

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 25, 2020

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, SEPTEMBER 25, 2020, BEGINNING AT 9:14 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council, will the Maui Council meeting of September 25, please come to order.

Members, we're having some difficulty with Akaku, but we are live, being livestreamed on Facebook.

So, Mr. Clerk, before you begin, I just want to let everybody know the greeting for today is from Sri Lanka, that's right below India. And their greeting, the popular greeting there is kohomada, kohomada.

Mr. Clerk.

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

ROLL CALL

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

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

DEPUTY COUNTY CLERK: Madam Chair, there are eight Members present, one Member excused. A quorum is present to conduct the business of the Council.

CHAIR LEE: And for opening remarks this morning, may I call on Councilmember Shane Sinenci?

OPENING REMARKS

The opening remarks were offered by Councilmember Shane Sinenci.

CHAIR LEE: That was very beautiful. Thank you.

Alright, before we proceed with today's agenda, may I please request that everyone keep their microphones muted, unless it's time for you to speak. Decorum shall be maintained at all times.

But before we begin, I would ask that you join me with the Pledge of Allegiance. Ready?

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Members, if there are no objections, I would like to take testimony on county communication--

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes. Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I request consideration of the Chair for County Communication 20-471 to be called to the beginning of the agenda and that testimony on that item be taken first.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Mr. Clerk. I think he needs to call that up first. Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Madam Chair. First, proceeding with testimony on County Communication 20-471. Any individuals wishing to testify on this item should notify staff in the meeting chat. Individuals already signed up for this item will now be called. Testifiers may testify for three minutes on this item.

The first person signed up to testify on County Communication 20-471 is Barbara Halai Fernandez. She is the only individual signed up to testify on this item.

CHAIR LEE: Okay. Mr. Clerk, may, I'd like to ask Councilmember King if she would like the communication ready first, so that people know?

COUNCILMEMBER KING: Chair. Oh, yea that would be fine if we, if, if I can, do you want me to make a motion first? Or I don't think that's, I think it's, I don't think that's appropriate to make a motion before testimony, correct?

CHAIR LEE: Okay. Okay. I just thought you could just say what it is. You know, it's related to.

COUNCILMEMBER KING: Okay, the, I'm sorry. The, the title of the, the resolution. Okay. So, the County Communication 20-471 is a, is a proposed resolution entitled "RECOGNIZING OCTOBER 30, 2020, AS MAUI COUNTY TREE PLANTING DAY".

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Thank you. Thank you for that.

CHAIR LEE: Now we need to hear from our testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, that would be Barbara Fernandez. Ms. Fernandez, you may proceed with your testimony.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. BARBARA HALAI FERNANDEZ, MAUI GREEN AND BEAUTIFUL (testifying on County Communication No. 20-471):

Yes, thank you. Good morning and aloha, Council Chair and Members for Waiakoa, Kula. And also, Happy Aloha Friday. I am Barbara Halai Fernandez. I'm Vice-President of the nonprofit Maui Green and Beautiful, whose mission is to protect, preserve and educate regarding our trees. I'm also on the Arborist Committee.

But, a big mahalo Council King for putting this resolution together, recognizing October 30 as County Tree Planting Day, CC 20-471. We're, Maui Green and Beautiful is planting 50 trees to honor 50 years of Earth Day and jointly with the County, we're doing several plantings over the next four weeks, and in particular at Keopuolani Park on the October 30 day as mentioned.

Finally, I'd like to mention, get a plug, that Maui Green and Beautiful will also be bringing to Committee, and then to Council a tree ordinance to provide for private and commercial folks, making it clear to all to identify and educate proper tree care, keeping the trees safe and healthy, and celebrating them like this resolution is doing. So, maikai no ame mahalo.

CHAIR LEE: Very good. Are there any questions? If not, Mr. Clerk.

MS. FERNANDEZ: Thank you.

COUNCILMEMBER KING: Chair.

DEPUTY COUNTY CLERK: Chair, there's no one else signed up to testify on this item. I'm just going to give a last call to see if there are any other individuals who want to testify on County Communication 20-471 only. If you do, please identify yourself now.

CHAIR LEE: Okay, proceed.

DEPUTY COUNTY CLERK: Chair, there is no other individuals who are wishing to testify on this item.

CHAIR LEE: Any objections to closing testimony on this item?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Member King.

COUNCILMEMBER KING: Thank you, Chair. I, I don't know, I saw Member Paltin with her hand up. I didn't know if she had a question?

COUNCILMEMBER PALTIN: Oh, I just was wondering why we need to close testimony on this item, like, if we're still going to hear more testimony?

COUNTY COMMUNICATIONS

NO. 20-471 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated September 14, 2020)

Transmitting a proposed resolution entitled "RECOGNIZING OCTOBER 30, 2020, AS MAUI COUNTY TREE PLANTING DAY".

COUNCILMEMBER KING: Chair, if I can, I can respond to that? This was originally scheduled to be a ceremonial resolution, but there was some miscommunication. So, this is the best way to get it recognized as, as close to a ceremonial resolution as we can. So, anyway, I appreciate everyone's support on this because I think it's, this is one of the most important things that we've been doing for our climate change. So, I'm really pleased to be able to get support to recognize the ReTree events.

AND I, AT THIS TIME, WOULD LIKE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 20-471, INCORPORATING ANY NONSUBSTANTIVE REVISIONS AND FILING OF THE COUNTY COMMUNICATION.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, it's been moved by Member King, seconded by Member Kama.

COUNCILMEMBER KING: Okay. May I please--

CHAIR LEE: Wait. Excuse me. Mr. Clerk, you have, you had your hand up?

DEPUTY COUNTY CLERK: Oh, apologies, Chair, I just wanted to confirm with the body that there was no objection to closing testimony on the item?

COUNCILMEMBER KAMA: There wasn't any.

COUNCILMEMBER KING: I don't think there was.

CHAIR LEE: I thought they did answer, but I guess not.

COUNCILMEMBER KAMA: No objections.

DEPUTY COUNTY CLERK: Sorry about that. Thank you.

CHAIR LEE: This is a weird day today.

COUNCILMEMBER KING: This is a weird meeting. Yea, it started out weird. But this is a very--

CHAIR LEE: Okay, let's--

COUNCILMEMBER KING: --fun, pleasant thing to be doing. So, Madam Chair, may I please request the Clerk read the resolution in its entirety?

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Councilmember King, do you have any further discussion on this?

COUNCILMEMBER KING: I do. Thank you, Chair. And thank you, Clerk, for reading that resolution. According to the United States Geological Study, cumulative historical CO2 emissions from fossil fuels in the United States are equivalent to more than the total amount of carbon stored in U.S. forests. If current trends continue, cumulative U.S. emissions are projected to double by 2050 and increase by a factor of three to four by 2100.

According to the Intergovernmental Panel on Climate Change Fourth Assessment Report of 2007, sequestration and reduction of emissions over the next two to three decades will potentially have a substantial impact on long-term opportunities to stabilize levels of atmospheric CO2 and mitigate impacts of climate change. That's why events like these are so important and why the time to act is now. And some say, the time to act was really yesterday.

Lā Ho'olu Paemoku/ReTree Hawai'i is organizing a countywide tree planting day on October 30, 2020 and encourages all organizations and individuals across Maui County to participate. And while you don't need to wait until October 30 to plant a native tree or take climate action, it is events like these that unite our communities as we fight for a safe and prosperous future for our keiki. I respectfully ask for the Councilmembers support of my motion. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

COUNCILMEMBER KING: And Chair. Chair, if I may?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Just, we will be also presenting this resolution to Rob Weltman of the Sierra Club. And would it be possible just to ask him to say a few words?

CHAIR LEE: Sure.

COUNCILMEMBER KING: Since he was the . . . of this event? Mr. Weltman.

CHAIR LEE: Of course.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Mr. Weltman, are you on the call?

MR. ROB WELTMAN: Yes, I am.

CHAIR LEE: Okay. We can't see you, but we can hear you. Okay, now we can see you.

MR. WELTMAN: Thank you. Thank you, Chair Lee and the County Council for entertaining the, the motion by, by Kelly King, Member Kelly King. And, we are facing a lot of challenges due to the pandemic. A lot of sites are, are either accepting much, many, much fewer people to come plant, canceling altogether, but we're forging ahead. And hopefully this will be the start of something that will continue after that, because we think it's not just the trees you put into the ground on one day, it's the trees and the plants you put into the ground every day. And also, the experience and the education that I think people get about the importance of this and how this matters, how everyone

can play a part. So, thank you again. And check out retree-hawaii.org and see if you can find a site where you can come and plant on October 30.

CHAIR LEE: Thank you. Are there any questions for Mr. Weltman? If not, thank you, Rob. Good to see you.

MR. WELTMAN: Thank you.

CHAIR LEE: Okay. Any, anymore comments?

Oh, Ms. Paltin, and then Mr. Molina. Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I, I was waving to Mr. Weltman. But I, I encourage folks to plant fruit trees and, you know, I heard lemon trees are one of the most draw down for carbon, so I, I encourage that. And, you know, don't just limit yourself to October 30. You can plant a tree any day that you want.

CHAIR LEE: Very good.

Mr. Molina, is that what you were going to say?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And I was just saying aloha to Mr. Weltman.

CHAIR LEE: Oh.

COUNCILMEMBER MOLINA: But again, thank you to the Sierra Club's participation in this and for Councilmember King for sponsoring this resolution. Thank you.

CHAIR LEE: Okay. Anybody else? If not, thank you again for that resolution, Councilmember Kelly King.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Now, Mr. Clerk, shall we proceed with testimony on the rest of the agenda? I don't see you.

DEPUTY COUNTY CLERK: Yes, Madam Chair.

CHAIR LEE: Oh, there you are. Okay.

DEPUTY COUNTY CLERK: For the record, that is RESOLUTION 20-137.

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

Individuals connected to the Council's online meeting intending to testify should notify staff in the meeting chat. If you do not intend to testify, you can watch the meeting on, on mauicounty.us. Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones muted and should unmute them when it is their time to testify.

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

Chair, the first person we have signed up to testify is Barbara Halai Fernandez. To be followed by Tom Blackburn-Rodriguez.

CHAIR LEE: Ms. Fernandez. I, I wonder if she--

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. BARBARA HALAI FERNANDEZ [testifying on Bill Nos. 91 (2020) and 92 (2020)]:

Yes, good morning.

CHAIR LEE: Good morning.

MS. FERNANDEZ: Yes, I'm, I'm here. I'm still Barbara Halai Fernandez. I'm testifying please on agenda item Bill 92 (2020) and 91; they go along together. So, I want to mention too with this Kanaha or Kanaha, depending on how old you are and how you say it, you all know we have Jan Dapitan looking over our shoulders from heaven. She was one of the main people with our beach.

Anyway, just a reminder for this item that it is a Federal registered wetlands on the park there also. And the masterplan meetings have been held with many, many volunteers; several meetings. However, as in the report that was probably given to you, page 5 and others, the masterplan has not been accepted officially. We've had many

meetings, but it's never been passed. So, the Park Greywater Reuse Demonstration Project really needs to maybe be put out in the public. I know a lot of the beachgoers and ourselves as environmentalists in the park, several people have asked if it was presented to the public for any input, because again, it's not, the masterplan is not completed.

So, I'm requesting to give this a chance and defer this until more information can be given out. Because as you know, the low-lying wetlands area is home to numerous native plants, birds, fish, and insects. It's also registered with the USGA, the Pacific Coastal Program, for the habitat along that particular area. There's also biological functions of Kanaha, or Kanaha, that we've projected in the masterplan, which again has not been passed yet, and they show pictures of the areas with native plants. But we have to remember nothing can be disturbed because some of the native, the sea bank goes to, like, Kahoolawe Restoration, the dunes and so on. So, the beach parks enjoyed by residents and visitors, but it also provides irreplaceable habitat for our native flora fauna; lots of little creatures.

So, thank you for looking at this. But again, we'd like to see if it can go out for more public information, especially for those of us who spent lots of hours and attending the meetings. Thank you very much.

CHAIR LEE: You're welcome. Are there any questions or comments for the testifier?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Fernandez. I just was wondering if you had reached out to the Administration that was having this project about having presentations with the broader community?

MS. FERNANDEZ: Well, I was in discussion with Karla Peters, our Parks Director. And then, I was given a copy of this by one of the planners. But nothing has been said about bringing it out to public for discussion. So, I know they were going to ask people to be like a resource or something, but I don't know what that would be for. Would it be a resource for us to be attending public meetings like we did for the masterplan? They can't, they're not really making it clear. So, because this is on the schedule for final reading, I know it's, it's a little uncomfortable for people to see what's going on without an explanation.

COUNCILMEMBER PALTIN: And, and--

MS. FERNANDEZ: So, there's been no, you know, kuka kuka regarding a meeting.

COUNCILMEMBER PALTIN: I just was wondering, you know, when you were speaking to Director Peters, did you bring it up about maybe a broader public meeting?

MS. FERNANDEZ: No. No, I haven't. And that would be excellent to talk to her, because when she had mentioned would some of us come on as a resource if needed, perhaps that's what she meant, that they're going to have a public meeting. But meanwhile, you know, to have this go through as a final, and especially referring to the masterplan which has not been accepted, I could certainly call Director Peters or if you want to, on the record, someone notify her and get it out, that would be nice.

COUNCILMEMBER PALTIN: Okay. You know, we can't really tell them what to do, but thank you.

MS. FERNANDEZ: Oh, okay. Well, Tamara what I'll do then is I'll gladly notify her, and I'll see what Council is going to do. Again, I'm requesting, along with others, that this just be deferred until more information gets out to the users and the public, and those people especially who's spent all the time working months and months working on the masterplan, which has not been finalized. So, I'm asking for a defer.

COUNCILMEMBER PALTIN: Thank you.

MS. FERNANDEZ: Thank you.

CHAIR LEE: I saw Ms. Rawlins-Fernandez hand up, and then Ms. Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. I, I think Member Sinenci also had his hand up. But I wanted to quickly respond to Ms. Fernandez's concerns, because this is under EDB.

Aloha, Ms. Fernandez. Mahalo--

MS. FERNANDEZ: Good morning, Keani.

VICE-CHAIR RAWLINS-FERNANDEZ: Nice to hear from you. I, so this particular item is accepting the State funding. It, the subject matter itself was referred from my Committee to the Healthy Families and Communities Committee. And the Committee Chair Hokama plans to bring it up for discussion. And I think we've already expressed some concerns about not seeing the plans--

MS. FERNANDEZ: Oh, good.

VICE-CHAIR RAWLINS-FERNANDEZ: --moving forward. So, there will be further discussion. Now, the Council moved to accept the funding from the State so that this project itself would not lack the funding if it's something the community supports after its discussion on the masterplan.

MS. FERNANDEZ: Oh, I see. I see. Okay. I understand that now.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. Okay. Mahalo, Ms. Fernandez.

MS. FERNANDEZ: Have a good day.

VICE-CHAIR RAWLINS-FERNANDEZ: You too. I, I think there were, there were two other Councilmembers that had questions for you. Mahalo.

MS. FERNANDEZ: Okay. Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Actually, Keani just said what I was going to bring up.

CHAIR LEE: Oh, okay.

COUNCILMEMBER SUGIMURA: So, thank you very much, Keani. And thank you--

MS. FERNANDEZ: Good morning.

CHAIR LEE: We have one more Member.

COUNCILMEMBER SUGIMURA: Good morning, Barbara. Thanks for being here with your passion for our community and the environment.

MS. FERNANDEZ: You bet. Thanks, you guys.

CHAIR LEE: Mr. Sinenci has a question.

COUNCILMEMBER SINENCI: Thank you, Chair. My question was also clarified by Ms. Fernandez. Good morning, Ms. Fernandez. Thanks for being here.

MS. FERNANDEZ: Good morning. And good morning Fernandez and Fernandez.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Barbara. Good to hear from you and thank you for your testimony earlier today too. So, I'm just wondering if your concern about this item, you know, funding aside, is it if it goes forward it would be counter to the masterplan?

MS. FERNANDEZ: Well, the not quite accepted masterplan. It is, this was never brought up when we were working with the masterplan, so that's what's so unusual. And of course, this, I don't know if you guys got the packet that gives the revision, it says the greywater use and stuff, that's what I received a couple days ago. So, it does have pictures and, and so on. But we've never seen any of this. And some of the pictures are like what the luas would look like and the water, you know, all the stuff running off. And there'd still be soapy water. And so, just issues that it would be nice if the company who put this together would make it a little bit clearer even if it's to the masterplan committee that, you know, we all got together many times.

COUNCILMEMBER KING: Okay. And you want a chance to look at that and comment and ask questions?

MS. FERNANDEZ: I, I think that would be nice to have some type of presentation, whether Parks Department feels that just a masterplan committee who, you know, were, who we were. And we did put that out to the public, the general masterplan. Golly, it's almost been a year we've been working at the gym. But this has to do with structure and still some runoff. So, as you all know, Jan Dapitan really brings out the point, God bless her, about all the native plants and animals and stuff that are right there, because it is a wetlands all right there.

And they showed pictures of new bathrooms and showers, so. The funding, thank you, everybody. I understand now the point of the funding. But to go ahead with stuff, like what they have in here, is not, yea, it's, it's not a good thing to do right now, I think.

COUNCILMEMBER KING: Okay. Thank you for the clarification.

CHAIR LEE: Ms. Fernandez.

MS. FERNANDEZ: Yes.

CHAIR LEE: No, the other; Councilmember Rawlins-Fernandez.

MS. FERNANDEZ: Oh, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I, I, I just, I'll send you the link of the meeting and the discussion, Ms. Fernandez. But we did also ask about, you know, community involvement and, you know, presenting and receiving feedback and the Parks or Water Department--

MS. FERNANDEZ: Great.

VICE-CHAIR RAWLINS-FERNANDEZ: On . . . that. So, but I'll send you the link to that Committee meeting so that you will be able to, to check that out.

MS. FERNANDEZ: Okay. I can give you my, or your office my email and all that kind of stuff.

VICE-CHAIR RAWLINS-FERNANDEZ: Yep.

MS. FERNANDEZ: Okay. So, I'll, I'll let your office know how to, well, it's kind of funny, how to get in touch with me.

VICE-CHAIR RAWLINS-FERNANDEZ: I can get in touch with you. I have your number.

MS. FERNANDEZ: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MS. FERNANDEZ: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Anyone else? Alright, thank you.

Mr. Clerk.

MS. FERNANDEZ: Okay. Thank you, everyone. Aloha.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: The last person we have signed up to testify is Tom Blackburn-Rodriguez.

MR. TOM BLACKBURN-RODRIGUEZ (testifying on County Communication No. 20-472):

Good morning, Chair. Can you hear me?

CHAIR LEE: Yes. Good morning.

MR. BLACKBURN-RODRIGUEZ: Thank you very much. And what an exciting beginning to a Council meeting, so thank you very much for working everything out. My name is Tom Blackburn-Rodriguez. I'm testifying as an individual on County Communication 20-472, Council Chair Lee proposed resolution entitled "APPROVING THE APPOINTMENT OF WILTON" and I apologize to Wilton for mispronouncing his last name, "LEAUANAE".

And want to testify in favor of his appointment and person that I know pretty much as Wilton. I've had the chance to work with him. I found him honest. I found him detail oriented. I have found that when he has deadlines, he meets the deadlines. I have found that he exceeds the work necessary on a consistent basis. And overall, I think he would continue what I continue to, what I see as a really excellent appointments in the staff area. And having served as a staff member, I can tell you the heavy lifting is done behind the scenes. And Wilton will do you well. He will do the taxpayers well. And I strongly recommend his appointment. And I know that you will be happy you made that decision. Thank you very much. I appreciate the opportunity to testify.

CHAIR LEE: Thank you, Tom. Are there any questions? If not, thank you. Come again.

MR. BLACKBURN-RODRIGUEZ: Aloha.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do not have any other testifiers noted. If an individual connected to the meeting has not testified but would like to do so, please identify yourself now. You can also inform us in the meeting chat. I repeat, this is the last call for testifiers. If you wish to testify, please identify yourself now.

Chair, no one else has indicated that they wish to testify. And we have received written testimony.

CHAIR LEE: Alright, if there are no objections to receiving written testimony into the record and to closing public testimony, are there any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No. So, ordered.

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

1. Lynn Britton, Ma'alaea Village Association;
2. Katie Folio, Hawai'i Health Institute; and
3. Max Sword, Expedia Group.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 20-464 - DON S. GUZMAN, PROSECUTING ATTORNEY,
(dated September 3, 2020)

Transmitting a copy of Administrative Directive No. 19-01 and Executive Memorandum No. 20-05 from the State of Hawaii, Department of Budget and Finance, authorizing the County of Maui to be reimbursed for allowable expenses incurred by the witnesses and defendants in criminal proceedings in the amount of \$25,000.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk also call up County Communications 20-465 through 20-467? If there are no objections.

CHAIR LEE: Any objections? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Mr. Clerk.

NO. 20-465 - DON S. GUZMAN, PROSECUTING ATTORNEY,
(dated September 4, 2020)

Transmitting a copy of the grant award from the Office of Justice Programs, U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$122,345.

NO. 20-466 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated September 4, 2020)

Transmitting a copy of the intent to commit letter of the grant-in-aid award from the State of Hawaii Office of Planning for the Coastal Zone Management Grant in the amount of \$447,706.

NO. 20-467 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 11, 2020)

Informing of the sale of \$74,420,000 of General Obligation Bonds Series 2020 on September 9, 2020.

CHAIR LEE: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-464
THROUGH 20-467.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to file the items as mentioned.

Any discussion? Yes, Ms. Rawlins-Fernandez.

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

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

NO. 20-468 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 3, 2020)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 4-M, Makena Farms Subdivision, TMK: (2) 2-1-007:067 POR.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I would like to also ask the Clerk to bring up 20-469 and 20-470.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Mr. Clerk.

NO. 20-469 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated September 4, 2020)

Transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending August 2020.

NO. 20-470 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated September 14, 2020)

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

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-468
THROUGH 20-470.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Been moved by Ms. Sugimura, seconded by Council Vice-Chair Rawlins-Fernandez, to file the three items as mentioned.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: These communications are informational, and no further action is required by the Council. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay, eight "ayes", one "excused".

Okay, Mr. Clerk.

NO. 20-472 - ALICE L. LEE, COUNCIL CHAIR,
(dated September 18, 2020)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF WILTON LEAUANAE AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
TRANSMITTED WITH COUNTY COMMUNICATION 20-472,
AND TO FILE COUNTY COMMUNICATION 20-472.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to adopt the resolution in County Communication 20-472.

Discussion, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Leauanae received his Juris Doctorate degree at Brigham Young University. And his master's, public administration degree from the Marriott School of Management. He is currently employed as a legal assistant public relations executive assistant with Paia Properties. Prior to that, he was employed as a legal assistant with Tateishi and Pascual. Mr. Lauanae *[sic]*, Leauanae's legal experience will make him a great asset in the Office of Council Services. I ask for the Members full support in adopting the resolution for Mr. Leauanae. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Yea, we see, I see eight "ayes".

COUNCILMEMBER SUGIMURA: Tamara had a question.

CHAIR LEE: One "excused"; motion carries.

CHAIR LEE: I'm sorry. Did somebody make a comment?

COUNCILMEMBER PALTIN: I had further discussion. But if it's too late, that's alright.

CHAIR LEE: Any objections to going back a few steps--

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: --for Ms. Paltin to make a comment? Go ahead, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. I didn't interview Mr. Leauanae recently. But I, I interviewed him back in 2018. And you know, I really was impressed with him. And if it weren't for the budget constraints of my office, I would've hired him. So, I'm so happy to be able to get the chance again and work with him this time around. So, very excited. Thank you. Great choice and full circle.

CHAIR LEE: That's quite an endorsement. Any other comments? Okay, we already voted. So, just want to say congratulations, Wilton. Welcome aboard.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record, that is RESOLUTION 20-138.

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

NO. 20-473 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated September 18, 2020)

Relating to Hale O Pi'ikea Affordable Housing Project.

The recommended action is that County Communication 20-473 be referred to the Affordable Housing Committee.

NO. 20-474 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated September 14, 2020)

Relating to recycling, composting, and reducing waste to scale down greenhouse gases.

The recommended action is that County Communication 20-474 be referred to the Climate Action and Resilience Committee.

NO. 20-475 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated September 18, 2020)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE ADMINISTRATION PROGRAM – SOLID WASTE MANAGEMENT FUND, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; DEPARTMENT OF POLICE, MOLOKAI POLICE STATION ROOF REPLACEMENT";
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY; DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE GRANT)";
3. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION, COUNTYWIDE FEDERAL AID PROGRAM";
4. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO SECTION 14 OF THE GENERAL BUDGET PROVISIONS"; and
5. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM".

The recommended action is that County Communication 20-475 be referred to the Economic Development and Budget Committee.

NO. 20-476 - DON S. GUZMAN, PROSECUTING ATTORNEY,
(dated September 4, 2020)

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

The recommended action is that County Communication 20-476 be referred to the Governance, Ethics, and Transparency Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 20-476 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 96 (2020). COUNTY COMMUNICATION NO. 20-476 WAS THEN FILED. See pages 50 through 53 for discussion.)

NO. 20-477 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated September 3, 2020)

Relating to the County's records management system.

The recommended action is that County Communication 20-477 be referred to the Governance, Ethics, and Transparency Committee.

NO. 20-478 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated September 17, 2020)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TOBACCO PRODUCTS".

The recommended action is that County Communication 20-478 be referred to the Governance, Ethics, and Transparency Committee.

See pages 26 through 48 for discussion.

NO. 20-479 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated September 18, 2020)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE".

The recommended action is that County Communication 20-479 be referred to the Governance, Ethics, and Transparency Committee.

See pages 26 through 48 for discussion.

NO. 20-480 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated September 18, 2020)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO CESSPOOLS".

The recommended action is that County Communication 20-480 be referred to the Governance, Ethics, and Transparency Committee.

See pages 26 through 48 for discussion.

NO. 20-481 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated September 18, 2020)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO SUPPORT THE STATEWIDE AGRICULTURAL LAND USE BASELINE UPDATE".

The recommended action is that County Communication 20-481 be referred to the Governance, Ethics, and Transparency Committee.

COUNTY COMMUNICATION NO. 20-481 WAS FILED LATER IN THE MEETING. See pages 48 and 49 for discussion.

NO. 20-482 - RIKI HOKAMA, COUNCILMEMBER,
(dated September 15, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.08.010, MAUI COUNTY CODE, RELATING TO ANIMALS AT LARGE".

The recommended action is that County Communication 20-482 be referred to the Healthy Families and Communities Committee.

NO. 20-483 - RIKI HOKAMA, COUNCILMEMBER,
(dated September 18, 2020)

Relating to La'akea Village.

The recommended action is that County Communication 20-483 be referred to the Healthy Families and Communities Committee.

NO. 20-484 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated September 8, 2020)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.64, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOMES"; and
2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.65, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOMES".

The recommended action is that County Communication 20-484 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-485 - TAMARA PALTIN, COUNCILMEMBER,
(dated September 16, 2020)

Relating to annual zoning conditions status reports for Kapalua Mauka (Ordinance 3358).

The recommended action is that County Communication 20-485 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-486 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated September 11, 2020)

Transmitting a proposed resolution entitled "APPROVING DISPOSITION OF NONEXCLUSIVE ACCESS EASEMENT DUE TO RELOCATION OF ACCESS ROAD FOR THE KAMOLE WEIR WATER TREATMENT PLANT".

The recommended action is that County Communication 20-486 be referred to the Water, Infrastructure, and Transportation Committee.

CHAIR LEE: Thank you, Mr. Clerk.

Members, do you have any items you wish to pull out now, or refer to another Committee?

Member King, and then Member Molina.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-478 THROUGH 20-480

COUNCILMEMBER KING: Thank you, Chair. I ask for, the Chair for consideration of County Communications 20-478, 20-479, and 20-480. The Clerk can read those titles.

CHAIR LEE: Okay. You're asking that they not be referred--

COUNCILMEMBER KING: I'm asking--

CHAIR LEE: --and that action be taken?

COUNCILMEMBER KING: Yes.

CHAIR LEE: Pardon me?

COUNCILMEMBER KING: Yes.

CHAIR LEE: And that action be taken.

COUNCILMEMBER KING: Yes.

I'M, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR THE RESOLUTIONS ATTACHED TO THESE COMMUNICATIONS, IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

CHAIR LEE: Okay. Any, is there a second for the waiver?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Thank you, Member Sugimura. Chair, the approval of the motion by a two-thirds of the vote of the entire membership of the Council will enable the Council to consider the proposed resolutions. The HSAC Committee meets this Monday and this is why I'm requesting the Council waive the Committee referral requirement, so that we can, these are leftover pieces of legislation that we approved for the previous year and that did not get heard due to the pandemic. There were a lot of bills that kind of got set aside. So, these three are ones that are still active and I'm hoping that we can re-admit these into the HSAC Package.

CHAIR LEE: Any further discussion?

Ms. Sugimura, did you have anything?

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Alright, no discussion. Okay, so the motion is to, to approve the three items as mentioned by Member King. All those in favor of the motion, say "aye".

COUNCILMEMBER KING: Chair.

DEPUTY COUNTY CLERK: Chair, apologies.

COUNCILMEMBER KING: Chair, the motion is for the waiver.

COUNCILMEMBER SUGIMURA: Waiver.

CHAIR LEE: Oh, I'm sorry. I'm sorry. That's right. Raise your hand if you are in favor of the waiver.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Now, Ms. King, again.

COUNCILMEMBER KING: Okay. Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTIONS
ATTACHED TO COUNTY COMMUNICATIONS 20-478, 20-479,
AND 20-480, INCORPORATING ANY NONSUBSTANTIVE
REVISIONS; AND FILE THE COUNTY COMMUNICATIONS.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Been moved by Member King, seconded by Member Kama, to approve the
resos in the three county communications as mentioned.

Discussion? Any further discussion? Ms. King, and then Ms. Paltin.

COUNCILMEMBER KING: Thank you, Chair. All three of these proposals, as I said earlier,
were included in the 2020 HSAC Legislative Package, but not considered due to the
pandemic. And that ended up cutting the legislative sessions short.

So, in res, this perspective proposals would do the following: a) return the County's,
to the counties the authority to regulate the sale of cigarettes, tobacco products, and
electronic smoking devices.

b) the second one would lower the threshold of blood alcohol concentration to .05 for
the offense of operating a vehicle while under the influence of an intoxicant. And if we
need, I have a lot of information on that that I, I just got recently from
Lieutenant Hankin *[sic]* of our police force.

And the third one, extend the tax credits for the upgrade of a cesspool to a sewer system. So, that, that expires the third, the tax rebate expires at the end of this year. So, if that doesn't get continued on, then those tax rebates go away.

So, those are the three. The HSAC Executive Committee will meet on Monday. I don't even know if we're going to be able to approve the package, because some of the other Councils haven't done their approvals at their Council level. But I would like to be able to bring these up and add them to the package and, and inform HSAC. And so, I respectfully request Councilmembers' support of my motion.

CHAIR LEE: Okay, before I call on Mr., Ms. Paltin. Mr. Molina did have his hand up.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I have some reservations about this. And, and not so much about the, the items itself. I mean, they're worthy of discussion and inclusion to the package. But if you and the other Members recall, we did send out a memo from the Committee that HSAC did specify a September 18 deadline for including all items into the HSAC Package. And my understanding is that this Monday's HSAC meeting, these items are not even on the, on the docket.

So, it's more of questions and about meeting deadlines. So, unless that's changed, but that September 18 deadline was, was, you know, was sent to us I believe by HSAC President Manahan. So, that's my question, it's about protocol. And now, we're, what kind of precedent are we setting if we're not going to respect a deadline. Unless that's changed. If there's something in writing that, you know, changed that September 18 deadline, I'd sure like to know about it, for me anyway, before I support something like this, including it in the package. Because I'd sure hate to start precedent where we're given deadlines and then now, we make exceptions.

And, and you Chair Lee and also Member Paltin, when we sent that memo out reminding Members to get everything in by the deadline, you submitted an item and also Member Paltin, which I appreciate. So, you guys respected the deadline. So, that's just my question, is why are we doing this now? And I know we did review this, I believe last year, and of course the pandemic changed things. So, that's more my question and concern.

COUNCILMEMBER KING: Yes, I, I'll respond to that, if I may, Madam Chair? I did request OCS to bring up the previous package and it was not done on a timely manner, so it's, it's being brought up now. But I've been also trying to get in writing some information from the pres, from President Monohan [sic], Mahanan, about the deadline, moving

the deadlines back because I, it is my understanding that the other Councils have not formalized their insertion into the HSAC Package either. They may be on the agenda, but they haven't all been voted on by those Councils. So, I would like an opportunity, if it comes up and the deadline is extended as I expect it to be, to be able to insert these items since we worked really closely with the organizations that were promoting these issues.

Chair, you're muted.

CHAIR LEE: Ms. King, you requested to the Chair, Joey Manahan?

COUNCILMEMBER KING: Yes.

CHAIR LEE: And you're waiting for a response from him?

COUNCILMEMBER KING: Yes, I've texted, and I've emailed, and I've called, and I think there's a lot of stuff going on with the Oahu County Council, as we all know, with their Chair stepping down from the, his Council position, out of the Council. So, I think there's a lot of stuff happening that's they're dealing with. And I don't know if that's why it is, but I still have not received a response.

CHAIR LEE: I see. Alright, Ms. Paltin, and then Ms. Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. My question wasn't related to that. It was related to, you know, and I'm supportive of all these measures still from the last time around. When the HIPHI folks encouraged us to send tobacco testimony, I kind of got scolded by our Senator. And I just was wondering if any effort was made to reach out to our Legislative delegation on the tobacco issue? I don't really care what she thinks per say, but I just was wondering if there was any communication or correspondence on that.

I'm not sure if the, like when she was all mad about me just sending testimony, like what that was about, because the testimony was, you know, in response to the HIPHI group and they had solicited us to send the testimony. So, I just was wondering if there's any kind of update on the situation with our State delegation in relation to the tobacco situation, just based on the history that I experienced?

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Yes, thank you, Chair. Well, we, we, I, I think you're aware that we hired a lobbyist, the HSAC hired a lobbyist. So, the lobbyist did have input on all the approved HSAC Package bills and did testify on all of them. And then, when the

pandemic hit, many of them were just automatically pulled off their agendas. You know, we were originally told they weren't going to be addressing anything except the COVID-19 funding issues. And then they added some things back in, but the HSAC Package bills did not get added back in.

So, we do have records of testimony, initial testimony on them. And then, at some point, the various bills were just dropped. So, I can get you those records. This, this is our, our, Jon Okudara, who's our lobbyist for HSAC did a very excellent job. I think he's been the best one we've had so far as far as writing in testimony and following up and, you know, sending us copies and following up with multiple reports, which we haven't had in the past. But unfortunately, it was just a bad year for the Legislative Session. So, hopefully we can make another try.

But I'm sorry that you had that experience. I, I don't, I, I can't, I don't understand getting scolded for testifying, because I think any member of the public and especially individual Members of the Council are perfectly within their rights to testify.

COUNCILMEMBER PALTIN: So, no direct correspondence with Senator Baker then?

COUNCILMEMBER KING: No. But, but I'm happy to speak with her if you'd like, because she is my, she's my district, so. But she's your district too, so, yea.

COUNCILMEMBER PALTIN: Yea, that's why I was pretty surprised that she was upset for me sending testimony that was spurred on by HIPHI.

COUNCILMEMBER KING: And I don't, I, I, I am--

CHAIR LEE: Oh, you know, Ms. King, can you clarify once again why these three items were, were not submitted to the GET Committee?

COUNCILMEMBER KING: Well, they were kind of leftover from the previous year, so I was trying to get them attached to the last Council meeting when we did the ones that had gone through, because they have gone through previously. And so, that, you know, that did not happen. I, I, I put my request in, I thought in plenty of time to get it on the previous Council meeting to be able to do this, along with the ones that did come out, the new ones that came out of the Committee. But it just didn't make it in time, I guess. I'm not sure. I'm not sure why that happened, to tell you the truth.

CHAIR LEE: Okay then, okay, Ms. Sugimura, I think you had a question.

COUNCILMEMBER SUGIMURA: Thank you very much for this discussion, explanation. On, going back to what Member Molina was talking about, the September 18 deadline and

the communications with Ms. King, as it relates to, I have an item next, Chair, that is trying to get into the HSAC Package. So out of respect for deadlines, I'm going to pull mine. I'm going to try to just do this Legislative Package through the Legislature on my own, which is another option.

But I wondered, what about the Maui Package. Is there deadlines for Maui Package?

COUNCILMEMBER KING: The deadlines for Maui Package are just our own deadlines. So, I thought yours was just for the Maui Package?

COUNCILMEMBER SUGIMURA: No. Mine was trying to get into the HSAC. But I, I respect what Mr. Molina said. And I do remember the Members that actually went through the process of meeting that deadline, so thank you very much.

I'm surprised that the, our Office of Council Services has been so helpful to my office, so I'm surprised that they did not meet this requirement at the appropriate time. I just want to make that statement, because Mr. Raatz and Traci have been super helpful to my office and, you know, met needs that we had. So, that's all I wanted to say. Thanks for this discussion. And thank you, Mr. Molina, for refreshing our memory.

CHAIR LEE: Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the three items, I was curious, it sounds like your response to Member King's response to Member Paltin was that she didn't have the status of those three bills if they made it past, if they even got scheduled for a hearing. Do you know, Member King? If, if I can ask Member King if the--

CHAIR LEE: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: If any of those bills got a hearing?

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Yes, thank you. They didn't . . . because, you know, things were shut down fairly early. We do have reports on those. I don't have those on me. But, you know, I, I, the, the tobacco bill had an early hearing. It didn't, you know, this has been something that's been tried, that's been at the Legislature multiple times, so we're not giving up.

The, the blood alcohol limit did not make it through after the first hearing. And, and I just, and I did have an extensive conversation with Lieutenant Hankin *[sic]* about that. They still want to push for it. Their, their DUI arrests last year, or this year, are up

400 percent from last year, even in the pandemic. So, they have even greater concerns about blood alcohol limit.

And then the last one, which is, sorry I have to go back to my notes, was, is just moving the deadline back. And, and that one didn't really go anywhere either. So, you know, whether it was, and this, and this is something that happens at the State Legislature, colleagues that a lot of times it takes three, four, I mean, I've lobbied for bills that went through on the sixth time. So, you know, if we choose to, to propose this, at least to continue on as they, you know, another year, I think it's, it's also a statement to the public of what we support. I would hate to get, you know, a, a missed deadline be the reason why we don't support a worthy cause.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Sometimes, so I, I've, I've worked at the Leg too. And I think sometimes it, when groups consistently propose the same bill without making adjustments and collaborating with legislators to figure out why the bill wasn't scheduled for a hearing, why, you know, if there's any amendments that could be made to it that would make it more likely to pass next session, instead of, you know, just proposing the same language every session.

I know there's also politics involved and, you know, there's just a lot of layers to it. But I think it's important for the organizations that lobby behind these to work with the legislators to make sure that they are hearing what the concerns are and making adjustments accordingly, so that next session it has a better chance of making it through the hearings and becoming law.

So, that, cause I, I voted to approve these last year to get into, to the package. And so, you know, I think, I think, and I think they got into the package unanimously, so our, our Council does support these on the merits.

I, I cannot support the motion, because I, I, I believe that we should really hold ourselves to, to deadlines, and to fairness, and to procedure. And I, and I try really hard to hold myself to that. And, you know, it's hard when you start to make exceptions to figure out where you're going to draw the line when it comes to exceptions to rules. And so, I, I just, I, I, I don't know if, if Members, I don't know how I would feel if the deadline was now extended by the HSAC President, if perhaps that would change my mind on, on this motion if the deadline or if the meeting on Monday, you know, they decide to change deadline. But, you know, we set a deadline and that's so that it's fair to all the Members.

COUNCILMEMBER KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I support, I support this on the merits, but I cannot support the motion. Mahalo, Chair.

CHAIR LEE: Anyone else? Anyone else? Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair, for the second and last time. Again, it's not about the merits of, of the proposals; they're all good, worthy of consideration. And as Member Rawlins-Fernandez has stated earlier, we, we discussed this last year to include it into the HSAC 2020 Package. But of course, due to the pandemic, for whatever reasons, the Leg didn't want to hear it or what have you. But this is about more the process itself and a deadline that was given to us. And the last deadline we got in writing from the HSAC President was September 18. And as Member King had mentioned, we have still not gotten a response yet from the HSAC President if that deadline has been extended.

So, until we hear, or I see something in writing, I cannot support the motion on the floor. So, that's what, where my "no" vote is coming. And it's about the process, respecting deadlines, and not setting precedent or maybe having to bend the rules. Because it's, it's tough for us as legislators when you establish a deadline; a deadline is a deadline. And then you go ahead and, you know, change it for whatever reasons. Unless there is a tremendous sense of urgency to hear these bills, then that's where, you know, we have to decide.

I mean, Member Sugimura made a, offered a good suggestion as a way to getting her message across about her own proposal. Go bring it up to the State Leg, that's one other way you can get the message out. So, again, my, my "no" vote is about the process and respecting the deadline that was given to us in writing by the HSAC President, Mr. Manahan. Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Chair, just, I wanted to make the point of, again, the merits of the bills. And they aren't my personal bills. They were bills that this Council approved unanimously, previously. And if you'll recall last year, the deadlines moved and moved and moved, and we didn't end up, HSAC didn't end up even finalizing our package until November, which is very likely to happen again this year, given the fact that not all the other Councils have approved their, their proposals for legislation. So, you know, I'm expecting that to happen.

If it does, I will leave it up to somebody else to bring these bills back and try to insert them into the package if they want. Because it's disappointing to hear that, that the merits are there but it's some kind of a deadline, which I personally see as a phantom

deadline since we had these same deadlines last year. And they moved several times when other Councils couldn't get their packages done on time. So, that's my position. And appreciate the folks in support the merits of the bills.

But again, I'm speaking on behalf of the organizations that support these issues and these bills. And you know, I tried to get it into the last Council meeting. I thought I'd try again and make a last ditch effort on behalf of these organizations to get the support for the State. And it, and it may still happen. Maybe it'll come directly to HSAC if this fails. Thank you.

CHAIR LEE: Mr. Sinenci, and then Ms. Paltin. Oh, I'm sorry. Ms. Paltin, and then Mr. Sinenci.

Okay, she said, Mr. Sinenci, then Ms. Paltin.

COUNCILMEMBER SINENCI: Thank you, Member Paltin. And mahalo, Members, for this discussion. I support the bills on, on its merits. And, and, but I also thank my fellow Councilmembers who . . . their, their input. So, I'm going to support it just in case it, the deadline does, Mr. Manahan, does extend it on Monday. Because if, if he does and, and we don't vote for it now, then, then we've missed this opportunity. So, my, my support is just till Monday to, to see if Mr. Manahan extends the deadline. Thank you Chair.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, I'll speak in support of the motion. You know, the merits, health and safety-wise, are very important and dear to my heart. And I just wanted to share, you know, I had a conversation with my counterpart on Hawaii Island, their alternate HSAC member. And they had, she didn't even know about a HSAC Legislative Package, or a Hawaii County Legislative Package. And this was when I was trying to rally support for the items that I had put forward, just calling different colleagues in different counties. And a lot of them were not prepared.

And so, you know, because these items relate to health and safety of our constituents, the cesspool situation expiring this year and, and when we speak of process and procedure in this time of pandemic, a lot of those have been put to the side. The meeting that we're having right now wouldn't be allowed in normal times. The process and procedure of the HSAC Package last term was affected as well. And so, you know, I feel like that that's the reason why we have these, like, waivers of situations is because of situations like these where it's out of the, the, the normal circumstances. I think we're not living in normal times.

And, you know, with so many concerns about our health and safety from the pandemic, you can't forget the health and safety of drinking and driving, the health and safety of, you know, e-cigarettes and these, these new flavored, I don't know what you call them. But, you know, I think, I think it's important to, to keep our eye on the prize here. And for me, one of the most rewarding things about this job is being able to advocate for the health and safety of our constituents.

And, you know, to, to try and make a difference in not letting another family have, have the disastrous results of drinking and driving, or not letting a, a young person be addicted to tobacco at a young age. And, you know, I know the cesspools is, is more of a Upcountry issue, but they're all our constituents. So, I'm willing. I think we're under extraordinary circumstances with everything else going on. And with the online budget process and the not being able to have all of our usual tools at our fingertips from whether it's working at home or going online. I think we're, we're not in normal, normal times right now. So, I'll speak in support.

CHAIR LEE: Thank you.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, it seems as if we'd like, let me see if I get this straight. So, we'd like to have these three pieces of legislation approved today so that we can take it into the HSAC meeting on Monday, of which there is no agenda for these items? And because there is no agenda for these items to be discussed, these items may not be discussed? But we'd like to send them to them anyway just in case, if I understand that right? And so, a few of our Members are saying that because we missed the September 18 deadline, that it's out of character, I guess, for one body of politic to try to make another body politic meet on an agenda item that has not been agendized on their agenda even if it's been agendized on our agenda, if I understand that to be correct?

So, so for me, if I'm understanding this, and we are in a pandemic, it's a very difficult decision to say "yes, no, maybe so". But in the end, there are nine of us, or eight of us today that's going to have to vote whether to send this onto HSAC or just keep it in our back pockets. For me, I don't know what the harm is if we send it and they never, ever hear it. I don't know what the harm is if we just keep it in our back pockets. So, to me, if there's no harm to sending it, except that September 18 deadline that's troublesome to our people because we missed it.

But, you know, deadlines; we are playing with deadlines every day. We're supposed to open up on, way back in August, but we didn't. The Governor changed his mind, changed his mind. So, we're pretty much in that whole gamut too of changing our

minds, moving deadlines. So, I want to be able to make sure that if I'm going to, to take a vote, it's going to be because in my heart and in my mind it's because it's for good. And I don't see the harm. As long as there's no harm for me, I'm okay with it. So, unless somebody shows me what the harm is in sending this up, I'm going to vote in support of it. So, thank you, Chair.

CHAIR LEE: Anymore comments?

Mr. Sinenci, did I see your hand up? Can't hear you.

COUNCILMEMBER SINENCI: I already spoke, Chair. Thank you.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Before you, you speak, before I recognize you, Ms. Rawlins-Fernandez, there, there could be another alternative. But right now, it's not passing it, passing it and moving it forward, and I think a third alternative could be to table this item so that we could, if HSAC extends, if Monohan *[sic]*, Manahan extends the deadline, that we will have it ready on the Council table and can pass it out in two weeks. Because it just wouldn't seem fair for him to arbitrarily say, okay we'll give you an extra day.

Now, the, the other, the other counties seem not to be ready as well. So, you know, I think it's important to recognize the importance of deadlines, and also important to recognize the merit, the merits of these issues. So, the compromise would be to table it for two weeks. So, that's another thing that you can think about.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Another option is we can put it into the Maui Package, which we, I, I didn't hear any deadlines for. And that's something that we can do, and we can advocate like hell for it, because we all support it. And so, I don't think it's fair to put it on those that want to respect process, that we don't support the merits. I think that's unfair to paint those that don't support the motion.

I, I did not hear a good reason for missing the deadline. If I heard a good reason for missing the deadline, then I would say okay. Then, then you know, I would vote for this motion honestly. But I didn't hear a good reason. All I heard is OCS dropped the ball and I don't believe that. That's why I'm not voting for the motion, okay. Yea, we have exceptions to our rules, but that's when we decide together that there's a good reason for making an exception to the rule.

I voted for the waiver, because I thought maybe there was a good reason that the deadline was missed. And so, I voted to waive our Council Rules, because there's a meeting on Monday; okay, there's a rush. But when we asked, why did you miss the deadline, and there wasn't a reason. Chair, you asked that question, several of the Members asked that question, and I didn't hear a good reason. If there was a good reason, like a tech issue or the pandemic did something, then sure, I will vote, we make this exception. But I, I'm not convinced.

And, you know, we have these, these deadlines in place for a reason and I, I believe strongly in process. And I believe strongly in being fair to everybody. It's not, has nothing to do with these bills. I want to support these bills. And I will support it; let's put it in the Maui Package. I will support it going into the Maui Package. I will submit testimony when it gets to the Legislature if it gets a hearing. So, for my second and final, and I think a lot of people had their second and finals. Mahalo, Chair.

CHAIR LEE: Ms. King, and then Ms. Kama, and then Ms. Sugimura.

COUNCILMEMBER KING: Thank you, Chair. Just to respond to Ms. Rawlins-Fernandez. I didn't mean to throw OCS--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, point of order.

COUNCILMEMBER MOLINA: Point of order, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: We've all had second and finals, Chair. I, I, I respect what everyone has to say, but we're talking about process. And the motion is two, you speak twice to one motion. And, and I think everyone pretty much spoke twice to the motion already, except Member Sugimura, yes, and Member Sinenci. I did. I, I spoke twice to the motion already.

COUNCILMEMBER SUGIMURA: Let's vote. I think a lot has been said.

CHAIR LEE: Okay. Okay. I, I really think that in this particular case, since, since the focus is on Ms. King, that she has, she has at least one opportunity for an explanation. Now, I'm, I'm assuming you're not going to just repeat what you just said earlier; that, that you're going to clarify something that was mentioned, okay?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, and the intent was not to throw OCS under the bus. The intent was to explain that I did put in this request to try to get it on

the previous Council agenda and it did not get followed through with. There's a lot of stuff going on. There's a lot of issues going on right now, so I didn't, I didn't mean to, you know, disparage anybody; that's just what happened.

It's like what's happening, you know, on a, that was brought up earlier, what's happening just statewide, deadlines keep getting pushed back; other people are not meeting these deadlines. And so, for us to put this on the agenda and move it forward in case the deadline gets pushed back, you know, no harm, no foul. But, you know, I'll respect whatever the Council comes up with and, you know, add it or not add it.

CHAIR LEE: For the record, I gave you my second.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I think we've discussed it and I, I'm ready to vote.

CHAIR LEE: You're ready to vote?

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Okay. Alright, so let's vote on this motion. And then think about, well, there's several possibilities as, as Ms. Rawlins-Fernandez mentioned earlier, that, you know, we, we could always put this in the Maui Package, yea.

Okay. So, all those in favor of the motion, which is to take these County Communications 20-478, 479, and 480, not refer them and in, and include them in the HSAC Package. Yea, was that the motion?

COUNCILMEMBER KAMA: No, not include them? No.

COUNCILMEMBER KING: What as that? It was just to, to add these, to approve these for the HSAC Package.

CHAIR LEE: Yea, to include them in the HSAC Package.

COUNCILMEMBER KING: Right.

CHAIR LEE: Right? Cause right now, these three items are set for referral. So, what we're going to do, what your motion is, is to pass these three resos and include them in the HSAC Package for Monday, okay?

COUNCILMEMBER KING: Our recommendation.

CHAIR LEE: Yea. Okay, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS KAMA, KING, PALTIN, AND
SINENCI.

CHAIR LEE: I see four "ayes".

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

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

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: So, there's four "ayes", four "noes", and one "excused". Motion fails.

COUNCILMEMBER SUGIMURA: Motion fails.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Can I make a motion?

CHAIR LEE: Ms. King, you know, everybody is in favor of these, of these resos, so, you know, hopefully we can work together to get this into the Maui Package.

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN:

I WAS GOING TO MAKE A MOTION TO GET IT INTO THE
MAUI PACKAGE.

Is that--

COUNCILMEMBER KAMA:

I SECOND THE MOTION.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER SUGIMURA: But it's not agendized that way.

CHAIR LEE: I'm not sure how that is done.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, oh, mahalo, Chair. So, the, the titles of the resolution is "APPROVING INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE". So, the, the, the, I, I don't know if procedurally we, we would be able to pivot like that, because it doesn't say "FOR THE 2021 MAUI COUNTY LEGISLATIVE PACKAGE"? I don't have a resolution that has that, you know, title of what it should say. And I, I think that that would be a violation of Sunshine Law if, if we were to, to do the, to change the title, because it's a, it would, it would be changing the subject matter.

CHAIR LEE: Okay. We got that.

VICE-CHAIR RAWLINS-FERNANDEZ: And--

CHAIR LEE: Mr. Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. I, really quickly. I just, I just wanted to, cause I, I support what you said, and I support, and I think sounds like everyone supports it going into the Maui Package. And I want to thank our HSAC rep for making sure that these didn't get lost in the shuffle. I, I meant to say that earlier.

CHAIR LEE: Okay. And the other alternative is to send it to GET.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Out of consideration for Member Paltin's motion, which it certainly is well intended, I think point made by Member Rawlins-Fernandez should be taken into consideration, because if we're going to make a motion to put this into the Maui Package, but yet it's not agendized on today's agenda, we may run into some potential Sunshine Law issues.

Although, I would be supportive of it. I'm also supportive if, if, if it's, for inclusion into the Maui Package, the possibility of just send it to Committee and then we can hash it out, even though we may have already passed it in 2020. That might be one option. So, I, maybe if we could hear from Mr. Raatz, or, on the legalities of the motion itself, we get an opinion.

CHAIR LEE: Mr. Raatz, although I see everybody shaking the, everybody realizes that, yea?

COUNCILMEMBER KING: Yea. I think they do.

CHAIR LEE: Mr. Raatz. Comments--

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair.

CHAIR LEE: --on what Mr. Molina just said?

SUPERVISING LEGISLATIVE ATTORNEY: Sure. Thank you. We do look to bill and resolution titles as the primary form of notice, so anytime you're taking action and substance that seems to be inconsistent with the bill or resolution title it is a potential problem. So, I understand how some Councilmembers might, might feel uncomfortable with the amendment.

On the other hand, there might be an argument that, because ultimately this resolution in endorsing legislative proposal and it's the Council going on record that from the perspective of a potential testifier, maybe there would be sufficient notice that if somebody was concerned pro or con about this as far as the Council endorsing this proposed State legislation, they had sufficient notice. So, it is, I would say, a tough call. And we probably can't, on the fly, offer definitive guidance. Thank you, Chair.

CHAIR LEE: Mr. Molina, did you have a follow-up comment or question?

COUNCILMEMBER MOLINA: No. I appreciate Mr. Raatz opinion. Maybe as one consideration then, your initial proposal to; one, table this, these items for future discussion at a Council meeting until we hear from the HSAC President about the HSAC deadline itself. And then, maybe with the Maui County Package, we could have these items discussed in Committee and then, you know, discussed at Council assuming it passes. So, I guess there's different ways to address this issue.

And I do like to also echo my Committee Vice-Chair Rawlins-Fernandez sentiments about us, because we vote no on this that means we don't care about health and safety. That is not true. A no vote on this, at least from my part and Member Rawlins-Fernandez part, is about respecting process. It's not about us being against health and safety. So, I certainly want that clear for the record. I, I support the intent of these proposals, and I'm, I'm a supporter of health and safety.

And because I vote no, it's not because of that, I don't care about that. So, I just want that clear for the record, okay, cause it seemed to be a, you know, or the public may

perceive that those of us voting no, it's because we don't care about the health and safety of our community, and that is not true. It's about process and establishing deadlines. So, anyway, I just want that made clear for the record.

So, and I am speaking on the motion as it relates to Member Paltin, so this is still my first time. So, I want that clear for protocol, okay, in case there's any protest out there. So, thank you, Madam Chair, for giving me my say.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. I'm not sure which time this is on me speaking on the motion; if it was my first or my second. But it's not speaking, it's a question, so I don't even know if that's like a first or a second. But my question is for Mr. Raatz. If these were to be tabled and also be referred to Committee, or I guess, I, I'll withdraw the motion and ask a question? I'm not sure. But if these are tabled and also referred to Committee, in Committee could we then amend the resolution to say, "APPROVAL INTO THE MAUI COUNTY COUNCIL PACKAGE"? For Mr. Raatz.

CHAIR LEE: He's going to say yes.

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: Mr. Raatz, are you there?

SUPERVISING LEGISLATIVE ATTORNEY: Yea, thank you, Chair. I think the Committee would, would clearly have the flexibility to do something along those lines. I, I'm not sure exactly of the timeline of, of when the Committee might be able to take this up, if the Committee Chair were so inclined and, and how that might correspond to a new deadline that HSAC might be, might impose. But the answer, to answer your question, we would say yes.

COUNCILMEMBER PALTIN: Okay. And that would include the withdrawing of my motion. And if I may, just a follow up question for Mr. Raatz? If, so if it's heard, we could do one of those discharge things and then hear it at the Council, by the next Council possibly?

SUPERVISING LEGISLATIVE ATTORNEY: Chair, if I may? Yes, that, that type of process would be something the body could consider.

COUNCILMEMBER PALTIN: Okay. Thank you for the clarification.

SUPERVISING LEGISLATIVE ATTORNEY: You're welcome.

COUNCILMEMBER PALTIN: And--

CHAIR LEE: So, you would--

COUNCILMEMBER PALTIN:

AND IF IT WASN'T CLEAR, MY MOTION WAS WITHDRAWED.

CHAIR LEE: Alright. Thank you.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I'm not speaking on any motion, cause there's no motion. So, I, I was just going to suggest that the fastest way to do it would be to make sure that it is submitted by October 2 for the October 9 Council meeting, and we could pass it in on the floor for inclusion to the Maui Council Package. And that would be the fastest route, because everyone supports these bills. We already voted on it last year. I don't think there was any opposition. So, I think like the fastest most, you know, painless way to do it is, is just to have it, make sure that OCS re-drafts it so that the title has inclusion to the County Package and, and then we can pass it on the, at the Council meeting on October 9. Mahalo, Chair.

SUPERVISING LEGISLATIVE ATTORNEY: Chair, if I may? Staff has one procedural clarification.

CHAIR LEE: Okay. David.

SUPERVISING LEGISLATIVE ATTORNEY: So, for the Maui County Package, there was an internal deadline set by the Committee Chair for Committee submissions. But the, the Council hasn't imposed any type of deadline on itself. And normally, the Council will submit its proposal to the Legislature in mid-December, so there may not be a need to take extraordinary actions when we're talking about the Maui County Package as opposed to the HSAC Package where the Executive Committee does set up deadlines. Thank you, Chair.

CHAIR LEE: Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was, I was hoping Mr. Raatz would be able to share with us what that internal deadline was. And I wanted to clarify that my earlier suggestion of just having it go through Council is because going through Committee referral, you know, would, would take that time. And you know, everyone

has a lot on, you know, their dockets, or, you know, in their Committees. And it's clear that everyone supports it. So, it, I don't, I don't see it as an extraordinary action. I think, you know, we've deliberated on it enough for it not to have to go to Committee for deliberation further. Mahalo, Chair. But, but for the deadline, just wondering what the date was?

CHAIR LEE: David, you have the date?

SUPERVISING LEGISLATIVE ATTORNEY: Yea, thank you, Chair. Committee staff has informed me the internal deadline was August 14.

CHAIR LEE: Why so early? David?

SUPERVISING LEGISLATIVE ATTORNEY: I would defer to Committee Chair on that.

CHAIR LEE: Oh, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Chair. We, we established that deadline just to make sure everybody gets their items in, so we're, we're not faced with any last-minute decisions. Now, apparently, but we, we can, you know, look at it, I mean it's up to this body. I mean, I'm, I'm open, but at the same time we imposed that deadline. So, now, here we are again with these items being proposed at this juncture in time, past the deadline. It kind of puts us in a tough spot because, you know, we all talk about establishing deadlines, you know.

So, maybe like what Member Sugimura suggested, that just go up to the State Legislature and all of us can give our mana'o on supporting these items. But we did set an internal deadline.

But now, the question would be if a majority of Councilmembers, because it's a Committee deadline, yea, and not say an HSAC deadline, again, it, maybe the Council has flexibility if a majority of Members would want to extend that as far as the Maui County Legislative Package, you know, irregardless of what I say as the Committee Chair. I could be overruled by Councilmembers saying that, hey, well, let's somebody make a motion to extend it past the original August 14 deadline.

I, I don't know what Mr. Raatz has anything to say on that as far as the Council overruling a Committee Chair's deadline, cause this is not like an HSAC deadline, yea. So, I don't know, with your allowance, Madam Chair, to hear from Mr. Raatz on that.

CHAIR LEE: Mr. Raatz.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. Yea, I think adhering to self-imposed internal deadlines is really a matter of preference for the body.

COUNCILMEMBER MOLINA: So, the body, the Council has the flexibility of overruling the Committee Chair's internal deadline, then?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. I don't know if I'd characterize it as overruling, but there wouldn't be a legal prohibition on the Council taking action on a resolution on the Council floor to endorse a matter for the Maui County Package, even if it didn't get submitted to the Committee by the, the stated deadline.

COUNCILMEMBER MOLINA: Okay. Thank you.

SUPERVISING LEGISLATIVE ATTORNEY: You're welcome.

CHAIR LEE: Mr., Mr. Molina, as the discussion continues, could you think about how you would like to resolve this, because we defer to you as the Chair, you know? And this, nobody wants to overrule you or any Chair, but we're certainly open to your suggestions. So, let me, let me call on some of the other people.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I think a good case was just made for what I was trying to do with the HSAC meeting where we're not going to respect deadlines. All of a sudden, we're saying we can overrule deadlines. HSAC executive body has the same authority over the HSAC deadlines. We could move to extend those deadlines and we could take that same vote.

So, why are we saying that it's okay to do that in Council, but we don't agree that that's a process that could be used, or is going to be imposed ourselves because the other Councils haven't approved their legislative agenda? So, I'm just really confused with, you know, let's adhere to the process, let's stick to the deadline, and then when we start talking about another deadline that passed already, it's okay to put that aside. You know, are we going to be about process first, and, or are we going to let that get in the way?

And I understand that all the Councilmembers support the content of these bills. But putting that, the process first and then saying we'll set the process aside in another arena, just is really confusing to me and to the public. I mean, I don't understand what we're doing here. If the deadline's passed, it's passed; we'll let it go. We'll let the

councilmem, and think because we, we voted these, these resolutions down already that they're, they're just done. So, somebody has to bring it up in another, in a new. I, I would ask Mr. Raatz, wouldn't this have to be brought up as a new agenda item for the Council to put it on the Maui Package? But I don't even know if we can do that, since the deadline already passed.

CHAIR LEE: Okay. Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Good points, Ms. King, and Mike Molina as the Chair of GET, who set the deadline. And I just think, you know, I, I so believe we should be consistent. And based upon the vote of the three resos and the outcome of that, I, I believe the Maui Package deadline is passed. I didn't realize it was that early, but it, it passed. As well as the HSAC deadline is passed, so let's just move forward and we can do this individually.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I have no objections if this matter can be referred to my Committee, and I'll take it up ASAP. But again, I think we were, we're walking on thin ice here talking about the Maui Package when it's not even agendized. So, just wanted to make that point.

And in response to Member King's concerns about consistency with deadlines; HSAC is a different body. It's all about respecting their process, their deadline. Now, when it comes to us, you know, like I said earlier, it's up to us if this body wants to overrule the Committee Chair's imposed internal deadline. But it's two different bodies we're talking about, so let's not mix the two together. My, my responses for voting no, again, was about respecting HSAC's deadline.

And we had not received any response. Member King did state she did contact HSAC President Monahan *[sic]* about possibly the deadline being adjusted. But again, no response from them. So, let me make that real clear. That's two different bodies we're talking about; the Maui County Council and the HSAC body.

And can I request an agenda for Monday's meeting? Cause I know Mr. Sinenci mentioned that they could possibly talk about the deadline on Monday's agenda. Is it on the HSAC agenda for Monday the 28? Because if it's not, I don't think it's appropriate for the HSAC to talk about the deadline for HSAC Packages, if it's not on their agenda. But if it is, so be it. But I'd like to request that information.

COUNCILMEMBER KING: Are you requesting from myself? I can send it to you.

COUNCILMEMBER MOLINA: Okay. That'll be fine.

CHAIR LEE: No. Or, or Mr. Raatz. I think he asked Mr. Raatz to send him a--

COUNCILMEMBER KING: It's public. It's been, it's been posted.

COUNCILMEMBER MOLINA: Yea. . . . today, for those who are watching then, what, what's on that agenda? Or if the deadline, HSAC deadline date is on their agenda for discussion on Monday? Mr. Raatz, can you share that?

COUNCILMEMBER KING: Chair, point of order, because this is, that, that item is not on our agenda, as far as the agenda for HSAC, but I'm happy to share it with Mr. Molina. And also, to point out that that there, there are things on that agenda that are not even going to be able to be discussed, because they haven't been approved by the other Councils.

CHAIR LEE: Okay. Alright. Now, we're starting to go in circles. So, the, the motion fails. And so, if there are no objections, County Communication 20-478, 479, 480, will be referred to the Governance, Ethics, and Transparency Committee. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: We do have to move on. Okay.

And then, so, Mr. Clerk, we're down to County Communication 20-481.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-481

CHAIR LEE: Ms., Ms. Sugimura, did, what did you want to do with this now?

COUNCILMEMBER SUGIMURA: Yes, I'm going to--

CHAIR LEE: Refer it?

COUNCILMEMBER SUGIMURA:

I'M GOING TO FILE. I'M GOING TO FILE THIS.

And, and I thought that if the HSAC, what, you know, what we just discussed was going to go through, I'll try to add this to it. But I'm respecting my previous vote. And so, I'm going to, I'm going to withdraw this.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: 20-481.

CHAIR LEE: Okay, any objections to filing 20-481?

Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. If the intent is to file the item, could it be done as a motion and vote?

COUNCILMEMBER SUGIMURA: Oh, sure.

CHAIR LEE: Alright. There's, okay, you moved. Mr., Ms. Sugimura moved to file County Communication 20-481. Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Seconded by Member King. Okay. Any further discussion, Ms. Sugimura?

If not, all those in favor of filing, raise your hand, say "aye".

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

CHAIR LEE: Those against, say "no".

NOES: COUNCILMEMBER PALTIN.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay, we have seven "ayes", one "no", and one "excused"; motion carries.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Now, we are on the other referrals. Are there any?

Yes, Mr. Molina.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-476

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. This is related to County Communication item 476; 20-476.

I MOVE FOR THE, TO REQUIRE THE REFERRAL TO
COMMITTEE, UNDER RULE 7.G. OF THE COUNCIL.

CHAIR LEE: It was going to be referred.

COUNCILMEMBER MOLINA: Yea, I'd like to act. Yea, I'd like to act on the floor on this today if possible?

CHAIR LEE: Oh.

COUNCILMEMBER SUGIMURA: Oh.

SECOND.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: I'll second.

CHAIR LEE: Alright. You want to make the motion on the, the discharge?

COUNCILMEMBER MOLINA: Yea, I just made the motion first on the waiver for Committee referral, and the second has been made, so yea. No, no discussion.

CHAIR LEE: Alright.

COUNCILMEMBER MOLINA: But it gives us the chance to act on this today.

CHAIR LEE: Yes, Mr. Clerk.

DEPUTY COUNTY CLERK: Hi, Chair. Apologies to backtrack. Just on the vote on the filing of County Communication 20-481, I wasn't sure if Councilmember, I mean, if Vice-Chair Rawlins-Fernandez was present for that vote? The vote was recorded as seven "ayes", one "no", one "excused"; the "no" being Councilmember Paltin and the "excused" being Councilmember Hokama.

VICE-CHAIR RAWLINS-FERNANDEZ: I vote "aye", for the record. Sorry, I did step away for a second, but I heard what the motion was, and I vote to file. Mahalo.

DEPUTY COUNTY CLERK: Sorry about that. Thank you.

CHAIR LEE: Okay, now the new motion by Mr. Molina. Any, so we have to vote on that too. All those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, "nay".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING
AND TO FILE COUNTY COMMUNICATION NO. 20-476.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Sugimura, to pass the ordinance contained in County Communication 20-476.

Okay, all those in favor of the motion, say--

COUNCILMEMBER SUGIMURA: 475. Oh, I'm sorry, 476, you're right.

COUNCILMEMBER KING: Chair.

COUNCILMEMBER MOLINA: Madam Chair, . . . discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

COUNCILMEMBER KING: Chair, I, no I just wanted--

CHAIR LEE: Oh, you wanted to, okay, you want to discuss it further?

Mr. Molina.

COUNCILMEMBER KING: Yea, I would like to get a, a discussion from Mr. Molina.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Yea.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Thank you, Member King. The proposed bill would authorize an intergovernmental agreement with the State Department of the Attorney General's Office for the STOP Violence Against Women Formula Grant to be used for developing and strengthening law enforcement and prosecute, prosecutorial strategies and victims services in cases involving crimes against women.

The project period is July 1, 2020 to June 30, 2021. The total project amount is \$110,452, and the County is required to provide matching funds in the amount of \$27,613, an amount already provided for in the Department's Fiscal Year 2021 Budget. I ask for the Members full support of this motion. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 96 (2020).

I just want to confirm with the body that there are no other objections to the referrals as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Mr. Clerk, moving on. Committee reports.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 20-117 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. That Bill 97 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND ADVISORY COMMITTEE MEMBERSHIP REQUIREMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-418, from Councilmember Kelly Takaya King, be FILED.

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE THAT THE RECOMMENDATIONS OF MAUI, THE
COMMITTEE REPORT CR 20-117, BE APPROVED.

And that, this, this, oh, I have notes on it, but I'll wait till I get a second.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Seconded by Ms. Rawlins-Fernandez.

Discussion?

COUNCILMEMBER KING: Yes. Thank you, Chair. So, the, the, the bill adds a requirement that at least one member of each planning commission, except the Lanai Planning Commission and, and each, I'm sorry, missing a page of my notes here. Sorry about that. Pull it up on Word. Sorry, I got a little bit confused with all the other stuff going on.

CHAIR LEE: That's okay. Take your time.

COUNCILMEMBER KING: Okay. Your Climate Action and Resilience Committee met on September 14, 2020 and discussed the revised proposed bill referenced in Committee Report 20-117.

The revised proposed bill would add a requirement that at least one member of each planning commission, except the Lanai Planning Commission and any advisory committee have a background in conservation, natural resources or climate change.

Having an expert with a background in conservation, natural resources, or climate change will benefit the planning commissions and any advisory committee as they face increasingly difficult decisions because of climate change, sea-level rise, and other environmental challenges. This bill would also help diversify membership on these bodies.

Your Committee discussed its intent that a single person could not be counted as satisfying both the existing requirement for a member with expertise in Native Hawaiian traditional and customary practices, and the bill's new requirement. Your Committee

voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication.

I've transmitting an Amendment Summary Form for the Council's consideration that if this, if I get a second on, or actually I did get a second. So, the Amendment Summary Form should have been distributed to all Councilmembers. And is it appropriate, Chair, at this point to move the amendment?

CHAIR LEE: Okay. Generally, other people make amendments. But, Mr. Clerk, do you have the summary form notice? You, you have it?

DEPUTY COUNTY CLERK: Yes, Chair. The Amendment Summary Form was sent to the Members. Thank you.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER KING: So--

CHAIR LEE: So, proceed.

COUNCILMEMBER KING: The, okay, so the amendment summary, the amendment would delete "boating and recreation" from the list of relevant work history required of planning commission and advisory committee members who are required to have a background in conservation, natural resources, or climate change. So, I now move to, and you know, when I talked to OCS about this, they didn't understand why that was in there either.

SO, I NOW MOVE TO AMEND PROPOSED SUBSECTION B
OF MAUI COUNTY CODE SECTION 2.28.70 [SIC],
SUBPARAGRAPH 2, BY DELETING BOATING AND OCEAN,
"BOATING AND RECREATION".

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Alright. Moved by Member King, seconded by Vice-Chair Rawlins-Fernandez, to approve the amendment. Further discussion?

Ms. Paltin.

COUNCILMEMBER PALTIN: I'll support it, but I, I do, could see why boating and ocean would be important, like, you know, in regards to the SMA. But I don't think it needs to be a, a requirement, so I'll support it. But I don't think it's completely disconnected, because we're talking about the SMA and the shoreline area and, you know, people that do boat have an intimate knowledge. But like I said, I don't think it needs to be a requirement, so I'm okay with it being amended.

COUNCILMEMBER KING: And Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: If I can respond? Thank you for that comment, Member Paltin. The, the reason I, I was wanted to, wanted to take it out is I don't want that to supplant the other requirements, because we have either or. And so if someone just has boating and recreation and doesn't have, you know, environmental or climate change requirements, we wouldn't want that to slip through and, and be a reason why someone could be appointed. Not that it doesn't--

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I echo Member Paltin's concern and wanted to, so I'm looking at the Amendment Summary Form, form, and it has aquatic resources, so it does include some knowledge of the ocean, because I agree that is important. And I think Member King, in amending this, was sure to include aquatic resources, which I think is more what I would be supportive of, than what boating, which boating kind of sounds vague to me. I'm, I'm not sure what boating is. And so, I, I, you know, support what Member King is saying about not allowing this big term of boating to supplant other more important knowledge and background and work experience in aquatic resources, for example. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay. It looks like eight "ayes", one--

COUNCILMEMBER PALTIN: Was that the amendment, or the whole motion?

COUNCILMEMBER KING: That was the amendment.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR LEE: That was the amendment. Eight "ayes", one "excused"; motion carries.

Ms. King.

COUNCILMEMBER KING: Okay, so we're back to the original motion, which I think I already spoke to.

CHAIR LEE: Okay. No further comments?

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you. I just wanted to speak to the exclusion of the Lanai Commission. And I just wanted to say that I disagree with the Lanai representative. I, I would exclude them due to the smaller population base, as opposed to the concern of members being working for the one employer. So, you know, I don't feel that they've been treated fairly. And the exclusion, for me, is based on a smaller population base.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 97 (2020).

COMMITTEE REPORT

NO. 20-118 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 98 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 20-118.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Council Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the ordinance in Committee Report 20-118.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Economic Development and Budget Committee met on September 10, 2020, to discuss a proposed bill to add additional, an additional \$92,000 to the appropriation for the Department of Housing and Human Concerns, Aging and Disability Resource Center (ADRC) Expansion.

Your Committee noted that these funds would be directed to seniors and family caregivers for services and support to reduce impact of social isolation. This will include providing landlines or mobile devices to assist with communication and lifelike robotic animals for companionship.

Your Committee voted 8-0 to recommend passage of the proposed bill. I respectfully ask for the Councilmembers continuous support of this motion. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 98 (2020).

COMMITTEE REPORT

NO. 20-119 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Bill 99 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.050, MAUI COUNTY CODE, RELATING TO GREENPRINT," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-119.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Second? Okay, Mr., moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to approve the recommendation in Committee Report 20-119.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on this matter on August 11, 2020, August 25, 2020, and September 8, 2020. Your Committee considered two bills that would amend the Conservation Planning Committee's membership to ensure adequate geographic, cultural, and organizational representation.

Your Committee agreed that further discussion relating to the Committee's membership is warranted. Your Committee did further agree to amend the bill to extend the greenprint deadline from January 1, 2021 to December 31, 2022. I ask for the Members full support of this motion. Thank you.

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

CHAIR LEE: Raise your hand if it's "aye", say "aye"; "aye", "aye", "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 99 (2020).

COMMITTEE REPORT

NO. 20-120 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-139, entitled "APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT NO. 20-120.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to approve the recommendation in Committee Report 20-120.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on August 25, 2020 and September 8, 2020 on proposals for inclusion in the 2021 Maui County Council Legislative Package.

The last proposal for inclusion in the 2021 Maui County Council Legislative Package would amend the Sunshine Law to allow boards to use interactive conference technology to conduct virtual meetings and allow a meeting conducted by interactive conference technology to continue without the need to be adjourned when a technological failure occurs.

Your Committee agreed to amend the State bill to allow meetings held by interactive conference technology to be recessed for up to one hour when audio communication cannot be maintained with a quorum of Members or with the public location where the meeting by interactive conference technology is being held, consistent with the legislation proposed by the State Office of Information Practices.

The revised proposal mirrors what the Council already approved for inclusion in the 2021 HSAC Legislative Package at the Council meeting of September 11, 2020.

And I want to thank you, Chair Lee, as well as Member Paltin, for this consideration. I ask for the Members full support of this motion. Thank you.

CHAIR LEE: Thank you. Any more discussion? If not, all those in favor of the--

COUNCILMEMBER KING: Just a comment.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Yea, I support the motion. And I think this is something that, that we need to work on real closely with HSAC. I, it looks like it did miss the deadline for the Committee, but I support the, the legislation anyway.

CHAIR LEE: Okay. Did you say that you thought that this missed the deadline? This was--

COUNCILMEMBER KING: Well, I thought the . . . , I thought the . . . for the Committee was in August. And, and this, this was approved in September.

CHAIR LEE: No, it, it was submitted on time. It's just that we had to rework it between Ms. Paltin and I. So, that took a little time and that's why it's back again.

COUNCILMEMBER KING: Okay. Okay, thank you for that explanation.

CHAIR LEE: Yea. Ms. Paltin.

COUNCILMEMBER PALTIN: I would just say that, you know, besides that, we also need to continue to work with Common Cause and OIP, because they, they kind of supported the wording that we combined together. And that in the past that I think Common Cause was one of the biggest opponents, and if we continue to work with them, they could be one of our biggest proponents. And we rather have them on our side.

So, I hope all the Members will reach out to their networks and, you know, build support for this, because, you know, we got to move into the modern age where, you know, sometimes the roads close due to fire, sometimes the roads close due to coastal flooding. And this is really a way that we can continue to serve the public moving forward as we've witnessed for the past six, seven, eight months or so. So, it's, it's been tried and tested, and I think that if we can just build support around it, then we can move forward in this manner indefinitely, regardless of extensions by the Governor and emergency proclamations and what not. Thank you.

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

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

CHAIR LEE: Opposed, "nay".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Members, I've been notified that Member Kama has to leave at 11:30. Just to let you know.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-139.

COMMITTEE REPORT

NO. 20-121 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-140, entitled "AUTHORIZING SETTLEMENT OF NORIYOSHI MAKABE AND MASAMI MAKABE AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON V. PARKS AND RECREATION DEPARTMENT, ET AL.; CIVIL 18-1-0346(1)," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-121.

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Been moved by Mr. Molina, seconded by Mr. Sinenci, to approve the recommendation in Committee Report 20-121.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on this matter February 4, 18, 21, 25; and March 10, 2020; and September 8, 2020.

Your Committee received an overview of the claim in open session by a Deputy Corporation Counsel.

And the claim alleges four counts, which includes negligence, premise liability, emotional distress, and public nuisance, as a result of a large ironwood tree branch that fell and struck Mr. Hayato Makabe on or about October 3, 2017, at Kanaha Beach Park in Kahului.

Your Committee also notes the County filed a Third-Party Complaint against Pacific Ohana Masonry & Landscaping, Inc. on April 8, 2020, for indemnification, defense, negligence, and contribution.

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

And following the executive session meeting, your Committee, your Committee voted 8-0 to recommend adoption of the revised proposed resolution. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, that is RESOLUTION 20-140.

Proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 88 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO DEPARTMENT OF FINANCE,
COUNTYWIDE COSTS, POST-EMPLOYMENT OBLIGATIONS

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up Bill 90 through Bill 92?

CHAIR LEE: I have 88 through 92? Yea, so, so 89 through 92.

VICE-CHAIR RAWLINS-FERNANDEZ: Ex, excluding, excluding Bill 89.

CHAIR LEE: Oh, excluding, oh, okay. I thought you just missed that.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: Alright, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Alright. Proceed, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 90 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION

ORDINANCE NO. _____
BILL NO. 91 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF WATER SUPPLY (STATE OF HAWAII, KANAHA BEACH PARK
GREYWATER REUSE DEMONSTRATION PROJECT)

ORDINANCE NO. _____
BILL NO. 92 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF WATER SUPPLY,
STATE OF HAWAII,
KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 88 AND BILLS 90 THROUGH 92 ON
SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Mr. Sinenci, to pass
Bills 89 and, I mean, 88, 90, 91, 92, right, on second and final reading?

Further discussion, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, as was discussed during testimony,
the item for the greywater project will, was referred to Healthy Families and
Communities Committee for further discussion. And for those, for the public listening,
this is just to accept State funding to support this project if it's something that the

County and the community does want to see move forward. So, I, I ask for the Members continued support of this motion. Mahalo, Chair.

CHAIR LEE: Any more discussion? If not--

Ms. Paltin, discussion?

COUNCILMEMBER PALTIN: I just had a question. If, if the County decides not to move forward with this project, does it jeopardize further, future State funding? Or, is there a mechanism that it, it reverts back to the State? I know Mr. DeRobles is on; if, if he has any insight.

CHAIR LEE: Mr. who?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, and I don't know if Budget Director is on, but I, I think the same way that we have mechanisms, oh, there's, there's Mr. . . .

MR. ROBERT DEROBLES: Hi. Sorry. Thanks for having me here today, Councilmembers. I don't know what the, I don't have an answer to that to be honest with you. It was, it was there, it was the State's decision to fund this project. They actually asked us, as a Department, what we thought was a, what would be an alternative to another project that Launiupoko Greywater Project will, we've been working on. So, but I don't think it's in danger. Maybe, I'm not sure about other projects that may be out there, but for greywater, I think it's, it's, it's on the radar of a lot of organizations to try to promote, so.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Anymore dis--

Yes, Ms. King.

COUNCILMEMBER KING: Yea, thank you, Chair. You know, we heard concerns from the public about this not having had a public audience. So, is there a way to assure that there's public input . . . the project moves forward, or once we fund this, it's out of our hands?

MR. DEROBLES: No, absolutely. We, like I, I think you all received the report, the initial report that, that we put together kind of stating how we would approach that. Obviously, this is a technical project, so not many in the State knew how the system worked. And we've been consulting with a lot of engineers and, and the State, and about how this works.

One of the things we would do is, is, is we would, we'd put information out at the park telling them how, what's in this park, what they could do to help promote it and not damage it, because it, it, it's, it's, the type of greywater we're producing is actually rather safe. The system that we envision putting in there, similar to Launiupoko is a system that's actually quite safe even if it does come in

I mean, I'm not going to say that, but we're not applying for that type of permit to, to make it potable. But the system itself is fully capable of achieving higher standards of, of water quality than what we're actually stating in the, in the report. And that's not coming from me; that's actually coming from the, the manufacturer of the system and, and our design consultant that came with us for Launiupoko.

But we're trying to move forward with Kanaha, and I think, you know, we will be reaching out to the public. We wanted to do, to reach out to them for plantings, for example with the kids and, and try to--

CHAIR LEE: I think you answered the question. Thank you.

MR. DEROBLES: Okay. Yea.

COUNCILMEMBER KING: Yea, I, I just wanted to make sure, because, you know, as, as great of a project as it might be, it just seems like people don't understand and it's just, it's, it's offensive to some people to move ahead with something when, that they haven't had a chance to input on or get informed about. So, that is stated in your plan; that you, you will reach out to the public, you'll have a public hearing, or . . . chance for public input somehow?

MR. DEROBLES: Sure. We, we could definitely reach out to the public through media, through any means where we can at our disposal during COVID to try to let them know what we're trying to do. But I should add that we had a lot of calls in our Department about greywater. We actually, people calling us asking us how they could apply it themselves at home. And, you know, with DOH, they have a manual, they have some guidance on this matter, but--

COUNCILMEMBER KING: Yea, yea, I know, Mr. DeRobles, I'm not debating. I'm not debating that part, because I agree with you on that. It's just, you know, letting the public know and giving them the chance to hear how this is going to fit into that masterplan, that area masterplan.

MR. DEROBLES: Yea, absolutely. We could reach out to them and, and ask for some input. And I know we, we, we can kind of push it even further by just reaching out and doing maybe events, some kind of online event to try to encourage people to--

CHAIR LEE: Okay. And then we can talk about that in Committee, because it's going to the, you know, the Healthy Families Committee. And then I saw another hand up.

Mr. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Robert, can I pass on, through email, I'll give you Barbara's contact information? She's a member of my, strong member of my community and, and she was the one who testified. So, I'll pass her contact information onto you for when you have your community meeting. Thank you.

MR. DEROBLES: Sure. Thank you.

CHAIR LEE: Anymore questions? If not, I guess we're in the middle of a vote, aren't we? All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

MR. DEROBLES: Thank you.

ORDINANCE NO. _____
BILL NO. 89 (2020)

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

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILL 89 ON SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Member Sugimura, to pass Bill 89 on second and final reading.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Since this was previously discussed for the sake of expediency, I have no further discussion on this motion. Thank you.

CHAIR LEE: Any other questions or comments? If not, all those in favor of the motion to pass Bill 89 on second and final reading, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Motion carries; eight "aye", zero "noes".

Mr. Clerk.

(Councilmember Kama was excused from the meeting at 11:31 a.m.)

ORDINANCE NO. _____
BILL NO. 93 (2020)

A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT
TO TRINA T. PINSKY TO ESTABLISH AND OPERATE THE
HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS,
VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO
OPERATE A FOOD TRUCK ON APPROXIMATELY 2.53 ACRES OF
LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16157
HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA,
ISLAND OF MAUI, HAWAII

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 93 (2020) ON SECOND AND FINAL
READING.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Ms. Paltin, seconded by Mr. Sinenci, to pass Bill 93 on second and final reading.

Any discussion, Ms. Paltin?

COUNCILMEMBER PALTIN: Sure. Bill 93 will grant a Conditional Permit to Trina T. Pinsky to establish and operate the Haleakala Upcountry Market and a food truck. The market will sell flowers, vegetables, and made-on-Maui products, similar to the previously operated Sunrise Market and Protea Farm, which was located on the same property.

Your Committee expressed support for the applicants proposed business which would continue a historic use of the property and provide needed commercial services in the Makawao-Pukalani-Kula Community Plan Area. I respectfully ask the Council's support for my motion. Thank you.

CHAIR LEE: Any more discussion? All those in--

Oh, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I speak in favor of the motion. I welcome them to my community, and I will definitely, as I said in Committee, I will be shopping there, so thank you.

CHAIR LEE: Anymore discussion? All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND KAMA.

CHAIR LEE: Eight "ayes" *[sic]*, zero "noes"; motion carries.

Mr. Clerk.

COUNCILMEMBER KING: Chair.

DEPUTY COUNTY CLERK: Chair, apologies.

CHAIR LEE: I'm, I'm, oh, I don't see, I'm sorry. I don't see Member Kama. She must've left.
So, seven "ayes", two "excused"; motion carries.

ORDINANCE NO. _____
BILL NO. 94 (2020)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.97, MAUI COUNTY
CODE, DECLARING A MORATORIUM ON TRANSIENT ACCOMMODATION
PERMITS ON LANAI

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 94 (2020) ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to pass Bill 94 on
second and final reading.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Bill 94 will establish a moratorium on transient accommodation permits on Lanai for up to one year or until permit caps are established for Short-Term Rental Homes and Bed and Breakfast for Lanai.

Your Committee supported the proposed bill because of the increasing shift of existing long-term housing units into transient accommodations and the lack of housing inventory on Lanai for long-term residents.

And I just wanted to add onto that that we did receive the transmittal from the Planning Commission on today's agenda to our Committee. And we are planning on holding a special evening meeting for Lanai residents to weigh in on this in light of us not being able to meet physically on Lanai, as we were able to do in the past for Molokai.

And so, you know, I don't anticipate the moratorium lasting up to one year. And so, just to ease the concern of the written testimony that came in against it, it's shouldn't last more than a few months, hopefully, if everything goes as planned and there's no additional emergency anything going on. So, I respectfully ask the Council's support for my motion. Thank you.

CHAIR LEE: Any more discussion? If not, all those in favor of passing Bill 94 on second and final reading, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND KAMA.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 95 (2020)

A BILL FOR AN ORDINANCE AMENDING
CHAPTERS 19.12, 19.24, 19.26 AND 19.37,
MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS
IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS
AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you.

I MOVE TO PASS BILL 95 (2020) ON SECOND AND FINAL
READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Ms. Paltin, seconded by Mr. Sinenci, to pass Bill 87 *[sic]* on second and final reading.

COUNCILMEMBER PALTIN: Oh, Bill 95, right?

CHAIR LEE: 95.

COUNCILMEMBER PALTIN: Bill 95 will prevent long-term--

CHAIR LEE: Okay, Bill 95.

COUNCILMEMBER PALTIN: Okay, cool. Bill 95--

CHAIR LEE: I have Bill 87 on my agenda. But go ahead.

COUNCILMEMBER PALTIN: Okay. Bill 95 will prevent long-term rental and owner-occupied properties from converting to Transient Vacation Rental use in the Apartment, Light Industrial, and Heavy Industrial Districts.

Additionally, the bill fosters mixed-use buildings in the Light Industrial District by requiring buildings with dwelling units to include a permitted non-dwelling use.

Your Committee supported the proposed bill because it will encourage mixed use development and preserve long-term and owner-occupied properties from converting to Transient Vacation Rental use. I believe the Planning Department calls this the loophole bill. So, I respectfully ask the Council's support for my motion. Thank you.

CHAIR LEE: Okay. Any further discussion?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to clarify; I think what we're doing is closing loopholes. We're not so--

COUNCILMEMBER PALTIN: Yea, sorry.

COUNCILMEMBER KING: So, closing loopholes. Okay, thank you.

CHAIR LEE: Alright, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND KAMA.

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

Okay, Koa, say goodbye to everybody. Say goodbye. Tell everybody you've been a little bit naughty. She gained two pounds. That's cause she doesn't eat dog food; she eats furniture, she eats blankets, she eats towels, yea, sweetie.

Everybody have a wonderful and safe weekend. And we'll see you back next week. This meeting is adjourned.

ADJOURNMENT

The regular meeting of September 25, 2020 was adjourned by the Chair at 11:37 a.m.



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



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2020 SEP 24 PM 3:24

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COUNTY CLERK

September 25, 2020

Honorable Alice Lee, Chair & Members
Maui County Council
200 S. High Street
Wailuku, HI 96793

**RE: CC20-471 RECOGNIZING OCTOBER 30, 2020 AS MAUI COUNTY
TREE PLANTING DAY**

Aloha Chair Lee and Members,

The Ma'alaea Village Association (MVA) is pleased to support CC20-471
RECOGNIZING OCTOBER 30, 2020 AS MAUI COUNTY TREE PLANTING DAY.

With drought conditions continuing across the Hawaiian Islands and
particularly in Maui County where Kahului continues to set records for the
highest temperatures in the state, Maui County Tree Planting Day should be
EVERY DAY all across Maui County!

We have testified before this Council on the importance of preserving and
restoring the Pohakea Watershed and appreciate your support of purchasing
Ma'alaea Mauka with County Open Space funds.

Planting trees on the fallow Ma'alaea fields will serve as a wind break and
firebreak, providing healthy root systems to hold soil to reduce sediment
run-off into Ma'alaea Bay. All efforts are needed to fix the watershed before
we can fix the near shore marine eco system for Maui's future.

Trees provide valuable shade and catch moisture from the air, which leads to
much-needed rain. Can you imagine a shady, tree-lined path leading up
through the Pohakea Watershed lands to the Lahaina Pali Trailhead? I can.

Mahalo for your support!
Lynn Britton, President, MVA

Ma'alaea Village Association
P. O. Box 2122, Wailuku, HI 96793
maalaeavillageassociation@gmail.com



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2020 SEP 24 AM 7:59

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University of Hawaii at Manoa,
College of Tropical Agriculture
and Human Resources

Garret Sugai
Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: September 23, 2020

To: Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Councilmember Tasha Kama, Presiding Officer Pro Tempore
Members of the Maui County Council

Re: Strong Support for CC 20-478, "Approving for inclusion in the 2021
Hawaii State Association of Counties Legislative Package a State Bill
Relating to Tobacco Products"

Hrg: September 25, 2020, 9:00 AM online via BlueJeans

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute, is in Strong Support of CC 20-478 for the proposed resolution entitled "Approving for inclusion in the 2021 Hawaii State Association of Counties Legislative Package a state bill relating to tobacco products."

The proposed bill urges the State Legislature to repeal the preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

Preemption is a step backwards for tobacco control, and a tobacco industry tactic.

HRS §328J-11.5, Statewide Concern was added by the state legislature in 2018, when Act 206 (through HB1895) was signed into law. This new chapter restricts county decision to protect the health of their residents through existing or future laws and regulations by restricting the sales of tobacco, other tobacco products, or electronic smoking devices (ESDs) often referred to as e-cigarettes. Examples of impact on counties:

- Preempts county ability to offer and tailor policy solutions designed to create healthier environments for the protection of children, youth, and adults.
- Preempts public health evidence-based strategies by restricting local policies and regulations on tobacco pricing and access, which are proven to reduce tobacco consumption and initiation (including but not limited to prohibiting the sale of tobacco in pharmacies, creating retail buffer zones around schools and youth-frequented environments, and creating flavor restrictions – now law in over 290 local jurisdictions).

- Limiting authority to the State to address the youth tobacco epidemic will allow the tobacco industry to actively push weaker proposals that exempt or protect their products from regulation.

Restoring the county's authority will protect local residents and address disparities.

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. Strong local laws serve as an example of good public health policy in changing social norms. Removing the ability of local government to take stronger action is of particular concern, as high school students on the neighbor islands are experimenting and using ESDs at higher rates compared to the State average.

ESD Use 2017 Youth Risk Behavior Survey	Hawai'i County	Honolulu County	Kaua'i County	Maui County	State
Ever Use	49.6%	39.0%	45.3%	50.7%	43.7%
Current Use	34.1%	22.0%	31.3%	32.3%	25.3%

The Coalition strongly supports allowing our counties to have the authority to pass meaningful legislation in tobacco control that is tailored to unique local needs. Thank you for the opportunity to testify and we respectfully ask the committee to pass this resolution.

Mahalo,



Katie Folio

Community Coordinator

Maui, Molokai, Lana'i Coalition for a Tobacco-Free Hawai'i

Hawai'i Public Health Institute

September 24, 2020

Council Chair Alice L. Lee
Maui County Council
Kalana O Maui Building
200 High Street
8th Floor
Wailuku, Hawai'i 96793

RECEIVED
2020 SEP 23 AM 11: 59
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COUNTY CLERK

Re: Lana'i Moratorium on Transient Accommodation Permits and
Transient Vacation Rentals in The Apartment, Light Industrial, and Heavy Industrial Districts

Aloha, Chair Lee, Vice-Chair Rawlins-Fernandez and Members of the Maui County Council,

Mahalo for the opportunity to comment on the County of Maui's efforts to regulate transient vacation rentals. However, given our current efforts to secure an MOU with the County administration, Expedia Group opposes these two bills. And rather than moving these bills forward, we urge the Council to hold further action, providing the opportunity to secure an MOU which, we believe will result in a balanced and sustainable outcome.

Expedia Group, a family of travel brands including vacation rental leader Vrbo, is grateful for Maui's ongoing partnership to collaboratively develop balanced vacation rental regulations.

Expedia Group supports and welcomes regulation of the short-term rental industry. Vacation rentals are an important part of Maui's community fabric and responsible regulations can help Maui meet local and tourism needs.

In their current form, these two proposals would severely limit the number of transient accommodation permits on Lana'i and would prohibit transient vacation rentals (TVRs) in apartment, light industrial and heavy industrial districts. From previous experience, we have found that such measures are not the most effective means to prevent the proliferation of vacation rentals.

In June, Kaua'i Mayor Kawakami and Expedia Group announced a historic memorandum of understanding (MOU) designed to assist Kaua'i in identifying noncompliant rentals while protecting the ability of owners and operators of compliant short-term rentals to advertise on Expedia Group's platforms (see attachment). This is the first cooperative agreement between a travel platform and any government entity in Hawai'i. Since that agreement, Airbnb has also signed a similar agreement with Kaua'i County.



Expedia Group has also initiated this same MOU discussion with representatives of the Maui County administration. Implementing this MOU will ultimately lead to much more effective and sustainable enforcement.

Maui County deserves short-term rental regulations that responsibly limit inventory while also recognizing the important economic value vacation rentals provide to the local economy and Maui families. Expedia Group has learned that policies work best when governments and platforms work together.

Please do not hesitate to contact me at 808-927-3700 should you have any questions.

Aloha and Mahalo,
Max Sword
Expedia Group