by Barbara Barry.

CHAIR LEE: Aloha Brandon. Oh, there you are.

MR. BRANDON MAKAAWAAWA, NA PO'E KOKUA (testifying on Committee Report No. 21-65):

Aloha. Aloha Chair Lee. Aloha Council. I'm, I'm testifying today, oh sorry. My name is Brandon Makaawaawa. I'm the president of Na Po'e Kokua and I'm in support of CR 21-65, which is urges the Department of the Corp. Counsel to work with special counsel Bronster Fujichaku Robbins, a Law Corporation, as well as counsel Bruce Jacobs, to file legal claims on the County's behalf under Resolution 20-97.

I had a proposed amendment that I, I know is, is in the beginning it was a little difficult to understand. This amendment was to say that, "and to assist Na Po'e Kokua in its efforts to pursue a class action RICO lawsuit to hold Bank of America accountable to, for its unfulfilled \$150 million FHA-247 commitment and its fraudulent foreclosures". And I understand that the Council cannot assist in a RICO lawsuit. So I, I'm redacting that amendment.

I wanted to ask if there is some sort of way where we can put, where there's some sort of way where it kind of ties Na Po'e Kokua into its efforts? Just because we, we've been, we wanted to kind of reciprocate the, the help that we're helping the County with and, and vice versa. So, we were kind of talking about changing it to, "to help Na Po'e Kokua's efforts to pursue justice to hold Bank of America accountable". But I know this is a deeper discussion. But I have no problems with CR 21-65, other than adding that last part in.

But, you know, I really do appreciate the Council's effort through this whole ordeal. I mean, it's been two years going. You guys didn't give up on us. We're still here, pursuing our efforts. So, I really appreciate all of the work that everyone has done. So, mahalo.

CHAIR LEE: Brandon, you know this item will be coming up later.

MR. MAKAAWAAWA: Okay.

CHAIR LEE: And, probably after lunch. I'm not sure.

MR. MAKAAWAAWA: Okay.

CHAIR LEE: Depending on the, how many testimonies there are.

MR. MAKAAWAAWA: Oh, okay.

CHAIR LEE: So, you, you have an opportunity. I'll just give you a hint. You may, you know, you want to contact Member Molina.

MR. MAKAAWAAWA: Okay.

CHAIR LEE: You know? To discuss, or any other Member, actually.

MR. MAKAAWAAWA: Right. Did you, did you folks need me to be online? I, I just had like a meeting scheduled later on, but as soon as somebody calls me, I can jump out of that meeting and be available.

CHAIR LEE: Well, that is possible. Members, any objections to designating Brandon as a resource?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: When the time comes. Okay. Brandon, we'll let you know.

MR. MAKAAWAAWA: Okay. Appreciate it.

CHAIR LEE: Put your contact information in the chat, okay?

MR. MAKAAWAAWA: Okay. I will. Thank you, Chair Lee.

CHAIR LEE: Alright. And—

MR. MAKAAWAAWA: Aloha.

CHAIR LEE: You know, it would be helpful, that amendment that you're proposing, if you put that in the chat as well.

MR. MAKAAWAAWA: Okay. I will.

CHAIR LEE: Okay.

MR. MAKAAWAAWA: Thank you. Appreciate it.

CHAIR LEE: Alright.

MR. MAKAAWAAWA: Aloha.

CHAIR LEE: Anymore questions for Brandon, meanwhile? If not, thank you. We'll see you later.

MR. MAKAAWAAWA: Okay. Aloha.

CHAIR LEE: Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Barbara Barry. To be followed by the individual calling in from the phone number ending with these last four digits, 8822.

Barbara Barry, it is your time to testify. Barbara Barry, you are muted on your end. I cannot unmute you, but we see that you are in the meeting.

CHAIR LEE: Mr. Clerk, how many more do we have? Six more?

DEPUTY COUNTY CLERK: Chair, including--

MS. BARBARA BARRY [testifying on County Communication Nos. 21-416 & 21-420; Committee Report No. 21-66; and Bill No. 72 (2021)]:

I think I did it? Did I do it?

CHAIR LEE: I hear you. We hear you.

MS. BARRY: Yay, I did. Am, am, am I on?

CHAIR LEE: Yes, you are. And we can hear you.

MS. BARRY: Okay. Very good. Thank you so much. Good morning, everyone on the County Council. It's nice to see everyone's smiling unmasked faces. So, I really appreciate the chance to testify here this morning. I have a few things I just want to go over briefly. The, the 21-416, the adding someone with an environmental background on the Lanai Planning Commission. I think that's a great idea. I just support that.

21-420 is something that I've been in contact with Councilmember Molina. And I appreciate him bringing it to the Council this morning. I've also been in contact with Representative Kai Kahele. And he's actually created a Hawaii Air Noise and Safety Task Force that Councilmember Sugimura might like to be connected with.

The, the flights over Haiku, I live on West Kuiaha, have become not only a lot more frequent, but they're flying closer and closer to my farm. And they're flying directly over Haleakala, which to me is really offensive, that no airplanes should be flying over Haleakala, commercial jets. This is a issue that triggers post-traumatic stress in me, because I lost my dad to a commercial airplane crash when I was nine. It left my mom and five other kids orphans. So, I do have an issue with seeing flights flying close to me. When we bought this property in 2014, it was very quiet. And now, I get triggered

several times during the night, and during the day. I can, just since I've been sitting here, I've had four or five planes come through. So, it's become a bigger deal.

And I'm very concerned with the proposed expansion of the airport that this is, is just going, becoming worse and worse. And not only that, but the environmental aspect of all of these planes spilling their emissions all over the place. You know, it's, something's got to give. I don't know what. But it's, it's a matter of the numbers, and of the proximity over the land. And I know no one wants airplanes flying over them. I get that. But there's got to be a better way.

So, I appreciate Councilmember Molina, and Councilmember Sugimura, and Representative Kahele, everybody trying to work on this issue, because he's actually the, he serves on the Aviation Sub-Committee. So, he is an ally, not only a pilot, but he's, you know, he's got voices, he's got people's ears in Washington, D.C. So, yea, I think that's all I wanted to add on that. It's, it's something that definitely needs to be affect, you know, dealt with, because it affects a lot of people. Maybe not the same way it affects me, but it's, it's not pleasant. And it causes stress.

Let me get to my second page here. I got a sleeping little grandson here in my arms. Let's see, I don't know if I put down No. 21-66, in support of the expansion of the Maui Nui Botanical Gardens, but I totally support that. I'm a horticulturist by trade and I love to see public gardens so people can get educated. And I think they are doing a fine job down there.

And we'll move onto Bill 72, which is the pesticide and fertilizer use for County properties. I totally support this without any additional amendments. It's something that covers very important areas for our keiki, our pets. I have three grandsons, or well, two grandsons that play baseball all year long, and we're on the Upcountry All-Star Baseball, recipients of getting that wonderful honor in June. So, we're on those fields all over Maui, multiple times a week. And there's no way that we should be using toxic pesticides or fertilizers on that, on those playing fields, or on strips of lawns that keiki walk by.

So, I totally support this, this Bill 72 as written. If there's concerns about, like, invasive seed bombs, which was brought up in a meeting I was in a week or so ago, then we really should be looking at Mahi Pono. Because Mahi Pono is the biggest landowner on the island, and they also have the biggest source of weeds blowing seeds everywhere. So, I think for the County use along roadways, and walkways, and public parks, that it's totally acceptable to have a fertilizer and pesticide use bill like this. And it's actually long overdue. So, I think that's it. Thank you so much for allowing me to testify.

CHAIR LEE: Thank you, Ms. Barry.

Member King, then Member Sugimura.

COUNCILMEMBER KING: Chair. Aloha, Barbara, thank you for testifying. And to your, your grandchild there for being such a good sleeper. So, I, I wanted to follow-up on something you said about Representative Kai Kahele creating a task force. What was the name of that task force for the airspace?

MS. BARRY: Let me go back. I, I wrote to him personally and he sent me back a nice letter. And he said that he was working with people on Oahu as well. And it's a Hawaii Air Noise and Safety Task Force that apparently everybody can be involved in, because he said he was looking forward to working with, you know, community members. So, I don't know if anyone's heard of that or where that Committee stands, but that would be a good one to . . . with or contact him on and find out what's actually going on with that.

COUNCILMEMBER KING: Okay. Hawaii Air Noise and Safety Task Force, that's the name of it?

MS. BARRY: Yes. And, and this issue affects all of us in the islands.

COUNCILMEMBER KING: Yea, I know. I was, I was wondering if they were going to be interested in the information that's been coming out about our aviation emissions? Because there was a big article on, Life of the Land put out a big article a couple of days ago about it. But it sounds like it might be limited. But I'll follow-up with him.

MS. BARRY: I think that it would be very appropriate for, to, to bring that up, because that, the emissions affects us all too, as the former testifier talked about the lead that's coming down from the aerosol emissions from these, the jet aircraft. So, and I appreciate the other two testifiers, too. They were, the three testifiers, talking about this.

COUNCILMEMBER KING: Sorry about the situation. I know how disrupting it can be for that kind of constant interruption especially when you're asleep. But thank you for being here.

MS. BARRY: Thank you. Thank you, everyone.

CHAIR LEE: No, one more. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea. Nice to see you, Barbara, outside of a Kula Ag Park Commission meeting.

MS. BARRY: Yes.

COUNCILMEMBER SUGIMURA: And your grandsons, how cute, precious. Aw, grandma.

MS. BARRY: . . . I know.

COUNCILMEMBER SUGIMURA: So, yea, thank you for testifying on so many items. And I just wanted, again, the 21-420, the, about the noise. And I am going to check in with Congressman Kai Kahele. And I wondered, you mentioned that there is an expansion plan for the airport. Can you expand on that a little bit?

MS. BARRY: Well, that's been in the works for quite some time, the talk about turning Maui into an international airport. That's, you know, expanding runways, increasing traffic. This is something that's been in, talked about for many, many years.

COUNCILMEMBER SUGIMURA: Okay. So, I see where you're getting that from. I will get information on that. I don't think that that's still happening, but I could be wrong. I'll find out. Thank you very much. Appreciate it.

MS. BARRY: Thank you. Appreciate you all.

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

MS. BARRY: Thank you. Aloha.

CHAIR LEE: Aloha. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify--

CHAIR LEE: Member, Vice-Chair, Vice-Chair Rawlins-Fernandez, you have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to correct the record for Congressman Kaiali'i Kahele. I would appreciate if other elected officials would correct the record when my name inadvertently mispronounced. So, I just want to extend that to him as well. Mahalo, Chair.

CHAIR LEE: Okay. Everybody got that.

Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is the person calling from the phone number ending with these last four digits, 4266. To be followed by Meredith Beeson.

Chair, there are five testifiers remaining, including the two I just named.

MR. THOMAS CRAY [testifying on County Communication No. 21-420; and Bill No. 72 (2021)]:

Aloha.

CHAIR LEE: Aloha.

MR. CRAY: Oh, hi. Thank you, Councilmembers for taking my call. My name is Thomas Cray. I'm in support of Bill 72. And I am a soccer coach, and last week we play in the HSF League and we practice at Keopuolani Park. And we were just about to get to practice, and at the bottom field there was a sign saying that "Do not enter. Herbicides were sprayed, until the signs are gone". So, for me, I think that's a clear indication that stuff that's being sprayed there is probably not the healthiest things for kids, for keiki.

And also, I know in April of this year, New York City have banned pesticides in their parks. And that was actually a group of kindergarten kids who came together and who were, you know, worried about their health and with the spraying and stuff, so that's being banned. Also, in Chicago, they banned pesticides at the parks. In Irvine, California, the Mayor has also banned it. Kind of more like a nationwide thing right now, I think the, with new ingredients that it's more safe for kids, instead of like, you know, about Roundup and how unhealthy and stuff like that is. So, I'm definitely in support of bringing, you know, free pesticides and spraying, and the free pesticides on the parks here.

And then, another thing I want to touch on. It doesn't affect me in a lot of ways, but the, I live in Kihei, but the airplanes, I guess it's becoming a problem for a lot of people up there. And I used to fly to the mainland ten years ago. It was hard enough to get flights out of Maui, but now it's like every hour there's planes coming in and out. I feel like for a small island and the amount of people that are coming here every day, there's thousands of people, our island just can't take it. It's too much with the amount of planes and the lead, someone was talking about earlier. I didn't even realize that that would be a problem. So, yea, that would be another thing that I think needs to be addressed in the future. Thank you.

CHAIR LEE: Any questions?

Member King?

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: And then, Member Sinenci.

COUNCILMEMBER KING: Thank you for your testimony, Mr. Cray. When you, when you told us the story about showing up at the park and, and seeing the signs, do they say on the signs what exactly has been sprayed?

MR. CRAY: No. It said, let me, it said "Do not enter. Herbicides were sprayed." And then it said, it's a red sign, and then it said, hold on a sec, just, "Keep out until signs are removed". No . . .

COUNCILMEMBER KING: Okay. So, there's no, there's no description of exactly what chemical was sprayed?

MR. CRAY: No. No.

COUNCILMEMBER KING: Okay. Thank you.

MR. CRAY: And also, I noticed that when I, when I coach, or if I go to my, with my kids to play on the field, if I do roll around or if I'm messing around, I do get this red rash on my arms. And I only get that when I play at the, at a County park. So, I don't know what's, what's being sprayed, but I hope that they can address and not use pesticides for the keiki, especially, cause we don't know what's breathing in and stuff like that.

COUNCILMEMBER KING: Okay. Thank you for your testimony. It's very helpful.

CHAIR LEE: Mr. Sinenci, did you have your hand up?

COUNCILMEMBER SINENCI: Yea. Thank you, Chair. Just a follow-up question for Mr. Cray. Is that the first time you've seen those signs, Mr. Cray?

MR. CRAY: Correct. Yea, I haven't seen those signs before at all.

COUNCILMEMBER SINENCI: And, and the length of being a soccer coach?

MR. CRAY: I've been a coach for ten years.

COUNCILMEMBER SINENCI: Okay. Thank you.

MR. CRAY: Yea, no worries.

CHAIR LEE: Okay. Any other questions, Members? If not, thank you to the testifier. Thank you.

May we have the next--

MR. CRAY: Thank you. Have a good day. Aloha.

CHAIR LEE: You, too.

MR. CRAY: Bye.

DEPUTY COUNTY CLERK: Chair, the next person that's signed up to testify is Meredith Beeson. To be followed by Autumn Ness.

MS. MEREDITH BEESON, MAUI NUI RESOURCE COUNCIL [testifying on Bill No. 72 (2021)]:

Aloha--

CHAIR LEE: Aloha.

MS. BEESON: --Maui County Council. My name is Meredith Beeson, and I am submitting testimony on behalf of Maui Nui Marine Resource Council today. This is testimony in support of the proposed County Bill No. 72. So, as a nonprofit working to protect the coral reefs, native fish, and ocean water quality in the nearshore waters of Maui County, Maui Nui Marine Resource Council is in strong support of Bill No. 72, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY CODE RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY".

Scientific publications cite the impacts of herbicides, pesticides, and synthetic fertilizers on coral reef and aquatic life. For example, the report titled, "Chemical Pollution on Coral Reefs: Exposure and Ecological Effects", published in the Ecological Impacts of Toxic Chemicals notes that "herbicides readily penetrate coral tissues and rapidly, within minutes, reduce the photosynthetic efficiency of the endosymbiotic zooxanthellae". Zooxanthellae are tiny plant cells that live within the coral polyps and help the coral survive by providing it with food resulting from photosynthesis. When

corals produce less food for themselves, they become weaker and are more likely to die.

Synthetic petroleum-based fertilizers have been implicated in the nutrification of coral reefs – nuisance algal growth that causes negative impacts on the reefs. Water soluble fertilizer dissolves and releases nitrogen rapidly when in contact with soil, moisture, rain, and irrigation. This fast-dissolving nitrogen only feeds the plant for a short while. Dissolved nitrogen quickly enters groundwater and is transported into the ocean. In the ocean, the nitrogen causes excessive algae growth that smothers corals and causes reef loss.

That's why turf chemicals used at the Waiehu Golf Course are a concern. The reefs of Waiehu are suffering. To help protect the reefs, we need to remove the stressors of synthetic turf chemicals and herbicides that are currently transported into the ocean from the golf course.

As ocean water temperatures increase, causing increased coral bleaching, we need to do all that we can to reduce the stressors on our coral reefs. We need our reefs to protect Maui's shorelines and coastal infrastructure from erosion, especially in the face of sea level rise and storm surges. Let's not wait. Let's take action now to protect the reefs of Waiehu and other parts of Maui from unnecessary stress. Please pass Bill No. 72, and also please consider accelerating the transition period for the Waiehu Golf Course as outlined in Bill No. 72 to protect our reefs sooner, rather than later, because three years from now may be too late. Thank you.

CHAIR LEE: Questions, Members? If not, thank you very much. Next testifier, please.

DEPUTY COUNTY CLERK: Chair, I think Councilmember King had her hand up.

CHAIR LEE: I'm sorry.

COUNCILMEMBER KING: Oh, thank you. Thank you, Chair. No, I kind of, I thought of it earlier. Is, Meredith, are you still there?

MS. BEESON: Yes.

COUNCILMEMBER KING: Thank you. I just wanted to ask if you had submitted your testimony in writing, because you had a lot of technical information. I couldn't write down fast enough.

MS. BEESON: I personally didn't. I'm not sure if one of my other co-workers did, but I can make sure that it gets submitted if it's not too late.

COUNCILMEMBER KING: Okay, great. Okay. Thank you.

MS. BEESON: Thank you.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Anyone else? If not, may we have the next testifier. Members we're getting close to our, well, we're actually past our, our recess time. You want to keep going? We have a few more testifiers, or you want to take this next testifier and then take a break?

COUNCILMEMBER SUGIMURA: How many more testifiers, Chair?

CHAIR LEE: We have about four more.

VICE-CHAIR RAWLINS-FERNANDEZ: Looks like it's four. Four more testifiers.

COUNCILMEMBER SUGIMURA: Proceed.

CHAIR LEE: Yea, everybody want to keep going?

COUNCILMEMBER MOLINA: Yea.

CHAIR LEE: Alright. Mr. Clerk, keep going.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Autumn Ness. To be followed by Velva Ribble-Padgett

MS. AUTUMN NESS, BEYOND PESTICIDES [testifying on Bill No. 72 (2021)]:

Aloha, Councilmembers. Konnichiwa. I want to, my name is Autumn Ness. I'm here testifying in my capacity as the director of the Hawaii program of Beyond Pesticides. I won't rehash a lot of stuff you've heard already. I just want to remind you, because it bears reminding, the testimony from Dr. Evslyn, the pediatrician on Kauai who brought to you information about the national statement from the American Academy of Pediatrics. Reminding us that the own, the Academy of Pediatrics has realized over the past years and since 2012, has made a statement on the problematic chronic low-level exposure to our kids. It is so problematic, the American Academy of Pediatrics kind of did what they don't normally do and made a policy statement on it, because the low-level chronic exposure of pesticides to our children is highly problematic. And the

data on it is increasingly clear. That policy paper actually also asks local governments to take action to protect our kids.

The only testimony we've heard in opposition to this bill over the years is really from people with people with financial ties to the chemical companies, or to chemical intensive agriculture practices. The chemical industry and their lobby have no interest in the health of our people, our environment. They are profit driven. They're multi-billion-dollar, multi-national corporations with really bad track records. I'd like to just kind of put this into perspective.

Hawaii is a trailblazer in a lot of issues like this, as you know. We were the first State to ban the use of chlorpyrifos, a proven neurotoxin that causes developmental problems and brain damage in young children. That was in 2018. When the State of Hawaii banned it, New York and California quickly followed suit. And then, finally just this month, the EPA announced that it will stop the use of this pesticide on all food nationally, to better protect the health of, particularly children and farm workers. We knew what the EPA has known for years, and we acted on it, and they finally, finally done it. We already know what needs to be done here. We know that we can't rely on State and Federal agencies to protect our kids. So, I want to thank you for this important step.

Lastly, it's insane to me that the Department of Agriculture is chiming in on this, as they have repeatedly stated that they are critically understaffed and underfunded. They don't have the resources for enforcement, as they're legally required currently, or reporting, or other legally required actions. This is not a policy that requires enforcement at all. It's a County policy about how the County will care for its own property and use its own resources, much like we set, you know, Council operating procedures and calendars and things that the departments have to do. It's a County policy. Yea, that's all I have to say right now. I'm here for any questions, if needed. Mahalo.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Autumn, for your continued work on this. And I'm assuming you are continuing with Beyond Pesticides, as a representative for Maui?

MS. NESS: Yea. You know, we have a lot of work to do here, so.

COUNCILMEMBER KING: No, I know that. But I'm just hoping that you're going to continue with this, because we do, you know, we did push out the deadline for the golf course. But it doesn't mean they can't start working on it earlier and come up with solutions so

that they don't have to take, you know, they're not required to take the full three years. So, are you, are you committed to working with them on issues at the golf course?

MS. NESS: A thousand percent. A thousand percent. Just a quick, I guess, anecdote about that. A big problem, locally, not just Maui, but across the State, was access to cost accessible organic fertilizers. Organic fertilizer is expensive, you know. So, we worked with one of our advisors in the U.S. to source a kind of off-brand uniquely blended organic fertilizer that's appropriate for soils in the Hawaiian Islands. And that shipment has just arrived on Maui a couple of days ago. I'm actually, after this meeting, going go down to the port and meet it. And I, we are not making any money off of it. It's being shipped here at cost. We're actually going to sell it to farmers through the food hub, side note. Anyway, and the next project is to be able to make that fertilizer locally, so it becomes another source of local revenue. We have years of work to do and whatever the golf course or any of the Parks Departments needs we're here to fill the gap. That's, that's what we do.

COUNCILMEMBER KING: Okay. Great. Good to hear. Thank you. Thank you, Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Ness. Mahalo for your testimony. You, you referenced the Department of Ag's testimony regarding enforcement. So, just clarification on their issues of enforcement and issues of preemption.

MS. NESS: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Would you clarify that position, please?

MS. NESS: Sure. Okay, so, first of all, I, I alluded to it a little bit. This is not a policy that needs enforcement per se. We are the County. We are deciding how we operate on our own lands with our own budgets that you guys already have jurisdiction over, you know, over the budget. So, the thing, I guess as an example, California is a great example, cause California has a very, very strict State preemption law. In Hawaii, our preemption is implied, right? In California, it's distinct. California is the, the State is the only jurisdiction that can enforce pesticide law in conjunction with the Feds. The counties are not allowed to enforce pesticide law.

That said, in California, there are two handfuls of counties, very high-profile counties, that have passed laws just like this, restricting pesticide use on county lands and roadways. And they have never been challenged in court, because there's no legal grounds, you know? We know that the chemical companies, if given the chance, will

sue anybody any time. And all of those policies have stayed in place, because it's not enforceable, like you're not enforcing what happens on other people's property. So, there's a lot of legal precedent for this.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Ms. Ness. Mahalo, Chair.

CHAIR LEE: Anyone else? If not, thank you.

MS. NESS: Mahalo, Council.

CHAIR LEE: May we have the next testifier?

DEPUTY COUNTY CLERK: The next person signed up to testify is Velva Ribble-Padgett. To be followed by Junya Nakoa.

MS. VELVA RIBBLE-PADGETT (testifying on County Communication No. 21-420):

Aloha.

CHAIR LEE: Aloha.

MS. RIBBLE-PADGETT: I'm testifying on 21-409, on the air traffic in Haiku. I do realize it's on all islands. I wanted to start, I've lived here for 30 years in Haiku. And the air traffic changed during the granting of the Southwest Airlines coming into Maui County pre-COVID. That was when the first commercial airlines started coming over the Haiku area. Before that, it was small planes from Hana, emergency helicopters, not very much air traffic at all. Southwest, it did increase, but then COVID hit after about a year-and-a-half of their granting, and we haven't had that much until now.

And right now, it's like we live next to the airport. You have to understand, in Haiku we have all these gulches. So, when the airplanes do go over, any noise, they travel through the gulch, all the noise. The airplanes used to come in towards Hookipa and Maliko Gulch, in that area. And as Ms. Hendrickson's map showed on the other side of Maui between the Big Island. We are a mile-and-a-half from the ocean. We have 5,000 miles to the Aleutian Islands that has no houses. There is no reason other than fuel, or profit, or less time. I asked some airline stewardesses this week about the new flight pattern. They don't know. They didn't know, because they're inside the plane working so they had no idea. The noise is louder at our homes than inside of the jet.

I also want you to know, living in Haiku, we're dealing with the keiki frogs, I mean, the Coqui Frogs at night. And then, we have the airplanes during the day. They usually start about, anywhere from 8 in the morning, especially certain days, there's more flights than others, you know. So, we have our own issues over here that we're working on and they take day and night. My dog is 16 years old, and she is barking at the airplanes. That's how upsetting it is to the animals. And I would think she couldn't even hear them, but she does.

The planes are lighter now. They use less fuel. There is just no reason for this other than the flights and the airlines wanting to come to one of the world's destinations, and the FAA granting these requests. So, I know our fight is with the FAA, and I appreciate the Council coming in, and having this. I know Senator Kalani English had said that he was going to be working on this for the East Maui area So, I thank you for your time. And I just hope that this goes further. And I am sitting on my porch hoping that an airplane would come over during the testimony. But I thank you very much. And if it does, you'll hear what we hear. Thank you.

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

Oh, we have a question. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, since this is going to my Committee, I just wanted to ask you. You mentioned Senator Kalani English, who's now retired, but are you saying his office was also working on this?

MS. RIBBLE-PADGETT: Yes. It was in the newspaper that he was going to be working on this prior to his announcement of retirement by about six weeks, it was in the paper. Maybe just in the East Maui paper? But hi, Suki *[sic]*, I did work with you 20 years ago on the playground for Haiku, and Elementary School. And you know, I am an . . . but I'm also a single mom and I have a full-time job. So, it's a little hard to take this time off right now. But I feel this is really important and it is detrimental.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much for the clarification.

CHAIR LEE: Any more questions? If not, thank you to the testifier. May we have the next one?

DEPUTY COUNTY CLERK: Next person signed up to testify is Junya Nakoa. To be followed by the individual calling in from the phone number ending with these last four digits, 3191. These are the last two testifiers we have signed up, so if there's anybody else connected to the meeting who wishes to testify, please let us know in the meeting chat.

MR. JUNYA NAKOA [testifying on Bill No. 72 (2021)]:

Good morning.

CHAIR LEE: Good morning.

MR. NAKOA: How you? How you buggahs? Okay. I going talk about Bill 72, because you guys know, 30 years, I coach, 28 year, I no like push um, 28 years, I coached baseball. And, yea, the kids, yea, you know what I mean, the kids just, you know, how only recently they started putting out signs. Before never even had signs. And us guys, you know what I mean, I used to, I used to be a pesticide operator for Kapalua Land Company. So, I know when they, I know when they spray and when they don't spray.

So, when I used to coach, I see, I see the remnants of one pesticide or herbicide, I, I piss off already. But I no let the kids know. I just let the kids know that, eh, no roll around on the grass. We no need to do push-ups. So, we no need do sit-ups. We no need do all those stuff, because I no like you guys get all itchy and get sores. So, the kids used to love the fertilizer, so that way they no need do exercise, eh? Fricken lazy buggahs, I tell you.

But yea, so, you know what, it's all about the Parks, you know what I mean? Where the kids go. And where we try to keep the kids out of the house for, instead of being on their phones, like, like the coaches every day. Nah, nah, nah. But, yea, this is all about the kids, brah. This is about the kids. Get em out there and we gotta make um safe, you know what I mean, for the pesticide and all that stuff.

And I know when they was saying, you know, like, I know some of the testifiers when, when make testimony about the golf course, you know what I mean? I, I don't know if you call what I doing golfing, but I like to get out there once in a while. And Waiehu is cherry right now. The buggah, hui, the buggah look nice the buggah. But you know what I mean. Maybe if they can use like the, before . . . this, the seashore grass. And that way you can use the saltwater. And the saltwater is like one natural, natural, you know, whatever, pesticide, herbicide, or whatever you guys want to call it. But that was one other thing.

And I know they was mentioning about enforcement. Oh, my gosh. If you guys put em, you guys the one who jam up. This is all on your guys' land, the Parks, you know. So, you guys, no put um, so no need enforce em. So, no jam up County. No use um. Make um all cherry. And anyway, you know, the Planning Department, Public Works Department enforcement sucks. So we just keep it that way.

But yea, so just protect our kids on the, on the parks, because we know we try hard for keep em on the parks, you know what I mean? Like I when go coach, I coach last year during the pandemic and you should see what we did. We had buckets, where the kids sit down separately, six feet away and be, you know, what I mean, be all cherry. So, we taking the initiative to protect our kids. I hope the County would do the same, by not using the chemicals to, to ruin for us, you know what I mean? For, cause we working hard to keep our kids safe from this pandemic. So, please protect them from the pesticides and herbicides and all those big words that they use for call the damn thing. But, mahalo, guys. Mahalo, mahalo, mahalo.

CHAIR LEE: Thank you, Junya. Anybody else, for questions, comments? If not, thank you again.

MR. NAKOA: Yessah.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is the person calling in from the phone number ending with these last four digits, 3191. To be followed by Faith Chase.

CHAIR LEE: 3191. 3191?

MS. DEBRA MADER (testifying on County Communication No. 21-280 and Committee Report No. 21-39):

Aloha.

CHAIR LEE: Aloha.

MS. MADER: Aloha, Councilmembers, and Chair, and Vice-Chair. Thank you so much for your continued service to Maui County. It's greatly appreciated and I mahalo each and every one you. My name is Debra Mader. I live in Kihei, and Kalama Park is our go-to spot for kids, for sports, for relaxation, for community, for playground. I love that park and we do our best to try to take care of it as parents. But a couple years ago, my daughter was, you know, playing in the grass, and cartwheels, and what not. And she had a skirt on, and she developed a rash. And when I, I happened to contact the County, because I thought, oh maybe they sprayed something, my sons had a similar rash when they were rolling around the golf course next to Gannon's while waiting for dinner. So, I was like, ew.

And it was really difficult to track down what was sprayed, you know, what it, what was in it, how much, winds and all of those factors? And I thought, gosh, this is making life really hard for me to be a parent, when all I want to do is go to a safe place with my kids to hang out with our community and just play, and let her get dirty, and let her play with the microbes in the, in the grass, in the dirt and not be afraid to sit down in the grass. And I just thought, you know, that's, that's a sad day. And there's never been signs posted. I know a couple of the other testifiers said they're posting signs now, which is a small step. But I fully support Bill 72, to abolish the use of synthetic fertilizers, herbicides. I think that it's, as the community, we need a place that's reasonably healthy that we can go to, especially now with the pandemic and everyone is preaching to be outdoors.

The space at Kalama fronts the ocean, so anything you apply there is just going to sink in and blow off, drift in. They run the sprinklers at night, a few hours later, so whatever you're putting on the grass, it's going straight into the soil, contaminating the environment. I'm not a scientist, but that's what I gather.

And my son, my older son, he's a goalkeeper. So, he's constantly diving and rolling around. That's his job for his team, is to sacrifice his body to save those goals. And he loves it. But I'm always thinking oh, shower, give me your clothes, you know, what park where you in, what were you doing? My gosh, it would be such an incredible relief to not have to worry about that. To have signs posted saying this area is pesticide-free or treated, whatever terminology you want to use, where it's one less thing for me to worry about as a parent. And I just think it would be amazing, amazing if Maui County could lead the way, particularly in these hard times when our environment is everything to us and, you know, our community is, too. So, thank you so much for your time. And I appreciate having this discussion, the opportunity to throw my two cents in. I'm sorry I've been MIA. It's just, been home schooling for a while. Anyway, thank you so much.

CHAIR LEE: Thank you, Debra. Any questions, Members? If not, thank you.

And may we have the next testifier? Ask if there is anybody else wishing to testify, Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. The last individual signed up to testify is Faith Chase. If there is anyone else who wishes to testify and has not done so yet please let us know in the meeting chat now.

CHAIR LEE: Mr. Clerk, I saw Faith leave the call. Did she come back on?

DEPUTY COUNTY CLERK: Yes. I see her connected to the meeting.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: But she's---

MS. FAITH CHASE (testifying on County Communication No. 21-411):

Aloha.

DEPUTY COUNTY CLERK: Oh, there.

CHAIR LEE: Aloha. Hi, Faith.

MS. CHASE: Aloha, Chair Lee. Aloha, Councilmembers. I just wanted to give my two cents a little bit on County Communication 21-411. I know that there was some pretty radical events that might have triggered this communication, but there is also some events that might not have made it to your desktop. And this is a really important piece. And I guess, just my testimony to you is also a sort of sideways way to convey to the planning and permitting.

You know, I, I don't know where it falls within the scope of this communication, but whenever there is an after-the-fact permit given, I would like, I would like to see some mechanism where another pair of eyes sees it. If it's not this Council, it's maybe a different department? There's some really unfortunate things happening within that, that allowed scope of after-the-fact permitting. It almost doesn't make sense. Isn't a permit, isn't a permit on, you know, the premise to conducting any kind of grubbing and grading? So, I just want to say thank you to Councilmember Shane Sinenci for putting forward this communication. And I look forward to a lot of improvements in the permitting and planning. Thank you.

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

Mr. Clerk, last call.

DEPUTY COUNTY CLERK: Chair, another individual has signed up to testify. That would be Nicholas Sickles.

CHAIR LEE: Mr. Sickles.

MR. NICHOLAS SICKLES, HÖKŪNUI MAUI (testifying on County Communication No. 21-411):

Aloha. I am here. Thank you for, for hearing me. I am here to testify on the, on the pesticide and fertilizer use. And I just want to give my, my day-to-day job is I am the director for farm operations for a big agri-farm Upcountry. We, for the last nine years, have been planting a native reforestation effort. We've got cattle, we do regenerative rotational grazing. And we do not use any chemicals and fertilizers and are 100 percent organic.

There are, there are options available that the County would benefit from, you know, rather than chemicals, save, saving water. Organic alternatives are, are very easy to find. And management, land management techniques can be employed to mitigate some of the, some of the . . . problems as well. That's all that I have. But, you know, there is a strong advocacy for organic land management practices here on the island and resources. . . . Thank you for your time.

CHAIR LEE: Questions, Members?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Mr. Sickles, for your testimony. I, I just didn't catch the group.

MR. SICKLES: I work for Hōkūnui Maui.

COUNCILMEMBER SINENCI: Okay. Alright. Thank you.

MR. SICKLES: You're welcome.

CHAIR LEE: Members, any more questions? If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do not have any other testifiers noted. We'll do a last call. If there's anyone connected to the meeting who has not testified yet, but wishes to do so, please identify yourself now. Again, this is the last call. Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Any objections to receiving written testimony into the record?

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. Brandon Makaawaawa, Na Po'e Kokua;
2. Meredith Beeson, Maui Nui Marine Resource Council;
3. Carole Harris;
4. Sylvia M. Hussey, Office of Hawaiian Affairs;
5. Mary Lock;
6. Nate Oswald, Molokai Farm Bureau;
7. Douglas Reid, Maunaolu Plantation Association;
8. Frances Salvato;
9. Phyllis Shimabukuro-Geiser, Board of Agriculture;
10. Stephanie Truesdale and John Keller; and
11. Rod Windle and Lauren Vanett.

CHAIR LEE: Okay. Any objections to closing public testimony, at this?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: I'm going to take a, before we get to minutes, take a 15-minute break, everybody.
So, roughly 11:20. 11:20. Meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:01 A.M., AND WAS
RECONVENED AT 11:23 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER
KAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of August 24, please reconvene.

Mr. Clerk, shall we proceed with the minutes?

COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting and public hearing of May 21, 2021 and regular meeting of June 4, 2021 were presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: I'm hearing some feedback. Member Sugimura, you second? Is that what you meant? Okay. Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the minutes.

Any discussion? If not, all those in favor, 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: One, two, three, four, five, six, seven, eight. Eight "ayes", one "excused"; Member Kama. Motion carries.

Mr. Clerk, proceed.

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

ACTION ON THE CONSENT CALENDAR
COUNTY COMMUNICATIONS

NO. 21-397 - BRADFORD K. VENTURA, ACTING FIRE CHIEF,
(dated July 27, 2021)

Transmitting the notice of grant award from the State of Hawaii, Department of Transportation, in the amount of \$39,754 to be used for extrication tools essential to firefighting.

NO. 21-398 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 6, 2021)

Transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging for the Kupuna Care Program, in the amount of \$999,606.

NO. 21-399 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 6, 2021)

Transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging for the Aging & Disability Resource Center, in the amount of \$419,577.

NO. 21-400 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated August 16, 2021)

Informing of the sale of \$84,740,000 of General Obligation Bonds Series 2021 on August 4, 2021.

NO. 21-402 - SANANDA K. BAZ, ACTING MAYOR,
(dated August 2, 2021)

Informing of a vacancy on the Real Property Tax Review Board due to the resignation of Russell Johnson, effective July 31, 2021.

NO. 21-403 - SANANDA K. BAZ, ACTING MAYOR,
(dated August 6, 2021)

Informing of a vacancy on the Hana Advisory Committee due to the resignation of David Kaina, effective August 4, 2021.

NO. 21-404 - MICHAEL P. VICTORINO, MAYOR,
(dated August 11, 2021)

Informing of a vacancy on the Maui County Arborist Committee due to the resignation of Douglas McBride, effective August 10, 2021.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL REMAINING ITEMS, ALL THE ITEMS ON
THE CONSENT CALENDAR.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: File all the items. Okay. Any discussion? All those in favor of the motion, say "aye", raise your hand. Member Paltin, I, is your hand up?

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. Excused is Member Kama.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 21-401 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated August 16, 2021)

Relating to the annual inventory report regarding County property for the period ending June 30, 2021.

CHAIR LEE: Next.

DEPUTY COUNTY CLERK: Chair, Councilmember Paltin has her hand up.

CHAIR LEE: Oh, I'm sorry. I didn't see it.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This was the item I pulled out. I'd like the matter referred to my Committee, and specifically, just the spreadsheet on County-owned properties. Not the equipment and things like that, minus roadways and easements. Refer to Planning and Sustainable Land Use.

CHAIR LEE: What item are you talking about, Member Paltin?

COUNCILMEMBER PALTIN: 21-401, that the Clerk just read, that we pulled from the Consent Calendar.

CHAIR LEE: Okay. Okay. You want this referred to which Committee?

COUNCILMEMBER PALTIN: PSLU.

CHAIR LEE: PSLU. Okay.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR LEE: Any objections, Members, to that?

COUNCILMEMBER SUGIMURA: I have no objections. Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: I have a question for clarification.

CHAIR LEE: Clarification. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Paltin, are you requesting CC 21-401, the entire communication? Or are you asking for referral of parts of the communication to your Committee?

COUNCILMEMBER PALTIN: Just parts. The parts involving County-owned property, minus roadways and easements.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. And then, to follow-up on that, then, Member Paltin, do you want the communication to go to BFED Committee?

COUNCILMEMBER PALTIN: The rest of the communication can be filed, unless you want it.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez, did you want the rest of the communication? Or, because she's suggesting that it be filed.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. Yea, they generally go to BFED Committee for referral. But I, I also see Deputy Clerk with his hand up.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, so the communication that was just brought up, 21-401, it is an, only a one-page communication. I know it references that inventory report, but the report isn't part of the communication. It's just a one-page communication. So, if that, maybe it could be done like a subject matter referral if Councilmember Paltin's requesting like a part of the subject matter be referred to her Committee? Like a miscellaneous communication or something, that might be able to work.

CHAIR LEE: Okay. But she only wanted a portion of it, yea, not the entire communication. So, the question remains, will the rest of it be filed, or because it's hard to separate, maybe the report, that you just take the whole thing?

Member Paltin.

COUNCILMEMBER PALTIN: Okay. It's hard to separate the land, County-owned lands. I can take the whole thing.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: But I'll agree--

CHAIR LEE: Is that what you're saying, Mr. Clerk?

DEPUTY COUNTY CLERK: So, the body could refer the whole communication to a Committee if it so chooses. Or if it wanted to split it up in some way, then perhaps a miscellaneous communication would be better to accomplish that. But either way, the CC would need to be handled in some fashion, whether it be referral or filing.

CHAIR LEE: Yea. Well, my thinking is that somebody's staff has to separate all that information, and then refer it to Member Paltin's Committee. That, that's what I'm thinking, yea. So--

COUNCILMEMBER PALTIN: Can we refer the subject matter and file the communication? Cause like Mr. Krueger said, it's just a page.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: . . . Scott's phone number and . . .

CHAIR LEE: And that's where I started, Member Paltin. I started saying, you know, that you would, you requested the information on County-owned property, so you would get that. And we would file the rest of the communication. That's what I said. But then that's when Mr. Krueger raised his hand.

So, Mr. Krueger, are you saying something different?

DEPUTY COUNTY CLERK: I just, I just wanted to clarify that the, there is no report in this communication. It references a report, but it's not part of the communication. So, I just wanted to make sure that it was understood that we wouldn't be referring the report. It would just be a subject matter referencing the report.

CHAIR LEE: Okay. Alright. Did everybody get that?

COUNCILMEMBER PALTIN: Yea. Could the subject matter be "inventory of County-owned real property"?

CHAIR LEE: Sure. Any objections to that? County-owned real property, minus roadways and easements.

COUNCILMEMBER PALTIN: Yea.

CHAIR LEE: Okay. Alright. So, are we clear on what we just did? Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Good.

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just to, sorry, just to clarify, the CC will be referred to BFED Committee.

CHAIR LEE: Okay, see, so it's not going to be filed. Okay, is that, I don't think anybody really cares that much. So, the CC goes to BFED and the subject matter goes to PSLU, regarding County-owned property, minus roadways and easements. Okay? How's that? Communication won't be filed; it will be referred to BFED.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Okay. I see a, a question mark on Mr. Krueger's face. Mr. Clerk?

DEPUTY COUNTY CLERK: Oh, no Chair. That, that works fine. That works perfectly.

CHAIR LEE: Okay. That's great. Now, can we proceed.

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

NO. 21-405 - ALICE L. LEE, COUNCIL CHAIR,
(dated August 13, 2021)

Relating to "New Invasive Species Alert, Rose-Ringed Parakeets on Maui".

The recommended action is that County Communication No. 21-405 be referred to the Agriculture and Public Trust Committee.

NO. 21-406 - TAMARA PALTIN, COUNCILMEMBER,
(dated August 17, 2021)

Transmitting a proposed resolution entitled "URGING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO PROMPTLY ISSUE THE PROPOSED RULE ENTITLED 'ENHANCING PROTECTIONS FOR HAWAIIAN SPINNER DOLPHINS TO PREVENT DISTURBANCE'".

The recommended action is that County Communication No. 21-406 be referred to the Agriculture and Public Trust Committee.

CHAIR LEE: Member Paltin. Did you want to take action now or later?

COUNCILMEMBER PALTIN: Yes. Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION AND TO FILE COUNTY
COMMUNICATION 21-406.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to adopt the resolution in
County Communication 21-406.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. May I request the Clerk, or sorry, Deputy
Clerk, read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Deputy Clerk.

IF I MAY, I MOVE TO AMEND THE FIRST "BE IT RESOLVED"
CLAUSE OF THE RESOLUTION BY STRIKING THE
REFERENCE TO ALTERNATIVE 4. IF MY MOTION IS
APPROVED, ALSO MOVE TO WAIVE RULE 19.C. TO ALLOW
THE COUNCIL TO TAKE FINAL ACTION AT THE SAME
MEETING WHERE THE RESOLUTION IS AMENDED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. First of all, first of all, are you, you're making a motion to amend your
resolution, right?

COUNCILMEMBER PALTIN: Correct.

CHAIR LEE: Okay. So, the second, Member Sugimura. Okay, to--

COUNCILMEMBER PALTIN: So, I move to amend the resolution so the first "BE IT RESOLVED" clause will read as follows: That it urges the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to promptly issue and finalize the publication of Alternative 3(A), in the proposed rule entitled "Enhancing Protections for Hawaiian Spinner Dolphins to Prevent Disturbance".

At this point in time, approval and publication of Alternative 3(A) will be sufficient, and Alternative 4 can be addressed at a later date.

CHAIR LEE: Anymore discussion on this item, on the amendment? Okay. All those in favor of the motion to amend the main motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Members, as you've heard, this rule has been pending since 2016. During this time, Hawaiian spinner dolphins have continued to deal with increasing pressures from both tourists and residents to the extent that these pressures are impacting the dolphins' behavioral patterns.

In July of this year, NMFS announced the notice of availability of a Final Environmental Impact Statement and the Regulatory Impact Review for this rule with a 30-day comment period ending on August 30, 2021, and a final decision to follow. There is no specific timeline for the record of decision to be published and any delay will continue to impact the health and safety of the Hawaiian spinner dolphins.

Action is needed as soon as possible. I respectfully ask for the Councilmembers support of my motion. And I just wanted to make the note that Stephanie Stack, Chief

Biologist of the International Research Program for Pacific Whale Foundation, and lead researcher is also on the call as a resource, if Members need further information. Thank you.

CHAIR LEE: Okay. Any more discussion? Okay, we need to take a vote on Rule 19. We need six votes.

COUNCILMEMBER PALTIN: I move, okay.

I MOVE TO WAIVE RULE 19.C. IN ACCORDANCE WITH THE
RULES OF THE COUNCIL, SO THAT WE CAN TAKE ACTION
ON THIS MATTER TODAY.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Johnson, to waive Rule 19.

Any more discussion, Member Paltin?

COUNCILMEMBER PALTIN: A vote on this waiver is needed so that we can take action on this very important resolution today.

CHAIR LEE: Okay. Any more discussion? 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: Eight "ayes", one "excused"; motion carries. Excused is Member Kama.

Okay, so now, we will take a vote on the motion, the main motion as amended. Any more discussion? All those in favor of the main motion as amended, 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", one "excused"; motion carries. Excused is Member Kama.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Members, from the spinner dolphins out there.

CHAIR LEE: Okay. Very good.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-131.

Continuing with county communications for referral.

NO. 21-407 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated August 3, 2021)

Transmitting two reports on the settlement of claims as of June 30, 2021.

The recommended action is that County Communication No. 21-407 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-408 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated August 16, 2021)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS AND ANIMAL MANAGEMENT PROGRAMS; OFFICE OF THE MAYOR, ADMINISTRATION

PROGRAM; AND DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM";

2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE";
3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FIRE AND PUBLIC SAFETY – PUKO'O FIRE STATION)"; and
4. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 [S/C] BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B REVENUES – FEES, RATES, ASSESSMENTS AND TAXES".

The recommended action is that County Communication No. 21-408 be referred to the Budget, Finance, and Economic Development Committee.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 21-408 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NOS. 73 (2021), 74 (2021), 75 (2021), AND 76 (2021). COUNTY COMMUNICATION NO. 21-408 WAS THEN FILED. See pages 65 through 67 for discussion and action.)

NO. 21-409 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated August 10, 2021)

Relating to the use of occupancy and income in property tax valuations for hotels and resorts.

The recommended action is that County Communication No. 21-409 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-410 - TAMARA PALTIN, COUNCILMEMBER,
(dated August 16, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.25.020, MAUI COUNTY CODE, RELATING TO TIERED FEES FOR MOTOR VEHICLE REGISTRATION".

The recommended action is that County Communication No. 21-410 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-411 - SHANE M. SINENCI, COUNCILMEMBER,
(dated August 9, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, RELATING TO GRADING AND GRUBBING PERMIT REVIEW".

The recommended action is that County Communication No. 21-411 be referred to the Climate Action, Resilience, and Environment Committee.

(COUNTY COMMUNICATION NO. 21-411 WAS LATER REFERRED TO THE AGRICULTURE AND PUBLIC TRUST COMMITTEE. See pages 70 and 71 for discussion and action.)

NO. 21-412 - SHANE M. SINENCI, COUNCILMEMBER,
(dated August 17, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES".

The recommended action is that County Communication No. 21-412 be referred to the Climate Action, Resilience, and Environment Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 21-412 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 79 (2021). COUNTY COMMUNICATION NO. 21-412 WAS THEN FILED. See pages 71 through 78 for discussion and action.)

NO. 21-413 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated August 4, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS".

The recommended action is that County Communication No. 21-413 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-414 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated August 9, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".

The recommended action is that County Communication No. 21-414 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 21-414 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 77 (2021). COUNTY COMMUNICATION NO. 21-414 WAS THEN FILED. See pages 67 through 69 for discussion and action.)

NO. 21-415 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated August 11, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".

The recommended action is that County Communication No. 21-415 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 21-415 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 78 (2021). COUNTY COMMUNICATION NO. 21-415 WAS THEN FILED. See pages 67 through 69 for discussion and action.)

NO. 21-416 - GABE JOHNSON, COUNCILMEMBER,
(dated August 9, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY CODE, REQUIRING A MEMBER WITH ENVIRONMENTAL BACKGROUND ON THE LANA'I PLANNING COMMISSION".

The recommended action is that County Communication No. 21-416 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-417 - TAMARA PALTIN, COUNCILMEMBER,
(dated August 11, 2021)

Relating to the Department of Parks and Recreation lease grant with the Veterans of Foreign Wars – Activities Site.

The recommended action is that County Communication No. 21-417 be referred to the Human Concerns and Parks Committee.

(COUNTY COMMUNICATION NO. 21-417 WAS LATER REFERRED TO THE CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE; AND THE SUBJECT MATTER RELATING TO THE DEPARTMENT OF PARKS AND RECREATION LEASE GRANT WITH THE VETERAN OF FOREIGN WARS – ACTIVITIES SITE WAS REFERRED TO THE HUMAN CONCERNS AND PARKS COMMITTEE. See pages 78 and 79 for discussion.)

NO. 21-418 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated August 17, 2021)

Relating to the Public Works Baseyards Master Plan.

The recommended action is that County Communication No. 21-418 be referred to the Infrastructure and Transportation Committee.

NO. 21-419 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated August 17, 2021)

Relating to Park Maui.

The recommended action is that County Communication No. 21-419 be referred to the Infrastructure and Transportation Committee.

NO. 21-420 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated August 17, 2021)

Relating to aircraft noise and flight paths over Haiku and Paia.

The recommended action is that County Communication No. 21-420 be referred to the Infrastructure and Transportation Committee.

NO. 21-421 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated August 5, 2021)

Providing an update on the UH-Sea Grant Dune Restoration Program.

The recommended action is that County Communication No. 21-421 be referred to the Planning and Sustainable Land Use Committee.

(COUNTY COMMUNICATION NO. 21-421 WAS LATER
REFERRED TO THE CLIMATE ACTION, RESILIENCE, AND
ENVIRONMENT COMMITTEE. See pages 78 and 79 for
discussion.)

NO. 21-422 - TAMARA PALTIN, COUNCILMEMBER,
(dated August 4, 2021)

Transmitting a proposed resolution entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PHASING OUT TRANSIENT ACCOMMODATIONS IN THE APARTMENT DISTRICTS".

The recommended action is that County Communication No. 21-422 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Vice Chair Rawlins-Fernandez.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-408

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 ON ITEM 21-408.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Seconded by Member Sugimura. Moved by Member Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rules of the Council regarding CC 21-408.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Taking up this item today will enable us to, or the Administration to move forward on these items that we already approved in the budget. So, they're primarily just housekeeping. Mahalo, Chair.

CHAIR LEE: Any more discussion? All those in favor, say "aye", raise your hand, to waive the Rule.

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. Excused is Member Kama.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-408.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura to pass the bills in CC 21-408 on first reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, these bills again are for housekeeping purposes and do not impact the totals of the Fiscal Year 2022 Budget or necessitate further amendments.

The first and second bills amend conditions in the Fiscal Year 2022 Budget in Appendix D - Conditional Language for consistency.

The third bill amends Fiscal Year 2022 Bond Authorization for the Department of Fire and Public Safety, Puko'o Fire Station in the amount of \$500,000 to revise the project from "Relocation" to "Renovation".

And the fourth bill amends Appendix B by the adding Appendix B1, Schedule of concessions, leases, and licenses, which was inadvertently omitted in the final passage of the Fiscal Year 2022 Budget. I ask for the Members' support of this motion. Mahalo, Chair.

CHAIR LEE: Any further 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"; Member Kama. Motion carries.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR LEE: Mr. Clerk.

Members, any more items?

Member Molina.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 21-414 AND 21-415

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. This is related to County Communication items 21-414 and 21-415.

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: Moved by Member Molina, seconded by Member Sugimura, to waive the Rules of the Council in regard to 21-41, did you say 414 and 415?

COUNCILMEMBER MOLINA: 414 and 415, yea. Thank you, Madam Chair.

CHAIR LEE: 414 and 415. Okay. No more discussion. All those in favor, 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. Motion carries. Eight "ayes", zero "noes".

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO PASS ON FIRST READING THE PROPOSED BILLS
ATTACHED TO COUNTY COMMUNICATIONS 21-414 AND
21-415, AND TO FILE COUNTY COMMUNICATIONS 21-414
AND 21-415.

CHAIR LEE: Anymore discussion? Oh, second? Second? Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to pass the bills in County Communications 21-414, 21-415, first reading.

Discussion, Member Molina?

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. The proposed bill attached to County Communication 21-414 would authorize the Mayor to enter into an intergovernmental agreement with the State Department of the Attorney General's

Office regarding the granting of funds for the Victims of Crime Act Victim Assistance Grant Program and Special Needs Advocacy Project. The grant agreement is for the period of July 1, 2021 to June 30, 2022, totaling \$825,325. This also includes \$164,865 in matching funds and \$1,000 in admin cost is provided for in the Department's Fiscal Year 2022 Budget.

And the proposed bill attached to County Communication No. 21-415 would authorize the Mayor to enter into an intergovernmental agreement with the State Department of the Attorney General regarding the granting of funds for the STOP Violence Against Women Formula Grant. The grant agreement is for the period of July 1, 2021 to June 30, 2022, totaling \$109,946, which includes \$27,487 in matching funds as provided for in Department's Fiscal Year 2022 Budget.

And we do have Mr. Martin, the Prosecuting Attorney, on the call to answer any Members' questions at, as it relates to these proposals, Madam Chair. Thank you.

CHAIR LEE: Thank you. Any more discussion, or are there questions for the Prosecutor? 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", one "excused"; motion carries. Member Kama is excused.

COUNCILMEMBER MOLINA: Thank you, Members.

CHAIR LEE: Thank you.

Mr. Clerk. Or, Members, do you have anymore?

Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-411

COUNCILMEMBER SINENCI: Thank you, Chair. Yea, may I ask consideration for County Communications 21-411 and 21-412?

CHAIR LEE: Okay. Second?

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think Member Sinenci just asked for consideration, and he wasn't pau make his motion for the Rule waiver.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Consideration to do what, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. May I please request that County Communication 21-411 be referred to your Agriculture and Public Trust Committee, instead of the CARE Committee, as it's related to preservation of cultural resources.

CHAIR LEE: For both 411 and 412?

COUNCILMEMBER SINENCI: Just 411 Chair.

CHAIR LEE: Okay.

COUNCILMEMBER KING: No objection.

CHAIR LEE: Okay. Is there a second?

COUNCILMEMBER KING: Oh, I thought, do you need a sec? Is this a motion or is he just asking for any, any objections just to change it?

CHAIR LEE: Well, I'm not sure if there's going to be an easy acceptance or there's going to be resistance. So, if, if--

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: --everyone has no objections. No objections? Okay, so ordered. So, ordered. CC 21-411 will be referred to the APT Committee.

Okay, and then you had something on CC 21-412?

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-412

COUNCILMEMBER SINENCI: Yes, Chair. Mahalo.

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

COUNCILMEMBER KING:

SECOND.

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

Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed bill today.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER KING: I already seconded.

CHAIR LEE: Oh, wait, we didn't, we didn't vote on the, on the, on the Rule. Okay, sorry. We didn't vote on the Rule. All those in favor of the Rule waiver, raise your hand. Unless there's a discussion?

COUNCILMEMBER KING: I think Member Rawlins had, had a question first.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I was hoping that Member Sinenci could speak to the time sensitivity of the item.

COUNCILMEMBER SINENCI: Yes. Thank you, Chair. Our goal is to increase or, or quicken the date. The date is not until November and so we were hoping that additional precautions and monitoring would be implemented during that time. However, the unintended consequence was actually expediting trenching practices to beat the instituted date of the bill and to avoid those precautions. So, that's why we're hoping to accept the approval today.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Well, I have a, yes, I have a question. Member Sinenci, can you explain the deadline of November again, please?

COUNCILMEMBER SINENCI: Yea, it was, thank you, Chair. It was originally slated for November 1 due date. So, with this, with your vote today, the ordinance would take effect upon its approval. Well, the second reading.

CHAIR LEE: Okay. And then, I saw Member Sugimura's hand up.

COUNCILMEMBER SUGIMURA: Yea, I was going to ask, so the, your amendment then, amending the effective date also? Cause it says November 1, 2021.

COUNCILMEMBER SINENCI: That one would be repealed, Member Sugimura.

COUNCILMEMBER SUGIMURA: Oh, I see, is repealed. Sorry about that. It will take effect upon its approval. Thank you.

CHAIR LEE: Any more questions? Okay. All those in favor, 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".

COUNCILMEMBER KING: We're voting on the waiver?

CHAIR LEE: Member--

COUNCILMEMBER KING: Is that the waiver?

CHAIR LEE: Yea, we're, we're, I thought we were voting on the waiver.

COUNCILMEMBER KING: Okay. Just checking.

CHAIR LEE: Okay. Okay. Okay, so, where was I? Oh, yea, eight "ayes", zero "noes", one "excused"; motion carries. Excused is Member Tasha, Tasha Kama. Member Kama. Getting tongue-twisted here.

Okay, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

MOVE TO PASS THE PROPOSED BILL ON FIRST READING,
AND FILE COUNTY COMMUNICATION 21-412.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Moved by Member Sinenci, seconded by Member King, to pass the bill in 21-412 on--

Okay, we have a question from Corp. Counsel Richelle Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. I just wanted to bring up the difference in the language between Ordinance 5229. And it was a, it was some, an issue that we brought up when this was initially going through. So, the language in 5229 references in Section D, at the end, "except that this exclusion does not apply in an area determined by the County archaeologist as likely

to involve a burial site or historic property as defined by Hawaii Revised Statutes Chapter 6E". The language in this current draft that's before you for consideration today, uses the term "sensitive" in areas not identified as sensitive, rather than the 6E language. My preference would be that you use the language in 6E, unless there is something I'm not understanding. Thank you.

CHAIR LEE: Okay. Does everybody understand that?

Mr. Sinenci?

COUNCILMEMBER SINENCI: Yea, thank you, Chair. The, the 6E language is, is okay. We can go with that.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay, no objections to making that revision?

VICE-CHAIR RAWLINS-FERNANDEZ: I think, point of order.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I think that would require, it's a substantive change, so it would require a motion.

CHAIR LEE: Okay. Mr. Sinenci?

COUNCILMEMBER SINENCI: Yea, I would move--

VICE-CHAIR RAWLINS-FERNANDEZ: Moved by Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Member Rawlins-Fernandez.

MOVE TO INCORPORATE THE, THE 6E LANGUAGE AS WAS
PREVIOUSLY INCLUDED.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Is that all the clarification that's needed? Okay. Vice-Chair Rawlins-Fernandez, are you going to second that? Okay.

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

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I approve that. I just wondered if Ms. Thomson can give the exact verbiage that she's recommending?

CHAIR LEE: Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL: Sure. It would be replacing what is before you in Section D. I would recommend just replacing the entire Section D with what is, what was approved in Ordinance 5229, Section D. And I'll, I'll just read that. "Section D. Trenching for underground utilities", and this is new language, "involving trenches less than two feet deep and less than fifty cubic yards"--

CHAIR LEE: Okay. You know, what, this is a little bit too complicated in terms of nobody can memorize all of that, what you're saying. So, I would suggest that we take a short recess, and you help Mr. Sinenci come up with his motion, with the specific language. Cause it's not just a mere replacing section D with 6E. There's important words. So, I'm glad Ms. Sugimura brought that up. Okay. So, we'll take, how, how much time do you think you'll need? Five minutes? Ten minutes?

FIRST DEPUTY CORPORATION COUNSEL: Five minutes should do it.

CHAIR LEE: Okay. Members, meeting is in recess for five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:03 P.M., AND WAS RECONVENED AT 12:11 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of August 24 please reconvene?

Now, Member Sinenci, we ready with the exact--

COUNCILMEMBER SINENCI: Ready, Chair.

CHAIR LEE: --wording for the amendment?

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo for the recess.

MOVE TO REPLACE SUBSECTION D OF THE PROPOSED BILL WITH SUBSECTION D OF ORDINANCE 5229, TO READ "TRENCHING FOR UNDERGROUND UTILITIES, INVOLVING TRENCHES LESS THAN TWO FEET DEEP AND LESS THAN FIFTY CUBIC YARDS, PROVIDED THE DITCHES [S/C] ARE BACKFILLED, THE SURFACE RESTORED TO ITS PRE-EXISTING GRADE AND GROUND COVER, EXCEPT THAT THIS EXCLUSION DOES NOT APPLY IN AN AREA DETERMINED BY THE COUNTY ARCHAEOLOGIST AS LIKELY TO INVOLVE A BURIAL SITE OR HISTORIC PROPERTY, AS DEFINED BY HAWAII REVISED STATUTES CHAPTER 6E".

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: And the second was Vice-Chair Rawlins-Fernandez.

Discussion? Mr. Sinenci?

COUNCILMEMBER SINENCI: Yea, and, and mahalo, Chair. And thank you to Ms. Thomson for picking that up, because we did not, those were the amendments that we did at the last meeting, Chair. Thank you.

CHAIR LEE: Okay. Any more discussion?

Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: I just wanted to offer my sincere thanks to Member Sinenci and Ms. Thomson. My community continues to have issues with this situation. Although human remains were disturbed, it continues on most recently with the disturbance of an auwai. Although the developer said there were no historic properties on the parcel, this auwai is on the USGS map. And so, it's unclear how it was missed. SHPD and DOCARE are kind of having a difficult time with it. So, this is absolutely needed. Thank you so much.

CHAIR LEE: Any more discussion? Okay, all those in favor of the amendment, 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. Excused is Member Kama.

Member Sinenci. So, the motion as amended. The main motion as amended. Any more discussion?

COUNCILMEMBER SINENCI: Yea, thank you, Chair. Just real quick. We, we did reach out to Hawaiian Electric to see that this would not negatively affect any of their projects. So, thank you, Chair.

CHAIR LEE: Anymore discussion? All those in favor of the main motion as amended, 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", one "excused"; motion carries. Excused is Member Kama.

Alright. Mr. Clerk.

COUNCILMEMBER SINENCI: Mahalo.

DEPUTY COUNTY CLERK: Chair, just for the record, the bills that were attached to County Communication 21-408, those are BILLS 73 (2021), 74 (2021), 75 (2021), and 76 (2021).

The bill attached to County Communication 21-414, that is BILL 77 (2021).

The bill that was attached to County Communication 21-415, that is BILL 78 (2021).

And this bill that was attached to County Communication 21-412, that is BILL 79 (2029), (2021).

And I believe Councilmember King had her hand up.

CHAIR LEE: Yes, I saw that.

Member King.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 21-417 AND 21-421

COUNCILMEMBER KING: Thank you, Chair. So, I wanted to propose that we move, we refer County Communication 21-417 to the CARE Committee, as per Member Paltin's earlier suggestion.

CHAIR LEE: Okay.

COUNCILMEMBER KING: And also, item 21-421, which is the UH-Sea Grant Dune Restoration Program to the CARE Committee, if Member Paltin is, is okay with that.

CHAIR LEE: Member Paltin? Okay. Any objections, Members, to the two requests?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Objections to what Member King says. But on that one item regarding the VFW, could you also refer that to the, Tasha Kama's Committee; healthy committee, I mean, Human Concerns and Parks.

CHAIR LEE: What number is that?

COUNCILMEMBER SUGIMURA: 21-417.

CHAIR LEE: Okay. This is the one that she just asked to refer to CARE Committee.

COUNCILMEMBER SUGIMURA: Correct. And so, could you also refer it to Human Concerns and Parks?

CHAIR LEE: Any objections, Member King?

COUNCILMEMBER KING: No, I don't think, I don't think there's a bill attached or anything. So, it's just the subject matter.

CHAIR LEE: Okay. So Human Concerns and Parks.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any objections, Members--

COUNCILMEMBER SUGIMURA: Thank you for Ms. Kama.

CHAIR LEE: --to referring this item?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Yes, Member King. I mean, Sugimura. You were talking when I was talking.

COUNCILMEMBER SUGIMURA: Oh, sorry about that. I'm just saying thank you for Member Kama.

CHAIR LEE: Oh, I see. Okay.

COUNCILMEMBER KING: The Clerk has his hand up. I don't know if . . .

CHAIR LEE: Yea. Mr. Clerk.

DEPUTY COUNTY CLERK: Oh, apologies. Just, just for staff's information, which Committee will receive the County Communication and which Committee will get the subject matter?

CHAIR LEE: Okay, the County Communication goes to CARE and the subject matter goes to HCP. Okay?

DEPUTY COUNTY CLERK: Thank you.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Any other changes before we finish with this section? Any objections to the Clerk's referrals other than what was changed by the Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections? Okay.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the committee reports.

CHAIR LEE: Okay, now is where we're going to stop. Members, you want an hour lunch. Is that enough? Okay. So, let's make it 1:20. So, 1:20. So, meeting is in recess for lunch until 1:20 okay?

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:18 P.M., AND WAS RECONVENED AT 1:25 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS KAMA AND SUGIMURA, EXCUSED.)

CHAIR LEE: Will the Council meeting of August 24 please reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 21-60 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. That Bill 80 (2021), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-346, from the Director of Water Supply, be FILED.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-60.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member King, to approve the recommendations in Committee Report 21-60.

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Your APT Committee met on August 3, 2021, to discuss the proposed bill, authorizing the Mayor to enter into a Joint Funding Agreement with the USGS Pacific Islands Water Science Center, continue its cooperative water-resource monitoring program. The intergovernmental agreement is for the period of August, excuse me, October 1, 2021 through September 30, 2022, at the cost of \$104,555 to the County.

Section 20., excuse me, Section 2.20.020, Maui County Code, requires an ordinance to authorize the Mayor to enter into an intergovernmental agreement which places a financial obligation upon the County, any department, or agency.

The Department of Water Supply noted that the water-resource monitoring program has been ongoing since the 1980's, and that all data collected is publicly available online.

Chair, your Committee voted 7-0 to recommend adoption of the proposed bill. And I ask for the Members full support.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: One, two, three, four, five, six, seven "ayes", two "excused"; motion carries.
Excused are Members Sugimura and Kama.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, that is BILL 80 (2021).

COMMITTEE REPORT

NO. 21-61 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. That Bill 81 (2021), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (STUDY TO ASSESS GROUNDWATER AVAILABILITY UNDER SCENARIO-BASED RECHARGE CHANGES ON THE ISLAND OF MAUI)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-347, from the Director of Water Supply, be FILED.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-61.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Moved by Member Sinenci, seconded by Member King, to approve the recommendations in Committee Report 21-61.

Mr. Sinenci, discussion?

COUNCILMEMBER SINENCI: Chair, your APT Committee met on August 3, 2021, to discuss the proposed bill authorizing the Mayor to enter into a Joint Funding Agreement with the USGS Pacific Islands Water Science Center, for a study to assess groundwater availability under scenario-based recharge changes on the island of Maui. The intergovernmental agreement is for the period of October 1, 2021 to March 31, 2022 *[sic]*, at a cost of \$168,000 to the County.

Your Committee discussed and agreed that the study can help the County better understand how future groundwater demand can be met for Maui island despite an increasing population, greater demand for groundwater, needs of groundwater-dependent ecosystems, the changes in land-cover caused by humans or invasive species, and climate change.

Your Committee voted 7-0 to recommend adoption of the proposed bill. I ask for the Members full support.

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

(Councilmember Sugimura returned to the meeting at 1:29 p.m.)

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Seven "ayes", two "excused"; motion carries. Excused are--

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Oh, you're here? Oh, I'm sorry. I didn't see you.

COUNCILMEMBER SUGIMURA: No, no, no. I just made it to the building. Thank you.

CHAIR LEE: Are you voting "aye", in favor of the motion?

COUNCILMEMBER SUGIMURA: Yes, Chair.

CHAIR LEE: Okay. So, let the record show there are eight "ayes", one "excused"; motion carries. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, that is BILL 81 (2021).

COMMITTEE REPORT
NO. 21-62 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 82 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO KULEANA TAX EXEMPTIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-113, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, be FILED.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMEND, THE
RECOMMENDATIONS IN COMMITTEE REPORT 21-62.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-62.

Discussion, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on August 4, 2021 to discuss a proposed bill to amend Chapter 3.48 of the Maui County Code, to add a reference to "Kuleana Act

government grant land"; clarify the definition of an owner who is a lineal descendant; and to allow for retroactive applications.

Your Committee noted individuals with parcels classified as kuleana land have been able to seek tax relief from the County. But those who purchased government lands in accordance with the Kuleana Act of 1850, but whose parcels are not classified as kuleana land, have been subject to increased property taxes. This lack of tax relief has caused some lineal descendants to lose title to their ancestral lands due to the significant increase in taxes.

Your Committee also noted that the tax exemption would be limited to citizens of the Hawaiian Kingdom at a time the land was purchased, including their lineal descendants.

The Department of Finance estimated that these amendments would impact 25 parcels of land at a cost of approximately \$80,000 per year to the County. Your Committee voted 8-0 to recommend passage of the proposed bill and filing of the communication. I respectfully ask for the Councilmember's support of the motion. Mahalo, Chair.

CHAIR LEE: Anymore discussion? 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: Eight "ayes", one "excused", zero "noes"; Motion carries. Thank you.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 82 (2021).

COMMITTEE REPORT

NO. 21-63 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending the following:

1. That the Miscellaneous Communication, from the County Clerk, referring Grant Agreement G5330, between the County of Maui and Maui Disposal Co., Inc., for the Glass Recovery Program; be FILED;
2. That the Miscellaneous Communication, from the County Clerk, referring Amendment 1 to Contract C7093, between the County of Maui and A-Mehr, Inc., for the Central Maui Landfill Organics Processing Facility, be FILED; and
3. That the Miscellaneous Communication, from the County Clerk, referring Amendment 2 to Contract C6968, between the County of Maui and Cameron Chemical Corp., for household hazardous waste collection and disposal, be FILED.

CHAIR LEE: Member King. You're muted.

COUNCILMEMBER KING: Three times a charm, I guess. . . . stupid little icon.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-63.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Johnson--

COUNCILMEMBER KING: Thank you.

CHAIR LEE: --to approve

COUNCILMEMBER KING: Your--

CHAIR LEE: --to approve the recommendations in Committee Report 21-63.

Discussion? Member King.

COUNCILMEMBER KING: Thank you, Chair. Your CARE Committee met on August 4, 2021 and reviewed the following: Miscellaneous Communication dated March 19, 2021, from the County Clerk, transmitting Grant Agreement G5330, between the County of Maui and Maui Disposal Co., Inc., for the Glass Recovery Program; Miscellaneous Communication dated March 19, 2021, from the County Clerk, transmitting Amendment 1 to Contract C7093, between the County of Maui and A-Mehr, Inc., for the Central Maui Landfill Organics Processing Facility; and Miscellaneous Communication dated June 21, 2021, from the County Clerk, transmitting Amendment 2 to Contract C6968, between the County of Maui and Cameron Chemical Co., for household hazardous waste collection disposal.

A representative from the Department of Environmental Management provided status updates on the grant agreement and two contract amendments.

Grant Agreement G5330 partially subsidizes the processing, recycling, and shipping costs for non-deposit HI-5 glass, with shipping costs for glass in Maui being the highest in the State.

Maui Disposal Co. is one of two ADF-approved processors on Maui, and all glass is then transported to an Oregon-based company, for recycling.

The amendment to Contract C7093 was for the design and construction of the Central Maui Landfill Organics Processing Facility, which receives and processes green waste and biosolids.

The second amendment to Contract C6968 is for household hazardous waste collection and disposal.

The Department of Environmental Management is planning for a one-day reservation only event, where residents can dispose of materials such as pesticides, oil-based paints, abrasives, and batteries. A portion of the funds for this contract will also be used for a propane tank recycling pilot program and antifreeze processing at selected motor oil collection sites.

Your Committee recommended filing the three Miscellaneous Communications by a 6-0 vote. I ask for the Members support for your Committee's recommendations. Thank you.

CHAIR LEE: Thank you. Any further discussion? If not, all those in favor of the motion, please say, wait, more discussion. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I just want to also support the filing of these. And next week Monday at 9:00, I'm taking up Central Maui Landfill. We can have a deeper discussion about what the Department is doing. Thank you, Member King. And we will continue this discussion.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 21-64 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-132, entitled "RELATING TO THE APPOINTMENT OF MELISSA JOHNSON TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-64.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to approve the Committee Report 21-64 recommendations.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on August 3, 2021, to discuss a proposed resolution relating to the Mayor's nomination of Melissa Johnson to the Maui County Commission on Persons with Disabilities for a term expiring on March 31, 2022, due to the resignation of Melody Uchimura.

The Council has until September 5, 2021 to approve or disapprove the Mayor's nominee or the nominee will be deemed appointed.

Ms. Johnson is employed as head of the Special Education Department at Baldwin High School and holds a special interest in assisting persons with disabilities.

Your Committee agreed Ms. Johnson would be an asset to the Maui County Commission of Persons with Disabilities and voted 7-0 to recommend the nomination be approved. Thank you.

CHAIR LEE: Any more discussion? 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: Eight "ayes", one "excused", zero "noes"; motion carries. Excused is Member Kama.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-132.

COMMITTEE REPORT

NO. 21-65 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-133, entitled "URGING THE DEPARTMENT OF THE CORPORATION COUNSEL TO WORK WITH SPECIAL COUNSEL TO FILE LEGAL CLAIMS ON THE COUNTY'S BEHALF UNDER RESOLUTION 20-97," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-65.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, to approve the recommendation in Committee, Committee Report 21-65.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on August 3, 2021 to discuss the proposed resolution urging the Department of the Corporation Counsel to work with special counsel Bronster Fujichaku Robbins, a Law Corporation, to file legal claims on the County's behalf under Resolution 20-97.

Your Committee notes Resolution 20-97 authorizes the execution of a contract with Bronster Fujichaku Robbins for an amount not to exceed \$200,000. Corporation Counsel and Bronster Fujichaku Robbins each provided a status update. Corporation Counsel requested an executive session meeting to discuss confidential information related to the claim.

And following the executive session meeting, your Committee reconvened in open session. And your Committee agreed to amend the proposed resolution to urge the Department of the Corporation Counsel also consult with Na Po'e Kokua attorney Bruce Jacobs of Jacobs Legal, PLLC, as appropriate.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution. And Madam Chair, when you deem it appropriate, could we get comment from OCS staff regarding a proposed amendment from Mr. Makaawaawa? Thank you, Madam Chair.

CHAIR LEE: Alright. Did you say OCS staff?

COUNCILMEMBER MOLINA: Yea, our County, our OCS staff, Mr., Mr. Raatz, if possible.

CHAIR LEE: Okay. Alright. Any, any other discussion before we call on Mr. Raatz?

Mr. Raatz, are you on the call? Oh, I see you. Okay.

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Chair.

CHAIR LEE: David. Comments?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. We have looked at the language that was submitted by the testifier. With the understanding, this resolution doesn't have legal effect, it's just urging action. We think the Council has, has wide discretion. And if the Council agrees with the sentiment expressed in the proposed amendment, we wouldn't see a legal problem with adopting the amendment. Thank you, Chair.

CHAIR LEE: I'm sorry, what did you say? You would see a legal problem or not see a legal problem?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Chair, we would not see a legal problem, simply because this resolution does not have legal effect.

CHAIR LEE: Okay.

DEPUTY DIRECTOR OF COUNCIL SERVICES: It's just an expression of sentiment from the Council.

CHAIR LEE: Okay. Now, Members, any more quest, any discussion, questions? Questions for David?

If not, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair. I, I personally have no, no objections to adding the additional language that Mr. Makaawaawa proposed, which is viewed in the chat for the Members information.

SO, IF THERE ARE NO OBJECTIONS, I WOULD PROPOSE
THAT WE ADD THAT AMENDMENT TO THE RESOLUTION.

If there's a second and get it going?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm seconding Member Molina's motion.

CHAIR LEE: Okay. To add the language. Okay. Any discussion, Members, questions? Okay, all those in favor of adding the language that is in the chat and that was, was also emailed.

Mr. Molina, can you read what you're adding, please?

COUNCILMEMBER MOLINA: Okay. Let me get myself here.

THAT THE COUNCIL URGES THE DEPARTMENT OF THE CORPORATION COUNSEL TO WORK WITH SPECIAL COUNSEL BRONSTER FUJICHAKU ROBBINS, A LAW CORPORATION, AS WELL AS COUNSEL BRUCE JACOBS OF JACOBS LEGAL, PLLC, TO FILE LEGAL CLAIMS ON THE COUNTY'S BEHALF UNDER RESOLUTION 20-97; AND TO SUPPORT NA PO'E KOKUA IN ITS EFFORTS TO PURSUE JUSTICE TO HOLD BANK OF AMERICA ACCOUNTABLE FOR ITS UNFULFILLED \$150 MILLION FHA-247 COMMITMENT AND ITS FRAUDULENT FORECLOSURES.

CHAIR LEE: Okay, I think Mr. Makaawaawa may be on the line as well. Are there are any questions for Brandon?

If not, all those in favor of the motion to, to add the language to the resolution, 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", eight "ayes", zero "noes", one "excused"; Member Kama.
Motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, I think I saw Vice-Chair Rawlins-Fernandez
with her hand up earlier. I don't know if she has a question. I'll yield the floor.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, I was going to speak to the
motion real quick, but I know, we're . . . taking the vote. Mahalo, Member Molina. I
just wanted to, you know, thank Member Molina for making this amendment to the
resolution because no one knows, no one has as much institutional knowledge
regarding this issue than Na Po'e Kokua. And so, it would be in our best interest for
our attorneys to work with Na Po'e Kokua. Mahalo, Chair.

CHAIR LEE: Yea, even though it's not really required. We're just encouraging them to.

Alright. Mr. Molina, anything else you would like to add?

COUNCILMEMBER MOLINA: No, no, no further discussion on the motion as amended.
Thank you, Madam Chair.

CHAIR LEE: Okay. All those in favor, 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", zero "noes", one "excused"; Member Kama. Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-133.

COMMITTEE REPORT

NO. 21-66 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. That Resolution 21-134, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO MAUI NUI BOTANICAL GARDENS INC.," be ADOPTED; and
2. That County Communication 20-614, from the Director of Parks and Recreation, be FILED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-66.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Sinenci, to approve the recommendations in Committee Report 21-66.

Member Sugimura, discussion?

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. Your Human Concerns and Parks Committee met on August 2, 2021, to discuss a proposed resolution to authorize an extension to the grant of lease, of a lease of the County recreational space located at Keopuolani Regional Park, Wailuku, Maui, Hawaii, identified as tax map key (2) 3-8-007:001 (por.), of approximately 6.367 acres, to Maui Nui Botanical Gardens Inc., for an annual rental amount of one hundred dollars.

The proposed resolution extended the grant of a lease from June 30, 2026 to June 30, 2024 *[sic]*. Your Committee agreed that Maui Nui Botanical Garden has been a cooperative and valuable partner and supported amending the proposed resolution and exhibit, and Exhibit "1" to extend the grant for a lease for an additional nine years to June 30, 2050.

Your Committee voted 4-0 to recommend adoption of the revised proposed resolution and filing of the communication. And I ask for the Members full support. I will tell you that I went to the Upcountry Farmer's Market this weekend and I heard from one of the testifiers. And they were so elated when Tamara made that motion that the . . . went up in cheer. So, well received. And yea, big hearts to them. I wish we would have made it longer. Exceptional organization and everybody please go and visit. Thank you, Members, for your support.

CHAIR LEE: Anymore discussion? 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: Eight "ayes", zero "noes", one "excused"; Member Kama. Motion passes.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-134.

COMMITTEE REPORT

NO. 21-67 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 83 (2021), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTIES SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEYS (2) 3-8-007:050, (2) 3-8-007:095,

AND (2) 3-8-007:096," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 20-599, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-67.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Johnson, to approve the recommendations in Committee Report 21-67.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. The purpose of this bill is to grant a Change in Zoning to ensure zoning is consistent with the Multi-Family Community Plan designations for three properties owned or leased by Hale Mahaolu for their existing affordable housing senior projects at Akahi and Elua.

Your Committee voted 8-0 to recommend passage of the revised proposed bill. I respectfully ask for the Members support of my motion. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 83 (2021).

COMMITTEE REPORT

NO. 21-68 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 84 (2021), entitled "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM PARK AND MULTI-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 85 (2021), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 20-598, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-68.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-68.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. The purpose of the proposed bills is to amend the Community Plan designation and allow for a Change in Zoning for a planned expansion of Kahului Community Center Park. As authorized by Resolution 18-163, Hale Makua Health Services plans to develop on the gateball field

and field house in Phase 1. And we're changing the zoning for the annex in the Performing Arts Building in Phase 2 to match with the usage.

Your Committee expressed support for the expansion of senior-oriented living and recreational facilities for the community, as well as for Hale Makua's plans to use the rehabilitation facilities to enhance workforce development by training new and existing nurses and other community health care workers on a facility where the gateball field now sits.

Your Committee limited the geographic scope of the proposed bills to the 7.401 acres identified in Phases 1 and 2. The remaining 26.681 acres would be reconsidered after a master plan for Kahului Community Center Park has been completed.

The Committee voted 8-0 to recommend passage of the revised proposed bills. And I respectfully ask for the Members support of my motion. Thank you.

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

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 84 AND 85 (2021).

Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 70 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,
ADMINISTRATION PROGRAM (RE-TREE HAWAII)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, can you hear me?

CHAIR LEE: Now, we can.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

I MOVE TO PASS BILL 70 ON SECOND AND FINAL READING.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member, Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to pass Bill 70 on second and final reading.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The proposed bill would amend Fiscal Year 2022 Budget, Office of the Mayor, Administration Program (Re-Tree Hawaii) to add Lokahi Pacific to the title. I ask for the Members continued support of this motion. Mahalo, Chair.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 71 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.28.050 AND 2.28.080,
MAUI COUNTY CODE, RELATING TO ALTERNATES FOR ADVISORY
COMMITTEES TO THE MAUI PLANNING COMMISSION

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILL 71 ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to pass Bill 71 on second and final reading.

Discussion?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Bill 71 establishes up to two alternates for advisory committees consisting of seven members and up to two alternates for advisory committees consisting of five members. Terms for alternates are three years each. I ask for the Members full support of this bill. Thank you, Madam Chair.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 72 (2021)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY
CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY
PROPERTY

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO PASS BILL 72 (2021) ON SECOND AND FINAL
READING.

COUNCILMEMBER JOHNSON:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Member King, seconded by Member Johnson, to pass Bill 72 on
second and final reading.

Discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. Bill 72 will determine the categories of
pesticide and fertilizer allowed for use on County property. Pesticide and fertilizer
restrictions will only apply to County-owned land but will not apply to County agricultural
parks or County property used for agricultural purposes.

Bill 72 also outlines a waiver process for instances when pesticide use may be the only
option and provides transparency as to the type of pesticide being used, where and
when it is being used, and the quantity being used.

At the August 6 Council meeting, we revised Bill 72 by amending the definition of
"County property", adding a definition for "sidewalk", and adding exclusions for
properties subject to any State Executive Order that is not managed or controlled by
the County, County agricultural parks or County property used for agricultural
purposes. Continual efforts are needed to protect the environment and everyone in

the County by using safe pesticides and fertilizers whenever possible on County properties.

I respectfully ask for the Council's support of my motion. Thank you.

CHAIR LEE: Any more discussion?

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I wanted to thank Member King for scheduling it so quickly. Member Sinenci for his leadership on this for the past few years, two years, getting this through, working really closely with the departments on getting it crafted in a way that can be, you know, implemented right away. And, and of course to Ms. Autumn Ness for what, I don't know, ten years of work on this. So, I, I'm, I'm so proud that our County is taking the lead on this and, you know, leading by example. Being responsible with the lands that the County owns and manages. I fully support this motion and am so grateful for everyone who worked to make this happen. Mahalo, Chair.

CHAIR LEE: Anyone else? I do want to add that, as Junya Nakoa brought up, our resident expert on everything. He talked about changing the grass at Waiehu. Well, Junya and everybody out there, we did. Three years ago, we ripped out all of that grass on the front nine, and on the back nine. It took, took us a couple of years to change that, to convert that old grass to seashore paspalum. And as a result, as Junya mentioned, we have been able to use a tremendously less volume of fertilizers, because salt is the fertilizer for, for that type of grass.

So, you know, kudos to the Parks Department, to Karla Peters, to everyone who was involved in that. It was a lot of money, a lot of work. And as a result, very little fertilizers, I mean not fertilizer, but herbicides are used. But still, some of it is still being used and we need a little bit more time to work it, work it out, so that at some point we will be using zero herbicides. So, anyway, just want to let everybody know that the, the golf course has been diligently working on this project.

And as Member Kelly King saw when she went to golf there, her three-hour round on the front nine, she saw. She saw the difference and it's a big difference. So, I'm really glad that the Waiehu Golf Course is making those strides. And I just wanted to let everybody know that they're working hard to, as stewards of the environment as well, just like us. Okay? Any more discussion?

Member Sugimura, then Member Sinenci.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, on Waiehu Golf Course, I just want to give kudos to Todd Allen, the superintendent. I think he's done an awful, I'm sorry, an awfully great job in terms of this transition that you're talking about. I went to see the front, front nine and I got to go see the back nine. But its, people are still talking about it. So, kudos to him. I think he's moved on, but we miss him, and I just wanted to recognize him for his compassion and commitment to all the golfers and the retirees who are there often.

CHAIR LEE: I believe he's at Kaanapali Golf Course now. And hopefully he'll do the same thing there.

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair, for my opportunity. And yea, I just wanted to echo what everyone is saying. And a big mahalo to all the testifiers, and Ms. Ness and all, everybody who has put in the work with the departments. Mahalo for pushing this through. And to this Council, I think this shows that we are very responsible stewards for our keiki, kupuna, and the kai. So, again, mahalo nui.

CHAIR LEE: Thank you. Anyone else? If not, all those in favor of the motion, please, oh. Are you voting, Member?

COUNCILMEMBER SUGIMURA: Just one, just one quick thing. I just want to say that the testimony that we heard from families and the soccer player, I think Member Kama and her Committee is considering putting an item in Parks, just talking about signage and, you know, that whole issue that was brought up. So, I think she's considering it. Evan said he was going to talk to her, and then expect a Council item to come forward, so thank you.

CHAIR LEE: Okay. Alright. And again, we acknowledge Member King for bringing this forward. Appreciate all your work on this. 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: Okay. Eight "ayes", one "excused"; Member Kama. Motion carries. Good job, guys.

COUNCILMEMBER KING: . . . than I thought it was going to be.

CHAIR LEE: Okay, Member, um not Member, but Mr. Clerk.

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

CHAIR LEE: Member, that brings us to the end of the calendar. Any comments? Any advice?

Mr. Molina.

COUNCILMEMBER MOLINA: No. No. Great, great job, Chair. This is one of the earlier Council meetings we've had, you know, adjourn. So, anyway, great job.

CHAIR LEE: Once in a while, yea, once in a while we can actually do this. Anybody else before I adjourn the meeting? If not, everybody, stay safe.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci has his hand up.

CHAIR LEE: Member Sinenci?

COUNCILMEMBER SINENCI: Just a question, if we would need to agendize if we're all going to go golfing?

CHAIR LEE: Yea, we'd have to post that.

COUNCILMEMBER SUGIMURA: I'll write the report.

COUNCILMEMBER SINENCI: Okay.

COUNCILMEMBER KING: I, I think--

CHAIR LEE: Member King.

COUNCILMEMBER KING: --there'd be one less, less Member with you, because I would probably be lagging far behind, as Member Lee has, as Chair Lee has mentioned. The actual, the three hours was not the front nine. It was actually only getting through five holes.

CHAIR LEE: Five holes?

COUNCILMEMBER KING: And then we had to leave. Well, it was raining, and our group was staying, was the only one left playing in the rain and we finally left after three hours.

CHAIR LEE: Well, you know, Member Sinenci, you know, I think that's a, in theory, that's a great idea. But if we all went and golfed at Waiehu, yea, then, then the course would be unplayable after that. So, you know, I'm not sure if that's a good idea. Maybe if everybody practices a little bit, maybe, okay. But anyway, everybody take care. Have a wonderful next day, and we'll see you next time. Meeting adjourned.

ADJOURNMENT

The regular meeting of August 24, 2021 was adjourned by the Chair at 2:02 p.m.



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

County Clerk

From: Brandon Makaawaawa <bird.bran07@gmail.com>
Sent: Tuesday, August 24, 2021 10:26 AM
To: County Clerk
Subject: Proposed amendment to 21-65

[You don't often get email from bird.bran07@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha this is my proposed amendment to 21-65

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council urges the Department of the Corporation Counsel to work with special counsel Bronster Fujichaku Robbins, a Law Corporation, as well as counsel Bruce Jacobs of Jacobs Legal, PLLC, to file legal claims on the County's behalf under Resolution 20-97; and

To:

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council urges the Department of the Corporation Counsel to work with special counsel Bronster Fujichaku Robbins, a Law Corporation, as well as counsel Bruce Jacobs of Jacobs Legal, PLLC, to file legal claims on the County's behalf under Resolution 20-97 and to support Na Po'e Kokua in its efforts to pursue justice to hold Bank of America accountable for its unfulfilled \$150 million FHA-247 commitment and its fraudulent foreclosures; and

Aloha,
Brandon Makaawaawa
President
Na Po'e Kokua



Meredith
Beeson

Testimony in support of proposed County bill

As a nonprofit working to protect the coral reefs, native fish and ocean water quality in the nearshore waters of Maui County, Maui Nui Marine Resource Council is in strong support of Bill No. 72, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY"

Scientific publications cite the impacts of herbicides, pesticides and synthetic fertilizers on coral reefs and aquatic life. For example, the report, Chemical Pollution on Coral Reefs: Exposure and Ecological Effects, published in the Ecological Impacts of Toxic Chemicals notes that "herbicides readily penetrate coral tissues and rapidly (within minutes) reduce the photosynthetic efficiency of the endosymbiotic zooxanthellae." Zooxanthellae are the tiny plant cells that live within the coral polyps and help the coral survive by providing it with food resulting from photosynthesis. When corals produce less food for themselves, they become weaker and are more likely to die.

Synthetic petroleum-based fertilizers have been implicated in the eutrophication of coral reefs – nuisance algal growth that causes negative impacts on the reefs. Water soluble fertilizer dissolves and releases nitrogen rapidly when in contact with soil, moisture, rain and irrigation. This fast-dissolving nitrogen only feeds the plant for a short while. Dissolved nitrogen quickly enters groundwater and is transported into the ocean. In the ocean, the nitrogen causes excessive algae growth that smothers corals and causes reef loss.

That's why turf chemicals used at the Waiehu Golf Course are a concern. The reefs of Waiehu are suffering. To help protect the reefs, we need to remove the stressors of synthetic turf chemicals and herbicides that are currently transported into the ocean from the golf course.

As ocean water temperatures increase, causing increased coral bleaching, we need to do all we can to reduce the stressors on our coral reefs. We need our reefs to protect Maui's shorelines and our coastal infrastructure from erosion, especially in the face of sea level rise and storm surges. Let's not wait. Let's take action now to protect the reefs of Waiehu and other parts of Maui from unnecessary stress. Please pass Bill No. 72 – and also please consider accelerating the transition period for Waiehu Golf Course as outlined in Bill No. 72 to protect our reefs sooner, rather than later – because 3 years from now may be too late.

Thank you.

RECEIVED

2021 AUG 23 AM 8:00

August 23, 2021

Regarding Aircraft Noise and Flight Paths over Haiku and Paia

OFFICE OF THE
COUNTY CLERK

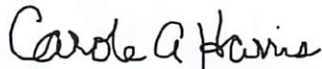
Dear Council Members,

I am addressing the increased noise from flights over my home in Haiku. The noise of the airplanes has increased since July 2019. It is my understanding that the noise has increased due to the planes flying at a lower altitude than they did previously. Last year during the pandemic there was a great reprieve and noticeable difference, and how Haiku and Paia should enjoy the peace and quiet around their homes.

There is a petition circulating with 1500 signatures in support of making a change for a quieter community. We are not saying to put the flight path over someone else's community, what we would like is to have the planes fly at the level they flew before July 2019. This altitude did not create as much noise as the altitude they currently fly. Of course, if the FAA decides to change the flight path to one that affects the least population, such as flying over the ocean, that would be ideal.

Please support Mike Molina and his efforts to keep our skies quiet. I am willing to support Mr. Molina in any way that I can. There is a large group of constituents concerned about this issue and would like to see change.

With lots of Aloha,



Dr. Carole Harris



OFFICE OF HAWAIIAN AFFAIRS
Administrative Testimony
Testimony of Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

RECEIVED

2021 AUG 23 PM 4:16

OFFICE OF THE
COUNTY CLERK

Maui County Council
CR 21-62
KULEANA LAND EXEMPTIONS

August 24, 2021

9:00 a.m.

Online Meeting

The Office of Hawaiian Affairs (OHA) **SUPPORTS** the bill proposed in Committee Report (CR) 21-62, which would provide much-needed tax protections for an additional category of ancestral lands acquired under the provisions of the Kuleana Act of 1850, and held within the same ‘ohana since their original acquisition pursuant to the Act. Applying the county’s Kuleana Property Tax Exemption to “government grants” purchased under the Act would be consistent with and further the intent of both the Act as well as that of the Exemption, to enable Native Hawaiian and other ‘ohana to maintain ownership of and connection with their ancestral lands, and thereby avoid exacerbating the unique and deep harms resulting from the historical and ongoing severance of Native Hawaiians and others from the ‘āina.

As a preliminary matter, OHA emphasizes that the Westernization of land tenure in Hawai‘i, and the distribution of land and power that occurred subsequent to the illegal overthrow of the Hawaiian Kingdom, have had profound and unique impacts on the Native Hawaiian people. Such impacts include the physical, spiritual, and socioeconomic harms arising from the dispossession of Native Hawaiians’ ancestral lands, and from the myriad other circumstances that have strained or eroded away Native Hawaiians’ connection to the ‘āina that have sustained their ‘ohana since time immemorial.¹ Sadly, much of the lands that Native Hawaiians were able to acquire during Hawai‘i’s transition to a Western property system have already been lost, abandoned, sold, seized, or stolen, and various factors today continue to place great strain on the ability of Native Hawaiian families to continue maintaining a connection to, and ownership of, their ancestral ‘āina.

OHA accordingly strongly supports the proposal in CR 21-62, which will provide critical relief to the few remaining Native Hawaiian and other families who have maintained their family lands since their acquisition under the Kuleana Act, and whose ability to continue holding onto their lands may be placed under ever increasing strain due to exorbitant, speculation-driven tax increases. The Kuleana Act of 1850, as

¹ See, e.g., The Apology Resolution, Pub. L. No. 103-150 (“[T]he health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land”).

amended, sought to provide a way for native tenants, or maka‘āinana, to claim title to lands that they had occupied and cultivated (known as “kuleana”), or to purchase government lands if they were not “otherwise furnished with sufficient lands” (known as “government grant lands”).² As part of the Mahele process, the Act was therefore a major means by which Native Hawaiians were able to obtain title to land during Hawai‘i’s transition to a Western property framework. Unfortunately, over time, many of the kuleana and government grants issued under the Act were lost by their original owners or their descendants. To prevent the further loss of the few remaining parcels of land acquired under the Kuleana Act that have been maintained by the same ‘ohana since the Mahele, the County of Maui, like every other county in Hawai‘i, has already adopted tax policies that protect kuleana parcels from escalating property taxes. However, these tax policies are not clearly applicable to government grant lands also acquired under the Kuleana Act. **This measure will therefore provide much-needed relief to ancestral lands that were acquired under the government grant provision of the Kuleana Act, and that have been maintained in the same ‘ohana since their original acquisition, commensurate with the existing tax relief provided for ancestral kuleana that were acquired under the Act.**

With respect to the proposed retroactive application of the Kuleana Property Tax Exemption provisions, OHA notes that the process of establishing eligibility for the exemption requires lineal descendancy and land title information that may take a significant amount of time and money for applicants to acquire. Accordingly, property taxes may have been levied on lands that would have received a property tax exemption, but for the significant burden of proof that may take months or even years for applicants to satisfy. OHA therefore believes that a retroactive application of the Kuleana Property Tax Exemption as proposed may be appropriate to reduce the strain that escalating property taxes may have placed on the ability of ‘ohana to maintain their ancestral lands, notwithstanding county tax policies that would have otherwise provided them with significant tax relief.

Accordingly, OHA respectfully urges the Council to **PASS** the tax relief proposals contained in CR 21-62. Mahalo nui for the opportunity to testify.

² Kuleana Act of 1850, as amended, Sec. 4.

County Clerk

RECEIVED

From: Mary Lock <marylock@sbcglobal.net>
Sent: Monday, August 23, 2021 9:01 AM
To: County Clerk
Subject: Re: Flights over Haiku testimony

2021 AUG 23 AM 9:13

OFFICE OF THE
COUNTY CLERK

You don't often get email from marylock@sbcglobal.net. [Learn why this is important](#)

I apologize for copy and paste error, below is my testimony:

I want to thank Mike Molina for adding this topic to the agenda and giving the community the opportunity to provide testimony on how much noise pollution from air traffic has increased since flight paths were allowed over populated areas like Haiku in the last couple of years. According to the Maui Council 2030 policy plan, this council has committed to encourage the use of noise abatement procedures for arrivals and departures. Mike Molina and Kai Kahele, with the help of another airline pilot, have written a proposal for alternative flight paths that either return to past policy or form a compromise between fuel cost savings from shaving a few minutes off a five hour flight and public safety and environmental protection. I speak in support of this proposal.

Yesterday, not counting private planes or the flight to Hilo or Hana, according to FlightRadar24, 57 Flights from the mainland came over my house in Haiku, most, if not all took the flight pattern shown in screen capture below.



You can see the planes lined up. The planes are changing altitude and adjusting their engines making them louder than if they were just flying by at a constant elevation. I've often had to pause my conversation to allow them to pass. In a period slightly over an hour yesterday, I

counted as many as 12 planes going over. Flights come over as late as 10:00 pm on the weekend and a flight from Ontario flies in at 12:32 am on Monday morning.

We need the council's help to reach those agencies and people that can implement change and keep the pressure on. Please help.

Thank you,
Mary

On Aug 23, 2021, at 8:57 AM, Mary Lock <marylock@sbcglobal.net> wrote:

I want to thank Mike Molina for adding this topic to the agenda and giving the community the opportunity to provide testimony on how much noise pollution from air traffic has increased since flight paths were allowed over populated areas like Haiku in the last couple of years. According to the Maui Council 2030 policy plan, this council has committed to encourage the use of noise abatement procedures for arrivals and departures. Mike Molina and Kai Kahele, with the help of another airline pilot, have written a proposal for alternative flight paths that either return to past policy or form a compromise between fuel cost savings from shaving a few minutes off a five hour flight and public safety and environmental protection. I speak in support of this proposal.

Yesterday, not counting private planes or the flight to Hilo or Hana, according to FlightRadar24, 57 Flights from the mainland came over my house in Haiku, most, if not all took the flight pattern shown in screen capture below.

I want to thank Mike Molina for adding this topic to the agenda and giving the community the opportunity to provide testimony on how much noise pollution from air traffic has increased since flight paths were allowed over populated areas like Haiku in the last couple of years. According to the Maui Council 2030 policy plan, this council has committed to encourage the use of noise abatement procedures for arrivals and departures. Mike Molina and Kai Kahele, with the help of another airline pilot, have written a proposal for alternative flight paths that either return to past policy or form a compromise between fuel cost savings from shaving a few minutes off a five hour flight and public safety and environmental protection. There was to be a meeting with the FAA, but I haven't heard any outcome yet. I'd like to better understand the airport manager's role

here on Maui and whether he might be able to help find a solution. A letter I wrote to the mayor was simply forwarded to the airport manager.

Yesterday, not counting private planes or the flight to Hilo or Hana, according to FlightRadar24, 57 Flights from the mainland came over my house in Haiku, most, if not all took the flight pattern shown on my background. You can see the planes lined up. The planes are changing altitude and adjusting their engines making them louder than if they were just flying by at a constant elevation. I've often had to pause my conversation to allow them to pass. In a period slightly over an hour yesterday, I counted as many as 12 planes going over. Flights come over as late as 10:00 pm on the weekend and a flight from Ontario flies in at 12:32 am on Monday morning.

We need the council's help to reach those agencies and people that can implement change and keep the pressure on. Please help.

<16338b70-a689-4070-b97a-a52927f58877.jpg>

You can see the planes lined up. The planes are changing altitude and adjusting their engines making them louder than if they were just flying by at a constant elevation. I've often had to pause my conversation to allow them to pass. In a period slightly over an hour yesterday, I counted as many as 12 planes going over. Flights come over as late as 10:00 pm on the weekend and a flight from Ontario flies in at 12:32 am on Monday morning.

We need the council's help to reach those agencies and people that can implement change and keep the pressure on. Please help.

Thank you,
Mary



MOLOKAI CHAPTER

Post Office Box 544
Hoolehua, Hawaii 96729

RECEIVED

2021 AUG 24 AM 7:49

OFFICE OF THE
COUNTY CLERK

The Molokai Farm Bureau serves as Molokai's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community. We are also an arm of the Hawaii Farm Bureau Federation, organized in 1948 and comprised of 1800 farm families statewide.

Council of the County of Maui
Second reading Bill 72 (2021)

Date: August 24, 2021

Time: 9:00am

Place: Online Only via BlueJeans link: <https://maui.bluejeans.com/295235670>

Written Testimony in OPPOSITION to BILL 72 (2021)

Aloha Chair Lee, Vice-Chair Rawlins Fernandez, and Councilmembers:

Thank you for allowing the Molokai Farm Bureau to submit testimony in opposition to BILL 72 (2021).

The Molokai Farm Bureau stands on its prior testimony (attached). In addition, we would like to **add these comments**:

- **Bill 72 (2021) does not state a reason why this bill is needed.** Listed under "2.50.010 Purpose" of this bill, there is no statement explaining why Maui County taxpayers need to take on the fiscal liability of this bill, let alone the urgency of it, other than "to exercise the County's proprietary function as a property owner".

We bring these items up in the interest of public spending, particularly as the COVID Delta variant continues to rapidly increase. As farmers we too have been significantly impacted over the past year and a half. And in the midst of trying to recover we are also trying to manage through this new wave of the virus' impacts. We question why we as a County are not prioritizing our spending on much more relevant programs that address more pressing issues to help residents who are still dealing with the past 18 months.

- In addition, we heard prior testimonies from other County and State agencies that provided **tangible reasons to not adopt this bill**:
 - The expense alone for one County department to implement, for the first year only, is over \$10 million.
 - The State Department of Agriculture has stated HI Pesticide law preempts this measure, this bill could cause the State to breach some of their agreements and could cause the department to challenge this measure.
 - Council's legal counsel stated that enforcement is a State issue.
- Most importantly, as farmers we deal with all types of growing methods, pesticides and fertilizers. We understand that simply being **organic does not mean it's not toxic**.

We encourage the Council to **base any assessment on the toxicity of a product**, and what it's toxic to – not a broad generalization that organic is not toxic and synthetic products are.... That is a genuinely naïve and false generalization.

- **More balanced education is needed.** We all consistently use inherently harmful things in some shape or form on a daily basis – think electricity, gas, medication, sanitization, travel.

Those of us involved in agriculture understand the apprehension of pesticide use, we also understand that responsible use has positively contributed to an overall better quality of life in Maui County. And as users, we are committed to engaging others about who we are, what we do, and how responsible use of pesticides – like other inherently harmful things – can be an important tool and an asset to our community and lives.

On behalf of the Molokai Farm Bureau, we again thank you for your time. We hope you consider not passing this bill.

Sincerely,

Nate Oswald, President
Molokai Farm Bureau

(PRIOR TESTIMONY SUBMITTED):



MOLOKAI CHAPTER

Post Office Box 544
Hoolehua, Hawaii 96729

Date: August 6, 2021

Time: 9:00am

Place: Online Only via BlueJeans link: <https://maui.bluejeans.com/295235670>

The Molokai Farm Bureau's purpose is to represent, protect and advance the social, economic and educational interest of the farmers of Molokai; and although this bill is not currently directed at agricultural use on County lands, casting unsubstantiated doubt on EPA federally approved pesticides and fertilizers brings no benefit to Maui County residents.

We live in a tropical climate and the County should have the ability to utilize all reasonable pesticide and fertilizer tools to effectively and efficiently prevent hazards and liabilities, to maintain a quality of life for all Molokai, Lanai and Maui residents.

The Molokai Farm Bureau would like to submit the following items to the Council for consideration:

ARE "ALLOWED" PESTICIDES AND FERTILIZERS LABELED APPROVED FOR HAWAII USE?

Of all the pesticides and fertilizers listed as "allowed" on the National List of Allowed and Prohibited Substances, listed in title 7 Code of Federal Regulations 205.601, 205.603, 205.605, and 205.606 – **how many labels are actually approved for use in Hawaii?**

We ask this information be provided to the Council and any impacted County departments prior to any decisions. Application scenarios and needs constantly vary, having limited labels approved for Hawaii use may considerably impact the County's management of vegetative overgrowth and insect pressures – causing important safety and liability issues.

The waiver provision provided in this bill may only prove to obfuscate the approved for Hawaii use label requirement. To successfully address any onslaught of detrimental pests or invasive species, the County would not only need the

ability to react quickly to contain further spread, the **waiver provision would not alleviate the County's responsibility from having to apply for a Special Local Needs Permit** from the State, if needed, let alone identify the most effective/least impactful product in a timely fashion.

DESTROYING NON-TARGETED BUT BENEFICIAL VEGETATION AND INSECTS

Organic herbicides are mostly **non-selective, meaning they will also destroy non-targeted vegetation and insects that may be beneficial to the environment** (vegetation and insects not intended to be destroyed). This can lead to an unbalanced or off-balanced eco-system and can **negatively impact important native vegetative and insect species**.

As farmers we recognize the importance of beneficial insects to maintain the intricate balance in our fields to prevent damage and disease, and for pollination to occur.

IS THIS THE BEST USE OF COUNTY MONIES DURING A GLOBAL PANDEMIC?

To live and do business in Maui County we all understand being fiscally responsible. We respectfully question if this is the best use for County money when the pandemic is in fact, resurging?

Needed recovery for your longtime Maui, Molokai and Lanai residents and businesses can far outweigh a bill that will cost tax paying residents (approximately \$10 million for the first year for only just the Parks and Rec department). Looking around one can see these monies are very likely needed elsewhere.

More BALANCED EDUCATION is needed.

We all consistently use inherently harmful things in some shape or form on a daily basis. We have learned how to be comfortable with the associated risk because we understand the dosage and/or how to mitigate harm – think electricity, gas, medication, sanitization, travel.

Those of us involved in agriculture understand the apprehension of pesticide use, we also understand that responsible use has positively contributed to an overall better quality of life in Maui County. And as users, we are committed to engaging others about who we are, what we do, and how responsible use of pesticides – like other inherently harmful things – can be an important tool and an asset to our lives.

On behalf of the Molokai Farm Bureau, thank you for your time. We hope you consider not passing this bill.

Sincerely,

Nate Oswald, President
Molokai Farm Bureau

County Clerk

From: Taylor White <TWhite@js.management>
Sent: Monday, August 23, 2021 9:47 AM
To: County Clerk
Cc: Bernie Delos Santos; Douglas Reid
Subject: Letter re. Maunaolu Plantation HOA-Aircraft Noise
Attachments: Maunaolu Plantation -Aircraft Noise.pdf

RECEIVED
2021 AUG 23 PM 3:10
OFFICE OF THE
COUNTY CLERK

You don't often get email from twhite@js.management. [Learn why this is important](#)

Aloha,

Please see the attached letter regarding the aircraft noise in Maunaolu Plantation. This is a testimony on County Communication 21-420.

Thank you,

Taylor White
Administrative Assistant
JS Property Management, Inc
1962B Wells Street
Wailuku, Maui, Hawaii 96793
808-243-8600 ext 210

Thank you for your email. We are currently open during regular business hours with some of our staff working staggered hours. Although we are still operating, our office is closed to the public. A drop box has been installed outside our door if you wish to drop off payment. Amidst the rapidly changing environment we find ourselves in we are still striving to meet financial and fiduciary responsibilities for the properties we manage. We ask for your patience as there may be a delay in responding to requests that are not of high priority at this time, but we will respond as soon as we are able to.

Our priority is the safety and health of our employees, families and our community. We send our aloha to everyone during this difficult time.

Please be advised that calls to and from JS Property Management, Inc. may be monitored or recorded.

CONFIDENTIALITY: This message is intended only for the use of the individual or entity to which it is addressed and contains information that is privileged, confidential, or otherwise exempt from disclosure. If you are not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this communication in error, please notify me immediately and delete and/or destroy the message. Thank you.

MAUNAOLU PLANTATION ASSOCIATION
C/O JS Property Management, Inc.
1962B Wells Street
Wailuku, HI 96793

Hawaii State Airport Division
Airport District Manager
Regarding Kahului Airport

Mr. Moniz,

I'm writing to you as president of a homeowner's association representing a group of property owners in a neighborhood of Maui referred to as Maunaolu Plantation. We are located on Baldwin Avenue four miles south, or mauka of Paia. Our properties are at an elevation of approximately one thousand feet above sea level.

We realize that the approach flight path has been changed over the last two years causing an increase of air traffic noise over our homes. Our neighborhood has been here for over twenty years and the noise level is now significantly more than it was before.

It seems that the LNDHY-1 STAR was changed on the effective date of 6/20/2019. It now seems to come directly over our neighborhood.

The Homai fix is just east of us.

I understand that there is an idle descent for aircraft up to that point from over the ocean.

We can certainly hear those planes add power at that point to maintain altitude in their approach to the airport.

The LNDHY approach seems to be further southwest than before. We used to be able to see planes on approach further to the north. They now are more directly overhead putting planes closer to the ground since the mountain rises at this point. Since noise is exponentially louder straight below a plane than obliquely to it, you can imagine how it has changed for us.

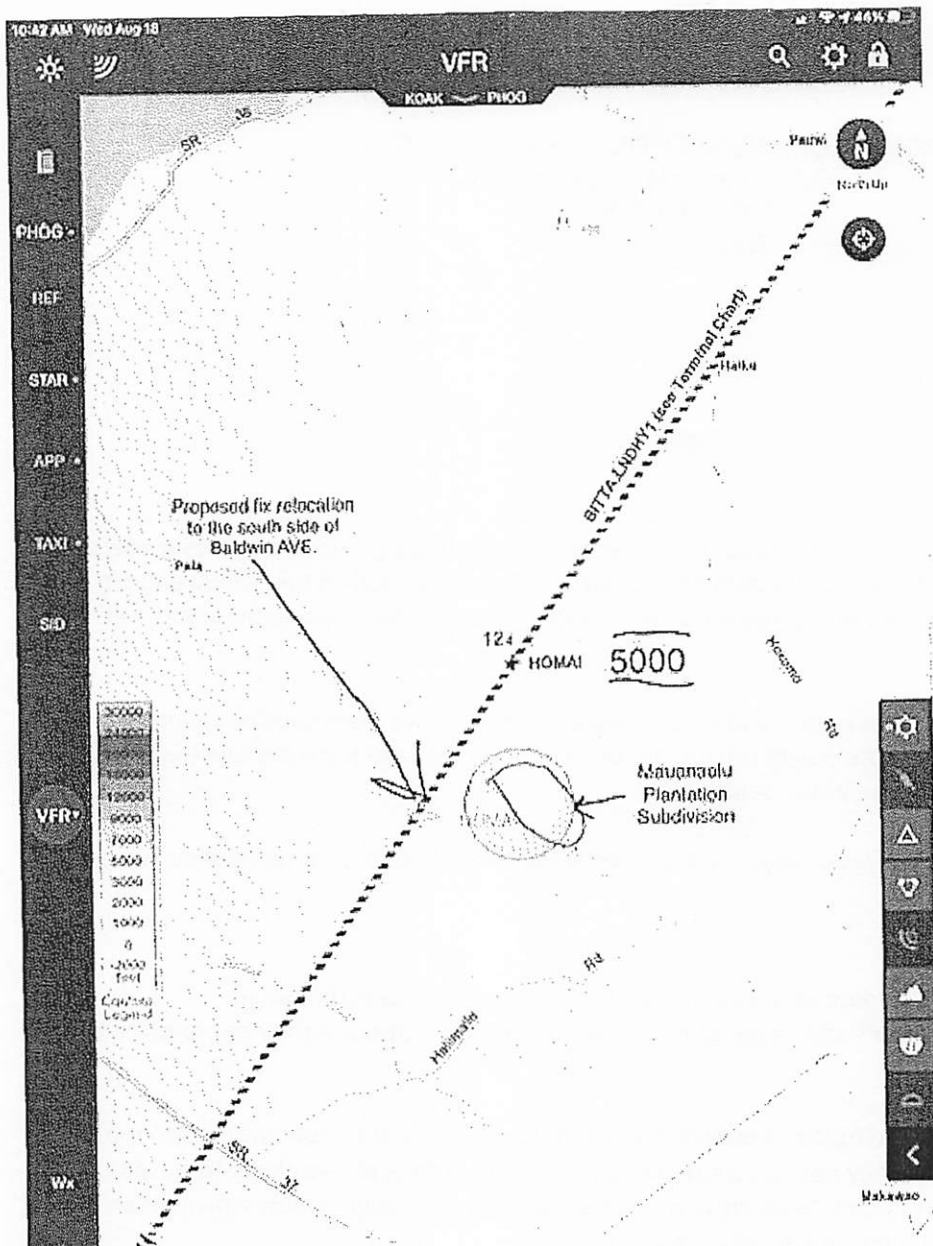
From the opinion of a complete layman, I respectfully wonder if it is at all possible to extend the idle descent to the west side of Baldwin Avenue where there are no homes.

Alternately, if the route could be reestablished further north, towards Paia, as it used to be, planes would be higher above the ground while still at their same altitude.

Our neighborhood would really appreciate any relief you can give us from the increase noise of air traffic now.

Most cordially,

Douglas Reid
Maunaolu Plantation
President
Board Of Directors



County Clerk

From: Frances Salvato <st.fjames@gmail.com>
Sent: Monday, August 23, 2021 4:37 PM
To: County Clerk
Subject: PLEASE pass Bill 72

RECEIVED

2021 AUG 24 AM 7:49

OFFICE OF THE
COUNTY CLERK

You don't often get email from st.fjames@gmail.com. [Learn why this is important](#)

Bill 72 is a very good and necessary bill. Please don't cave in to lobbyists from the chemical industry. Please pass Bill 72!

Sincerely,
Frances Salvato
Pukalani, Hawaii

Sent from [Mail](#) for Windows

[Type here]

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE MAUI COUNTY COUNCIL

AUGUST 24, 2021
9:00 AM

BILL NO. 72
RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY

RECEIVED

2021 AUG 23 PM 3:06

OFFICE OF THE
COUNTY CLERK

Chairperson Lee and members of the Council:

Thank you for the opportunity to provide comment on Bill No. 72. This bill seeks to ban use of synthetic pesticides and fertilizers used on most County owned property. The Hawaii Department of Agriculture (HDOA) offers comments on this bill.

The provisions of this bill are arguably impliedly preempted by the State law, specifically the Hawaii Pesticides Law under Chapter 149A, HRS.

The Department notes that the prohibition of pesticides that are licensed in the State of Hawaii are regulated by State and Federal law. The Department is provided funding by the US Environmental Protection Agency (EPA) to conduct enforcement activities for pesticides that have been registered in the U.S. under the provisions of the Federal Insecticide Fungicide Rodenticide Act (FIFRA) as well as by the State's General Fund and its own Pesticide Use Revolving Fund. It is unclear how the County of Maui intends to conduct enforcement of the proposed pesticide law. The Department has the authority to enforce only for Federal and State pesticide laws and rules, under Chapter 149A, HRS, and the Hawaii Administrative Rules, Chapter 4-66. The Department is granted this authority to enforce federal pesticide laws by FIFRA and through our cooperative agreement with EPA. Maui County does not have that same authority and would be unable to enforce State and Federal pesticide laws. The conflicts or inconsistencies created by this measure jeopardize the cooperative agreement the Department has with EPA and could potentially impact the Department's statewide



enforcement capacity adversely. If the Department's agreement and enforcement are jeopardized, the Department will have no choice but to challenge the legality of this measure.

The Department has full time pesticide enforcement and education staff on Maui, dedicated to that county. The staff has decades of experience with pesticide law and regulation in the State and are more than capable of enforcing existing State and Federal pesticides laws, as well as conducting outreach and education to help applicators use products in accordance with these laws.

Thank you for the opportunity to testify on this measure.

County Clerk

From: Stephanie <steph@trukel.com>
Sent: Sunday, August 22, 2021 5:45 AM
To: County Clerk
Subject: Aircraft noise Aug 24 meeting testimony

[You don't often get email from steph@trukel.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

We have lived in Maunaolu Plantation at 105 Oheala Place, Makawao since 2003. Aircraft noise was never an issue at first, however in the past few years the airport flight path has changed and now commercial jets as well as most other traffic flies directly over our house at altitudes low enough to cause major noise. In fact, it is so loud that we have to pause our conversations until the plane goes by because we can't hear anything over the engine noise. We have contacted the airport district, air traffic control, airport noise complaint line etc. They refuse to acknowledge any change or any problem. However everyone we have talked to in the area agrees there has been a definite change, the flight path used to go over Baldwin Ave makai of Maunaolu Plantation. We respectfully request the flight path be changed back to its old location which was over land with no houses below.

Thank you,
Stephanie Truesdale
John Keller
105 Oheala Place
Makawao, HI
steph@trukel.com

RECEIVED
2021 AUG 23 AM 8:00
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED

From: Rod Windle <rodwindle@gmail.com>
Sent: Monday, August 23, 2021 8:44 AM
To: County Clerk; Lauren Vanett; Mary Lock
Subject: Aviation traffic over Ha'iku

2021 AUG 23 AM 9:13

OFFICE OF THE
COUNTY CLERK

You don't often get email from rodwindle@gmail.com. [Learn why this is important](#)

Aloha Maui County Council,

It would seem that most of us want a better quality of life on our island. If so, then the question is simple: why are there jets roaring over quiet, peaceful sections of Maui from very early in the morning until late at night?

It didn't used to be this way until a few years ago. Is there a rational reason for this change that takes precedence over residents' rights to quiet?

Ha'iku should not be an airport approach corridor. There are many other ways for planes to come in that do not fly over rural residential areas.

Mahalo for considering the importance of natural quiet in a rural way of life and for your continuing efforts in helping to make Maui a better place for all of us.

Rod Windle
Lauren Vanett
905 HOG BACK ROAD
Ha'iku, HI 96708
(808) 354 0954

Rod Windle, Ph.D.