

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

January 15, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, JANUARY 15, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of January 15, please come to order.

Unie din, Members.

Mr. Clerk, may we have roll call?

### ROLL CALL

PRESENT: COUNCILMEMBERS GABRIEL JOHNSON, 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.

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

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

Joining the meeting from the Department of the Corporation Counsel is First Deputy Corporation Counsel Richelle Thomson.

If the Council encounters connectivity issues that impacts quorum during this meeting, the body will recess for approximately 15 minutes. If the connectivity issues are not resolved, this meeting will be moved to a different date.

CHAIR LEE: Opening remarks. And I have the pleasure of doing the opening remarks this morning.

### OPENING REMARKS

The opening remarks were offered by Council Chair Alice Lee.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, next up on the agenda is the Pledge of Allegiance.

CHAIR LEE: Please join me in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on the ceremonial resolution. At this time, Chair, no one has signed up to testify.

CHAIR LEE: Okay. Shall we proceed with the resolution? Oh, do you have, or maybe I should just say first, Members, any objection to closing public testimony on the resolution, on the ceremonial resolution?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered. So, ordered.

Mr. Clerk.

CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 21-11

CONGRATULATING THE WINNERS OF THE  
INAUGURAL "IMI PONO CHALLENGE"

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RESOLUTION READ BY THE CLERK.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to adopt the resolution read by the Clerk.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND THE MAIN MOTION TO SUBSTITUTE THE  
RESOLUTION FOR THE FINAL VERSION WITH  
INFORMATION ON THE WINNERS.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to make amendment to the main motion.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: The, the substituted resolution has the winners on it, and so that would be the resolution we would like to adopt.

CHAIR LEE: Okay, I'm sorry. I said, not amendment, but substitution of the resolution. Okay, would you like to read that resolution, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Yes, I would love to have the honor of reading the resolution in its entirety.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And may we all get a hand of, a round of applause for the winners? Maybe we can all, oh, okay. Mahalo, Chair.

CHAIR LEE: Anybody else want to comment or have questions?

Member King.

COUNCILMEMBER KING: Just a question. I was, I didn't see the, was there an Amendment Summary Form? I didn't see the second amendment with the names attached, which I'm sure is owing to wanting to keep it secret till the end, but.

CHAIR LEE: We'll be happy to provide you that information.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Okay. Any other comments or questions? If not, tho--

Yes, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just want to give a shout-out to Jacob Janikowski. I'm so happy that he won. And even our small town, we produce stars, so I'm, I'm happy for him. Mahalo.

CHAIR LEE: Very good. Very good.

Alright, no further discussions. All those in favor of the motion, please say, raise your hand and say "aye".

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

NOES: NONE.

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

Alright, do we need another motion for the substitution?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That, that was the vote for the substitution. And now for the main motion.

CHAIR LEE: Yes.

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

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

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

NOES: NONE.

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

Now, Members, I'd like to tell our audience that more information on the projects that the students worked on can be found at [mauicounty.us/imipono](http://mauicounty.us/imipono). And we have several of the member, of the winners on the call and we would like them to say a few words momentarily, okay.

We want to also acknowledge and thank all of the teachers, and to the very generous business and organizations, businesses and organizations that donated gift cards. For third place, \$1,000. For second place, \$1,500. And for first place, \$2,500 each. And those businesses include, now I'm doing this from memory, Pulama Lanai, A&B

Hawaii, Everett Dowling, Munekiyo Hiraga, and I believe Austin Tsutsumi. And I'm missing one. I'll remember it later.

Okay, so at this time, are there any students on the call, and I saw two of you earlier, who would like to say a few words? Noelle, you're first place winner in your, the high school category. Are you still there?

MS. NOELLE LO: Hi.

CHAIR LEE: There you are. Everybody, this is Noelle Lo, the first-place winner. She's a, are you a junior or senior at Maui High School?

MS. LO: I'm a junior at Maui High School.

CHAIR LEE: Okay. The floor is yours.

MS. LO: Well, first off, I would really like to thank the local businesses that helped me film this, which was Brown Eyed Bella, who was able to talk in my video, as well as the owner of Waikapu on 30 and the co-owner of To & From Boutique. Really, this wouldn't have been possible if I didn't get their insight from them. And I'd also like to thank two of my, I'd say mentors, Ashley Takitani and Karey Kapoi who are both family friends of mines. And they helped me, like, do the grant and helped me plan out everything. And without them, this wouldn't be possible.

And I'm just super excited. And I'm so, like, overjoyed, like, I, I really can't oh, wow. But I really like to thank, that everyone that helped me, as well as my friends who helped film. And I really hope this goes somewhere cause I want to give the opportunity to local businesses to really shine because this pandemic is totally crazy. And I feel that local businesses are, have such amazing products and things, and I feel like being able to showcase that would be worthwhile. Yea, thank you, again for the award.

CHAIR LEE: Noelle. Noelle, can you just describe, you know, in a sentence or two, what your project was all about.

MS. LO: Let me think about this really quick. Oh, okay. I'd say in a sentence or one or two, this project was about community and about showcasing the talent in Hawaii and in Maui.

CHAIR LEE: So, it was, it's pretty much like, like an independent YouTube type of project where you organized all of these different stories and put it on TV or YouTube, right?

MS. LO: Yes. So, it's a student produced lifestyle show basically, because there is so many talented, like, film creators, as well as editors, and graphic designers just in the high school and middle school division. And I feel like being able to give them the opportunity to really kind of expand that knowledge, as well as to go forth with more opportunities to really discover their passion. It's definitely, it, we need to showcase the talent on Maui, because there's so much talent.

CHAIR LEE: Thank you, Noelle. Thank you so much.

I, I remember the, the number 6 sponsor; Goodfellow Bros.

Okay. Now, I saw Jacob. Jacob and your whole family, really, on the call.

MR. JACOB JANIKOWSKI: Hi.

CHAIR LEE: Can you turn, okay, good. Jacob, can you tell us a little bit about yourself and the project?

MR. JANIKOWSKI: Okay. I'm a sophomore at Lanai High. And the project was meant to be more of like for the entire class as something for us all to do. So, the winner is more of the sophomore class.

CHAIR LEE: But you had a very interesting project.

MR. JANIKOWSKI: Yes.

CHAIR LEE: And it, and it, it's very, very, I don't know, not, not also you, it's very useful. But very considerate of you to be thinking of other students. Why don't you describe your project?

MR. JANIKOWSKI: Okay. I wrote out a little blurb here. And my blurb is sort of about the project and about imi pono in general, is that okay?

CHAIR LEE: Sure. Go ahead.

MR. JANIKOWSKI: So, the word "pono" can be righteousness, and righteousness means the quality of being morally right or justifiable. So, our project was meant to be a righteous act to help those who don't have the same support or access as others do.

With education being such an important thing, especially now with the display of how much frontline workers, like doctors and nurses help us. So, we wanted the students not only in the County, but the State and all over the nation, to be able to thrive instead

of whither. So, the least we could do is provide a decent working environment for some of those children. That's why we decided to build desks, with our focus being on younger kids around grades from kindergarten to third grade, since those are key developmental years. The desks are also made entirely from recycled and donated material, so it is good for the environment and the economy.

CHAIR LEE: Wonderful.

MR. JANIKOWSKI: Thank you.

CHAIR LEE: Members, look at that. He, he represents our future. Thank you very, very much and congratulations, Jacob.

Do we have any other winners on the call? Mr. Clerk, do you see any other--

Oh, okay, Andrew *[sic]*. Hi, Andrew *[sic]*.

MR. MICHAEL DE HAAS: I'm here. Well, first of all, I wanted to thank the Council for, you know, putting out this opportunity for me to really communicate with you and, and to, kind of all of Maui. Well, first of all, I should probably mention myself; I'm a senior at Kihei Charter.

I just, and my project was to kind of see if I could build a aquaponic system that would feed the school system by using a unused government warehouse. I wanted to grow fresh and nutrient, nutrient-rich produce that, you know, could be used to really feed those in need. Because nowadays, you know, our own food banks are, are turning us down. There's so much of a need. So, hopefully by providing this, you know, I can see this idea grow.

And, you know, it's something that's been engrained with me, you know, since I've been a young kid. Growing vegetables was, was an activity that me and my whole family took part in. And so, you know, being able to hopefully transfer that joy, you know, that feeling of going outside and picking vegetables and then an hour later, you know, smelling the aroma coming from the kitchen. If I can transfer even a little bit of that joy to, you know, the children in the school district, you know, that would be the best thing in the world.

It's something that's fully sustainable and I really hope that, you know, I can, I can hopefully watch it grow and, and have a hand to help out. So, thank you for this opportunity once again. You know, this is a unprecedented pandemic and I really appreciate the Council's effort to, you know, think about community, think about our

neighbors, cause, you know, this is something we need and something I appreciate. So, thank you. Thank you all.

CHAIR LEE: Thank you so much, Andrew *[sic]*.

Mr. Clerk, do we have any other young people on the call?

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: --yes, I do see some of the middle school winners.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Wyatt Van Der Lee.

CHAIR LEE: Alright.

DEPUTY COUNTY CLERK: And then Evalani and Kiana are also connected.

CHAIR LEE: Okay. Could you invite them to turn their microphones and videos on?

DEPUTY COUNTY CLERK: If, if either winners would like to speak, you'd now have the time to do so if you would like to do so.

CHAIR LEE: Oh, here we go. The Katsuda Family.

MR. XAVIER KATSUDA: Hello, County Council. My name is Xavier and my project is called, oh wait, and my project is about a sprinkler system that has moisture sense, that has a moisture sensing sensor and focuses on conserving Maui's precious and limited water supply while giving local people jobs and helping to move Maui a little farther away from relying so heavily on tourism.

This challenge meant a lot to me. It has taught me to look at my community's needs and how our actions affect our environment, good or bad. I, I want to thank my teacher Ms. Sakuma, my family, and my friends for all their support. And I thank you for your time today and feel honored to be here. Mahalo.

CHAIR LEE: Oh, congratulations, Xavier. Thank you. Thank you so much. What a nice family you have. And by the way, Ms. Sakuma played a major role in this whole effort

because she got her entire sixth grade class at Iao Intermediate to participate. And not one class, it's the whole grade level.

MR. KATSUDA: Yea.

CHAIR LEE: Thank you.

MR. KATSUDA: You're welcome.

CHAIR LEE: Mr. Clerk. Mr. Clerk, do we have one more?

DEPUTY COUNTY CLERK: Yes, the other winners are also online. If they would like to speak, they have the opportunity to do so.

CHAIR LEE: Who is online?

MR. WYATT VAN DER LEE: Me.

DEPUTY COUNTY CLERK: There's--

COUNCILMEMBER KING: Oh, Wyatt. Wyatt Van Der Lee's on.

MR. WYATT VAN DER LEE: I just wanted to thank everybody, like Ms. Sakuma, because she helped me a lot creating this project. And I also want to thank my parents because they also helped me a lot. And then thank you--

CHAIR LEE: Wyatt, do you want to tell us what your project was?

MR. VAN DER LEE: My project was based off of aquaponics. So, then where you would make a greenhouse and then you would stack plants vertically. And that's how I came up with the name of my project.

CHAIR LEE: Thank you. Thank you very, very much for all of your hard work.

MR. VAN DER LEE: I hope the Maui County Council supports my idea and implements it to support local agriculture and food security for our community.

CHAIR LEE: Thank you.

May we have the next winner?

MS. KIANA KAHALE AND MS. EVALANI KEAWEKANE: Hi.

CHAIR LEE: Hi.

MS. KAHALE: We are middle schoolers at Kamehameha Maui. Our idea was la'au lapa'au, which is a Hawaiian medical practice. We got this idea from, during this pandemic, there are many people losing jobs, losing housing, losing money, and there are many Hawaiian plants that are not being put into use and that people don't know about. So, we thought that la'au lapa'au would be a great idea during this pandemic, because we have many exper, or we have many ideas from learning from family and school, which we thought to put into a project.

CHAIR LEE: Thank you and congratulations.

Clerk, we have one more?

DEPUTY COUNTY CLERK: Chair, I believe that was all of the winners. But if there are any other winners that, you know, I'm not seeing right now, you do have the opportunity to speak if you would like to do so.

CHAIR LEE: Again, I can't thank the teachers enough, because some of them went well beyond the . . . to help their classes, their students. And you can tell that the quality of their, the kids work was just unbelievable, just incredible. What's going to happen now, after, the sponsors will be mailing the gift cards directly to the winners. So, we're not receiving anything; Council's not receiving anything.

And I've talked with Maui Economic Opportunity and I will also be contacting Maui Economic Development Board. But Maui Economic Opportunity would like to take this project on next year for us so that they can, because they have a business development section and they have a youth development section. So, they, they feel that they could, could organize and conduct this contest going forward. And to work with the individual winners to connect them with mentors or people that can help them move their projects forward. So, this is not the end of the project.

I want to thank all the Councilmembers for their support. It, it made a big difference when you went there to the, to the schools to hand out the flyers and to make personal, you know, pitches on our behalf. And of course, as ridiculous as that rap number was, it did, believe it or not, the students did email me and said that inspired them to participate and provide an entry. So, you see, we're not that bad after all. You know, we have some talent.

And then, going forward, going forward, oh yea, I have to mention the staff did incredible amount of work. That was Shelly Espeleta, Kasie, Kasie Takayama-Apo,

Alison Stewart, and others; really worked very, very hard. My staff too; that would be Mona Perry, Kayna Yoneda, and Dianne Shimizu. Everybody worked really, really hard. This was not a small effort. This was pretty intense. And that's why I'm so glad the nonprofit MEO is taking this over next year.

But, but this is not all, because believe it or not I have a wheelbarrow full of ideas for the next challenge. And I'll be sharing that with you in, probably the, the Chair's meeting, see if you would like to take on another project. It would be a continuation of ini, imi pono. Okay, I've, I've noticed with what's been happening--

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

CHAIR LEE: I'm going to be calling on the teacher. That's a teacher; Robin Prais.

COUNCILMEMBER KING: Okay, I just--

CHAIR LEE: Yes--

COUNCILMEMBER KING: Yea, I just wanted to--

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Just wanted to thank you for putting this all together. And I forgive you for that rap video you made us perform in. But I also wanted to mention to those, there were several students who had, had food security projects. And I just wanted to invite them to, either through myself or directly through the Maui Nui Food Alliance, if they want to get on and look at that website, to join the Food Alliance and possibly present their projects to that organization because there may be a connection there to help them, you know, get their projects completed on a larger scale.

But thank you to all the students. Especially impressed with the small schools that continue to shine, like Lanai and Kihei Charter School. I mean every time we turn around there's something else happening there. And, and then, of course, my kids' alma mater Maui High School. But just all the, all the schools who participated. I think the, this was a, not just a burden on the teachers, but I think it was an excellent opportunity to involve the, the teachers, the curriculum in some real time solution, you know, creations. So, thank you for, for all of that to all of you teachers and school administrators for allowing us to collaborate with your students.

CHAIR LEE: Thank you, Member King. Well said.

Yes, Member Sugimura. You're muted.

COUNCILMEMBER SUGIMURA: There. I, I want to thank you, Chair, for putting this together in the midst of the pandemic. And we were networking with the schools, and the challenges just that the schools were having and for them to take this on, it was pretty amazing. And I too want to commend the teachers and the, the networks that made this happen, especially parents. I think they always are like the foundation, you know, to, to move kids forward. So, congratulations to everybody. Congratulations, Chair. And I too, I'm not too sure if I forgive you for that rap, that rap video as, as Member King said. But that was another good experience just for us. We want to do it again. Thank you.

CHAIR LEE: Great. Great. Good to hear.

Yes, we have one of the teachers on the call. And I recognize your name because we've communicated several times. You worked really hard to motivate and assist her students. And her name is Robin, is it Prais?

MS. ROBIN PRAIS: Prais, yes.

CHAIR LEE: Prais. Okay. Ms. Prais, please, you have, do you have something you'd like to share with us.

MS. PRAIS: Yes. Aloha mai kakou. I would really like to thank all of you for providing us with this opportunity. And by the way, we thought that rap was awesome. It showed your creativity, your risk-taking, your ability to relate to the younger crowd, so we thought it was really awesome.

CHAIR LEE: Thank you.

MS. PRAIS: And I viewed it more than once, so. But I really want to take this time to thank you for putting this challenge together. It allowed me, number one, to collaborate with my science teacher, so we worked together, we built a unit on this. And it also allowed all of our students, we had 100 percent participation in our cohort of students. And we, it allowed our students to engage in these real life experiences that are going to help them for the rest of their life, like the application process, meeting the deadline, making a budget, you know, making a proposal, being able to write-up, do a write-up and think creatively.

It was, it was something that we look for in our, you know, to implement in our curriculum, so I really appreciate. And it also allowed me to see my students in a different light, because they each, they each spoke to their passion and interests. And it was for us to go, for us to go through it together as a learning community was really inspiring. So, I really appreciate it. And I'm in, any other challenges, I'm in.

CHAIR LEE: Oh great. Thank you.

MS. PRAIS: Mahalo.

CHAIR LEE: Thank you very, very much. Appreciate all your work.

Alright, Mr. Clerk, do we have anybody else on the call--

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Of the contest? For the--

DEPUTY COUNTY CLERK: Mr. Tristan See, I believe would like to see.

CHAIR LEE: Tristan See. Okay, yes. Tristen, yes. Hi. Welcome.

MR. TRISTEN SEE: Aloha. This is Kumu Tristan See from Kamehameha School's Middle School on campus this morning. Mahalo e na haumana, to all the students that competed and took their time to put forth an excellent piece of work for the competition. Mahalo e to all the kumu that helped. And mahalo to County Council for taking the time and having the patience to sort through all these hundreds of competitions that came your way, and dealing with the difficulty of sorting through them, and the submissions, and the permissions.

We just really want to extend our appreciation for being so patient and for granting us an extraordinary opportunity to take what could have been a very negative and what is a very challenging time for our community, and to shift the thinking that this is, this could be looked at as an opportunity for us to maybe re-envision our community and re-envision the way that we're living our lives here. And to try to make something really positive, and a positive opportunity for our young people and our community.

So, I just wanted to extend my appreciation for the opportunity. So many skills that we explored with this project. It was a very deep rich learning experience. But I think the most valuable skill was the opportunity to explore the empowerment of entrepreneurship for these young students. So, that's all I have to say.

CHAIR LEE: Thank you so much. We really appreciate your comments. Congratulations to you and all the teachers. Appreciate it. You know, this challenge did give us a glimpse of how innovative and invested our young people can be. It's a, it's really inspiring to know that they have what it takes to meet the challenges ahead.

And this is Ms. Sakuma, who we emailed back and forth a number of times. This is the first time I'm seeing her in per, sort of in person. Welcome, Ms. Sakuma, sixth grade teacher of Lao School. You can unmute yourself.

MS. DONELLE SAKUMA: Good morning. Okay. Good morning, everybody. Thank you so much for all your guys hard work and for making Maui the best place in the world. So, it really is. And so, it's, it's with honor, and that we got to do this project, so mahalo, everybody. It really gave all the students an opportunity, and myself, to really look into what their talents are and their interests, and really dig into where they fit here in Maui.

And I think some of the topics that came up were really important for, and eye-opening. Because we see homelessness, we see the struggles of Maui; people not be able to, our own people not able to afford housing and grow our own food or have enough land, you know, all these issues that come up that we see every day. So, this is a really excellent opportunity for us all to, to look closely and see what we can do as being a solution. So, it's in our youth's hands, you know. It will be one day. But it's, I really appreciate the opportunity to be able to be a part of this, to help the kids all see that they do fit here and there is a place for them.

CHAIR LEE: Yes, there is. Thank you so much. And it's nice to see you. I had no idea--

MS. SAKUMA: Yes, you too.

CHAIR LEE: --what you looked like.

MS. SAKUMA: Here I am. And thank you so much for putting your guys selves out there and being bold in doing your rap. It was so fun. I think we watched you like 20 times, cause--

CHAIR LEE: Oh my god.

MS. SAKUMA: . . . and I showed it to every single block, and we posted it on our website and, you know. Because they need to hear the instructions and you know get excited about it. So, thank you.

CHAIR LEE: Thank you. Thank you for your comments.

Members, any final comments to Ms. Sakuma or anything else? If not, I believe you are the last--

Oh, yes, Ms. Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just, you know, really appreciate it. My kids was crying all last night cause their school got shut down, you know, after one day at school. And, you know, I'm really touched by the kid from Lanai who had the compassion to think about others. And, you know, it's, it's a hard time for the kids and I just wanted to thank you guys. And hopefully maybe we can do something for elementary next time.

CHAIR LEE: Good idea.

Alright, Mr. Clerk, do we have any other member, any other testifiers?

DEPUTY COUNTY CLERK: Chair, I believe Ms. Sakuma was the last individual. But if there was any other teachers that we missed, you have the opportunity to speak now.

CHAIR LEE: I don't think so, cause the teachers that came on are the ones that I communicated with the most.

Shall we proceed with our agenda?

DEPUTY COUNTY CLERK: Yes, Chair.

For the record, that is RESOLUTION 21-11.

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 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. Individuals in the meeting can sign up to testify by notifying staff that they would like to testify in the meeting chat.

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes per item. When testifying, please state your name and the name of any

organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

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

Chair, the first person we have signed up to testify is Kapua Chang. To be followed by Tyler Fisher.

### PRESENTATION OF WRITTEN TESTIMONY

MS. KAPUA CHANG, MAUI COALITION FOR DRUG FREE YOUTH [testifying on Bill No. 142 (2020)]:

Aloha kakahiaka, Council Chair Lee and Councilmembers. Real quick, I'd like to say congratulations to the students that shared their projects earlier. I'm an environmental program manager and it's incredibly heartwarming and inspiring to see kids as young as middle school coming up with these projects. I also know a lot of elementary age keiki who would also love to be included in something like this, so Councilmember Paltin, I like where you're coming from. It just makes me really excited for the future of Maui and the wider Hawaii community.

So, my name is Kapua Chang and I'm testifying once more in support of Bill 142. I'm a resident of Pukalani, a parent, and Chair of the Maui Coalition for Drug-Free Youth. I wish to thank you all for your participation in the public hearing held on Wednesday evening. I was blown away and inspired by the amount of community support. They were, there were over 30 individuals from all over the County who gave testimony in support of Bill 142; parents and their teens, doctors, teachers, kupuna, and more all shared moving stories of being tragically impacted by underage drinking and all pledged support for the social host ordinance. We've presented you strong data to support our proposed solution. And the community support greatly outweighs the opposition.

As I've stated before, this ordinance has been worked on for a few years and we'd like to thank the Council again; Molina's office for introducing the bill, Corp. Counsel, and the OCS staff. We acknowledge and appreciate all of your dedication.

The Coalition is ready to implement a comprehensive community education plan that includes working with the DOE to disseminate education materials of the bill. Youth will work on social media campaigns and public service announcements. And all of our dedicated community partners are willing to share information if the ordinance is to pass. The Maui Police Department is also developing a policy and procedure for implementation and we'd like to thank them as well for their ongoing strong support.

Councilmembers, I ask that you continue to support this ordinance and pass Bill 142 today for its final reading. Mahalo nui again. And have a beautiful day.

CHAIR LEE: Thank you, Ms. Chang. Are there any questions, Members?

If not, may we have the next testifier?

DEPUTY COUNTY CLERK: Next person signed up to testify is Tyler Fisher. To be followed by Rick Collins.

MR. TYLER FISHER, MAUI NUI YOUTH COUNCIL [testifying on Bill No. 142 (2020)]:

Good morning, Council Chair Lee and Councilmembers. My name is Tyler Fisher. I'm a resident of Kahului and I'm a junior at Maui High School. I'm here, I'm here to testify in support of Bill 142. As the volunteer member of the Maui Nui Youth Council and on behalf of the youth who have testified in support of this bill, I thank you Councilmembers for taking time and energy to this, to the important issue of reducing underage drinking in Maui County. We thank councilman, we thank Councilmember Molina and his staff for introducing this ordinance and being a . . . I hope that your support for this bill will continue and vote in favor of Bill 142 today. Thank you.

CHAIR LEE: Thank you, Mr. Fisher. Any questions? If not, may we have the next testifier.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Rick Collins. To be followed by the individual calling in from the phone number ending with these last four digits, 0478.

MR. RICK COLLINS, MAUI COALITION FOR DRUG-FREE YOUTH [testifying on Bill No. 142 (2020)]:

Aloha kakahiaka, Council Chair Lee and Members of the Council. Thank you and good morning.

CHAIR LEE: Good morning.

MR. COLLINS: This is a side note, I wasn't going to say this, but to the 'Imi Pono Challenge, I just congratulate you all for doing that. Very inspiring to see those young people. I actually did a national presentation on this webinar and I used a screenshot I found from the newspaper on you all on your rap outfits to talk about the creativity that communities can do during the virtual, you know, stay at home orders and in our social distancing. So anyways, you guys made national, you made it, anyways, you made a PowerPoint presentation with over 600 people on it in your rap outfits. So, but, but really congrats on that. I think you have done a great job and, and was really inspiring to see these young people.

But that obviously wasn't what I was going to say, but I wanted to give you kudos. I'm here basically, obviously, as you know and I'll make it short, to support Bill 142, the social host ordinance. And I just want to be upfront with everyone. We've heard that there might be amendments introduced to exclude potentially Lanai and maybe Molokai from the ordinance this morning.

And should this topic come up, should it come down to you needing to make a decision as to whether or not to exclude these communities from the ordinance, we the Coalition implore you, we really want you to consider this very critical question in your discernment. And that is, are you willing to trade the unlikely risks of eviction or an angry parent for the more likely risks of things like fighting, drunk driving, sexual assaults to our youth.

Remember the stories that you heard Wednesday night from your constituents. Very clear that this is wanted and needed in our County, and that people have been harmed because of these situations, because of these types of home parties. Please do your part to protect all of our youth throughout all of our County from experiencing these tragedies now and in the future. That's it. I really hope you, we can pass this today. And thank you so much for your continued support, everyone; to Molina's office and to all of you. So, thank you.

CHAIR LEE: Thank you, Rick.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Mr., excuse me, Madam Chair. And Mr. Collins, thank you so much for all of your Coalition's work on this. And it's certainly a pleasure to work with you. With regards to your testimony about amendments that you have heard, how long ago did you hear? When, when did this first come to your attention?

MR. COLLINS: I saw it on Gabe's social media posts. When was that, Gabe? Four, five days ago maybe? Something like that.

COUNCILMEMBER MOLINA: Okay.

MR. COLLINS: When we, when we saw that, yea.

COUNCILMEMBER MOLINA: Okay. Thank you. And with that said, Madam Chair, if there is any proposed amendments, may we ask Mr. Collins to remain as a resource when we get to the topic?

CHAIR LEE: Any objections, anyone?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. No, so, ordered.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

CHAIR LEE: Can you stay, Rick?

MR. COLLINS: Yes, that'd be fine.

CHAIR LEE: Okay.

MR. COLLINS: Thank you.

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

If not, Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Bridget Mowat. To be followed by Junya Nakoa.

Bridget, I see that you are connected to the meeting, but you are muted on your end. I cannot unmute you.

CHAIR LEE: Move to the next one and come back to this person.

DEPUTY COUNTY CLERK: Yes, Chair. Then the next individual signed up to testify is Junya Nakoa.

MR. JUNYA NAKOA [testifying on Bill No. 142 (2020)]:

Howzit? You guys can hear me?

CHAIR LEE: Yes, we can.

MR. NAKOA: Yessah. Happy New Year. Have a good one. Eh, was awesome when you guys did that, you know, all the kids from the schools and the contest; that was, that is awesome right there.

Okay and this Bill 142 is, you know, I know, kind of my understanding is the kids go drink your house without you knowing, you got to work two jobs, you busy, you can, you know, you no can watch them, so they drink at your house. And then someone, the cops come and they bust you, me as a parent, I get penalized. That's not what we should be looking into, because now our kids, they going run away. They not going stay home. They going go galivant. They going hide from, you know, everybody. So, is that what we want? No.

What we want is to, the County of Maui, Police Department, the, what the program you guys when just have that award; give stuff for these kids for do. I mean, all the way up to the age 21. You know, not this all the way up to, like, me I coach baseball. And eh, mahalo, we get West Maui Little League stay back in action. This whole week we was at the baseball park; that was awesome. But that's what I do. We coaching five teams, five Little League teams, cause we like keep them all busy. But we got to keep them busy all the way until they come 21. And then keep em busy be, beyond that, especially now with the pandemic where all our kids stay home. My daughter 18, yea, 18 still yet. But she, she never go college because, cause of the pandemic. We got to give them something for do.

Okay, County of Maui, that's what you guys should be concentrating on. You know, all these programs is awesome, but give these kids more things for do. No more bowling alley. You know, even the bowling alley. My years had Skate Palace, all these kind stuff for these kids for do at night time. Not for me, I only can baseball coach to only to sundown, you know, what I mean? But eh, concentrate on giving these kids, keeping these kids active.

And if you guys get any control for the Mayor, cause he one scrub, to get our kids back to school and work together, for real. No only talk about um. Work together eh, from the State level, Mayor's level, County Council level, and us, the people's level. We the constituents, we the people; we all work together we going be badass. So, that's what

I'm just saying. Let's do this thing together. And if you guys going pass this bill, I support um, like again like I said, but make sure you guys no bust us guys who working hard for something that is, these kids do. Let's keep these kids busy. Let's keep them active. And yessah, let's have a great, great year. Mahalo.

CHAIR LEE: Thank you, Junya. Are there any questions? If not, good to see you again.

MR. NAKOA: Yessah.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Bridget Mowat. To be followed by La'akea Low.

Bridget, I saw that you had returned and was unmuted yourself, but--

MS. BRIDGET MOWAT [testifying on Bill No. 142 (2020)]:

Oh, I--

DEPUTY COUNTY CLERK: Oh, okay.

MS. MOWAT: I, I always forget to do that. I'm so sorry. But thank you for calling me, calling me back. I, I just heard about, oh, I'm going to testify on Bill 142. I just heard about this. I didn't have a chance to review it, but what I did hear was that those parents or juveniles or underage drinkers found on your property, the, we would be, the owners of the property or, would be responsible for fines. And, and if that is correct, I'm against this bill.

Only because, you know, kids who are drinking are hiding. And so, we cannot, I, I live on six acres, Hawaiian Homestead Land, and if there are, you know, minors on the other side of my property having a party that I don't know about and they get busted, then I'm going to be held responsible and would have to for, you know, pay the fine. And I don't think that's fair to, to, for me. I think it's the parents who should be responsible. They should be knowing where their kids are at. I mean, I, I don't approve of, of, you know, minors drinking because they don't know how to drink. They get radical sometimes. But I really don't think I should be held accountable for other kids and other family's responsibilities.

So, and, and what if the County or the State, they're drinking on their private property. Are, is the County or State going to be held responsible for these, the minors, and they

have to pay the fine? So, I think it's perhaps something good, but there should be amendments made. There should be, that would kind of like protect individuals. So, that's my manao. And, and I thank you for the opportunity to, you know, be able to testify from my home. And, and I congratulate all of you on your good work. Mahalo plenty.

CHAIR LEE: Mahalo, Ms. Mowat.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Bridget. Thank you for testifying all the way from Molokai. I just wanted to know if, have that, has this happened to you before where you've had people on your proper, underage drinking on your property that you didn't know about?

MS. MOWAT: No, not, not on my property. But when I was a minor, I was one of them that would do that.

COUNCILMEMBER KING: Right.

MS. MOWAT: You know, we've, we've, we found all kinds of places that, you know, at Kanaha Pond, the drum, we used to drink over there, and I wasn't of age. So, I going be honest. So, it does happen.

COUNCILMEMBER KING: Right. Well, we know it happens. That's what the bill is about. But I just wondered if you had, if you had that situation you were talking about if somebody was on your property.

MS. MOWAT: No. On Molo, not on Molokai, not on, I mean, I've never had any problems, but, cause everybody knows us, so. But I know it happens.

COUNCILMEMBER KING: Okay. Thank you.

MS. MOWAT: Sure.

CHAIR LEE: Any other questions?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Mowat. Mahalo for your testimony today. So, in response to Member King's question, as, for underage, people underage drinking on your property, not that you knew of? Is, is that?

MS. MOWAT: Yea, not, not on mine. That, that, you know, but I have a big area. I mean, you know--

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

MS. MOWAT: You know where I am.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

MS. MOWAT: And so, I don't know if guys are drinking, meeting down by the fishpond side; not, not Kalokoeli, but the, the other side towards Uncle Sam's side. I don't know what they're doing. So, it's really hard to, to, because of the property that we do have, it's hard to monitor who comes in and who, you know, who is camping. We don't know. We have found even some guys living, putting up tents, you know, the homeless, the transients, yea, they go anywhere that's in the bushes.

VICE-CHAIR RAWLINS-FERNANDEZ: And that's your--

MS. MOWAT: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And--

MS. MOWAT: Well, that's a whole different thing though. That's, that's something else; that's transient. That's not minors drinking, so.

VICE-CHAIR RAWLINS-FERNANDEZ: That you know of?

MS. MOWAT: Yea, that I know of.

VICE-CHAIR RAWLINS-FERNANDEZ: And my last question is, so sometimes you host parties on your property and your guests would park on your property. The last time you had a party on your property, you put a spotlight parking, and was that to deter people from gathering in the parking lot and to prevent them from, you know, drinking? People who you don't know.

MS. MOWAT: Yup, we needed, we need to do that cause we, we usually have people, you know, other adults' canvas the area too. But, yea, that's a must when we're having parties, because you know the kids are on, in the dark, you know, having their own celebrations. So, that, that's really something that we, we need to do and we do on Molokai.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. To follow up, sorry. Last question. So, when, you know, if, if anyone is drinking in the parking lot and they weren't invited guests and they're asked to leave, is it your understanding that they would just move the party elsewhere?

MS. MOWAT: Yea, they would. And I would, I would even let the parents know. I mean, that's their parents' kuleana. I mean, yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Mowat.

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

MS. MOWAT: You're welcome. Have a good day.

CHAIR LEE: You too.

May we have the next testifier, please?

DEPUTY COUNTY CLERK: The next individual signed up to testify is La'akea Low. To be followed by the individual calling from the phone number ending with these last four digits, 3286.

MR. LA'AKEA LOW [testifying on County Communication No. 21-26 and Bill No. 142 (2020)]:

Aloha mai kakou.

*Spoke in Hawaiian.*

I testifying today on CC 21-26 and Bill 142. So, first for CC 21-26, referring to the acquisition of property at 100 Mahalani. First, like on the resolution page, I'm sure you guys already caught this, but like the worded amount and the numerical amount are different. So, that was kind of confusing. So, kind of expensive. I mean, it's a pretty huge difference between the two amounts, so hopefully, you know, can get more clarity on that. And like this is nearly a billion-dollar acquisition and so that's what first caught my eye.

And so, so I looked into it more and noticed that the title was crown lands belonging to Victoria Kamamalu. And so, I think this would be like a, and a good time to, I know the Council has talked about, or I don't know what Committee but talked about, like, investing in researching title. I think this would be like a good case for that argument. Like, a lot of titles are in question in Hawaii. I know you folks are having Dr. Keanu Sai

next week. And so, I'll just advocate for the importance of researching title when it, especially when it comes to, like, expensive land acquisitions like this one.

I notice a lot of investment went into surveying the property, there's a lot of GPS coordinates and all that stuff. But there's nothing on like the title, the sequence of title. And so, I think, like, that should be, like, included with all land acquisition purchases by the County. And so, yea that's pretty much my concerns for that one; for CC 21-26.

And then for Bill 142, I'm going to speak in opposition as it's written, again. I think it needs, like, further amendments; might even have to go back to Committee in my opinion. I expressed concerns about, like, disport, disproportionate impacts to the low-income communities, and also the, the data or the so-called data and statistics that people are throwing around without review by the community of these studies. I just heard that they're going to hold onto the data until you folks pass it and hold off on the education until you folks pass it. I think that's kind of backwards. I think the data and education should be, you know, completed before passage.

The community hasn't had a chance to review the study and the methodology, like, where the study was conducted, how they came up with their numbers. And like, we know that correlation doesn't equate causation. So, you know, it's kind of hard for me to take someone's word for it without seeing the study. And like, hopefully like they've worked a long time on it. And so, I would hope that they would submit it to a peer review journal so that we're not just trusting people, like, doing their own study without peer review.

And then, as far as, like, the support for the bill, I'm sure you guys know that, like, a lot of the testifiers in support were all from the same group or organization all working together on this. So, it was, like, in my opinion a really small sample size of the community at large. You know, I think this is one of those things that should be put on a ballot for more community, so you get a better picture of what the entire community is thinking.

I agree with a lot of the testifiers that a bill like this would just push underage people into the boonies, making driving more dangerous. Also, disagree with like the response cost, like paying for the cops, and the firemen, and the ambulance, or whoever shows up. If that's the case, I think that should be across the board for anytime first responders are called on the scene for any situation if that's the case.

I also disagree with, like, the tacking on of outstanding fines. I think that if they're called there for underage drinking that that should be their focus and not, you know, looking

at like more ways to pretty much grab . . . And so, I just hope you folks make some more amendments and maybe even take this back to Committee. Mahalo.

CHAIR LEE: Thank you, Mr. Low. Questions?

Member Paltin.

COUNCILMEMBER PALTIN: Hello, Mr. Low. My question is what, did you have a specific idea in mind of what the further amendments you were suggesting would look like?

MR. LOW: First and foremost, for me, you know, I'm hearing a lot from everyone in support of this bill about education, but nowhere in this bill is education outlined. So, that would be, like, the first amendment for me is. We all know the importance of education so, you know, if the bill was more about that, then penalizing people monetarily, you know, that would be something I could get behind.

COUNCILMEMBER PALTIN: And if I can clarify? By education, did you mean like, you know like if sometimes if folks are caught drunk driving or like if the have to go to anger management classes, did you mean education would be the consequence, like they would have to go to a class about the perils of drunk driving, or did you mean something more like, or I mean the perils of providing alcohol to minors? Or did you mean something more like education in all the schools and the media and like that, or both? Or, what, what were you intending as far as education?

MR. LOW: For me, like, education like, prevention, like before people even get caught. It shouldn't, we shouldn't have to get to that point before someone, before people get educated about it. You know, I think it should be for all ages; you know, parents, kupuna, property owners, minors, underage, you know. So, I would, I would like to see the education occur more as like a broad initiative, as opposed to, like, something you have to do if you get caught.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR LEE: Thank you. Any more questions? If not, thank you, Mr. Low.

MR. LOW: Aloha.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify is the individual calling in from the phone number ending with these last four digits, 3286.

If there's anyone in the meeting right now who desires to testify but has not done so yet please notify staff in the meeting chat and we'll add you to the list.

MS. JEN RUSSO (testifying on County Communication No. 21-67):

Aloha, Chair Lee and Councilmembers. This is Jen Russo. Thank you for the opportunity to speak on County Communication 22-67 *[sic]*. I am here just to reinforce what the Planning Commission determined. Planning Commission heard much testimony from the community over three meetings; June 9, June 23, and July 14 and voted against changing the caps, particularly in this time of economic crisis and decline of the visitor industry, and recommends that the County Council study the current demand in each community plan region and set caps according to the demand.

The current caps for each region in Maui County ordinance was vetted thoroughly through several meetings with Planning Department and County Council when the ordinance was originally created. Reducing these numbers without a new study given our current circumstances with COVID-19 and unknown factors with economic recovery. We need to know more and what the intent of changing the number of caps in the region is, given our current circumstances.

I was in the meeting yesterday with State Representative Kyle Yamashita discussing economic recovery. And he was urging diversification from the business sector, and also strongly suggesting that the model be something like the visitor industry that taxes itself, like with the TAT and our County via real property tax. We already know vacation rentals are a number one source of revenue for Maui County in real property tax. So, I don't think this is the time to . . . down on creating revenue from this sector. We can and we do harness these funds to create new economic opportunities in our communities. Thank you so much for considering my testimony.

CHAIR LEE: Thank you. Questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Russo, for your testimony today. I just wanted to clarify. I, I believe that you've been following this issue since the time that the caps were created. And at that time, it was intended that the short-term rental home permits would be the only short-term rentals. Isn't that the way that it was at the time?

It was prior to the Minatoya decision, prior to the planned proposed developments allowing short-term rental and all of that. So, my question is when, at the time when the short-term rental home permit caps were created, we didn't have the thousands of

other short-term rental unit options available that are today at this current time. Is, is that not your recollection of the timeline?

MS. RUSSO: I was not, I mean, I followed the ordinance and its creation, but I don't know exactly what they were considering in terms of the, the Minatoya condos at that time, or if they were even looking at that. I mean, these caps particularly were specifically for homes and not thinking about those condos. And so, I don't know if those are, I mean, as those buildings were built and, and those units were made available as short-term rental, I mean, I think that, weren't they legally allowed to do that use from the get-go in those particular buildings? Minatoya just sort of codified, that was my impression of that.

COUNCILMEMBER PALTIN: Yea, well, so the, the way that it was explained to me, it was, it was like a loophole. The intention was those that had conti, had been doing it could continue on. But the way that it was codified is everybody, regardless if they had been doing it before or not, could now do short-term rental. And that's what led to so many of our local residents being kicked out, so that these properties could be turned into short-term rentals.

So, the understanding was, you know, that the short-term rental home permits would be what it was and that I agree that was a great idea. But then with the codification of all these thousands more short-term rental units that are available, it, it really squeezed out our local people from having places where they could rent and live. And, and so, thank you for answering my question. Thank you, Chair.

MS. RUSSO: Thank you for the question.

CHAIR LEE: Any more questions?

If not, may we have the next testifier?

DEPUTY COUNTY CLERK: Chair, there is no one else currently signed up to testify. If an individual connected to the meeting has not testified, but would like to do so, please identify yourself now. I will be unmuting everyone on our end, so people can identify themselves, or people can notify us in the meeting chat now. This is the last call for testifiers. Please indicate if you would like to testify.

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

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

MEMBERS VOICED NO OBJECTION.

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

1. Stephen Bennett;
2. Joanna Borreta;
3. Karen Comcowich;
4. Katie Folio;
5. Kristin Mills;
6. Stacey Moniz; and
7. Karen Worthington.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

### MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 10, 2020, and November 20, 2020, were presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

CHAIR LEE: Second? Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Mr. Sinenci seconds. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the minutes of the meeting, November 10 and November 20 meetings.

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

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

NOES: NONE.

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

Communications, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 21-1 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated January 5, 2021)

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

CHAIR LEE: Mr. Sinenci. Can you unmute?

COUNCILMEMBER SINENCI: Thank you, Chair. Sorry.

CHAIR LEE: Okay. Okay.

COUNCILMEMBER SINENCI: So, I'm sorry, these, these, the groundwater reports will be coming to my Committee, refer to the APT Committee, Chair.

CHAIR LEE: Okay. Why don't we go, okay, if there are no objections, we'll refer this matter to the APT Committee. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, so ordered.

Next, Mr. Clerk.

NO. 21-2 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,  
(dated December 10, 2020)

Transmitting the notice of grant award of additional funds related to the CARES Act from the U.S. Department of Housing & Urban Development for Section 8 Housing Choice Voucher Program in the amount of \$789,655.

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 County Communications 21-3 through 21-8?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

NO. 21-3 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,  
(dated January 6, 2021)

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

NO. 21-4 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,  
(dated January 7, 2021)

Transmitting a copy of the notice of grant award from the U.S. Department of Housing and Urban Development for the Family Self Sufficiency Coordinator Grant, in the amount of \$43,135.

NO. 21-5 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,  
(dated January 4, 2021)

Transmitting the quarterly report regarding Fiscal Year 2020 Countywide Park Facilities for the period of October 1, 2020 through December 31, 2020.

NO. 21-6 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated January 8, 2021)

Transmitting the annual report of all acquisitions made, and conveyances accepted, for calendar year 2020.

NO. 21-7 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 11, 2020)

Transmitting 76 contracts/grants for the month of November 2020.

NO. 21-8 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated January 7, 2021)

Transmitting 190 contracts/grants for the month of December 2020.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 21-2 THROUGH 21-8, EXCEPT FOR THOSE GRANTS AND CONTRACTS THAT COUNCILMEMBERS REQUEST FOR COMMITTEE REFERRAL.

CHAIR LEE: Alright, are there any, are there any requests for Committee referral?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Please refer in November C7198, Facility Maintenance Study; and WC1192-3, 92-3 [sic], which is EPA Compliance Wailuku-

Kahului. And also, for December, just one is C7228, Transit Hub document. Thank you.

(CONTRACT WC1192-3 WAS STATED IN ERROR AND SHOULD HAVE BEEN CONTRACT WC1102-3.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two things; one, should we get a second to my motion now, or after everyone asks for their contracts?

CHAIR LEE: I'm sorry, I thought we had a second.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Pro Tem Kama. And then the second thing, Member Sugimura, the items that you mentioned, did you say which Committee you would like it to be referred to?

COUNCILMEMBER SUGIMURA: Oh, to my Committee. Thanks. IT; Infrastructure Transportation. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: I saw other, another hand.

Yes, Member Kama. And then, Member Paltin.

COUNCILMEMBER KAMA: Yes, thank you, Chair.

COUNTY COMMUNICATION 21-5, IF YOU COULD REFER IT TO THE HUMAN CONCERNS AND PARKS COMMITTEE?

CHAIR LEE: Alright. Any objections? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, did, did Pro Tem Kama ask for County Communication 21-5?

CHAIR LEE: Five, yea.

COUNCILMEMBER KAMA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, okay. So, we're going to separate out that County Communication from--

COUNCILMEMBER KAMA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

I, I ACCEPT THAT AS A FRIENDLY AMENDMENT TO MY MOTION.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Okay. Member Rawlins-Fernandez, I thought your motion was to refer the items as listed to all the Committees, except those that are being requested to separate?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. My motion was to file all the communications, except for the grants and contracts from CC 21-7--

CHAIR LEE: Oh, only for that item? Okay. Okay.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: I thought it was for other items as well.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Alright, so only the con--

VICE-CHAIR RAWLINS-FERNANDEZ: But I, I'm okay with that, with--

CHAIR LEE: You know what, you know, let's just do the contracts for now. So, we got the contracts for the IT Committee.

Then, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I was hoping to pull out G5151, for referral to the appropriate Committee, which I'm thinking could be BFED, question about the Festivals of Aloha, Office of the Mayor, you know, about the money. If, if we're still going on with the Festivals of Aloha, what that looks like in the COVID times being that kids can't go to school right now. Just questioning the, what that looks like.

CHAIR LEE: Okay. Any objections? Any objections--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: --to referring that particular, can you repeat that contract again? Referring it to the BFED Committee.

COUNCILMEMBER PALTIN: G5151, Festivals of Aloha.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, in preparation for budget session, we will be refer, re, reviewing grants from Fiscal Year '21. Knowing that, is that something that you would still want to pull out? Because I, I, we'll be going over all of the grants with OED, so.

COUNCILMEMBER PALTIN: Oh, okay. I'll withdraw that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. And I appreciate looking at the grants at BFED, because I think that's extremely necessary, so thank you for that, Member Rawlins-Fernandez.

I wanted to pull out three items under the grants that are in the December report; G5094, G50, G5105, G5098. And all of these pertain to recycling, which I'd like to try to group them together and have a discussion about what is and isn't being recycled.

CHAIR LEE: In the CARE Committee? Which Committee?

COUNCILMEMBER KING: The CARE Committee.

CHAIR LEE: Okay. Any objections, Members? If not, so ordered, those three.

And then I saw Mr. Sinenci's hand up.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yes, consideration for Grant number G5302, Small Business Grants with the, excuse me, Farm Grants, OED of the Maui Chamber of Commerce to the Agriculture and Public Trust Committee. Thank you, Chair.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered on that one going to the APT Committee. Further requests?

Yes, Ms., Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Under the November contracts, I would like to pull D7183 *[sic]*, a Comprehensive Affordable Housing Plan into the AH. For the December contracts, I would like to pull the Lanai Skate Park, which is C5713-5 into the Parks. It's a very high priority for my community and I look forward to making that happen.

(CONTRACT D7183 WAS STATED IN ERROR AND SHOULD  
HAVE BEEN CONTRACT C7183.)

CHAIR LEE: Any objections to those two requests and referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

COUNCILMEMBER JOHNSON: Mahalo.

CHAIR LEE: Member Kama, you have no objections to taking the skate park into your Committee? Okay.

Now, I see Ms. Sugimura's hand up.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I just wanted to say that Festivals of Aloha, to answer Tamara's question, is online in case you're wondering as you were comparing it to the schools. So, and, and Keani answered that she's going to take it up anyway, but they're doing it online. Thank you.

CHAIR LEE: Alright. Anymore requests to take out contracts?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. To the request from Pro Tem Kama to separate CC 21-5, or for that item, CC 21--

CHAIR LEE: Which is, excuse me, what is that item again?

VICE-CHAIR RAWLINS-FERNANDEZ: That is for Parks, Countywide Park Facilities report for October 1 through December 31.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Pro Tem Kama requested to remove it from my motion to file. I just, I wanted to provide additional information for consideration for Pro Tem Kama that CC 21-62, which is a referral from myself, is relating to operational and budgetary review of the Department of Parks and Recreation. So, under that item, Pro Tem Kama would be able to review 21-5, that report.

COUNCILMEMBER KAMA: Thank you. Thank you, Vice-Chair and thank you, Chair. I got it.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Anybody else for contracts? Okay, now--

Yes, Member King. You're muted. Still muted.

COUNCILMEMBER KING: Sorry, about that, I'm going back. I don't have my Granicus tablet, so I'm going back and forth between, on my computer between the meeting and the document. But just in, in maybe in keeping with the discussion on the skate parks, just wondering if we could pull out the, it's so small now, the time extension on the Kalama Park Skate Park for, for the South Maui community which is, make this bigger, which

is G4876-2. And then maybe if Pro Tem Kama is amenable to that, we could have those discussions about the two skate parks together--

COUNCILMEMBER KAMA: Sure.

COUNCILMEMBER KING: --that are, that are in process. That would be great.

COUNCILMEMBER KAMA: Can do. Thank you, Chair.

CHAIR LEE: Alright. Vice-Chair Rawlins-Fernandez. That's all? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Now, did anyone else have a contract to take out and refer? No? Okay, now that takes care of the contracts. So, did we take care of the other request? Alright.

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

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

NOES: NONE.

CHAIR LEE: Okay. Motion carries. Okay, that, alright.

Mr. Clerk, would that only be for the removal of contracts, and now we have a main motion? Or would that take care of the main motion?

DEPUTY COUNTY CLERK: Right, Chair. So--

CHAIR LEE: Okay. Okay.

DEPUTY COUNTY CLERK: --staff's understanding is that--

CHAIR LEE: That's fine.

DEPUTY COUNTY CLERK: --those contracts are referred, the communications are filed, except for 21-5, which will, was referred to the HCP Committee. No?

VICE-CHAIR RAWLINS-FERNANDEZ: That's--

CHAIR LEE: No, no, no. That was withdrawn.

DEPUTY COUNTY CLERK: Oh, that was, okay. Thank you.

NO. 21-9 - MICHAEL P. VICTORINO, MAYOR,  
(dated December 23, 2020)

Informing of the appointment of Jake Musson to the Maui County Arborist Committee.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION 21-9.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Been moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to file County Communication 21-9.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Mayor has appointed Jake Musson to replace Alison Cohan for a term expiring on March 31, 2023. Nominees to the Maui County Arborist Committee are appointed by the Mayor with notice to, but without approval by the Council. I want to thank Mr. Musson for his participation in local government and for volunteering his time for our community. Thank you, Madam Chair.

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

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

NOES: NONE.

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

Mr. Clerk.

NO. 21-10 - MICHAEL P. VICTORINO, MAYOR,  
(dated January 1, 2021)

Informing of a vacancy on the Kula Agricultural Park Committee due to the resignation  
of Kylie Tavares effective January 1, 2021.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 21-10.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to file  
County Communication 21-10.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Mayor received  
notice of Ms. Tavares's resignation from the Kula Ag Park Committee, effective  
January 1, 2021. I'd like to express our aloha to Ms. Tavares for her participation in  
local government and for volunteering her time for our community. Thank you.

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

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

NOES: NONE.

CHAIR LEE: Okay. All "ayes", no "noes"; motion carries.

Clerk.

NO. 21-11 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 11, 2020)

Informing of the acceptance of Sewerline Easement "S-2", Panaewa Tract No. 3, Lot 5,  
TMK: (2) 4-6-010:012 POR.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. If there are no objections, I would like  
to ask the Clerk to also call up County Communications 21-12 through 21-15?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

NO. 21-12 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 11, 2020)

Informing of the acceptance of Sewerline Easement "S-1", Hale Koa Tract, Lot 36,  
TMK: (2) 3-4-040:24 POR.

NO. 21-13 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 22, 2020)

Informing of the acceptance of Sewerline Easement "A-1", Ikena Avenue Relocation  
Subdivision, Lot 17, TMK: (2) 4-5-034:064 POR.

NO. 21-14 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 22, 2020)

Informing of the acceptance of Sewerline Easement "6", Dairy Village Subdivision,  
Lot D-5, TMK: (2) 3-8-010:077 POR.

NO. 21-15 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 30, 2020)

Informing of the acceptance of Roadway/Road Widening Lot 134-A-3, Hale Piilani  
Subdivision, TMK: (2) 3-8-004:028 POR.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 21-11  
THROUGH 21-15.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to  
file County Communications 21-11 through 21-15.

Discussion, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yea, thank you. Thank you, Keani Rawlins, for seconding  
my motion. These communications are purely information and no further action is  
required by the Council. Thank you, Chair.

CHAIR LEE: Any further? Okay, any further comments?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to thank our Deputy County Clerk. I had no idea that's how you pronounce "Panaewa" on Maui. In Hilo we call it "Panaewa". But I learned a lot. Thanks.

COUNCILMEMBER SUGIMURA: Good job, James.

CHAIR LEE: Alright. Who knows, that might be the Maui version. I don't know.

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

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", no "noes"; motion carries.

Mr. Clerk, are you still there? He's checking his Hawaiian dictionary.

DEPUTY COUNTY CLERK: I just wasn't sure.

NO. 21-16 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 7, 2021)

Relating to the referral of various matters from the 2019-2021 Council to the Council Chair for the term beginning January 2, 2021.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, shoot.

I MOVE TO FILE COUNTY COMMUNICATION 21-16, AND  
REFER OR FILE THE ITEMS LISTED IN EXHIBITS "A"  
THROUGH "J" AS INDICATED ON THE LIST DISTRIBUTED AT  
THE START OF THE MEETING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file County Communication 21-16.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, if you disagree with any of the indicated actions, you may move to amend the list. If Members want to take a recess to review this document, I, I wouldn't object to that, Chair, if that's something you would entertain. Mahalo for the support of this motion.

CHAIR LEE: Yes, Ms. Kama.

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I'd like to have a recess--

CHAIR LEE: Okay. Ten minutes okay?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Alright, let's see. Let's make it, let's resume at 10:55. Okay.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: Wait, let me get my gavel.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: Meeting in recess till 10:55.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:40 A.M., AND WAS RECONVENED AT 11:03 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council regular Council meeting of January 15 please reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the body's still currently on County Communication 21-16.

CHAIR LEE: Alright. Members, okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Before we proceed, shall we take a second to my motion?

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second it.

CHAIR LEE: Been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama. And can you repeat your motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. The motion is to file County Communication 21-16, and refer or file the, the items listed in Exhibits "A" through "J", as indicated on the list distributed at the start of the meeting. So, the, the memo shows whether it's going to be filed or referred, and to which Committee it'll be referred to.

CHAIR LEE: Okay, did everybody have a chance--

VICE-CHAIR RAWLINS-FERNANDEZ: So, if Members have any amendments to that.

CHAIR LEE: Okay. So, everybody had a chance to review that?

Member King.

COUNCILMEMBER KING: Yea, I just have a question. I don't have any amendments, but I noticed that the, the items that included the Coronavirus that were just given to every Committee are, are being filed. And is there going to be another, another motion to put that back on all of the different Committees, to give the Committees all a chance to address that issue? It's going to be replaced with something else with the names of the new Committees?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER KING: Okay.

CHAIR LEE: That's what we're going to do.

COUNCILMEMBER KING: Okay, that's all.

CHAIR LEE: It's going to go back. We want everybody to have this, the same opportunity to bring, bring things up because it's so unpredictable. This, this issue is so unpredictable. So, sometimes we may take it up in Budget, sometimes we may take it up in CARE, you know, whatever is, you know.

COUNCILMEMBER KING: Sure. Yea, no, I appreciate that. I just wanted to make sure that that's what we were doing.

CHAIR LEE: Yes.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Okay. Member Kama, then Member Johnson, then Member Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. So, so I have a few things that I would want to refer to others. And there are a few things in my Committee, I mean, that I would like to refer to my Committee. So, do you want all of it at one time, or do you want it, the ones that we're going to "x" it out first, or what? How do you, how do you want that to happen?

CHAIR LEE: Let's do it all one time. Then we--

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: --take all one time from every Member.

COUNCILMEMBER KAMA: Okay. Okay. So, I'm looking at AH-47, which is slated to come to HCP. But it is the Ka Hale A Ke Ola Resource Center's mobile hygiene unit. And in my previous discussions with Member Johnson that he wanted to be able to take care of all the things that belonged to the homeless. So, I just want to make sure that this is something that, because it is being referred to HCP, that we would be okay with? Or if not, whatever he decides. And I do acknowledge that he has a lot on his plate, in terms of just this one list here, not counting the other list that he has. But, so, whatever your pleasure is, Member Johnson, I'm okay with AH-47 coming to me, if not . . .

CHAIR LEE: Be, before Member Johnson answers, there is going to be sort, you know, cross work going on, because although Member Johnson has maybe the general homeless issue with actual maybe housing, homeless, etc., you have the grants having to do with the homeless.

COUNCILMEMBER KAMA: Contracts.

CHAIR LEE: Yea.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: So, that's why it's going to, sometimes the lines are going to be a little blurred.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: So, in this one, are you, is it clear pretty much, is it clear that this is homeless and has nothing to do with the funding part of it?

COUNCILMEMBER KAMA: Well, it's a contract, so I guess it is a funding issue. But I wanted, but and you're right, because the lines are blurred, I'd rather be clear with the Chair of the Committee if it's okay. And that's why I'm asking the question.

CHAIR LEE: Okay. We'll ask him.

Mr. Johnson.

COUNCILMEMBER KAMA: And no pressure, Member Johnson.

COUNCILMEMBER JOHNSON: No, I, I'm very, Chair, if I may? Thank you. And I'm very humbled that you're, you know, considering my workload. And I have a passion for helping the homeless. I would love for this to, I'd love the amendment to refer to AH, AH-47, consistent with the Committee's jurisdiction established at the organizational meeting.

This is news to me, that the grants are not in, in there. So, I, can I ask for clarification, Chair?

CHAIR LEE: Yes. Grants are handled by Human Concerns, yea. The grants are not handled by Housing. So, in other words, the grants to Ka Hale A Ke Ola, the grants to Family Life Center, to all the nonprofits helping the homeless comes under Human Concerns. It comes under their Grants Division in Human Concerns, yea. Housing, yours is coming under housing. So, it's actually the, you know, the vertical housing. So, it, it's,

I suggest that we, we take it one step at a time, because I don't know that you would be able to handle grants and, and the actual construction of housing for the homeless. Yea, so, that's why we have this, this kind of a little dilemma in that. It's hard to separate.

You know, in the past, in the past, what we've done was kept Human Concerns and Housing together, because it's one department, yea?

COUNCILMEMBER JOHNSON: Right.

CHAIR LEE: But the way this Committees were set up, there, they're two different divisions from the same department. That's why you'll have some, some cross work there.

Wait. Vice-Chair Rawlins-Fernandez, did you have something to add to this discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Really quickly. Mahalo, Chair. So, this contract was like what we did earlier this morning, where Members were given the opportunity to separate out grants and contracts from the report that comes to the BFED Committee. So, that's where this item, you know, originated from. The AH-47, so this went to the Housing Committee last term, because it was requested to go to the Housing Committee.

When drafting the report, or this memo to the Members, there was an error for AH-47. And it should have gone to AH and not HCP. So, that was a clerical error.

COUNCILMEMBER KAMA: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And, okay, and so.

CHAIR LEE: Who made that clerical error?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I don't know. I didn't--

CHAIR LEE: Somebody--

VICE-CHAIR RAWLINS-FERNANDEZ: And so, yea, and, and, and I, and there was a request for me to state that for the record when I had made my motion. But I had missed that message. I, I, I didn't see that message soon enough.

CHAIR LEE: Staff gave you that message?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER KAMA: Thank you. Problem solved.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: So, we can, we can send that contract over to--

COUNCILMEMBER KAMA: AH.

CHAIR LEE: Affordable Housing. Affordable Housing. Okay?

COUNCILMEMBER KAMA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: So--

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Mr. Clerk, keep track of all these.

Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I, I just want to make my intent very clear. I would love to have all of the grants with, with the homeless, so that way we can, you know, work, we need the money to work on this problem. So, I, I appreciate there is structure involved, but I would just like to let you know my intent that I, I would like the grants with the homelessness, so.

CHAIR LEE: Well, can we work on that at a different time, yea?

COUNCILMEMBER JOHNSON: Certainly. Thank you.

CHAIR LEE: And I really don't want to confuse, because you're going to be really busy with affordable housing projects. The last thing you're going to, it's really the Budget Committee that will handle many, most of the grants--

COUNCILMEMBER JOHNSON: Okay.

CHAIR LEE: --in the end. In the end, yea.

COUNCILMEMBER KAMA: In the end.

CHAIR LEE: Okay, so let's just take this one grant and move it over to Affordable Housing. Alright?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Now--

COUNCILMEMBER KAMA: So, if I may continue, Chair.

CHAIR LEE: Okay, that was one.

COUNCILMEMBER KAMA: Yes, so hopefully the rest will be just as easy. So, we'll put on your thinking caps and your memories if you, if you need to say something, say so. So, I want to go to HFC-24, the feral animal management on Maui. And that, I think, is going to CARE, correct? So, I just--

CHAIR LEE: Or we can file it if you want to?

COUNCILMEMBER KAMA: Yea, so I thought we talked about it previous to this. So, I just wanted to make sure that Chair King was aware of that.

CHAIR LEE: You want to file this? Are you recommending filing this?

COUNCILMEMBER KAMA: No, I want to pass it on; sending this to CARE.

CHAIR LEE: Ms. King, you want the feral animals?

COUNCILMEMBER KING: Yea, I thought we talked about this in the--

COUNCILMEMBER KAMA: I did too.

COUNCILMEMBER KING: --the last meeting. And we were--

CHAIR LEE: Okay.

COUNCILMEMBER KING: Member Kama wanted to send it out of her Committee and so--

CHAIR LEE: Okay.

COUNCILMEMBER KING: I think what--

CHAIR LEE: Well, I thought--

COUNCILMEMBER KING: I think--

CHAIR LEE: I thought she was more sending, she was sending the Humane Society. But it's anything and everything--

COUNCILMEMBER KING: No, it's the feral--

CHAIR LEE: --having to do with animals.

COUNCILMEMBER KING: Yea, the feral animal management that she was saying.

CHAIR LEE: Okay. So, that goes to CARE.

COUNCILMEMBER KAMA: Right.

CHAIR LEE: That's two.

COUNCILMEMBER KAMA: And then the HFC-26, CDBG. It's going to, at least I'd like to send it to, if you don't mind Keani, to BFED? Yes.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think, so, the items that are listed in bold is, will be the old Committee acronyms and the numbers with the description of what that item is. And right below it, it says, it's not bold, and so, that, it's a little harder to see, but it'll say the new Committee acronyms right below it, and that's the referral to, to what Committee it'll go to. Mahalo.

COUNCILMEMBER KAMA: Okay. Yea, just wanted to be clear about that.

VICE-CHAIR RAWLINS-FERNANDEZ: So, it, it's going to BFED.

COUNCILMEMBER KAMA: Okay. Okay. So, I just wanted to make sure I was reading this in the way that it should have been read, right? So, this is all the old numbers and the new numbers on the bottom. Okay. Okay, so I got that.

So, HFC-65, which is the Molokai Athletic Complex contract, so that was in HFC and now it's going to go to BFED, correct? Okay, just wanted to be sure about that.

And HFC-73, again, goes to CARE. Is that right, Ms. King? Okay. Other than that, that's it. I just wanted to make sure that we're all good with all the Chairs, and the Committees, and subject matters. Thank you, Chair.

CHAIR LEE: So, the only two that are different are AH-47 to, no, that first contract you talked about goes to--

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, that's correct.

CHAIR LEE: --Affordable Housing?

COUNCILMEMBER KAMA: Yea.

CHAIR LEE: Right?

COUNCILMEMBER KAMA: Yea.

CHAIR LEE: And that, can you repeat the, the, that contract? I meant that, that item number.

COUNCILMEMBER KAMA: AH-47.

CHAIR LEE: H-47?

COUNCILMEMBER KAMA: AH-47.

CHAIR LEE: But, okay now, you guys are confusing me. I thought Mr. everybody agreed to keep it in Affordable Housing.

COUNCILMEMBER KAMA: It is. It is. It is.

CHAIR LEE: Yes, so you're not going to be change, moving it to HCP?

COUNCILMEMBER KAMA: Right. It stays. Right.

CHAIR LEE: Oh, okay. So, that's, we don't have to do anything.

COUNCILMEMBER KAMA: Correct.

CHAIR LEE: Now, the next, huh? Right?

COUNCILMEMBER KAMA: Yea.

CHAIR LEE: So, the next one, HFC-24 to CARE, we have to agree to that.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Yes. The, those items are going. The, those items are going to CARE, to BFED. The only item that needed the correction was AH-47, which was the Ka Hale A Ke Ola grant. And instead of it saying that it's going to HPC *[sic]*, it's going to AH.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Correct.

CHAIR LEE: Okay. Alright. So, are there any objections to that, that particular one?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. No objections. So, that takes care of you, Member Kama.

COUNCILMEMBER KAMA: Yes, thank you.

CHAIR LEE: Okay, next we have Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank, there, thank you. So, on my exhibit, Exhibit "H", WIT-15, addressing Upcountry water meter. I spoke to Mr. Sinenci about this. And so, instead of it going to his Committee, it will go to IT Committee.

WIT-77, Kula Ag Park overview and operation, operational review, instead of it going to APT, it'll go to IT Committee.

And under WIT-13 *[sic]*, COVID-19 Pandemic, I guess we're going to take that up separately, right? Okay, so I'm not going to bring up that.

Under Exhibit "D", which is EACP-4 *[sic]*, again Kula Ag Park is listed. So, instead of it going to APT, it'll go to my Committee.

And under EACP--

CHAIR LEE: Wait, wait, wait, wait, wait.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR LEE: So, it seems like you, you got concurrence for the first two items.

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Did you get concurrence for the third item that you just mentioned?

COUNCILMEMBER SUGIMURA: Oh. Mr. Sinenci. It's the same--

COUNCILMEMBER SINENCI: Yea, we'd like to--

COUNCILMEMBER SUGIMURA: --subject matter.

COUNCILMEMBER SINENCI: Yea, that one's already in, forwarded from the APT Committee. So, we'll keep the, the Kula Ag Park, and then IT Committee can have the Kula Ag Expansion number 77.

COUNCILMEMBER SUGIMURA: Okay. And then, on the last item that I have, which is, if you remember during my Committee, we took up, well, it's EACP-56 listed here, which is the 'Āhihi-Kīna'u Natural Reserve which is in, I guess Makena. And we did a IGA on it in my Committee. And this, we put this in here for, I guess Tamara Paltin and I were going to do a site visit for their operational changes that they were doing with their, they put in a parking, they, they did a parking plan and whatever. And we were going to review it. So, that's why I put this back in my Committee, so that we can have a follow up once we went through the holidays. And Tamara Paltin and I were going to do a site visit and report back to Committee. So, I would like to have it in my, in my IT Committee if I could, Mr. Sinenci. I didn't talk to you about that.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: I just noticed that now.

CHAIR LEE: Well, he had his thumb up. So, did everybody follow that? Everybody got that? Okay, apparently there is concurrence from the other Committee. So, James are you on top of this? James? James, where are you?

COUNCILMEMBER SUGIMURA: He's here.

DEPUTY COUNTY CLERK: Yes. No, just confirming with staff. I believe we got everything. Thank you.

COUNCILMEMBER KING: Quick question.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Yea, thank you. So, I wasn't clear on what, Ms. Sugimura, the, the item is the actual tour, or is that going to be open to other Councilmembers? Or is it just you and, and Member Paltin.

COUNCILMEMBER SUGIMURA: Well, when it came up in Committee, we talked about it like that, so it can be open to others. And it was with DLNR, Scott Fretz, if you remember. When he presented before us, he was saying that when they're ready, they, you know, they would be interested in hearing from the, so that's, that's what that was about. And I think that's, that's what that was.

COUNCILMEMBER KING: Okay. It would be great to being--

CHAIR LEE: Yes.

COUNCILMEMBER KING: --to let, let us all know when that happens. Thank you.

CHAIR LEE: Mr. Clerk, you had your hand up?

DEPUTY COUNTY CLERK: Yes, Chair. Apologies, but just so that we can be certain, would it be okay if Councilmember Sugimura repeated the referrals one more time, just so that we're sure?

COUNCILMEMBER SUGIMURA: So, under Exhibit "H", WIT-57, instead of APT, it'll go to my Committee.

WIT-77, which is Kula Ag Park overview and operational review, instead of APT, it'll go to IT Committee.

And then, EACP, that Kula Ag Park, he's going to keep it. Oh, I'm sorry, EACP-4 *[sic]*, he's going to keep it in his Committee.

And EACP-56, which is the reserve, I explained. I, I think there was concurrence for it to come to my Committee. I could be mistaken.

CHAIR LEE: No, he, yea, he did a thumb up.

COUNCILMEMBER SUGIMURA: Yea. I have one more. I'm sorry. So, in my Committee, under WIT-119, and I haven't talked to Member King about this, but County Wastewater facilities and sea level rise exposure areas, I wonder if it could be a double referral because it's talking about infrastructure as it would relate to my departments, as well as sea level rise? So, I wonder if you could do a double referral? So, how would you--

COUNCILMEMBER KING: Yea, I don't have a problem with the subject matter being double referred. I think the, what we heard earlier was that the bills can't be double referred to our Committees, but the subject matter, that's great, I think we should both be talking about that.

CHAIR LEE: Okay. Did you get that--

COUNCILMEMBER SUGIMURA: Did you get that one, James?

CHAIR LEE: Mr. Clerk.

COUNCILMEMBER SUGIMURA: So, WIT, WIT-119 going to CARE and IT.

DEPUTY COUNTY CLERK: Thank you.

CHAIR LEE: Alright.

COUNCILMEMBER SUGIMURA: Thank you, Members.

COUNCILMEMBER KING: We're on, thank you, Member Sugimura. We're on each other's Committees too, so we can coordinate that topic.

CHAIR LEE: Okay, before I call on Ms., Mr. Molina, any objections to the recommendations of Councilmember Sugimura?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. Okay. Alright.

Mr. Molina.

COUNCILMEMBER SUGIMURA: Thank you, Members.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just wanted to reaffirm an item for HFC; HFC-004. Last term, I made the request to then Committee Chair Mr. Hokama to have this matter referred over to the next Council term. And of course, at that time, no one knew what Committees we all would be Chairing. So, just wanted to reaffirm that new HFC Chair Kama is aware that I would like HFC-004 referred to her Committee. This is the proposed Maliko Gulch lease agreement.

CHAIR LEE: Okay. Any problems, Member Kama? No objections?

COUNCILMEMBER KAMA: No, Chair. That's fine. Thank you.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Thank you, Mr. Molina.

CHAIR LEE: Any objections from anybody else? Okay. Alright. So, we've taken care of at least three or four of your--

Yes, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, apologies. We're having difficulty locating HFC-004. What exhibit is that under?

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: I'm not sure, to tell you the truth. But it was a matter that was referred from last, in Mr. Hokama's Committee in December.

CHAIR LEE: Look for Maliko Gulch.

COUNCILMEMBER MOLINA: Yea, Maliko Gulch; HFC-004.

COUNCILMEMBER SUGIMURA: Chair, while you're doing that, my battery is dying, so I'm going to switch computers.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Chair, we've reviewed Exhibit "F", which is the exhibit that contains the matters referred by the Healthy Families and Communities Committee from last term and we cannot identify an item relating to Maliko Gulch.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Maybe--

COUNCILMEMBER MOLINA: It was on record. I made that request in that, in Mr. Hokama's Committee meeting. Why it's not showing, I don't know. But I formally made that request in Committee.

CHAIR LEE: Alright.

COUNCILMEMBER PALTIN: Try Exhibit "J".

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Madam Chair.

CHAIR LEE: Exhibit "J".

SUPERVISING LEGISLATIVE ATTORNEY: Thank you.

CHAIR LEE: Thank you, David.

James, look at Exhibit "J". Okay. It's there. You're muted.

DEPUTY COUNTY CLERK: Yes.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: It's on Exhibit "J". It's item "g". County Communication 18-95, transmitting a proposed resolution entitled "AUTHORIZING THE LEASE FOR MALIKO BAY". Is that the item, Councilmember Molina?

COUNCILMEMBER MOLINA: Yea. Yes.

DEPUTY COUNTY CLERK: Thank you.

CHAIR LEE: Okay. Any objections to referring that to HFC *[sic]*, yea?

COUNCILMEMBER MOLINA: Correct.

CHAIR LEE: Keeping it, keeping it in HFC *[sic]*.

COUNCILMEMBER MOLINA: Yea, exactly, yea.

VICE-CHAIR RAWLINS-FERNANDEZ: HCP.

CHAIR LEE: Oh, yea, it has different. HCP. HCP. All these alphabets. Alright. Who's next? Who wants to make changes?

If not, Vice-Chair, oh yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, Madam, just a couple more things just to reaffirm two, two Committee items that was out of the Affordable Housing Committee last term. One for the affordable housing comprehensive plan and for the other item related to amending the 201H percentage from 70, up to 75 percent. Let me look up those, the numbers. But those were a request that I made in Affordable Housing Committee. And that would go to the current Affordable Housing Committee. I know that Mr. Johnson is already aware of one of those items.

COUNCILMEMBER KAMA: They're both in "J".

CHAIR LEE: Mr. Clerk, I don't see you.

DEPUTY COUNTY CLERK: Yes.

CHAIR LEE: Did you hear what Mr. Molina said?

DEPUTY COUNTY CLERK: Yes, Chair. We can confirm that--

CHAIR LEE: Have you located those two items?

DEPUTY COUNTY CLERK: --that's in Exhibit "J". Yea.

CHAIR LEE: Yea, you've located them? And you're going to make sure it goes to Affordable Housing? Okay, anybody else?

Vice-Chair Rawlins-Fernandez, you want to recap where we are?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Mahalo, Chair. So, after we've, it sounds like we're, we're all in consensus as far as where the items, which Committees the items will be referred to. So, for, for everything else, it'll be filed or referred as stated on the list that we received. So, the motion is to file the communication itself, and for everything else to follow the instructions on the communication. And that's the main motion.

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

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

NOES: NONE.

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

COUNCILMEMBER KING: I think Shane--

CHAIR LEE: What happened, Mr. Sinenci?

COUNCILMEMBER KING: Mr. Hokama. He's doing the Mr. Hokama imitation.

CHAIR LEE: Oh, okay.

Alright. Mr. Clerk, next.

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

NO. 21-17 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to affordable housing projects under Chapter 201H, Hawaii Revised Statutes.

The recommended action is that County Communication No. 21-17 be referred to the Affordable Housing Committee.

NO. 21-18 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to affordable housing projects under Chapter 2.97, Maui County Code.

The recommended action is that County Communication No. 21-18 be referred to the Affordable Housing Committee.

NO. 21-19 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 7, 2021)

Relating to Amendments to Chapter 2.96, Maui County Code.

The recommended action is that County Communication No. 21-19 be referred to the Affordable Housing Committee.

NO. 21-20 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Housing Division, Department of Housing and Human Concerns.

The recommended action is that County Communication No. 21-20 be referred to the Affordable Housing Committee.

NO. 21-21 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 6, 2021)

Relating to the Department of Water Supply Water Rate Study.

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

(COUNTY COMMUNICATION NO. 21-21 WAS LATER  
REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC  
DEVELOPMENT COMMITTEE. See page 91 for discussion.)

NO. 21-22 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Water Supply.

The recommended action is that County Communication No. 21-22 be referred to the Agriculture and Public Trust Committee

NO. 21-23 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated January 6, 2021)

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 ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND, COUNTYWIDE FEDERAL AID PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE (COUNTYWIDE FEDERAL AID PROGRAM)"; and
3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – COUNTYWIDE FEDERAL AID PROGRAM)".

The recommended action is that County Communication No. 21-23 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-24 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated January 8, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI

AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (HAMAKUALOA OPEN SPACE PRESERVE)".

The recommended action is that County Communication No. 21-24 be referred to the Budget, Finance, and Economic Development Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 21-24 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 2 (2021). COUNTY COMMUNICATION NO. 21-24 WAS THEN FILED. See pages 106 through 109 for discussion and action.)

NO. 21-25 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated December 17, 2020)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of November 30, 2020.

The recommended action is that County Communication No. 21-25 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-26 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated January 7, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00".

The recommended action is that County Communication No. 21-26 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-27 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 8, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE COUNTY CLERK, (STATE OF HAWAII, ACT 136, SLH 2019)".

The recommended action is that County Communication No. 21-27 be referred to the Budget, Finance, and Economic Development Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 21-27 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 1 (2021). COUNTY COMMUNICATION NO. 21-27 WAS THEN FILED. See pages 97 through 100 for discussion and action.)

NO. 21-28 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 6, 2021)

Relating to OpenGov comprehensive budgeting, performance, communication, and reporting software.

The recommended action is that County Communication No. 21-28 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-29 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 6, 2021)

Relating to County Property Tax Reform.

The recommended action is that County Communication No. 21-29 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-30 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to Fiscal Year 2022 Budget.

The recommended action is that County Communication No. 21-30 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-31 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to Fiscal Monitoring of Grants and Grant Reporting.

The recommended action is that County Communication No. 21-31 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-32 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the County Auditor.

The recommended action is that County Communication No. 21-32 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-33 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Community Development Block Grant Program.

The recommended action is that County Communication No. 21-33 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-34 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Finance.

The recommended action is that County Communication No. 21-34 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-35 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Office of Economic Development.

The recommended action is that County Communication No. 21-35 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-36 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Maui County Emergency Management Agency.

The recommended action is that County Communication No. 21-36 be referred to the Climate Action, Resilience, and Environment Committee.

NO. 21-37 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Environmental Protection and Sustainability Division.

The recommended action is that County Communication No. 21-37 be referred to the Climate Action, Resilience, and Environment Committee.

NO. 21-38 - MICHAEL P. VICTORINO, MAYOR,  
(dated January 4, 2021)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF KATHRYN GHEAN TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 21-38 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-38 WAS AMENDED AND ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-12. COUNTY COMMUNICATION NO. 21-38 WAS THEN FILED. See pages 77 through 87 for discussion and action.)

NO. 21-39 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 7, 2021)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF  
TAMBARA GARRICK TO THE SALARY COMMISSION".

The recommended action is that County Communication No. 21-39 be referred to the  
Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY  
COMMUNICATION NO. 21-39 WAS ADOPTED LATER IN THE  
MEETING AND ASSIGNED RESOLUTION NO. 21-13.  
COUNTY COMMUNICATION NO. 21-39 WAS THEN FILED.  
See pages 87 through 90 for discussion and action.)

NO. 21-40 - ALICE L. LEE, COUNCIL CHAIR,  
(dated December 30, 2020)

Relating to illegal fireworks.

The recommended action is that County Communication No. 21-40 be referred to the  
Government Relations, Ethics, and Transparency Committee.

NO. 21-41 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to the appointment and removal of administrative heads of departments.

The recommended action is that County Communication No. 21-41 be referred to the  
Government Relations, Ethics, and Transparency Committee.

NO. 21-42 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to the nominations to boards, committees, and commissions.

The recommended action is that County Communication No. 21-42 be referred to the  
Government Relations, Ethics, and Transparency Committee.

NO. 21-43 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to the Hawaii State Association of Counties.

The recommended action is that County Communication No. 21-43 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-44 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to the Maui County Council Legislative Package.

The recommended action is that County Communication No. 21-44 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-45 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to amendments to the Revised Charter of the County of Maui (1983), as amended.

The recommended action is that County Communication No. 21-45 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-46 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 5, 2021)

Relating to litigation, claims, and demands, including requests for settlement authority, indemnification, employment of and compensation for special counsel, and status updates.

The recommended action is that County Communication No. 21-46 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-47 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 6, 2021)

Relating to the Council's appointments to the Charter Commission.

The recommended action is that County Communication No. 21-47 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-48 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 6, 2021)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF A COUNCILMEMBER AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE".

The recommended action is that County Communication No. 21-48 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-48 WAS AMENDED AND ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-14. COUNTY COMMUNICATION NO. 21-48 WAS THEN FILED. See pages 100 through 104 for discussion and action.)

NO. 21-49 - ALICE L. LEE, COUNCIL CHAIR,  
(dated January 6, 2021)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF A COUNCILMEMBER AS A MEMBER OF THE CONSERVATION PLANNING COMMITTEE".

The recommended action is that County Communication No. 21-49 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-49 WAS AMENDED AND ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-15. COUNTY COMMUNICATION NO. 21-49 WAS THEN FILED. See pages 104 through 106 for discussion and action.)

NO. 21-50 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Office of Council Services.

The recommended action is that County Communication No. 21-50 be referred to the Government Relations, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 21-50 WAS LATER REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. See pages 92 and 93 for discussion.)

NO. 21-51 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Office of the County Clerk.

The recommended action is that County Communication No. 21-51 be referred to the Government Relations, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 21-51 WAS LATER REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. See pages 92 and 93 for discussion.)

NO. 21-52 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Office of the Mayor, excluding the Office of Economic Development and the Community Development Block Program.

The recommended action is that County Communication No. 21-52 be referred to the Government Relations, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 21-52 WAS LATER REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. See pages 92 and 93 for discussion.)

NO. 21-53 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of the Corporation Counsel.

The recommended action is that County Communication No. 21-53 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-54 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Management.

The recommended action is that County Communication No. 21-54 be referred to the Government Relations, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 21-54 WAS LATER  
REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC  
DEVELOPMENT COMMITTEE. See pages 92 and 93 for  
discussion.)

NO. 21-55 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Fire and Public Safety.

The recommended action is that County Communication No. 21-55 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-56 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Police.

The recommended action is that County Communication No. 21-56 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-57 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Liquor Control.

The recommended action is that County Communication No. 21-57 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-58 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Personnel Services.

The recommended action is that County Communication No. 21-58 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-59 - TAMARA PALTIN, COUNCILMEMBER,  
(dated January 6, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.14, MAUI COUNTY CODE, RELATING TO PRE-SIGNED RESIGNATION LETTERS FOR ADMINISTRATIVE HEADS OF DEPARTMENTS".

The recommended action is that County Communication No. 21-59 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-60 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 6, 2021)

Relating to Kaunoa Senior Services Leisure/Wellness Program.

The recommended action is that County Communication No. 21-60 be referred to the Human Concerns and Parks Committee.

NO. 21-61 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Housing and Human Concerns, excluding the Housing Division.

The recommended action is that County Communication No. 21-61 be referred to the Human Concerns and Parks Committee.

NO. 21-62 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Parks and Recreation.

The recommended action is that County Communication No. 21-62 be referred to the Human Concerns and Parks Committee.

NO. 21-63 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Environmental Management, excluding the Environmental Protection and Sustainability Division.

The recommended action is that County Communication No. 21-63 be referred to the Infrastructure and Transportation Committee.

NO. 21-64 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Transportation.

The recommended action is that County Communication No. 21-64 be referred to the Infrastructure and Transportation Committee.

NO. 21-65 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Public Works.

The recommended action is that County Communication No. 21-65 be referred to the Infrastructure and Transportation Committee.

NO. 21-66 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated January 8, 2021)

Relating to operational and budgetary review of the Department of Planning.

The recommended action is that County Communication No. 21-66 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-67 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,  
(dated September 30, 2020)

Transmitting the Maui and Lanai Planning Commissions' recommendations on and the Planning Department's proposed revisions to a proposed bill to reduce the number of short-term rental permits allowed in Section 19.65.030, Maui County Code.

The recommended action is that County Communication No. 21-67 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-68 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,  
(dated January 4, 2021)

Transmitting the 2020 Annual Status Report on the Implementation of the Countywide Policy Plan and the Maui Island Plan.

The recommended action is that County Communication No. 21-68 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-69 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,  
(dated January 4, 2021)

Transmitting the 2020 Annual Status Report on the Implementation of the Maui County Community Plans.

The recommended action is that County Communication No. 21-69 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-70 - TAMARA PALTIN, COUNCILMEMBER,  
(dated January 6, 2021)

Relating to the West Maui Community Plan.

The recommended action is that County Communication No. 21-70 be referred to the Planning and Sustainable Land Use Committee.

(See pages 110 through 112 for discussion.)

### GENERAL COMMUNICATIONS

NO. 21-2 - PAUL CHENG, MAUI OCEANVIEW LP.,  
(dated December 3, 2020)

Submitting a compliance report pursuant to Condition Zoning No. 17 of Ordinance No. 3889, concerning the current status of compliance with the conditions of change of zoning approval since the change in ownership.

The recommended action is that General Communication No. 21-2 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: . . . so the referrals as read by the Clerk?

Mr. Molina.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-38

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. I have two considerations for the body. First, for County Communication 21-38.

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

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Approval of this motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today.

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

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

NOES: NONE.

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

Mr. Molina.

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

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-38, AND TO  
FILE COUNTY COMMUNICATION NO. 21-38.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Sugimura, to approve the, adopt the resolution in County Communication 21-38.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. In accordance with the Charter, the Council has 60 days or up until March 7, 2021 to approve or disapprove this nomination of Ms. Ghean. Being that the duration of the term to be filled is very short, this is for a term that will be expiring this March 31 of 2021. Bringing this matter up now for the Council's consideration today, I, in my opinion makes sense.

Members, if you may recall, because the Mayor did not submit to the Council the name of a nominee within the designated timeframe, the jurisdiction to fill the vacancy moved to the Council.

The GET Committee met on December 1, and 9, of 2020 to consider Ilima Greig-Hong. But Ms. Hong was unable to commit to attending the board's monthly meetings and withdrew her name from consideration. And this was a name submitted to us by Member Paltin. The Council's 60-day deadline to approve a nominee lapsed on December 21 of 2020. And the jurisdiction to fill the vacancy then went back to the Mayor.

And so, Ms. Ghean, from my understanding, is available for any questions. And according to her board application, Ms. Ghean has since retired from jobs in financial management, bookkeeping and sales. And all of these types of businesses require a strong sense of ethics. So, I would ask for the Members consideration of Ms. Ghean's nomination. And also, Mayor's representative, Mr. Mossman, is online as well to answer any questions. Thank you, Madam Chair.

CHAIR LEE: Thank you, Mr. Molina.

Member Paltin.

COUNCILMEMBER PALTIN: I speak against adopting this resolution. We received a testimony, let's see, at 11:17 from Ms. Nishiki. I'm not sure if everyone read it. But it says, "Good morning, Chair and Councilmembers. In reviewing nominations for board and commission I am dismayed to see Kay Ghean nominated by the Mayor for the

Board of Ethics". And it is attached; a very disturbing post to her social media in what seems to be mis, misogynistic bullying of a female elected official. And I just cannot support that kind of behavior on the Board of Ethics. I will not be supporting the motion.

CHAIR LEE: Okay. Member Paltin, did you nominate this person? Oh, okay.

COUNCILMEMBER PALTIN: The Mayor did.

CHAIR LEE: The Mayor did? Okay. Alright. Any further comments or questions?

Yes, Vice-Chair Rawlins-Fernandez, to be followed by Member Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will also be voting against the motion. In addition to, and mahalo Member Paltin for bringing the testimony from Ms. Nishiki to our attention. I recognize the nominee's last name, but after seeing her Facebook name, I am more aware of her activity on social media. And it is not reflective of a member that, of someone that should be participating on the Board of Ethics. Because I would like to support community members who practice ethical behavior publicly. And from what I've seen on social media, which is very public, it, it, it's not the kind of behavior that I would be proud to support and have on our County Board of Ethics. So, I am in strong opposition to this nomination. Mahalo, Chair.

CHAIR LEE: Okay.

Mr. Sinenci, then Mr. Molina.

COUNCILMEMBER SINENCI: Thank you, Chair, for the opportunity. I just wanted to share my comments that I too won't be supporting the, the nomination. When, when speaking to online social media outlets, you know, I, I've seen, and as public officials, you know, it's something that I had to get used to because it's, you know, your name is out there. And so, I've been sort of trolled on. And, and there is no way to, to respond or to, you know, hey speak, speak to these people who are coming on social media. It seems like it's almost one-sided. And take into account, you know, some of the events at the national level and making sure that, you know, we're seeing social media outlets cutting off people that promote, you know, untruths. So, so for that reason, I'm also won't be supporting that nomination. Thank you, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. May we ask Mr. Mossman from the Mayor's Office to comment on this, and if he was made aware of this concern that's been just brought to our attention?

CHAIR LEE: Mr. Mossman.

EXECUTIVE ASSISTANT IPO MOSSMAN: Hi, Madam Chair and Councilmembers. No, I have, we have not, I have not been, had any idea that this was even out there. So, I thank you for pointing that out.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Then, if I can ask Mr. Mossman, in light of this concern, is this something the Mayor might consider, reconsider this nomination at this point?

CHAIR LEE: Mr. Mossman.

EXECUTIVE ASSISTANT MOSSMAN: At this point, definitely yes. Chair, Councilmember Molina, yes, very much so.

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

CHAIR LEE: So, Mr. Molina, are you withdrawing your motion?

COUNCILMEMBER MOLINA: Well, in, in light of the circumstances and hearing that response from Mr. Mossman, then I think that might be the most appropriate. But I'd like to hear from other Members first.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: And I guess with this testimony that was submitted, was, was proof submitted as well in evidence of the social media on it? Okay. I haven't had a chance to see it myself, so.

COUNCILMEMBER SUGIMURA: Yea, I haven't seen it.

COUNCILMEMBER MOLINA: Yea, it would seem at this point the appropriate thing to do. But again, maybe it's good to hear from everybody as well. So, thank you.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I guess Tamara has the, must be Facebook post. But I guess if you could let us know, maybe later Tamara, what the name is of the Facebook post. And, because I believe Ms. Ghean is, was Governor Linda Lingle's Maui Advisory

Board person when she, when she was our Governor and has, you know, background in terms of government. So, I'm a little surprised at this new information. And I, I, I, I'll do my own research. So, thank you.

So, Mr. Molina, you going to withdraw this motion?

CHAIR LEE: Well, well, let, he wants to hear from everybody first.

COUNCILMEMBER SUGIMURA: Oh. Okay, that's my comment.

CHAIR LEE: Ms. King.

Okay, thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. And thank you to the Councilmembers who brought this new information forward. I'm looking, I'm trying to get my staff to send it to me, cause I haven't seen it myself. But I just wanted to ask Mr. Molina that you withdrawing your motion doesn't, what does that do to the timeline? Because if we don't address this within a certain timeline, then this person automatically gets appointed. So, do we have to make a decision one way or another so that we meet that timeline?

COUNCILMEMBER MOLINA: Yea. Yea.

COUNCILMEMBER KING: Then maybe we don't want to withdraw, or, or are you asking for a different motion.

COUNCILMEMBER MOLINA: Well, yea, we can, that's one, we can ask that this motion to approve be withdrawn, and then make a new motion to disapprove. That's one, one alternative. And I did get a chance to look at the testimony, or the photo that was submitted. I guess it's, for the public's information, I guess it's a somewhat derogatory photo of Congressional Representative Alexandria Ocasio-Cortez, if I'm correct. And that's, I guess the object of the concern here. So, I understand people have a right to freedom of speech. But, you know, I guess there are certain limits as to how, how far your freedom of speech can go. And I guess being the nature of this type of appointment to the Board of Ethics, I think the standards are higher. So, I will then, with that being said, well, I'll let others comment before I make a suggestion to the Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, your hand was up.

VICE-CHAIR RAWLINS-FERNANDEZ: It was. Mahalo, Chair. That, what Member Molina said about changing the motion to one that would disapprove the nominee. And I, I just wanted to make two other points. One is, you know, first amendment guarantees everyone free speech. But free speech doesn't come without consequences. So you can say whatever you want publicly. But there's consequences to things that you say publicly. And the kind of hate that emanates from the comments in her posts on social media is not something that we should be allowing to be on our County boards and commission. And a quick search on social media would have brought up these types of comments. And so, I would encourage the Administration to better vet nominees to avoid embarrassment like this. Mahalo, Chair.

CHAIR LEE: Thank you. Any more comments?

If not, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair.

SO, I WITHDRAW THE ORIGINAL MOTION TO APPROVE AND  
I WOULD INSTEAD OFFER A MOTION TO DISAPPROVE THE  
NOMINATION OF MS. GHEAN.

COUNCILMEMBER SUGIMURA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay, who seconded his first motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sugimura.

CHAIR LEE: Member Sugimura, I'm assuming you're withdrawing? Okay.

Alright, so Mr. Molina--

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. And thank you for the second. So, I'll make a motion to disapprove not lightly. And it's just one of those things that I guess went through the cracks. But because of the standards we expect from our people on boards and commissions, especially the Board of Ethics, I think the only alternative we're, we're left with is to disapprove this nomination and hand it back to the Mayor to find another nominee. Thank you, Madam Chair.

CHAIR LEE: Ms. Su, thank you. Ms. Sugimura, so you're seconding this other, second motion, right? Withdrew your first second, and you're seconding his motion now, right? Just checking, because we want this correct.

Yes, Mr. Clerk.

DEPUTY COUNTY CLERK: Staff just wants clarification on the action on the floor right now. Our understanding is that the resolution before the body does state in its "BE IT RESOLVED" that it approves the appointment. If the body's desire is to disapprove that appointment, our understanding is that a revision to the resolution might be necessary. But we'd defer to Council Services or Corporation Counsel for, you know, further advise on how to go about this. Thank you.

CHAIR LEE: Alright. Corporation Counsel or David.

Yes, David.

SUPERVISING LEGISLATIVE ATTORNEY: Yea, thank you, Chair. David Raatz with Office of Council Services. The Council only acts by ordinance or resolution. So, if there is a will to disapprove a nomination, the resolution stating that would have to be adopted. So, we agree with the Deputy County Clerk that the resolution would need to be amended to state disapproval, and then adopted. Thank you, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA:

YEA, SO, SO WITH THAT BEING SAID, THEN I GUESS I  
WOULD MOVE TO AMEND THE RESOLUTION TO  
DISAPPROVE, FORMALLY.

CHAIR LEE: Ms. Sugimura.

So, you're, you're withdrawing your other motion to disapprove and now you're going to move to amend the motion to disapprove? Amend the resolution to disapprove?

COUNCILMEMBER MOLINA: Correct.

CHAIR LEE: So, Ms. Sugimura, are you in concurrence, or are you going to withdraw your previous second and add your next, this other second?

COUNCILMEMBER SUGIMURA: I'm doing research as I'm listening to all of this, trying to look up this Facebook post that you all are talking about, so.

CHAIR LEE: Okay, so you're saying you're not going to second. Let's have a second.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Vice-Chair Rawlins-Fernandez second.

Okay, any further discussion, Mr. Molina?

COUNCILMEMBER MOLINA: No, Madam Chair. Just to say that, you know, I, I know Ms. Ghean from years ago, so I've never had any unpleasant experiences with her. But with this matter surfacing before us and because of the nature of this type of board and expectations we have, for me it just leaves me no choice but to not, not approve her nomination to this particular board. So, anyway, that's, I've said enough. Thank you, Madam Chair.

COUNCILMEMBER SUGIMURA: Oh my God.

CHAIR LEE: Okay, so all those in favor of the motion to amend the resolution, right, we have to take that vote?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. My understanding as far as process and procedure goes, Member Molina made the main motion, Member Sugimura seconded, and then that main motion was withdrawn.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: And then, the motion to adopt the resolution to disapprove was made by Member Molina, seconded by myself, but that resolution, my under, if I'm understanding correctly does not exist.

CHAIR LEE: No. He made the motion, he made a motion to amend the--

COUNCILMEMBER KAMA: The main motion.

CHAIR LEE: --approval, the reso to approve. He, to amend it to say "disapprove". That was my understanding of the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, we don't currently have a main motion on the floor because it was withdrawn.

CHAIR LEE: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I, I can second the motion to first adopt CC 21-38, and then a second motion to amend the main motion of disapproving. And then we would take action on the motion.

CHAIR LEE: Okay. Okay, wait. First of all, he, okay, I, I see what you're saying. He wouldn't be able to amend the motion to disapprove. So, he, he's making a motion to approve the resolution because that is agendized. Somebody else is going to have to make an amendment to disapprove. Okay? Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. Yea.

CHAIR LEE: Okay. So, let's try this one more time. Mr. Molina.

COUNCILMEMBER MOLINA: Okay, so--

CHAIR LEE: You are--

COUNCILMEMBER MOLINA: So, okay, so shall I make the formal motion to adopt the resolution first?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER MOLINA: Okay. Alright.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-38, AND TO  
FILE COUNTY COMMUNICATION 21-38.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay. Let's, and moving forward.

COUNCILMEMBER MOLINA: Okay.

AND NOW, MADAM CHAIR, I MOVE TO AMEND THE  
RESOLUTION TO DISAPPROVE THE NOMINATION OF KAY  
GHEAN TO THE BOARD OF ETHICS.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, this is where I would need a, David. A person moving to disapprove can also approve? David?

SUPERVISING LEGISLATIVE ATTORNEY: Well, the, the main motion is to adopt the resolution and file the communication. And then a motion to amend is appropriate. The title--

CHAIR LEE: By the same person?

SUPERVISING LEGISLATIVE ATTORNEY: Yes.

CHAIR LEE: By the same person?

SUPERVISING LEGISLATIVE ATTORNEY: That would be fine. Thank you, Chair.

CHAIR LEE: Okay. Alright. Just wanted to double-check. Okay, Mr. Molina, you're going to amend your main motion?

COUNCILMEMBER MOLINA: That's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER SUGIMURA: To disapprove.

CHAIR LEE: Okay. Any further discussion?

COUNCILMEMBER MOLINA: No further discussion, Madam Chair.

CHAIR LEE: So, we're going to take a vote on the amendment, right? All those in favor of the amendment, which is to disapprove this person and the resolution, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. All "ayes", no "noes"; motion carries.

Now, the motion, the main motion as amended, which means a disapproval of this person, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries. This person, this resolution is disapproved for the appointment of Ms. Ghean to the Board of Ethics. Everybody all clear on that?

Mr. Molina.

### DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 21-39

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If we're done with County Communication No. 21, 21-38, I'd like to offer a consideration for County Communication 21-39.

WHICH IS TO DISCHARGE THE GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE FROM  
FURTHER CONSIDERATION OF THE PROPOSED  
RESOLUTION ATTACHED TO COUNTY COMMUNICATION  
21-39.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Sugimura, to discharge the Committee of this item.

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. The 60-day deadline for the Council to approve or disapprove the nomination of Tambara Garrick to the Salary Commission is January 29 of this year. Discharge is needed to enable the Council to consider action today on the proposed resolution.

CHAIR LEE: Okay, any more discussion? All those in favor of the discharge, raise your hand and say "aye". This is to discharge only.

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

NOES: NONE.

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

Mr. Molina.

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

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

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Any discussion, Mr. Molina? No?

COUNCILMEMBER MOLINA: No further discussion on the proposal to waive.

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

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

NOES: NONE.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-39, AND TO  
FILE COUNTY COMMUNICATION 21-39.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. According to her board application, Ms. Garrick is a business development manager at Pro Service Hawaii and has held various positions in regional sales marketing and was a small business owner. Ms. Garrick is also very involved in the community, holding board positions with the Maui Chamber of Commerce, Lahaina Town Action Committee, Hawaii Restaurant Association, and she is a Ka Ipu Kukui Fellows.

And of course, Mr. Mossman is here to answer any questions related to her. I was informed that Ms. Garrick had some difficulty being here, unless that has changed. But I'll yield the floor to the Members or to Mr. Mossman to offer his thoughts on this nomination. Thank you.

CHAIR LEE: Okay, let's see if the Members have questions.

Member Paltin.

COUNCILMEMBER PALTIN: Oh, shucks, I didn't have a question. I just wanted to speak in full support of Ms. Garrick. I've known her, I, I actually first met her at Waiola Church, you know, after the fire, as a volunteer helping our community. And that continued on with the flooding at Honokohau. I have nothing but good things to say about her; a fellow Ka Ipu Kukui alumni. And I'm so pleased with the Mayor's choice here. Thank you.

CHAIR LEE: Any other comments or questions?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just wanted to, my, as my statement about Ms. Garrick not being here, I've been informed she is on the call, so if anybody would like to ask her any, any questions related to her nomination. Thank you.

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

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

NOES: NONE.

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

Thank you, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Chair and Members.

CHAIR LEE: Any other items to work on, Members?

Vice-Chair Rawlins-Fernandez.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CC 21-21, I'D LIKE TO REQUEST THAT ITEM RELATING TO  
THE DEPARTMENT OF WATER SUPPLY WATER RATE  
STUDY BE REFERRED TO BFED INSTEAD OF APT.

That's in preparation for--

CHAIR LEE: Any problems with that, Mr. Sinenci? Okay.

Any objections to that request from Vice-Chair Rawlins-Fernandez, to move County  
Communication 21-21, was it?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: To BFED?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Any other--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: --requests?

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-50, 21-51, 21-52, AND 21-54

VICE-CHAIR RAWLINS-FERNANDEZ: I have requests for Member Molina's consideration. In previous years when I've sent the item for operational and budgetary review of the departments and divisions, the, the GET, now the GREAT Committee, had a lot of departments and divisions. So, I, I wanted to put it out there to see if Member Molina would like to, would like the BFED Committee to share the, the workload, if any, if there are any items?

COUNCILMEMBER MOLINA: Yea, I have no objections. If you want to lighten my workload, I'm certainly, now you're, now you're talking about, like, come during the budget to oversee? Yea, sure. I appreciate that. We, we've got a big workload already this term coming before us. So, yea, I very supportive of the offer.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Molina. I think the previous departmental reviews that we've, that the BFED Committee has taken, I don't know, do you have, do you have any? I think it was--

COUNCILMEMBER MOLINA: Yea, I, I think we had, like, Police, Liquor Department, Fire.

VICE-CHAIR RAWLINS-FERNANDEZ: I think EDB took Management.

COUNCILMEMBER MOLINA: Management, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, okay, so.

COUNCILMEMBER MOLINA: Mayor's Office.

VICE-CHAIR RAWLINS-FERNANDEZ: The Mayor's Office, the County Clerk and OCS. I think those were the four.

COUNCILMEMBER MOLINA: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

AND SO, THOSE ITEM NUMBERS ARE CC 21-50, 21-51,  
21-52, AND 21-54, TO THE BFED COMMITTEE.

CHAIR LEE: Did everyone get that?

Ms. Sugimura, you have a question? Objection to that? No?

COUNCILMEMBER SUGIMURA: No objection.

CHAIR LEE: Your, you, okay.

COUNCILMEMBER SUGIMURA: I would, just would like to offer that if Mr. Molina would like my Committee to assist also, that I would be willing to assist for budgetary review.

CHAIR LEE: Can you wait till, let's vote on the request from Vice-Chair.

COUNCILMEMBER SUGIMURA: Oh, first Keani's. Sure.

COUNCILMEMBER MOLINA: Yea. Just, Madam Chair.

CHAIR LEE: The BFED request.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: If I could ask Vice-Chair Rawlins-Fernandez again restate the departments for the record?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure, absolutely. CC 21-50, OCS; 21-51, the County Clerk; 21-52, the Mayor's Office; and 21-54, Management.

COUNCILMEMBER MOLINA: Okay. Sounds good to me.

CHAIR LEE: Okay. Any objections to moving those items from the GREAT Committee to BFED?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

21, County Communication 21-50, 51, 52, and 21-54. So, ordered.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, in line with this communication, or discussion, which I appreciate us working together and sharing, I wondered if, if Mr. Molina would like me to also assist for budgetary review of Department of Police, is what I was thinking of, and Liquor. So, it would be 56, 57. You can say "no".

COUNCILMEMBER MOLINA: Yea, I'm open to sharing.

COUNCILMEMBER SUGIMURA: Oh, yea? Okay.

COUNCILMEMBER MOLINA: I'll allow for, we can share it, certainly.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER MOLINA: But thank you both for being so nice to me, you know, wanting to lighten my workload.

CHAIR LEE: Ms., Ms. Sugimura, I'm not sure how Liquor fits in, in your Committee.

COUNCILMEMBER SUGIMURA: Oh, we're just assisting.

CHAIR LEE: Even Police for that matter. Huh?

COUNCILMEMBER SUGIMURA: We're just assisting. I just want to offer assistance.

COUNCILMEMBER MOLINA: And I know Member Sugimura was responsible for the audit, I guess, that she proposed a couple of years ago. So, I certainly understand your involvement with that Department. And Police is certainly a very big department. I guess we can work together on that. But I, on both departments. I still want to have some say with Liquor.

COUNCILMEMBER SUGIMURA: You and I?

COUNCILMEMBER MOLINA: I've been somewhat vocal the last couple of budget sessions with that Department. So, I'd still like to be involved with that. But I certainly welcome your, any assistance you can give.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: So, you're offering your assistance? You're not asking for those items to go to your Committee?

COUNCILMEMBER SUGIMURA: I was, but I thought I would help him. Either way. Either way. I'm just trying to be like Keani, you know.

COUNCILMEMBER MOLINA: Yea, well, those two Departments I'm very, I'm just fond of, if you know what I mean, so I'd like to still keep them under my, our Committee's jurisdiction. But I certainly welcome your input as well.

COUNCILMEMBER SUGIMURA: Yes. Yes.

CHAIR LEE: And you're on his Committee, so.

COUNCILMEMBER MOLINA: Yea.

CHAIR LEE: Yea, you can work on it.

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As you appropriately pointed out, I, as the Budget Committee, it's my subject matter. It would be the Committee's subject matter, so it's appropriate to go under the Budget Committee. As the IT Committee, it, it doesn't fit as well, you know, as far as subject matter goes. So, that, that would be the difference. But, I, you know, whatever the Council wants to do, I, I, I'm okay with. I just wanted to make that point.

CHAIR LEE: Okay. I just love this spirit of cooperation and collaboration. Now, don't start fighting amongst yourselves okay--

COUNCILMEMBER SUGIMURA: To get more work.

CHAIR LEE: --when you start actually getting the work? When you start getting, right now it's only titles, you know, subject titles.

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I, I think because it was a new office, I overlooked adding the operational and budgetary review of the Office of Climate Change, Resiliency and Sustainability. And I don't--

CHAIR LEE: What item is that? Which communication?

COUNCILMEMBER KING: It's not, it's not on here. So, and I'm just saying that I was remiss in not adding that. Because it, you know, that's such a new office. But, and I don't know if I can do that by adding it on to another item or just wait till the next Council meeting and then I can add that item on.

CHAIR LEE: You could do that.

COUNCILMEMBER KING: To the next Council?

CHAIR LEE: I'm sure they, I don't think they have any budget items to review at this point anyway.

COUNCILMEMBER KING: Well, you know, they have a budget of a million dollars, so we kind of want to see what they've been doing with that, I think.

CHAIR LEE: No, of course. I think you should have oversight but do you, you want to take action today, or can you just send us a, some kind of a request for referral?

COUNCILMEMBER KING: I can send you, yea, I can send you a communication.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER KING: But I don't, I don't need to take action. I just wanted to note that that was an oversight on my part, because--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --I forgot about that office.

CHAIR LEE: I don't think anybody else wants that.

Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly, I, I think that the office falls under the Office of the Mayor, but it, it can be excluded. And but, you know, as the Committee Chair that'll take up the Office of the Mayor, I will not include that. And then when, you can use the template that I used to, I'll refer the departmental review referral letter.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Very good. Okay. Anything else you see in here you want to revise or change?  
Okay, so the rest of the referrals as read by the Clerk--

Oh, yes, Vice-Chair Rawlins-Fernandez.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-27

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Now that we've sorted out referrals, I would like to take action on some of the items; CC 21-27, which is a grant to the County Clerk's Office.

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

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

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

Discussion, Rawlins, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: None? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Approval, yea.

CHAIR LEE: All those in favor of the motion, say "aye", raise your hand. Okay, we're going to waive the Rules of the Council, okay.

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING  
AND TO FILE COUNTY COMMUNICATION 21-27.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to,  
to pass the item in County Communication 21-27.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And in the future, one of the Council  
Rule amendments that I will be proposing will allow for grants being received to not  
require the waiver of Rule 7.G. So, just a preview of what's to come.

Alright, Members, the proposed bill would amend Appendix A, Part I of the Fiscal Year  
2021 Budget to mirror the layout of Section 3 of Bill 64 (2020), by adding sections for  
a "LEGISLATIVE FUNCTIONS" and "MANAGEMENT AND OTHER FUNCTIONS".

Bill 122 passed first reading on, at the November 20, 2020 Council meeting, and  
second reading at the December 4, 2020 Council meeting. Bill 122 (2020) added  
\$130,456 for the Center for Tech and Civic Life Grant to Appendix A, Part I of the Fiscal  
Year 2021 Budget.

This bill would move these funds under the new Office of the County Clerk line item  
under "LEGISLATIVE FUNCTIONS "and replace the Office of the County Clerk line  
item under "MANAGEMENT AND OTHER FUNCTIONS".

Finally, this bill would add a second grant under the Office of the County Clerk. The State of Hawaii, ACT 136, SLH 2019 Grant, in the amount of \$106,176 is the second payment of the memorandum of agreement between the State Department of Budget and the, and Finance, and the County of Maui. These funds were allocated for startup and transition cost for the implementation of voting by mail and will be used to cover supply and equipment costs incurred by the Office of the County Clerk related to the transition to voting by mail. The County Clerk, Kathy Kaohu, is available to answer any questions the Members may have. I ask for the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Alright. May I just add that I want to congratulate the County Clerk for applying for this loan. And I believe this is a first, not loan, but this grant, and first time we've received a grant.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, just a question for the County Clerk. The, the fund, is the funding for polling machines? And I guess because this was all mail ballots this past elections, so we didn't use any polling machines or did we?

COUNTY CLERK KATHY KAOHU: No, we didn't use polling, polling booths but when this particular grant for assistance was implemented to all the County, once ACT 136 was enacted. And so, they weren't going to change the law and initiate an all-mail process without providing funding for the transition. So, it's a two-year grant, it's not a loan, it's a grant, from the State of Hawaii to purchase things like the ballot drop boxes, places of deposit, security trucks, voter education, PSA's, anything that would assist in transitioning to an all-mail process.

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

CHAIR LEE: Good job, Kathy.

COUNTY CLERK: Thank you.

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

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

NOES: NONE.

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

Mr. Clerk.

Oh, I should say Vice-Chair Rawlins-Fernandez, what, what's your next one?

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-48

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The next is County Communication 21-48, appointing the Councilmember to be a part of the Kula Ag Park Committee.

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

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER MOLINA: Second.

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

Any discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This is more of an internal discussion, so it's, it doesn't need to go to Committee for further discussion. So, we can take action today. Mahalo, Chair.

CHAIR LEE: Alright. Any further discussion? If not, all in favor, say "aye", raise your hand. Waiving the Rules.

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-48, AND TO  
FILE THE COUNTY COMMUNICATION.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci,  
to adopt the recommendation in 21-48 County Communication.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Board terms are concurrent with the  
Councilmember's term of office. So, this resolution requires our immediate attention  
to comply with this requirement. And we can, you know, deliberate further. Mahalo,  
Chair.

CHAIR LEE: Yea, did, Ms. Sugimura, did you have your hand up?

COUNCILMEMBER SUGIMURA: Oh, no.

CHAIR LEE: Okay. Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Chair, I'd like to make an amendment to the  
resolution.

CHAIR LEE: Okay. Go ahead.

COUNCILMEMBER KAMA:

I'D LIKE TO BE ABLE TO INSERT MEMBER YUKI LEI  
SUGIMURA'S NAME INTO THE RESOLUTION.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Alright. It's been moved by Member Kama, seconded by Member Sugimura, to amend the resolution to insert the name Member Sugimura into the resolution.

Vice, I mean, Member Kama, discussion?

COUNCILMEMBER KAMA: Thank you, Chair. So, I remember coming on two years ago when the issue came up even then. And I remember approving Ms. Yuki Lei, because as, she was the area resident Councilmember, but also that she had sat on the Ag Park prior to. And I was just thinking that for consistency sake, that she should continue to remain and work with the Ag Park.

CHAIR LEE: Any further discussion?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I will yield the floor to anybody else. But I would gladly speak to this amendment.

CHAIR LEE: Oh, you can.

COUNCILMEMBER SUGIMURA: Okay. So, yea, I'm the district rep, as you all know, for Upcountry. And the Kula Ag Park is, is exactly in my district. And I've been working on it since the day I started as a Councilmember and I would like to keep this seat. I've had it from the last two terms. I would like to continue on as the district rep. I will tell you that I worked on the, when we did the purchase of the second Upcountry Maui Kula Park is what it's called, and I'm still working on things with IT.

Right now, I've been asked by farmers to help with the axis deer problem, so I'm actively involved in the Kula Ag Park. And I would like to continue on and keep the, to be as prestigious to have the Kula Ag Park Committee as part of my work of the Council and represent you. And I will continue to work hard for the farmers who have reached out to me in various signage and different things. But it is all part of my district work, and I would like to continue on with this work if you would allow me. Thank you.

CHAIR LEE: Other Members?

Ms. King.

COUNCILMEMBER KING: Yea, Chair, I just kind of, I was surprised to see my name on there because nobody actually even asked me if I wanted that. So, I don't know where that came from, Councilmember Sugimura. I didn't, I didn't ask to be put on the Kula Ag Park. So, yea, if, but I do want to say that, you know, if you continue on, I hope that we can work together since the feral management issue has come to the CARE Committee. So, hopefully we can work together on that, those issues for that area. But, yea, no, I didn't, I'm, I'm just kind of--

CHAIR LEE: Well, you, you're okay with that then?

COUNCILMEMBER KING: Yea, I am.

CHAIR LEE: Okay. Alright. Sounds good. Any other comments, questions?

Ms. Paltin.

COUNCILMEMBER PALTIN: I support the amendment. And the Kula Ag Park has been an inspiration to us here on the west side. Maybe we can get a West Maui Ag Park up and running. But I support the recommendation from Member Kama.

CHAIR LEE: Okay. Very good.

No more discussion. All those in favor of the amendment, raise your hand, say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, nine "ayes", no "noes"; motion carries.

The main motion as amended. All those in favor, say "aye", raise your hand.

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

NOES: NONE.

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

COUNCILMEMBER SUGIMURA: Thank you, Members. It means a lot to me. Thanks.

COUNCILMEMBER KAMA: Thank you. Thank you, Members.

COUNCILMEMBER KING: Yea. Congratulations.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fer, yes, Rawlins-Fernandez.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-49

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Consideration on CC 21-49, appointing a Councilmember to the Conservation Planning Committee.

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

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member Vice-Chair Rawlins-Fernandez, seconded by Member King, to waive the Rules of the Council, regarding CC 21-49.

Any further discussion? Any discussion? All those in favor, raise your hand. All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-49, AND FILE  
THE COUNTY COMMUNICATION.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Vice-Chair, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to adopt the recommendation in CC 21-49 and file the communication.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Again, with this Committee, board terms are concurrent with the Councilmembers' term in office. So, this resolution requires our immediate attention to comply with this requirement. I respectfully ask for the Members support of this motion. Mahalo, Chair.

COUNCILMEMBER KAMA: I support.

CHAIR LEE: Okay. Is everybody in favor? Let me backtrack and explain how all of this happened. I didn't have much time to make a recommendation, but I thought that both Member King and Member Sinenci would be good fits for this, this particular committee. But since I could only pick one, that's the reason why I chose Ms. King for the other committee. See, that's how it happened. Yea, so, anyway, I don't know if the two of you want to fight over this one. It's, it's up to you.

Ms. King.

COUNCILMEMBER KING: Chair, I'm happy to have Councilmember Sinenci. Thank you for clearing up that mystery because that was, when I looked at the reso, I went what, nobody even asked me. But, so, I hope Ms. Sugimura doesn't think that I had lobbied for that position, because I was probably as surprised as her. But no, I'm happy to have Mr. Sinenci on this Council if he's willing to do it. You know, I'm going to have my hands full with the, the ICLEI Board as well, which is, you know, has another meeting this month. So, spreading the load around is good. I support his nomination.

CHAIR LEE: Okay. So, you accept, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yes, thank you, Chair, for the nomination. I gladly accept. Mahalo.

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

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

NOES: NONE.

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

Alright. Do you have anymore, Vice-Chair Rawlins-Fernandez?

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-24

VICE-CHAIR RAWLINS-FERNANDEZ: I do. I have one more.

COUNCILMEMBER KAMA: Yay! She has one more.

VICE-CHAIR RAWLINS-FERNANDEZ: CC 21-24.

CHAIR LEE: Going back. Going back?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. This is the Hamakualoa Open Space Preserve, providing funding to the Planning Department.

CHAIR LEE: Alright, you're going to make a motion to?

VICE-CHAIR RAWLINS-FERNANDEZ:

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

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive Rule 7.G.

Any discussion? Vice-Chair Rawlins-Fernandez. Discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, this is an item that we approved last term.

CHAIR LEE: This is only to, this is only to waive the Rule.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: I mean--

VICE-CHAIR RAWLINS-FERNANDEZ: So, to help them move forward with the process.

CHAIR LEE: Okay.

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

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE BILL ATTACHED TO CC 21-24.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ:

AND TO FILE COUNTY COMMUNICATION.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama, to approve the, to pass the bill in CC 21-24.

Any more discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly. The purpose of this bill is to add a proviso under the Open Space, Natural Resources, Cultural Resources, and Scenic Preservation Fund to appropriate \$78,500 for land management of the parcels of the Hamakualoa Open Space Preserve in Haiku, Maui, Hawaii.

The Planning Department *[sic]* is seeking assistance with the land management of the five parcels to include: 1) Boundary staking for the placement of no trespassing signs; 2) Point on line staking for sign placement between property corners; 3) Aerial survey to located existing features on the property including gulches, internal roadways, trails, illegal dumpsites, and cultural sites; 4) Preparation of maps of existing features; and 5) Bid preparation services to prepare plans and specific, specification signs, of signs, gates, and barriers, and for debris clean-up. Mahalo, Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I'd like to express my mahalo to Vice-Chair Rawlins-Fernandez for taking this matter up expeditiously. As many of you know, the Haiku Community Association, along with the Malama Hamakua Maui, have worked to erect signage and clean the open space area. So, providing these funds much sooner to them will help expedite this process. And I want to thank all of them for their efforts and, and certainly the improvements in this, in this area will assist the community greatly, and also with the management of the open space area.

And I'd like to express a big mahalo to the Parks and Department of Environmental Management for working closely with the community and volunteers in their cleanup efforts. Thank you, Madam Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly. Member Molina kind of already did this for me, but I wanted to correct the record. I said Planning

Department instead of Parks Department. So, it's to the Parks Department, not the Planning Department. And also, we have Budget Director Michele Yoshimura on the line if Members have any questions regarding this item. Mahalo, Chair.

CHAIR LEE: We don't have questions.

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I'm just curious for, maybe Mr. Molina, but is this where they, they have a hired person now, right, to help with the overall coordination? Is this, is this where the funds come from?

COUNCILMEMBER MOLINA: Not that I can recall. No, this is, I guess, through the departments; they've put out funds. And I think we added funds during the budget session. And the groups are out there, like the Haiku Community Association, Sierra Club, the Malama Hamakua Maui. They've been the recipient of these, well, going to be the recipient of these funds to address all of the cleanup. And I went out there at one of the cleanups, and you wouldn't believe what you can find out there. I mean, abandoned vehicles; it's nasty, nasty, nasty. And for these, our citizens in that area, to volunteer their time is certainly quite admirable. And as I stated earlier, you know, Council Vice-Chair Rawlins-Fernandez is helping to expedite this process by getting these funds out to these volunteers.

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

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez, do you have anymore? Or does anyone have anymore?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That was everything for me.

CHAIR LEE: That we would have to work on today.

Yes, Ms. Kama.

COUNCILMEMBER KAMA: Didn't get in front of Vice-Chair Rawlins before when we were talking about referrals. So, just wanted to ask about County Communication 21-62, where that got referred to?

VICE-CHAIR RAWLINS-FERNANDEZ: Your Committee.

COUNCILMEMBER KAMA: My Committee? Thank you, Chair, Vice-Chair.

CHAIR LEE: Member Paltin.

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 21-70

COUNCILMEMBER PALTIN: Thank you, Chair. I don't want to waive the Committee Rules, but I just, if, if you would allow, wanted to take a moment to speak to PSLU No. 21-70?

CHAIR LEE: Alright.

COUNCILMEMBER PALTIN: Thank you, Chair. So, we're anticipating sometime today or possibly Tuesday, because the weekend and the holiday, receiving the draft community plan update from the Planning Department. And to save two weeks, I put this in so that we can get the direct referral from the Planning Department. My office is putting together a couple of virtual town halls to explain to the community the process and what's going on. And we're going to drop a press release as soon as we receive the plan and it's available on their website. My hope is to expedite the review of this community plan update.

And I just wanted to be clear; I'm not trying to push it through, it's just that not trying blame anyone or anything, but we're 14 years behind in the update and it's supposed to guide the budget process. And so, that's why I would like to try and finish Committee review prior to budget. And so, you know, we'll go over it a little bit more in the future, but I was just hoping that Members could review it. And I don't want to break apart the work of the CPAC and the Planning Commission volunteers. I believe they did an excellent job. And so, my request is just that prior to scheduling it in first, for the first time at the Committee is that Members look at things that were the same from CPAC to Planning Commission. And that will be the time to bring up any discussion on any changes you wanted to make to that.

It wasn't my intention to change things that have been agreed upon on the CPAC and the Planning Commission, except for that first meeting. So, that was just a little precursor discussion. Very excited for the Planning Department to move onto South Maui and give that their all without being straddled between the two plans. And, you know, if it doesn't happen, I understand the public testimony is the wildcard factor. But that's just my intention and I just wanted to share it with all of you and the community at large. And so, more information will definitely be forthcoming, but just, you know, didn't want there to be any surprises in February. Thank you, Chair. And if you have any questions, I'm open.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Just quick question, Member Paltin. Is it, you asked us to look at the differences between the CPAC and the Planning Commission versions. Is that going to be obvious in the Planning Commission? Do they do it Ramseyer format, so we'll be able to see the changes that they made?

COUNCILMEMBER PALTIN: Yea. The Planning Department will come and see. We're going to be doing a deep dive on the, the differences, but the items that they've kept the same, and you want to discuss changing, I just ask that you bring that up at the first Committee meeting. Otherwise, if it's the same through CPAC and the same through Planning Commission, I'm not going to bother with it unless Members bring it up for discussion at the first Committee meeting.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER PALTIN: Because we've been following the process and I trust that they've done a good job in vetting those things where they agreed upon. But I didn't want to preclude Members for bringing items up for discussion. I just wanted to set the timeframe as the first Committee meeting. If it's been the same at CPAC, same at Planning Commission, but you want to discuss changing it, bring it up at the first Committee meeting.

COUNCILMEMBER KING: Okay. Alright. Thank you.

COUNCILMEMBER PALTIN: Member Kama, did that address your question?

COUNCILMEMBER KAMA: Yes. And, but I also had a follow up. If, so, in your timing and your planning for how you'd like to see this proceed, if, if the way you anticipated it is that, will this all occur before our budget hearings begin?

COUNCILMEMBER PALTIN: Yes. I hope to pass it out of Committee before the budget hearings begin. And then, we still have Council meetings during the budget deliberations. So, then at that point, it can pass first and second reading. And that's part of the reason why I requested a nine Member Committee up until at least that point, so everybody would be ma'a to what we're discussing, and it wouldn't get kicked back to Committee during budget.

CHAIR LEE: Ideally.

COUNCILMEMBER PALTIN: Ideally.

CHAIR LEE: Alright.

COUNCILMEMBER KAMA: When is your first meeting?

COUNCILMEMBER PALTIN: It's the first Thursday in February, maybe the 4th or something, the 3rd.

COUNCILMEMBER KAMA: Oh, it is the 4th, cause I'm right after you.

COUNCILMEMBER PALTIN: Okay. Yea.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Okay, okay.

CHAIR LEE: If we could continue with the Council meeting.

COUNCILMEMBER PALTIN: Sorry. Thank you.

COUNCILMEMBER KAMA: Thank you. Sorry.

CHAIR LEE: Anything else? Vice-Chair Rawlins-Fernandez, or anybody else on any of the items? Cause we've already I believe voted to refer, that there were no objections to the referrals as read by the Clerk, except for the items that were brought up and voted on. Alright?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Alright. So, we're going to turn the page to general communications.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: --for the record, the resolution that was attached to County Communication 21-38 that the body amended and adopted, that is RESOLUTION 21-12.

The resolution that was attached to County Communication 21-39 that the body adopted, that is RESOLUTION 21-13.

The resolution that was attached to County Communication 21-48 that the body adopted, that's RESOLUTION 21-14.

And then the resolution that was attached to County Communication 21-49, that is RESOLUTION 21-15.

And then, for bills, the bill that the body passed on first reading that was attached to County Communication 21-27, that is BILL 1 (2021).

And the bill that was attached to County Communication 21-24, that is BILL 2 (2021).

Chair, proceeding with general communications.

### GENERAL COMMUNICATIONS

NO. 21-1 - LAUREN ARMSTRONG, MAUI METROPOLITAN PLANNING ORGANIZATION, (dated December 10, 2020)

Submitting the Maui MPO's annual report on activities conducted from July 1, 2019 to June 30, 2020.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA:

YEA, I'D LIKE THIS REFERRED TO MY COMMITTEE. THANK YOU. IT COMMITTEE.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Alright. Moving onto ordinances for second and final reading.

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Oh, we're heading down the homestretch, everybody.

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

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 136 (2020)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,  
AFFORDABLE HOUSING FUND (KAHOMA RESIDENTIAL SUBDIVISION)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk also call up Bill 137 through Bill 141, if there are no objections?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 137 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF FIRE AND PUBLIC SAFETY, WAILUKU-KAHULUI COMMUNITY  
PLAN AREA, GOVERNMENT FACILITIES, BOND FUND,  
KAHULUI FIRE STATION APPARATUS SHELTER;  
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 138 (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 FIRE AND PUBLIC SAFETY,  
WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
(KAHULUI FIRE STATION APPARATUS SHELTER)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 139 (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,  
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL  
OBLIGATION BONDS OF THE COUNTY OF MAUI  
ISSUANCE, SALE AND DELIVERY OF SAID BONDS  
(DEPARTMENT OF FIRE AND PUBLIC SAFETY – KAHULUI  
FIRE STATION APPARATUS SHELTER)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 140 (2020)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO DEPARTMENT OF FINANCE,

FINANCIAL SERVICES PROGRAM;  
MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA,  
GOVERNMENT FACILITIES, GENERAL FUND  
DIVISION OF MOTOR VEHICLES AND LICENSING (DMVL) –  
PUKALANI SATELLITE OFFICE RENOVATION;  
TOTAL OPERATING APPROPRIATIONS;  
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 141 (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 FINANCE,  
DIVISION OF MOTOR VEHICLE AND LICENSING (DMVL) –  
PUKALANI SATELLITE OFFICE RENOVATION

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 136 THROUGH BILL 141 ON SECOND  
AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to  
pass the Bills 136 through 141 on second and final reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 136 amends Appendix A, Part II  
of the Fiscal Year 2021 Budget by adding a proviso under the Affordable Housing Fund  
for \$707,258, including related costs, for the acquisition of the Kahoma Residential  
Subdivision property located at 244 Komo Mai Street.

Bill 137 through Bill 139 amends: 1) the Fiscal Year 2021 Budget, Estimated Revenues, Department of Fire and Public Safety, Wailuku-Kahului Community Plan; 2) Government Facilities, Bond Fund, Kahului Fire Station Apparatus Shelter; 3) Total Capital Improvement Projects Appropriation; 4) Total Appropriations (Operating and Capital Improvement Projects; 5) Appendix C, Department of Fire and Public Safety, Wailuku-Kahului Community Plan Area, Kahului Fire Station Apparatus Shelter; and 6) Ordinance No. 5101, Bill 66, relating to the issuance of General Obligation Bonds of the County of Maui issuance, by adding a new appropriation under the Department of Fire and Public Safety, entitled "Kahului Fire Station Apparatus Shelter", in the amount of \$325,000.

Bill 140 amends Fiscal Year 2021 Budget by transferring \$250,000 from the Department of Finance, Financial Service Program, Category B - Operations & Equipment, to the Capital Improvement Appropriations of the Department of Finance.

Bill 141 amends Appendix C of the Fiscal Year 2021 Budget, Department of Finance, by adding the Makawao-Pukalani-Kula Community Plan Area, and a project entitled "Division of Motor Vehicles and Licensing – Pukalani Satellite Office Renovation" in the amount of \$250,000. I ask for the Members continued support of this motion. Mahalo, Chair.

CHAIR LEE: Anymore discussion? Anymore dis--

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just have a question. Not maybe here, maybe I missed it, but the buyback we were going to do with Housing and Human Concerns with the family, I think it was Kahoma, is that, is that one of, or in this, one of these? Yea. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. That is--

COUNCILMEMBER SUGIMURA: The first one?

VICE-CHAIR RAWLINS-FERNANDEZ: --Bill 136.

COUNCILMEMBER SUGIMURA: 136. Yea, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Anymore comments or questions? If not, all those in favor of the motion to pass Bills 136 through 141 on second and final reading, please say "aye", raise your hand.

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

NOES: NONE.

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

Mr. Clerk, the last bill.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 142 (2020)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 9.40, MAUI COUNTY  
CODE, RELATING TO SOCIAL HOST LIABILITY

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO PASS BILL 142 ON SECOND AND FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Councilmember Molina, seconded by Member Kama, to pass Bill 142 on second and final reading.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Bill 142 imposes strict liability upon a responsible person who has found to have hosted a gathering where an underage person possesses or consumes intoxicating liquor. The intent of the bill

is to help curb an increased use of intoxicating liquor by underage persons that are most often occurring in private homes. In fact, as statistics show that Maui County has the highest percentage of underage persons in the State who use alcohol and binge drink.

The bill was amended at first reading last year, to change the definition of "gathering" from ten or more back to two or more persons at or on a residence or other private property.

The Council held a public hearing just this past Wednesday evening in order to listen to additional comments and concerns from our community. The Council heard from over 30 individuals with a vast majority in support of the bill.

Keeping our young people safe from the use of alcohol is the key focus of this bill. And doing so also protects them from dangerous situations involving driving under the influence, sexual assaults, and even death. And the bill, should it be passed today, doesn't go into effect until July 1, 2021, to allow adequate time for implementation, implementation by the Police Department, as well as additional public education efforts, for example from the Coalition.

And so, anyway, if it does pass, the County of Maui will be the first County in the State to establish regulations for social host liability. And for those wondering, this bill was modeled after legislation in Ventura, California. And I ask for the Members full support of this. Thank you, Madam Chair.

CHAIR LEE: Thank you, Mr. Molina. Any more discussion?

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you, Mr. Molina. So, I wanted to amend this bill, Bill 142, to extend the bill's effective date to September 2021, and requesting an educational campaign by the Maui Coalition for Drug-Free Youth.

SO, THE MOTION, I'M SORRY, IS TO AMEND THE BILL. IN SECTION 3, REPLACE "JULY" WITH "SEPTEMBER", AND ADD THE FOLLOWING SENTENCE: "THE MAUI COALITION FOR DRUG-FREE YOUTH IS REQUESTED TO EDUCATE THE PUBLIC ABOUT THIS ORDINANCE PRIOR TO THE EFFECTIVE DATE".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I SECOND THE DATE CHANGE.

But I don't know if we can add that language in the bill, to ask a private entity to do something.

COUNCILMEMBER SUGIMURA: Ah, okay. Can I ask--

VICE-CHAIR RAWLINS-FERNANDEZ: If, if perhaps we can have the Corporation Counsel or OCS Attorneys to weigh in on that, and then I would--

CHAIR LEE: Okay. First of all, Ms. Sugimura, who prepared that amendment for you?

COUNCILMEMBER SUGIMURA: OCS.

CHAIR LEE: You see, that should have been reviewed. Okay, so let's, who in OCS prepared that amendment for you?

COUNCILMEMBER SUGIMURA: I sent it to David, but I don't know if Remy did.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: He's my OCS Attorney.

CHAIR LEE: So, can, can our staff come on the line? David.

SUPERVISING LEGISLATIVE ATTORNEY: Chair, yes, we, we did include that language in a non-codified portion of the bill. We thought making a simple request of an entity wouldn't pose any legal problems that we could see. We, you know, you might have difficulty justifying a mandate or a regulation on a, an organization under this scenario. But we thought a request would be satisfactory under applicable legal standards. Thank you, Chair.

CHAIR LEE: Okay. So, that request for education was not part of the amendment, proposed amendment?

COUNCILMEMBER SUGIMURA: It is.

CHAIR LEE: I'm asking David. David?

SUPERVISING LEGISLATIVE ATTORNEY: Yes.

CHAIR LEE: Is it, is it, or not?

SUPERVISING LEGISLATIVE ATTORNEY: That's included in Councilmember Sugimura's Amendment Summary Form, yes.

CHAIR LEE: Okay, so that, so what you're saying is that the verbiage will be codified, even though you said you didn't think that, the part about requesting education should not be codified? Can, can you clarify that please?

SUPERVISING LEGISLATIVE ATTORNEY: Yes, thank you. The language would be in the ordinance, but it's not in the part of the ordinance that would go in the County Code as a permanent fixture. So, that's what I meant by not being codified. But it would be part of the ordinance.

CHAIR LEE: Okay. So, you've checked on that then, for form and legality, right?

SUPERVISING LEGISLATIVE ATTORNEY: Well, yea. Again, we didn't identify any legal impediments to that language.

CHAIR LEE: Okay.

SUPERVISING LEGISLATIVE ATTORNEY: We haven't had a chance to conduct research necessarily.

CHAIR LEE: Okay.

SUPERVISING LEGISLATIVE ATTORNEY: But we did sign off on it.

CHAIR LEE: Is Ms. Chen on the line? Stephanie. Corp. Counsel. Deputy.

DEPUTY CORPORATION COUNSEL STEPHANIE CHEN: Hi. Yes, Chair, I'm here.

CHAIR LEE: Okay, did you hear the, the exchange?

DEPUTY CORPORATION COUNSEL CHEN: Yes, I did. So, it's, it's our recommendation that the amendment can be made today, but the bill should come back for a second reading.

CHAIR LEE: Okay. Alright. So, I saw Vice-Chair Rawlins-Fernandez. You had your hand up.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to ask Mr. Raatz about the practice, if we've done this previously; request, you know, putting that in a bill that doesn't end up in the Maui County Code? To ask a private entity to do something?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you. I, I'm not aware of precise precedent for, for this type of language.

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

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just, I thought I heard from Ms. Chen, and maybe Mr. Raatz could verify that, that a change, and I'm not sure which, if she was talking about the entire change or just a portion of this amendment, could be made today. But then, we would have to defer this for a second reading. And so, I just wanted to get Mr. Raatz's take on that. You know, what, I'm not sure what type of amendment would cause it to go back to Committee versus, you know, going, just, you know, taking another Council meeting to pass. So, can you speak to that?

SUPERVISING LEGISLATIVE ATTORNEY: Could I, may I, Chair?

CHAIR LEE: David. David.

SUPERVISING LEGISLATIVE ATTORNEY: Yes, thank you. Well, the Council Rules, Rule 19.C, do specify that if amendments are made when a bill is scheduled for final passage, that final reading should be deferred until a subsequent Council meeting. So, the scenario suggested by the Corporation Counsel is envisioned within your Rules.

COUNCILMEMBER KING: Okay. But is there a certain level of rules or type of rule, or type of amendment I mean, that would cause it to go back to, you know, that would be substantial and cause it to go back to Committee versus just another, you know--

CHAIR LEE: David, let, let me answer this one.

Member King, the suggestion is not necessarily to go back to Committee. It can lay on the Clerk's table till the next Council meeting.

COUNCILMEMBER KING: No, I understand that. I'm just saying, I'm just asking if there, you know, in the past we have, we have looked at amendments that actually caused it to go back to Committee. So, there is a, I'm just verifying that there is a category of amendments that could do that, but this isn't one of them.

CHAIR LEE: David.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. Under the notice principles of the Sunshine Law, there is a scenario where you have an amendment that is so fundamental in, in the nature of the changes that it would impose that the Council wouldn't be able to act because there wasn't sufficient awareness among the public of that type of fundamental change. But modifications to effective date and other amendments that are not so fundamental don't raise those same notice problems.

COUNCILMEMBER KING: Okay. Thank you.

SUPERVISING LEGISLATIVE ATTORNEY: You're welcome.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Can I get comment from Mr. Collins? And, or actually I'd just like to ask him a question, and later, Member Sugimura.

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

MR. COLLINS: Yes, I'm here.

CHAIR LEE: Okay. We have a question for you.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Yes, thank you, Madam Chair and thank you, Mr. Collins for staying here. The proposal from Member Sugimura is basically to extend the implementation of the bill for educational purposes. Now, you represented to us at several meetings that we had in Committee, that you have already been doing educational, educating the public about this proposal. Am, am I not correct?

MR. COLLINS: Yea, that's correct.

COUNCILMEMBER MOLINA: Okay. So, what more, with the additional extension that Member Sugimura is requesting, what else, what more is there out there to add? And I'll ask the same question of Member Sugimura. What other educational venues do you need to educate the public than what already has been done. Can, can you share your thoughts on that?

MR. COLLINS: Sure. Sure. I think, I think the component that we would want to do like any new ordinance that's passed in the County is that we do some public awareness activities and some public service announcements to make sure that the community is fully aware of the new ordinance.

COUNCILMEMBER MOLINA: Okay. Yea, and I, as I mentioned earlier in my opening remarks, the implementation of this bill doesn't occur till July 1, so it would give you that additional time to educate the public. So, thank, thank you for that response.

And now, the same question to Member Sugimura. So, why do you need the additional, what would it be, three months?

COUNCILMEMBER SUGIMURA: So, the, during the public hearing the other night, when one of the members of the, what is that organization called, the Maui Drug-Free, Coalition for Drug-Free Youth? I asked the question from one of its members, have they networked with the Department of Education, and would they be able to do everything they need to do by the effective date? And the answer that I got was not positive. So, therefore, I just thought give it more time and then this organization, which is the sponsor of this bill, then could dig deeper into the community.

I, I think it's interesting, as all of you were at the same public hearing, is that there were a significant amount of people who supported it. But the people who came up and were not supporting it, they're like, oh we just heard about this, so we're testifying, or there's, you know, there's some, still some questions out there. So, I'm not trying to rush it, or I'm not trying to delay it to a point that it's, you know, a negative factor. But I'm just trying to give the community more opportunity to understand what is, what is happening.

So, this came from the public hearing the other night. And I realize that there's still more education that needs to happen, because yes, Rick Collins and his Coalition have done a great job with building upon this. And I think they said they worked on it for three years. But it's impossible, I guess, to reach to everybody, as we heard from that public hearing. And, and serious the, the serious comments that we get, got that were, and we even heard it today, I mean really good points about this. And I, and I think it's a step that I don't think we'll regret, you know, educating and, and doing more good work.

I heard Keani Rawlins-Fernandez at the public hearing talking about what Lanai, I mean Molokai does on your island for education. And, I mean, that, that's super good that you have an organization who can take it further on, on that island, cause I don't think this organization is on Molokai. And maybe, you know, Lanai with Mr. Johnson,

might have something similar. And I don't look at this as something bad. I think it's something that is going to be worthwhile and time well spent.

If the Members want to delete the name of the organization, I put it in there, because I did ask that specific question during the public hearing. And I was asking Members who did come and testify this similar question about education. So, I'm just trying to tie the public hearing together with the proposed ordinance today. So, Members, thank you. Thanks for letting me speak.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I just want to make sure that I'm not cutting off Member Molina, if he was pau. Okay. Alright. Mahalo. I wanted to clarify for the record that my second to the motion is, my questions have been answered.

AND I SECOND MEMBER SUGIMURA'S MOTION TO AMEND  
THE, THE BILL AS SHE STATED, BOTH AMENDMENTS.

I, I, I want to thank Member Sugimura for hearing the community's request and for being responsive to the requests of the community. I, I, one of my concerns that I think that this amendment addresses is a concern that I brought up in Committee, which was to develop the administrative rules for the Police Commission to develop to hear appeals. And I think that these few more months I think would be helpful to, to get . . . for appeals that could happen after this, this, this bill is enacted. So, I, I speak in strong support of Member Sugimura's motion to amend. Mahalo, Chair.

CHAIR LEE: I see Member Paltin's hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. May I ask a question of our resource?

CHAIR LEE: Mr. Collins.

MR. COLLINS: I'm back.

COUNCILMEMBER PALTIN: Aloha. Thank you, Chair. Thank you, Mr. Collins. I understand that you have been doing education, and should the bill pass, that you plan to continue and ramp it up. I just had a question about what one of the other testifier's was talking about in terms of education.

Do you have a similar plan for, to reach like, for about prevention and not just the consequence of this? I think another testifier, Ms. Higbee, also mentioned, like, more

money into the programs that would prevent it, I think to some extent, you know, folks that are intent on drinking. This particular one wouldn't prevent those folks who are intent on it, possibly folks that, you know, come upon a party or, you know, just trying it out. But folks that have that mindset that they want to drink and they're going to do it wherever it will be.

And I was wondering if you had any plans in the works to address the type of education, I guess, that Molokai has about, you know, not just that being intoxicated could lead to sexual assault, but why sexual assault is wrong, what it is, and, and that it doesn't only center around intoxicated behavior, but it, it becomes worse with intoxicated behavior? So, I'm just asking as to your plans, should this bill pass or not pass, as to the broader initiative of education as opposed to just the education on the consequence and the details of this particular bill? If that makes sense. I can clarify if you don't understand.

MR. COLLINS: Yeah, I think, I think it does. Let me try and answer it and see if you've got other questions when I answer it. So, you know, our Coalition started about seven or so years ago, seven or eight years ago with about \$60,000 from County funding. And so, it was thanks to the County to getting that started. We have a number of, and I don't know off the top of my head, I would say at least a dozen organizations on the Coalition that sit as members who do the, what we would call individual prevention strategies that are in the school, these kind of things. Over the years, we've actually given that \$60,000 back, because we found additional funding. And that \$60,000 really does go to support those types of programs that you are talking about.

And we see these types of strategies, like a social host ordinance, complementing what young people are saying, seeing, and hearing, and being educated in the schools, right? And so, we definitely, we definitely support, we want that. The best type of prevention we can have in the community is one that does both. That both is educating families and young people in school settings, letting them know about the consequences of such use. And maybe even I would go as far as to say things like making sure we have good infrastructure, we have parks, these types of things. That's, that's primary prevention.

What we're really focused on then is looking at what are those community level risk factors, so that when young people leave the school set, setting, or they leave the Boys and Girls Club, or wherever they might be, and they go into the community. We want to make sure that they're protected, right? We want to make sure that, that there are measures in place to prevent them from accessing alcohol and that we're reducing those, those high-risk settings in our community, like house parties and things. And so, this, this hopefully complements that.

And, and we've got partners on the table that are behind this who then do those in school prevention types of activities; like MEO, like Alu Like on Molokai, like Hana Youth Center, like Maui Family Support Services, Maui, Maui Family, I could go on. But anyways, yea, does that answer your question at all?

COUNCILMEMBER PALTIN: I think it does. I just was wondering if there's a strategy or a plan for, I guess, like Ms. Mowat had said, like, you know, I think many of us have heard of the raves possibly. Like for West Maui, maybe at Hobbit Land or wherever, and Molokai where she had mentioned. And because we're kind of a, a town but rural community, the areas where these types of gatherings occur that are outside of the house are somewhat known. And I just was wondering if you had a strategy to address those situations where the people were, who are bent on drinking and there's these locations that aren't houses, is there a strategy to address, address those types of situations?

MR. COLLINS: Oh, got it. Got it, got it, got it. Okay, that makes more sense. Okay, that's--

COUNCILMEMBER PALTIN: And a lot of them are, are, you know, windy roads and, and like that.

MR. COLLINS: Yea, absolutely. So, so the house setting came out as a one hotspot area. It's not the only one. We did hear about other locations in the community that are potential hotspots. So, really what we're doing is we're starting here as a place that we know. And, and what the data is driving us to, that has evidence that's driving us to see that, that actually the most common place are the houses. So, we, that's why we're starting.

Our, our goal is to pass this, to get the community education out there to make sure the community knows about this; support the community, support law enforcement. And then go back into the community and reassess for what, what else is happening, what's new. How have things changed since COVID? Are there different access points? Are there, are there places young people or others are drinking that are high risk settings? Then we're going to go after those places and hopefully work with communities to address those areas. Yea, that is our plan. In fact, it's in our, it's in our action plan that we just recently updated a couple, a few weeks ago. So, I hope that answers your question.

COUNCILMEMBER PALTIN: Thank you. It does answer my question. And I'm, I'm glad that you are going to reassess in light of COVID as well. I'm not even a drinker, but sometimes I'd like a drink, like after last night.

MR. COLLINS: Yea, and I think, I think, you know, we're not going away here. And we really don't see this as a one and done thing. It, it addresses one, one very significant setting in our community, but we know that there are others. And so, what the science does tell us is if we start someplace like this where we know it's the most common, it, it may and probably likely, will push some young people to other places.

So, to your point, kids are, if the kids are hell bent on, can I say that? I don't know if I can say that. If kids really want to drink, some kids will drink. But what we also know is that some kids won't, because it makes it harder, because they're not in-home settings where they can access as much alcohol.

So, you have then maybe a smaller group of kids that might gather, let's say, at a park or at a beach, right. But, but really there's less young people and there's less alcohol, so we know there's less risk ultimately. Doesn't mean we're not going to address that. We hope to go back, find out where those are, be back in your offices, be talking to you folks about what you're hearing and seeing, and hopefully come up with new--

CHAIR LEE: Anyone else?

Rick, I have a question.

MR. COLLINS: Sure.

CHAIR LEE: This may have been answered before, but I don't recall hearing it. I'm a parent. I leave my son home. I go out for some reason, maybe I'm on a trip. My son is 18-years old. He invites his friends over for drinks. And then, something gets out of hand. The police come over, you know, and cite these, these kids. Now, I'm not at home, but my 18-year old is legally an adult, yea? So, why wouldn't my adult child be liable for what just transpired when he knew he's not of legal age to drink, but he's, but he's of age legally to do other things? In the eyes of the law, he's, he's an adult.

So, under this ordinance, me, the parent, I'm not even there and I'm going to be held liable for what my 18-year old adult child did. I mean, is, is there, is there, to me, that's not fair to the parent. Have you thought of that scenario?

Because the problem is, you know, 21, being underage is one thing, but being underage to drink and being an adult, you know, there's a conflict there. And, and to me, when you're 18-years old, you should be liable for what your actions are. So, the child should be, pay the fine and be responsible for, you know, breaking the law. But can you, can you comment on that scenario?

MR. COLLINS: Yea. I, I think, and I might have to look a little bit to Corp. Counsel for this, but I think under that scenario, they could be held liable as the host, being that they're an adult.

CHAIR LEE: Even though it talks about the owner of the house being liable?

MR. COLLINS: I know Stephanie came on there.

CHAIR LEE: Stephanie?

MR. COLLINS: Stephanie, do you have a comment on that? I think--

DEPUTY CORPORATION COUNSEL CHEN: Yes. Chair, if I could provide some clarification there. Under that scenario, the 18 person, you know, who's not a minor, the 18-year old or older would be, could be held liable under that. If that person were 17 years and, you know, 364 days old, now, they're still a minor, then in that situation the parents would be held liable for the minor's actions. And, and that's pursuant to the, the definition of responsible person, as drafted.

And then also, 9.40.040.B, B.8. So, if the responsible person is a minor, then the parents will be held liable, or guardians will be held liable for the civil penalties. But the 18-year old, 18 to 21 would be held responsible on their own.

CHAIR LEE: Okay. So, who would pay the fine? Who would be liable to pay the fine?

DEPUTY CORPORATION COUNSEL CHEN: The 18-year old.

CHAIR LEE: 18.

DEPUTY CORPORATION COUNSEL CHEN: Or 18 to 21-year-old. But again, if it's, you know, just shy of a day of 18 or their, the situation you're raising is, you know, not without merit because, yea. You're 17-and-a-half-year-old for example, in that situation, that alleged violator, the fine would kick over to the parents of the 17-and-a-half-year-old for example.

CHAIR LEE: Okay. Thank you for that clarification. Thank you, Rick.

MR. COLLINS: Yea, you're welcome.

CHAIR LEE: Are there any more questions?

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. For the sake of procedures, so again if we pass this amendment today, then we cannot vote on this bill as amended at today's meeting? Am I correct? Is it, is this amendment that substantive? Am I correct on that?

CHAIR LEE: I think the reading was--

COUNCILMEMBER MOLINA: Can I get a clarification from staff?

CHAIR LEE: I think Mr. Raatz' interpretation is by extending the deadline is not a substantive change.

COUNCILMEMBER MOLINA: Okay. I just wanted that clarification. Okay.

CHAIR LEE: But however, we heard that other Members might offer amendments. Those might be substantive changes.

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

CHAIR LEE: So, Mr. Johnson, you didn't raise your hand, but I, I thought you were going to offer an amendment?

COUNCILMEMBER JOHNSON: Yes, I--

CHAIR LEE: Were you?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

COUNCILMEMBER JOHNSON: I--

COUNCILMEMBER MOLINA: Gotta vote on Yuki's yea?

CHAIR LEE: Okay. We can, we can vote on Yuki's, but, but I thought, so, you are coming up with that? You are going to be proposing? Okay. Alright.

Any more discussion on Ms. Sugimura's amendment?

Mr. Molina.

COUNCILMEMBER KING: Chair, I think Corp. Counsel has a comment.

COUNCILMEMBER MOLINA: I'll yield to Corp. Counsel.

CHAIR LEE: Ms. Chen. Ms. Chen, do you have something to say?

DEPUTY CORPORATION COUNSEL CHEN: Thank you, Member Molina. Yes, Chair, I believe if Councilmember Sugimura wanted to introduce, you know, if the vote is on the amendment to include the Maui Youth Coalition, their responsibility to conduct further education, our recommendation is to bring this back for a second reading, but that the amendment can pass today.

CHAIR LEE: Okay. So, apparently, they want, the Corp. Counsel is saying that the amendment can pass today, but not on, but we, it can't pass second reading. In other words, it, it's, it has to wait till the next Council meeting, at least, at a minimum to, to pass second reading.

DEPUTY CORPORATION COUNSEL CHEN: That's our recommendation.

CHAIR LEE: Yea.

COUNCILMEMBER MOLINA: Now that, Madam Chair, if I may, so, for clarification? So, that's provided if we name the entity that's supposed to do the education? Now, if it was just left broad, open-ended, would that make a difference? Because, honestly, my preference is to vote on this matter today, cause we've spent a lot of time on it and we've had public hearings requested.

(Councilmember Kama was excused from the meeting at 1:15 p.m.)

COUNCILMEMBER MOLINA: I didn't see the same type of scrutiny given to the towing bill, which was proposed by Member Sugimura, a good one. But I recall there was a lot of resistance in the community from that. Yet, maybe I'm wrong, but I don't recall a public hearing being called for that initiative. But anyway, so--

CHAIR LEE: Ms. Chen.

COUNCILMEMBER MOLINA: Yea, so--

CHAIR LEE: Ms. Chen, where are you?

COUNCILMEMBER MOLINA: --if we name an entity, then we, we, as part of this amendment, then we have to bring it back? Now, if we don't name an entity, can we still go ahead and vote on the bill as amended?

DEPUTY CORPORATION COUNSEL CHEN: Okay, you know, I actually, I stand corrected. The, Ms. Thomson is on as well. She doesn't believe that that's a substantive amendment.

CHAIR LEE: Okay.

DEPUTY CORPORATION COUNSEL CHEN: Sorry for the misinformation.

COUNCILMEMBER MOLINA: So, so we can, with this amendment and the naming of the entity, we can vote on this, on the bill as amended today?

DEPUTY CORPORATION COUNSEL CHEN: That is my understanding.

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

CHAIR LEE: And then pass second reading. Okay. Ready for the vote, everyone? All those in favor of the proposed amendment extending the effective date of this ordinance, raise your hand and say "aye". "Aye". Okay. Okay, I see, does anyone see Member Kama?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, eight "ayes", zero "noes", one absent, I mean, one "excused". And, motion carries.

(Councilmember Kama returned to the meeting at 1:17 p.m.)

CHAIR LEE: Are there any other amendments proposed?

Member Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair. Thank you for the chance to introduce amendment.

MY, I WOULD LIKE TO MOVE TO AMEND BILL 142 AS  
FOLLOWS:

IN PROPOSED MAUI COUNTY CODE SECTION 9.40.030(C),  
LISTING EXEMPTIONS, INSERT THE FOLLOWING: "ANY  
LOCATION ON THE ISLAND OF LANAI".

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Vice-Chair Rawlins-Fernandez, to  
make the amendment excluding the island of Lanai from this bill.

Discussion, Mr. Johnson.

COUNCILMEMBER JOHNSON: While I am concerned about the underage drinking and I  
understand the bill's intent, and I appreciate Councilmember Mike Molina for spending  
so much time on this and introducing it, I'm concerned at how this will affect low-income  
people, especially on the island of Lanai, where affordable housing is owned by the  
company. Police show up at your company housing on Lanai, for any reason, and it  
may cause you to be evicted.

I have lived in this low-income housing on Lanai, and I know the rules that they have  
in place. And I would hate to see a well-intentioned bill such as this, that will lead to  
families being evicted. And due to our lack of affordable housing in Lanai, eviction can  
have dire consequences.

Any bill with imposed fines disproportionately affects low-incomes families. Many of  
our, many of us are living paycheck to paycheck, and we are one financial misstep  
away from being houseless. A \$200, \$500, or even a \$1,000 fine would have a  
disproportion affect on low-income families, who are not more likely to have parents  
who, who are, I'm sorry, who are more likely to have parents working two jobs and are  
not always home to supervise their older teens.

I prefer a more holistic approach that includes community-based education and  
outreach programs, youth activities, parent support and education, public service  
announcements, and mentoring programs. Not only would this tackle the issue at the  
root, but it will also have not, it would also not have unintended consequences of  
possible eviction. Mahalo for your time.

CHAIR LEE: Any other comments or questions on this?

Yes, Ms., Vice, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in support of the motion.

AND IF MEMBER JOHNSON WOULD BE AMENABLE, I'D LIKE  
TO INCLUDE MOLOKAI TO HIS MOTION TO READ: "ANY  
LOCATION ON THE ISLANDS OF LANAI AND MOLOKAI".

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: I fully support Councilmember Keani Rawlins-Fernandez' motion. Thank you.

CHAIR LEE: Well, that means--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Johnson.

CHAIR LEE: --your, your proposed amendment will include the island of Molokai as well as Lanai. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: For similar reasons.

CHAIR LEE: Alright. Discussion?

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If I may ask Member Johnson, as it relates to Lanai and people getting evicted from their homes? Do you have any evidence to show, because one, I'm not sure if this amendment was noticed to the public or to the people who are in question, I guess, the ownership? So, that's one concern I have. And again, do you have anything to present to the Committee that would, reflects someone getting evicted if say a law like this was passed, or just in general any other type of violations? I know people who live in company housing, they already have rules that they have to abide by and I'm sure one of those rules would include underage drinking or for the prohibition of that. So, if I could ask Councilmember Johnson to respond to that?

COUNCILMEMBER JOHNSON: Certainly, Councilmember. Oh, Chair, may I? You know, I lived in, in low-income housing for over eight years and during that time, I saw with my

own two eyes many people get evicted whenever the police show up. And, you know, Lanai, we, we, I try to keep people private, so I'm not going to throw anyone's names through this, but I've seen a thousand times anybody on Lanai who lives in company housing, we know it.

Presently, our, our, our off-duty police officers are also work security. So, we, and Lanai is so small, we know the 17-year old kids, we know the 18-year old kids. So, it's very obvious, especially when we have, with all the cameras around and all the police around, we get, you know, we get kind of a heavy hand if you will. So, I, I, that's, I don't want to drag people's names through the, through the mud, but I've seen time and time again. It's a big fear. If the police show up, I might have a new neighbor in a day or two.

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair. I'll yield--

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER MOLINA: --the floor for now.

CHAIR LEE: I'm sorry. I'm sorry, Mr. Molina, you want to finish?

COUNCILMEMBER MOLINA: No. But I have been informed by staff that they did, someone from Pulama Lanai did, I'll just read what I got here. The person that was spoken to from Pulama Lanai confirmed that you cannot get evicted. And I guess my staff is waiting for what their association rules are.

And maybe, and Madam Chair, one question for Corporation Council, if we pass this amendment, or consider an amendment like this. Is this substantive enough where it has, this matter has to go back to Committee?

CHAIR LEE: Ms. Chen.

DEPUTY CORPORATION COUNSEL CHEN: Thank you. Yes, I am pretty confident that this would be substantive.

CHAIR LEE: Well it doesn't really--

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

CHAIR LEE: Wait. Corp. Counsel Deputy Chen, he asked if it has to go back to Committee?

DEPUTY CORPORATION COUNSEL CHEN: Oh.

CHAIR LEE: Not necessarily--

DEPUTY CORPORATION COUNSEL CHEN: Sorry. No, I don't believe so. I believe that, that this amendment could be passed today, and then it would come back for a second and final reading.

CHAIR LEE: Yea. The next Council meeting without having to be recommitted. Okay.

Yes, Ms. King.

COUNCILMEMBER KING: Oh, I think Member Rawlins-Fernandez had her hand up first.

CHAIR LEE: Okay.

COUNCILMEMBER KING: So, I'll--

CHAIR LEE: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to add to or dovetail off of one of the points that Member Molina was making about, about data and evidence to support something going one way or the other. And that's something that we've heard in testimony and that I've asked in Committee which is, is there data to prove that a social host ordinance here would achieve the intended goal? And we have not received data and evidence to prove that. And, and that's, that's been one of my reluctance of, you know, moving this bill forward.

And the reason that I'm asking the Members to consider exempting Molokai, because of the unintended consequences and the potential disproportionate impact it would have to those on our islands; both Lanai and Molokai. But also, on Maui, you know, it's. And we know, you know, you, you can see at the public hearing there was a pattern of those who spoke either with concern or in opposition to the bill. And they're all kanaka. That was a clear pattern. You know, because the unfortunate reality is a lot of kanaka are lower on the social economic status.

And on Molokai, we have larger properties, as the testifier spoke today. You know, her property is about six acres. In Central Molokai, in Hoolehua, you know, the properties are 40 acres. And, and try as, you know, adults might to prevent or stop underage drinking on the property, sometimes the properties are just really large.

And, and I understand what those in the hearing were saying. It sound, there, there's such a wide variety of scenarios where this could come up. One, is that the parents

knowingly are allowing minors to drink. And from the testimony that we received at the public hearing, it, it seemed like to me that that was the scenario that most people were speaking from the perspective of; that they don't want parents allowing underage youth to drink. Without really considering too many of the other scenarios that Member Johnson and I were, have brought up and the reason for this amendment, which is it could result in an eviction. And we know at the core of it there's a lot of drinking or, or, or substance abuse that happens and that's because of social economic factors such as equal pay, not affordable housing. And, and it's, and it's these things, these struggles.

Some of the testimony that we received about there being much more serious situations, or much more serious things going on at, at people's houses; child abuse, child neglect that, that, that's occurring. And that's a separate situation. And that's, and that's an extreme form of the situation. But if someone loses their home and ends up homeless because of this, because the fine that they, they can't pay or because police end up at the, at the home, then that would end up causing more of the root problems, which is why people end up, you know, drinking or using illegal substances. So, that's kind of what I wanted to speak to.

I think, so there, there are three things, differences on our islands. One of the things that was spoken about was drink, underage drinking and driving. And, and that is serious. I know, you know, it's, we don't want anyone getting hurt. On Molokai and Lanai, we haven't had the kind of fatalities that's occurred too many times on Maui. So, that's, that's also a big difference.

Another difference or reason for people supporting this, this bill is to prevent sexual assault. And as Member Sugimura brought up, and Member Paltin as well, is that on Molokai we have MCAPP; the Molokai Child Abuse Prevention Pathways. And as we heard from one of our testifiers is that while it, alcohol is not necessary for sexual assault or rape to occur, it, it can create a situation where they would exacerbate and that ends up happening.

And so, education is the best form of, of prevention. Being educated and knowing how to handle a situation where, you know, a, a classmate is drinking. And if we don't have that kind of education to help protect our, you know, the peers of these youth, then that's when these types of situations can escalate and become worse.

And I guess I'll just wrap up with saying that I kind of liken the testimony for this bill to an afford, affordable housing project that we know it's not affordable. Where everyone's coming out to support the affordable housing project because we need affordable housing. And what we're saying is that this, these houses are not affordable. And so, with this bill, everyone is saying we want to stop underage drinking, we want

to stop creating dangerous situations where sexual assault and fighting could occur and stop drinking and driving.

I, I don't know if, I'm not confident that this bill would actually do that. And, and that, that's my position. I, I, I'm concerned that the, the data that was collected to inform the decision of the Coalition to move forward with this particular bill have been flawed. And I'm not confident that that this effort is accurately data based. And mahalo, Chair.

CHAIR LEE: Member Kama.

COUNCILMEMBER KING: Oh, I thought I was next.

COUNCILMEMBER KAMA: Thank you, Chair. You know what I know about this bill? It is not a cure all. This bill isn't going to do anything to cure the ills of our society. What is going to cure the ills of our society is parents being parents; it's taking the lead and being a teacher and/or a role model for your kids. You know, my gut reaction when I first read this, this reso was like, you got to be kidding me.

I come from a Hawaiian family, both sides, large, all drinkers, a lot of alcoholics on both sides. So, I grew up with that kind of environment where every weekend there's a party. And what comes with the party? Everybody knows this, right? Everybody's happy, everybody's drinking, they're singing Hawaiian songs, they sing gospel songs, and then the big fight comes out, right? And then, after that, people don't talk to each other for weeks, for months. But the next weekend, there's still another party with more people. When does stuff like that stop? When some parent wises up and says, this is not for my kid. And they do everything in their power to keep their kids away from stuff like that.

So, I was raised in a family, in a household; 11 kids, my mom and my dad. And my mother was the one that drank all the time. I mean, when my father was at work, she was drinking. When he was at home, she never drank. So, there was like this cat and mouse game we always played. Before my father gets home from work, my mother's passed out, I gotta go clean up the kitchen, get rid of the beer bottles, clean the ashtrays, the same time take care of all my younger siblings. I've lived a life of what those things can do. But I'm grateful for my father who had the foresight to say, not on my watch, not with my kids. Parents have to be able to say that.

But, you know what this bill is? It's an intervention prevention. Just like the vaccine we going take, right? Everybody think it's going to cure. We don't know that. But we're going to take the chance. We're going to take the vaccine because we don't know what else to do about this situation called COVID-19. The reality is, peoples, this is not a perfect world we live in. Kids going sneak around. They're going to find

loopholes. They're kids. Think about your childhood. We all did it at some point in our life. You think our kids are not going to be as smart as we were; they're smarter. And they have more ways of getting around us with the internet, and with the superhighway, and all of these kinds of stuff; they're great at it. So, our job isn't to enforce things on them, but it's to lovingly, gently teach them what we think is good and important for them.

So, I look at this, this ordinance here not as something that's going to cure anything, but just to help us. Talk about low-income family, we was the low-income family. Only my father worked. My mother believed in not living, working outside the home. And 11 kids she had to raise. But he did it. And we're low-income. Believe me, you don't know what low-income is until you've got to get clothes passed down from the kid above, two kids above you, and three kids below you. It's not easy, but it's doable and it makes you better. It creates a better society for all of us.

So, I would just say I support this bill. I like the educational components. I would like for the, the organization to maybe get into the Native Hawaiian communities. Get a Native Hawaiian specialist on your board, you know. It'd be more inclusive with who you're working with and why you're doing what you're doing. But this is just an intervention bill to me, and I support it. Thank you, Chair. Thank you, Members.

CHAIR LEE: Okay. Member King, sorry, I missed you.

COUNCILMEMBER KING: That's okay. Thank you, Chair. I, I, I think we're off track of speaking about the amendment, we're speaking about the bill. I just want to speak against the amendment, because I see this bill as something that we're doing to protect all our keiki from underage drinking. And I don't see how we do that by excluding two communities. I also am not, you know, I know there's a difference of opinion about how this affects people, but I don't think when we make laws that we can adjust it for everybody's, how it's going to affect everybody. There are a lot of low-income people on the island of Maui as well, but we can't go and search them all out and say, well, you know, what is this going to do to you if you get caught doing this?

What we're, what we're trying to do is we're trying to protect our children, hold, hold the adults responsible. And that should go across the entire County. So, you know, I would just implore. You know, I know some people have differences of opinion about the bill itself and it should be either, let's either pass this bill or not pass this bill. But let's treat all of our children as equal treasures that we have to protect.

And I agree with Member Kama. This is, it's not a perfect bill, but it's a tool that we're going to be using to help move us in that direction of curbing underage drinking. I believe, you know, I appreciate all the folks that put this information together, the data,

and the reports, and the information that they brought to us throughout the, the several different Committee meetings and the public hearing, because I do believe that this is a big problem among many other problems in our County. That the, but I, I, what I don't like, what I don't want to see is that us saying because we know people are going to break the law and they're people that we know, we shouldn't pass the law. I think the law, if the intent of the law is to protect our children from underage drinking, we should apply it equally across the entire County.

And, you know, at the same time while doing these other educational programs, which are many already, they, they're not enough and they probably need, need to have more CARES Act money going into this kind of education because of the additional stress that everybody's under right now.

But I, I don't, there's a lot of laws that we have on the books right now. I mean, stealing, we know people are going to break that law, but we don't adjust it for people of different incomes because we know they might break the law and it might hurt them more than others. And I don't think that's fair. I don't think that's fair to the children we're trying to protect, to the families that we're trying to protect from going to other people's parties. And I also don't think that this is just a low-income problem, because I've seen this kind of hosting of these types of parties in the higher income bracket as well.

So, I don't, I think the, the way you get people onboard, the way that this has a chance of being effective is once one or two people, once this gets out there that this is a consequence, people stop doing it. You know, we saw that happen to some extent when we, when the people of Maui passed the \$20,000 fine for illegal short-term rentals. I've personally heard about, you know, just in the, in the few months that followed that, several people in my community who just stopped doing illegal short-term rentals because now there's a big fine out there. So, I think it has a chance of being effective that way.

I like the idea that we're going to review this in a year, and we can see if it's been effective or not. But I also want to say, you know, as far as the police knocking on your door because you're having a loud rowdy party, that can happen with or without this bill. This bill is going to help them hold the person responsible who, who owns that property or who is in charge of that, that gathering. But it's not, but right now, with the way the books are on, the laws that are on the books, someone could still go to, hear a rowdy party and call the police. And the police could still show up at one of those residents at Pulama Lanai or anywhere, and still have that same effect. So, I don't think that this law is necessarily correlated with whether people, people can have the police called on them or not.

But I'm hoping that with the, and I like the, I like the idea of the extension, because I'm hoping with that extension that we'll get actually more education and maybe we'll get some more CARES Act money to put into that education to let people know that this is, that we're getting serious about underage drinking. That we in the County don't want to see, especially don't want to see parents aiding and abetting.

So, I, I would like to see this, you know, move, I would like to take the vote on it today. But I think we should vote on whether or not to use this as a tool to protect our, our future generations from underage drinking or not. But not try to make adjustments for various types of communities, because those communities are not just on Lanai and Molokai. We have low-income communities here as well on Maui, on the island of Maui. So, thank you, Chair.

CHAIR LEE: Any further discussion from other people who haven't spoken yet?

Okay. Ms. Paltin and then Ms. Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR LEE: Oh, that wasn't raising your hand?

COUNCILMEMBER PALTIN: Oh no, I--

CHAIR LEE: What were you--

COUNCILMEMBER PALTIN: --I was.

CHAIR LEE: Oh, okay.

COUNCILMEMBER PALTIN: I wasn't sure, cause I spoke on the other amendment. But you're talking about who haven't spoken on this amendment, right?

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: Can I ask a question of our resource again?

CHAIR LEE: Mr. Collins, are you still there? Rick?

MR. COLLINS: Yes, I'm here.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Collins. I was interested, in particular, about the Lanai and your studies and your surveys, I guess for both Lanai and Molokai, if that was included in the survey work that you had done?

MR. COLLINS: It was, yes. We spoke to, I think, two or three law enforcement individuals. And we also did surveys, I bet my staff would be texting me any second to tell me exactly how many surveys we got back, but we did do youth surveys as well.

COUNCILMEMBER PALTIN: And I guess I'm, I'm particularly concerned with the landowner owning the majority of the housing opportunities on Lanai, and if you had taken that into consideration?

MR. COLLINS: So, I guess I would say, because we knew this was going up, we did look into this. There's no evidence anywhere on the mainland that people's housings been affected by this. And I think I would just second what Councilmember King said, in that if, if police showing up at your door is getting you evicted, you have a bigger issue than this ordinance, because police are going to show up anyways, whether this ordinance is in effect or not, right? This is simply an additional tool that if police do show up at someone's doorstep and there is underage drinking occurring, there are harms be, you know, being, happening to our young people, that they can do a quick and easy citation to that homeowner to deter that from happening in that community.

COUNCILMEMBER PALTIN: Thank you. And I just, one more question. What efforts, like are there people on your Coalition, not necessarily youth, but adults that are very familiar with the low-income spectrum of the work that you do?

MR. COLLINS: Yea, that, that's a great question. So, I, I would say that, again we, we were prepping for this. There isn't anything in the literature that says low-income people are disproportionately affected by this. I do think we have a good component in the current ordinance to review that at the, you know, after each year to see if there is something coming up. And so, we're, you know, happy to do that; to see if this is at all impacting our lower income communities more than the, than other communities. I don't know if that answers your questions, though.

COUNCILMEMBER PALTIN: Oh, yea, no. My question was, like, you know amongst you folks that have created this policy and analyzed the survey results and what not, are there members in your Coalition that have lived in low-income situations and have, like, up close and personal experience in those areas?

MR. COLLINS: Yea, I would say, I would say certainly. And without calling people out, I would say that you've heard some testimony from young people that are living those situations right now.

COUNCILMEMBER PALTIN: Yea. My question was adults, though.

MR. COLLINS: Oh, adults. Yea, I think that certainly we have adults that are working with those populations of people. I'm trying to think--

COUNCILMEMBER PALTIN: What about living, living that population of people?

MR. COLLINS: I can certainly think of a, I can certainly think of two or three individuals that I know, who I think I could probably put in that category.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. COLLINS: Yes.

CHAIR LEE: Any more questions for Mr. Collins?

Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, no, no questions for Mr. Collins. I'd just like to make my comments on the proposed amendment. You know, Madam Chair, today it's ironic we have this bill that . . . gets the health and safety of our youth. And we recognized our youth today on another matter with the awards for the 'Imi Pono. And to me, I see this bill, that's the whole aim; is to protect our youth.

Now, as it comes to the amendment, no disrespect to the makers, I'm, I get it, where you're coming from. But I'm concerned that if we support this amendment to exclude the, the young people of Molokai and Lanai, their health and safety, it sends a mixed message. Is it saying that by doing this only for Maui island youth, that they're worth more, you know? To me, all young lives matter. We're one County; Maui, Molokai, Lanai. I see all of us together in this. Liquor does not discriminate. It does not discriminate social classes. It does not discriminate ethnicities. The harmful effects of it impacts all if abused.

And I appreciate the comments from my colleagues Ms. Kama and Ms. King. I agree with that. And one of the teachers today that made mention of our rap that the kids were inspired by our actions with the rap. So, I see that by this Council showing that we care about the impacts of underage drinking, I see that as inspirational, because it sends a message to them that we care about their health and welfare.

And, you know, Madam Chair, I've gone back to teaching. My prior profession before I became a politician, I taught for 13 years with the Department of Education. And

back then, in the late 90's, yea, certainly underage drinking was a problem. I've gone back recently to teach, and I hear it now from staff, from children, and parents, and this is from an intermediate school. The problem is escalating. So, to me, it's time we step up.

And I appreciate what the coalition has been doing. And they've been at it for the last three or four years, so a lot of work has gone into this. And you can agree or disagree with the data. Everybody has their own opinion about it. But I think it's high time we do something about it. And it is not going to be the cure all. Again, let's understand what the intent of the bill, where it focuses. Based on the data, the amount of incidents occur at house parties. No matter whether your house if Molokai, Lanai, Maui; it tends to occur there.

And admittedly, I was a little reluctant when there was requests made to have a public hearing on this, cause I kind of wondered why, because in Committee the testimony seemed to be in, in support of. But you know what, it was a blessing, because we heard the other night other perspectives as to why this bill should be supported; the science, the impacts alcohol has on the young mind, you know. I hear of intermediate age kids, and maybe even younger, drinking. Imagine what it does to their brain development. So, to me, as legislators, we have to step up and prioritize the health and safety first of our youngsters. And put that before the inconvenience a legislation like this could cause to property owners.

And I think Member Kama mentioned it about parents stepping up. And yes, it may be an inconvenient, but we need to have that hard talk with our kids. Chairman Lee, you mentioned your, your, a child, an example an 18-year old. Well, if that child does something inappropriate in your house, you have, you have the final say whether you want that young adult to stay in your house, you know. So, I see this as something as one tool in a proverbial toolbox, toolbox to address this problem. Yes, it's not the cure all, but it is a step.

And I would like Maui, Molokai, and Lanai to be included, because I don't know what the difference is between the young people of Molokai and Lanai versus the young people of Maui. And as I said, alcohol does not discriminate or does not, is not selective with social economic classes, kind of like COVID-19, so, you know. And then also, why, it's a fine component. People are still going to try and take their chances to violate a law like this if it is passed. And this is the, by us adding a fine component to this, this is just saying that okay if you're going to take a chance, this is what's going to happen.

And the police are not going to go out and headhunt, okay? As it was said before, it's a complaint driven legislation. So, if you have a loud party, loud music, fighting, sexual

assault, what have you, sure, you can expect your neighbors to call the police. So, that's another reason, that's what's going to attract the police. Things of that nature. And certainly, you know, I know some people said it's the rite of passage that, you know, you're 18, you're an adult, you're old enough to go to war, you have the right to drink. But the law is the law. Unfortunately, it's made, it was made 21, you cannot drink. So, it does kind of cause this confusion so to speak.

But in all my good conscious, I just cannot support this amendment to exclude citizens and the young people of Lanai and Molokai from a bill like this that is aimed for their health and safety, Madam Chair. Thank you.

CHAIR LEE: Thank you. Anybody else?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I haven't spoken on, on this, the two amendments. And I just want to say that I think what Member Johnson and Keani Rawlins-Fernandez is talking about is their sensitivity to what's happening on their island. And I just, I wonder if they want the time to hold a public hearing or do something in there, you know, in Kaunakakai or in, on, in, on, you know, Dole Park or something, you know, or have a night meeting so you can actually hear from your residents? Cause I, I think that's what I'm hearing from your hesitancy on this particular amendment.

And Members, when I listen to what we're saying, I want to tell you that the other night, one of the public testimonies, in fact, the last mom and, the mom and the daughter talked about a program that I worked on with the County of Maui called "Be a Jerk". And that program was about telling parents to be a jerk and say no to your parent, to anybody who wants you to buy alcohol for an underage. And it's education, right?

It is before you get to the point of having this big party and these people drinking. It is, so that before you can educate the community and the, and the children and the parents, right, about what happens for underage drinking. And I think we're getting mixed up with the pre-education. And then, I don't mean, the education for the bill is one thing, but I think there needs to be bigger education so that it continues, the kind of work that I did when I did the "Be a Jerk" program, because it's needed and I'm not sure if the department is doing it.

But going back to the motion from Member Johnson, as well as Keani Rawlins-Fernandez, I think they're expressing some kind of hesitancy for their community and I, I'm going to support what they're saying, cause I want them to have a chance to go back to their community. And if I can ask you if you would do that, you know, to talk to them and see that, you know, they understand what this bill would do. And maybe you

did already. Maybe I'm the one that's not informed, you know, I'm not checking. So, thank you.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair. Thank you, Councilmember Sugimura, for that question. I will tell you a little bit of the groundwork I've done. I've spoken with the school and I've offered my bully pulpit. I said I'll come to the school and I'll talk to the kids. You know, due to COVID, we might have to write a letter, we might have to do a virtual thing. But I'm willing to, you know, use my voice and talk exactly what you're talking about.

The other thing is, I went to our community health center. I said, hey, tell me doctor, you know, the doctors who are helping the kids, what is going on? Are they, are the kids doing more house party drinking? And she was like no. The problem we have right now is vaping. Vaping is on the rise on Lanai. And that's where I'm coming from.

First off, I come from a place of respect. I respect all of the hard work you folks have done. I respect Councilmember Molina for introducing it. I respect everybody for allowing me just this chance to explain to you that Lanai is different. It's a one company town. It's a, it's owned 98 percent by someone who doesn't live here. So, that is where I'm coming from for asking for an exemption.

You know, I'm not saying that Maui is, is, is, of course I care about these things. I'm a, I'm a single dad. I have a, an 18-year old daughter, just turned 18 yesterday. But this, this affects my, my, my home, you know. And if I was still living in, in low-income housing, this would be another tool in the toolbox, if you will, where I could get put out on the street. You know, I'm a former schoolteacher. I've been, I taught English as a second language from K to 12. And I appreciate that this Council in particular has many, many schoolteachers on it.

And I, I know that the root cause is trauma, is that's where kids turn when they go to drink. They turn to the bottle, they turn to the pill, they turn to the pipe due to trauma. So, that's a whole other issue that this, this doesn't address. And I, I respectfully am trying to, that's where I'm going, coming from; is a place that let's prevent, let's use our money and use our bully pulpit to talk about the trauma that leads them to this.

Now, I get it that this bill is important for many people and I respect everyone here. But I just wanted to empathi, empathi, emphasize the uniqueness of Lanai and how this would kind of do a little bit more damage than good. And that's, that's where I'm coming from.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, this is Member Johnson's first crack at this bill. He wasn't, he didn't have the opportunity to discuss this bill in Committee. Had he been here last month and have that opportunity, then I have no doubt that these are concerns that he would have brought up in Committee. But he didn't get that opportunity. So, here we are today. And what he's telling us is he has consulted with those on Lanai. Can anyone else raise their hand to say that they consulted with the Lanai community? Okay. So, our Member from, on Lanai has. I've consulted with my community. Has any of the other Members consulted with the Molokai community? Okay. So, what we're, what we're saying is that we have consulted with our community members.

And perhaps they're not coming out in full force, because of some of the comments that Members have made, and other testifiers have made, that makes the testifiers look like a bad person for coming out against a bill that is being described as protecting the youth. No one wants to come out against something that's protecting the youth. And so, it, it, it puts people in a very difficult place, and we're speaking on their behalf. That's what we're saying, is that we've talked to our community and they want to be exempted from this. This doesn't make our youth on our islands feel any less valued. On Molokai, you know, I mean, we're the home of rebels. And, and that's what it is. So, they're not going to feel like the Members didn't care about them to include them in this bill.

In, in response to comparing this to vacation rentals, this Council minus Member Johnson, voted to allow Molokai to not have any vacation rentals, not have STR's. And, and you listened to the community then. You know, I, I, mahalo Member Sugimura for the idea of having a hearing on our islands. It is tricky right now to have hearings, you know, because we can't gather. But I, I have been making that effort to talk like Member Johnson, to talk to people in our community about this.

And when we're talking about those that could disproportionately be affected because of low-income, it, it, it's not about the, the character of the person. I want to make that clear. It's about the person possibly working multiple jobs and not being at home. That, that's what we're, we're talking about, is that the, the parents, maybe even a single parent like Member Johnson was having to work multiple jobs to keep a roof over the head of their children.

And so, I, I, I think it's kind of preposterous to propose evicting an 18-year old child for drinking at home while the person is, while the parent is not home. That's, that's not something I think any of the parents on this Council would consider doing. I think we would probably just pay the fine and not evict our adult child.

But I, I know my island, and it's, and I've explained the differences and I've explained the challenges that are foreseeable. And that is why I'm supporting this motion. And if this motion doesn't pass, I will be sure to let them know that I tried to make their voices heard, but the other Members forced it upon them. Mahalo, Chair.

CHAIR LEE: Any further discussion?

Yes, Ms. Kama.

COUNCILMEMBER KAMA: So, I just wanted to be real clear that, somebody mentioned earlier that in my, I think Member King, that I didn't mention whether or not I supported the amendment, cause I went in a different direction. So, but I do not support the amendment. I feel like Lanai and Molokai are part of Maui County. We're a tri-isle County. The issues of the STR's on Molokai is kind of different to me, because we talked about STR's. We're talking about that being an economic issue.

I'm looking at this as a health and, and safety issue, so I don't necessarily put them in the same category. But I feel like when we, that it's probably, one, not good County policy for us to separate like this, because this feels like cutting off my left hand or cutting off my right arm. You know, it doesn't feel like we're, we're together on stuff. And we may not agree on a whole lot of stuff, but the reality is if you all don't have an issue with underage drinking in your communities, then cops will never be called. Don't worry, cause then, you won't have any issues or any affect.

But to not be a part of the whole County of who we are, it just to me sends a really, an unclear message to our constituents. It sends a confusing message. And it doesn't allow us to almost, like, be the one body that we should be operating as. And that's my comment, Chair. Thank you.

CHAIR LEE: Any other comments? If not --

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for the opportunity. And mahalo for the discussion. It's a very, you know, tough one. And, and but mahalo for all of your input in listening intently. I come from a small community as well with, you know, large Native Hawaiian population as well. So, and, and I haven't, we've put out some surveys out to the communities, so we haven't really had, we've been dealing with a lot of the COVID matters in our town lately. But, but I can still go back to them and, you know, request some of their input.

But as a, I guess as a cultural practitioner, specifically when dealing with, you know, issues and the district representative for East Maui, so I can, I can, some of you come to me to ask, ask my recommendations for East Maui. So, having said that, I think as, as lineal descendants from each area, I can, I can respect Member Johnson and Member Rawlins-Fernandez request for their community. So, I'll support, you know, if, if they've gone to their community. I haven't. I, I'll support their amendment.

CHAIR LEE: Anybody else? I think we've heard it all. And we should be ready to vote. This is a tough one and I'm sure nobody will get personal about it. So, the motion is to approve the amendment made by Member Johnson, which would exempt Lanai and Molokai from this ordinance, okay? Everybody real clear on that? All those in favor of that motion, raise your hand and say "aye".

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

CHAIR LEE: All those opposed to that motion, raise your hand, and say "no".

NOES: COUNCILMEMBERS KAMA, KING, MOLINA, AND  
PALTIN.

CHAIR LEE: Okay, the "ayes" have it; five "ayes", four "noes".

Now, the, the main motion as amended. No?

Ms. Paltin, what are you saying?

COUNCILMEMBER PALTIN: Oh, I thought we couldn't go through second reading if we amended it like that?

CHAIR LEE: No. What will happen is we will, it'll not pass out today. It will stay on the Clerk's desk and it will pass second reading at the next Council meeting.

COUNCILMEMBER PALTIN: Oh, so we're doing first reading right now?

CHAIR LEE: Essentially, yea.

COUNCILMEMBER PALTIN: Okay. Thank you.

COUNCILMEMBER KAMA: Chair.

CHAIR LEE: Yes, Ms. Kama.

COUNCILMEMBER KAMA: Could we do a roll call vote?

CHAIR LEE: We already voted, okay. So, I can tell you who, you want to know who? I can tell you. The "ayes" were Ms. Sugimura, Ms. Rawlins-Fernandez, Mr. Johnson, Mr. Sinenci, and myself. The "noes" were everybody else; Kama, Paltin, Molina, and King.

COUNCILMEMBER KAMA: Okay. Thank you.

CHAIR LEE: Right. So, now--

COUNCILMEMBER KAMA: I just wanted, if I may?

CHAIR LEE: Yes.

COUNCILMEMBER KAMA: Chair. That the threat I just heard from Ms. Rawlins-Fernandez, I just wanted to make sure that you heard all the four names. Thank you.

CHAIR LEE: Okay.

Now, the, we're still, we haven't voted the final thing, right? So, the motion is, all those in favor of the motion as amended, the main motion as amended, raise your hand, and say "aye". Okay.

COUNCILMEMBER MOLINA: Wait. Wait, Madam Chair.

CHAIR LEE: You want roll call?

COUNCILMEMBER MOLINA: Yea. Are we redoing the vote now on the amendment? Or are we, I thought we're not supposed to vote on this today on the motion as amend, now amended.

CHAIR LEE: I don't. I don't understand that part. But Mr., Mr. Clerk, why wouldn't we vote on the motion as amended?

DEPUTY COUNTY CLERK: Chair, so, staff's current understanding is that the, the main motion was to pass this bill on second and final reading. The body then made two amendments to that main motion. The second amendment relating to the exemption for Lanai and Molokai, my understanding is that Corp. Counsel has opined that that would, that that might be too substantive for the body to pass that, pass the bill today.

I would defer to them to clarify that part. But essentially, if that is the decision that is made and the body agrees with that, then it's my understanding that the body would want to pass this on first reading again. That's allowing Draft 1 to be posted at the next meeting, and then the body could take final action.

CHAIR LEE: Right. And I think I made it clear. I think I made it clear that if this motion passed today, yea, the main motion as amended, then it would not pass second reading. It would stay on the Clerk's desk and pass second reading or be up for second reading at the next Council meeting. That's what I said. You got that?

DEPUTY COUNTY CLERK: As long as the body--

CHAIR LEE: You understand? You know, there, there are two ways to do this. You can recommit this, because we all recognize there's a substantive change here. You can recommit it, or you can lay it on the Clerk's desk and wait for the next Council meeting. You understand? You don't understand or you understand?

Mr. Raatz. I see you're on the call. Okay, David, you want to clarify the situation for us?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. Well, first of all, as the presiding officer, you're in charge of parliamentary procedure for the body, subject to overrule by your colleagues. I would just reference Rule 19.C, which addresses amendments that are made to a bill that's been posted for second and final reading. And that Rule says that amendments can be made, but final action should be postponed until the next meeting. So, if, if the Chair wants, with the body's concurrence, I think you could resolve your work on this bill as being done for the day, and simply post the amended bill at the next Council meeting again for second and final reading.

CHAIR LEE: Okay. I thought that's what I said, that this doesn't pass out today. It lays on the Clerk, Clerk's desk. It cannot pass second reading, because of the substantive changes that we made. I thought I said that? Okay, so, the plan is, but we still, we still have to vote on the main motion as amended in my mind?

COUNCILMEMBER KAMA: No--

COUNCILMEMBER MOLINA: I don't know. That's the question I had, yea.

COUNCILMEMBER KAMA: Chair.

CHAIR LEE: So, no, let, let's get clarification from David. David, so some people are thinking, okay, in order not to pass second reading, you have, you cannot vote on the main motion as amended. That's not my understanding of parliamentary procedure. My understanding is by voting on the main motion as amended, essentially brings that item back to first reading, essentially. It cannot pass second and final reading. I did not ask to pass this on second and final reading. All I asked was to pass the, the, to vote on the main motion as amended, okay? I mean, I've never heard of leaving a motion un, undone. But is that your understanding, David.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. I think you're correct. There's possibly multiple ways of getting to the conclusion that you want. I'll just briefly referenced Rule 19.C again. It says, "A bill being considered for final reading, that is amended at a Council meeting, shall not be acted upon at the same meeting as the amendment." Shall not be acted upon. So, and it goes onto say in the next sentence, "Final action on such an amended bill shall not be taken until the next feasible meeting."

CHAIR LEE: Yea.

SUPERVISING LEGISLATIVE ATTORNEY: So, I think it's clear you can't take final action today. But that first sentence in the Rule also says, "the bill, as amended, shall not be acted upon at the same time as the meeting", excuse me, "as the amendment". So, I don't think there's a need to pass the bill in its entirety on first reading today. I think it's, I think it's poised under our reading of Rule 19.C to be posted for second and final reading at the next Council meeting. Of course, the County Clerk is in charge of Council meetings, if the Deputy has a different viewpoint, we would certainly be welcomed to hearing that. Thank you.

CHAIR LEE: Well, you know, I, I've never in my life heard of leaving a motion un, still open, you know? I've never heard that. I've never done that. I've never heard of that. So, I, I can, what I'm thinking is that I made it clear to everybody that this, passing, taking this will essentially moves this item back to first reading. That's what it is; it's at first reading. It's not going to advance at this meeting. Okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I hear what you're saying. And, and, and I, I like the direction you're going. And so, I, I think I have a solution for this procedural conundrum. Perhaps if I mend, amend the main motion to be understood as passing the proposed bill on second, but not final reading, for final reading at the next Council.

CHAIR LEE: Well, okay.

Yes, James.

DEPUTY COUNTY CLERK: Perhaps the body could also consider maybe since there's an understanding that, you know, that there might be a first reading to be done again. Maybe perhaps the motion could be instead amended to change the motion to pass on, pass Bill 142, Draft 1, on first reading, since the amendment--

CHAIR LEE: Yea, that, that's what I was thinking. I didn't think we could pass it on second reading, Vice-Chair Rawlins-Fernandez. See, I, I was just about to say before James came on, that you can amend the, make an amendment to say that, to pass the bill on first reading. And then it's really clear.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Okay? Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND THE MAIN MOTION TO MOVE THE BILL  
142 ON FIRST READING.

CHAIR LEE: Well--

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Wait, wait, wait. Let's get the correct verbiage. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Go ahead, Mr. Krueger.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Oh, just that it's understood that it's Bill 142, Draft 1, now, so that, that's clear that the amendments are now incorporated.

CHAIR LEE: Yea. Yea, let's, let's get the--

VICE-CHAIR RAWLINS-FERNANDEZ: Bill 142--

CHAIR LEE: --correct verbiage. Okay. Now, did everybody understand that amendment, proposal?

COUNCILMEMBER SUGIMURA: Wait, clarify. So, you're saying the amendments are not incorporated? Or you said the amendments will be incorporated? Will be?

CHAIR LEE: Yea.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Yea, every, everything's incorporated, but it's not going to be on second and final reading. Okay? That's the--

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thanks. So, Madam Chair, what we're doing, we're redoing an action we took back in December, right?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: That, that's kind of where the confusion was when we're about to take the vote. So, I guess it was, we're re, we're undoing an action that was taken in December. Now, here we are in January, we're replaying a first reading vote, even though it was noticed to the public that today would be second reading. Just so that I can understand.

CHAIR LEE: Yes, you, you're correct. But the reason why we're, we have to do this is because of the substantive change. Now, you know, when you extend the deadline, you know, for a bill to be effective, that's nonsubstantive. But when you exclude two islands, that's substantive. Okay, now everybody understand? We're going to take one more vote. Well, actually two. You're going to, or you're going to incorporate it in the last one? Is that a sec, a next, a standalone amendment, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If Member Molina would like to recognize that as a friendly amendment, then it, then it wouldn't need to be voted on. But if his preference would be for it to be an amendment to his motion, then I, I can make that motion, and then someone would need to second.

COUNCILMEMBER MOLINA: Yea, let's go ahead and take the vote to make it, make it cleaner, yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: To make a separate motion then. That's what you're saying, Mr. Molina, right? Okay. Mr., Vice-Chair Rawlins-Fernandez, can you say it again?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

I MOVE TO PASS ON FIRST READING, BILL 142, DRAFT 1.

COUNCILMEMBER KAMA:

SECOND.

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

Okay, any discussion on your motion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: No discussion, Chair.

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

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

NOES: NONE.

CHAIR LEE: Okay, it's unanimous; nine "ayes", no "noes". Motion carries.

Now, we are able to vote on the main motion as amended. Any discussion on that? If not, all those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine.

COUNCILMEMBER MOLINA: Aye with reservations.

CHAIR LEE: Okay. So, noted; Mr. Molina, "aye" with reservations. Nine "ayes"--

COUNCILMEMBER KING: I, I was, I'll have reser, I can add reservations to mine as well.

CHAIR LEE: Okay, Ms. King with reservations. Anybody want to make reservations? Alright.

COUNCILMEMBER PALTIN: At Sansei.

CHAIR LEE: So, we had nine "ayes", nine "ayes", no "noes", two res, two "yes, with reservations". Whoa, I think we earned our keep today.

Let's see anything else, Mr. Clerk?

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

CHAIR LEE: Okay. Members, thank you so much. It, it was, this is a hard, this is a hard bill no matter how you look at it.

I want to remind you, I believe our financial statements are due on Tuesday, okay. Don't forget. I believe they have to be notarized and all that. So, make sure you get in, cause that is the deadline.

Yes, Member King.

COUNCILMEMBER SUGIMURA: No notary.

COUNCILMEMBER KING: Just to clarify. Just to clarify, that when you say we, you mean all of us as Councilmembers? Not the County.

CHAIR LEE: Yea.

COUNCILMEMBER KING: We all have, our individual financial statements in by Tuesday.

CHAIR LEE: Yea, just us. Okay, cause I've been putting, I've been putting that off. We've been all busy and everything, so I'm, I'm glad we got the reminder. But today's Friday, it was actually due on the 17th, I think. But, but Monday's a holiday, so the 19th. Don't forget. It has, unless you, of course, handed in already. Don't forget. Okay?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that reminder. Was something that would have slipped through the cracks. So, it's, it must be received by--

CHAIR LEE: Tuesday.

VICE-CHAIR RAWLINS-FERNANDEZ: And not postmarked by?

CHAIR LEE: No, they're, they're giving us till Tuesday because Monday is a holiday.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I mean, I live on Molokai and I can't just, you know, physically drop it off. So, I'm going to have to mail the notarized form.

COUNCILMEMBER KAMA: Can we get an extension.

CHAIR LEE: Yea, I guess, I guess the postmark will suffice, because they want, they don't want you to email, or scan, or anything. They want the original, yea, so.

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

CHAIR LEE: Okay. And for those who remembered; good for you. How much, how come you folks have so much time on your hands to do that? Nah, just kidding.

Okay, everybody have a wonderful weekend and take care. And good job today. I'm proud of you as always. This meeting is adjourned.

### ADJOURNMENT

The regular meeting of January 15, 2021 was adjourned by the Chair at 2:23 p.m.



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

## County Clerk

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**From:** Stephen Bennett <stevebennettemail@yahoo.com>  
**Sent:** Thursday, January 14, 2021 9:52 AM  
**To:** County Clerk  
**Subject:** Support Bill 142

Aloha,

As a Maui resident of 15 years and a youth development professional, I am aware of the alarming high rates of youth alcohol & drug use in our community and the negative consequences that our youth can incur as a result. Research shows that a significant number of our youth gain access to alcohol through social gatherings within the home. I support Bill 142 as a way of bringing awareness of these facts to parents and providing an opportunity for them to increase their vigilance and take accountability for underage alcohol and drug use that occurs within their homes. This is in hopes that we can come together as a community to support youth staying away from the negative consequences of underage substance use and support positive futures for them and our community.

Mahalo,  
Stephen Bennett  
stevebennettemail@yahoo.com

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COUNTY CLERK

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2021 JAN 14 PM 1:31

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COUNTY CLERK

To the voters of the social host ordinance,

My name is Joanna Borreta I live in Kahului and I am a prevention specialist at Maui Youth and Family Services. I am writing testimony in support of Bill 142.

As someone who works hands-on with adolescents and sees the struggles, they have with substances, peer pressure, and other stressors. I feel that the social host ordinance would be beneficial to our community. I am a mother of 3 and all of my children are in the age range that this social host ordinance is trying to protect them.

I think that passing this bill will minimize underage drinking and save lives of your younger generation and help to keep our loved ones safe. Living in a community where drug use and underage drinking is common something needs to be done in order to prevent these ongoing events from happening.

Thank you council members,

Joanna Borreta  
111 Kahului Beach Rd. A 309

Kahului HI, 96732

## County Clerk

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**From:** Karen Comcowich <kcomcowich@yahoo.com>  
**Sent:** Thursday, January 14, 2021 1:41 PM  
**To:** County Clerk  
**Subject:** Oppose Bill 142, regarding "social host liability"

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2021 JAN 14 PM 1:51  
OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Council ,

**Please Oppose Bill 142, regarding "social host liability".** The intentions are good, however, making adults responsible for kids' actions will not have the desired results. Teenagers are suppose to have more freedom and more responsibility, this bill does the exact opposite. This bill makes it so parents will have to do creepy surveillance of kids and their friends for fear of legal repercussions.

*STORY 1: Why punishing parents doesn't work:* my friend's daughter is a particularly difficult teenager. Despite growing up in a loving and supportive home she is rebelling in volatile ways: running away, stealing cars, sneaking trouble into the house when her parents are at work. They have tried every legal and ethical option to help her: from music lessons to therapy and consequences. Unfortunately, she is 16, so they cannot force her to go to therapy nor can they know her private medical information (like what drugs she tests positive for). However, they are financially responsible for any damage she causes which makes paying for good quality treatment even harder.

*STORY 2: Pushing parties to more dangerous locations:* my senior year of high school the police in my small home town decided to make us safer they would crack down on underage parties. This did not stop the parties. Instead of being at safe locations in town, we organized parties far out of town down long sketchy jeep roads that required a secret map to find. Who would be responsible in this situation? The underage person drawing the map, the underage person stealing the alcohol or their parents? \*Fortunately we were good at jeeping and towing each other and only one horrific deadly accident occurred.

If the idea is to make the roads safer and save the emergency costs associated with drunk driving accidents, the counties resources would be better spent on GOOD PUBLIC TRANSPORTATION! This would protect not just our underage citizens but also help keep drunk tourists off the road. To be good public transportation needs to run regularly and often and until after the bars close. I would take the bus, but it is so infrequent and the routes are so limited it doesn't make sense.

**Further I would support a bill where anyone, regardless of age, who is caught drinking and driving is required to go to counseling and do community service!** I have seen how beneficial counseling can be in this situation and community service is an equal punishment regardless of income. Please create a bill that encourages individual responsibility and offers help for those struggling with substance abuse.

Thank you for your time,

Karen Comcowich

Lahaina, HI

Katie Folio  
26 Kai Nana Pl, Kula  
Calikate@gmail.com

January 14, 2021

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OFFICE OF THE  
COUNTY CLERK

**Council of the County of Maui Regular Meeting, January 15<sup>th</sup>, 2021**

**Position: Strong support for Bill 142, Maui County Social Host Ordinance**

Aloha Chair Alice Lee, Vice-Chair Keani N.W. Rawlins-Fernandez, and Honorable Council Members:

My name is Katie Folio and I am a registered voter who lives in Kula, Hawaii 96790. I am writing to you as a private citizen and mother of two young children, and my work in public health helps to inform my testimony. My girls are still young, so my hope is that by the time my they are older, healthy choices will be easy for them to make because our community and environment will be structured to support them in those choices. But it's going to take work on our part, parents, adults, and policy makers, to get to that point.

Unfortunately, underage drinking is currently prevalent in our county, with almost a third of our high school students consuming alcohol, and our youth report that house parties are the primary location for underage drinking to occur. Some people might mistakenly think that house parties create a safer space for underage drinking, but house parties can actually lead to larger parties where more drinking occurs, which in turn leads to more alcohol-related consequences. Our youth report a number of negative consequences that they or their peers experience as a result of underage drinking, including fights, car accidents, arrests, alcohol poisoning, and sexual assault. I want to protect my girls and all of our children from these traumatic and even life threatening consequences.

And I'm not alone. Over 90% of Maui County adults surveyed by the Maui Coalition for Drug-Free Youth stated that they do NOT want their children drinking in other people's homes, and most also said they would not allow underage drinking in their own homes. Youth are targeted by the alcohol industry, and our culture glamorizes and glorifies alcohol, so we can't put all the blame on these young people for engaging in underage drinking. We have laws in place that criminalize kids for consuming alcohol, it's time we hold adults accountable too. Whether or not an adult is present, they are responsible for their property, their children, and any other children present. It's a responsibility we assume as parents and adults, and it isn't fair to put all the responsibility on our kids. A social host ordinance will help protect all of our families by holding adults accountable so that house parties are not venues for underage drinking and binge drinking to occur.

I should point out that this is a tool for MPD to use if they receive a call for service, which would indicate that things have gotten out of control and an intervention is needed to help protect the youth in attendance. A small family gathering or responsibly held celebration is not going to result in a social host fine. But where things have escalated to a point that youth present may be in danger, I believe it is important for

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MPD to have this tool to help parents and adults understand that they need to change their behavior and/or keep closer tabs on what is occurring on their property so that we can start to eliminate environments where kids may suffer the negative consequences of underage drinking.

This is one step we can take, as a community, to helping create the environment I envision for our kids one day – where making the healthy choice is the easy choice. This ordinance will help save kids from those reported consequences of underage drinking, including violence, sexual assault, alcohol poisoning, traffic accidents. And it will save lives.

Anything we can do to protect our keiki, reduce underage drinking, and reduce drunk driving is a no brainer for me. Please pass the social host ordinance for Maui County.

Mahalo nui loa for your service to the County and your attention to my testimony.

Sincerely,

Katie Folio

**Testimony in support of the Social Host Liability Regulation**

**From:** Kristin Mills, M.S., M.A.

**Date:** January 14, 2021

**Subject:** Support for Maui County Social Host Liability Regulation

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OFFICE OF THE  
COUNTY CLERK

My name is Kristin Mills and I am a resident of Pukalani, a parent, and a health educator with the Maui District Health Office. I have previously provided written testimony as well as verbal testimony in support of the Social Host Liability Regulation.

To summarize my previous testimony, the social host ordinance doesn't just prevent underage drinking. It also helps prevent the serious and more permanent aftermath associated with underage drinking... including drunk driving, physical fights, sexual assault, alcohol poisoning, car crashes, arrests, and death. As underage drinking can lead to future alcohol addiction and addiction to other substances, reducing underage drinking is vital for our youth's future.

We have age limits for drinking alcohol for a reason. Youth are too young to make decisions of this nature. Further, their brains are not developed until the age of 25 and can be harmed by alcohol, especially binge drinking. Unfortunately, some parents see underage drinking as a right-of-passage and see drinking in their own home as a "safer option". Drinking alcohol at a house party is **NOT** a safe option. Underage drinking is **NEVER** safe! By having a social host ordinance, which holds the homeowner responsible, we can prevent underage drinking and the serious aftermath of underage drinking.

I am a parent of an 11-year-old and a nearly 17-year-old. While I do believe my kids would make good decisions for themselves, the harsh reality is that peer pressure and curiosity are real things. A social host ordinance will help protect kids from underage drinking because of peer pressure or curiosity.

I would today like to further address the concerns of people who feel this ordinance unfairly punishes and discriminates against low income families and/or ethnic minorities who are already struggling financially. As a public health educator with the Maui District Health Office since 1999, the fact is that public health policies, ordinances, and laws WORK. Examples include, smoking laws that prohibit smoking in public areas, drunk driving laws, and seat belt laws, just to name a few. Of course, policies and laws need to be followed up with education as to WHY the policies and laws are put in place. But these policies and laws have an immediate affect of reducing harmful behaviors even before the education takes place. Do policies and laws reduce all harmful behaviors? Of course not. Will this social host ordinance prevent all underage drinking? No, it won't. But it will have a huge effect on reducing a majority of underage drinking; Especially those incidences that are due to peer-pressure and curiosity, as well as those incidences where youth wouldn't otherwise have access to alcohol if it wasn't easily accessible at people's homes. And finally, this ordinance will have the positive affect of encouraging people with house parties to put added thought about labeling, separating, and monitoring coolers with alcohol in them to assure youth aren't accessing these drinks. These folks will think twice about allowing youth to drink in their home. Hopefully they'll learn a few facts about the harmful affects of alcohol in youth. If not though, perhaps they will think twice about allowing youth to drink in their home because they don't want to get fined. And hopefully parents who currently don't feel they have time to pay attention to what their youth are doing at home will start making time to be aware if their youth are

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having house parties in their absence. No laws are perfect, but the harder it is to gain access to alcohol through these laws, we will see underage drinking rates go down.

THE  
COUNTY CLERK  
Thank you for your consideration and I ask for you to vote **in support** of this ordinance.

Mahalo,

**Kristin Mills, M.S., M.A.**

Public Health Educator

Maui District Health Office

DATE: January 14, 2021

TO: Maui County Council

FROM: Stacey Moniz

RE: Strong Support for Bill 143: Relating to Social Host Liability

Aloha:

Thank you for accepting my testimony in strong support for Bill 142, Relating to Social Host Liability. I have previously shared my personal history of growing up with parents who didn't drink at all, but I would frequently go to my best friend's home where her parents drank and did drugs and allowed and even encouraged kids as young as 11 to do so. As a teenager, I thought their house was the best house and that my parents were old and out of touch. What I didn't know at the time was that these "cool" parents were setting the stage for all kinds of horrific abuses to occur including sexual abuse, human trafficking and trading drugs for their own child. This has led to a lifetime of struggle for her, trying to recover from pain so deep that she continues to use drugs today, uses her body as her only means of survival, is homeless, has been to treatment and to prison and will likely continue this path. It's tragic because she is a smart, beautiful, kind woman who never deserved her childhood trauma. What's scary is that I know things are even worse for children today.

I realize that not every parent who allows underage drinking in their homes is going to abuse their children in this way. But I MUST question the motives of parents who allow this kind of behavior. My friend's home was not the only place I went where adults allowed minors to drink – the common factor in all these spaces was that the "adults" were NOT paying attention to what was happening, were often drinking themselves. And there are much younger children watching and being abused, too.

Far too many children have been harmed through direct abuse or by drinking and driving afterwards. WE need to be the responsible adults. WE need to protect children from these adults. WE need to hold these adults responsible for what is happening in their homes.

Thank you for taking a stand for children and voting YES on Bill 142.

I am a mother, aunty, grandmother and resident of Pukalani.

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2021 JAN 15 AM 7:47

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COUNTY CLERK

Karen Worthington  
66 Puakea Place  
Kula, Hawaii 96790  
808-214-9336, karen@karenworthington.com

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2021 JAN 14 AM 10:35  
OFFICE OF THE  
COUNTY CLERK

January 14, 2021

**Maui County Council Committee on Governance, Ethics, and Transparency**

Testimony submitted via email to county.clerk@mauicounty.us

County Council Meeting Date: January 15, 2020, 9:00am

**Position on Bill No. 142:** I support enactment of the Social Host Liability Regulations

Dear Council Chair Alice L. Lee and Council Members,

My name is Karen Worthington, and I am a registered voter who lives in Kula, Hawaii 96790. I am writing to you as a private citizen who is the mother of two teenaged girls. I support the passage of the Maui Social Host Ordinance and ask each of you to vote in favor of it.

Many teens on Maui consume alcohol, and much of their drinking occurs in private homes, often with the knowledge, if not the actual consent of parents and other adults. As a mother, I was unprepared for how acceptable it was for parents to allow kids and their friends to drink alcohol at homes.

When parents allow or facilitate teen drinking, it sends mixed messages to teens about whether underage drinking is really a big deal. The teens are getting strong messages from many parents that it's ok to drink, even though the law says otherwise.

A Social Host Ordinance would send a clear message to all adults and teens that underage drinking is dangerous and unacceptable, and that they are responsible for preventing it in their homes and on their property.

Currently, there are minimal or no consequences for adults who allow people under the age of 21 to drink in their homes or on their property, unless the drinking leads to a serious car accident or police involvement with arrests. This ordinance is a huge step forward on that front.

Enforcing this law will be a straightforward process because of the strict liability standard. If there are minors on a property who have consumed alcohol, the responsible person receives a citation. It doesn't matter where the alcohol came from or whether the responsible person is present or knew the kids were drinking. The liability applies to homes, outbuildings, yards, hotel rooms, and vacation rentals. That's easy to explain to parents, teens, and other adults, and makes enforcement easy for police.

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Providing penalties that are civil rather than criminal fairly provides a deterrent to underage drinking without expanding the reach of our criminal justice system. In addition, the graduated levels of fines provide a clear message about responsibility without creating an excessive hardship for a first violation.

When my daughters were younger, it was important to me to know whether parents would be home when the young people would gather. It felt reassuring to have a responsible adult available. Now that the girls are older, however, and many parents allow teens to gather and drink in their homes, the presence of adults does not provide reassurance that drinking and the related negative consequences such as fights or sexual assaults will not occur. This is unfortunate and creates challenges for parents who do not think it's ok for young people to drink or for adults to facilitate underage drinking. A Social Host Ordinance can help with this situation because it will make parents accountable for what happens in their homes. It will start to create a new norm that reminds parents that they are responsible for preventing underage drinking in their homes and on their property.

A Social Host Liability Ordinance gives parents a concrete reason to say no to underage drinking on their property or anywhere else—violating the rule will result in civil penalties. If kids drink at a friends' house, the friends' parents can be fined. And, since teens can be considered a "responsible party" under this Ordinance, sneaking alcohol into a gathering or having a party when parents aren't home doesn't absolve parents or guardians of liability.

I believe that many parents allow drinking in their homes because they feel it is safer than having the teens go out. I hear about parties that turn into sleepovers because the adults in the house don't let anyone drive home. However, based on the statistics provided by the Hawai'i Public Health Institute, house parties do lead to a significant number of serious accidents. One survey of 449 youth in Maui County showed that 29% know a peer who was in a car accident after attending a house party where alcohol was consumed by underage people. Additionally, the focus on drunk driving prevents adults from acknowledging the many other negative consequences of underage drinking, which often occur at private homes. These include sexual harassment and assault, fights, bullying, binge drinking, and alcohol poisoning. The Social Host Ordinance removes the excuse of "I'd rather have them drinking here than going somewhere else to drink," because the clear message is that underage drinking is illegal everywhere in Maui County, and adults will be held responsible for enabling, allowing, or ignoring underage drinking. A new ordinance can also be used to educate people about the many dangers of underage drinking, not just driving under the influence.

After passing a Social Host Ordinance, resources must be committed to a public awareness campaign, particularly leading up to proms and graduations. It would be great if the County could partner with formal wear shops and hotels before proms and with places that sell graduation event items. These two events create extreme pressure for parents to host parties involving alcohol and/or allow teens to attend such parties. A concerted effort among Maui Police Department, businesses, schools, and the County could start changing the norms around how these events are celebrated.

While the passage of a Social Host Ordinance is a critical first step to saving lives by preventing underage drinking, more must be done. As a mom of teens and as a professional who works with social services organizations serving families, I ask the County Council to consider the need to provide safe, fun, pro-

social programming for teens as a public health issue. Maui has high rates of drinking, drug use, and suicides among our youth. If we ignore the circumstances of COVID-19 for a moment, there are few activities or gathering places for teens on Maui, and fewer that really appeal to their developmental stage. I urge the County Council to explore ways to host, support, or facilitate teen-centric activities. I believe that until there are more safe and fun spaces for teens, many parents will continue to allow parties in their homes that include alcohol consumption.

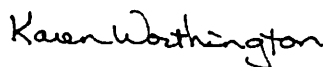
I have a few suggestions about how to move forward with this. First, every high school on Maui has an existing student government and multiple student organizations that host events and know what students like to do. Connect with those existing groups to learn what will and won't work for teens. Second, acknowledge that teens want things to do between 9pm and 12am and that teens don't want adults around—and figure out creative, safe, and acceptable ways to meet their needs. One example would be to work with the MACC to host something like “ArT Mixx” just for high school students who have a valid school ID. Maybe the County could grant a waiver to allow the music to go until 11:30pm. Event employees and paid security would be in attendance, and maybe some volunteer chaperones.

Finally, explore ways to occasionally host safe, late-night events with live music or great DJs where teens can gather, dance, and have fun. From what I can tell, many students want music and dances. Right now (again, COVID aside), public high school students might have the option of attending 1-4 dances during their high school years. For a variety of reasons, schools and youth organizations don't regularly host dances. And the dances that are held are early in the night, for a short amount of time, with many restrictions. With a lack of other options, students gather for unregulated, overcrowded house parties where binge drinking is likely to occur.

Preventing underage drinking is a difficult task that requires a multi-pronged approach. One important starting point is notifying adults that they are responsible for preventing underage drinking, and that failing to do so has consequences. I believe that enacting a Social Host Ordinance is an essential cornerstone of an effective strategy to reduce underage drinking and its dangerous (or deadly) consequences. Please vote “yes” for the Social Host Ordinance.

Thank you for your service to the County and for your attention to my testimony. If you would like additional information related to this testimony, please do not hesitate to reach out to me.

Best regards,

A handwritten signature in black ink that reads "Karen Worthington". The signature is written in a cursive, flowing style.

Karen Worthington