

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 5, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, FEBRUARY 5, 2021, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular meeting of February 5, please come to order.

Members, if you've been to the Solomon Islands, you would say . . . for good morning.

Madam Clerk, may we have roll call please?

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.

CHAIR LEE: Now . . . is from the Solomon Islands, yea. . . . and means good morning. So, good morning, my, my dear colleagues. And I am hoping for a very, fairly quick and efficient meeting. So, I know some of you have some very pressing things to do with the family, so we'll try to get through this as, as quickly as we can.

So, Madam Clerk.

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

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

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

If the Council encounters connectivity issues that impacts quorum, the body will receive for approx., 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: Thank you. And this morning our opening remarks will be presented by Vice-Chair Rawlins-Fernandez.

OPENING REMARKS

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

CHAIR LEE: Thank you, Vice-Chair Rawlins-Fernandez. That was very beautiful.

Now, everyone, 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: Madam Clerk, please proceed.

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

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

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes per item. When testimony, 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. Also, please identify your, please identify 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 and are encouraged to monitor the meeting via Akaku Channel 53, or on maucounty.legistar.com, as well as Facebook Live. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first person to testify this morning is Dr. Genesis Young. And Dr. Young will be followed by Mr. Jud Cunningham.

CHAIR LEE: Thank you.

PRESENTATION OF WRITTEN TESTIMONY

DR. GENESIS YOUNG (testifying on County Communication No. 21-93):

Aloha. Good morning. Can you hear me?

CHAIR LEE: Yes. Good morning.

DR. YOUNG: Thank you. Mahalo, Keani, for that beautiful introduction, or your words today. I was very moved, and I want to thank you for that.

And I'm here to testify. I'm the Chair of the Climate Action Advisory Committee, Subcommittee on Sustainable Tourism, under CARE Committee, and supporting the resolution, CC 21-93 for sustainable tourism, emphasizing quality over quantity. And I want to start by saying that tourism benefits us. It's a major economic driver on Maui, benefiting the local economy.

And want to point out there is a resort cycle that starts with the exploration, involvement and development of tourism, followed by consolidation, and then that leads eventually to stagnation and decline. Now, that's where we are now. We're really in decline. We've peaked. And that's, I think important to recognize, that without sustainability we can't maintain, regenerate the environment, the social carrying capacity of the Maui County or the economic benefits.

Recognize that tourism is entertainment and that we import the clients of this industry. And this is private sector mainly, so it's not self-regulating and has a growth orientation. It's not aimed at sustainability. Tourism does consume the resources that we have here, and it creates waste, a lot of waste. And it competes. Tourism, by nature, competes with the locals for those same resources and the same environment. And

there is a carrying capacity. An environmental carrying capacity that is at risk and being degraded now. And there are negative ecological impact as a parent.

And with the pandemic, we've seen how the environment has rebounded, and we've had more space and improvement in our environment. The economic carrying capacity is that when, when an industry becomes the main industry in an area, and we've become dependent on it, and we're definitely there, as it's a driver for our economy. So, diversifying is important to have sustainability for our County.

And then the social carrying capacity has reached, for sure, here because many people find the visitors irritating and they are damaging the local culture and our, our way of living, our quality of life. So, actually tourism degrades the very environment it is dependent upon as the numbers increase and it's really a numbers game, so we need to look at quality of all of the things over quantity.

Tourism also contributes to climate change, producing emissions. And so, therefore, I want to see CC 21-93 passed, so we can work on sustainability, particularly given that the pandemic has created this economic down, downturn. And so, as we rebuild, we could look at quality over quantity. Thank you.

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

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Dr. Young, for your testimony. I just was wondering, you know, would that be something like one of, one of the CPAC policies that got revised was no additional visitor units without concurrently building affordable units for the workforce? Is that the kind of thing that you envisioned this to allow for?

DR. YOUNG: I think that that's one of many things that can help us become more sustainable on our island, yes.

COUNCILMEMBER PALTIN: If it's one of many, could you give, like, maybe one or two other concrete examples of how we would move this forward?

DR. YOUNG: Yes. Well, we'd definitely need to work on our, our injection wells and sewage plant. We need to look at the electrification of all of the vehicles that go to the hotels and have charging stations, for example, at all of our hotels and our, anywhere we have short-term rentals. So, that that would support electrification, so that we can, you know, decrease our carbon footprint.

Looking at landscaping from a ecological point of view, we need to landscape using green techniques. We don't need to use the pesticides and herbicides. There are definitely green techniques that Duane Sparkman and Sydney Sparkman are using on island now. And those are also using electric weed eaters and so on, which decreases the noise, which is good for everybody. And decreases the, you know, use of fossil fuels, which is also good for climate change, and that is good for everybody as well.

As well as the, you know, the sunscreen. We've got partial decrease in the toxic sunscreens, but we need to go further than that to protect our reefs. And just the numbers of tourists that are here, that are, you know, going to our various sites should be looked at, and find ways to encourage maintenance of the reefs, maintenance of the oceans, maintenance of all of our hiking places.

Like Haleakala now, they limit the number of people that can actually go there because the number of tourists to go there in the morning for sunrise was, was unbelievable and excess of damaging, so things like that. I mean, there's many, many things that would help us and there's lots of information, thankfully, on this out there.

The U.N. has a full thing on sustainability, environmental protection for tourism. There's a Global Standard for Sustainable Travel and Tourism from the Global Sustainable Tourism Council that helps us as well. Hawaii has, through the Department of Business, Economic Development and Tourism, created a big report from 2002 that has all kinds of, I mean, there's a lot of information out there, yea. And so, I'll stop there so I won't take more time. But there's a lot.

COUNCILMEMBER PALTIN: Thank you. That sounds great.

CHAIR LEE: Anymore questions? If not, thank you, Dr. Young.

DR. YOUNG: Thank you.

CHAIR LEE: Madam Clerk, next testifier.

COUNTY CLERK: Next testifier is Mr. Jud Cunningham. And Mr. Cunningham will be followed by Mr. Kevin Watkins.

MR. JUD CUNNINGHAM [testifying on Bill No. 142 (2020), Draft 1]:

Good morning, Council Chair Lee and Members of the Maui County Council. Aloha. My name is Jud Cunningham and I have served as the Chief Executive Officer of Aloha House since 1995. Aloha House is a private nonprofit organization established in

1977, to provide outpatient and residential treatment for individuals addicted to alcohol and other drugs. Since that time, the mission has expanded to help individuals and children with other emotional and behavioral impairments, and persons with serious mental illness.

Over the past several years, Aloha House has merged with Malama Family Recovery Center and Maui Youth and Family Services, which provide an array of behavioral health services to address the unique needs of pregnant and parenting women, and youth.

I'm here today to express my support for the Maui social host ordinance and ask for your vote in favor of this important legislation. Aloha House's goal is to help people live healthy, happy lives and be able to function in their schools, homes, and community.

As the Chief Executive of the treatment facility and a social worker, I can tell you that drug and alcohol addiction starts early. Experiences at house parties with alcohol and drugs can jumpstart a lifetime of addiction and harm. Right now, we're seeing the effects of too much alcohol too early in the form of individuals and family suffering and needing treatment for substance use disorders. The Maui social host ordinance is a solution to this issue, because it would help create a positive change in the environment in which our kids grow up.

Preventing underage drinking home parties where binge drinking occurs would only have positive effects on our community. Teen drinking rates for Maui County's intermediate and high school age kids are higher than the State and national averages and have remained high for over a decade. It's time to do more than education and treatment. It's time to enact policy that reduces house parties. Social host ordinances have been shown to reduce house parties, most common environment in which Maui youth drink alcohol. Right now, there's no easy way to hold adults accountable for providing the environment for binge drinking to happen.

We need this commonsense straightforward prevention policy now, which has been tested in over 150 cities and counties across the United States. It will help our youth thrive today and for decades to come. Please support the proposed local social host ordinance. Thank you for this opportunity to advocate for this positive change.

CHAIR LEE: Thank you, Mr. Cunningham. Are there are any questions, Members? If not, thank you, Jud. Nice to see you.

MR. CUNNINGHAM: Thank you. Nice to see you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is Mr. Kevin Watkins. Mr. Watkins will be followed by Jan Shishido.

MR. KEVIN WATKINS (testifying on County Communication Nos. 21-93, 21-94, and 21-96):

Aloha. Good morning, County Council.

CHAIR LEE: Good morning.

MR. WATKINS: So, I'm going to testify today on CC 21-93, sustainable tourism; CC 21-94, cannabis legalization decriminalization; and 21-96, which is pertaining to waste to energy.

And I'll start right there with waste to energy and say that I am in support of the proposal. And when you look at the Aloha Plus Challenge and the guidelines put forward by that body, you know, we are shooting for self-sustainable in terms of energy. And I think waste to energy is something that we definitely need to have as part of our full comprehensive approach to sustainable development.

I do have questions about which particular system you guys are looking at, or if there is different options that are on the table. Will you be, you know, will it be an incineration facility? Will it be sort of a composting facility that collects the methane and then, you know, combusts that? You know, so there's, there's a lot of different types of systems out there. But regardless, I'm in support, because I think that's going to be better than the diesel plants that we have currently. And of course, full solar and wind, I think are also very important to continuing pushing to develop. But I think that adding this into our energy portfolio is really important, so I am in full support of where that road leads to.

Moving onto cannabis legalization. I'm a transplant from Colorado and I saw firsthand the positive ways that the legalization of cannabis helped that community. It created a lot of jobs. And the, because it was a new industry, it created jobs for all ages and all demographics. It's a very unique industry that, you know, there's, there's going to be farmers, there's going to be tech people, there's going to be retail and salespeople, there'll be media aspect of it. And then of course, the regulators and the and then the technology, the infrastructure going into these operations.

In Colorado, what they had done is they allotted the tax, the taxes collected from cannabis to go towards education. And you can just look at their State's statistics and it had an immediate and effective positive change for the State. So, I am in full support.

And then, reading through that bill that Keani had put together, the decriminalization aspect, I think is really important. I think cannabis is a big part of the, the culture here. I think it's naïve to say it's not, you know. Walk down a beach any time of, any time of day or hang out in a parking lot long enough and you'll probably catch a whiff of some Maui Wowee. So, it's just a, it is part of the culture here. And I think taking that out of the black market and, you know, allowing people to, cause we have, I think it's like 32 States now have legalized it in some way or another. And so, I think it's about time that Hawaii got, got in with that.

And I think the hemp industry, tertiary to that, is going to be great as we're looking to diversify our economy and move away from being so tourism dependent. I think having a hemp industry and a cannabis industry is definitely going to be key in helping to provide it. And I think we already have a program where tourists can, if they have a medical card on the mainland, they can get a medical card here. I think we put that together a year or two ago in the State. So, I'm in full support of that.

My, thing I'm most excited to testify about is sustainable tourism. I think we all know with the pandemic that it's been eye opening and we've seen what's happening with, with the reefs and the oceans and, you know, just, and the rain actually has helped everything turn green. So, thank Mother Maui for that.

One of the things that I proposed with sustainable tourism, and, you know, this is sort of me beating a drum when I've testified with you guys before, but I really believe that a distributed network of water refill stations allows us to become leaders in sustainability, right? If you look at, like the Bay Area, you look at the great city of Paris, they have these water systems. They have clean drinking water systems available to the public. They're on rec paths, they're near government buildings. It's super easy access. And I think that having that not only lets us become leaders of tourism, we get to go to the world and be like, look, we provide for all our tourists, you never have to use a plastic water bottle again. But that actually helps our community the most.

We have, you know, with the hard times we've had because of the pandemic, if people aren't spending their money on bottled water, if they're not creating plastic waste, and then with our recycling streams, we don't have a plastic recycling facility anywhere in the islands as far as I know, and so we have a double imprint of carbon, carbon imprint from when we have to ship all of those things here and then ship them back out. So, you know, I, I've testified on this before. Ms. Paltin was, had put that on her agenda

last year during the budget session, and sadly it didn't pass. But I'm hoping that maybe this year things will be different, and we'll go forward with that.

Another thing, so my company is Maui Sustainable Solutions and I'm also have a nonprofit called Pono Kuleana. And one of the things that we're developing right now is called a Pono map. And what it is, is it's an app and the idea is to make eco-tourism and sustainability easy. And so, it's your one stop shop for where do I go to farm-to-table restaurants, where can I recycle, where's my closest recycling bin, where's my closest recycling center, where's the closest water refill station, where can I charge my electric car, where can I compost, where can I get solar installed on my house if I'm a resident?

And so, this is a digital tool that I've been building for two years that just went live. And so, we're really excited to integrate that into our new sustainable tourism model. And I'm actually working with the DOTA and the folks that handle the advertising over there, Pacific Media Group, so that, as we get it fully operational later this year, we'll be having that product available to every single person that comes through here, so that they can make the decision right away to do the right thing and be an ecotourist and not be a detriment to the aina.

And another one thing, I, I work with the Sustainability Division. I got a grant from them for a . . . program. And I think that that's something that with the pandemic has been backseat a little bit. But moving forward, it definitely needs some time and attention from the County.

CHAIR LEE: Thank you very much, Kevin. Are there any questions for the testifier?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Kevin, very dynamic what you're doing. Appreciate it. And when you were saying that, talking about your grant, the buzzer went off, or the time went off. So, can you kind of complete that part of your testimony? I didn't quite hear what you said.

MR. WATKINS: So, we got a grant from the Sustainability Division for a feasibility study. Initially, it was going to be six months feasibility and then we are going to be launching right now. And that's a reusable food container pilot program. So, we worked with a tech company based out of Seattle called Go Box that has successfully launched this program. And so, we collaborated with them. With the pandemic being onset, they cut our budget. And, you know, with, didn't even know what restaurants were going to survive cause, you know, when the grant was being processed everything was full lockdown. So, we just turned it into a feasibility study. So, I'm working with, with the

ladies over there; Ms. Powell and Ms. . . . to look at if we can dovetail it into getting the program operational over the next year.

My organization, regardless of grant support, is going to be launching it sometime either this year or next year. We already have a growing roster of restaurants that are interested in participating in the program. The main block is working with DOH, who has their hands very full, and getting them to approve a sanitation and protocol system that would allow us in order to do a reusable food container program and start to integrate that with all of our restaurants and, you know, even looking at, like, Meals on Wheels and, you know, schools, you know, having them switch completely away from.

Cause we did, last year, pass the plastic ban, which was great. Thank you, guys for that. It was unanimous passing. And so, with the ban going into effect January next year, we're hoping that we can have an up and running program for our reusable, for reusable food containers to coincide with that legislation.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much. I'll get your contact information from your, your website. Thank you.

MR. WATKINS: Thank you.

CHAIR LEE: Member King. Member King.

COUNCILMEMBER KING: Yea, thank you. I'll try to make this real quick. Just real quick answer, Kevin, cause we can talk offline. But thank you for your testimony, first of all, for all your support for all things sustainable. The food, the food, the reusable food containers, are you working on a plan to make those here, or are you going to be importing them out of State?

MR. WATKINS: There, so there's a container that they had shared with me. I can actually, one moment, it's just right here. I have it. So, there's, this is what the Sustainability Division has right now.

COUNCILMEMBER KING: Right.

MR. WATKINS: This, it's, they did a lot of research already--

COUNCILMEMBER KING: Right, but no, my question was just, cause that's, that's being shipped in. So, my question is, is the long-term goal to try to create a factory here to make the reusable containers?

MR. WATKINS: Yea, that's one of the things that my company works on, is we're trying to work with the guys from, or the open source content of Precious Plastic. I know that there was already a project that had tried utilizing that system. But we would like to be recycling our plastics, and then have a molding and machining location here, so that way we're able to make containers like these. We think part of that is we should also be making recycle bins or bricks.

COUNCILMEMBER KING: Yea, thank you for that. Yea, I'm glad you had that long-term. I'd love to talk to you about that offline.

MR. WATKINS: Wonder.

COUNCILMEMBER KING: Okay. Thank you, Chair.

CHAIR LEE: Are there any more questions? If not, thank you, Kevin.

MR. WATKINS: Mahalo, County Council.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Next testifier is Jan Shishido. And Ms. Shishido will be followed by Carol Lee Kamekona.

CHAIR LEE: Morning, Jan.

MS. JAN SHISHIDO, MAUI COALITION FOR DRUG-FREE YOUTH [testifying on Bill No. 142 (2020), Draft 1]:

. . . Council Chair Lee and Councilmembers. My name is Jan Shishido and I'm here today to speak in support of Bill 142. I am Vice-Chair of the Maui Coalition for Drug-Free Youth, and on behalf of the Coalition, we really wish to thank you for your support of the social host liability ordinance.

We thank the Council for the in-depth discussion on the bill throughout previous Council meetings. Those discussions have resulted in a detailed enforceable and targeted ordinance we believe will make a difference in our community. As a shared priority and now a required element in this ordinance, the Coalition has already begun to develop education materials and work with partners to implement our community education plan if the bill is to pass today.

As you prepare to discuss the ordinance for final reading today, I wish to share with you the wide community support the ordinance has gathered throughout this three-year campaign. We have heard testimony from parents and their teens, doctors, teachers, kupuna; great organizations like Maui Police Department, Kiwanis Club of the Valley Isle, Maui Youth and Family Services, excuse me, Services, and Department of Health, and Mothers Against Drunk Driving, among so many more endorsed, who's endorsed the ordinance.

Over 30 community members gave compelling testimony at the public hearing. There have been scores of written testimonies submitted in support of the ordinance from individuals, agencies, and organizations, and we thank everyone for their advocacy. We also began circulating an online petition through change.org to gather further support of the ordinance, and received over 180 signatures of support in less than two weeks. All of these voices, these constituents, are asking for the same thing. We ask you, Councilmembers, to please pass Bill 142 and take a step towards preventing and reducing underage drinking in Maui. Thank you.

CHAIR LEE: Thank you, Jan. Are there any questions for Ms. Shishido? If not, thank you very much for coming.

MS. SHISHIDO: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Next testifier is Carol Lee Kamekona. Followed by Rick Collins.

MS. CAROL LEE KAMEKONA (testifying on County Communication Nos. 21-74, 21-75, 21-78, 21-93, 21-94, and 21-95; and General Communication No. 21-4):

Aloha kakahiaka. . . . Madam Chair, Madam Vice-Chair--

CHAIR LEE: Morning.

MS. KAMEKONA: --and Members of Maui's County Council. . . . Carol Lee Kamekona, . . . Kahului. I am here testifying on my own behalf. And I have a bunch of things I wanted to testify on, so e kala mai. I did not actually put them all in the chat.

My first item regarding 21-74, brought forward by Councilmember Paltin. Not understanding the full concept of what it's discussing, but as a current member of the Kuleana Academy cohort, I would like to mahalo all the County Councilmembers from Maui that came to provide their mana'o and their 'ike as to what it takes to be successful

in representing the constituents of Maui County. So, all the thoughts you brought forward was very much appreciated by our cohort. Mahalo.

With regards to 21-75, brought forth by Councilmember King and the COVID Town Hall committee meeting that was held. I am so appreciative to you, Madam Kelly, for bringing this forward as I did learn a lot more than what's been provided. Especially from what was brought forward depend, on the differences between the vaccines and everything else that goes along with how to, how to register, what's best to do, how to, you know, follow all the different protocol procedures. So, I mahalo you for that, Councilmember King.

With regards to 21-78, being brought forward by Councilmember Johnson, I am in support of repealing the minimum fine for certain violations return, relating to parks and recreational facilities.

For 21-93, Councilmember King, regarding sustainable tourism. As we all know, during COVID, we had so much cleaner oceans, sands, parks, beaches. Everything was coming back; the marine life was coming back. Now that we have opened, if you drive the Pali, there are so many cars, e kala mai, people that are parking, making their own parking stalls along the Pali just to jump out and do the whale watching. That in itself is not good. It's very dangerous not only for tourists, but also for us kama'aina local residents here.

With regards to sustainable tourism, what I'd like to see is promoting different types of tourism, i.e. maybe marrying to help our small businesses, marrying and networking some of the types of tourisms, like agrotourism, which would be for our lo'i, mixed with culinary tourism, visiting maybe certain restaurants, famous chef, popular chefs with regards to the cooking of our kalo, and then maybe marrying it with, you know, tourism. Having those three types of tourisms married together in which you can provide like a tour for the tourists, you know, so that they could learn more about we, what we have to offer versus just our clean beaches.

Also, maybe marrying adventure; adventure tourism and cultural tourism. Taking a tour to Iao Valley with a stop at Hale Ho'ike'ike and Halepule 'o Ka'ahumanu. Maybe combining loko i'a restoration with the Maui Ocean Center. Possibly a networking with the Lahaina walking tour and a sunset tour or sunset cruise; mixing and marrying to help our local businesses and also, to provide a better type of tourism. Also, ecotourism for the watersheds maybe mixed with zipline tours, whatever. Let's think outside of the box and let's promote sustainable tourism instead of just beaches and open sand.

With regards to 21-94, Councilmember Keani, legalizing cannabis of three grams or less with a fine of \$130 with no jail time. I understand that this resolution is to follow what the State is bringing forth with Act 273. I am in support of it; however, I do caution. We need to ensure that as much advertisement as being brought forward with alcohol, underage drinking, and with tobacco, underage smoking, e-cigarettes, vape cigarettes, that we also provide education to substance abuse as it comes to cannabis.

A personal experience, I know of someone who has been smoking since he was like nine years old. Totally, totally low on the IQ level, but very mellow. He goes and does his job. He goes to work, does his job, comes home, he takes care his family; very, very mellow easy going, you can talk to him. But one thing that shoots him off, one thing that makes him upset that just totally blows him and he goes into a violent rage, possibly an obstacle with regards to that, who knows. But it does state that cannabis can reduce your IQ level if smoked prior to the age of 12.

With regards to 21-95, Chair Lee's Kahakuloa learning center, I am in support as long as it provides for our distance learning for our rural communities. So, mahalo, Chair Lee, for bringing that forward.

And finally, with regards to GC 21-4, which is the H2R project in Wailea. CRC recommends that there are, they recommend and they determine that there are so many more sites on that property, on that parcel that should be preserved, should be addressed. CRC recommends an updated AIS along with a full EIS. As a cultural and lineal descendent of the area, we have had one Zoom meeting with the developers, with the project manager. In that meeting, I did not feel satisfied with whatever they wanted to do. Because what they wanted to do was basically take the old AIS, brush it up a little bit and say, okay it's done, here we go. So, sorry.

I've taken site visits on my own because they have not, as of yet, scheduled one with any of us, any of the latest descendants and consultants. So, I have gone on my own to the aina. I have felt our kupuna. There are things there that they need to look at. We need the archaeologist to do another AIS and a full EIS. There are so many more sites that have been undocumented. And as a descendant of the Honuaula, of the Honuaula area, knowing that my kupuna has been attributed to building a lot of the, a lot of the historical sites that are in that area, I ask you to please refer this compliance report to the PSLU before anything else. Mahalo. Have a blessed day.

CHAIR LEE: Thank you, Carol Lee. Are there any questions, Members? If not, thank you, Carol Lee, for coming and have a nice weekend.

Next testifier.

COUNTY CLERK: Next testifier is Mr. Rick Collins. Mr. Collins will be followed by Joanna Borreta.

CHAIR LEE: Are you there?

MR. RICK COLLINS, MAUI COALITION FOR DRUG-FREE YOUTH [testifying on Bill No. 142 (2020), Draft 1]:

I think so. Can you see me now?

CHAIR LEE: Yes, we can.

MR. COLLINS: Alright. Alright. Good morning, Council Chair Lee and Councilmembers. My name is Rick Collins and I'm the Director of the Maui Coalition for Drug-Free Youth. I'm here to ask for your support of Bill 142, the social host ordinance, as I'm sure you know that already. I want to thank Councilmember Molina and his office. I want to thank the Prosecuting Attorney's Office, David Raatz and the OCS staff, and Corp. Counsel. And we've been at this now with, at County Council for I think probably close to six months now, and there's been a lot of work done on this. And I think a lot of good work done on this, we think a lot of good work done on this.

This idea of a local social host ordinance has been in our community for now over three years. We started the discussion over three years ago. Councilmembers have been hearing about it, you all have been hearing about it, considering it now for months now. Maybe, maybe we've been talking in your offices with you for close to a year about this now, since we first came to this idea that this would be a good, a good strategy to address home parties under, underage drinking home parties in our community.

Advocacy for the idea has been spearheaded by a group of community volunteers, including staff from the Maui Family Support Service, Maui Economic Opportunity, Mothers Against Drunk Driving, Alu Like of Molokai, Boys and Girls Club of Maui, Kiwanis Club of the Valley Isle, the police, the Maui Police Department, Blue, Blue Zones Project, Maui Youth and Family Services, Aloha House, Department of Health, Department of Housing and Human Concerns, Akaku and other individuals; including faith leaders, teachers, parents, teens. These people make up the Coalition, the Maui Coalition for Drug-Free Youth, the grassroots public health coalition who worked to introduce this policy.

Many have experienced harms from drinking or drug use in their own lives and work professionally in counseling, public health, social work, and education to help prevent similar trauma from continuing to happen to another generation of young people. We

want our neighborhoods to be safe, we want our streets to be safe, and we want our kids to be safe. And so, we ask for your support to pass this social host ordinance one more time. Mahalo for your time and consideration.

CHAIR LEE: Thank you, Rick. Any questions, Members?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Collins, for testifying. And you thanked everybody, and I guess we should also thank you for your advocacy and hard work, along with Jan Shishido who has been here every time. So, thank you very much. Keep up your good work.

MR. COLLINS: Thank you. Thank you. Thank you, Councilmember Sugimura.

CHAIR LEE: Anyone else?

If not, Ms., Madam Clerk.

COUNTY CLERK: Next testifier is Joanna Borreta. And Joanna will be followed by Lucienne de Naie.

MS. JOANNA BORRETA [testifying on Bill No. 142 (2021), Draft 1]:

Hi. Good morning. My name is Joanna Borreta. I live in Kahului and I am a prevention specialist with Maui Youth and Family Services. I also support Maui Coalition for Drug-Free Youth. I am writing to testify 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 in life, I feel that the social host ordinance would be beneficial for our community. I am also a mother of three, of, and all my, and I have three boys and they're all in the age range of teens. I feel that this social host ordinance would also protect our children and our younger generation. I also feel that passing this bill will minimize underage drinking and save lives of our younger generation, and to help keep our loved ones safe.

This bill being passed will, will also hold us parents and other people that have children accountable. And it also allows the adults to think twice. Because, like, coming from a multigenerational where, and where our culture is so diverse that they think that, oh as long as my kids drink at home it's okay. But by this bill being passed, I feel that they would think twice.

And also living where there is a lot of alcohol and drugs in my community, I feel that I can also advocate to my neighbors and make a difference, and also just to help them bring awareness to underage drinking and how important it, I mean, how much of a problem and how important that this is. And I think that this will set the pace for getting other individuals and to just keep our teens and our kids safe, and to help them make better choices in life. Thank you.

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

MS. BORRETA: Thank you.

CHAIR LEE: Madam Clerk. Madam Clerk.

COUNTY CLERK: Next testifier is Lucienne de Naie. And Ms. de Naie will be followed by Ethan Baysa.

CHAIR LEE: Morning, Lucienne. We can't hear you, actually. Is it on our side, Kathy?

MS. LUCIENNE DE NAIE (testifying on County Communication Nos. 21-93, 21-94, and 21-95; and General Communication Nos. 21-3 and 21-4):

Okay, can, can I--

CHAIR LEE: Okay.

MS. DE NAIE: Can you--

CHAIR LEE: Yes. Yes. Yes.

MS. DE NAIE: It's these weird settings. So, good morning, Chair Lee and Councilmembers. I'm glad you can hear now. My name is Lucienne de Naie. The first several items I'll be testifying on will be on behalf of Sierra Club Maui Group, as its Chairperson and Conservation Chair.

First item I'd like to address is the G, GC 21-3. This is an annual compliance report for Makena Resort. This report is very brief. And so, it's mostly a report on the reef monitoring, which is great. It's nice that someone is actually doing this and turning them into the Department of Health.

But the part I'd like to call your attention to is Condition 12 of this report. It, it has to do with the need to have upgrades on the Piilani Highway as we get these large projects approved that are being proposed. And in some cases are actually in process of getting their, their final approvals at the Planning Commission in the Wailea and Makena area. So, our community plan makes it very clear. They over and over again, they go, well, you know, development needs to be concurrent with infrastructure. Not like you build the development and then somehow the infrastructure kind of catches up somewhere along the line.

And so, the community plan for South Maui is also very clear that there needs to be a four-lane upgrade of Mokulele and of the last section of Piilani Highway; the one that starts kind of where Wailea starts at Kilohana Drive and goes into the main street of Wailea, Wailea Ike Drive. And that's two lanes right now. So, we have major projects in, in Wailea that are supposed to contribute to this effort. We have Makena Resort expansion that's supposed to contribute, and we have Wailea 670 that's supposed to contribute.

And what's really happening, and it's not really put forward in this report, is that all these backroom deals are being made with the Department of Transportation, like oh I'll do this little part. And so, the Makena Resort is supposed to provide 35 percent of, of the funding for this, but they don't make that clear in their report. They don't make clear what deal they are actually going to strike. They just say, oh yea we expect to have some deal before we start any construction. But it really should be brought into the open and discussed because it's a community plan requirement.

So, I think this compliance report and the related one for the H2, which is just a small parcel that was under the same zoning reclassification back in 2008 but is under different ownership, it's not owned by the whole Makena Resort 1800-acre complex, it's owned by a small group of investors, they should be brought back to Committee. And that if nothing else should be thoroughly discussed, how we're going to really realistically end up with a highway capacity we need if these projects are built. Because otherwise, a great deal of the projects were built and we'll end up with some patchwork solutions that don't really meet the conditions of the community plan or meet the needs of the community.

So, I'd like to move on to the second G2--

CHAIR LEE: Lucienne.

MS. DE NAIE: GC.

CHAIR LEE: Lucienne, could you hold up a second? We have a question on what you just testified on.

MS. DE NAIE: Oh, sure. Yea.

CHAIR LEE: Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair Lee. Thank you, Ms. de Naie, for your testimony. I think we heard in the presentation yesterday that community plans are regulatory for the SMA areas. And I think that the, the Makena Resort, that, that's within the SMA area.

MS. DE NAIE: Yes.

COUNCILMEMBER PALTIN: And so, I just was wondering, I believe Planning Department is the agency that's supposed to enforce the community plan. And I just was wondering if you've been working with them on this enforcement of the regulatory of the community plan?

MS. DE NAIE: Well, Sierra Club has submitted pretty much what I just said as comments to the, there's an EA for the H2 project, which is, you know, a second agenda item here for you folks. And we submitted extensive comments. We submitted extensive comments on the Wailea project EA, and they all say this. And they get sent to the Planning Department. They get sent to the applicant. And they get sent to the, you know, consultants. And we have heard zero. All we get is responses from the applicant that there's no problem. So, you guys set the conditions, maybe you could just prompt the Planning Department, like, hey is anyone going to know how this is realistically going to happen?

COUNCILMEMBER PALTIN: And, and so, when you sent in comments, have you also sent in, like an RFS, specifically to ask for enforcement?

MS. DE NAIE: No. Do citizens really need to go that far? I mean, geez, why does the Council deliberate for, you know, umpteen hours like they did with Makena Resort and then it's up for citizens to ask for it to be enforced? Something's wrong with this picture. I'm sorry.

COUNCILMEMBER PALTIN: Okay. Thank you, Chair.

CHAIR LEE: Okay. Any more questions on the testimony so far? If not, please proceed, Lucienne.

MS. DE NAIE: Thank you. Moving over to GC 21-4, the compliance report for the H2 property. This compliance report also is omitting important facts to you. It's basically, it is satisfying Condition 12, which is the four-lanes of Piilani Highway by contributing \$223,000 to a traffic light at Okolani. That is a requirement of another development in Wailea to put in. And various others are contributing some money towards it. It's unclear how that helps that four-lanes ever happen.

But this, this project H2 is about to release a final environmental assessment and seek its final approval at the Maui Planning Commission. And, you know, there all these just backroom deals being done at the Highways Department. So, I just wonder if the Council has any say in its community plans and its conditions of zoning having some viable enforcement.

And then there's Condition 18. H2 has a very old archaeological report. In fact, it has three that are cobbled together. It recently went to the Cultural Resources Commission, and they said, you know, you need a whole environmental study, because you have archaeological impacts that are pretty apparent here, and you need a new AIS. And you also need to protect all the Wiliwili trees and so forth and so on. This is really not being mentioned in this compliance report. It's just like oh yea we're going to kind of brush up our AIS a little bit. There's no mention that, you know, there was serious concerns at the CRC.

That, that meeting happened in October and you got this report in January. So, I don't think you're being given the whole story. There's drainage conditions that, that are all the drainage is going to be absorbed on site. But part of this is a lava flow. Does that mean a lot of blasting there to create all these trenches and things? It's like, those environmental impacts just aren't being mentioned and it's all just being kind of skimmed over.

So, you know, once again, this really should have more in-depth review in the Planning Committee. I know you guys are busy. Wait till after the budget. But take it back and get some answers to some questions. It's like, what is really planned to satisfy these conditions?

They have a trails plan that was accepted in 2009. The trails in Makena Resort area have changed. There was a legal settlement in 2017 that created major trails. We don't even know if any of the trails in H2, which is a 28-acre parcel are going to be open to the public. It's just not mentioned. So, you know, this, this project should do better to comply with the conditions. The intent of the conditions which were arrived at . . . was testifying many, many days. They were arrived at, you know, over like months and months of testimony and work by the Council. They should mean something. Thank you.

The other items that I wish to testify on, I would be very brief. Item 93, I believe it is. Just in support of us having a, a better look at where we're going with our, our tourism industry. And many fine suggestions have been brought up by others. I don't think it's necessary to go into detail, but quality over quantity has been what the Visitor Bureau has been emphasizing for years. I actually served on an advisory group on, to the Maui Visitor Bureau back in 2006. And that was, you know, . . . then. The question is how and, you know, how can we make it work? So, let us definitely, you know, put effort into that.

Item 94, supporting legalizing, and regulating, and taxing responsible adult use of cannabis. Well, gosh, you know, a lot of states are doing this. I, I share the concerns of those that, you know, all drugs have a downside. And yet, we use a lot of medicines in our lives. Most people use some form of medicine for their health. And I just think that realistically if we could divert money from prosecuting people into giving people treatment who need treatment, and people who don't need treatment, let them have their marijuana, or let them have their cocktail, or whatever it is. They're consulting adult. It seems the right direction to go.

Item 94 *[sic]*, in support of Chair Lee's proposal of setting up the distance learning center in Kahakuloa. Our rural communities really need all the help they can get. It's, it's hard with our broadband issues and with issues of, you know, limiting social contact. You know, we have a fighting chance in our rural communities to really have zero COVID cases but, you know, we need the tools. So, thank you, Chair Lee, for bringing that up. And I believe that's it. So, thank you all for your time.

CHAIR LEE: Are there any questions for the testifier? If not, what, you've given us a lot to think about and work to do. Have a great weekend. Thank you.

MS. DE NAIE: Alright. You too. Mahalo nui.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Next testifier is Ethan Baysa. And Ethan will be followed by Debra Greene.

MR. ETHAN BAYSA, MAUI NUI YOUTH COUNCIL [testifying on Bill No. 142 (2021), Draft 1]:

Good morning, Council Chair and Members. I'm Ethan Baysa. I am 12. I am in seventh grade at Maui Waena and I am part of a Maui Nui Youth Council. I'm here today to testify in support of Bill 142. I have testified in support of the social host

ordinance from the beginning and I would like to thank you for the support through the process. We wouldn't have gotten this far without your support.

Although we would have preferred for the ordinance to be countywide, the Coalition is looking forward to hopefully passing the ordinance for Maui island. I would like to ask that behalf of the Youth Council that you vote in favor of Bill 142, for this ordinance will help reduce the number of underage drinking parties and protect the keiki of Maui. Thank you for your time and please vote for Bill 142. Have a great day.

CHAIR LEE: Thank you, Ethan. Any questions? If not, appreciate you coming and giving your testimony.

Madam Clerk, may we have the next testifier, please?

COUNTY CLERK: Next testifier is Ms. Debra Greene. And Debra will be followed by Mr. Dick Mayer.

CHAIR LEE: Can't hear you. Can you unmute yourself?

MS. DEBRA GREENE (testifying on County Communication No. 21-93 and General Communication No. 21-3):

Can you hear me now?

CHAIR LEE: Yes, we can.

MS. GREENE: Okay. Excellent. Thank you so much. Good morning, Council Chair Lee and Councilmembers. My name is Debra Greene and I am testifying on two items and I'm going to switch hats in between.

First, I'm testifying on behalf of the Maui Meadows Neighborhood Association with regards to agenda item GC 21-3, the annual compliance report for Makena Resort area. And I'm just piggybacking on Lucienne's testimony. We respectfully are asking that the annual compliance report be referred to a Committee for review because we have some concerns about the project. We're concerned about traffic improvement conditions of zoning that call for Makena Resort to pay their fair share to upgrade Piilani Highway to four-lanes.

The community plan is really clear that expansion of Piilani to four-lanes happen prior to development south of Kilohana Road. Yet, there's evidence to suggest that the three major landowners: Makena Resort; Wailea Resort; and Wailea 670, Honuaula

Partners are making separate arrangements with the Department of Transportation. And that means communities like ours which will be greatly impacted by this, and the public in general are left in the dark. We're not told how and when any traffic solution on Piilani is actually going to happen or what it will look like.

Wailea Resort seems to have secured approval of a partial road from the Department of Transportation, and that seems to have happened in secret. We didn't know about it until after the fact, and nobody really knew.

In the compliance report, as Lucienne mentioned for the H2 project, which is the 28-acres next to the old Maui Prince, there's a chart of how our State Highways Department sees the Piilani four-lane expansion. But this chart is not included in the Makena Resort compliance report. They just have this vague statement about some future agreement with the State. The chart says the highway widening project will cost \$31 million, Wailea 670 will fund 64 percent of that, Makena Resort funds 35 percent, and the luxury development of H2 funds part of the cost of the traffic light at Okolani and Mikioi. And Wailea Resort apparently funds their own separate improvements, because they're not even mentioned. This is not the kind of planning that is going to go well.

The clear intent of the community plan is to have adequate infrastructure, defined as the expansion of Piilani to four-lanes prior to development south of Kilohana. The community plan intentions are clear, but the current arrangements being made by landowners have almost no chance of satisfying those clear intentions. So, this is why the Makena zoning compliance should be brought to some scrutiny in a Council Committee, in a Council Committee to inform the Council and the public about how the intent of the community plan will be upheld. So, thank you for your consideration on that.

CHAIR LEE: Thank you, Ms. Greene. Any questions? If not, thank you very much.

MS. GREENE: And then I have my second item, please.

CHAIR LEE: Oh, okay.

MS. GREENE: Yeah, so, putting on a different hat now. I would like to testify on 21-93, on behalf of Keep Your Power. There's a lot of attention being paid to the elements of water and, you know, clean water and the land, protecting the land. But we rarely focus on the element of air when it comes to the environment, especially after the, you know, sugar mill closed.

But there is a huge modern-day concern about electro-pollution. So, we want to call attention to the elements of electro-smog pollution that comes with the proliferation of toxic wireless radiation from cell towers and antennas. There is plenty of scientific evidence that electromagnetic radiation harms the environment, including damage to insects, damage to plants, damage to animals, damage to trees, damage to bees, and contributes to colony collapse disorder. And of course, harm to humans. And we're part of the environment too.

Wireless is not clean, it's not green, and it's not sustainable. Wireless devices and data centers consume extraordinary amounts of energy. And with 5G, this would ramp up exponentially. So, we advocate for fiber optics, which is a safer, faster, more secure way to provide connectivity. And you can learn more about that at safeG.net. Thank you.

CHAIR LEE: Alright, thank you, Ms. Greene. Any questions? If not, appreciate your testimony. Thank you for coming.

MS. GREENE: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Next testifier is Mr. Dick Mayer. And Mr. Mayer will be followed by Sarah Sexton.

MR. DICK MAYER (testifying on County Communication No. 21-93):

Good morning, Councilmembers.

CHAIR LEE: Good morning.

MR. MAYER: Thank you for taking my testimony. I'm not a paid lobbyist. I'd like to speak on the resolution that was offered by Councilmember Kelly King, regarding the sustainable tourism issue and the quality versus quantity conundrum. I believe strongly that we should be emphasizing quality, not quantity. Maui has for the past three or four decades been emphasizing quantity. We built up our tourist industry to a very large scale. It's world-famous. The quality of our product, everything else has been, is exceptional and recognized around the world. We need to maintain that quality.

And the resolution that Ms. King offers goes part way at recognizing the pro, the issue, but do, does not really prescribe what needs to be done. So, I would urge you when

you vote on this issue later today that you add another clause to the "BE IT RESOLVED" section. I'd like to read it to you. "BE IT RESOLVED by the County Council of the County of Maui: 5. That it urges the Maui Planning Commission to recognize the need to limit additional visitor accommodations, so as: a) to reduce stress on our infrastructure and environment; b) to control Maui's economic overdependence on tourism; and c) to preserve Maui's excellent reputation as a quality tourist, tourist destination".

Those goals if, if added to the resolution, would give some teeth to the resolution. It wouldn't be law, but it would be a guidance to the Planning Commission when they take up action.

Right now, there are about 10 different hotel properties that are planning on trying to get approvals, and going through the various stages; EIS documents that have been in the newspaper, etc. And I would hope that we would not be adding to our inventory at this stage. When we were at full employment . . . or when we were full running of the tourist industry a year ago, we had virtually no unemployment on Maui. So, there's no need to provide jobs for our local residents. Any new hotel will mean more people moving to Maui, putting more pressure on our affordable housing issues and housing situation and more problems. Most of us saw the break that we got when tourism did diminish during COVID; less cars on the road, etc. We're all aware of those issues.

So, I'm hoping that we will take positive action to really preserve the product that we have on Maui and allow our residents to keep good jobs and not be threatened. Every time a big hotel goes in, or addition goes in, it puts a threat on the existing jobs and existing hotels and weakens our economy. Not to mention the effect on the local residents. The suggestion I'm making is very consistent with the Maui Countywide Policy Plan and the Maui Island Plan, both of which I was very much involved in drawing up, and that the Council adopted and is now part of our law for Maui County. So, I urge you to take this resolution, I've sent the wording into you and would very much like to get that added.

CHAIR LEE: Okay. Thank you, Dick. We have some questions for you.

Member Paltin and then Member King.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Mayer. I just wanted to clarify, were you intending it to only be applying to hotels, and not short-term rentals or bed and breakfasts and alike?

And a follow-up question to that is I think Member Molina has a transmittal about camping vehicles, and is there any concern? If the hotels are all full, then we get, you

know, the, maybe the discount travelers who just want to rent the car and park it somewhere? So, those would be my two questions.

MR. MAYER: I would, I, I think to the whole number of tourists on the island. And that's where the impacts really come; when they drive around, the traffic, their consumption of water, their wastewater, their refuse that they have that has to be taken to the Central Maui dump. So, all of those things would be involved.

And I would like to see limits on each of the other areas as well, including more, you know, short-term rentals. Perhaps as time goes on, converting some of the short-term rentals in the, under the Minatoya decision, back into long-term so our local residents gets housing. Taking the proactive steps. And I think the resolution gives us guidance, but does not have the teeth it needs to really make a difference, and so, I'm offering that.

And it's the Planning Commission that ends up making many of those decisions that would impact and would, would allow for more vacation rentals, hotels, etc. So, let's put a limit on that. And let's have the Council indicate to the Planning Commission that's what we would like to do.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Mayer.

CHAIR LEE: Okay. Ms. King.

COUNCILMEMBER KING: Oh, hi. Thank you, Chair. Hi, Dick. How are you doing? Just wanted to let everyone know, because I think Mr. Mayer might know, that my office has been, has received that communication, so we've got an Amendment Summary Form to address those concerns. We'll be bringing forward today with the reso.

MR. MAYER: Excellent. Excellent. And you ask me how I'm doing? As you can see, I have my sweatshirt on. It's cold up here in Kula and trying to survive.

COUNCILMEMBER KING: Okay. Well, I've got socks on in Kihei, so it's even cold down here at sea level. Thank you, Chair. Thank you, Mr. Mayer.

CHAIR LEE: Thank you, Dick.

MR. MAYER: And I hope you all, hope you all have a nice sunny weekend.

CHAIR LEE: You too. Thank you.

MR. MAYER: Thank you.

CHAIR LEE: Can we have our next testifier, please?

COUNTY CLERK: Next testifier is Ms. Sarah Sexton. And Sarah will be followed by Clare Apana.

MS. SARAH SEXTON (testifying on County Communication No. 21-93):

Aloha. I hope everyone can hear me okay. And mahalo to everyone who has testified thus far. I really appreciate everyone's time on these things. My name is Sarah Sexton and I'm a resident of Maui County, living in Haiku.

I'm submitting this testimony to show support for passing item CC 21-93, the proposed resolution entitled "EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM, EMPHASIZING QUALITY OVER QUANTITY". This resolution points to an issue very close to my heart, one that is not fleeting, temporary, or composed of hopeless fantasies. This resolution confronts us with the mortality of the very ecosystem that sustains us, as well as our role in preventing this unraveling as individuals, businesses, and intergenerational ohana.

While the COVID-19 pandemic has had and continues to have devastating economic consequences for the Hawaiian Islands, it has also presented us with a shining opportunity amidst this chaos. Since the pandemic travel restrictions were implemented for the State of Hawaii last year, there can be no doubt of the rejuvenation that has taken place. Whether one is assessing the health of the reefs, beaches, or water quality, the effects of this rejuvenation can be seen and experienced firsthand, but has also been validated by the scientists avidly studying this environmental rehabilitation.

As mentioned in the proposed resolution, resources are limited within Maui County's innately fragile island ecosystem. Up until the pandemic travel restrictions were implemented, the island had consistently been overburdened by tourism. Regularly surpassing the 33 percent goal of visitor to resident ratio as referenced in the 2013-18 data analysis. Considering these circumstances, it is my opinion, that as stewards of the land, we must seek out ways to remedy this situation and protect the vast beauty and ecological diversity of Maui County. We are in a privileged position to implement such changes now and it is an opportunity and responsibility that should not be taken lightly.

In closing, I am in support of passing this resolution. And thank you for your time and attention on this vital matter. Mahalo.

CHAIR LEE: Thank you, Ms. Sexton. Any questions? If not, thank you for coming.

MS. SEXTON: Okay. Appreciate you all.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Next, our next testifier is Clare Apana. And Ms. Apana will be followed by Daniel Kanahele.

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

Kathy, in the meantime, can you check how many testifiers we have left? Ten?

COUNTY CLERK: Yea, we have--

CHAIR LEE: Okay, can you call Ms. Apana again? She disappeared.

COUNTY CLERK: Okay. We'll try and get her on the line. In the meantime, can we call up Daniel Kanahele?

CHAIR LEE: Oh yes, of course. Is he still on the line? Go to the next one please.

COUNTY CLERK: Clare dropped and she's with Daniel. Okay, that's the message I got.

Our next testifier is Aja Eyre.

MS. AJA EYRE [testifying on County Communication No. 21-93 and Bill No. 142 (2021), Draft 1]:

Aloha. I cannot figure out how to turn my video back on, so I apologize.

CHAIR LEE: That's okay. We can hear you.

MS. EYRE: Okay. So, I am calling to testify on bill. Aloha, Madam Chair Lee and other Honorable Councilmembers. My name is Aja Eyre and I am going to briefly testify on Bill 142 as a citizen and as a parent.

I know there is a lot of support for this bill and I applaud especially the youth who have spoken up during the public hearing on January 13; and the other testifiers, especially Ms. Borreta and Mr. Baysa. I'm not someone who has worked with the Coalition to

bring about or publicly support this bill. I have just listened to the testimonies over the last month, as its been brought before the Council, and have read the studies and information provided by the supporters of this bill and have tried to weigh both sides.

I would like to speak somewhat to those who have spoken up against this ordinance. As this bill mentions, it is already illegal for adults to provide or facilitate underaged alcohol consumption. What this well-constructed bill adds is another layer of consequence and liability for the adults who are implicated in facilitation of underage drinking.

This bill was not presented because what we want is more punishment and more consequences, especially for our at-risk populations, beca, but it was presented because we want to encourage all adults to embrace their solemn responsibility to prevent parties and events where youth can or might consume alcohol. And I believe this added layer of consequence will incite discussions between adults and young people as to why these parties and events simply cannot happen.

The best outcome of this bill would be even if just one adult steps in and not only stops an underage drinking event, but talks with those young people about the real reasons about why there are laws and ordinances against it. I think all of you who have really contributed to bringing this bill forward, it was, it was needed. We see a lot of support for it around the world in, in lots of locales, not just in the United States. I, the thing I especially applaud is the cooperation between many different entities to bring this bill to pass. And I hope that we will see a lot more public and community cooperation to amend our County's ordinances and laws.

And if I can, I'd like to also express support for resolution 21-93. And in relation to Bill 142, it would be really great to see this similar outreach and community collaboration, so that we can shift our focus from quantity tourism to quality tourism. And I don't want to take up too much of your time, there's a lot of testifiers. But I appreciate all the work that has gone into the, the items on the agenda today. Thank you.

CHAIR LEE: Thank you. Are there any questions for the testifier, Aja? If not, thank you very much for your testimony.

Madam Clerk.

COUNTY CLERK: Our next testifier is Mr. David Litman. Mr. Litman will be followed by Leslie Iczkovitz.

MR. DAVID LITMAN (testifying on County Communication No. 21-93):

Thank you. Can you hear me?

CHAIR LEE: Yes, we can.

MR. LITMAN: I am also here to testify on behalf of resolution 93. I, there's been so much already said on it so eloquently by Dr. Young and others. I don't feel I need to add much more to it in terms of detail.

I just really want to put my support behind it and, and maybe use an analogy of thinking back to an old parable of the goose that laid the golden egg. And I think we have partaken in a lot of gold over the years, and we can continue to partake in much more. But we are slowly, actually not so slowly, I think if you, if the Council will be willing to look at the evidence, we are quickly poisoning the goose. And I just think we need to take immediate action to prevent that. That's all I would like to say. Thank you very much.

CHAIR LEE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Mr. Litman, for your testimony. I just wanted to, because I'm looking at your, your caption under your name, what is the TJY Foundation?

MR. LITMAN: The Teran James Young Foundation. We have a number of projects that we're implementing in the island. I'm actually sitting in what would be hopefully the, what will be the Hale Pono Youth Shelter for teens that we're looking to open here in Wailuku. We also do NVCnextgen, which teaches social and emotional programs focusing on nonviolent communication in the schools and restorative practices, restorative justice, and mediation practices on the island. So, we're very excited to be here and to serve.

COUNCILMEMBER KING: Great. Good to see you. Thank you.

MR. LITMAN: Good to see you as well.

CHAIR LEE: Thank you. Are there any more questions? Alright, thanks for coming.

Next testifier, please.

COUNTY CLERK: Our next testifier is Leslie Iczkovitz. And Leslie will be followed by Mr. Ben Walin.

MR. LESLIE ICZKOVITZ (testifying on General Communication No. 21-3):

Good morning, Councilmembers. I'll, my name is Leslie Iczkovitz. I'm not a paid lobbyist. I want to thank you all for giving me the opportunity to speak. I'm also having problem figuring out how to turn my video on, but I'm sure you can hear me okay. I'm an attorney. I live in Maui Meadows.

And Maui Meadows has been promised a four-lane highway from Kilohana to Wailea Ike Drive for decades. And it's real clear that no development is allowed to be, take place before that four-lane highway is installed. But here now, they're trying to move forward and with a very short extension that doesn't even go all the way Okolani, which is where the, the new, next development that Ledcor wants to do. And this is a very little extension that they're offering, that's not the four-lane highway that we've been promised.

So, it's clear that Wailea is not in compliance and there's no factual basis to say they're in compliance. And we ask that the, that the annual compliance report be referred to a Committee, because we, the community has to have some answers. You know, there seems to be a secret agreement between the Hawaii DOT and the developers of these very large projects. And why are these, why are these discussions being kept secret? Why is not the community being informed about it?

And but . . . why is the developers who are, you know, very rich and have all this land and they promised to build a four-lane highway before they built anything else. And now they want to build 289 units before they do anything that impacts directly their, their, their development.

So, we have, you know, I have very, very strong objections to, to the idea that they're in compliance. And I ask that the Council do what it needs to do to enforce the promise of a four-lane highway before any new development starts. I mean, they absolutely need a new, brand new environmental impact statement. They're trying to get away with just doing an environmental assessment, which is not going to be sufficient.

So, I thank you for the time to, to testify. And I, I urge and encourage the city council, the County Council to make sure that the developers of Wailea and Makena do what they promised to do, which is build a four-lane highway before any development starts.

CHAIR LEE: Thank you. Are there any questions? If not, thank you very much for testifying.

May we have the next one, Madam Clerk?

COUNTY CLERK: Our next testifier is Ben Walin. And Ben will be followed by Mr. Randy Gonce.

MR. BEN WALIN (testifying on County Communication No. 21-89):

Good morning. Aloha. My name is Ben Walin. I am a real estate broker and partner with Commercial Properties of Maui. I'd like to offer some clarifications and comments to the communication related to the purchase of 100 Mahalani, Wailuku. I am not the listing broker for the property.

In late 2019, the property was being marketed for sale and/or lease by the owner. I established a relationship with the seller and entered into an agreement to help facilitate and coordinate the negotiations with the County. The seller and the Administration have rigorously negotiated in good faith since last July, with hopes of closing in the first quarter of this year.

Unfortunately, at this point, there is no fully executed sale agreement. And based on some of the feedbacks and comments made by, at the budget hearing on Wednesday, the seller is now concerned that the transaction is in jeopardy of being delayed, renegotiated or terminated. Therefore, to protect their interest, they have notified me that they are considering putting the property firmly back on the market.

In regards to the condition of the facility, my understanding of the process is that once the Council agrees to proceed with the purchase, the due diligence can be finalized, and that will address the concerns and questions raised regarding the condition of the property.

As to the dollars and cents questions, it's difficult to argue against the savings in equity that will be achieved by owning instead of leasing. It's the same to throw out our tax dollars away every year and not have any security for the future generations. We all can agree that these are challenging times, economic times. But in these times, we got to take the steps to secure our locations and to save our taxpayers dollars.

I look at it like housing. If you're paying rent that's close to a mortgage payment and you can get the loan, you're going to buy the property so you can secure the roof over your head and have something to pass down to the next generations. Otherwise, your

family will be subject to rent increases, or the property could be sold to someone else and you'll be forced to move; pretty simple concept and it is the right financial decision.

The transaction, in my professional opinion, is a no-brainer for the County and a once in a lifetime opportunity to secure a large B-2 zoned parcel with an office building in Wailuku. We all know how difficult and costly it is for the County to build from scratch. Look at the cost and the years that it's taken to build the service center. In my 30 years of commercial real estate here on Maui, a few opportunities such of this have come to the market in fee simple. And I applaud the Administration efforts to try and save money and secure the facility space for our future.

I hope the Council sees this opportunity and agrees to proceed to the next step as soon as possible, as time is of the essence. Mahalo for your time.

CHAIR LEE: Thank you, Mr., is it Walin or Walin?

MR. WALIN: Walin.

CHAIR LEE: Walin, okay.

MR. WALIN: Thank you.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez, and then Member Sugimura, and then Member Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I, I wanted to first clarify what Mr. Walin was saying. Aloha, Mr. Walin. Mahalo for your testimony this morning. So, contrary to our understanding at the budget meeting Wednesday afternoon where, where the assumption was it wasn't time sensitive, what you're saying is now the property could be listed on the market making it more time sensitive?

MR. WALIN: Absolutely. As typical commercial transactions, it is time sensitive. They need to make business decisions for their operations and their future. And they need to seize the opportunities as they come around.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And do you, do you know if there are any other interested parties in that property?

MR. WALIN: At this time, there is not. Again, they've been negotiating exclusively in good faith. Prior to my involvement, there were three, call it two solid and one other potential interested party that was circling the property.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And then, Chair, in, in light of his expertise and knowledge, when this item comes up, could we ask Mr. Walin to serve as a resource, if he's available?

CHAIR LEE: Are you available Mr. Walin?

MR. WALIN: Sure. What time?

CHAIR LEE: Okay. We're going to take this up, you know, in a little while; not right now. So, Members, any objections to having Mr. Walin be a resource person?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Great. Okay, so, do you still want to ask your questions of him now, or you want to wait?

Mr. Molina. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, just, just one question. I may have couple others, but I'll certainly wait on that when the time comes to it. Thank you, Mr. Walin for, for being here. And just as I interpret your comments, so from the taxpayer perspective, are you implying that by buying this property it's, it's sort of like spending to save in the long run as it relates to government expenditures, down the road.

MR. WALIN: Yes. Yes, absolutely. As the, I, the analogy with the house, it's, if it's even close to the cost that you guys are expending to house other facilities. You develop equity, obviously, over time as you pay down the note, and the property appreciates, and as markets increase in value. So, the, the savings at, over the next generation are just tremendous over time versus--

COUNCILMEMBER MOLINA: Okay.

MR. WALIN: --paying a mor, yea.

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

CHAIR LEE: Any other quick--

COUNCILMEMBER MOLINA: I'll have other questions later. Thank you.

CHAIR LEE: Okay. Any other quick questions for now? If not, thank you, Mr., Ben.

MR. WALIN: Thanks, Alice.

CHAIR LEE: Okay. Stay on, stay on the line, okay?

MR. WALIN: Okay.

CHAIR LEE: Now, let's see, let's have our next testifier.

COUNTY CLERK: Next testifier is Randy Gonce. And Randy will be followed by Clare Apana.

MR. RANDY GONCE, HAWAII CANNABIT INDUSTRY ASSOCIATION (testifying on County Communication No. 21-94):

Aloha kakou.

CHAIR LEE: Hi.

MR. GONCE: My name is Randy Gonce. I'm the Executive Director of the Hawaii Cannabis Industry Association. The HICIA represents all eight legal medical cannabis licensees in the State of Hawaii and other entities involved in the legal medical industry. I'm testifying in support of Resolution 21-94 today. Mahalo for the Council for putting up this very important resolution. We support this measure that would legalize adult use cannabis. We want to highlight that this is for adults only, 21 years and older, as all states have passed in, across the nation.

The HICIA is dedicated to the medical industry in making sure we serve the 30,000 medical patients statewide. But we also understand that this is only a fraction of individuals who use this plant medicine. There are many barriers to entry into the medical cannabis program the State has set up. And for one reason or another, patient adoption and patient count has remained low; around 30,000 patients currently, which is roughly two percent of state, the State population.

Even with the small amount of patients we serve, we've seen a huge impact on patients' lives. We have patients that have cancer that are immunocompromised and many more individuals with ailments that see direct benefit from this plant medicine. And additionally, those who have major concerns about allowing sales of cannabis in legal establishments, these concerns have not come to fruition.

We have extremely professional dispensaries in our State, extremely professional individuals that really work well with the State government to try to meet and exceed compliance that they have put forth on this industry.

In regards to legalization, we really already have an adult use and recreational market in Hawaii, but this is called the black market. It's flourishing in Hawaii, and it's unregulated, it's untested, and it's untaxed. Over 90 percent of the cannabis consumed in the State comes from outside of our legal medical system. So, it's incumbent upon leaders and decisionmakers to find ways to come, to combat the illegal sales and transactions on unregulated products. Thus, legalization would finally allow these black market grows, these plants to step into the light and become compliant with State regulations to ensure clean, tested, and taxed cannabis.

I personally know some of the largest growers in the State that don't operate in the medical system. And they are really ready to step into the legal framework and become compliant, and become good citizens in good standing with the State, and offer this medicine to individuals.

It's not really a matter of if legalization will come, but it's a matter of when at this point. With all of the western seaboards legalizing, and it's looking more imminent on the Federal level, when it does come to Hawaii, we should be ahead of the curve in setting up a framework that allows the industry that is for Hawaii and our residents. We need to make sure the cannabis industry does not cater to huge money investments from the continental United States, that it is for our people, for our residents, and centered around plant medicine care.

Just quickly, one last piece. Thus, this resolution is important to pass, so that Hawaii and the counties can start thinking ahead and ready do the best, to do the best to make this black market into the legal framework. Due to COVID-19, the conversation around legalization is much louder. There are multiple pieces of legislation at the State Legislature regarding this issue. Thus, my hope is that resolution will pass the full Council without the need to go to Committee, so that further discussion in support can be shown for the readiness of this industry in Hawaii and for its people.

CHAIR LEE: Thank you.

MR. GONCE: Thank you for the opportunity to testify.

CHAIR LEE: Questions. Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here Mr. Gonce. Can you just reiterate for me again, that you're Executive Director, it just says HICIA, what does that stand for again?

MR. GONCE: Right. The Hawaii Cannabis Industry Association.

COUNCILMEMBER KING: Okay.

MR. GONCE: We're the only trade association in the State of Hawaii that represents all of the legal licenses in Hawaii.

COUNCILMEMBER KING: Okay. Do you have any information on, you know, when the, when Colorado passed the legalization of marijuana, they, there was a date where they immediately let a lot of people out of prison who were in prison for, you know, small amounts of marijuana . . . And I think I, I think the figure that I recall is something like \$200 million that they were saving by letting all these people out. Do you have any figures like that for Hawaii? Have you done any research on that?

MR. GONCE: No. We, we currently, as an association, don't have exact numbers. We are going to be commissioning a study this year that is going to be looking at, to the economic impacts, including the social impacts of what an adult use legalization market would look like. But national trends, we do have a, kind of a parent-organization called the NCIA, the National Cannabis Industry Association and they work closely on this issue.

And not only the tax revenue that it brings in, but you're absolutely right, it, the amount of savings we are going to have from individuals that are either awaiting trial, sitting in jail, can't afford bail, or have been prosecuted for obtaining or having paraphernalia or cannabis in general will be in the hundreds of thousands of dollars for savings for counties and State.

COUNCILMEMBER KING: Okay. And then, in your, in your study, perhaps you could also note, because I believe it's mostly low-income people that, that this, that, you know, the prison system houses for this, for cannabis. So, if you could kind of give us some, you know, put that into your study too, like the demographics of, of who's, you know, who's being incarcerated for these crimes.

MR. GONCE: Absolutely. Absolutely.

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

CHAIR LEE: Thank you. Member Sugimura. And then, is it Member Molina, or, or Member, or Vice-Chair Rawlins-Fernandez.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you for being here. It's nice to hear that you're so organized. And today, on our agenda, we're going to be, or I'm going to be voting for the social host liability, which is about alcohol and underage drinking. And in your testimony, you, you said that, or yours is adult legalization of cannabis. But what do you do as an organization for the underage smoking, I guess, of, of marijuana? What, what do you advocate for or what does your organization do about that?

MR. GONCE: So, our organization is dedicated to the medical legal framework as currently set up in Hawaii. This is Hawaii Revised Statute 329. And this is only for individuals who are adults that qualify for medical cannabis under that statute. We, as an industry, the individual dispensaries cannot, per law, cannot do any advertising. They just passed provisions this past year . . . doing educational activities. And that regulation has, still needs to be flushed out by the Department of Health.

But our organization, since we are just considered a trade association, are really looking at ways to ramp up efforts to educate individuals on the proper and, and significant uses for this, this plant medicine in how it's for adults only. We really want to make sure that our keiki don't have access to this medicine, just as any other regulated substances we have in our society, whether that be controlled pharmaceuticals or alcohol, as you were mentioning. You know, we really want to make sure that there's a lot of education and that we can devote a lot of resources to making sure individuals understand the impacts of consuming this when you're not at a developed age.

COUNCILMEMBER SUGIMURA: Your organization does not advocate for the recreational portion of trying to legalize marijuana? Just the medicinal.

MR. GONCE: Well, we, we, we are looking at legalization as a way that this program is going to expand. Other states, their, their recreational programs have always built off of the, the current medical industry. So, when legalization comes, it's usually after a medical license has been set up. And so, we know that we are going to be the ones that are, or we at least hope, and we've working that, you know when legalization comes, we have been proven to show, to give access to clean medicine to individuals that we will be the ones who are able to kind of walk that path and light that path for others to show that we can be good compliance, we can work with the Department of Health.

So, in that regard, we do support access to this medicine. Again, we're dedicated to the, the medical market and really making sure this industry is supportive of our current patients. But we understand that legalization is, is on the cusp because of COVID-19 impacts, the need for State revenues, things like that. It's, it's a matter of years, we really think. And so, we are--

CHAIR LEE: Okay. Thank you.

MR. GONCE: --supportive . . .

CHAIR LEE: Thank you, Mr. Gonce.

Any more questions, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I--

CHAIR LEE: You know, we're supposed to, just for your information, Mr. Gonce, the questions are supposed to relate to getting clarification on what you have testified on. And so, that's the reason why we need the answers to be a little bit more concise, yea?

MR. GONCE: Sure thing. Absolutely.

CHAIR LEE: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It, it, it is a clarifying question. Mahalo, Mr. Gonce, for your testimony this morning. I just wanted, Member Sugimura, kind of asked my question. But I was going to ask, I'll ask it in a different way. So, legalizing adult use would support the medical cannabis is what you said?

MR. GONCE: Absolutely.

VICE-CHAIR RAWLINS-FERNANDEZ: . . . cannabis industry?

MR. GONCE: Absolutely.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Gonce. Mahalo, Chair.

COUNCILMEMBER SINENCI: Chair, you're muted.

CHAIR LEE: One of these days, I'm going to take a hammer to this thing. Thank you, Mr. Gonce. Appreciate you joining our meeting today. Alright.

COUNCILMEMBER SINENCI: Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Sinenci has his hand up, and then I wanted to make a request of Mr. Gonce, if you would be available to serve as a resource. I'm planning to take action on the reso today. If we can.

COUNCILMEMBER SINENCI: That was, that was my question. That was my question, Chair.

CHAIR LEE: Oh, okay. Mr. Gonce, would you be available to stay with us awhile until we take up this, this item for discussion?

MR. GONCE: Absolutely. I'm here and available to answer and assist in anyway.

CHAIR LEE: Okay. Great. Thank you.

COUNCILMEMBER KING: No objections.

CHAIR LEE: Anymore questions, Members?

If not, Madam Clerk, who is the next testifier?

COUNTY CLERK: Next testifier is Clare Apana. And Clare will be followed by Mr. Daniel Kanahele.

MS. CLARE APANA (testifying on County Communication No. 21-93 and General Communication No. 21-4):

Okay. Can you hear me?

CHAIR LEE: Yes, we can.

MS. APANA: Yay, thank you. Sorry for that.

CHAIR LEE: We can see you also.

MS. APANA: Oh, yay. I, you have so many good bills on the agenda today. But I will just speak about the ones that I'm most familiar with and the most wanting you to hear my testimony for. But I want to thank all of you for all your hard work in the Committees to bring this agenda forward, this long seven-page agenda. Thank you.

I would like to speak to the sustainable tourism. I support this wholeheartedly. As you know, our organization, Malama Kakanilua, has gone into being a, petitioners in a

contested case about the expansion of the Grand Wailea. And that would add 151 more units. That's, and so this is really a great concern to build that hotel. They really took license to desecrate Hawaiian burials and cultural sites. Now, the hotel is built, right? It's the largest hotel on Maui.

What has happened in the 30 years is now they have not taken care of the pollution going into the ocean. They have not taken care of making sure that they have accounted for all of the burial sites, and here comes another expansion. You're coming again to build the largest hotel larger. And you're going to take again from the kanaka people, you know, to make us sacrifice one more time. That, that is so unconscionable.

When you look at sustainable tourism, I hope that you will also remember that the people who lived here have rights and have family who are, may not be with us but are with us in their own possession of the land that they were buried in. And the, the ocean, the ocean sustains families too. As we grew up, Chair, you know, our families all fished. We all gathered limu at the ocean. But that is not a resource that may continue if we continue to grow unsustainably.

The amount of projects that are in the Makena area is out of this world. And who are those projects Not for the people.

Okay, and then I'll go to my second one. Thank you. My second one is for H-2.

CHAIR LEE: Oh, wait, wait.

MS. APANA: Huh? The second one is on H-2.

CHAIR LEE: No, no. Clare, we need to ask you a question on your first testimony, okay?

MS. APANA: Oh, okay.

CHAIR LEE: Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair Lee. Thank you, Ms. Apana, for your testimony. I just was wondering if you knew if the Makena Resort, or either of the properties actually, if they had received all of their discretionary permits from the County?

MS. APANA: I do not know how many permits they have. I know they're, they have applied for permits. And as a member of the Sierra Club, we are also in that, in the litigation. I don't know if they have. You would have to ask them.

COUNCILMEMBER PALTIN: Okay.

MS. APANA: I'm sorry.

COUNCILMEMBER PALTIN: It's just my understanding that without, if the last discretionary permit has been issued, then it's substantially more difficult to revert the change in zoning.

MS. APANA: Right. I, I do not know. But I know that they've already changed the zoning, so. But, you know, that's a lot of land and I don't believe that they've done every single piece, every parcel.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR LEE: Okay. Please continue your testimony, Clare.

MS. APANA: Okay. I just would like to speak to H-2. I believe it was about a year ago that this came before the Council for the conditions of zoning. And at that time, I brought up that, hey, OHA has not signed off. They've not been properly consulted. We have not been properly consulted and said, we'd like to go on a site visit, right. So far, they haven't offered us to go on a site visit, you know. Malama Kakanilua, some of the descendants, we have not been offered to go on the site visit, whereas other people in the community have been offered. And that was a year ago we came to you to ask for that.

So, I think this go, taking this back to Committee would be a really good step, so that we can flush out all of these things and this project can actually do the things that needs to be done like the EIS, the AIS update. I have gone on that land myself and I found sites that I, I mean, in my experience, these are real sites. And they're not in any, they're not recognized. So, there's more, so much more work to do and there's more work with real consultation. I mean, one video conference and I say what I want to say, and then, then you say I, I've been consulted. A'ole, not, not so.

So much more to say on the land and so much more to look at, especially the water, the runoff into the ocean, into that bay. We are losing our fisheries. We're losing the limu and the way that the fish can grow. And there's no need for that. We need to be more stringent in making these new developments who are not for our local people, really bear down and put clean water into the ocean and follow, and ask the Department of Health to, to impose the standards that they already have.

I, I am, I am so concerned about that, this area of Makena, it, and all the developments that are coming up that will be putting runoff, developments that are given the right to have a swimming pool in every house knowing that these are not people who are going to live here year round. So, why would we give up all of our resources for that?

CHAIR LEE: Clare.

MS. APANA: I mean, we may get some taxes, but thank you.

CHAIR LEE: Clare.

MS. APANA: Yes.

CHAIR LEE: You know I, these items that you're talking about are going to be referred to Member Paltin's Committee for, you know, review and discussion.

MS. APANA: Mahalo.

CHAIR LEE: Yea, we're, we're not going to pass anything on this, today.

MS. APANA: Thank you.

CHAIR LEE: This is review of compliance, yea? So, that fits nicely with your concerns, you know. When she schedule these items, we can let you know and then you can testify again and we can have a full discussion on these items, okay?

MS. APANA: Mahalo, Chair. Thank you. Thank you for this agenda. Okay, I'm done. Thank you very much.

CHAIR LEE: Appreciate what you do.

Members, any more questions for Ms. Apana? If not, may we have the next testifier?

COUNTY CLERK: Next testifier is Daniel Kanahele. And Daniel will be followed by Junya Nakoa.

CHAIR LEE: Hello, Mr. Kanahele.

MR. DANIEL KANAHELE (testifying on County Communication No. 21-93 and General Communication No. 21-3):

Hi. Good morning, Chair Lee and County Councilmembers. Happy to be here on TV with you. My name is Daniel Kanahale and I'm testifying as an individual. And I'm testifying on agenda item, two agenda items; County Communication 21-93 and General Communication 21-3.

So, I'll start with expressing, I'm expressing my support for sustainable tourism with an emphasis on quality versus quantity. I think we all want that. And I agree with all the whereas's in the resolution and also the resolves. And I just heard Professor Mayer speak about maybe some amendments to be included to give the resolution teeth. And I, this the first I heard them, so I support what the resolution . . . for the amendments.

I, I, I think tourism before the pandemic was not sustainable because of, because of the percentage of tourists as compared to the residents was, it was very, very high. And I saw when we started hitting, you know, maybe three million tourists a year, we were . . . some impacts. And then when the pandemic hit, was also unsustainable as an economic engine, because we saw how the pandemic just devastated our economy, and then we had very high unemployment rates.

Speaking for my own personal experiences living in Kihei, after the shelter at home was put into effect by the Governor, I, I was amazed at how many of the buildings, the condominiums, the homes in Kihei were completely dark. And many of those parking lots were quite empty. I'm sure, Chair, Councilmember King also experienced that. But I didn't realize how many of those condominiums are either second homes or short-term rentals. But it was a ghost town for, for many, many months. And so, yea, I do, I do express support for that resolution and I'm sure you do, so thanks for the opportunity to testify on that.

So, I'll go onto the next item, which has to do with the annual compliance report by the Makena area. And so, I think if I just heard correctly, Chair Lee, I think you said that item was going to be referred to Councilmember Paltin's Committee?

CHAIR LEE: Yes, that's correct.

MR. KANAHELE: Maybe, maybe. So, I was going to advocate in support of, rather filing it, to refer it to Committee. So, then I don't really need to testify any further on that. I think that'll be a great opportunity for the Committee members and, and the public to sort of suss out some of those conditions of zoning that folks have been concerned with in their testimonies. So, thank you for the opportunity for testifying this morning. And I, I wish you a nice warm, what day is today, Friday, right?

CHAIR LEE: Friday. Aloha Friday.

MR. KANAHELE: Yea, I got my beanie cap and I'm wearing my socks in Wailuku. So, mahalo.

CHAIR LEE: Yea, mahalo to you too. Thank you. Any questions for the testifier? If not, nice to see you. Have a great weekend.

MR. KANAHELE: Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Our next testifier is Junya Nakoa. And Junya will be followed by Rose Reilly.

MR. JUNYA NAKOA [testifying on County Communication Nos. 21-93 and 21-96; General Communication No. 21-3; and Bill No. 142 (2021), Draft 1]:

You can hear me?

CHAIR LEE: Good morning, Junya.

MR. NAKOA: Good morning. You guys can hear me?

CHAIR LEE: Yes, we can.

MR. NAKOA: Okay. Shoot, shoot, shoot. I going do you guys one favor. I not going put on my video, cause I get five items for talk about. You guys no need see me. You guys seen me yesterday. But I going do the C3 one, the compliance one. I know you guys when talk about um to go into Tamara's Committee. All I like say is that, yea, what Kelly talking about is the Planning Committee they no can, they no can hold you guys accountable, you know . . . compliance, cause Lahaina we all screw up with the compliance. Okay, that one pau already. Real short, since the thing going in Committee.

Okay, the next one is the waste to energy; the 96. Like the Kevin Watkins guy when talk about, you know, how to get all these things. We got to start doing that for protect our isle, our island and all the stuff, you know, keep up with the clean water, the plastic,

and all the kine. Cause, cause we the stupid ones. We, we drink the, you know, bottle waters and all that stuff. So, yea, figure out how we can get that water all over the place, cause I know everybody drinking that . . . water thing and I heard the buggah, the buggah awesome.

Also, I going talk about Gretchen Losano was trying to do the, you know, do um at schools, you know, with the compost waste and making um into all the kind good stuff like that for the kids. So, yea, pass that buggah too. That is real good.

Okay, the, the, what the next one? Oh, 124 [sic], the social host one. Eh, good job with, I need to say good job by all you guys, everybody, all the guys that was involved with the um from the, from the, everybody. I heard all the different kind groups brah. You guys, that is awesome, awesome, awesome. Great job. And by you guys listening to em the last time, all I going just say about that one is it just puts more pressure on us that we going do um.

Is the people of Maui and the County, the, you guys, the Administration and the Council, we gotta find things for these kids for do. You know, instead of, you know, keep them active. You know, I coach, I coach all year long I coach, either paddling canoe . . . now no more, and, or little league baseball. So, we got to keep them busy. So, good job on all you guys, everybody. So, I think we should support that one cause you guys when make um good.

What's the next one? Okay, the next one is, oh, right there; the 93 one. Okay. Brah, this one is the sustainable tourism. Yup, you, the rental cars, too much cars on the road. You know, how we already we seeing choke at the airport and all those buggahs was on our road. That's not good. And our beaches, you know, too much tourists was on um.

We got to educate our tourism, you know. Way couple years back, we had the fire department and the lifeguards were talking about putting one video on the planes for educate the tourists about swimming at Black Rock, you know, so they no, you know, so they no get hurt, or the worst thing can happen. You know what I mean?

So, we should be doing that kind stuff, like educating them about our culture and teach them how to be one quality visitor instead of just coming here spend all kind money. So, we should do that. And, you know, so we got to do our part too, cause don't, no get me wrong, when I worked for the hotel industry, I was dealing with plenty returning owners. And get plenty of them, they care about em, sometimes even more than some of the locals, you know. So, when we educate our tourisms . . . if we can educate our tourism, I think we going be awesome. We going be awesome.

When, this past Saturday, I when walk, I walked the whole Kaanapali cause I was checking out the, what is that, the face mask usage, you know, by the tourism. And by doing that, I went to the Sheraton and then all these hotels, I going, I don't know if this is a swear word or what, but it was badass. Because they, they when put up all kind signs for, for wear their mask and all this stuff. But the Sheraton, they when put up, they putting up sunscreen, for the reef safe sunscreen at three places I seen um. And then, so the tourists, and I actually seen the tourists using em, so that is awesome. So, you know, so I think we say, you know, pass that resolution too. And I think I went through all of them like that. Okay. I pau I think. Yea, I pau. Thank you.

CHAIR LEE: Okay. Thank you, Junya. Any questions for Junya? If not, thank you very much for sharing all your concerns with us.

MR. NAKOA: Mahalo. You guys have a good one. Good job.

CHAIR LEE: Thank you.

Madam Clerk, how many more do we have?

COUNTY CLERK: --have five more testifiers.

CHAIR LEE: Okay. If there are no objections, I, I have to take a ten-minute break. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Recess for ten minutes. Return at 11:20. Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:09 A.M., AND WAS RECONVENED AT 11:22 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of February 5, please reconvene?

Let's proceed with testimony, Madam Clerk. Madam Clerk.

COUNTY CLERK: Sorry about that. Our next testifier is Rose Reilly. And Rose will be followed by Albert Perez.

CHAIR LEE: Before we--

MS. ROSE REILLY [testifying on County Communication Nos. 21-93, 21-94, 21-95, 21-96: General Communication Nos. 21-3 and 21-4, and Bill Nos. 142 (2020), Draft 1 and 2 (2021)]:

Aloha, Council. Oh.

CHAIR LEE: Hi. Rose, could you hold on one second please?

Vice-Chair Rawlins-Fernandez, you had a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. I was just looking at the chat and I saw Junya was trying to get Ms. Kaohu's attention.

CHAIR LEE: Yes. Junya, apparently forgot to cover one item, so I, we're asking him if, to wait till the end to come back, okay, to finish up.

Sorry, Ms. Reilly. You may begin please.

MS. REILLY: Good morning. Thank you all . . .

CHAIR LEE: Okay, Ms., Ms. Reilly, we're having a hard time hearing you, so maybe you could turn off your video and let's try that.

MS. REILLY: Okay.

CHAIR LEE: Just keep, keep your audio. I mean, I mean, yea, keep your audio, turn off your video. Okay.

MS. REILLY: Okay. How's that?

CHAIR LEE: Sounds better.

MS. REILLY: Sounds better?

CHAIR LEE: Yes.

MS. REILLY: Okay. Lovely. Alright. So, for 21-93, sustainable tourism. So, as far as thinking about sustainability, coming from Kauai in my younger years to Maui for my later years up to now, and the whitewashing of Hawaii. What we're talking about with sustainable is a, you know, fraction of what the Hawaiians are talking about with sustainable. The sustainability of the Hawaiian system flourishes and expands. Its invested into, as the

forest was reinvested into and not just taken from. So much more can be created to make a sustainable future. So, it's really important to me that when sustainability is considered, it is always considered from the Hawaiian standpoint in this situation.

For the hotels versus the local community, it's really like appalling to me that we keep talking about hotel expansion and like all of these high-end rentals when our local community has been put in rolling water blackouts. We don't have enough affordable housing. I think there should be a moratorium on any kind of tourist expansion, as far as hotels and anything else, until our affordable housing is under control and at a acceptable level for us all.

So, you know, to come from what we can have as far as the, you know, hotels getting up onto the Mauna. Go up, you know, you guys are all on furlough, go plant some food forests. Make walks, so that when the tourists come, they can walk up through all these different local plants and different types of fruits that are, learn about how they are grown together, the types of medicines. Like, there's a lot of things that can be done to really invest in a Hawaiian experience and not some plastic Hawaiian, you know, whatever. So, yea, for that one, the Makena Resort also does not have all its permits. Just so you know, the SMA is not in.

Okay, so on Bill 142. I was going to switch. So, I was a server/bartender for about 10 years. I waited tables at so many different restaurants, you know, breakfast, lunch, and dinner, bartended quite a bit. And you know, our agreement was that we have a specific amount that you're about to, you know, like you drive, and you drink some, and so there's a spirit to that law. And that, like, to just go in as they're doing and just like, they're arresting people for DUI's on much lower, you know, blood alcohol. They're like making things up for the roadside test. The guy lied about mine. Like, you know, he's, he said all these things that happened that didn't really happen.

This system is not in the spirit of Hawaii. It's not in the spirit of our community. To be so set on making money off the poor people, instead of trying to empower our community to make good decisions. That's the difference, is the intention. So, when you have an intention to negatively affect poor people disproportionately to rich people because that there's a fine, it's going to be across. So, you're negatively affecting the poor people who get caught for things that all these different people are doing, right? And so, you know, I'm talking with my friends, and underage drinking, not only have I heard that its gone down quite significantly, we also have much bigger problems.

You know, the pill bowls, where they take their prescription pills from their parents, put them all in a bowl, mix um up and take handfuls. There's the spice, now they're coming up with chemical drugs that are different than our plant drugs. This is a horrible misfortune, in my opinion, being really intimately connected with the body and how

things affect it, especially between plants and chemicals. I've been chemical poisoned. You know, my stepfather died of brain cancer from chemical poisoning. Like, the things that we need to concentrate on are empowering our people, empowering the children, empowering parents, empowering our communities to work in harmonious ways and not going after them with this old Catholic Christian idealized, I'm going to punish you to make you do what I want.

Okay. So, moving on. County Communication 21-94. So, after being on Kauai, and if I could just only express to you the beauty and divine nature of the Hawaiian occupied community that I was raised in, whereas like everyone knew that this was an illegally occupied country and behaved as if it was so. So, I think that that would be a nice step for us to get to as Maui.

But thanks to Green Harvest, now our island is on ice. So, that all came with all this construction. There's a lot of things that go with it. But Green Harvest, where they went and took out all of the pot plants, really upped our ice intake as an island. And so, it was, you know, the difference between a plant and a chemical. So, the difference is, you know, all different kinds of things about harmony, right, inside the human and outside the human. So, you know, being with the decriminalization that we already have, right, you already have it so that's it's decriminalized on Maui up to a gram or three grams or something is what I had heard that had happened at the beginning of last year.

So, the difference between the western sense of truth and the Hawaiian sense of truth. So, the justice and the difference, right? Like, so, when I see Hawaiian justice, I see layers upon layers of consideration and compassion. When I see westernized justice, I see layers and layers of egregious boxes that are accentuated by control mechanisms. So, as far as the State, like, regulating the marijuana industry, so we got medical, right? So, who did they give those contracts to? The descendants of Dole? Other colonizer descendants? So, we see how it goes when they're involved in the game. And I just want to say again, and again, and again, who are these people? Like, where are you from? Why here? Why we talking?

Alright, anyway, so moving onto County Communication 21-96. I would love to see energy from solid waste. That sounds amazing.

Bill 2, yes, I support. Please save the Hamakualoa Coast.

CC 21-95, the distance learning center in Kahakuloa. As long as that's good with the community, that sounds good.

For the General Communications 21-3 and 4, I oppose any zone changing to develop more buildings. Only if they want to change the zoning to open space, so that they can reforest or restore the natural habitat. So, I think that any kind of zone changing, and all of it just shouldn't be considered until we get our community housing in the, at least, light green. It would be better if it was in the green. Thank you so much for your time.

CHAIR LEE: Thank you.

Alright. Next testifier please.

COUNTY CLERK: Next testifier is Mr. Albert Perez. Albert will be followed by Faith Chase.

MR. ALBERT PEREZ, MAUI TOMORROW (testifying on County Communication Nos. 21-93 and 21-96):

Good morning, Councilmembers. Can you hear me?

CHAIR LEE: Yes. Good morning.

MR. PEREZ: Good morning. I'm Albert Perez. I'm with Maui Tomorrow. And I'm testifying today on two items; 21-93, sustainable tourism. I will start though with 21-96, relating to solid waste to energy conversion projects. I don't know much detail about this proposal. I'm interested in it, but I would like to see the details before supporting it. I was one of the founding members of the Maui Recycling Group a long time ago, to protect Maui's air quality from an incinerator proposal. We do want to become energy independent, but how we do that is very important. So, I'm looking forward to hearing more about these projects with the Department of Environmental Management.

Moving onto 21-93. We do support this resolution expressing support for sustainable tourism, emphasizing quality over quantity. I was very interested to hear Mr. Dick Mayer's additional fifth "BE IT RESOLVED" clause, and that sounded very good to me. Although, I'm hoping you won't test me on what exactly he said. But yes, I, I think that would be good for this resolution to have more specificity. We need to encourage the visitor industry to expand efforts to address environmental challenges, work with the community, and honor the shared responsibility to steward the land, water and air.

Serving on the Mayor's Tourism Advisory Committee, I have seen that there are good people in the industry who care and want to make their industry sustainable. However, the industry as a whole remains focused on promotion. About 65 percent of the Hawaii Tourism Authority budget still goes toward sustaining and increasing visitor numbers.

We don't need to advertise Maui to get tourists to come here. We're on bucket lists of people from around the world. What we need to do is attract high dollar, low impact visitors who care to learn about our aina and kokua to help it heal. The Republic of Palau provides an excellent example. So, we need to be selective and focus on people to whom Maui is more than just a checkbox on a bucket list.

But there's an opportunity to do even more than just be sustainable. Regenerative tourism is now becoming a buzz word in the industry. It builds on sustainable tourism and it goes a step farther to restore parts of Maui that have been negatively impacted and get things closer to the state that they were in prior to those negative changes. One thing that this pandemic has revealed is that there's an imbalance in our natural systems. Finding a better balance is in our interest on very many levels. So, let's use our County dollars for things other than promoting more visitors. Let's rethink tourism to be high quality, high end, and to have a low impact on Maui residents. Mahalo.

CHAIR LEE: Thank you, Albert. Any questions? If not, thank you very much for coming.

MR. PEREZ: Aloha.

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

COUNTY CLERK: Next testifier is Faith Chase. And Faith will be followed by Mike Moran.

MS. FAITH CHASE (testifying on County Communication Nos. 21-78, 21-82, 21-93, 21-94, 21-95, and 21-96):

Aloha, Chair Lee. Aloha, Council.

CHAIR LEE: Aloha.

MS. CHASE: Sometimes when you guys say, oh, it's going to be a long meeting, you guys was talking about me, so I'm going to send you a written testimony on other, other good subjects that I, I'm comfortable about. And I'm just going to try to stick it to my most important.

I was, I am not aware of the exact, the CC 21-78. I got to speak with my Councilmember Johnson about that. I just wanted to remind everybody that there is a minimum fine of \$35 for human habitation, that a lot of, you know, people that were, you know, struggling through the pandemic of the last eleven and a half months. It says, "human habitation on County property". So, just keep that in mind as you make

decisions moving forward and, or even conversations with the police department that can be strengthened. I don't want to suspend this legislation in any way.

I'm really interested in the 21-82, Molokai farming cost reimbursement. I didn't, that, that surprised me, and I can't wait to see the results from that. I'm sure it's something that could be modeled or needed everywhere else.

The sustainable tourism. I just want to say, everybody who is listening cares about this, focusing, re-establishing, you know. Don't put the onus on any of the farmers. That was my lesson working with HFUU, and also my daughter's tour company that closed because of COVID. But, you know, we had to twist farmers' arms to do tours. And we had to help sure, make sure they cleaned up their bathroom, make it easier for the aunty with the walker and da, da, da. You know, it doesn't have to be a, not all of them have to be ADA compliant. There is a little bit of wiggle room being in that rural nature of unsteady ground and stuff like that. But there's so many ways you can improve it. And if you're working with a good tour company who has got strong braddahs who can help their guests, you'll be pleasantly surprised. She tried to reach the higher tier spenders, and she succeeded. And so, keep going on that.

The Ahupua'a O Kahakuloa, oh, I don't know what that's about, but that is so ono. You know, it, I'm sorry it took COVID to take this kind of appreciation for the rural and the satellite, you know. I know people are struggling but, once, once a community supports it, it's so much better for the, for the kids. My, all my kids went to Keanae School and I, I think it did them wonders.

Councilmember Sugimura's waste to energy, 21-96. I followed three different trash to energy companies that have come through Maui. I can tell you right now, the failure of all of them to begin with was the community outreach. So, make sure that is top of mind. And I can tell you from my research that I did, it's compost. If you want to meet your agriculture-farming people in the middle with any of that, you know, biproduct of, or that green stream waste to energy, do not forget the compost and confer with your community from the get-go. Don't let them come in and start spending money and making deals without equally addressing the community moving forward or you're going to be stalled like everything else.

I think that, that one presenter, oh, Ratner, Albert Ratner from University of Iowa. I also had him at my resource recovery event, which I think I'm pretty sure, Councilmember Sugimura, you opened that invitation. He is phenomenal. He was here not by, being paid, you know, he wasn't a salesman and that was a great presentation to return to. I think it was EACP if I'm correct.

And I just want to close with, I'm super happy to see the cannabis on here. I mean, there, there, I can't speak enough for that. When I was helping with the industrial hemp legislative working group, you know, there was equal people on Oahu, you know, hustlers that were really trying to push forward medical marijuana. And we kind of, we, it was just, it wasn't a toss-up, but we knew how behind we were working because one of the count, one of the senators had a husband who was a police officer, and she outright said my husband is worried to how he's going to be able to distinguish between the industrial hemp and the medical marijuana. And we realized how far back in education we were.

And I think Councilmember King will remember when Denise was helping with that kind of lomilomi in the beginning. Anyway, point being, we've come a long way and I'm super happy to see this, because yes, out of everywhere and the fellow who mentioned how many States have, are already legal, it can be done. Shame on us for not doing it now, but I'm glad to see it. Thank you, you guys.

CHAIR LEE: Thank you, Faith. Any questions for Faith? If not, thank you for your, sharing your concerns.

May we have the next testifier? Is that Junya coming back, Kathy?

COUNTY CLERK: Yea. I have two more.

CHAIR LEE: Oh, two more?

COUNTY CLERK: I have two more testifiers.

CHAIR LEE: Okay.

COUNTY CLERK: Mike Moran is the next testifier. And Mike will be followed by Kaniloa Kamaunu.

MR. MIKE MORAN (testifying on County Communication Nos. 21-75, 21-93, and 21-94; and General Communication No. 21-3):

Aloha, Chair and Councilmembers. Mike Moran for the Kihei Community Association. It's been a while. We were, I had some challenges, so we were submitting testimony mostly, in written. But somebody sent me that famous quote by Mark Twain and said you better let them see you or they're going to think you're dead. So, no, I'm here, I am alive, and pretty well.

So, I wanted to very briefly testify for KCA on three items, I know lunchtime is coming, and one just for myself, as a citizen. And the first one is CC 21-75. And we wanted to thank Councilmember King and the other Members who participated in that meeting. We got more comments on that. How come we're not getting that information from anyone else about COVID? So, we were very glad with that. And whatever it's going to proceed to, obviously, we all know how important this is. And so, thank you very much for doing that, Councilmember King, and the others that participated.

Moving right along to CC 21-93, sustainable tourism. I mean, I think enough has been said on it. You've heard all the comments. I think everybody agrees with the concept now, it will just be fine-tuning it. But thank you again, Councilmember King, our South Maui representative, for bringing that up. As I said, I expect everybody will be in agreement of the concept. It will just be fine-tuning it.

The third item for KCA is General Communication 21-3. And again, enough has been said about it. But I don't know how many times in the last ten years we have said, brought that up from the, from the community plan, infrastructure concurrent with infras, with development. And it's like, every time, here's another project. Well, where's the infrastructure? Oh, well, you know, we'll get to that later; don't worry about it.

And, you know, we see the challenges with our Piilani Highway. And yea, how long ago it was going to be four lanes at the end. I don't know that backroom deals or, are, I can't say that for the Association that backroom deals are going on between the State DOT and developers, but it certainly has that implication. So, thank you very much for looking into that and making it be public for everybody for the Council and for, for the community as well.

And the one item that I, it's not that the KCA is against it, they just, we didn't get to discuss this, so Council Vice-Chair this was nothing against you. But your item on the medical marijuana, we, on the marijuana legalization, we just didn't get to discuss that for KCA. And as much as I would like to sometimes say, oh I'm sure the Board will agree to this, I, I refrain from doing that. But for me, personally, yes, about time for that to come up too.

So, I squeezed that all in, I think to less than three minutes. And that will give Junya time to come back and get his last item in. So, again, thank you very much. We, we have loved the Council for years, but we love it a little bit more this year. It's getting better and better. Mahalo to everyone and have a great weekend. Aloha.

CHAIR LEE: Thank you, Mr. Moran, for being such a considerate testifier. Do we have any questions for Mike? If not, thank you. Have a great weekend too.

MR. MORAN: Aloha.

CHAIR LEE: Madam Chair. Madam Clerk.

COUNTY CLERK: Next testifier is, our next testifier is Kaniloa Kamaunu. And he will be followed by Junya Nakoa.

MR. KANILOA KAMAUNU (testifying on County Communication No. 21-93; and General Communication Nos. 21-3 and 21-4):

Aloha mai kakou. Kaniloa Kamaunu kou inoa. Thank you, Council, for all that you do. I know it's a new year and a lot of things have come up. I'm just going to the sustainable tourism. It's, it's kind of a funny title, cause what is, what determines sustainability? And is it sustainability for economic wise or is it sustainability for cultural or, you know, there needs to be a clarification.

I, I think, you know, reminds me of a story that was told. There was an interview done with one of our kupuna from Iao Valley. His name was George Mahi. And he was talking with a student from BYU Provo. And the question that was posed to him, they asked him were you born during the time of the Great Depression? And he goes, "oh yea". And his question was, the person's question was simple. How did it affect Hawaii? And basically, uncle's answer was, we never know what that was. And that was a very important statement.

Then he goes on to say that I go to the ocean, I catch my fish. I go to my lo'i, I take my taro, I make my poi. I eat taro and poi. I eat poi and fish. So we don't know what it is to starve. That is a statement that should, should, you know, resound to a lot of us, because can we say that today? Can we say what has been, what has been imported to our, our beautiful lands? Can those things sustain us in this manner? While the rest of the world, supposedly a country that, that was far ahead of us and we were considered barbaric, and I, I use that because it was told to me. And, and yet while this great country was having this problem, our small little county still sustained itself.

And when you look around, can we say that today? Are we being good stewards of sustainability to our, to our wai, to our makai, to our, you know, to our maunas, to all these things? Are the things that are being implemented sustainable across the board,

not only tourism, but across the board when we look at the developments that are coming up? You know, water is a finite resource. No one can create it, but we can care for it. And it comes back to . . . malama aina, malama kupuna. That was given to us. That was our responsibility.

And okay, I'll move onto the next. And it's, and it all coincides with the zoning and everything with what I'm saying. It goes across the board that, you know, we were, as stewards, given the responsibility, the kuleana to take care and malama aina, because we realize that, you know, aina is, you know, in western terms property. But for us, it's part of, it's our family and it's in, it's in our, it's in our, our, our kumulipo, you know. Aina is not just something we, we have, but it's something that we, is related to us, so is kalo, haloa. All these mo'olelo's are important because it teaches values; values that should be taught to people who come to here and don't have values, sorry to say. And our value is never to take advantage, but to make sure that everything works properly from makai, or from mauna to makai, yea. From the top to bottom, everything works in accordance so that everybody benefits; not one benefits more than another.

So, when you look at zoning, you know, I mean, and you commercialize like over here there's several things coming up and they're all using affordable housing. And with the one change of an area called Ke Kahua, which was supposed to be farm to table, and now it went from red, from agriculture now to urban. It, it comes, now we having all this thing about affordable housing coming to an area. And because the zoning has changed, now Holomua is coming back up again. And, you know, I mean, you look at it, that doesn't work here in this area, because we're trapped by our entrances. We have two bridges, so it's hard to accommodate the movement of traffic. We talking about, you know, more sewer. We talking about more water usage. And it's not that I'm against developing, it's not I'm against affordable housing. But again, malama aina brings into the concept of are we actually producing something that will do that, that will be sustainable, yea, that would, that would take us to the long run and would, without damaging, you know, what we have; finite resources?

Land is the same way. We cannot create land. We cannot create water. We cannot create air. We cannot create the ocean. These things were given to us. But we must malama. We must take what our ancestors have said, and have given us, and have told us. And you as officers of this government need to implement those kind of values, which will be sustainable and has been for thousands of years for our people. Mahalo.

CHAIR LEE: Thank you, Mr. Kamaunu. Any questions for the testifier? If not, thank you. Aloha.

Let's see, Madam Clerk, who's next? Junya?

COUNTY CLERK: Next testifier is Junya Nakoa. And Junya will be followed by La'akea Low.

MR. JUNYA NAKOA (testifying on County Communication No. 21-94):

Yea. Eh how's it, howzit? Mahalo.

CHAIR LEE: Hi.

MR. NAKOA: Eh, thank you, Kathy. Sorry for bother you. Sorry for da kine. But I, small kine I when try make fast and I forgot the one that really affects me. What you call? Yea, you know this, this, I sorry, it's not cannabis; pakalolo. This pakalolo stuff can help, you know what I mean? If you make um legal, make um . . . can help kanakas that da kine, you know, diversify our economy. Sorry, for make, using a big word for one, one stuff like this, but that's the one. Cause I know get 15 states out there that is already legal, and us guys we stay behind, you know what I mean? We should be number one legal place in the world, legal. Number one, I said legal. And remember this is adult pakalolo.

This buggah affects me because I get gout yea. Small kine the Hawaiian, the Hawaiian sickness, eh, the gout. And I, I sorry, I smoke pakalolo cause, so the thing no come sore. But I not one guy who can smoke plenty. I only can smoke small kine. So, I tell everybody I one cheap date when it comes to pakalolo. So, they only give me, they only give me one small bud eh, and I don't know where for put um. I no more one container for hide um or whatevers. I just throw um in my pocket so I can just, you know what I mean? Or even sometimes they only give me one roach cause that's all I can handle. But the buggah feels so good that, but I only can handle, eh. So, if I get my bud, get um in my pocket and I smell like pakalolo and then the cop bust me, I'm like oh braddah, I sorry, I forgot I had um in there.

I'm just saying you make um legal, then one stupid like me no get busted for little bit, you know, what I mean? And cause it does help me, no joke. I really, really, really feel that this buggah help plenty other people, but me from real experience, the buggah help me. I only get gout like once a year. I used to, I used to get um like five, six times. And I not joking, the buggah badass. The thing cherry. Sorry. Thank you, guys, for letting me talk. And braddah Moran, the one you gave me some time, mahalo. And mahalo, Kathy, Keani, for letting these guys know I wanted for talk. And mahalo, Chair. Mahalo all you guys. Sorry, sorry, sorry. Mahalo. Now, I gotta go coach baseball. Shoot. Thank you.

CHAIR LEE: Thank you, Junya, for your colorful testimony.

Let's see, Madam Clerk. One more?

COUNTY CLERK: Next testifier is La'akea Low. And La'akea will be followed by Robin Knox.

MR. LA'AKEA LOW [testifying on Opening Remarks; and Bill No. 142 (2020), Draft 1]:

Aloha mai kakou.

(Spoke in Hawaiian.)

I'd like to share mana'o today on two agenda items; Section B, Opening Remarks; and Section K, Bill 142.

So, first for Section B, Opening Remarks, I just want to mahalo Vice-Chair Rawlins-Fernandez for reminding everyone that this is mahina olelo Hawaii. We see you with your . . . attire, with the flair of . . .

(Spoke in Hawaiian.)

So, just want to mahalo Vice-Chair for that reminder for everyone. And, you know, I read "Value of Hawaii, Ekahi and Elua". So, now that we know you've contributed to "Value of Hawaii Ekolu", prioritize that on the reading list.

I just wanted to talk to olelo Hawaii. You know, I got into it late, unfortunately. You know, I never went to Punana Leo or Kula Kai. I never took olelo Hawaii in high school at Kekaulike. But I did end up taking olelo Hawaii my senior year of undergrad at UH Maui, I figured, you know, if I'm going to, I was close to graduation and I figured if I'm going to serve Hawaii's, Hawaii communities, I better learn some olelo Hawaii. So, I finally took it up senior year. And it wasn't required for my degree, but I know it's required to connect with the community in Hawaii, so I ended up taking it. Then I was late to the game, but you know I stuck with it, even going on through grad school. I didn't need it for my degree, but I continued on.

And so, I just hope that, like, the entire community would try to learn, you know, little bit every day. I use Wehewehe, Wikiwiki every day. That's a good source to learn all kinds of olelo Hawaii, hua olelo Hawaii, Hawaiian vocab. Kipuka.org is another good one if you want to learn your moku, the name of your moku, the name of the ahapua'a within your moku. So, there's a lot of good resources out there. There's free classes.

There's online sources. Duolingo is another one. UHMC, of course, has tremendous faculty and staff in the Hawaiian studies and language department there. Just encourage you folks to use olelo Hawaii as much as you can this month and throughout the year every year.

Moving onto Bill 142. I'm going to come out in opposition again. You know, we heard that, you know, this is a tool in the toolkit. To me, this is like using a hammer to extract a screw. And so, if you ever tried to extract a screw with the hammer, you know it's, you end up doing more damage than anything else. You know, it's just a big red flag that, you know, the community wasn't involved. You know, in the spirit of compromise, I suggested some amendments. And I appreciate Member Sugimura for including language related to education. But I still think this is putting the cart before the horse. All the outreach and education should have been completed already before the bill was even up for passage.

And we heard one of your folk's resources in one meeting say that they gave back \$60,000 that they were granted to help this initiative. And that was really disheartening because, you know, that money could have been used to perform education and outreach prior to the bill even coming to you folks, which I think is one of the major problems with this bill. A lot of the community wasn't even aware of the work they were doing. And they said they were working on it for like three years, and the community just found out about it like three months ago. So, I wish they would have used that money more wisely.

You know, there should have been community outreach and education, and engagement should have been used to help craft the bill. There should have been a feedback loop that they used to help craft the bill more effectively. I'm concerned with the lack of data. They claimed to have gathered data, but they haven't shared it with the community. You know, I think it's troubling that they're essentially holding the data and outreach hostage until you folks pass the bill. Again, I think that's backwards.

I commend Vice-Chair Rawlins-Fernandez and Member Johnson for protecting their communities from the detriments of this bill. I think it's a big, another big red flag when, you know, two out of the three moku that make up our County weren't shopping at the bid to buy in, but were jumping off the ship. You know, I think it's telling that two out of three islands that make up the County want no part in this bill. And there's a reason. I mean, there's, they haven't shared the data, there's been no community engagement feedback. I just . . . you folks to either send it back to Committee or vote "no". Mahalo.

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

If not, Madam Clerk.

COUNTY CLERK: Next testifier is Robin Knox. And nobody is signed up to testify after Ms. Knox.

MS. ROBIN KNOX (testifying on County Communication Nos. 21-93, 21-94, and 21-95):

Aloha. Thank you for making time for me to testify. I'm going to talk on three items: CC 21-93, 94, and 95.

On 21-93, the sustainable tourism, I'd like to follow up on what Albert said about regenerative tourism. This is actually something that's been talked about in our South Maui community a lot recently. There's a lot of desire to restore the wetlands. There's a current project that's County funded with a grant from Office of Economic Development out of the South Maui funds for restoring wetland and native plants in the north end of Waipuilani Park. The vision includes that this is where visitors could come to learn and, as well as residents. And that also, that this would be part of the mitigation of climate change by restoring the health of these wetland areas from North Kihei all the way to Lipoa. You know, there's, there's quite a few former wetlands and former fishponds. So, I do support the sustainable tourism.

And I'd like you to know about an aspect of our resources that I don't hear talked about much, and that is the capacity of the ocean water to handle pollution. That is a very limited capacity and we're already overcapacity. Department of Health has told Congress that our waters are impaired for support of aquatic life and in some places, recreation. And this is so important to the life of our island, our residents, and even to our visitors. So, you know, recognize that too much, too many people make us go over the capacity of the water to handle it.

On 21-94, supporting, legalizing, regulating, and taxing adult use cannabis, I support this. I would also like to say it needs to be a more open market than what the medical marijuana has been. I know that it needs to be regulated and there be some quality assurance and things like that. But the way it was done with the medical marijuana, only, you know, people with a million dollars or more worth of resources were able to enter into that marketplace, and we need more competition.

I am a medical cannabis patient and I have to pay, even though I'm on a limited disability income, I have to pay an extra \$400 out of pocket a year just to see a doctor who can prescribe that license. And the cost at the dispensaries is really high. And so, I think it needs to be more of a free market. I think not only people who want to use, have recreational use of cannabis could benefit, but those people who are already under medical licenses could also benefit from more competition in the market and

lower prices. I also know some Maui residents who have left the State, because other states allow them the opportunity to get into the growers' market without having a million dollars or more. So, I think we're missing out on a big economic opportunity there.

And then, 95, with regard to Chair Lee's proposal about the distance learning in Kahakuloa, I strongly support that. I have a granddaughter myself who lives in a rural part of Louisiana, and she's immune impaired and so she can't go to school even when there's not COVID. But they have no internet. It's been the most frustrating thing for her, and she feels like she's failing just because she can't get her classwork done because of internet connection. So, in rural areas, I know that's really tough, but we have to do what we can to provide that opportunity for students. And that's all. Thank you.

CHAIR LEE: Thank you, Robin.

Yes, we have a question from Member King.

COUNCILMEMBER KING: Thank you, Chair. Just wanted to clarify for, thank you for being here, Robin. I always enjoy your testimony. But I just wanted to clarify that the wetland project, the wetland restoration was not from our district funds.

MS. KNOX: Oh.

COUNCILMEMBER KING: . . . a line item in the budget, so I want to give credit to all the Councilmembers that were passed in the last budget and Budget Chair, because that was in, that's, and that wasn't just for North Kihei, that was for the entire community. So, the part that was from our district funds was the part that you were involved in with the re-habitation, the native plants at Waipuilani. But anyway, just wanted to clear that up so that everybody knows where that money came from. Thank you.

CHAIR LEE: Thank you. Any more questions? If not, thank you, Robin. Have a great weekend.

Madam Clerk.

COUNTY CLERK: Chair, we have no further testifiers signed up at the current moment. If an individual connected to the meeting has not testified, but would like to do so, please identify yourself now. We are unmuting everyone on our end. You can inform staff via the meeting chat. This is the last call for testifiers.

Chair, no one else has indicated that they wish to testify, and we are confirming that we've received written testimony.

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

MEMBERS VOICED NO OBJECTION.

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

1. Genesis Young;
2. Joanna Borreta;
3. Debra Greene, Maui Meadows Neighborhood Association;
4. Dick Mayer;
5. Randy Gonce, Hawaii Cannabis Industry Association;
6. Mike Moran, Kihei Community Association;
7. Brandon Agpaoa-Thompson;
8. Lynn Britton;
9. Ellen R. Caringer;
10. Robert Fontana;
11. Dana Fulton;
12. Natalia Hussey-Burdick;
13. Peter Kafka;
14. Jen Mather;
15. Kristin Mills;
16. Darla Palmer-Ellingson;
17. Madge Schaefer;
18. Laurie Tanner;
19. Tapani Vuori, Maui Ocean Center;
20. Tina Wildberger, House of Representatives, State of Hawaii; and
21. Karen Worthington.

CHAIR LEE: No objections. So, ordered.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of December 4, 2020, and the regular meeting of December 18, 2020, were presented at this time.

CHAIR LEE: Members, before I call on Vice-Chair Rawlins-Fernandez, did you want to take a lunch break, or do you want to go forward and finish up?

VICE-CHAIR RAWLINS-FERNANDEZ: Finish up.

CHAIR LEE: We got one finish up. We got one no.

COUNCILMEMBER KING: I would like to take a lunch break.

COUNCILMEMBER MOLINA: Lunch break.

COUNCILMEMBER KAMA: Lunch.

CHAIR LEE: Alright, one hour? Is one hour enough for everyone? Okay, why don't we come back at ten after one? Is that okay?

COUNCILMEMBER KING: I'm okay if you want to do the minutes first before we take the lunch break, because we have started on that.

CHAIR LEE: Okay. Just, yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

OH, I WAS GOING TO SAY I MOVE TO APPROVE THE
MINUTES AS READ BY THE CLERK.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER MOLINA: Second.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez to approve the minutes as read by the Clerk, seconded by Member King.

Any discussion? If not, 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: Okay. Nine "ayes", zero "noes"; motion carries.

Alright, it's about ten after twelve right now, so why don't we come back at ten after one? Alright, no objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:08 A.M., AND WAS RECONVENED AT 1:12 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the meeting of February 5, Council meeting, please reconvene.

Madam Clerk, shall we proceed with the agenda?

COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 21-71 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated January 27, 2021)

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

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-71.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member King, to file County communication, County Communication 21-71.

Any discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yes, Chair. This communication are purely informational and no further action is required by the Council. Thank you.

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

Madam Clerk.

NO. 21-72 - MICHAEL P. VICTORINO, MAYOR,
(dated January 22, 2021)

Informing of a vacancy on the Maui Planning Commission due to the resignation of Lawrence Carnicelli, effective January 21, 2021.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 21-72.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to file County Communication 70, 21-72.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Mayor received notice of Mr. Carnicelli's resignation from the Maui Planning Commission effective January 21, 2021. I'd like to thank Mr. Carnicelli for his participation in local government and for volunteering his time for the community. Thank you.

CHAIR LEE: Any further discussion?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I also want to thank him. I think he was the Chair of the Maui Planning Commission, and gave a lot of time, gave a lot of his time. So, I just want to thank Mr. Carnicelli and, and appreciate him. Thank you.

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

Next item.

NO. 21-73 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 12, 2021)

Informing of the acceptance of Sewerline Easement "S-1", affecting Lot 8 & 4-foot wide remnant lot of Burns Tract, TMK: (2) 3-4-025:026 POR.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATION 21-73,
MEMBERS.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama, to file County Communication 21-73.

Member Sugimura, discussion?

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

CHAIR LEE: Any further discussion? If not, all those in favor of the motion, 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.

Madam Clerk.

NO. 21-74 - TAMARA PALTIN, COUNCILMEMBER,
(dated January 27, 2021)

Relating to Councilmembers' report on the Kuleana Academy's Maui County Council Panel held on January 10, 2021.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO FILE COUNTY COMMUNICATION 21-74.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to file County Communication 21-74.

Member Paltin.

COUNCILMEMBER PALTIN: I'm providing this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

On Sunday, January 10, 2021, Councilmembers Gabe Johnson, Keani Rawlins-Fernandez, Shane Sinenci, and myself, Tamara Paltin, attended the Kuleana Academy's virtual Maui County Council Panel. The Panel was attended by Hawaii Island's Alliance for a Progressive Action also known as HAPA's Kuleana Academy students and organizers.

The event was held to inspire young local leaders who are thinking about running for office or helping others run for office, serving on boards and commissions, and community advocates.

Each Councilmember in attendance is a Kuleana Academy graduate and served as an individual panelist giving an introduction about who they are and how they came to serve in office. In addition, each Councilmember also had the opportunity to answer questions from the students. Topics ranged from constituent communications to their accomplishments in office.

A quorum of the Council was not present at the panel, nor was the event specifically and exclusively organized for or directed towards Members of the Council.

No discussion related to official board business occurred, nor any commitment relating to a vote on any Council business was made or sought at the event. Madam Chair, this concludes my report.

CHAIR LEE: Okay. Any further discussion? If not, 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 carries.

Madam Clerk.

NO. 21-75 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated January 28, 2021)

Relating to Councilmembers' report on the COVID-19 Town Hall meeting on January 11, 2021.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-75.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member King, seconded by Vice-Chair Rawlins-Fernandez, to file County Communication 20-, 21-75.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm making this report pursuant to the Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

Councilmembers Shane Sinenci, Gabe Johnson, and myself, participated in the COVID-19 Town Hall event on January 11, 2021 held virtually.

Member Rawlins-Fernandez sent in a pre-recorded message which was, which was not able to be included in the live event due to technical difficulties, but has been spliced into the Akaku version, which they intend to reshow.

The presentations and discussion focused on how COVID-19 is affecting the County. It was a successful event to afford the public a chance to hear directly from experts and get questions answered in real time. Matters presented and discussed included: rising numbers of positive COVID cases in Maui County and whether they were related to the increase in travel or to the community spread from holiday gatherings; vaccination supply, effectiveness and the process for Mauians; specific effects of the pandemic on Maui's isolated communities including the island of Lanai, Hana, Molokai, and the homeless population; the AlohaSafe Alert app which notifies users if they come into close contact with someone who has COVID-19; an update on the State Legislature which is now allowing virtual testimony; and potential additional CARES Act funding from the Federal government; and the ongoing request from the public to have a County multi-stakeholder task force to make decisions more comprehensive and transparent.

A quorum of the Council was not presented at the meeting, that I know of. It was also live streamed on Facebook and available on Akaku.

The COVID-19 Town Hall event was not specifically and exclusively organized for or directed towards Members of the Council, but was a public meeting of my office. No commitment relating to a vote on any Council business was made or sought at the meeting. Madam Chair, that concludes my report. And I appreciate all the Councilmembers who participated, as does the public.

CHAIR LEE: Congratulations on a very successful Town Hall meeting; something that we really needed. Any more discussion?

Yes, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo to Member King for, for inviting me. I was personally invited to share some of the East Maui responses to the COVID-19 pandemic. And where I took the opportunity to thank our community

members and nonprofits in their efforts in disseminating information to our rural communities, including upcoming test sites. So, those are just some of the things. Mahalo.

CHAIR LEE: Thank you. Any more discussion? 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: Nine "ayes", zero "noes"; motion carries.

Madam Clerk.

NO. 21-76 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated January 29, 2021)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ALTERNATES FOR THE 2021 CALENDAR YEAR".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-76, AND FILE
THE COUNTY COMMUNICATION.

CHAIR LEE: Second? Second?

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to adopt the proposed resolution in County Communication 21-76.

Vice-Chair Rawlins-Fernandez, discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. At its meeting of January 29, 2021, the HSAC Executive Committee called a special meeting to approve its slate of officers and alternates in accordance with Section 5 of its Bylaws.

The Bylaws require each County Council to appoint one of its members to serve as an officer, and one to be designated as an alternate of the HSAC Executive Committee.

The HSAC Executive Committee proposed the slate listed in the resolution with our Maui County representative serving as Vice-President through the end of the 2021 calendar year. The proposed slate must be approved by each Council and acknowledged by the HSAC Executive Committee by June. If we are able to pass this resolution today, the HSAC Executive Committee will review, will review it during its February meeting.

I wanted to thank Member King for making sure that Maui County didn't end up as the Treasurer again in the Executive Committee. Good job.

I respectfully ask for the Councilmembers support of this motion. Mahalo, Chair.

CHAIR LEE: Any more discussion?

Yea. Yes, Ms. King.

COUNCILMEMBER KING: Thank you. Thank you, Member Rawlins-Fernandez. I really appreciate that, Vice-Chair. So, I just wanted to point out that the, the board chose to make these appointments through the end of the calendar year. So, the idea is that we're going to make a change to the Bylaws at some point and, and relax them a little bit for, but have them follow the calendar year. Because at the end of a calendar year when, you know, we lost two of our members at the end of last calendar year, and because one of those was the President who had cancelled the last two meetings in the last year, we had no way to go forward with a slate of officers. So, in order to try to sync up with the election cycle, we're changing the, the cycle to be for the entire year, which at the end of this year, whoever takes over for HSAC next would continue on as Vice-President.

CHAIR LEE: Thank you for taking one for the team.

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.

Madam Clerk.

NO. 21-77 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE,
(dated January 27, 2021)

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

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE FROM
FURTHER CONSIDERATION OF THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
NO. 21-77.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to
discharge the Committee of this item.

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The 60-day deadline for the Council to approve or disapprove the nomination of Scott Parker to the Board of Ethics is March 26, 2021, thus the discharge is needed for us to consider action today on the proposed resolution. Thank you.

CHAIR LEE: All those in favor of the discharge, 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.

Madam Clerk. Oh, I'm sorry.

COUNTY CLERK: For the record--

CHAIR LEE: Okay. You can say that, and then I'll go back to you, Mr. Molina.

COUNTY CLERK: No, go ahead. This is after--

CHAIR LEE: Alright. Alright. Mr. Molina.

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

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: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to invoke Rule 7.G of the Council.

Mr. Molina, discussion?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Very quickly, 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. Thank you.

CHAIR LEE: Any more discussion? If not, 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 carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Almost there.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION NO. 21-77, AND
TO FILE COUNTY COMMUNICATION NO. 21-77.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Because the Mayor has also nominated Mr. Parker to fill a five-year term to the Board of Ethics beginning on April 1, 2021, which expires on March 31, 2026, the Council must first vote to approve or disapprove Mr. Parker's nomination for a term expiring on March 31, 2021.

As you recall, Members, this is a term for Travis Thompson. And the procedure was explained to everyone at this past Tuesday's GREAT Committee meeting. And of course, at that same meeting, we had the opportunity to interview Mr. Parker. And he certainly impressed the Committee with his educational background, qualifications,

and so forth. And the Members recognized the importance of Mr. Parker, who placed an emphasis on fairness, trust, and confidence in the integrity of government. These are qualities certainly much needed to serve on the Board of Ethics. So, I ask the full support of the Members, I ask for the Members full support of this consideration. Thank you.

CHAIR LEE: Any more discussion? All those in favor of the motion to approve the recommendation in County Communication 21-77, 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.

Madam Clerk.

COUNTY CLERK: For the record, that's RESOLUTION NO. 21-17.

And the prior resolution for HSAC, County Communication 21-76, is RESOLUTION NO. 21-16.

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

NO. 21-78 - GABE JOHNSON, COUNCILMEMBER,
(dated January 27, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES".

The recommended action is that County Communication No. 21-78 be referred to the Human Concerns and Parks Committee.

NO. 21-95 - ALICE L. LEE, COUNCIL CHAIR,
(dated January 15, 2021)

Relating to a lease of State property located at TMK: 3-1-00:005, Kahakuloa, Hawaii, by Ahupua'a O Kahakuloa for a distance learning center.

The recommended action is that County Communication No. 21-95 be referred to the Human Concerns and Parks Committee.

NO. 21-79 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 20, 2021)

Reporting on temporary transfers/loan from the General Fund and Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of December 31, 2020.

The recommended action is that County Communication No. 21-79 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-80 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 21, 2021)

Transmitting two reports on the settlement of claims as of December 31, 2020.

The recommended action is that County Communication No. 21-80 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-81 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 19, 2021)

Transmitting the Short-Term Investment Reports as of December 31, 2020 (Fiscal Year 2021 Second Quarter).

The recommended action is that County Communication No. 21-81 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-82 - JOANN INAMASU, ECONOMIC DEVELOPMENT DIRECTOR,
(dated January 20, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.76, MAUI COUNTY CODE, CREATING THE MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND".

The recommended action is that County Communication No. 21-82 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-83 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 21, 2021)

Transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2020 and 2019, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 21-83 be referred to the Budget, Finance, and Economic Development Committee

NO. 21-84 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 21, 2021)

Transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2020, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 21-84 be referred to the Budget, Finance, and Economic Development Committee.

COUNTY CLERK: County Communication 21-85, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE".

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Yes?

CHAIR LEE: Madam Clerk. Okay, let's stop at County Communication 21-84.

Members, any objections to referring these County Communications 21-78 through 21-84 to the Committees as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objection. Okay. So, ordered.

Wait, wait, we see a frown on Ms. Paltin's face. You have a question?

COUNCILMEMBER PALTIN: Yea, sorry. I just was trying to follow along with the Clerk and I thought between 21-78 and 21-79, she mentioned the Ahupua'a of Kahakuloa, but I didn't see it on my paper.

CHAIR LEE: Oh, 21-95.

COUNCILMEMBER PALTIN: Oh, we went out of order a little bit?

COUNCILMEMBER KING: Yea, it was out of order.

COUNTY CLERK: Because the--

COUNCILMEMBER MOLINA: Yea, out of order.

COUNTY CLERK: Chair.

COUNCILMEMBER PALTIN: Oh, okay. Thank you. Sorry. I was just--

CHAIR LEE: No, no.

COUNCILMEMBER PALTIN: --looking at the paper. Got it.

CHAIR LEE: Alright, so you have no objections to the referrals as read thus far?

COUNCILMEMBER PALTIN: No objections. I just didn't keep up.

CHAIR LEE: Okay. So, next. Next, we might have anticipated action, so that's the reason why I stopped with those referrals.

Madam Clerk.

COUNTY CLERK: So, continuing with referrals to the Budget, Finance, and Economic Development Committee.

NO. 21-85 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 26, 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 MAYOR, CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT".

The recommended action is that County Communication No. 21-85 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rule 7.G of the Council.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We'll be recognizing grant funds, and so the sooner we can take action, the sooner it'll be released to the program and the program can get started. Mahalo, Chair.

CHAIR LEE: Any more discussion on the waiver? If not, all those in favor of the motion to waive Rule 7.G, 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.

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 21-85.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Any discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I of the Fiscal Year 2021 Budget to add a new appropriation under the Office of the Mayor, entitled "Coronavirus Aid Relief and Economic Security (CARES) Act", in the amount of \$3,678,460.

The Community Development Block Grant Office was notified by the U.S. Department of Housing and Human Concerns and Human Services, that the County will be receiving additional funds to assist residents impacted by the pandemic. These funds may be used for rental and mortgage assistance. And the CDBG Office is working with various organizations to distribute the funds to those who are qualified.

The CDBG Program Coordinator Joe Pontanilla is available, as well as Budget Director Michele Yoshimura, to answer any of the Members questions. I ask for the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Any questions?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Maybe a question for Budget Director Yoshimura. Any income limitations as to who can receive these funds? And what is the, the time limit, I guess, as to when these funds can be used?

CHAIR LEE: Budget Director?

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair. Hi. Councilmember Molina, for those specific questions, I will defer to Joe Pontanilla, who is the Program Manager, and he can give you better information.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: Mr. Pontanilla? Okay, does everybody, anybody see him on the call?

BUDGET DIRECTOR: So, doesn't look like he joined yet, sorry. Councilmember Molina. Council Chair.

CHAIR LEE: You think you can answer it?

BUDGET DIRECTOR: Yea, so, he's joining now. But I think the, the money--

CHAIR LEE: There he is. There he is. We see him.

BUDGET DIRECTOR: Okay.

CHAIR LEE: Okay, Joe, unmute yourself. Okay, there you go.

Oh, Mr. Molina has a question for you.

COUNCILMEMBER MOLINA: Oh yea, thank you, Chair. Good afternoon, Mr. Pontanilla. Just, just real quickly. Are there any income limitations as to who can receive these funds and what is the limit when these funds can be used? Is there a time limit?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER JOSEPH PONTANILLA: Right now, the program is targeted for 80 percent below median income. I think it's, for Maui County, it's like \$85,000. And the program runs up to December 31 of this year.

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

CHAIR LEE: Thank you.

I saw another hand. Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And aloha, Mr. Pontanilla. I was just asking if there was any additional restrictions to these set by the Federal, the Federal mandates?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: No. Just as long as they make the 80 percent below median income criteria. That's the only restrictions that we have, yea, right now. And the program is geared for rental, as well as mortgage assistance. And the program is run by, or administered by Family Life Center, as well as Maui MEO.

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI: But, just a follow up, Chair. I mean, should we have more applicants than, than funding available? Is there any administrative or, or just rules put to who should, should qualify for the funding? Would that be done by Family Life Center?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: Yea. Both Family Life Center and MEO have criterias where applicants to this fund must meet, yea? And just to give you an example, for MEO I just got their report. There were like 133 applicants and we provided, or they provided grants to three families. Majority of the applicants either didn't complete filling out the forms. In fact, that, that was an issue that they had; they didn't complete the forms.

COUNCILMEMBER SINENCI: Okay. Mahalo, Mr. Pontanilla. Mahalo, Chair. I just wanted to share, you know, in case, our office have been getting calls, so just something to share with our constituents. Mahalo.

CHAIR LEE: Okay.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Just wanted to clarify. Hi, Joe.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: Hi.

COUNCILMEMBER KING: I just wanted to clarify the income level that you talked about earlier, because you said \$85,000. But are we talking about 80 percent of that \$85,000? \$85,000?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: No. It's, it, I think 80 percent goes, the maximum you can go is like \$85,000 for a family of four.

COUNCILMEMBER KING: So, oh okay, 85,000 is the 80 percent? That is the figure?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: Yea.

COUNCILMEMBER KING: Okay, for a family of four. Okay, great. I just wanted to clarify that. Thank you. Thank you, Chair.

CHAIR LEE: Thank you.

I think I saw another. Ms. Sugimura, then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Thank you. So, thanks for being here, Joe. Such important work. So, you're saying this money was available or, when is it available? Sounds like it was done.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: It's available. It's available right now. And the, we went through several rounds of receiving CARES Act money. And the total right now we got through three rounds is \$3.7 million approximately.

CHAIR LEE: No. Joe, I think she's asking when, we're voting on it now, when is it going to be available to the people?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: It is available.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER SUGIMURA: So, this is in addition to--

CHAIR LEE: Vice-Chair--

COUNCILMEMBER SUGIMURA: Chair, if I could? This is in addition to, I saw a press release that \$43 million is coming to Maui County from the new Coronavirus . . .

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: Yea, that's--

COUNCILMEMBER SUGIMURA: Is that separate?

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: That's another program. I think it's run by the State, providing monies to the counties, the different counties in the State.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: But that one doesn't go through his office.

Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I just wanted to explain, so, for Member Sugimura, that we have to amend the budget before the money can be used.

COUNCILMEMBER SUGIMURA: That's what I thought.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER SUGIMURA: Doesn't sound like it. Thank you.

CHAIR LEE: Alright, any more questions for the CDBG Director? If not, thank you, Joe.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER: Thank you, Chair.

CHAIR LEE: And, okay, no more questions? All in favor of the motion let's see, the motion, we already did the waiver. So, this is to pass the bill on first reading, 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.

Madam Clerk.

NO. 21-86 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 26, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 – EMERGENCY RENTAL ASSISTANCE".

The recommended action is that County Communication No. 21-86 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I move to waive, where'd it go?

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

COUNCILMEMBER SINENCI

SECOND.

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

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, this, this is the funds that Member Sugimura was referring to about the \$40 million. So, the sooner we can recognize it and amend the budget, then the sooner And in the future, I would like to amend the Rules of the Council so that when we receive grants, I won't need to waive Rule 7.G. Mahalo, Chair.

CHAIR LEE: Good idea. One less step. Alright, is there any discussion besides Vice-Chair's explanation? Any questions? If not, oh, this is just to waive the Rules. 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 to waive the Rule 7.G.

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 21-86.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Vice-Chair Rawlins, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass this bill in County Communication 21-86 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I of the Fiscal Year 2021 Budget to add a new appropriation under the Department of Housing and Human Concerns entitled "Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – Emergency Rental Assistance" in the amount of \$43 million.

The funds from the 2021 Emergency Rental Assistance Program will provide emergency rent and utility assistance to households impacted by COVID-19 who have a household income of 80 percent and below of the area median income.

These funds will be administered through the Hawaii Housing Finance and Development Corporation. And they will be good for 12 months, instead of the three months like MEO had, the funds that was associated with MEO's program.

Director, DHC Director Lori Tsuhako is on the line, as well as Budget Director Michele Yoshimura, if Members have any questions.

CHAIR LEE: Okay, Members, do you have any questions?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Member Molina and then Member Sugimura.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I guess for either Ms. Yoshimura or Ms. Tsuhako. Will people in need be allowed to apply for funds just only on a monthly basis, or will this be just a one-time grant; once you apply, you get it, that's it, you're not eligible? For either Ms. Yoshimura or Ms. Tsuhako.

BUDGET DIRECTOR: Chair.

CHAIR LEE: Department.

BUDGET DIRECTOR: Councilmember--

CHAIR LEE: Okay, I, I'm pretty sure the department is supposed to answer that.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS LINDA MUNSELL: Hi. Thank you. Thank you for the question. This is Linda Munsell, I'm the Deputy Director for the Department of Housing and Human Concerns. The households are allowed to actually apply for up to three months in advance. They're also able, this program will also cover rent and utilities in arrears back to the beginning of the pandemic. So, they could apply for funds back to March of 2020, assuming those arrears have not been covered by other programs.

COUNCILMEMBER MOLINA: Okay. Thank you. And then--

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, one last quick question. Is there any flexibility in the grant that would allow people of slightly higher income, such as 100 percent of the median income, to have access to these funds? Because Maui's such a high cost of living area and you still have people in that category that may be struggling. So, or are we just restricted to 80 percent.

CHAIR LEE: Ms. Munsell.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you, Mr. Molina, for the question. These are Federal funds and the Federal requirements say that they're restricted to 80 percent AMI and below.

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

CHAIR LEE: Thank you.

Ms., just a follow up, Ms. Munsell. You said three months, so what is the dollar limit?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you. Thank you for the question, Chair. That hasn't been established yet. That's one of the problematic things that we will need to work on. There is, right now, we've got an allocation of about \$40 million with the potential of, of course, getting a little bit more depending on what happens for utilization across the State. So, that's going to be a discussion that we're going to have in the future. We're just in the process now of identifying our RFP of this program and putting it together.

CHAIR LEE: Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: --news. So, when is it, when is the commencement? Is it March, of this grant, when people can apply?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: We are currently in the process of doing an RFP. The requirements also require that we use smartsheets. So, our expectation is that the funds will actually become available to us relatively soon. We think in the next 30 days. And we're hoping that, well, the funds should be available to us within the next couple of weeks. And we're hoping to have a provider identified by the middle of March and have this rolled out not later than April 1, sooner if possible.

COUNCILMEMBER SUGIMURA: Okay. So, it's not necessarily Catholic Charities, which, which provided that, the last round, the CARES Act funds. Or do you know if it's Catholic Charities?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes. Thank you for the question. We're actually required to RFP these funds so there's no identified provider. Obviously, one of the requirements is going to be that they have the capacity to handle this kind of volume of funding, and that they have the ability to use the reporting systems that are going to be part of criteria from the State, and that would be smartsheets. We're not sure, obviously, who will apply to administer the funds for us.

COUNCILMEMBER SUGIMURA: Excellent news. Thank you very much.

CHAIR LEE: Any other questions from other Members?

COUNCILMEMBER KAMA: Chair.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you. So, just out of curiosity, how far, or how many families, or people can be served with the \$40 million, if you even assume that they will come back three times? And, and the same, and the people that were served before, I mean, I'm trying to, I'm trying to figure out how we can serve the people we didn't serve before, not because they didn't qualify, but because they didn't know about it, or they didn't get paperwork in on time, or they found out at the last minute the money had run out? How do we, how do we prevent the same people coming again, and again, and again and still people who have never ever been be able to come and receive assistance?

CHAIR LEE: Ms. Munsell.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Chair, thank you. Thank you for the question. One of the criteria that we need to find a way to resolve is make sure that we're not doing duplication of services. So, someone who received reimbursement for rent, for instance, back in August this past year, we have a process, or going to put a process in place to ensure that they don't get reimbursed for something that they've already been paid for.

I'm not sure that we are going to limit these funds to people who have never applied before. I think that that would be shortsighted considering we've got \$40,000 *[sic]* currently available to us. But we do want to make sure that we're not duplicating payments to those people who have already received a payment. One of the--

CHAIR LEE: \$40 million.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yea, that's a, that's a little bit of cash here. So, one of the, one of the things that we are going to do, because this is targeted not only at rent, but also at utilities, we're going to partner with the Hawaiian Electric and our other utilities providers and try and get the word out, flyers out, and maybe bills and other places so that people who are perhaps in areas or having challenges will know that they could come and get perhaps some assistance through the County for these funds.

So, we're, we're working on how do you get the word out to a broader range of folks? And of course, we're always open to suggestions and ideas from all of you. But we're expecting that we're going to certainly place information out in bank, the banks, the credit unions, other places like that, and also partner with our utilities to get information out as well.

COUNCILMEMBER KAMA: Thank you. So, when you say utilities, what are you talking about?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Chair. Thank you for that. Usually it's electric, garbage, water service, those kinds of things. Telephone is not considered a utility. I just saw some guidance on the, what was defined, and I'm sorry, I, my brain is fried at the moment. I, I forget what that included other than the electric, trash, and water.

COUNCILMEMBER KAMA: Could we see if we can do something about Wi-Fi? Is Wi-Fi a utility or not a utility?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: My understanding it is not a utility. And that again would be defined by the Federal government, since these are Federal funds.

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

CHAIR LEE: So, we have Vice-Chair Rawlins-Fernandez. And then we have Member Johnson.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I really quickly wanted to touch upon Member Kama's concerns about reaching everyone. And there was an article last year on \$8 million being refused by landlords because they're not paying taxes on the rent that they collect from their tenants. So, how bad of a problem is that in Maui County?

CHAIR LEE: Ms. Munsell.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank, thank you. Thank you for the question. That was really an issue with the last round of funding that they have worked hard to resolve in this round. What they have allowed is that the, if the landlord chooses not or doesn't want to participate for various reasons, there is a process to allow the tenant to apply for the funding on behalf of the landlord, pay the tenant, and then pass that, that money onto the landlord. Of course, there's

documentation associated with that, and there's certifications that is intended to ensure the money actually does reach the landlord. So, we are trying to resolve that question.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Deputy Director Munsell. Mahalo, Chair.

CHAIR LEE: Alright.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Aloha, Linda. So, I guess I'm going to piggyback off of Member Kama's question in regards to the Wi-Fi situation. Some people use their internet through the phone and others use it through the cable. Is cable considered part of the utilities?

CHAIR LEE: Member, I mean, not member. Oh, yea, Member Yoshimura.

BUDGET DIRECTOR: Chair, so in order to answer Councilmember Johnson's question, we did get FAQ's from the U.S. Department of Treasury. And in item number 1, they were specific in what they identified as utilities. Utilities include electricity, gas, water and sewer, trash removal, and energy costs such as fuel oil. Telecommunication services such as telephone, cable or internet delivered to the rental dwelling are not considered to be utilities.

COUNCILMEMBER JOHNSON: Alright.

BUDGET DIRECTOR: So, they won't qualify.

COUNCILMEMBER JOHNSON: That's, that's kind of a concern, cause that's how our kids are learning right now. So, thank you for that clarification. I have no further questions, Chair.

CHAIR LEE: Good point. Any more questions for the Deputy Director? If not, are you ready to vote on this matter? Okay. All those in favor of the motion to pass this bill in County Communication 21-86 on first reading, 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: All "ayes", no "noes"; motion carries.

Madam Clerk.

COUNTY CLERK: For the record, that's BILL NO. 4 (2021).

And also, the bill attached to County Communication 21-85 is BILL NO. 3 (2021).

NO. 21-87 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 29, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF TRANSPORTATION, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) SECTION 5307 URBANIZED AREA APPORTIONMENTS, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) SECTION 5311 RURAL AREA APPORTIONMENTS".

The recommended action is that County Communication No. 21-87 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER PALTIN:

SECOND.

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

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Again, we're receiving a grant. And the quicker we can approve it and amend the budget, the quicker it can be used. Mahalo, Chair.

CHAIR LEE: Any more comments or questions on the waiving the Rule? If not, all those in favor, say "aye" to the motion, 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.

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 21-87.

COUNCILMEMBER PALTIN:

SECOND.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I of Fiscal Year 2021 Budget to add two new appropriations to the Department of Transportation. The first is a "Coronavirus Response and Relief Supplemental Appropriation Act of 2021 Section 5307 urbani, Urbanized Area Appropriationments *[sic]*", in the amount of \$2,841,510. And the second is entitled "Coronavirus Response and Relief Supplemental Appropriations Act of 2021", in the amount of \$4,000,135.

These funds will primarily be used for public transit employee payroll, and appro, operational costs. If the Department intends to use the funds for other purposes, prior approval will be required from the Federal Transit Administration.

Transportation Director Takamori is, Marc Takamori, as well as Budget Director Michele Yoshimura is on the line to answer any questions Members may have. Mahalo, Chair.

CHAIR LEE: Are there any questions for the Directors?

Member Molina, and then--

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Oh, sorry, Madam Chair. Question I guess for Director Takamori. Good afternoon, Mr. Takamori. The grants total roughly \$7 million, so at this point do you foresee using the entire \$7 million for transit payroll and operation? Or as Budget Chair Rawlins-Fernandez stated, that if other purposes are intended for these funds, you know, you need the Federal Transit Administration, I guess, to give approval. Are you seeing that some of these funds could be used for other purposes if, if the intention is to use all \$7 million?

CHAIR LEE: Director Takamori.

DIRECTOR OF TRANSPORTATION MARC TAKAMORI: Yes. Hi. Thank you. This is, I'm Marc Takamori, I'm the Director for County Transportation. Thank you, Councilmember Molina, for that question. As of right now, we are receiving these funds from FTA through the State. And so, we're working with the State on, on the usage. And as of right now, it's, it's, the stated purpose is to be used for public transit employee payroll and operational costs.

Due to us, because we have suspended routes, we do have contractor employees that are accruing administrative leave, and so those costs are actually, is able to be paid out. And that's kind of what the uses is. The nice thing about these funds is that it's, it's, it doesn't have an expiration date like other funds we have seen for other programs. So, we are expecting to carryover these funds into the next fiscal year as well. So, so we are receiving it right now, but it's not intended to be spent out within this fiscal year.

COUNCILMEMBER MOLINA: Okay.

DIRECTOR OF TRANSPORTATION: Within this current fiscal year.

COUNCILMEMBER MOLINA: Okay. So, kind of still early to tell if you may consider using those funds for other purposes yea? Okay.

DIRECTOR OF TRANSPORTATION: Correct. But if we do change it, then we do have to request changes through the State to FTA.

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

CHAIR LEE: As a, as a, thank you. As a follow-up, Marc, that \$7 million you didn't expect to get, so would that mean that since you get your funding from the Highway Fund, you will spend \$7 million less from the Highway Fund, possibly, or more?

DIRECTOR OF TRANSPORTATION: It, it, thank you, Chair Lee. That, that could be a possibility for sure. Some of the, some of the costs are additional costs over what we currently do for public transit. So, in terms of, like, enhanced cleaning, we are paying additional funds for that. So, it's not like a swap of funds. We do have additional incurred funds that are being paid out from CARES money, or, and then eventually through the CRRSAA funds.

CHAIR LEE: Right. But your operations have been substantially reduced, right? So, I would think your costs have gone down somewhat.

DIRECTOR OF TRANSPORTATION: So, yes. Correct. So, because we do have some, some routes that are still suspended, there will be carryover savings coming back into the Highway Funds of County funds.

CHAIR LEE: Okay. Thank you.

Now, someone else had a question. Member Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you. I just was wondering, it's not all of Maui County that's considered rural, there, for this, for the purpose of this grant?

DIRECTOR OF TRANSPORTATION: Thank you, Councilmember Paltin. For FTA funds, primarily it, it's utilized on Maui island. And so, I, most of the island, on Maui island is rural. The urban area is the Wailuku, Kahului, Paia, Waihee, Waikapu, is considered the urban area. But for the most part, because our transit system kind of leaves Central Maui and heads out into the rural and then comes back, because we crossing those lines, it's, it's, we're able to use it in both areas. So, basically, for the Maui Bus system, we're able to use those funds.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any more questions? If not, all those in favor of passing this bill on first reading and filing of the communication, 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.

Thank you, Marc.

DIRECTOR OF TRANSPORTATION: Thank you very much.

CHAIR LEE: Madam Clerk.

COUNCILMEMBER SUGIMURA: So, Chair.

CHAIR LEE: Was that, yea. Oh, did you have a question?

COUNCILMEMBER SUGIMURA: I do.

CHAIR LEE: I'm sorry.

COUNCILMEMBER SUGIMURA: I just want this item, if you could, subject matter item to go to my Committee. On February 22, Director Takamori is doing his operation and budget presentation before my Committee and I just wanted to provide him the opportunity to also include this. So, if I could, just send it over?

CHAIR LEE: Oh, we're going to pass the bill on first reading, so maybe we'll send the--

COUNCILMEMBER SUGIMURA: Subject matter.

CHAIR LEE: --subject matter? The subject matter?

COUNCILMEMBER SUGIMURA: Yes. Yes.

CHAIR LEE: Okay. Any objections to that request?

MEMBERS VOICED NO OBJECTION.

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

The matter relating to "Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) Section 5307 Urbanized Area Apportionments" and "Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) Section 5311 Rural Area Apportionments" was referred to the Infrastructure and Transportation Committee.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Madam, Madam Clerk.

COUNTY CLERK: BILL NO. 5 (2021).

NO. 21-88 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 27, 2021)

Transmitting the Budget Implementation Report as of December 31, 2020 (Fiscal Year 2021 Second Quarter).

The recommended action is that County Communication No. 21-88 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: I don't think we have any action anticipated on this. Proceed please.

COUNTY CLERK: Okay. And County Communication 21-89, from the Chair of the Budget, Finance, and Economic Development Committee, transmitting the following--

CHAIR LEE: Okay. Now, hold up, hold up, Madam Clerk. This next item, I believe there might be action anticipated. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I would like to--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --give Councilmembers that consideration.

CHAIR LEE: Okay. So, if there's no objections, I would, we'd like to refer this item, CC 21-88 to the, from the Budget Director to the budget, to BFED. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, moving on to the next one; 21-89.

Madam Clerk.

NO. 21-89 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, BUDGET, FINANCE,
AND ECONOMIC DEVELOPMENT COMMITTEE,
(dated January 28, 2021)

Transmitting the following:

1. County Communication 21-26, from the Director of Finance, 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";
2. Correspondence dated January 26, 2021, from the Director of Finance, transmitting a revised 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", and an appraisal report dated October 16, 2020, prepared by Fukuda Valuation and Consulting LLC; and
3. Correspondence dated January 25, 2021, from the Budget Director, 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 FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY"; and

3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".

The recommended action is that County Communication No. 21-89 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO DISCHARGE THIS ITEM FROM MY, FROM THE BUDGET, FINANCE, AND EXECUTIVE, SORRY, ECONOMIC DEVELOPMENT COMMITTEE.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND, FOR DISCUSSION.

CHAIR LEE: Okay. It's been moved by Vice-Chair Rawlins-Fernandez, and seconded by Member Paltin, to discharge this item from the Committee. Okay.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We asked Mr. Ben Walin to serve as a resource for this item, and he's joined us for discussion. Discharge would be necessary for discussion.

And in testimony this morning, we learned new information that was not available to us at the BFED Committee meeting. And so my--

CHAIR LEE: Any que--

VICE-CHAIR RAWLINS-FERNANDEZ: --my intention is to discharge, so that we can, well, I'll have to discharge and then do the waiver of 7.G, so that we can get to a motion for discussion. And if Members want to vote it down, we can vote it down and just keep it

on the agenda. But we'll have to take those actions first. So, nothing will be permanent, and you can take things back if you want to. Mahalo, Chair.

CHAIR LEE: Okay. So, the plan, so your intention is to take these steps in order to have a discussion, not necessarily to take action?

VICE-CHAIR RAWLINS-FERNANDEZ: I would like to take action.

CHAIR LEE: But the body gets to decide, you know--

VICE-CHAIR RAWLINS-FERNANDEZ: Yup.

CHAIR LEE: --whether it's today or some other day.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm just one, I am just one vote. So, in order for us to have a discussion, we'll, we'll need to take these steps.

CHAIR LEE: Okay. Alright. Any more questions? All those in favor of the discharge, raise your hand, say "aye", of a discharge.

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

CHAIR LEE: Okay, so I see one, two, three, four, five; five "ayes".

"No", on the discharge.

NOES: COUNCILMEMBER KAMA, KING, MOLINA, AND
SUGIMURA.

CHAIR LEE: Four "noes" on the discharge, five "ayes"; motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

CHAIR LEE: Okay. Second?

COUNCILMEMBER PALTIN:

SECOND.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, as I mentioned, if we would like to have a discussion, we would need to take these steps. When I asked Mr. Walin to serve as a resource, there were no objections. And so, if Members are now voting against going through this process in order to have a discussion, then Members should have made their objections known so that Mr. Walin didn't waste his time waiting for us to take up this item. Mahalo, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I'm a little bit troubled and confused as to why we're doing this today. If someone can stand to correct me, if I recall at Wednesday's meeting, a number of us wanted to wait and maybe have another Committee discussion on this, and not consider any action today in terms of, you know, approving or disapproving the purchase. Cause as I heard from Council Vice-Chair Rawlins-Fernandez when she said she wants to take action, maybe I need clarification on that. Action for what? Is it to, to vote on this matter to buy the Maui News property or not? So, maybe I need some clarification, cause honest, this is kind of a surprise to me. But that's just me. Thank you, Madam Chair.

CHAIR LEE: Sure.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would be happy to answer Member Molina's question. Yes, that is what we discussed in the BFED Committee meeting. This morning, Mr. Walin testified, bringing new information about the time sensitivity of this item. During discussion, comments were made that made the property owner very uncomfortable about how long this may take, and is considering putting it on, is considering listing this item now, the property, which means that it'll be open.

There, as Mr. Walin stated in his testimony this morning, there were at least three other parties that have looked at this property. And so, as we discussed in Committee, the understanding was that there was, there, there may no, not be any interest right now to buy a property like this. And that assumption was not correct; that there is interest.

And if we don't at least show the property owners that we would like to purchase this property, even if it's not for the Council, that this bill requires two readings. And so, this would just be the first, and it wouldn't, we wouldn't purchase it on a first reading. We would still need to have a second reading. But at least that will show our commitment to the property owners and not list it publicly for other parties to consider purchasing, and we lose our opportunity like One Main Plaza. Mahalo, Chair.

CHAIR LEE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'm sorry, did Mr., did that answer Mr. Molina's question?

CHAIR LEE: I don't know. Mr. Molina?

COUNCILMEMBER MOLINA: Well, I have a follow-up comment, but I'll yield the floor first to my colleague Member Sugimura.

COUNCILMEMBER SUGIMURA: No, go ahead. Finish your, your thought process.

COUNCILMEMBER MOLINA: Well, then, it would seem to me that if the majority of folks, Council, you and my colleagues want to have basically a Committee meeting here today and attempt to pass this on first reading, then, that's what I'm interpreting right now. Or that sounds, seems to be the case. So, okay, I'll leave it at that and I'll wait to hear comments from the rest of my colleagues. Thank you, Madam Chair.

CHAIR LEE: Okay. Before I call on you, Ms. Sugimura, is there a need to go into executive session, Vice-Chair Rawlins-Fernandez? I, you know, we seem to be dancing around a little bit, the topic, because we're not sure what's allowable to be discussed and what's not allowable to be discussed. Is, in your mind, is, is there a need to go into executive session? If not, I'll just keep on going to everybody else and ask, so they can ask questions.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I haven't heard any questions that wasn't already discussed by Mr. Walin in his public testimony this morning.

CHAIR LEE: No, but my concern was the due diligence part. You know, the due diligence part.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: Do we have to go in--

VICE-CHAIR RAWLINS-FERNANDEZ: If, if, if Members would like to discuss our liability or any of the confidentiality part of this item, then I can make that motion.

CHAIR LEE: Yea. We, it's, it's permitted to go into executive session when we are discussing the purchase of real property. So, Members, do you want to do that, or do you just want to have a superficial on the surface discussion?

Ms. Paltin.

COUNCILMEMBER PALTIN: Sorry, I just had a question. I was wondering if somebody, and, and not to say I don't trust Mr. Walin, but I just was wondering if somebody could verify that he's the person that's representing the Maui News building, like, and that our Finance or whoever's been heading this up from the Administration.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Not that I don't trust realtors, but I just, you know, trust . . . verify.

CHAIR LEE: Sure.

COUNCILMEMBER PALTIN: I mean--

COUNCILMEMBER KING: Point of order, Chair. I, I, I don't think we're at the discussion level yet, because we haven't passed the waiver. I think we're asking for information.

CHAIR LEE: Well, that's true and that's why Vice-Chair, I wanted to know if you folks wanted to go deeper into this and go into executive session? But, so if you had any, you know, questions not necessarily having to do with this, the purchase itself but, you know, procedural questions.

COUNCILMEMBER PALTIN: I, I just wanted to verify that he's the one representing Maui News. Cause if--

CHAIR LEE: Okay. Okay.

COUNCILMEMBER PALTIN: --he can't verify that, then why would we continue discussion?

CHAIR LEE: Is Mr. Teruya on the line? Mr. Teruya?

DIRECTOR OF FINANCE SCOTT TERUYA: Yea, Chair, I'm here.

CHAIR LEE: Okay. Can you just say yes or no?

DIRECTOR OF FINANCE: Yes, I'm here.

CHAIR LEE: Did you hear the question, but?

DIRECTOR OF FINANCE: No, I didn't hear the question. I just logged in.

COUNCILMEMBER PALTIN: Is Mr. Walin who you've been working with that's representing the Maui News?

DIRECTOR OF FINANCE: Chair Lee, yes, that is correct. He is the representative for the buyer, for the seller.

COUNCILMEMBER PALTIN: Thank you. Sorry. I'm just making sure.

CHAIR LEE: Okay. Okay.

DIRECTOR OF FINANCE: No problem. Thank you.

CHAIR LEE: Alright. Do, do you have any procedural questions, or you want to vote on, on the motion, which is to waive the Rule? Anymore?

Yes, Ms. King.

COUNCILMEMBER KING: I think, I think Ms. Sugimura had her hand up before me. I'll go after her.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just wanted to, you know, if I, if I think about the Committee meeting, which we just . . . right now, one of the things that was said and I thought that was agreed on is that we would do a site visit, it would be coordinated through a one day and you know, so we wouldn't break Sunshine. And all of that was discussed. And then, and then, you know, we would not take up this during Council because it would be like--

CHAIR LEE: Can I stop you right there?

COUNCILMEMBER SUGIMURA: --exactly what's happening.

CHAIR LEE: Can I stop you right there? If that's what you're going to be talking about, that line of, you know, we need to--

COUNCILMEMBER SUGIMURA: Discussion.

CHAIR LEE: No. We need to vote on the waiving the Rule. Because now you're talking due diligence.

COUNCILMEMBER SUGIMURA: Okay, otherwise, otherwise--

CHAIR LEE: Okay. You're talking about due diligence and that has nothing to do with the Rule, so that is the reason why I, I asked if anybody had procedural questions? And then we'll get to your, to your question. Okay? So, what I'd like to do is just vote on waiving the Rule so that we can have a discussion. You got, you get that? We got to go through that step.

COUNCILMEMBER SUGIMURA: I, I understand. And I think that what my colleagues are saying, and I kind of feel the same way is I feel a little uncomfortable discussing this because of where we left it at the meeting. And you cannot be so irritated at us, because that is what the Committee said in, when we took up this item at the Committee meeting. So, I, I, I don't think I'm alone in wondering, you know, what are we doing here, and with this new information, so?

CHAIR LEE: Okay. I'm not irritated at you. I'm trying to explain as clearly as I can that certain things have to be done first before we discuss this matter. And, and certain things in the discussion may have to end up in executive session. That's what I'm saying.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to reiterate what you said, that if Members would like to actually have this discussion, then we can waive the Rule and then we can always vote against the motion. None of this is permanent. Like, you're not making this, like, one time, you know, commitment, never take back. Like, we're just going to waive the Rules so we can have this discussion. So, we can take the vote and I can answer Member Sugimura's question, which is yes, we can do that before second reading. Mahalo, Chair.

COUNCILMEMBER KING: Chair, you're, you're muted.

CHAIR LEE: All those in favor of the motion to waive the Rule raise your hand and say "aye".

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

CHAIR LEE: I see one, two, three, four, four. One, two, three, four, five; five "ayes".

Those against the motion, raise your hand.

NOES: COUNCILMEMBER KAMA, KING, MOLINA, AND
SUGIMURA.

CHAIR LEE: One, two, three. One, two, three, four; 5-4 again. So, motion carries.

Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Don't you need a two-thirds vote?

COUNCILMEMBER KING: Point of order, Chair. Don't you need a six, don't you need a six,
a two-thirds vote for a waiver?

COUNCILMEMBER SUGIMURA: You need two-thirds vote.

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

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank, thank you, Chair. Yes.

CHAIR LEE: Okay. So, the motion fails. Okay, so.

SUPERVISING LEGISLATIVE ATTORNEY: That's correct. Two-thirds vote is required.

CHAIR LEE: Okay. So, the motion fails. So, this matter will be referred to the Budget
Committee. Are there any objections to that?

COUNCILMEMBER KING: No objections.

COUNCILMEMBER MOLINA: No objections.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, mahalo, Chair.

I WOULD LIKE TO MOVE THAT COUNTY COMMUNICATION
21-89 BE POSTPONED UNTIL THE NEXT COUNCIL
MEETING.

CHAIR LEE: Is there a second?

COUNCILMEMBER SINENCI:

SECOND, FOR DISCUSSION.

CHAIR LEE: Okay. Moved by Vice. Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci to, to lay this matter on the Clerk's desk until the next Council meeting.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would first like to apologize to Mr. Walin for asking you to serve as a resource and not even ask you any questions. Our, my apologies.

The second thing is I would like to have this remain on the Council meeting, because if the property owner is watching this meeting, I'm sure they have no doubt now in putting this listing public. So, time is of the essence now. And, you know, I, I don't want to be like Member Molina who voted for One Main Plaza and 20 years later talking about his colleagues that voted against it, and the missed opportunity that it was. Mahalo, Chair.

CHAIR LEE: Yes, Ms., Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. In all fairness, we just found out about the urgency of the property owner today, today. We just got through with the Committee meeting on Wednesday, where some Members, myself included, just wanted a little bit more time. And it was agreed that, you know, we would look at this at a future Budget meeting. Myself and some of the other Members didn't feel quite comfortable to act on this decision today at Council. So, you know, we have, all have the opportunity if Mr. Walin would be willing to leave his contact information. We can contact him prior to the next meeting, whether it be at Council or Budget, to get our questions answered.

But Madam Chair, you mentioned the word due diligence. That's what we're supposed to do when we're looking at a potential \$9 million purchase, just coming off the heels of purchasing another building for, what was it, \$6 million in these very austere or difficult times we're having. We don't even know what our potential revenue projections are. So, and it's kind of generally agreed it's going to be heck of a lot less than last year. So, that's all this is.

It doesn't mean all of us are against the purchase. It's just some of us feel we need to do our due diligence. I've been getting comments since the story came out in the Maui News about, you know, why is the Council, you know, they're telling people they're going to potentially cut services to the public, maybe cut funding for the nonprofits that help our citizenry. Now, all of a sudden, looking at buying land to, I guess in their minds to take care of ourselves.

On the one hand, I agree with the purchase. The potential for, you know, you spend, as I mentioned to Mr. Walin earlier, you spend money to eventually save money in the long run, so there's a good argument for that. And that's all this is. For, I'll speak for myself, you know, I don't like to rush into a, you know, making a purchase where again everybody knows we're going to all have to tighten our belts and some tough decisions are being made. So, it's, I hope the owners are watching this and understand we're the gatekeepers. We got to make the tough call, you know, support or not.

But I think it's only fair that we be given the additional time. And, and as I said earlier, we only found out today from Mr. Walin that now the property owners are, you know, considering putting it on the market. So, it's all about, you know, just trying to get all the, all the details about this whole case, or this whole proposal. So, that's all there is. So, anyway, I think I've said enough. Thank you, Madam Chair.

CHAIR LEE: And thank you, Mr. Molina. I don't think anybody can, you know, mount a huge argu, counterargument to that. But I think what was said earlier is kind of forgotten. This doesn't necessarily mean this building is going to be for the, for the Council. The, the Administration wants to buy the building. And if we don't, if we don't express interest in it, they're going to just use it for their purposes, that's all. So, one way or the another, more than likely, this building is going to be bought by the Administration. Even though we, we, we'll have the opportunity to approve the funding or not approve the funding, I think as the information rolls out you're going to see how, how, you know, financially reasonable this is.

But what we, we, we struggle today with procedure, because if you had agreed to go to the next step, we could have talked about, more about due diligence. So, that's, that's the challenge we had today. But I, I understand you folks don't know some of the things that we're, I was privy to and what Vice-Chair Rawlins was privy to. I mean,

she, her information came to her one way, it came to me another way. And we tried to explain it to you as best we could in open session but, you know, we had to go to the next step in order to give you more information.

But that's fine. You folks voted, and that's fine. We, I accept the vote, and I'm sure Ms. Rawlins-Fernandez accepts the vote. But due diligence is absolutely necessary. And, and both Vice-Chair and myself would insist on it. And that's the part we wanted to get you to the next step, but we never got to it. So, we'll figure something out, how we can help you do the due diligence, okay?

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And so, Chair, there's a motion on the floor to keep this on for the February 19 Council meeting. So, I was just wondering if the other Members, is that enough time to do the due, due diligence? If so--

CHAIR LEE: Are you asking everybody?

COUNCILMEMBER SINENCI: Only to support if, if we want to support keeping this on. I would support keeping it on. I'm the seconder, however, I just wanted to see if, if we can do the due diligence by then?

CHAIR LEE: Yea. Okay. And then we have Member Paltin, and then Member Kama, and then Member Sugimura.

COUNCILMEMBER PALTIN: As part of my discussion on this item that's on the floor, I just was wondering if anyone on the last vote wanted to ask for a reconsideration?

VICE-CHAIR RAWLINS-FERNANDEZ: I'll consider that a friendly amendment, Chair.

CHAIR LEE: And what would that amendment be?

COUNCILMEMBER PALTIN: Or a reconsideration.

CHAIR LEE: To reconsider? To reconsider?

VICE-CHAIR RAWLINS-FERNANDEZ: To reconsider. To reconsider the discharge of County Communication 21-26, and to keep 21-89 on the Council agenda.

CHAIR LEE: Okay. You, you wouldn't be able to do that, because it has to be the prevailing side.

COUNCILMEMBER PALTIN: No, that's why I was asking.

VICE-CHAIR RAWLINS-FERNANDEZ: I voted for the discharge.

CHAIR LEE: I'm sorry, what did you just say?

VICE-CHAIR RAWLINS-FERNANDEZ: I voted for the discharge.

CHAIR LEE: Okay. No, but we lost.

VICE-CHAIR RAWLINS-FERNANDEZ: No, we lost the waiver.

CHAIR LEE: Yea, so we, so that has to be, that has to be reconsidered. That vote has to be reconsidered.

VICE-CHAIR RAWLINS-FERNANDEZ: No, the, the discharge have, has to be reconsidered. Because we voted to discharge it from the Committee.

CHAIR LEE: She was asking about reconsidering the waiver vote.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, the waiver?

CHAIR LEE: Right, the waiver vote? The one we lost? So, then the, the prevailing side can ask for reconsideration.

COUNCILMEMBER PALTIN: I was asking if anyone on the prevailing side wanted to reconsider so we could hear the guy. Cause if I knew we weren't going to use a resource, I would've asked some questions in testimony, and I never got a chance.

CHAIR LEE: Alright.

COUNCILMEMBER PALTIN: So, I, I cheated.

CHAIR LEE: Alright, so are you making a motion, Ms. Paltin, to reconsider the--

COUNCILMEMBER PALTIN: What would the motion be?

CHAIR LEE: --waiver?

COUNCILMEMBER PALTIN: I was on the losing side, though. So, I'm, I'm asking if anyone on the winning side wanted to make a reconsideration so we can just ask the resource

some questions, because I didn't get any opportunities during public testimony cause I thought I was going to get an opportunity now. And, I mean--

CHAIR LEE: No, no. Okay, okay, wait. Try wait, wait, wait, wait. Let's take care of this procedural matter.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: My, David, my belief is we need to have somebody on the prevailing side of the last vote, request reconsideration. David?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. Yes, the way reconsideration motions work, it's only someone who's on the prevailing side who, who can make a motion that's in order. That said, while any relevant motion is pending, the Council, if it so chooses, I would think would be able to consult with a resource person or engage in any deliberations that might help to resolve any pending motion.

COUNCILMEMBER PALTIN: So, we can ask him some questions?

CHAIR LEE: See how liberal this guy is? Isn't he wonderful?

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just a question for Mr. Raatz. So, on the waiver vote, it was five to four. You needed six votes. The six votes was not attained, so the four of us who voted against, so, one of us four got to make the motion for reconsideration and get a second, okay. And then, I guess the revote can take place?

CHAIR LEE: Mr. Molina, that's what I was asking. And he told me no need.

COUNCILMEMBER MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Is that what you said?

CHAIR LEE: Yea, that's what he said. He said don't have to reconsider.

COUNCILMEMBER SUGIMURA: Why do we have Rules then? Got to have the two-thirds.

COUNCILMEMBER KING: No, Chair. Chair, point of order. What he was saying was that we don't need to take that revote to ask questions of our resource person.

CHAIR LEE: That's right. That's right.

COUNCILMEMBER KING: We have a motion on the floor. So, what Mr. Molina was saying was that, he was trying to explain the, the process of, of bring, you know, reconsideration.

CHAIR LEE: No. Well, Mr. Molina was asking a good procedural question, which was how come we're having a discussion when the vote was, you know, was not passed? How come we're having a discussion? Right, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, cause we were I guess--

CHAIR LEE: Isn't that your question?

COUNCILMEMBER MOLINA: The end result was the six votes weren't, weren't achieved to continue the discussion, right.

CHAIR LEE: See.

COUNCILMEMBER MOLINA: So, that's what I'm asking. And now, Member Paltin asked for a possible reconsideration of the prevailing side, which was actually only four votes, yea. So, that's what I'm just trying to get clarity on. So, I guess we, we, so you're saying we don't have to have a reconsideration vote to have a discussion or ask questions of Mr. Walin?

CHAIR LEE: Mr. Molina--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: --I was, I agree with you. From my experience, we would have to have that vote. However, Mr. Raatz' interpretation is we can have that discussion because it's re, it's relevant to the procedure.

Isn't that what you just said, Mr. Raatz?

SUPERVISING LEGISLATIVE ATTORNEY: In essence, yes. Thank you, Chair.

CHAIR LEE: Oh--

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

CHAIR LEE: --you know, that's why it's a little weird.

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Raatz also pointed out the fact that we have a, a motion on the floor that was seconded, and we're in discussion. So, this is all, so under this motion, we could continue to have discussion.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Let me just remind you, the motion right now, the current motion on the floor is to keep this matter on the, the Clerk's table till the next Council meeting. That is the motion on the floor. And under that motion, you can have discussion. That is what Mr. Raatz is saying. Okay?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Can, can I please ask Corp. Counsel to, for their interpretation of this procedurally? Corp. Counsel?

CHAIR LEE: Moana, are you on the--

CORPORATION COUNSEL MOANA LUTEY: I'm here.

CHAIR LEE: Hi, Moana. Are you on the line?

CORPORATION COUNSEL LUTEY: Yes, I am.

CHAIR LEE: Go ahead, Moana.

CORPORATION COUNSEL LUTEY: Hi, everybody. I agree with Mr. Raatz in terms of where we're at currently. So, I think that you can have discussion by asking Mr. Walin some questions on the topic that you are currently pending on.

COUNCILMEMBER PALTIN: Oh, nice.

CHAIR LEE: Okay. Is everybody clear on the motion and why we're doing this? Okay.

COUNCILMEMBER SUGIMURA: So, we've just, Chair?

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: So, we've just moved this item to second reading is what you're saying?

CHAIR LEE: No. No.

COUNCILMEMBER SUGIMURA: Well, you're saying to lay it on the table, right? What, what was Keani's motion?

CHAIR LEE: To lay this matter on the table. Not taking any action on first or second reading. Just to lay it on the table. You can do that as a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: To leave it on the Council agenda.

CHAIR LEE: You understand that?

COUNCILMEMBER SUGIMURA: I understand.

COUNCILMEMBER SINENCI: Instead of going back to Committee, yea?

CHAIR LEE: Yea. Instead of going back to Committee, it stays on the agenda. And the term is to lay on the Clerk's table.

COUNCILMEMBER KING: Chair, I--

CHAIR LEE: Okay, we have Member King.

COUNCILMEMBER KING: Yea. I thought that the idea was to send it to Committee as well, so that there could be that discussion in Committee. Because we don't want to have what we're doing right now, which is having a Committee meeting basically on the floor in the Council. But, you know, my understanding was that the Vice-Chair wants to keep it on the agenda, so that if it passes through Committee, that it won't have to take another two weeks after that to get back on the Council agenda. And so, you know, I think the conversation to, and any questions of Mr. Walin have to be specifically to help us make that decision.

And you know, for me, personally, my decisions and my due diligence and the big hole that's there for me is I have not seen a plan. And since, since the Administration has been working on this since July, you'd think that there would be a plan of who would

move into that building, and what expenses would be saved where, which I asked for the first time this came up in Committee and we still haven't gotten it. So, I don't know if that's some of the secret information that you have that would help.

But, you know, to me, this is not a no-brainer because we haven't done that due diligence. You know, I think it's a, overall concept is a good idea, but we need to know. We don't, we don't, I haven't seen anything that's going to give us, give me 100 percent comfort that we are going to cover that . . . with the money that were saved. So, that's, so and I don't know that Mr. Walin can help me with that information, because that, that needs to come, I think from our, from the Admin, County Administration, for the plan for who's moving where and how we're going to save the money that we need to save to cover the debt service.

CHAIR LEE: Okay.

COUNCILMEMBER KING: So, unless Mr. Walin has that kind of information, I don't know that I have a question for him myself, but others may.

CHAIR LEE: Yea, thank you. Well, I'm glad you're clear on, on where we are on this. Any other questions before I call on Ms. Paltin?

Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. Thank you, Mr. Walin. So, if I would've asked you questions in testimony as to this situation, is it that the people that you're representing to, who wants to sell the Maui News isn't willing to give us a couple weeks to, to look into stuff? Cause I think my understanding of the discussion that we had in Committee was that we weren't opposed to it. We just wanted some more information. And then when you came to give your testimony, like that, based on the discussion had in Committee, now they feel like we're not going to move forward, and they want to put it on the listing.

COUNCILMEMBER MOLINA: Madam Chair, point of order.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Okay, so any--

CHAIR LEE: Member--

COUNCILMEMBER MOLINA: If we are going to ask questions of Mr. Walin right now--

CHAIR LEE: Walin.

COUNCILMEMBER MOLINA: --as a resource, can I get a ruling on that again? Because, you know, we're, the motion on the floor, right, is to just table, table this to the February 19 Council meeting. And now, as a resource, Mr. Walin is just to, supposed to respond to questions and not advocate for, you know, you know, not basically take a side, even though he represents the ownership. But if we, if it is clear that we can ask him a question, or information about the property, but he is not allowed to advocate. Am I correct, in terms of procedure? I don't know, maybe Corp. Counsel can answer that?

CHAIR LEE: Corp. Counsel.

CORPORATION COUNSEL LUTEY: Chair.

CHAIR LEE: Yes.

CORPORATION COUNSEL LUTEY: Yea, it's my understanding today that really what you're trying to do is get some clarification from Mr. Walin, and that's why he was named as a resource. And so, we're still talking about the original motion that was on the floor. We're back to that. Or we, I don't think we ever left that.

COUNCILMEMBER MOLINA: Okay. Alright.

CHAIR LEE: Do you want to hear from Mr. Raatz, also.

COUNCILMEMBER MOLINA: Well, if he, if he wants to lend his thoughts, sure.

CHAIR LEE: David.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. Just briefly, I'll quote a couple relevant lines from the Rules of the Council. Rule 18.A. on Resource Persons, "The presiding officer may allow individuals who have special expertise in the subject matter being considered to participate in meetings as resource persons for the purpose of providing information or advice to facilitate the deliberative process. At the meeting, the presiding officer shall state the resource person's special expertise in the subject matter and state whether the resource person is a paid lobbyist." Thank you, Chair.

COUNCILMEMBER MOLINA: Okay, thank you. So, so Madam Chair, with that said then, any questions to Mr. Walin right now has to relate to the tabling of the bill, yea, and not so much about the specifics of the, of the property and buildings and so forth? Am I correct? As--

CHAIR LEE: My understanding from listening to Mr., oh you asking me or Mr. Raatz?

COUNCILMEMBER MOLINA: Well, or I guess Mr. Raatz, yea.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Because the motion on the floor is about tabling. So, any questions related to the motion to Mr. Walin have to relate to the tabling of the, the matter? Am I, am I correct? Instead of, like, us asking the square footage of the properties or the buildings, right? So, it's, we're kind of, we have to abide by those Rules, right, based on the motion?

CHAIR LEE: David.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. Sure. So, the, the Rule talks about the resource person facilitating the deliberative process by sharing special expertise in the subject matter being considered. So, I think it would be up to the body to define what is the subject matter being considered at the moment.

COUNCILMEMBER MOLINA: Okay. So, we have that flexibility to ask other questions aside from the tabling of the matter to the 19, February 19 Council meeting?

CHAIR LEE: David.

SUPERVISING LEGISLATIVE ATTORNEY: I would think, you know, ultimately, it's, it's the body's call on that. I think you do have some flexibility. Thank you.

COUNCILMEMBER MOLINA: Alright. Okay. Thank you for that clarification. Thank you, Madam Chair.

CHAIR LEE: Okay. Anybody else?

Ms. Paltin, then, go ahead and ask your question.

COUNCILMEMBER PALTIN: Okay. Can it be the same question? I mean, I guess, so my question is, like, it's kind of obvious that nobody is prepared to make a \$9.8 million decision today, because we left Wednesday thinking that we had, like, a couple weeks or so. And so, I guess my question is do we not have a couple weeks anymore? Like, you gave your testimony that it kind of seemed like a threat or maybe a deadline, or I'm not clear. Like, I mean, is it that we don't have two weeks, two weeks, four weeks? I mean, it's close to \$10 million of some other people's money.

CHAIR LEE: Mr. Walin.

MR. WALIN: It was not a threat at all. I was instructed by the sellers to communicate that information stating that after the meeting, just as I stated earlier that, you know, over the nine - ten months or whatever we've been talking about this. And the process, understanding the process is obviously a challenge that . . . than it has a tone of the meeting in the uncertainty of a decision to make about purchasing property to reduce overhead and convert overhead into ownership as a concern. I think that's where they were coming from.

And again, I think, I'm not here to try to negotiate or advocate one way or the other. But no, two weeks is not, absolutely, you guys need to get in the building. You guys need to check it out. You guys need to understand it. And, and that's the bottom line. But I, I think what they were hearing is more of, wait we don't even know if this a good idea overall, whether the property was \$2 or \$10 million. It's like do we transfer our lease obligations into ownership was a question mark from some of the Members. And that was just like oh wait a minute, these guys don't even want to buy anything was kind of the tone I think that was conveyed at that hearing.

So, but again, I'm not, I'm not trying to say one way or the other. No, they are respectfully 100 percent committed to proceeding with you guys to make you understand and be comfortable with it. And they are not going to push forward with anything without further communications.

COUNCILMEMBER PALTIN: And I just wanted to clarify. Did they understand that although the Administration been talking with them since July, the first time that we really heard about it when, was when it was on the Council agenda, not this time, but the previous time? And then the first time we discussed it ever was Wednesday. So, I mean, I kind of feel like, you know, there's three different perspectives. And one is, you know, we don't want to make a \$10 million decision in, within three days' time, that's one perspective. And then, the second perspective is buying it or not. And then the third, and probably like the, just the internal one is who's going to go in there when it, if it is purchased, whether it's like the Council side or the Administration side?

And I guess the problem is that, you know, like normal people who buy things, we can't just, we got to do it all out in the open. And the Council's turn for, I mean, especially the Council because of the Sunshine Law, the Council's turn for having any kind of discussion has been basically three days. And so, it seems a little harsh that, you know, we'd be expected to make a decision in three days. And so, I would just ask if you could relay that message back to the Maui News; that what they're seeing is what most people get to do behind closed doors, amongst ourselves. You know, like, do we

want it, do we not want it, do we want to move in there, they don't want to move in there, this and that. But it has to be all out in the open and it's not a indication of what the final thing is. It's just part of the process. And the process, I think needs to take more than three days is, is basically my understanding. And I'm not understanding if they're understanding that.

MR. WALIN: Well--

CHAIR LEE: Okay.

MR. WALIN: --I'll make sure--

CHAIR LEE: Ben. Ben, we need to let other people ask questions. Okay.

MR. WALIN: I've been on the computer for a while, and my computer is starting to die, and I don't have a plug. So, I'm hoping I can call in . . .

CHAIR LEE: Anybody have a quick question before he dies?

MR. WALIN: I have my phone. I can call in. It's just I'm letting you know that I might--

CHAIR LEE: Okay, Mr. Sinenci and then Mr. Molina.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Ask quick questions before he fades away.

COUNCILMEMBER SINENCI: Yea, Mr. Walin, so did, since the DBED *[sic]* meeting on Wednesday, have the owners thought that we would change our mind, you know, if we took it to the community to get their input? Or we would be swayed by the community.

MR. WALIN: No.

COUNCILMEMBER SINENCI: No?

MR. WALIN: I don't think that's, no.

COUNCILMEMBER SINENCI: Okay. Alright.

CHAIR LEE: Mr. did you have another question?

COUNCILMEMBER SINENCI: No, that's it.

CHAIR LEE: Okay.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And you know I know Mr. Walin mentioned his computer, so I don't know if we want to either take a break or move onto another item then come back to this when Mr. Walin's computer is recharged up or what.

MR. WALIN: Is there a call-in number?

COUNCILMEMBER MOLINA: I don't know, there may be other Members that have questions, but.

CHAIR LEE: Mr. Walin.

MR. WALIN: Is there a call-in number?

CHAIR LEE: Do you think you have enough power to keep going?

MR. WALIN: I, I, it'll shut off eventually. Is there a call-in number, or can it be done by phone?

CHAIR LEE: Yea.

MR. WALIN: Okay. Well, good.

CHAIR LEE: Look at, do you have our agenda?

MR. WALIN: Yes.

CHAIR LEE: Okay, on the first page, there's the, the number, the information.

MR. WALIN: Good, we can continue till my computer dies, and I guess I can call in.

CHAIR LEE: So, you want to go until your computer dies and then you'll call in, is that what you said?

MR. WALIN: Yes.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Okay. I only have one question. So, Mr. Walin, for the record, the property owners submitted this proposal to Administration. Was it July of last year, July 2019, or July 2020, I should say?

MR. WALIN: Sounds about right, Mr. Molina.

COUNCILMEMBER MOLINA: Okay.

MR. WALIN: Yea.

COUNCILMEMBER MOLINA: Okay. And because I asked that because my colleague, Member Paltin, made a good point. You know, Administration and some Members of the Council were privy to this proposal early on, whereas, a number of us on the Council were not. You know, we just got wind of it a month ago or so but not, you know. So, this is why some of us, before we make a decision like this, we, we need a little bit more time and do our due diligence as stated, so that's why.

And, and I'm sorry you have to go through all this. But you have to understand our positions. We're the, we're the gatekeepers for the public dollar. So, you know, we have to ask these questions and ask for a little bit more time when we consider a purchase like this. And that's all this is, well, from my end.

Because others got privy of this early on and some of us didn't. So, those of us who didn't, that's why, you know, we, we feel like it's kind of being rushed. But for me, another two weeks, you know, I can, I can live with that. So, that's, that's all I'm saying as to why some of us have some hesitancy about, you know, rushing into a decision.

And I, and I'm glad you mentioned that the property owners are willing to give us a little bit more time before we finalize any decision making. So, thank you.

MR. WALIN: Absolutely. Yes.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, Mr. Walin, I think the reason that you probably maybe see parts of this is that the question that we discussed in the Budget Committee, which was three days ago, was whether the Council will occupy this

building in part or total, I don't know, part. And then, or, the Administration would buy it and put other departments in here. So, there's a couple questions going on. And I think because, when we talked about it in Committee, we were talking about ourselves getting there. So, that's when it got kind of, we better think about it.

And Mr. Teruya presented information. So, exactly what you said, Ben, made sense, right? Your description about how to, you know, save money in the long run by spending right today. And, and Mr. Teruya was pretty clear about that with the numbers; not that we had like Ms. King has been asking for, well, who's going there? You know more details. But we haven't gotten that, you know, spreadsheet yet. It would be nice to understand where the public's dollars are going to be. So, you're getting a little bit caught in the middle of many discussions, you know, more than do you want to spend \$9.8 million. So, appreciate, you know, the ability to hear this from you.

I, I also want to say that I did a resolution before the Council to ask Maui News to not send their advertising to go to West Virginia, I think is where their corporate office was. And at that time, I met with Bart who was your, who is your publisher. And I did ask this question, you know, what about the stability of the business? And they were saying oh they're not going to sell, you know. And here we are, then this came up, I thought whoa what is going on? You know, not that he has to be honest with me. But he does represent the company. And that's what I, you know, last heard from, from him. So, there's all these kind of gray areas that's running through this thread and it's a big decision, so.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Appreciate you coming here.

MR. WALIN: Okay. No problem.

CHAIR LEE: We're, we're only looking at purchasing the building, not the business, yea.

Did, Member Kama, did you have a question?

COUNCILMEMBER KAMA: No, I didn't have a question. But I, I already have in my head what I want to do. And I just wanted to make everyone aware that, that one of the other reasons that we were going to wait was to hear what the people had to say about it, and that we were supposed to hold a public hearing. And that's why I think I was caught off guard to have all of this today. But if we do have till the 19 or some other week, then we do have time for the Administration to get back to Kelly what she needs,

and for us to set up a public hearing with our people. And we could probably do it, like Ms. Paltin said, within the next couple of weeks.

But I don't think today's the day that we anticipated talking about this on the Council floor. And even if what we heard today was okay we now have a time constraint, that we no longer have a time constraint. So, I just want to move on today, get this over with, come back again, and have all of our due diligence taken care of, and we can make a right good decision. . . . it will be a good one.

CHAIR LEE: Okay. I never heard--

COUNCILMEMBER KAMA: . . .

CHAIR LEE: Okay. We haven't heard from Gabe.

COUNCILMEMBER JOHNSON: Yea, thank you, Chair. I've just been intently listening. This is a fascinating debate. And I, I, I really want to echo Councilmember Molina's statement of, you know, when times are tight, we want to kind of, you know, cross our "t's" and dot our "i's". I also agree with Councilmember Kama about how, that we should have our communities involved. So, I'm just more, you know, closing my mouth and opening my ears at this point. You know, I'm just, I'm just all listening. But those are kind of where I'm standing at. That's all, Chair.

CHAIR LEE: Okay.

COUNCILMEMBER JOHNSON: Mahalo.

CHAIR LEE: Final words from Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so the motion is for this to be postponed. And I, I tried to explain it to Member Sugimura. So, remember with PSLU, when we didn't get the bilateral unilateral agreements and so we had to postpone the purchase, the acquisition or one of the items for a couple of meetings, I think. So, it would be the same as that.

So, it would be County Communication 21-89 remaining on the Council agenda. No action is being taken. It's just on the agenda. It's not going to be for second reading next, next Council meeting. It's just going to be an item on the agenda.

I, I learned of this property at the same time that you're all saying you learned of it. I didn't know about this back in July. I, I, just learned of it. And when I, when I learned of it, I really thought it as a no-brainer. With the Hawaiian Tel building, I did the same

thing, because that one was also a no-brainer. I brought it up in Committee on the Wednesday and then I discharged it on the Friday so that we could take it up. And everyone made a decision to purchase that building in three days.

The, the public doesn't fully understand County financing. And I know because I received emails from people talking about how we should spend the money on buying food. But that's not how bonds work. And so, the public, you need to help our constituents understand that this would be bond funding, which is like a loan. So, it's not General Fund money, where it's cash. It's not cash that we would be not using for services for our community. It's, it's getting a loan to purchase this, this bill, this property.

And if we had taken action today and if we leave it on the agenda, either way it doesn't matter. We can still have visits, which I told you I would coordinate, and I still am. And we can have a public hearing. But again, we all have to help our constituents understand the difference between bond funding and general funds, because I, I've already seen that discussion, that people are thinking that we're foregoing cash funding things. That, that this is separate, is a totally separate thing. And times are tight, yes, is a, we're in a pandemic. Again, this is bond funding and we would either pay debt service or we would pay for a lease. Either way, we're paying money. So, it's the same amount of money that we would be paying.

If we're paying toward a lease, we're paying someone else's mortgage. If we pay debt service, we're paying our own mortgage, and in the end, we own the property. With property that we lease from, we'll never own the property, so it will never be an asset for our County. Only if we are paying on the debt service to it. And debt service is small payments per month, which is not a whole lump sum of \$9.8 million one crack. That, that's not what this is. And that's why we have to help the public understand how County financing works, so that they don't think that they're losing something. That we're, we would actually be gaining something through this acquisition.

So, and the last thing is that Planning spends almost, Planning Department alone is almost \$700,000 in lease a year. Mahalo, Chair.

COUNCILMEMBER KING: You're, you're muted.

CHAIR LEE: I, I think it's Ms. Paltin and Ms. King.

COUNCILMEMBER PALTIN: So, I, I guess the question I had, I had a couple questions. Leaving it on the table, Clerk's table, would still allow us to agendize a site visit and it would still allow us to possibly hold a public hearing? And then, I guess, you know, to what, what I would need from the Administration is the same thing that we had in the

MEMA one where we were able to make the decision in three days because we knew, like I mean I, I think many of us had toured MEMA's facilities. We've seen pictures of MEMA in there and we knew that MEMA was going to move to the Hawaiian Telcom Building.

But what I would kind of hope that maybe the Administration could get together for us within the two weeks that it's on the table is exactly which, which departments are moving. Because now that MEMA is gone, IT is gone, some of Finance is at the Service Center, like, if we and the public can get that same sort of level of clarity that we had with the Hawaiian Telcom, like, who is, who is going to be moving? And, and it doesn't have to be, like, you know, details of knocking out walls or stuff.

But like scenario A, if the Council moves, these guys are going to come in on the seventh and eighth floor, like, just kind of a rough diagram kind of thing. And these guys are going to move to the first floor, and these guys are going to move to, I mean, the basement I guess, wherever MEMA was. Or scenario B, if the Administration gets it, we're going to put these guys here and these guys here. And that would be what helps me make my decision. And that doesn't have to do necessarily with Mr. Walin, Walen, Walin. But like that's the reason why I couldn't make the decision in three days, because that's the type of information that we need.

And, and then I think that possibly if we were to go to first reading, similar to like how the social host ordinance, we could have the public hearing in between first and second hearing, or second reading. Or we could, even if the site visit doesn't work out, we could have the site visit in between first and second reading. But yea, that same kind of level of, of clarity of, of what's moving where and how, like how we had for Hawaiian Telcom is, is something that would really help make the decision for me as well. And then we don't need to, we can have the, the other stuff be promised to us that we'd get it before we make any final decision.

CHAIR LEE: Is somebody writing this down?

COUNCILMEMBER PALTIN: I hope so. I hope Mr. Teruya is.

CHAIR LEE: Mr. Teruya and Ms. Yoshimura, are, are you folks getting all of this?

FINANCE DIRECTOR: Yes, Chair.

CHAIR LEE: Okay. You sure?

Ms. King.

COUNCILMEMBER KING: Oh, I hope so, Chair, because I've been talking about this since the Budget meeting. It's exactly the same stuff I've been asking for. Is, you know, we knew, we knew when we purchased the Hawaii Telecom *[sic]* building who was going to move in, what building, what, what, what departments we're going to shift, what money we were going to be saving. We don't know that, and I've been, that's what I've been asking for and not getting.

We, you know, at one point I heard we were going to be saving \$25,000 a month and now I hear it's going to cost us 50,000 and then we're going to be saving 50,000. But there's, you know, give us the spreadsheet that shows that and, you know, shows the maintenance fees on the building, shows what we're responsible for if we have tenants and all the expense, you know, the peripheral expenses of maybe even loose estimates of what it's going to cost to build out that building, because I've moved into buildings before.

Our business moved into a building where we had to build out offices, and it's not cheap. You know, so I know there's going to be some of that that's going to need to happen regardless. But my, I don't have a personal interest on, you know, personally whether the, whether the Council moves in or not. I just want it to be a good purchase for the County and know that the expenses are going to be covered. And I have not seen that.

So, you know, that's what I keep asking for and I, yea, I hope he writes it down this time, because this is the third time I'm asking for it and now, you know, other Councilmembers are asking as well. So, you know, I would, I mean, I, you can't call something a no-brainer when you haven't done your, your due diligence and that's what we're all trying to do. We're all trying to get the information. I mean, if we, if we did this kind of thing we'd probably own Wailuku Water Company now and have millions of dollars of maintenance and repair that we have to do. But we kept asking those questions and we haven't moved on it, because they haven't been able to tell us what the expenses are.

So, that's, you know, I mean, I'm, I'm totally open to this purchase, but I don't want to be pressured into it by someone telling me other people are looking at this, this property as well. That's, I hear that from realtors who really want to sell their, their property, you know. I mean, it's a great thing to tell somebody if they're wavering. But, you know, we are responsible for the public's money. So, and I don't have a problem having this on the agenda. I think the, even if it wasn't, didn't go on the agenda, the Vice-Chair could put, anybody could put it on the agenda a week ahead of time. So, you know, you could re, repost it. So, I don't have a problem having it on the agenda.

I just, I just wouldn't vote for it the next time unless we've done all this due, in a, if the due diligence doesn't get done. So, that's my, my main thing is I want to be responsible for public funds and especially at this really tight time in our economy. And so, I, I hope that's clear. I mean, I think I hear other Councilmembers saying the same thing.

And we, we just, you know, we got a one-pager that talked about the age of the building and, you know, what they want to charge us. But other than that, we haven't really seen any spreadsheets on what the plan has been, which I would think if they were talking, someone was talking about it in the Administration, said the Administration's been wanting to do this since July, that they should probably have some kind of a plan put together. That would be nice for them to share it with us.

So, that's my, but you know, I don't have a problem with keeping this on the agenda, because it's no different than waiting a week and posting it back on the agenda. But I just hope that we can get our due diligence done by then.

CHAIR LEE: Okay. Ms. Sugimura. You're muted.

COUNCILMEMBER SUGIMURA: So, again, I, I will say that the Members are speaking what was discussed in Committee. And by putting information together that we got from Mr. Fukuda with the appraisal, and then hearing Mr. Walin today, that the appraisal is 10,200 *[sic]* and the County price is 9.8 million--

CHAIR LEE: Ten million.

COUNCILMEMBER SUGIMURA: The difference is 400,000 and, and, which is four percent of the appraisal with the Maui News people moving in. And that, so we're receiving a better price, so there's all these good pieces of information, I think all of us can agree. But we go back to who's going to be there, what is it going to cost and, you know, what is the big picture in terms of cost to the taxpayers?

If you walk around this building, I think in the, I read in the Maui News, I thought it was pretty funny, that they would pick up that it was raining in my office. I think it was mentioned by Chair, the day that we were talking about this or the other day. And yea it was raining in my office because of the Kona storm and it does that. But so, so it does for the whole that side of the building.

And it made me think about all the employees in this building who are squished together having to work side by side in this COVID times, and maybe there needs to be an assessment from other departments, like Finance, you know, with all of their cubicles. And maybe as, you know, time that maybe they can reassess the other

departments also. So, it's not only us, but it's what is the total picture? And I think that's basically what we're saying. What is the total picture?

And then, with bond funding, when we educate the public, it's like a charge card, right? So, you borrow your money, and at some point, you got to use cash to pay it back, so there's implications on both sides, although you can just stretch your dollars for the purchase. So, you know, that's, that's kind of what is before us to Thank you.

CHAIR LEE: Okay. Did everybody have a chance to say something and, and vet? We want you to get it all out. Alright. I'm not going to even, I'm not going to give my two cents until it's time.

So, Vice-Chair, so are you ready to vote? Everybody ready to vote? You know what the vote is? We leave it on the Clerk's table. We leave this item.

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, my, my plan here is to postpone Council Communication 21-89 and then right after this vote, I would request or make a motion for reconsideration of discharging 21-26, County Communication, so that it will remain in the Committee. So, that, that's, that's the clarification. That's the procedural steps that we would be doing. And if any of that is incorrect, Mr. Raatz is, I welcome Mr. Raatz to correct me.

And I, I just wanted to add a couple things. One, that the assessment that Member Sugimura is talking about is, wouldn't be done by Finance. That would likely be done by the Managing Director. I think that's more his kuleana. And with the site visits, I don't think anyone did a site visit to Hawaiian Tel Building. And we purchased it without looking at it.

CHAIR LEE: Wait a minute. Okay. Vice-Chair, we're, we're going to vote on this, put this on the Clerk's table, and what was your second assumption? That what?

VICE-CHAIR RAWLINS-FERNANDEZ: We voted to discharge County Communication 21-26. So that, that vote was successful, and it passed. And I was on the prevailing side, so I would be able to make a motion for reconsideration of that. And it, Council Communication 21-26 would then remain in the BFED Committee, instead of being discharged to Council.

CHAIR LEE: So, you want this to go to, to your, referred to your Committee?

VICE-CHAIR RAWLINS-FERNANDEZ: It would actually be in both.

CHAIR LEE: Be, be in both? Okay. Is that everybody's understanding? Okay. This item will be in both; on the Clerk's table and in her Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: But that's--

CHAIR LEE: Yes--

VICE-CHAIR RAWLINS-FERNANDEZ: --only after, so this first vote is for it to remain on the Council. And then I would need to make a second separate motion for reconsideration.

CHAIR LEE: Okay. And then we have a question from Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And it's just a question for Vice-Chair Rawlins-Fernandez. Does she plan to bring it up on our 17th BFED meeting, as far as any, if, if the departments have any reporting or provide us with added information?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, that would be the plan. And my hope would be that the Members will have had an opportunity to do a site visit by then. It's a little tricky, because there's so many recessed meetings on our non-Committee week next week. But hopefully we can find a good time for everyone. Mahalo, Chair.

CHAIR LEE: Okay. I, I believe though, and by the way, it's not like I knew about this since July. I knew about it about maybe three days before the Vice-Chair. So, my understanding is that, for the sake of privacy, we were to go in small numbers. How, how are we going to do this?

Yes, Vice-Chair.

(Councilmember Kama was excused from the meeting at 3:16 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: One. One by one.

CHAIR LEE: One by one? So, everybody goes one by one and they would contact you or Mr. Teruya?

VICE-CHAIR RAWLINS-FERNANDEZ: That would likely be coordinated with Mr. Teruya.

CHAIR LEE: Okay. Everybody got that, eh? That's part of the due diligence now. Everybody make a point to go and visit the, the building. Alright. So, now we're going to vote on leaving this matter on the Clerk's table. All those in favor--

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: --raise your hand and say "aye".

Oh, Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, may I speak one time? I just want to respond to the issue of site visits comparing the Hawaiian Tel Building versus the Maui News. Granted it was, in December it was kind of a rush on us. And because of who's going to occupy that building. Civil Defense, that's health and safety. So, we're going to count on them to, to make that site visit. And it was coming at a time it was very busy for a lot of us. There was no, not a lot of time to schedule a site visit.

Whereas, this one, the Maui News Building, there was talk of the Council moving there. So, it's only natural for us to make that site visit, versus the Administration moving in their depart, moving in their departments only because we were part of the equation to move in there. So, I think that's, that's the difference between the Hawaiian Tel Building, or not having a site visit versus this proposal having a site visit, because we're the ones being considered to move in there. So, it's only right that, you know, the site visit be offered, or those of us wanting a site visit to do it, you know. Cause we want to see where, if, if that is the, if in the end, the, the property is purchased and it is a decision to have the Legislative branch move in there, then it is our responsibility to, to look it over first before we go with that plan. So, I just want to make that, that point, Madam Chair. Thank you.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I was, to add to what Mr. Molina just said, right. So, we heard about the, for Emergency Management, MEMA, during budget, that they wanted to move and find a new building. So, it wasn't like a brand-new thought that just popped up. So, we heard about it during budget from the Administration. So, that discussion came up. There was no site. And then, it became available. And so, when it was presented, I sort of understand that's where they wanted to go, from hearing years about how squished they were during an emergency and the seriousness of their work. So, I just want to comment that that's why it's different.

And, and what Mr. Molina said, you know, is absolutely right. When we were thrown in the discussion of possibly moving there, it makes it a little difference, different.

So, okay now I, I understand then the request for authorization for purchase is going to be County Communications 21-26. And is that what Keani's sending back to your Committee?

CHAIR LEE: Sending back to my com, what?

COUNCILMEMBER SUGIMURA: Oh, what Committee, what, what is happening with County Communications 21-26.

CHAIR LEE: Wait. Okay, let's take this vote first. We take the vote first to leave the matter on the Clerk's table. And then, she is recommending that we reconsider the first vote, yea, so that the matter will also go to her Committee. Right? Okay, so that, let's do one at a time.

So, this one, this vote is to leave the matter on the Clerk's table. All in favor say "aye", raise your hand.

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

CHAIR LEE: One, two, three, four, five, six. I'm sorry, Mr. Molina, is your hand up? Oh okay. And then, I don't see Ms. Kama. Is she gone? Is she there?

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, so eight, stop it Ms. Paltin, Ms. Paltin. Eight "ayes", one "excused"; motion carries.

(Councilmember Kama returned to the meeting at 3:20 p.m.)

CHAIR LEE: Now, the next. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: You're going to make a request? You're going to make a request?

VICE-CHAIR RAWLINS-FERNANDEZ: A motion.

I MOVE TO DISCHARGE ALL OF THE ITEMS, CC 21-26 AND
THE CORRESPONDENCE FROM THE BUDGET DIRECTOR
AND THE DIRECTOR OF FINANCE.

MOTION, I MOVE TO RECONSIDER DISCHARGING THE
BFED COMMITTEE FROM FURTHER CONSIDERATION OF
THE ITEMS ATTACHED TO CC 21-89.

COUNCILMEMBER SINENCI.

SECOND.

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Second? Second by Mr. Sinenci. Okay, so everybody, what this means is that
the matter remains in her Committee. She won't be discharging this matter, right?

COUNCILMEMBER PALTIN: Subject matter.

CHAIR LEE: Okay. We all got that one?

COUNCILMEMBER SUGIMURA: . . . she's trying to discharge it?

CHAIR LEE: Okay. The first vote was to--

VICE-CHAIR RAWLINS-FERNANDEZ: I'm moving to reconsider.

CHAIR LEE: --discharge, now we're reversing that. Not discharging it.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. The, the--

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: --motion is to reconsider.

CHAIR LEE: What's that? What?

VICE-CHAIR RAWLINS-FERNANDEZ: No, I'm just clarifying for Member Sugimura that the motion is for reconsideration of that vote that we took.

CHAIR LEE: Okay? Got it? Everybody got it?

Okay, all in favor of the motion, say "aye", raise your hand. This puts this back into her Committee.

Oh, there you are Ms. Kama.

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

NOES: NONE.

CHAIR LEE: Okay. Do I see eight "ayes", and one "no"?

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: I, I know the vote's been taken. Can we get a clarification of the first vote that was taken? Did we need six votes? Now, it, the vote to discharge initially, that passed. What was the vote count on that?

CHAIR LEE: That was 5-4.

COUNCILMEMBER MOLINA: So, that wouldn't need six votes?

CHAIR LEE: No, the, what needed six votes was the waiver.

COUNCILMEMBER MOLINA: Just the waiver? Okay.

CHAIR LEE: Yea.

COUNCILMEMBER MOLINA: Okay, I just wanted that clarification. Thank you.

CHAIR LEE: Yea. So, who voted "no" just now? Ms. Sugimura, did you vote "no"?

COUNCILMEMBER SUGIMURA: I voted with you. I voted with the majority.

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

Okay. So, the matter is in, back in BFED, as well as on the Clerk's table; two places.

Alright, so, so, so David, so the vote on the waiver is, like, irrelevant? David?

SUPERVISING LEGISLATIVE ATTORNEY: Chair, yea, at this point, I don't, I don't think that has any significance.

CHAIR LEE: Okay. So, we don't have to do anything on that?

SUPERVISING LEGISLATIVE ATTORNEY: Right.

CHAIR LEE: Okay. Madam Clerk, are you still with us?

COUNTY CLERK: Yes, and we have a conversation going on over here. That, wasn't that vote to reconsider the initial discharge? Not to--

CHAIR LEE: Yes.

COUNTY CLERK: Okay.

CHAIR LEE: We did two votes, yea? We did, we did the discharge, which was 5-4, and then we did the waiver of the, the Rule, which was 5-4, so that failed. You got that?

COUNTY CLERK: Okay.

CHAIR LEE: So, then--

COUNTY CLERK: My Deputy, I think--

Oh, go ahead.

CHAIR LEE: So, then, we had another vote to leave the, the matter on the Clerk's table. That passed. Then we had a vote to reconsider the discharge, and so that matter went back to Committee.

COUNTY CLERK: It's to reconsider the vote first. The referral.

COUNCILMEMBER MOLINA: Madam Chair, could we request a recess so this can be all hashed out and we can come back on the floor and get it clarified?

CHAIR LEE: Sure. Sure. Okay, short recess.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order. Point of order.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: So, Ms. Kaohu is asking about the waiver. The waiver, the motion to waive never passed. We didn't get the six votes. And so, that was done, that was taken off the table. And then, we had the motion to postpone CC 21-89, and that passed with 8-1 and the, one excused. And then, we, I moved to reconsider the discharge of the--

CHAIR LEE: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: --21-26.

CHAIR LEE: Okay, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: That's what she's saying. That's what they're saying. That the motion to reconsider passed. Now, you have to take the vote again is what you're saying, right?

COUNTY CLERK: Yes.

CHAIR LEE: Ms. Kaohu.

COUNTY CLERK: Yes.

CHAIR LEE: So, now we have to take another vote to refer this to your Committee, right?

COUNCILMEMBER KING: Point of order. Chair, I think, I think once you, once you reconsider it, it moves that off the table. So, there's no discharge anymore. So, we're back to it sits in BFED. Maybe Mr. Raatz--

CHAIR LEE: No, but it was a referral.

COUNCILMEMBER KING: We, we, I think we don't need, I don't think we--

CHAIR LEE: Okay, David. Quick. Do we need another vote, is what the Clerk is asking? We voted to reconsider. That passed. Do we take another vote? David?

COUNCILMEMBER KING: David.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. We're looking at page 324 of Robert's. The effect of a adoption of a motion to reconsider. The assembly returns the exact position that was occupied the moment before the, the reconsidered motion was voted on originally. So, we would agree with Councilmember King's interpretation that the discharge, excuse me, the reconsideration took away the discharge approval.

CHAIR LEE: Okay. Okay. So, now, it's not me. It's the Clerk. So, Kathy and, Kathy and James, did you get that?

COUNCILMEMBER KING: So, we don't need another vote.

CHAIR LEE: Kathy and James?

COUNTY CLERK: Yes.

CHAIR LEE: Kathy and James, do you folks want a recess, what?

COUNTY CLERK: Yes, a recess please.

CHAIR LEE: But before we do that, Vice-Chair, do you want to talk now or after the recess? After the recess?

VICE-CHAIR RAWLINS-FERNANDEZ: I understand, I understand what our Clerk is explaining.

CHAIR LEE: Yea. I know.

VICE-CHAIR RAWLINS-FERNANDEZ: There, on the agenda, there was an item for discharge. But we can take a recess so that everything can be clarified and give everyone a--

CHAIR LEE: Okay. So, 3:40? 3:40? Then you can use the bathroom while you're at it, okay? Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:27 P.M., AND WAS RECONVENED AT 3:42 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of February 5, please reconvene.

Madam Clerk, have you solved all of our problems?

COUNTY CLERK: Yes. And I'm going to pull Deputy James Krueger into this ballgame.

CHAIR LEE: Okay.

COUNTY CLERK: And he's going to give us a very clear and concise analysis of this.

CHAIR LEE: Yea, very concise.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Hi, Chair.

CHAIR LEE: Hi.

DEPUTY COUNTY CLERK: So, we consulted with OCS, and what we've all determined is that what the body just did is they reconsidered the vote to discharge. So, what that does is it brings the motion to discharge onto the floor at the moment right before the vote was taken. So, the vote has been wiped away. But the body needs to dispose of that motion in some way. Whether that be to withdraw it or to vote it down. So, that's all that needs to be done to clear everything up. Thank you, Chair.

CHAIR LEE: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I WITHDRAW MY MOTION TO DISCHARGE.

And if I could have our seconder, Member Paltin, confirm the withdrawal is okay with her as well.

COUNCILMEMBER PALTIN:

OKAY WITH ME.

CHAIR LEE: I love those technical terms. Okay, with me. And, you know what? It's okay with me too. Alright. So, motion is discharged.

Now, shall we have the next item? Madam Clerk? Oh, now, now you're muted.

NO. 21-90 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 27, 2021)

Relating to amendments to Capital Improvement Projects for Fiscal Year 2021.

The recommended action is that County Communication No. 21-90 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I request for a referral to BFED Committee.

CHAIR LEE: Oh, I'm sorry. None of these will probably, 90, 91, 92, at least these three will not have any anticipated action. So, why don't you read all three.

NO. 21-91 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated January 27, 2021)

Relating to Regulating Rental Camping and Recreational Vehicles.

The recommended action is that County Communication No. 21-91 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-92 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated January 27, 2021)

Relating to operational and budgetary review of the Climate Change, Sustainability, and Resilience Office.

The recommended action is that County Communication No. 21-92 be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Any objections to referring these items?

Oops, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I don't have any objections to the referrals as read. But in the future, as soon as we can take up Council Rules again, amending our Council Rules, I have a proposal for a consent calendar, and that way we don't have to keep going back and forth between taking action and referral items. Mahalo, Chair.

CHAIR LEE: Alright.

Member King.

COUNCILMEMBER KING: Yea, no, I was just wondering why 21-91 is being referred to CARE. It sounds more like a PSLU matter, because is it land use? I don't know. I thought maybe that's why Tamara Paltin was--

COUNCILMEMBER PALTIN: I was thinking it sounded like a GREAT matter, because regulating. And when I looked into it before, Zoning and Planning, they said because of the vehicle portion of it, it would be under the Police, like the VIN numbers and stuff like that. So, I was thinking GREAT.

CHAIR LEE: Okay, let me, let me, I'm looking at this for--

COUNCILMEMBER KING: I can do, I'm happy to take it if we want to put it under, you know, sustainable tourism or something. I was just kind of questioning because it sounded more, a little more regulatory to me as well. I thought, I thought maybe it was a land use issue, but apparently--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --Member Paltin didn't see it that way, so.

CHAIR LEE: Let me just ask Member Molina for clarification. What did you have in mind, with this referral?

COUNCILMEMBER MOLINA: Are you talking about the, the restrictions for the--

CHAIR LEE: Recreational vehicles.

COUNCILMEMBER MOLINA: Recre, yea, that's just to send, to send to Committee.

CHAIR LEE: Yea, which one did you have in mind?

COUNCILMEMBER MOLINA: Oh, I think, I think it mentions Budget, yea? I think that might be the most appropriate, cause it's a finance issue, I think.

COUNCILMEMBER KAMA: What's the issue?

CHAIR LEE: No but, well, you're talking about regulating them in terms of licensing. Is that what you're talking about?

COUNCILMEMBER MOLINA: Yea, which I believe comes under the purview of Department of Finance. So, anything Department of Finance, I would guess would likely go to, to BFED now, Budget and Finance Committee for discussion.

CHAIR LEE: Okay. Okay. Any objections to 21-90 and 21-91 to be referred to the Budget Committee, BFED?

No objection. Oops. Vice-Chair.

COUNCILMEMBER KAMA: So, what about BFED? What does she think?

CHAIR LEE: I was hoping she wouldn't notice.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Did you say CC 21-92 to BFED?

CHAIR LEE: No, no. 90 and 91.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. I'm not exactly sure what kind of regulating.

CHAIR LEE: Licensing. Like, you know, DMV under Finance.

VICE-CHAIR RAWLINS-FERNANDEZ: Is there a bill attached to it?

CHAIR LEE: I don't know.

Mr. Molina? Did you have like a--

COUNCILMEMBER MOLINA: Is there one? I believe we sent the concerns from it.

CHAIR LEE: Oh, okay.

COUNCILMEMBER MOLINA: Yea, cause it's a subject matter at this point.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Cause, Chair, I don't have any ideas on, like, take, like how to address this. So, if, if it goes to my Committee, if Member Molina wants to draft the bill then I can schedule it then, but.

COUNCILMEMBER MOLINA: Yea. Yea.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: We can, we'll be sure to do that and just to get the discussion going.

CHAIR LEE: Okay. Sounds good. And then no objections on 21-92, to refer it to the Climate Change Committee?

COUNCILMEMBER KING: No objections.

CHAIR LEE: Okay. Now, we come down to 21-93.

Madam Clerk.

NO. 21-93 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated January 29, 2021)

Transmitting a proposed resolution entitled "EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM, EMPHASIZING QUALITY OVER QUANTITY".

The recommended action is that County Communication No. 21-93 be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-93,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
TO FILE COUNTY COMMUNICATION 21-93.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Did you say second, Ms. Sugimura?

COUNCILMEMBER KING: I think it was--

COUNCILMEMBER SUGIMURA: I think Keani.

CHAIR LEE: Okay. Okay. Alright, it's been moved by Member King, seconded by member, Vice-Chair Rawlins-Fernandez, to adopt the resolution in County Communication 21-93.

Member King.

COUNCILMEMBER KING: Okay, Chair, I have my next, in my notes is to ask the Clerk to read the resolution in its entirety.

CHAIR LEE: Okay. Clerk.

COUNCILMEMBER KING: If that's acceptable to the--

COUNCILMEMBER PALTIN: Oh. Did you have an amendment summary form, I think I just got?

COUNCILMEMBER KING: I do. I do. I'm going to ask them to read the resolution first and then do the amendment, so.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Madam Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Member King.

COUNCILMEMBER KING: Okay. Thank you so much, Ms. Kaohu. I appreciate the reading of that.

MADAM CHAIR, I'D LIKE TO PROPOSE AN AMENDMENT TO THE RESOLUTION AS FOLLOWS:

FIRST, RENUMBER THE 5TH "BE IT RESOLVED" CLAUSE AS "6." AND THE FOLLOW, AND ADD THE FOLLOWING RECIPIENTS: "MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR" AND "THE MAUI PLANNING COMMISSION".

AND THEN SECOND, AND EVERYBODY SHOULD HAVE THIS AMENDMENT SUMMARY FORM, ADD THE FOLLOWING AS THE 5TH "BE IT RESOLVED" CLAUSE:

"5. THAT IT URGES THE MAUI PLANNING COMMISSION TO RECOGNIZE THE NEED TO LIMIT ADDITIONAL VISITOR ACCOMMODATIONS, SO AS TO:

A. REDUCE STRESS ON THE COUNTY'S INFRASTRUCTURE AND ENVIRONMENT;

B. CONTROL THE COUNTY'S ECONOMIC OVERDEPENDENCE ON TOURISM; AND

C. PRESERVE THE COUNTY'S EXCELLENT REPUTATION AS A QUALITY TOURIST DESTINATION;"

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member King, seconded by, seconded by Vice, pardon me? Vice-Chair Rawlins-Fernandez.

Discussion, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. And thank you, Vice-Chair Rawlins-Fernandez. This really follows on Vice-Chair, the Vice-Chair's proposal for the Malama

Maui Challenge, or the Pledge, and what we, what we talked, that discussion that we had then while we were looking for more lower impact from tourism. And as the entity charged with implementing coastal zone management and issuing special management area permits for the island of Maui, the Maui Planning Commission will play a critical role in promoting sustainable tourism. So, that's why we're urging the Maui Planning Commission to pay attention to this and to jump onboard.

I also believe that this, the entire tourism industry has made verbal, at least, commitments to more sustainable tourism and to, to looking at more quality versus quantity in moving forward. However, we did submit this resolution to the Maui Visitor's Bureau and hadn't gotten any response back yet. So, I, I ask for the Members full support of this amendment. This amendment is, was directly from the testimony given this morning from Dick Mayer, which came to us several days ago as well.

CHAIR LEE: Alright. Any more discussion?

Oh, yes, Member Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair. Mahalo, Councilmember King, for this resolution. I rise in full support of this, of this resolution. I often am reminded of a old, old fella on Lanai named Ron McOmber, who fought hard for this type of action in our own little island of Lanai. And how I used to, I go down to the beach of Hulopoe Bay that's full of fish and it's a marine preserve, and it was protected with this kind of intent, of just keeping quality over quantity. And that is, I am in the privilege of having to swim in a beautiful ocean full of fish because of the old-timers such as Ron McOmber, and I think of the ancestors that have fought this kind of fight for many years. And I, I want to pass this kind of stuff down to my children, and our children, and so on and so on. This is the kind of stuff that really gets me excited. So, I thank you so much for bringing this to the floor. Mahalo.

CHAIR LEE: Thank you. Anyone else?

Yes, Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, you know, one of the after affects of smoking is the smoke itself, yea. And then, the after effects too of this, or what other people get who don't normally smoke, it is the smell itself, right? Is there anything that could say, how do you protect other people who are going to get the smoke blown, you know, their direction? Not necessarily around them, but I tell ya, I live in an apartment building complex; it's all over the place. And it's like sometimes I feel like vomiting. But it's like, cause it's just, sometimes it's a nice, I'm telling you, I don't know what it is,

but sometimes it smells really nice and sometimes not so nice. I guess the not so nice is I not in favor of.

But is there a way how to control that? Is there any thought about that in terms of? Cause now, now, before, right, people weren't doing it out in the open as much. Now, this will let them just do it everywhere, anywhere, unless there's a place where you can and cannot. I mean, so what are the rules? What are, are they going to have rules to this?

COUNCILMEMBER SINENCI: Chair.

CHAIR LEE: Wait. Member, Member Tasha Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Which CC are you on? We're on 21-93. Are you talking about the can--

COUNCILMEMBER KAMA: Oh, you're on the tourism. Oh, I'm on the cannabis.

CHAIR LEE: Oh, I thought you were talking about the cannabis one.

COUNCILMEMBER KAMA: I am talking about cannabis.

COUNCILMEMBER KING: Oh, okay. I was trying to figure out how to answer you, and I was like I don't know what she's talking about.

COUNCILMEMBER KAMA: Okay, so I'm good with the tourism. I thought you guys went on to that, cause it was, that was my no-brainer. But anyway, sorry.

CHAIR LEE: We'll come back to you for the next one.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: Any, anybody else?

Okay. Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member King, for introducing this resolution. I stand in strong support of it. I, I have been doing a lot of work on this and I know that sometimes quality sometimes can be interpreted as like rich. And so, some people, like, interpret, can interpret oh Hawaii just wants to be for the rich.

And Doug Lansky has been doing a lot of great educational videos on this and explained it this way. You can have a, a Bill Gates sitting at a coffee table in a coffee shop, and maybe he buys, you know, like one latte. And then you have a college, struggling college student living paycheck to paycheck, but that person goes and buys a latte and a lunch. And so, to that coffee shop, that, that college student who is worth a lot less than Bill Gates is, but is more valuable to them because they've contributed a lot more to that coffee shop. And so, my understanding of quality over quantity is similar to that.

That, you know the kind of tourists that we're looking for are those that when they come, are, are looking to give back to our County. Not just with, you know, with money, but also, you know, with their time and looking for a good experience giving back to our, you know, organizations here as a lot of visitors do, and getting involved. And even, you know, helping to, helping organizations clean beaches, and then that gives them opportunity to meet residents here and, you know, have a far better quality visit than they would have if they just stayed in their resort.

So, I just, I wanted to clarify from, for, you know, everyone, you know, with this quality over quantity. It's not only about how much money you have, it's, it's also, you know, it, it is about what you're, you know, willing to give back in other ways as well. Mahalo, Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Yea, thank you so much for those words. And those words were in my mind too, when I went over this resolution and took out phrases that could be misconstrued as being about money or how much somebody has. And so, there's a pretty clear description of what we want for sustainable tourism. But I completely agree with you, that it doesn't matter how fat your wallet is, it matters how you treat our island when you get here.

CHAIR LEE: Everybody ready for the--

Oh, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to add my two cents. I like the direction that it's going. I've got the privilege to move our office now in the Hana Museum. It's just a 600 square foot space but, you know, when I, when we talk about quality experiences for our visitors, you know, I would love to see us as a, you know, as a community to show some of our, our rich cultural history in a state of the art

museum where our visitors can come. Even, even our rich plantation history, you know, we don't have those types of things for our visitors.

And so, you know, when you, when we think about Oahu and the Polynesian Cultural Center, you know, the, the types of funding that they create that they, from their visitors, we don't have those types of, just like the hotels, the only places where you can go get a luau or an authentic Polynesian review is probably at a hotel. But we haven't, I think we haven't taken advantages of the, of the potential of, or creating these quality experiences for our visitors. So, I just want to share that, Chair. Thank you.

CHAIR LEE: Anybody else?

Oh, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Kelly, for doing this. And I, I know that it's a accumulation because of Keani, you know, Pledge of Aloha and, and just seeing what has happened in our community with the pandemic. And for us to sit here and seeing vacant streets are slowly, you know, the airlines are starting to take, bring more people here. And how do we all live together I think is a big question that you're asking, and how do we get, you know, Visitors Bureau and the Maui Hotel and Lodging Association so we can all walk together. And I think that's what we've been hearing from the community. So, thank you for bringing this forward and attention to it. So, thank you, Ms. King and everybody else. I support this.

CHAIR LEE: Anyone else? If not all those in favor of the amendment, 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: Looks like nine "ayes", zero "noes"; motion carries.

Now, the main motion as amended. Any further discussion? All those in favor, say "aye".

SUPERVISING LEGISLATIVE ATTORNEY: Chair. Excuse me, Chair.

CHAIR LEE: Yes?

SUPERVISING LEGISLATIVE ATTORNEY: I'm sorry to interrupt. The Office of Council Services. Just pointing out that Rule 19.C of the Rules of the Council says that an amended resolution shouldn't be adopted at the same Council meeting. So, prior to adoption, if that's the will of the body, we would recommend that Rule 19.C. be waived.

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING:

SO, MOVED.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Okay, all those in favor of waiving Rule 19.C, 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: Looks like nine "ayes", zero "noes"; motion carries.

David, I was wondering why you were on, on the call, you know. So unusual to see you. You were just waiting for this.

Okay, now the main motion as amended. All those in favor, say "aye".

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

NOES: NONE.

CHAIR LEE: Motion carries. Resolution adopted; all "ayes", no "noes". Very good. Congratulations, Ms. King and everybody.

Now, next, Madam Clerk.

COUNTY CLERK: For the record, that's RESOLUTION 21-18.

NO. 21-94 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 29, 2021)

Transmitting a proposed resolution entitled "SUPPORTING LEGALIZING, REGULATING, AND TAXING RESPONSIBLE, ADULT-USE CANNABIS".

The recommended action is that County Communication No. 21-94 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I move to pass the, where is it at?

COUNCILMEMBER PALTIN: Second.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT THE RE, THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 21-94, AND TO
FILE THE COUNTY COMMUNICATION.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: I'm glad you said that, because, you know, we were always told that you adopt a resolution, you approve a bill. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Pass. Pass a bill.

CHAIR LEE: Well, also, approve a bill or pass a bill. But you don't adopt a bill. You only adopt resolutions, yea?

Okay, so any discussion on, we had moved by Vice-Chair Rawlins-Fernandez, and I, who was the second? Was it you, Ms. Sugimura?

COUNCILMEMBER PALTIN: It was me.

CHAIR LEE: Oh.

COUNCILMEMBER PALTIN: No, it was me.

CHAIR LEE: Ms. Paltin. Ms. Paltin. Discussion?

COUNCILMEMBER PALTIN: Correct. Oh, no--

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER PALTIN: --I was the seconder. I don't have a question.

CHAIR LEE: Yea, we know.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Cannabis is legal for adults in 11 States, and for medical purposes in 34 States, including Hawaii. The purpose of this resolution is to express the Council's support for legalizing, regulating, and taxing responsible, adult-use cannabis.

During the first year of legal cannabis sales in 2014, Colorado collected \$67,594,323 in taxes and fees from medical and retail cannabis. As of November 2020, Colorado has collected over \$1.5 billion in total revenue from cannabis taxes and fees.

Cannabis is used at similar rates by black and white people across America, yet, black and brown people are disproportionately targeted for and harmed by its criminalization subjected to cops, frisks, arrests, and convictions of cannabis related offenses because of their race.

In 2019, Hawaii became the 15th State to reduce the criminal consequence of marijuana related offenses with the enactment of Act 273. On December 4, 2020, the U.S. House of Representatives passed the Marijuana Opportunity Reinvestment and Expungement Act, or MORE Act, removing cannabis from the list of Federal controlled substances and . . . cancelling low level Federal convictions and arrests related to cannabis. This is the first time Congress has acted on the issue of decriminalizing cannabis.

On January 22 of this year, the Hawaii State Legislature introduced multiple bills with the ultimate goal of legalizing the personal use possession and sale of cannabis, SB767, HB3, 238, HB1202, and HB7, and their companion bills.

South Maui Representative Tina Wildberger introduced an incredible bill that proposes to legalize adult use, expungement, and addresses social and economic equity, and a cannabis control board. And her bill is HB1202. And I, and this resolution would help to support her effort in moving her bill through.

This year, the State has had the opportunity to embrace the use of cannabis to help tackle its budget shortfalls caused by COVID-19 pan, the COVID-19 pandemic. Cannabis cultivation and sales hold potential for economic development, increased revenue, and reduction in crime.

State House of Representative Jeanné Kapela stated we should not be furloughing teachers. We should be gener, generating revenue and utilizing this opportunity to allow people to do something that they've already been doing and make sure we no longer, we are no longer going to disproportionately harm the working poor or Native Hawaiian. And I strongly agree. Her bill is HB7.

The, the resolution and posting deadline for this was, required a quick turnaround time. And after reaching out, after the resolution was, was posted on the agenda, I received excellent feedback from community members and made amendments to the resolution, which the Clerk should have emailed to everyone.

SO, AT THIS TIME, I WOULD LIKE TO MOVE TO SUBSTITUTE
THE RESOLUTION, THE AMENDED RESOLUTION THAT
EVERYONE SHOULD HAVE RECEIVED BY THE CLERK'S.

Did anyone not receive it? Everyone got it?

COUNCILMEMBER KING: Wait.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Is that, oh, yea is that, was that received by email or is it, was it, it's not the one that's uploaded onto Granicus then?

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Clerk.

COUNCILMEMBER PALTIN: Email. We got it by email.

COUNCILMEMBER KING: We got it by email?

VICE-CHAIR RAWLINS-FERNANDEZ: It was sent at, that was yours, 4:09 and by County Clerk; ASF CC 21-94 CM Rawlins-Fernandez.

COUNCILMEMBER KING: Okay.

CHAIR LEE: You mean, like six minutes ago?

COUNCILMEMBER KING: Yea, I'm still waiting for my staff to send it, but go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: And so, I, I'm going to ha, I'm going to request that the Clerk read it in its entirety for everyone.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Ms. Kaohu.

CHAIR LEE: Do we have to take a vote? Ms. Kaohu, do we have to take a vote on the, on the substitution?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, no one seconded by motion, so. Oh, my motion was seconded?

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: No, no, no. We had Ms. Paltin second your motion.

COUNCILMEMBER KING: Yea, she second.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh okay. Oh okay. So, discussion on the substitution.

CHAIR LEE: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Chair, may I request that the, our Madam Clerk read the substitute resolution in its entirety, for discussion?

CHAIR LEE: Alright. Madam Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Madam Clerk. So, as your, as our Economic Development Committee Chair, I thought it appropriate to introduce a resolution that helps, that would help our County and that would help our struggling State right now in diversifying our economy. Not only do we have an opportunity to create a multiplier effect in revenue, as you heard in testimony this morning, not only the economic impact for those that are growing and selling, but also those on the peripheral that are also supporting the industry itself.

It also has a multiplier effect in cost savings, cost savings preventing the cost of imprisoning those convicted in prison, in jail, those going to court, our prosecutors, our public defenders, judges, and also the cost of money in being invested in law enforcement.

It also helps to support our community and bring our families back together and help those that we heard testified at Member Paltin's Committee meeting in resolving past issues with expungements so that they can find economic opportunities, housing, and other things to build a better future for themselves and their family.

We asked during testimony for the Hawaii Cannabis Industry Association Executive Director Randy Gonce to serve as a resource. The Hawaii Cannabis Industry Association published last year, last February, Hawaii's medical cannabis sector state of the market and economic impacts report. And I would also like to ask him at this time to address a question that Pro Tem Kama raised in the last item, because he was listening. If that is okay, Chair?

CHAIR LEE: Where's this person?

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Gonce.

MR. GONCE: I'm here.

CHAIR LEE: Okay. Mr. Gonce, can you keep your response kind of concise, please?

MR. GONCE: Sure. So, this was in regards to secondhand smoke. And this resolution asks for regulation of cannabis. And a part of regulating is no other State has allowed smoking in public. It has to be in a private residence and as it's regulated, just like another substance would be regulated. So, homeowners associations and other

regulating bodies can put restrictions on where you can smoke, just like you would smoke cigarettes, you can't have it in your home, things like that. So, it's very thoughtful and most regulators, the State of Hawaii has joined the National State Regulators Association. They have all the best practices, so I'm in strong support of them being able to regulate this efficiently. Mahalo.

CHAIR LEE: Ms. Rawlins-Fernandez, anything else?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Gonce. Mahalo, Chair. And Mr. Gonce is on if any of the Members would need to ask him any questions.

CHAIR LEE: Ms. Paltin, and then Mr. Molina, and then Ms. Kama.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Rawlins-Fernandez. I just wanted to bring up another point that, you know, if us as being a part of the United States doesn't have universal healthcare, it's difficult for those without healthcare that need this type of medicine to get it without an awful lot of money. So, it's, I see it also as kind of evening the playing field between the socioeconomic categories. I mean, it's so easy to go to the doctor and get some Oxy's or whatever, but it's so much more difficult to go and get a BlueCard or whatever, you know, if, if you're in an accident or some kind of thing and it's not as addicting as some of the opioid drugs that Member Hokama had brought up with his NACo.

The other thing I wanted to bring up is that when we were able to travel and we went to Las Vegas for the NACo conference, I got to sit in on one of the sessions. And, and you know, the other States that led the way did also have problems, not only with the smoking smell, but with the growing smell, I guess. And I, I know we're already having some of that.

And so, I guess, you know, with Randy Gonce being able to navigate the management of it, my, my best recommendation would be to learn from other States that puka through first, because they encountered all of the issues. And so, we don't have to reinvent the wheel. We can just go and learn about, about the unintended consequences and how they adapted, and address them. So, I speak in full support for those couple of reasons, in addition to the ones listed before.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I have a question for Mr. Gonce. But before that, I just want to preface that by complimenting you, Madam Chair, for having one of the most interesting, wide-ranging agendas I have ever experienced. I mean, we've got the cannabis on the agenda, alcohol issues or, or

subject matters, purchases of buildings, I mean, one of the most interesting wide-ranging agendas for a lot of great discussion. So, compliments to you, Madam Chair, for putting this agenda together.

Good afternoon, Mr. Gonce. Just a quick question in, in light of the response from, say the medical community about the impacts of cannabis, negative if any. And also, from law enforcement, from the various States that have legalized it. Any, any thoughts you can share with us?

MR. GONCE: Sure. You know, a lot of the other States have, liked was mentioned before, kind of set the groundwork for Hawaii to do this the right way. We have taken a lot of considerations from law enforcement agencies. We work very closely with the NED, the Narcotics Enforcement Division, with the Honolulu Police Department here on Oahu and other police departments on different islands. And a lot of those considerations come together to really support the, the proper regulation of this industry, because it does exist around us, whether we regulate it or not, whether it's legal or not.

And really what we're trying to do with cannabis is bring it into the light, bring it into the framework that is legal, that is tested, that is regulated, that is safe, to kind of combat this black or illicit market that exists. And like I said, previously, about 90 percent of those sales in Hawaii come from that market that is not legal. And it is incumbent on, on us as a industry and also decision makers and, and those in those positions to make sure that we do the best we can to bring in a system that's already there into the light, into the legal framework.

COUNCILMEMBER MOLINA: And thank you for that. And you know, societies changed. What was once prohibited becomes a norm. Like for example alcohol was once prohibited in the, in our country and now look at where alcohol is today. So, anyway, thank you for your responses, Mr. Gonce. Thank you, Madam Chair.

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

COUNCILMEMBER SUGIMURA: Thank you, Mr. Gonce. So I went to a National Association of Counties conference, and we went to Oregon and did site visits with, I guess they, they have recreational and medical marijuana, so it was a marijuana farm. It was very interesting. And I wonder if you could bear light upon what has happened?

Because basically when we talked to the counties that we were visiting and we did a site visit with their County Council, and they said they were having a lot of problems that they weren't really ready for with people growing their own, which was a problem. And then the police were having a hard time identifying, you know, I guess there's a

certain amount of marijuana you could grow. But there, there are problems that were created. Do you have any insight into that?

MR. GONCE: Sure. I know, for instance Oregon, they did have issues because when they rolled out their program, they offered unlimited amount of licenses to be issued. And again, this is where Hawaii is really learning from this national council of regulators that we have joined, to make sure that we roll out this program very mindfully and efficiently if, if and when it comes. And because they issued out as many licenses as individuals could afford, they had a surplus of medicine or products at that time where, I think it was at the end of 2020, they had about six years' worth of product that couldn't be sold, or needed to be sold over the course of six years to be put out. And this is a lot of the considerations that's happening right now, and discussions with regulators on how many licenses do you issue and, and when's the review period? Do you issue more? Things like that. So, these are absolutely considerations.

And again, having the Department of Health on this national council of regulators has been such a great, a resource for them to tap into. And then my association, the HICIA is a part of a national organization that also has those resources to learn from others. So, we are definitely looking at other States and seeing how to implement this very mindfully, very effectively. And again, to make sure it's for Hawaii and not for any other market that wants to come here.

COUNCILMEMBER SUGIMURA: So, one last question. So, do you see that, at the Legislature, with the bills that Keani mentioned, that there is a, a need to do this quickly? Or is there some kind of methodical way, which would sound like what you're talking about, for it to happen? Do you have any sense of what's happening at the Legislature?

MR. GONCE: Yes. So, actually, while we're, I was waiting to come back to this measure, I testified on three or four measures at the State Legislature. This is an area that we spend a lot of time on. And before COVID-19 pandemic hit, we were estimating a roughly five-year timeline until Hawaii was able to legalize and get a framework set up. But because of the budget hole, we are now looking at something much, much sooner. This is the first time that Hawaii has ever heard or seen introduction of legalization of cannabis bills in the amount that we have currently.

There are currently five different bills in the Legislature that are been introduced that are going to be either heard or up for a hearing in the next month or so around legalization. And last year was the first time a legalization bill had ever been heard by Committee. So, we are seeing that timeline being very shortened. Maybe, we were thinking, our estimates are around two years. And that gives us enough time to really build out a very mindful, thoughtful program. But, as we know, that government can,

can move slowly, but because, good reason. And once this framework is laid out, say for example something is passed this year or passed in 2022, it's going to take a year or two to get set up before the actual first sale of recreational or adult use cannabis is sold.

COUNCILMEMBER SUGIMURA: Ah, interesting. And, and Federal government doesn't recognize, as is stated in the resolution, does not recognize this, so therefore everything is done in cash or is that, is that changing?

MR. GONCE: Well, there is some legislation going on at the national level currently. There's something called the MORE Act, M-O-R-E. And inside of that, the Democrats, in the, Congress have been pushing to allow banking for cannabis industry. Currently, as it exists, yes, everything is cash. And that is an issue for us here in Hawaii, as we do most of our banking, and our dispensaries do banking on the Continental United States. And there are some bills up this year at the Legislature that offer a State bank, a public bank. Things like that that would be really great solutions for our industry, that would keep that money local, that would invest into local communities.

And then, also, my organization is looking at other alternative solutions, maybe reaching out to credit unions who are willing to take a risk for their community to support community. So, there are options out there. But as it currently stands, this industry around the nation is cash only, because banking is a very difficult situation.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KING: Chair, you're muted. Did you--

CHAIR LEE: He unmuted and I'm getting this thing. I think you had your hand up. And before I forget, Mr. Sinenci after you.

COUNCILMEMBER KING: Okay. Thank you, Chair. And thank you, Vice-Chair Rawlins-Fernandez, for bringing this resolution forward. I, I've always felt that it's been a long time coming that, you know, I guess the urgency this time is the legislation, is the State legislating Legislature session. But, you know, we've missed years of opportunity, of economic opportunity by waiting so long. And we did the same thing with the gay marriage rights. And there's so many other things that we should have been at the forefront of that we're lagging now, other, I mean, hemp is one too.

Colorado actually, when they passed their legalization of marijuana, they had to actually hide the legalization of hemp in that bill. It was like, listed in two sections. And my friend who was, who was involved in it sent it to me and I couldn't even find it. And he, but, you know, that was, it's just been really difficult to get States to move ahead

with this, but the ones that have, have reaped the economic benefit because they've been first. So, I think we have a lot of opportunity here because Hawaii has a certain cache and people know, especially Maui, you know, they know Maui Wowee.

But the one, the one thing that struck me was somebody I believe testified that they have to spend \$400 a year just to get a doctor to license them for medical marijuana. So, if that bill passes at the State level, and I guess this is for Mr. Gonce, then, then the average person doesn't need any certification, or licensing, or anything to use? I mean average adult obviously, only for adults. So, is that the case that we, we do away with that, you know, that, that hardship on people who have to pay that money?

MR. GONCE: So, the current bills that are up at the Legislature right now, there are a few that have different provisions. The, the ones that we are really advocating for and that we feel that the State is leaning towards are those that have a dual use system, so they still continue to have your medical cannabis dispensaries. And then you also have your adult use market. So, those medical dispensaries can also sell for recreational purposes.

You'll still have individuals who have their 329 card, those medical cards. But then you'll have others that are, if you're 21 and over, you can enter the dispensary and purchase certain amounts. And those amounts can change. Different States say that you can't purchase as much as a medical patient or things like that. It's to be worked out. But for overall, yes, it would allow individuals who are over 21 years of age to, to enter a store, a dispensary and purchase a product that is similar that the medical can do currently.

COUNCILMEMBER KING: Okay. And so, it might be if it, if there is a regulation to need that card, so it might have to do with quantity. Is that what you're saying?

MR. GONCE: Correct. It would have to do with quantity, so that someone couldn't come in and buy out the store and then, you know, go home and distribute it to their friends at a cheaper or higher price, something of that nature. And it's, it's pretty common in most States that they have limits on how much you can buy and what type of product you can buy, whether it be just the flower or a concentrated version of the cannabis.

COUNCILMEMBER KING: Okay. So, so that, all that stuff would need be worked out? All the regulatory stuff would happen at the State level if that were to--

MR. GONCE: Correct, it would. But I do want to back up your sentiments that, you know, it, the current market right now, the medical, there is that barrier, that payment to get your card. And then you, not only do you have to pay the individual that's going to certify you, but you pay the Department of Health a small fee. And then, currently as it is, we

are a vertically integrated system. So, that means the licensees have to find the lands, build a production, manufacture, and sell. So, none of our dispensaries are making any money. And that means they have to sell their product at a high price. So, there's a lot of barriers for individuals who really need this medicine. And that's a complaint we hear a lot, is that individuals cannot afford the medicine that they really deserve. So, this will really open it up.

COUNCILMEMBER KING: Yea, that's, I think that's the main thing, is because we know people are using it. And you know some people can afford it and some people can't. And I didn't realize it was \$400 to get a license. But yea, I, I recommended to a friend of mine to, that her husband should get a license because of the pain he was in. And he went into a doctor, went through his whole litany of all the things that were wrong with him. And then he said, you know Doc, I'm 77. And the doctor said, that's all you had to say, you're 77. So, I don't even know what, what, what, what the standard is for getting a license, you know, because they, they're all over the books. But I, I, I cringe every time I feel somebody, you know, not being able to self-medicate when it's so easy. And it's, you know, it's basically a plant. So, I, I support this resolution. And I'm hoping that they'll, they'll also take input from across the State when they go to make the rules should this pass.

But I think we're way behind the eight-ball. I've seen the, because we are, I'm actually, you know, my husband and I are now in the hemp industry. We've seen the hemp industry for CBD go from an estimated \$500,000 an acre in revenue to now the market is so flooded, because we took so long to legalize it that it's down to a tenth of that or less. So, the longer we wait, the more behind the market we get on these kinds of issues, especially if we're looking at it as an economic driver. And so, to me, that's, that's another piece of the urgency of getting this done. Thank you. Thank you, Chair.

CHAIR LEE: Thank you. Now, who had their hand up? Was it Mr. Sinenci? No?

COUNCILMEMBER SINENCI: I believe Member Kama--

CHAIR LEE: Are we ready to vote?

Ms., Ms. Kama.

COUNCILMEMBER SINENCI: Member--

CHAIR LEE: Member Kama.

COUNCILMEMBER SINENCI: Member Kama.

COUNCILMEMBER KAMA: Thank you. So, you know, I came out of an era that, so we never approved it or, and so talking about it today is like, what, what is the world going to look like with people, I mean, do people smoke marijuana already and they're just walking around? I don't know. What does, what's our world going to look like? What does it, I mean, what are the parameters of it, I guess I'm asking? I mean, could you drive? Would you still be able to drive if you doing it recreationally? Would you be able drive, could you drive a plane? I mean, so, so, I mean, would parameters be set, I guess, for where, where it can be done aside from in your own home? Is that the only place? And are actually so that I can feel safe that I can go to the grocery store around the corner, I guess.

CHAIR LEE: You. Okay, you will. Oh, who you asking that question to?

COUNCILMEMBER KAMA: Mr. Gonce.

CHAIR LEE: Mr. Gonce.

MR. GONCE: Sure. I, I think, I want to reiterate that the regulation piece is really where this falls under. And I don't particularly like comparing it to alcohol, but in this case it's probably appropriate that, you know, we have provisions around regulating alcohol. You cannot drive. You can't show up to work, you know, after a couple bottles of beer, things like that. And that is going to be the same exact kind of parameters that we put around. There's going to be a lot of thoughtfulness around this, this substance in general.

So, there are already provisions that say Police have the discretion to, to pull you over for driving under the influence of any substance. That will still stay in place. So, I can assure you that being a patient myself, and have been to multiple dispensaries either in this State, in other States, that they do it very mindfully and it's, it's very accountable for the individual. And there are consequences if you go outside of those parameters.

And our State being, our current medical dispensaries and our program is, is one of the most regulated in the nation, and I expect them to follow that and be one of the most regulated adult use markets. So, we will have a lot of parameters in place. And we will have input from law enforcement, from everyone to ensure that this program is safe and effective for all of our residents.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: Could you turn on your camera? I was, I mean, I just, you know, looking at people's faces tells me a lot.

CHAIR LEE: You want to see him?

COUNCILMEMBER KAMA: So, do you mind? Is that possible?

CHAIR LEE: Mr. Gonce, could you turn on your video?

MR. GONCE: Let me move into that room where I can get some light. Just a second.

CHAIR LEE: There.

MR. GONCE: Can you see me?

COUNCILMEMBER KAMA: Thank you. Yes. Thank you very much. You know, so later on this afternoon I hope, we're going to take a look at the social host bill, which is similar, not similar but it's about, you know, underage drinking. So, how, how do you ensure that people under the age of 21 are not, 21 or 18, 21 are not going to be able to grab hold of this item?

CHAIR LEE: Mr. Gonce.

COUNCILMEMBER KAMA: How do you enforce that?

MR. GONCE: So, our current dispensaries, it'll be set up in, in a lot of the similar way is that to enter you have to have your ID ready. There's individuals that meet you at the door, and they check your ID and they also check, in this case currently with our medical market, they check your medical card. So, you can't even have access to these locations.

COUNCILMEMBER KAMA: Legally.

MR. GONCE: And then you actually, you have to wait into, you have to go into a waiting room even before you can go into the area that actually has the product and the medicine. So, there are a lot of safeguards and fail safes here to ensure that this product does not end up in the hands of, of children, our keiki. There's provisions of making sure these dispensaries don't come up around schools. There's a lot of regulations to ensure that this is a safe program.

And another part of this is that we really want to dedicate educational resources to under, to educate individuals. For a long time, cannabis has been something where you don't talk about it. You know, if someone in your family smokes, you know, it's, you know, you let them do their thing. But we really want to make sure that there's education around it and what are the effects of smoking before you're at a developed

brain age, and really deter our young individuals from taking this product on and waiting till they're adults to make that decision with themselves.

COUNCILMEMBER KAMA: Well, for now, I'm, I'm grateful for that. Thank you very much, Mr. Gonce.

MR. GONCE: Thank you for your thoughtful question.

CHAIR LEE: Okay. Anybody else have questions for Mr. Gonce?

COUNCILMEMBER SINENCI: Chair.

CHAIR LEE: The questions are going to be for him, right?

COUNCILMEMBER SINENCI: Yea, just one question.

CHAIR LEE: Otherwise, I'll let him go. Okay, Mr. Sinenci, and then Ms. Sugimura.

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Mr. Gonce, for being with us today. I just had one question about Federal oversight. Do they still have, you know, where does the County, State, and Federal oversight kind of work together in this process?

MR. GONCE: So, current Federal guidelines is that all cannabis around the nation is illegal. But they have kind of really toned back on enforcement of that. They're, they're allowing States to make that decision for themselves. I don't want to speak for the, the Federal government per say, but I do know that in the very early years when legal cannabis started happening in States, that the Federal government was still having difficulties.

But as it stands now, the Federal government, and now with the, a new President and a new Administration, they are now even re-looking at some of these provisions. So, there's, there's things going through Congress now about the descheduling. So, it puts it into a schedule that allows medicinal uses. There's things about legalizing national. So, as it currently stands, yes, the Federal government does still see this as a Schedule I drug, which is the highest classification of a narcotic. But we have not had law enforcement, Federal law enforcement come down on medical dispensaries and things that are legal in our State.

COUNCILMEMBER SINENCI: Okay, great. Thank you. Thank you, Chair.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so, because of what you testified before just made me think about. So, if you're talking about recreational marijuana or cannabis and you're saying that they, people would have to go to a dispensary, what I saw in Oregon and what I heard from the, the elected officials that were talking about it in general terms, they were saying people just growing it at home. I mean, people didn't have to go to a dispensary to buy marijuana again. It became kind of an open door. And maybe things have changed. But what you just said made me realize that maybe it's still all like that. You don't really need to go to a dispensary, and you can just grow it and smoke it and, you know, use it without any medical need. Am I wrong?

MR. GONCE: So, each, each State is different. They do allow individuals to grow a certain amount of plants at home, if that's what they choose to do, in certain States. They do have a cap on that, so you couldn't, you know, have an entire, you know, 20 acres in your backyard. But, so, for example, in the medical industry here, if you have your medical card, you can grow up to 10 plants at home. You can grow your own medicine at home in the State of Hawaii currently. And we understand that when, when and if adult use does come to Hawaii, that they will still allow a certain amount of growing this plant at home, just like they'll allow some individual to do a craft brew at home. You want to make your own beer at home, something like that.

Because we, we do, as an association, also support the individual's right to grow their own medicine at home so they know exactly where their medicine is coming from and their source. But we also believe that there needs to be a reasonable cap on that. There needs to be a reasonable number of plants you can have, and a reasonable amount that you can get from those plants to ensure that the, the product, or the plant that you're then cultivating from isn't being diverted into a black market scenario.

CHAIR LEE: Anyone else have questions for Mr. Gonce? If not, thank you very much, Mr. Gonce, for your expertise and information. Appreciate it.

MR. GONCE: Mahalo. I appreciate the board for bringing this up. And I appreciate your guys time and very thoughtful questions. Mahalo nui.

CHAIR LEE: Okay. Okay, everybody should be ready to vote. I just want to let you know that I am going to vote in support of the resolution with reservations. Because, as you know, I've been in and around the field of addiction for almost all my life. And, and we, till today, have a nonprofit that helps people reintegrating from prison into the community. And most, almost all of them have an addiction problem. So, the part that I have a reservation with is the clemency and the expungement of sentences, you know. Clemency is

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, your computer is glitching.

CHAIR LEE: Oh, so I'm, you're not. Let me take my video off then.

VICE-CHAIR RAWLINS-FERNANDEZ: You, we, it stopped at clemency is, and then it started glitching.

CHAIR LEE: Okay, clemency. Can you hear me now? Okay. Clemency usually means pardoning someone or commutation of a sentence. So, my concern is that even though I believe in treatment, sometimes people deserve to go to jail, prison. Sometimes that's good for them. So, that's what I'm wrestling with right now.

On the other hand, I believe that, that cannabis should be legalized. I believe anything taken in moderation should not be a problem. But that's the problem, moderation, making sure that people consume that in moderation. So, I just want to let you know that I, I have my concerns, but overall, I do support the resolution. Is everybody ready to vote?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, right now, we're going to be voting on the substitution. And then, I'll need to do the same thing that Member King did with her tourism resolution, which is move to waive Rule 19.C. And then, we'll be voting on the main motion.

CHAIR LEE: Alright. Everybody ready to vote for the substitution? All those in favor of the substitution, 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: I don't, can you folks see everybody? I only can see some.

COUNCILMEMBER KING: Yea, it's unanimous.

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

The next motion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE RULE 19.C OF THE RULES OF THE
COUNCIL, SO THAT WE CAN TAKE ACTION TODAY.

COUNCILMEMBER KING:

SECOND.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Waiving this Rule is necessary for us to adopt the resolution today.

And, Chair, I think you may need to turn off your video again.

CHAIR LEE: Discussion? Any other comments or questions? Okay, all those in fa--

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

NOES: NONE.

CHAIR LEE: I got the nine "ayes". Alright, nine "ayes", zero "noes"; motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Now, we're on the main motion to adopt the substituted resolution. And I just want to thank all the Members for their support on this. And thank Representative Tina Wildberger for her very progressive, compassionate bill that she's introduced at the State Legislature. I hope my colleagues will join me in--

CHAIR LEE: Any more comments? Oh, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Any more comments or questions? See, there's a little skip, yea? There's a little delay somehow. Okay, raise your hand, say "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Member Molina, has a question.

CHAIR LEE: All in favor?

COUNCILMEMBER MOLINA: Yea. Yea, Madam Chair, I'd like to speak to the motion.

CHAIR LEE: Oh, that's not a vote? That's not a vote? Okay, yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I'd like to thank my colleague, Vice-Chair Rawlins-Fernandez, for introducing this resolution. It's bold. And, you know, honest, I think I'm like you, Madam Chair. Maybe it's because of our, I want to say age category or type of environment we grew up in. And I know Member Kama seemed to have some hesitancy. But, you know, as I mentioned earlier, society's evolved. What was once prohibited or considered taboo is now, you know, part of the norm. And certainly, there is the, the argument can be made about the need for additional revenue, especially in the times we're living in right now.

So, and, you know, you have people that have very conservative views, and maybe law enforcement as well. I know, it was interesting we didn't hear anything from law enforcement coming out to give their opinions about this resolution and proposal.

And again, this is urg, like I said, urging the State. What I do like about it as well, though, it does have a regulating component in there. So, it's kind of a wait and see. And, you know, we have a substance out there that's currently legal, alcohol. And over time, there's been issues that have come up, but then laws have been made to, I guess, stem any types of problems related to that substance. So, I guess I can see somewhat of a similar matter here with, as it relates to cannabis. So, I will vote with, to support it, but again with reservations, in, against. So, I'll just leave it at that. But again, I thank all of the input being given in. And thank Vice-Chair Rawlins-Fernandez for bringing it out and having the discussion. Thank you, Madam Chair.

CHAIR LEE: Thank you.

I see Member Kama, and then Member Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. So, this is what I would consider is like the, the fork in the road, right? So, so we can begin a new journey, stay on the old one, or do nothing. So, so my thought is, as uncomfortable as I feel right now about this, and

not because of the issue itself, okay, I mean, I understand the whole thing. It's, we're going to talk about social host today. We might even pass it out. That's drinking.

Now, we're talking about what used to be known as a drug, but now no longer is classified as such. It's now a medical, whatever you want to call it. What's coming down the pipe for our economic in this State is gambling. It's coming. So, I want people to be just as open about all these new things that are coming on in, all in the name of our, of strengthening our economy. So, I just wanted to be able to put it out there.

I, I'm hesitant, but I believe in this Council. I believe in the Chair. I believe in the Vice-Chair. I believe in every one of you who are leading your Committees, because you know the kind of leadership it takes, and the hard stances it takes. So, we are going to be a team for the next two years, so we should be able to discuss and debate, but come to a place where we say, eō, or a'ole. So, today, this week, has been hard. It's been hard. This was supposed to be the easy meeting. This is the latest meeting and we're not done. But nonetheless, I will vote in support, because I trust my Chair of this Committee, and the Chair. So, thank you.

CHAIR LEE: Thank you.

And Member Sugimura.

COUNCILMEMBER SUGIMURA: We do have an amazing Council when you think about the strides that we are making or trying to make for the community, you know. And I, like Member Kama, have grown up in a time where marijuana was illegal, period. In fact, I remember in high school somebody used to, used to use spray paint and, and you know--

COUNCILMEMBER KAMA: Sniff it.

COUNCILMEMBER SUGIMURA: --and get high on that. And it was just like, oh my goodness, you know, these illegal stuff that were going on. And drinking was a big deal. But look at where we are today. I, I still have great reservations. So, I'm going to vote to support this, because I can feel the steps of the Council.

But I will tell you that today, I don't think we're ready to take a, if this goes to the Legislature, I don't think they're going to pass it and make it legal today, because so much more, as Mr. Gonce said, needs to be learned and studied so we can all understand the challenges that comes through. You know, economics is important, yea, we need to make, raise money. But there is a greater thing out there of public safety and health. So, with great reservations, I'm going to support it. But, as, as it is a step, I'll just say that.

CHAIR LEE: Okay. Thank you.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, when I was growing up, it was still illegal, too. And it was a thing. So, what I wanted to say is, when looking at the older, I guess, propaganda of why not to smoke marijuana or why hemp is illegal, and I think it can be easily disproved. And, and, and not to say that in those older times we weren't smart enough to see through the propaganda. But nowadays, you know, with the internet and Wi-Fi, and people, you know, what, what used to be a big thing, like, you know, . . . like a loud sigh used to get you cracks before, you know, from your parents. But nowadays, you have people, like, swearing right to their parents, you know. So, it's, it's kind of like the evolution of things.

And, and when you look at kind of the reasoning, I think, be, behind wanting to make hemp illegal, or making cannabis illegal. It was so that the power could be controlled by, by the newspaper folks, you know. They wanted to be able to use trees to make, to make their newspaper instead of a cheaper substance, you know.

And, and, and I think to a big extent, it's the power that, that the pharmacy industry wants to hold over people. Why let people grow their own medicine when you can make them buy this pill? And the pill, you can make them addicted to the pill and then they always have to come and buy it from you, you know?

When, when you look at the entirety of the history, at some point we have to, to identify the propaganda and, and, and realize that, you know, we were lied to as children, as generations. And, and, I mean it's, to me it's not any different than being lied to that a joint resolution of Congress has more, more power than this resolution we're passing right now.

So, the only reservation I have is how we're able to move forward in managing it, like Mr. Gonce said? And I think that is the key, because it's already going on. People are already growing it in their backyards. People are already doing all these things. And so, I think, you know, what, what we're really talking about here is managing it. And I think we're in a good place. Maybe we didn't need to be the puka through, because we can learn from other States that had those experiences. We'll be not smart if, if we don't reach out to those States that have had not so good experiences, and learn from them, and put those safeguards in place. So, yea, I support it.

CHAIR LEE: Anybody else? Okay. Ready to vote?

VICE-CHAIR RAWLINS-FERNANDEZ: Gabe has his hand up. Gabe and Shane.

CHAIR LEE: Okay. Mr. Johnson, and then Mr. Sinenci.

COUNCILMEMBER JOHNSON: Aloha, Chair. Thank you, Councilmembers. This is a, I just want to rise in support of this, this resolution. I'll tell you a quick story. I grew up in Cleveland, Ohio. And every injury I've had in my life has been basically through work, right? I'm a working man. And my family, same. My cousin had hurt his back at work in Cleveland, Ohio. He went to the doctor. They prescribed him a opiate. Five years later, he was hooked on opiates, and a few years later he died from them.

If in case you haven't been reading the news, there is a opiate storm on the mainland that is just devastating communities like mine, mine. My, my childhood home sold for \$40,000 because heroin came to town. So, that is the kind of social economic kind of thing that this, that this kind of ill, making marijuana illegal and legalizing opiates, which is ten times more stronger.

And you, Councilmember Tamara talked on it, how that the big pharmacies push these pills on us as the solution. Oh, you hurt yourself, here take, take some opium. That's crazy talk for me. That doesn't make any sense. So, when, when this, this discussion has been going on for years and years. As far as, is it a race-based policy, it's a way to keep minorities down, it's a way to make our prison industrial complex more, more profitable. These are things that this is now time to strike while the iron is hot, and I think if people across the country are waking up. So, I stand in strong support of this. So, I really want to just share my story with my, about what happened with me on a personal experience, so mahalo.

CHAIR LEE: Thank you.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair, for the opportunity. Yea, and like Councilmember Johnson, I too see, you know, the past opiate crisis as with you know, with . . . We've personally seen our small rural communities addicted to Xanax, Oxycodone and all of these prescription drugs. I personally feel that some of the wars that have been started is not just about oil, but also for, you know, starting this huge pharmaceutical, the profits of the pharmaceutical industry. And so, I, my hope today is my belief in the healing powers of cannabis. And that I can, and my, you know, with, with my vote is responsibility, but it's also a vote of hope, so that we can heal our nation, heal our people. Mahalo, Chair.

CHAIR LEE: Thank you.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, everyone, for their support of my resolution. I, and I hear reservations from the Members. And I guess perhaps I can offer a, a walk through on, on, on this. Just kidding.

CHAIR LEE: Yea, I was going to say, are you, I said no need, oh my god. I've become, just in one hour, become an expert on cannabis.

COUNCILMEMBER KING: Call for the question.

CHAIR LEE: Ready to vote? All those in favor of the motion, signify by saying "aye", raise your hand.

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

NOES: NONE.

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

Congratulations. Congratulations. We'll smoke to that.

COUNCILMEMBER KING: Don't do it in front of Member Kama.

CHAIR LEE: Moving on. Madam. Are they, are they still there, the Clerks?

COUNTY CLERK: We're still here.

CHAIR LEE: --are going home already.

COUNTY CLERK: Thank you, Chair.

For the record, that's reso, RESOLUTION 21-19.

Concluding with the remaining referrals.

NO. 21-96 - YUKI LEI SUGIMURA, COUNCILMEMBER,
(dated January 27, 2021)

Relating to solid waste to energy conversion as it pertains to projects within the Department of Environmental Management.

The recommended action is that County Communication No. 21-96 be referred to the Infrastructure and Transportation Committee.

NO. 21-97 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated January 27, 2021)

Relating to the Review, Assessment and Audit of the Zoning Administration and Enforcement Division of the Department of Planning.

The recommended action is that County Communication No. 21-97 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Wait. Hold on, Madam Clerk. We have a hand up.

Member Paltin.

COUNCILMEMBER PALTIN: On PSL, or on 21-97, I'd like to ask consideration of Member Molina if we can broaden it to include just the Department of Planning, instead of specifically ZAED. I think that this is coming from when I did the compliance report on Kapalua Mauka and Member Hokama suggested a audit of ZAED. And I did follow up on that, for Members information, with Auditor Taguchi. And he was not in favor of doing an audit because, I guess he was part of Office of Council Services back in 2006, and he said that the Zucker Systems 2006 Audit of the Planning Department, nobody really did anything with that.

So, my staff and I, we went through that audit and we found a lot of the things are still relevant. And so, there, there kind of is a existing audit from 2006 with the existing problems and the existing report. So, I just was wondering if Member Molina wouldn't mind broadening the title to just say, Planning Department. And then we can attach the audit from 2006 to it. And we can possibly go over it, I guess, with Planning. But it would be better if, you know, they just followed the audit and implemented the suggestions. But, you know, if we have to hold their hand, I guess we can.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea. Yea, so long as we, we also focus on where a lot of the concerns, with regards to permits and the turnaround time, cause that's where I've been getting the concerns with regards to that specific area of the Planning Department. But sure, if the previous audit showed that there's other things that still haven't been addressed, by all means I'm open the discussion on that as well.

COUNCILMEMBER PALTIN: Yea, he wasn't hopeful to do an audit on it. He's all like, you guys haven't even listened to the last audit we did from 2006. So, that's, that's what I found in my, my follow up of that discussion. And, and I can, I guess I can send the audit to the Clerk's maybe. Or, I don't know if you guys all want a copy of it or how to do it.

CHAIR LEE: Wait. Wait. Ms. Paltin, so are you suggesting that we delete the words, the Zoning Administration and Enforcement Division and leave in the Department of Planning? Is that what you're suggesting?

COUNCILMEMBER PALTIN: Yea.

CHAIR LEE: But--

COUNCILMEMBER KING: Chair, I have a--

CHAIR LEE: I don't know how that addresses Mr. Molina's concern, because he, I think he's fine with that as long as ZAED is, is reviewed, yea.

COUNCILMEMBER PALTIN: Yea, it's on page 8 of the 2006 audit.

CHAIR LEE: Oh, I see.

COUNCILMEMBER PALTIN: And I'm not, it just says enforcement, it doesn't say ZAED. But maybe I can somehow get you guys a copy of the audit and you can let me know if that's sufficient. Cause Mr. Taguchi wasn't really keen on doing another audit cause of the other audit that the problem--

CHAIR LEE: Okay. So, anyway, this is going to your Committee, yea? But we can talk about it more in Committee.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Okay.

Ms. King.

COUNCILMEMBER KING: Yea, thank you, Chair. I was just going to say that, you know, it doesn't say to do an audit. It just says relating to the audit. So, you could still keep it just, word it like this and then discuss the audit that was already done in your Committee. And then to, you know, talk about whether or not you want to do another audit of the Planning Department. But it, the, just the subject matter doesn't necessarily say that you're requesting an audit unless it came with a bill.

COUNCILMEMBER PALTIN: No bill.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea. The primary focus of specifying this area of the Planning Department was cost. Because, you know, doing a whole audit of the department is much costly. And since the target area of concern from the community was this area of the Planning Department, that's why, you know, I transmitted this proposal focusing on, on ZAED. Cause if we do decide to do an audit, then it would be at much less of cost than versus doing an audit of the whole department. So, that's kind of the nexus why I specified this particular area for a potential audit, possible audit and discussion. Thank you.

CHAIR LEE: So, Ms. Paltin. Thank you. So, Ms. Paltin, when you do take it up, you know, you could, you could look at possibly an update of what was already submitted, yea, in 2006 or whatever that was. But anyway, your Committee can decide on what the parameters should be, with the emphasis on ZAED. Is that okay?

COUNCILMEMBER PALTIN: Okay. Yea. I mean, I'm not sure if Planning is aware of that 2006 audit, as we've had a different director. But, I mean, it would be nice if they just start to implement the 2006 audit, cause many of the issues still remain.

CHAIR LEE: Okay. Alright. So, anyway, this is going to your Committee, right?

And where did you leave off, Ms., Madam Clerk? Did you go through 21-97, 21-3 and 21-4?

COUNTY CLERK: I left off at 21-3.

CHAIR LEE: Okay.

GENERAL COMMUNICATIONS

NO. 21-3 - BRYAN K. ESMERALDA, MUNEKIYO HIRAGA,
(dated January 6, 2021)

Submitting a document entitled "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA", on behalf of Makena Golf & Beach Club Owners, in accordance with Condition 22 of Ordinance 3613.

The recommended action is that General Communication No. 21-3 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-4 - YUKINO UCHIYAMA, MUNEKIYO HIRAGA,
(dated January 6, 2021)

Submitting a document entitled "CHANGE IN ZONING ANNUAL COMPLIANCE REPORT FOR PARCEL H-2 (LOT 19) (TMK NO. (2) 2-1-005:085)", on behalf of H2R, LLC, in accordance with Condition 22 of Ordinance 3613.

The recommended action is that General Communication No. 21-4 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Members, any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered. So, ordered.

Now, ordinances.

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 142 (2020)
Draft 1

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 9.40, MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO PASS BILL 142 ON SECOND AND FINAL
READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama, to pass Bill 142 on second and final reading.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Bill 142, basically this is Draft 1 (2020), imposes strict liability upon a responsible person who was 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 liquor by underage persons that are most often occurring in private homes.

At its meeting of December 18, 2020, the Maui County Council voted 9-0 to change the definition of gathering from ten or more back to two or more persons at or on a residence of, or other private property I should say.

And then at its meeting of January 15, 2021, the Council voted 5-4 to incorporate additional amendments to exempt the islands of Lanai and Molokai due to unintended consequences the bill would have on communities in, on those islands. At the same meeting, the bill was further amended to extend the effective date to September 1,

2021, and to request the Maui Coalition for a Drug-Free Youth educate the public prior to the bill's effective date. This will also allow additional time for implementation by the Police Department.

Council also held a public hearing on January 13, 2021, in order to listen to comments and concerns from members of the community on the bill. So, in short, this bill has received a lot of attention. It's been put out there for everyone in the public to give comment.

So, I want to extend a big mahalo to all involved to help get this bill to second and final reading today. And once passed, this will be another tool in a proverbial toolbox to help keep young people in our community safe from the dangers of intoxicating liquor. And again, this bill will apply only to Maui island. And I ask for the Members full support of this. Thank you.

CHAIR LEE: Thank you, Mr. Molina. Any more discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Chair. So, La'akea Low, who has come to testify on numerous issues, he's interesting. I, I look forward to hearing him when he does come. And I just wanted to let him know that the bill calls for this to be reviewed if the, if the Council so decides within two years from its passage, so we can see the effectiveness of it. Because of his concerns that he mentioned.

And I'm going to be supporting this bill because of my basic stance for underage drinking and its impact. And it seems like that this has already, as Mr. Molina said, has given voice to the concern about this, as I've heard about it through the weeks that have passed from organizations or groups that are also concerned about the same thing. So, it's achieved its initial message and I think that speaks volumes in itself. But there's more to, more to come. And I appreciate that the education that will be done through the, the youth groups that helped make this bill. So, thank you very much.

CHAIR LEE: Okay. Anybody else wishing to comment? If not, all those in favor of passing Bill 142 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, looks like nine "ayes", zero "noes"; motion carries.

Madam Clerk.

COUNCILMEMBER MOLINA: Thank you, Members.

ORDINANCE NO. _____
BILL NO. 1 (2021)

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)

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up Bill 2?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Vice-Chair Rawlins-Fernandez.

Oh, County Clerk, can you call up Bill 2 as well?

ORDINANCE NO. _____
BILL NO. 2 (2021)

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

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 1 AND BILL 2 ON SECOND AND FINAL
READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass
Bill 1 and Bill 2 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 1 amends Appendix A, Part I, of
Fiscal Year 2021 Budget to . . . of Section 3 of Bill 64 by adding Sections for
"LEGISLATIVE FUNCTIONS" and "MANAGEMENT AND OTHER FUNCTIONS", and
moves \$130,456 for the "Center for Tech and Civic Life Grant", under the new Office
of the County Clerk line item under "LEGISLATIVE FUNCTIONS", and replaces the
Office of the County Clerk line item under "MANAGEMENT AND OTHER
FUNCTIONS".

It also adds a second grant under the Office of County Clerk, the "State of Hawaii,
ACT 136", grant in the amount of \$106,176, which is the second payment under the
memorandum of agreement between the State Department of Budget and Finance and
the County of Maui for startup and transition costs for the implementation of voting by
mail.

Bill 2 adds a proviso under the Open Space, Natural Resource *[sic]*, Cultural
Resources, and Scenic Views Preservation Fund to appropriate \$78,500 for land
management of the parcel of Hamakualoa Open Space Fund in Haiku. I ask for the
Members continued support of these items. Mahalo, Chair.

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

Oh, my goodness how time flies. It is five, about 5:29, which is like the wrong time on my, what's the right time? 5:31?

COUNCILMEMBER KING: I've got 5:26.

VICE-CHAIR RAWLINS-FERNANDEZ: 5:26.

COUNCILMEMBER KING: Now, it's 5:27.

CHAIR LEE: 27? 5:27. Okay, any parting remarks anybody?

Yes, Ms. Sugimura.

COUNCILMEMBER PALTIN: Hallelujah.

COUNCILMEMBER SUGIMURA: So, going back to the Maui News Building, and Kelly King's questions, my questions, all of you, about, you know, the, how much is it going to cost, and wanting to understand the analysis. And I recommend, Chair, that either you or we send a letter to Managing Director to do the process of asking the questions we want answered and, you know, not hoping that Scott Teruya is going to be listening or whatever we were talking about today. But get it in writing to the Administration so we can get the answers that we're asking for, as we have discussed, and do the process. I guess you have to send the letter to the Mayor, to the Managing Director, but ask the questions that we want. And, you know, to, so that we can understand what we're voting for, so.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez, can you work with staff to get all of those questions down and submit it to the Administration, so we can have, you know--

COUNCILMEMBER SUGIMURA: The answers that we're--

CHAIR LEE: Well, not only the answers, but it, all in, on one, yea, in one place, so that it's not piece meal and we have all the answers together along with all the questions that everybody raised.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure, Chair.

CHAIR LEE: Thank you.

Alright, and then I hope everybody has a wonderful time watching the, the Super Bowl, where I think Member King's team, the Packers, is going to be playing, along with--

COUNCILMEMBER KING: . . . my team, my neighbors' team.

CHAIR LEE: So, the Pittsburgh Steelers, that's how much we know about football.

COUNCILMEMBER KING: I don't know anything about football.

CHAIR LEE: Mr. Molina. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. On that note, I'm going to make a bold prediction. Either the Chiefs or the Buccaneers will win this weekend. But--

CHAIR LEE: Oh, okay.

COUNCILMEMBER MOLINA: But on a more serious note, I know everybody's going to have a good time, but please follow social distancing protocols as it relates to large gatherings. And I think it's, was it no more than five, if possible? I know it's hard, but everybody do their best, because we want to make sure everybody stays safe. So, anyway--

CHAIR LEE: Thank you.

COUNCILMEMBER MOLINA: --just wanted to say that for the record.

CHAIR LEE: Thank you for that reminder, because we forget about those things when, when you get involved with the, the hoopla of the Super Bowl, okay, which I'm not, because I'm going golfing with my grandson.

So, any, any other comments, questions? Anything exciting?

COUNCILMEMBER KING: I got to, I got to take off, but bye, everybody. Have a great weekend.

CHAIR LEE: Well, you take care and take care of your family.

COUNCILMEMBER KING: Yea, Jenna's resting. She's on medication now, so she's--

CHAIR LEE: Oh, that's good. I'm so glad to hear that.

COUNCILMEMBER KING: . . . surgery. But she has a swollen disc or something.

CHAIR LEE: And then we wish you well and your family, and also, Tasha's daughter and your family Tasha.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Okay, everybody take care. Stay safe. Because as much as you drive me crazy, I want to see you next Monday. Okay. This meeting is adjourned at 5--

VICE-CHAIR RAWLINS-FERNANDEZ: 30

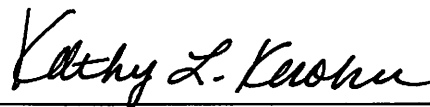
CHAIR LEE: 30, so roughly--

VICE-CHAIR RAWLINS-FERNANDEZ: 5:30.

CHAIR LEE: 5:30 on February 5.

ADJOURNMENT

The regular meeting of February 5, 2021 was adjourned by the Chair at 5:30 p.m.



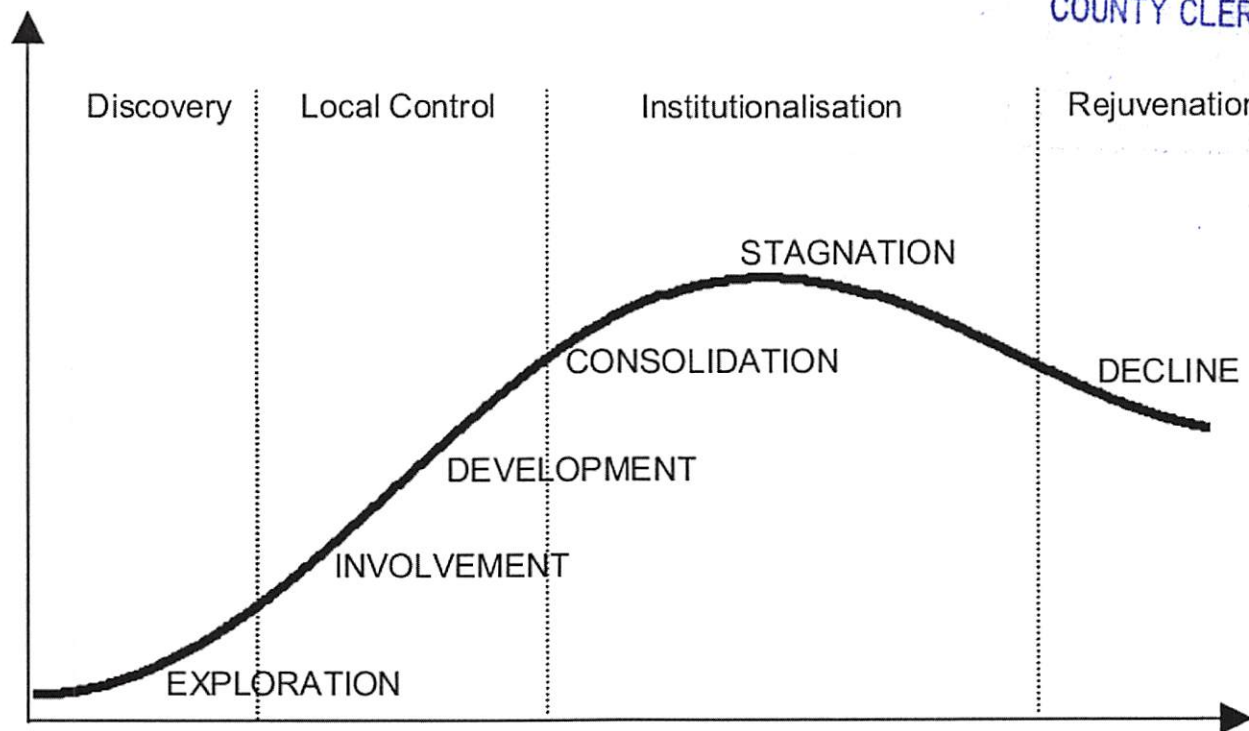
KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

TESTIMONY IN SUPPORT OF THE SUSTAINABLE TOURISM RESOLUTION CC21-93
– Genesis Young MD – 2/4/2021

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FEB -5 AM 9:51

OFFICE OF THE
COUNTY CLERK



Amelung, Bas 2006/03/31 Global (Environmental) Change and Tourism: Issues of scale and distribution

Tourism has a lifecycle from exploration to decline, and Maui tourism is at the top of the curve and cannot avoid inevitable decline without actively pursuing sustainable tourism.

Sustainable tourism, as defined in the resolution, is a **necessity** for the visitor industry and the host community.

The County and the residents of Maui County **benefit from the visitor industry** as it is a major economic driver of our community.

The residents and the visitors alike enjoy the beauty and culture and environment of Maui County. The **visitor industry in fact sells and markets the beauty and culture and environment of Maui County** and needs to maintain it and regenerate it and improve it to **maintain a quality experience for its visitors**.

The visitors and residents of Maui County share and compete for the same resources. We both use the beaches and the recreation facilities and share exploring; for example by hiking and snorkeling in this beautiful natural environment. We also share the infrastructure and the drinking water and the food and sewage facilities....And there is a limit to the ability of an island environment and its existing infrastructure to support the humans on the island.

The greater the number of residents and visitors on the island the greater the degradation to the physical environment and the social and cultural environment.

The visitor industry creates waste and emissions and is contributing to global warming.

The visitor industry is very unique in that it imports the customers and they are focused on entertainment and enjoyment and relaxation and definitely not focused on the problems of the world or the environment or this community while on vacation. Because of the very nature of this industry the visitor industry has a **responsibility** to repair and mitigate and preserve and improve and regenerate any and all adverse effects of its impact.

We must have sustainable tourism with an emphasis on quality over quantity as the goal. We need to focus on the

1. Quality of the ecology – the physical environment; the land, the sea, the air and the fire or energy element; to include all four elements. The living organisms in all these domains must be considered for the wildlife and the humans. This becomes compromised when these elements are compromised and negative environmental risk and/or impact are present.
2. Quality of the social and cultural environment This is compromised when visitors become irritating to locals and/or damage the local culture.
3. Quality of the economic environment. This is compromised when the local economy is largely based on tourism or becomes dependent on it.

Before the pandemic we had too many visitors and we are having **degradation of our reefs and our land** and loss of our wildlife. We have all been witnessing the improvement in the environment since the number of visitors dropped so dramatically.

Before the pandemic we had too many visitors and we had degraded **our quality of life**; including overcrowding of our beaches and community and roads and more. We have all breathed a sigh of relief for the space and peace we have had and the improvement from the overcrowding, since the pandemic, although the other consequences have been dire.

The **economic environment** has been devastated with the pandemic but this does create an opportunity, as we regrow our visitor industry, to focus on having fewer numbers and developing a business plan that will make this profitable for the industry and employ our residents and sustain our small businesses that are connected to the visitor industry. As we rebuild it is essential we use this opportunity not to go back to a mindset of growth no matter what.

Tourists all want a high quality experience and that is not what they get when they have to wait in line at destinations or have put up with long delays in traffic or so many snorkelers on a reef you have more people than fish and the reef environment is so degraded from the visitors that the experience is not first-class for them let alone for the inhabitants of the reef. Of course what is bad for our environment is also bad for the visitor industry therefore we have a **common goal** to maintain and regenerate this beautiful Maui County environment to **maintain the quality of life for the residents and the quality of the experience for the visitors**. Right now, is our chance to do this with the least additional economic stress and pain as we regrow this industry sustainably.

Our island cannot sustain the tourist industry at the level it was, we have already exceeded our carrying capacity – and the roads could not handle it and the infrastructure cannot handle the volume of tourists and the sewage treatment system could not handle it. Our reefs are in trouble in large part due to the volume of tourists both on the reefs and using sunscreen which damage the reefs and from the sewage that is being generated and so on. It is clear that the quality of the visitor experience is what brings the visitors back, so we must maintain that quality and that also maintains the quality of life for those who live here on the island. We must keep our visitor industry within the **limits of acceptable change** to prevent undesirable impact.

Climate change is important and is a real problem that the tourist industry definitely contributes to with a net negative carbon footprint. This must be addressed to maintain this island and this world for all of us. Sustainability also considers that.

The **culture and society in Hawaii** is overrun by too many visitors overwhelming the culture here - that must be addressed also by keeping the quantity of visitors at a lower or sustainable level; amongst other ways to address this important issue.

There is a lot of **information about sustainable tourism** that the visitor industry and all its sectors can use. That includes the accommodation sector, the attraction/destination sector, the transport sector, and the travel organizer / destination organizer sector.

I refer you to the 2002 report by the **Hawaii Department Of Business Economic Development And Tourism DBEDT** titled **Planning For Sustainable Tourism**. I quote “the system should remain focused on the principle of preserving and enhancing key assets – natural resources, social cultural ethos, adequate infrastructure – which support both tourism and resident quality of life.”

I refer you to the **United Nations environment program UNEP** titled **Making Tourism More Sustainable** a guide for policymakers from 2003 and with ongoing revisions. And I quote from page 75

“One of the principles of sustainable development of tourism is preparedness to recognize and abide by limits on the development of tourism and visitor flows.”. There is information on carrying capacity assessment and also looking at the level of undesirable impact to create a limits of acceptable change approach which is additionally helpful.

I refer you to the **Global Standard For Sustainable Travel And Tourism** from the **Global Sustainable Tourism Council** that has guidelines for hotels and accommodations and tour operators and destinations. Capital it can be a general guideline that can be helpful in combination with the other information from the Hawaii document and the UN. Also there is a **Green Globe Certification** for destinations and tour operators as well as other organizations and frameworks that are available.

I believe we must be **resolved to have sustainable tourism emphasizing quality over quantity**, and that **now is the time**, as we recover from the pandemic, to make that a reality, as a better direction for all of us going forward.

I believe this must include **repairing the harm** that is been done to **the land and water and air and energy** environment and the living creatures in these four elements of our environment. We must **maintain** what we have and continue what we are doing that helps. We must go farther to **improve and regenerate** the land and its inhabitants, and the sea and its inhabitants, and the air and its inhabitants and the energetic environment and its inhabitants,-that needs scrutiny as well. We often don't consider our energetic environment except perhaps by looking at noise bylaws and dark sky initiatives that are aimed to decrease the amount of night lighting which allows us to see the stars and helps maintain the bio rhythm with the mother Earth and its creatures having both day and night. Additionally energy in our environment should be considered using the precautionary principle in mind such that we do not introduce new and unproven energies into our environment unless we know they are safe.

Genesis Young MD 2/4/21 chair subcommittee sustainable tourism with CAAC

RECEIVED

2011 FEB -1 AM 11:39

**OFFICE OF THE
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. Why do I think it will minimize underage drinking? This bill being passed will hold people accountable. This bill will allow adults the opportunity to think twice about their views on supplying underage individuals with alcohol. Living in a community where drug use and underage drinking is common, this bill will help back me up when I advocate to neighbors about doing something about this problem. This bill passing will not only bring awareness to underage drinking again, but it will also set the pace for getting the help to these individuals and educate them about why ordinances such as this, needs to be passed.

Thank you council members,

Joanna Borreta
111 Kahului Beach Rd. A 309
Kahului HI, 96732

County Clerk

From: Debra Greene <debra@DebraGreene.com>
Sent: Wednesday, February 03, 2021 4:57 PM
To: County Clerk
Cc: Daniel Kanahele; LaJon Weaver
Subject: Agenda Item GC 21-3

RECEIVED
2021 FEB -4 AM 7:58
OFFICE OF THE
COUNTY CLERK

Aloha Chair Lee and Council Members,

I am writing on behalf of the Maui Meadows Neighborhood Association (MMNA) with regard to agenda item # GC 21-3, annual compliance report for Makena resort area.

We respectfully ask that the annual compliance report be referred to a committee for review because we have several concerns about the project.

We're concerned about the practical application of the traffic improvement conditions of zoning that call for Makena Resort to pay their fair *pro-rata* share to upgrade Pi'ilani Highway to four lanes. There is evidence to suggest that the three major landowners - Makena Resort, Wailea Resort and Wailea 670 (Honua'ula partners) - are making "separate" arrangements with Hawaii Department of Transportation (HDOT). Impacted communities, like ours, and the public in general, are being left in the dark about how and **when** any solution for traffic on Pi'ilani Highway is actually going to be **implemented** and what exactly that implementation will look like.

According to the Kihei/Makena Community Plan, PROVISION OF NEEDED PUBLIC FACILITIES AND INFRASTRUCTURE:

*The County of Maui in general, and Kihei-Makena in particular, witnessed significant growth in the 1980s and early 1990s. In many instances, however, public facility and infrastructure improvements lagged behind development in the region. As such, a significant upgrade and expansion of existing public facilities and infrastructure is necessary. Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built **concurrent** with future development. The land use designations on the community plan map are not an assertion that infrastructure will be provided to these areas, but merely that it would be appropriate to develop these areas as designated on the maps **if the necessary infrastructure and services are available**. (Emphasis added.)*

And under Objectives and Policies, item b:

*Undertake transportation system improvements **concurrently** with planned growth of the Kihei-Makena region. Require adequate interregional highway capacity, including the widening of Pi'ilani and Mokulele Highways to four lanes, **prior to the construction of major projects south of Kilohana Road or mauka of Pi'ilani Highway**. (Emphasis added.)*

If there are separate deals being made with the three main landowners to each contribute a "share", will this really meet the stated requirement that four lanes on Pi'ilani highway be completed **before** construction of major projects south of Kilohana Road? Or will we end up with a partial road built, which is completely inadequate to meet traffic needs?

Wailea Resort appears to have secured "approval" of a partial road from their secret HDOT agreement. So the result is a "partial road solution" and hundreds of new units south of Kilohana which would greatly impact our neighborhood. The clear intent of the Community Plan is to have adequate infrastructure (defined as the expansion of Pi'ilani to four lanes) **prior to** development in South Maui south of Kilohana. The Community Plan intentions are clear, yet the current "arrangements" being made by landowners appear to have very little chance of satisfying those clear intentions.

This is why the matter of the Makena Zoning compliance should be brought to some scrutiny in a Council committee to inform the Council and the public exactly how the intent of the Kihei/Makena Community Plan will be upheld.

Thank you for your consideration.

Sincerely,

Debra

Debra Greene, PhD
MMNA President
www.MauiMeadowsNA.com
debra@debragreene.com

TO: Council Chair Alice Lee and all Maui Councilmembers,
FROM: Dick Mayer, 1111 Lower Kimo Dr. Kula

RE: CC-21-93 Proposed Resolution:

"EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM,
EMPHASIZING QUALITY OVER QUANTITY".

<https://mauicounty.legistar.com/View.ashx?M=F&ID=9104422&GUID=060E4C8B-1724-4FAC-A32F-AA82CCBAA4A0>

Aloha Chair Lee and Councilmembers,

I strongly support this resolution, but it could be made stronger by adding an additional "Be it Resolved" that might read as follows:

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

5. That it urges the Maui Planning Commission to recognize the need to limit additional visitor accommodations, so as: a) to reduce stress on our infrastructure and environment; b) to control Maui's economic over-dependence on tourism; and c) to preserve Maui's excellent reputation as a quality tourist destination.

Also add the following people to the people being sent the resolution:

"Director Michele Mclean, Maui Planning Department; and Chair, Maui Planning Commission"

Please amend the resolution by adding this "Be it Resolved" and the names mentioned above..

Mahalo, Dick Mayer

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2021 FEB -2 AM 7:48
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COUNTY CLERK



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2021 FEB -4 AM 10:27
OFFICE OF THE
COUNTY CLERK

To: Councilmember ALICE L. LEE, Chair
Councilmember KEANI N.W. RAWLINS-FERNANDEZ, Vice-Chair
Members of the Maui County Council

Fr: Randy Gonce, Executive Director of the Hawaii Cannabis Industry Association

Re: **Testimony In Strong Support on CC 21-94**
RESOLUTION ENTITLED "SUPPORTING LEGALIZING, REGULATING, AND TAXING
RESPONSIBLE, ADULT-USE CANNABIS"

Dear Chair Lee, Vice-Chair Rawlins-Fernandex, and Members of the Council:

The Hawai'i Cannabis Industry Association, formerly known as the Hawai'i Educational Association for Therapeutic Health, represents all eight of the state's licensed medical cannabis dispensaries. HICIA **strongly supports CC 21-94** as an important resolution for the cannabis industry as a whole and the people of Hawai'i. There are roughly 30,000 medical patients statewide and our dispensaries proudly serve them with clean, tested, and regulated medicine. We know that there are thousands more who are currently suffering from medical ailments that do not have a medical card for various different reasons. We look forward to the day that all 8 licensees can serve all adults in the state who choose to use cannabis as medicine.

Mahalo for the opportunity to testify.

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2021 FEB -4 PM 3:53

OFFICE OF THE
COUNTY CLERK

From: Mike Moran <mmmmahalo2000@aol.com>
Sent: Thursday, February 4, 2021 3:42 PM
To: County Clerk
Cc: Kelly King
Subject: KCA Testimony in support of CC 21*93 fpr sustainable tourism

Aloha Chair Lee and Council;

Mike Moran testifying for the Kihei Community Assoc (KCA) in support of CC 21-93.
(ecoment says not available, so sending to county clerk email)

KCA is strong support adjusting the County's approach as OUTLINED IN THIS DOCUMENT.
Enough with the considering success by greater and greater number of visitors, which overwhelm out infrastructure The
time for adjusting is long overdue. Please support

Mahalo..
Mike Moran President KCA

To the voters of Bill 142,

I am writing to you today in support of Bill 142. My name is Brandon Agpaoa-Thompson, and I am a prevention specialist at Maui Youth and Family Services. I am writing to you as a concerned future parent, uncle, cousin, and friend of those who will and are currently being affected by underage drinking. Before being a prevention specialist, I worked with at-risk youth from the ages of 10-21 as an outreach counselor. I have seen the horrible effects of underage drinking. I want to make sure that there is accountability to adults in the future and hope they would think twice before providing alcohol to minors. I also would want to make sure that the irresponsible adults who let underage drinking happen in their households are held accountable.

I am about to be an uncle, and I want to make sure that my niece or nephew has protection against other adults encouraging them to drink while not of the legal age. I know my family and I will be enforcing the no underage drinking values in our households. This bill being approved will provide us a peace of mind that there's something we can do if adults were to go against what we teach our younger family members. I want to have a security blanket for if my future family member goes to a friend's house and their parents or another adult buys alcohol and encourages drinking with them as long as they remain in the house. This mindset is sadly very common amongst families in Hawaii and all over the world. I would like this mindset to change and try to prevent everyone from thinking that underage drinking is ok, by seeing this bill put in to play.

This bill being put through is just the foundation of a new set of enforcement. It has the potential to help make the community and the youth safer because it will help deter adults from buying alcohol for minors. It will also empower parents to actively make sure that their alcohol is out of reach from their children. I want to make sure it is harder to get alcohol for under-aged drinkers. Alcohol is known for addiction and destroying lives, so why wouldn't we try to prevent it from preying on our youth? I fully support this bill due to the reasons stated above and encourage you to vote in favor of accepting it. Before you vote, I'd like to encourage you to think about your family members who this bill is made to protect before you cast your vote. Please consider how important this is to their protection.

If you have any questions, feel free to contact me at Bagpaoa-thompson@myfs.org or (808)579-8414 ext, 8212.

Thank you and I hope this testimony is enough to help get bill 142 signed and approved.

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2011 FEB - 3 PM 12:03
OFFICE OF THE
COUNTY CLERK

Lynn Britton
P.O. Box 2241, Wailuku, Maui, HI 96793

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2021 FEB -5 AM 7:46

OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair, County of Maui
Wailuku, Hawaii 96793

**SUBJECT: EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM,
EMPHASIZING QUALITY OVER QUANTITY (PAP 21-033)**

Aloha Chair Lee:

I offer my personal support for the resolution "EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM, EMPHASIZING QUALITY OVER QUANTITY," placed on the Council meeting agenda by South Maui Councilmember Kelly King.

When I first moved to Maui in 1973, there were 40,000 residents and few visitors. I benefited from the State's push to develop the visitor industry on Maui, partaking of state-funded training for Maui's booming visitor industry.

During my ten years at the Maui Chamber of Commerce (1977-87), in the same office as the Maui County Visitors Association (MCVA), I was exposed daily to the early planning for Maui's visitor industry. My mentor, MCVA Executive Director Frank Blackwell, stressed continuously that Maui needed to distinguish itself from Honolulu and always strive for quality vs quantity. MCVA did not want Maui to become another Honolulu, and worked hard to create the Maui mystique, built on quality not quantity. A very successful visitor industry was built for the people of Maui. Maui's economy flourished.

Unfortunately, in subsequent years that original emphasis on quality vs quantity was lost. Hotels were over built, rental cars consumed our roads and highways and one, then two million visitors a year grew to over three million visitors before the pandemic. It was time for a major adjustment.

Little did we know that COVID-19 would allow us this chance to reset?

I support this emphasis on sustainable tourism for Maui. I have and always will support the need to consider visitor carrying capacity in order to preserve what's special about Maui Nei for Maui residents and visitors alike.

The visitor industry will continue to be a major economic driver for Maui County. We need to focus on the goals of the Maui County General Plan 2030, "To strategically manage tourism on Maui, Molokai, and Lanai in a

in a sustainable manner that promotes economic well-being, quality of life for residents, preservation of natural and cultural resources, and quality experiences for visitors".

This is the only way we can continue to safeguard Maui County's precious resources of land, ocean, reefs, beaches, infrastructure, water, open space and scenic resources for the benefit of Maui residents and visitors alike.

As Maui rebuilds its visitor industry, we will once again be competing with other world class destinations. We need to offer valuable visitor experiences, unique cultural and environmental offerings. We have the resources! Maui's environmental corridor based in Maalaea Bay of Maui Ocean Center, Pacific Whale Foundation, Kealia National Wildlife Refuge, and the Hawaiian Islands National Marine Whale Sanctuary need to be valued and protected.

Mahalo for taking up this important issue as we rebuild our visitor industry from the 95% loss incurred early on in this worldwide pandemic and attempt to rebuild better for the future.

I support the goals of this resolution:

1. To value sustainable and strategically managed tourism—to promote economic well-being, enhanced quality of life for residents, preservation of natural and cultural resources, and high-quality experiences for visitors;
2. To acknowledge when tourism is sustainably maintained and the visitor footprint is manageable, Maui County can have a thriving ecosystem, supporting tourism, residents, and the local economy;
3. To encourage the Hawai'i visitor industry to expand efforts to address environmental challenges, work with the community, and honor the shared responsibility to steward the land, water, and air;
4. To ensure the County's natural and cultural resources will be protected and enjoyed for generations to come.

I also encourage this Council to find ways to reduce the number of rental cars on this island, and encourage public transit between airport and resorts.

Mahalo!

A handwritten signature in black ink, reading "Lynn Britton". The signature is written in a cursive, flowing style.

Lynn Britton

ELLEN R. CARINGER, PH.D.
2388 Puu Mala Place
Kihei, HI 96753
PHONE: 808-281-7463
FAX: 808-874-7410

RECEIVED
2021 FEB -3 AM 11:30
OFFICE OF THE
COUNTY CLERK

February 2, 2021

Office of Council Services
Maui County Council
Kaalana O Maui Building 8th Floor
200 S. High St.
Wailuku, HI 96793

Subject: Written Testimony in Support of the Social Host Liability Regulations

My name is Dr. Ellen Caringer, and I live in Kihei, Maui. I am a child psychologist and neuropsychologist and am submitting this testimony in favor of the Maui Social Host Ordinance. As a neuropsychologist, I am keenly aware that there is important ongoing brain-development during teen years, particularly in the frontal lobes. The frontal lobes are important to, among other things, impulse control and executive functioning. The higher risk behavior we may often see in teens, is in large part due to the fact that this part of the brain has not finished its development. As alcohol is known to disinhibit behavior, teens who consume alcohol are then at significantly increased risk for an escalation in high-risk behavior. I have personally counseled with teens who have witnessed harm and illness due to alcohol consumption at these parties or who have themselves been victims in these home parties. Just because teens may be in someone's home, does not mean they will report to the parents in the household that something harmful has or is occurring. In these situations kids often end up in different rooms or in different parts of the property, ultimately still unsupervised.

For these reasons, I support the Social Host Liability Regulation, and would ask you to vote in favor of this regulation. Allowing under age drinking is not without significant risk, and I would encourage that the adults in the household be held responsible when this occurs. This regulation is a simple, enforceable way to deter adults from turning a blind eye to drinking at house parties and will help to prevent, fights, assaults, and deaths that happen as a result of these house parties.

Sincerely,

Ellen R. Caringer, Ph.D.
Clinical Psychologist & Neuropsychologist
Licensed Hawaii

RECEIVED
cc: Alice.Lee@mauicounty.us, Council Chair
Keani.Rawlins@mauicounty.us, Council Vice-Chair
Tasha.Kama@mauicounty.us, Presiding Officer Pro Tempore
Gabe.Johnson@mauicounty.us, Councilmember
Kelly.King@mauicounty.us, Councilmember
Mike.Molina@mauicounty.us, Councilmember
Tamara.Paltin@mauicounty.us, Councilmember
Shane.Sinenci@mauicounty.us, Councilmember
Yukilei.Sugimura@mauicounty.us, Councilmember

County Clerk

From: Bob Fontana <culliebarry@gmail.com>
Sent: Friday, February 05, 2021 9:58 AM
To: County Clerk
Subject: CC 21-94: SUPPORTING LEGALIZING, REGULATING, AND TAXING RESPONSIBLE ADULT-USE CANNABIS

Greetings:

I wish to submit written testimony in support of the resolution in the subject bar above. It is time to enter the 21st century of criminal reform and act sensibly to decriminalize adult use of cannabis, and move to undue the damage caused to those who have been penalized for such use in the past.

submitted,

Respectfully

Robert Fontana
16 Kauai Place
Kula, HI 96790
tel.: (808) 280-

8132

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FEB - 5 AM 10:02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Dana Fulton <dfulton808@gmail.com>
Sent: Monday, February 01, 2021 9:55 AM
To: County Clerk
Subject: Support Bill 142

Aloha,

Please vote in favor of the social host ordinance to the maximum of your capabilities. We need to change this aspect of our local culture. We cannot be proud of having such high rates of underaged drinking and drug rates, it's ridiculous and embarrassing. We need to do better and this is one way to directly address this. You don't go to bars/restaurants as teenagers to drink, you go to your friends house with "cool" parents. The local bars/restaurants are held to such high standards for alcohol overall and are held highly accountable if someone underaged gets a drink. Why aren't parents/adults held to the same standards with children and teenagers? I was born and raised here. There is a definite party atmosphere that permeates the culture. In high school I once naively wanted to invite classmates to my house for a bbq birthday party and when asked if my parents would let us drink, many laughed when I confusedly said no there would not be alcohol. I truly had no idea that that's what so many were doing on the weekends at age 13/14. It hadn't even occurred to me at that age. I went to my first house party at 16 while the parents were there hanging out with us drinking with us. Later after high school while still underaged, there would be parties at hotels or condo rentals. We even had a well-loved classmate get killed at a house party (Yeshua), which is still an unsolved murder in Maui County. I'm 29 now and I still think about these things. Looking back, it is quite shocking that all this went on, is still going on, probably even more so with social media, and it's swept under the rug because it's "cultural" or "part of growing up" or "it's Hawaii, we party". Please hold parents accountable for what their children and their friends are doing under their supervision. This is common sense. Trauma doesn't go away and this bill helps prevent more traumatic experiences bestowed upon our young people who grow up and have to address these things as adults. We can do better now. This is necessary legislation that has proven itself in other places. We must do this now. Please pass Bill 142 social host ordinance.

Mahalo,
Dana Fulton
Private Citizen
dfulton808@gmail.com

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2021 FEB - 1 AM 9:57
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COUNTY CLERK

County Clerk

From: Natalia Hussey-Burdick <nataliaforhawaii@gmail.com>
Sent: Thursday, February 04, 2021 10:56 AM
To: County Clerk
Subject: Testimony supporting CC 21-94

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2021 FEB -4 AM 11:33
OFFICE OF THE
COUNTY CLERK

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

Thank you for considering CC 21-94 supporting legalizing, regulating, and taxing responsible, adult-use cannabis. Please pass this powerful resolution that would bring compound benefits from reducing our overcrowded prisons and jails to providing a desperately-needed boost & diversification to our local economy.

Mahalo for leading the way, as always.

Natalia Hussey-Burdick
Windward O'ahu
808-688-3481

County Clerk

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From: Axel I. Beers
Sent: Thursday, February 04, 2021 5:20 PM
To: County Clerk
Subject: Testimony received Fw: Regarding Sustainable Tourism

2021 FEB -5 AM 7:46

OFFICE OF THE
COUNTY CLERK

Aloha,

Please see the below testimony received to our office regarding an item on tomorrow's agenda.

Axel

Axel Beers
Executive Assistant
808.270.8018
Axel.Beers@mauicounty.us



Office of Councilmember Kelly T. King

South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

From: Peter Kafka <pkafka@mauigateway.com>
Sent: Thursday, February 4, 2021 1:17 PM
To: Kelly King <Kelly.King@mauicounty.us>; Axel I. Beers <Axel.Beers@mauicounty.us>
Cc: Peter Kafka <pkafka@mauigateway.com>
Subject: Regarding Sustainable Tourism

Aloha Kelly:

Thanks for the heads up on the council meeting tomorrow (2/5/21) and the resolution you want to introduce regarding sustainable tourism initiatives. Unfortunately the website said it is too late to submit written testimony and I am not able to attend the meeting or connect via internet or phone tomorrow, but I do want to add a couple of further thoughts. I totally agree with your proposal. Something does need to be done to reign in the "wild west" - "anything goes" - no limits approach to tourism here in Maui County and elsewhere on the Islands. In addition to the issues and areas of impact that you spelled out so well, I would like to add and voice concern for the following:

The impact of unlimited tourism on the limited capacity of the counties Solid Waste Management. Because the Hawaiian Islands are just that, Islands isolated out in the middle of the Pacific Ocean. Land for disposal of solid waste is limited and quite costly. Also in the current state of economics and the fact of isolation the County of Maui is at a great disadvantage to recycle glass, plastic, metal and cardboard. The tourist industry increases this problem in an unproportionate way. Since tourists come for a short time, purchases of items that generate waste are probably considerably more than the generation of existing populace. Perhaps the same airlines that bring tourists to the Islands should be required to fly out the requisite waste products for recycling.

The other issue is the impact on the Island's roadways. Our roads for the most part are not built to handle the influx and impact of unlimited tourism. The increased traffic compounds the deterioration of our roads, hampers the ability of the county to maintain

and repair the roads and causes confounding traffic jams at all hours of the day and night and makes residents to consider work
arounds or increase commuting time to and from work or other missions.

Thank you,

Peter Kafka

From: Jen Mather <jen.mather@gmail.com>
Sent: Sunday, January 31, 2021 11:24 PM
To: County Clerk
Subject: Council Meeting - 2/5/2021 - Testimony CC 21-72

Aloha Council Chair Lee & Councilmembers,

My name is Jen Mather and I would like to ask that the Council encourage non-realtors to submit board applications for the Maui Planning Commission position vacated by Lawrence Carnicelli. It seemed to me that Mr. Carnicelli's chairmanship of the Planning Commission was a gross conflict of interest even if he was very astute and charismatic in the role.

I hope that when the mayor designates a nominee for the position that the Council invite that individual into chambers for a thorough vetting to ensure no potential conflict of interests will arise. The easiest way to do that is to disallow any further developers, realtors, and contractors to be added to the commission; those voices are well represented and I believe there needs to be more balance.

Mahalo for your time and consideration and for always having Maui's best interests in heart.

Me ka ha'aha'a,
Jen Mather

Testimony in support of the Social Host Liability Regulation

From: Kristin Mills, M.S., M.A.

Date: February 2, 2021

Subject: Support for Maui County Social Host Liability Regulation

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2021 FEB -2 PM 2:30

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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MAUI COUNTY CLERK
THE
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.

Finally, I want to add in how disappointed that Molokai and Lanai are being allowed to exempt themselves from this Bill. They are part of Maui County and should also be involved as their youth matter too. I understand the concerns of the representatives, but their thoughts that underage drinking is inevitable and would rather have youth drink at home is short-sighted. Just because that's how it's been historically, doesn't mean that's how it should be moving forward. Our public health polices are helping our youth of today and tomorrow to be BETTER and HEALTHIER than the youth in the past. With education, empowerment, and yes POLICY we can help the youth on ALL Maui County islands remain alcohol free and have a better future.

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

County Clerk

From: Darla Palmer-Ellingson <360socialbiz@gmail.com>
Sent: Wednesday, February 03, 2021 1:27 PM
To: County Clerk
Subject: Testimony for CC 21-93 for 2/5/21 Council Meeting

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2021 FEB -3 PM 2:06
OFFICE OF THE
COUNTY CLERK

Testimony for CC 21-93
County of Maui Council meeting February 5, 2021

Aloha,

My name is Darla Palmer-Ellingson. I am a steering committee member of the Climate Action Advisory Committee. However, today I am speaking as a private citizen.

I fully support CC 21-93 EXPRESSING SUPPORT FOR SUSTAINABLE TOURISM, EMPHASIZING QUALITY OVER QUANTITY.

Mahalo for bringing this important legislation forward.

I am submitting the following thoughts and requests for consideration.

First, let's put the Hawaiian host culture first. Make a defined plan to involve native Hawaiian voices in all planning on this initiative. This should include benchmarking so that indigenous voices are in the majority, not based on percentage of population.

Second, we need immediate action to limit visitor arrivals now and in the future. Most urgent is an immediate moratorium on new construction of hotel rooms, time-share and vacation rental condominiums. In projects approved but not yet built, review and ensure there are provisions for energy efficiency, solar and EV charging.

As a legislative body, you cannot continue to have discussions about limiting the number of visitors while still allowing the number of vacation rental rooms to increase. Please put this topic on your agenda! With projects already underway, an action taken now will not be fully realized for years--this can't wait. Taking strong action will compel you and industry partners to look at how the construction industry focus must change, and the related jobs. This could include focus on residential workforce and affordable housing, such as the net zero modular home factory concept introduced to the CARE Committee, and diverse industries that can provide good trade jobs other than construction of visitor accommodations.

You may also have an opportunity to limit the number of rental cars allowed on the island and ensure all remaining vehicle fleets are EV, with an infrastructure to support them. A \$340M rental car facility was allowed to open at Kahului Airport in 2019 with NO provision for electric vehicles. Sustainable tourism goes hand in hand with addressing the climate crisis.

Limit visitor attendance to natural resources while allowing free access to residents. Implement a fee system for overtaxed areas to support preservation and enforcement costs.

Incorporate the Malama Maui County Pledge in the voluntary portion of the visitor arrival declaration filled out on the airplane.

Voices in the planning process

In addition to prioritizing input from the native Hawaiian community, I urge you to consider the following.

Strive to also include voices of long-term residents, those who have been here 20 years or longer, who have experienced the drastic changes over time. Track the participation and response by cultural heritage to gain a diverse perspective.

Address citizens not feeling heard in the rule-making process and define a better process. Here is an example: When evaluating impact on resources, such as recreational boating and marine areas, look at the number of people per vessel as a priority over

number of vessels as the state often does. When restricting the number of people to a popular shoreline area, understand that a restriction in one area will impact and increase attendance on non regulated areas.

When involving other residents in the planning, define residents as "an individual that spends 200 days or more in Maui County during the tax year and files their tax return as a Hawaii resident (the State's definition of resident).

Implement a "provisional" license system for drivers licenses and State ID's for people moving to the island. A new arrival can only receive a full resident license (and related benefits) after one year, or after claiming Hawaii residency on their filed tax return, which-ever comes first.

Call into question the State's initiative to incentivize telecommuting workers to move to Hawaii for 6 months or longer. These initiatives are done in other parts of the country to bolster dying towns or keep commuters off the road. We do not need the increased population, and these temporary residents will overtax natural resource areas just as a visitor would. They also keep rental rates high, disadvantaging local residents. Turn those incentives toward new, clean, job creating industries.

State vs County

Acknowledging that many of these areas spill over into State regulated locations or projects, how can Maui County be a stronger partner and voice for the needs of our community on a state level? Going back to the rental car facility as an example, what could have been done to change the state planning to incorporate EVs? What can be done now to oppose "telecommuting tourists"? We can no longer accept state initiatives that do not align with sustainable tourism.

Respectfully submitted,

Darla Palmer-Ellingson
808-280-0949 (cell)
360socialbiz@gmail.com

County Clerk

From: msch4@ccmaui.net
Sent: Monday, February 01, 2021 6:12 PM
To: County Clerk
Subject: Support Bill 142

RECEIVED
2021 FEB -2 AM 7:40
OFFICE OF THE
COUNTY CLERK

Maui County Council

RE: Support Bill 142—February 5, 2020 Agenda

I support the passage of the Social Host ordinance. This Ordinance adds another tool for police enforcement when called for. It also provides a reason for hosts who are pressured to allow underage drinking at events to just say no! This Ordinance creates a civil penalty, and the fines are reasonable. With or without this law, people who provide intoxicating substances to minors are contributing to the delinquency of minors.

It is a shame that this tool will not be available to law enforcement on Lanai and Molokai. I heard the comments concerning the possible eviction of offenders from public housing on Lanai. Exemption provides tacit approval for adults to provide alcohol without penalty to minors. It removes penalties for underage drinking on these islands.

Please pass this Bill. Thank you.

Madge Schaefer
(808)874-9293

From: LL Tanner <adicma@msn.com>
Sent: Thursday, February 04, 2021 4:00 PM
To: County Clerk
Subject: Support Bill 142

RECEIVED
2021 FEB -4 PM 4:04
OFFICE OF THE
COUNTY CLERK

IN SUPPORT OF BILL 142

To: Maui County Council
From: Laurie Tanner, Resident
Date: February 4, 2021

Thank you for receiving today's testimony to further the enactment of Bill 142, the Social Host Ordinance. As a former Hawaii public school teacher, grandmother, and author/child advocate, it is critical for me to continue to voice support to decrease or stop underage (12-20 years of age) youth who gather and drink alcoholic beverage at residences in Maui County. Studies have proven the most effective way to decrease underage drinking events is to remove the convenient location where kids obtain alcohol and drink it. We are addressing the known destruction to children, families, healthcare professionals, neighborhoods, and police officers when underage drinkers are drinking illegally, with a proven potential to drive while intoxicated, and be a perpetrator or a victim of physical or sexual assault. Public health officials, pediatricians and devastated families have known for years that underage drinking is NEVER safe, and we now have the power to remove the number one place Maui kids drink: private properties.

I congratulate you for seriously addressing this public health tragedy, and hopefully enacting this civil ordinance, which is not a criminal one, to compel children's friends, families and homeowners to recognize that they have a responsibility to ensure that their homes are not used as locations for high-risk underage drinking parties. The Social Host Ordinance would help our law enforcement officers be a part of a community-wide solution to excessive drinking by teenagers. Counties who have Social Host Ordinances experienced eventual, significant reductions in calls to their police departments, saving tax dollars for criminal work while at the same time, protecting our youth and Maui's diverse communities.

Sincerely Laurie L. Tanner, 283 Palanehe St., Kihei, HI 96753

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NO 4 PM 4 04

COMM. OFFER



MAUI OCEAN CENTER

THE HAWAIIAN AQUARIUM

02/04/21

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2021 FEB - 5 AM 7:46
OFFICE OF THE
COUNTY CLERK

Honorable Council Chair Lee and Maui County Council Members,

This letter of testimony is to express my full support for the Resolution "Expressing support for sustainable tourism, emphasizing quality over quantity"; CC 21-93.

I am the General Manager of Maui Ocean Center, second most visited "attraction" on Maui after the Haleakala National Park so on the surface it may seem contradictory that I would support any actions that may potentially impede the number of visitors coming to Maui. In 2019 we saw record visitation to Maui which benefitted many Maui residents financially as well. We also experienced the negative impacts of this record number of tourists on our infrastructure and environment which really brought sustainability into the focus. If we follow the linear growth of tourism on Maui, we can extrapolate likely outcomes, and most of them are not positive. I am grateful to be able to call Maui my home and it is an honor to be part of the community and hopefully add value through my actions to benefit future generations of Maui Nei.

As a community we should have discussions what is sustainable and how we extract and allocate our resources; everyone in the community should have a voice if they choose to participate in this discourse. We have been trained to think in terms of months, quarters and yearly time frames and have a tendency to evaluate things through the short-term lens. It is imperative we expand the time horizon and think bigger in our cost-benefit analysis. It is also in human nature to have a tendency to ignore things that may be unpleasant or difficult to deal with. We can no longer afford to do so as the cost of inaction is becoming ever greater as the macro changes in our World are happening in ever increasing exponential velocity.

Every time I share with someone the Maui ordinance of banning marine mammals in captivity I swell in pride as this represents to me one of many things that make Maui so special. To me this along with the plastic bag ordinance and sunscreen(Statewide) ordinance demonstrate clarity of vision and purpose and truly are examples of exemplary leadership. One of my personal heroes is the Honorable Thomas E Remengesau Jr.; the President of Palau whose 2nd 4 year term ended last month, January 2021. I see him being responsible for creating the change on Palau to sustainable ecotourism model that will benefit future generations of Palauans. Below is the link to the "Palau Responsible Tourism Policy Framework 2017-2021" as an example of a successful National policy.



MAUI OCEAN CENTER

THE HAWAIIAN AQUARIUM

https://www.palaugov.pw/wp-content/uploads/2017/04/Final_Palau-Responsible-Tourism-Framework1.pdf

For this type of fundamental structural change to be successful it has to start from the top and be codified in a policy with funding mechanisms that will ensure not only its survival but integrates it into our being as a community; this needs to be part of who we are.

As I think about the sense of place and what it means to me the sense of wonder and awe always remain with me as I continue to discover new and wonderful aspects of Maui, its culture, environment, and people. I applaud you and at the same time urge you to be courageous and bold in your vision and execution.

Aloha,

Tapani Vuori
General Manager
Maui Ocean Center
c.808.561.2022
tvuori@mauiocceancenter.com



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

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February 04, 2021

Council Chair Alice L. Lee
Council Vice-Chair Keani Rawlins-Fernandez
Presiding Officer Pro Tempore Tasha Kama
Councilmember Gabe Johnson

Councilmember Kelly Takaya King
Councilmember Mike Molina
Councilmember Tamara Paltin
Councilmember Shane Sinenci
Councilmember Yuki Lei Sugimura

Re: Supporting Resolution Number CC 21-94, SUPPORTING LEGALIZING, REGULATING, AND
TAXING RESPONSIBLE, ADULT-USE CANNABIS.

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, & Honorable Council Members

Please accept this correspondence as testimony in support of Councilmember Rawlins-Fernandez's Resolution. Legalizing and regulating responsible adult-use cannabis is more important now than ever with the COVID-19 economic crisis. This measure would serve to diversify the County's economy and reduce its reliance on the tourism industry. For example, Colorado Department of Revenue, recently stated that they have collected \$1.6 billion in revenue in marijuana excise tax since 2014. I hope you can pass this Resolution as quickly as possible, as we continue to work on economic improvement during this on-going pandemic.

Mahalo,

Representative Tina Wildberger
House District 11 - South Maui
Kīhei · Wailea · Mākena

Office of Representative Tina Wildberger

Proudly serving the 11th House District

415 S. Beretania St. Honolulu, HI 96813, Room 327

Phone: 808.586.8525 | Fax: 808.586.8529 | email: repwildberger@capitol.hawaii.gov



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

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2021 FEB -4 PM 3:25

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COUNTY CLERK

February 04, 2021

Council Chair Alice L. Lee
Council Vice-Chair Keani Rawlins-Fernandez
Presiding Officer Pro Tempore Tasha Kama
Councilmember Gabe Johnson

Councilmember Kelly Takaya King
Councilmember Mike Molina
Councilmember Tamara Paltin
Councilmember Shane Sinenci
Councilmember Yuki Lei Sugimura

Re: Supporting Resolution Number CC 21-93, EXPRESSING SUPPORT FOR SUSTAINABLE
TOURISM, EMPHASIZING QUALITY OVER QUANTITY

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, & Honorable Council Members

Please accept this correspondence as testimony in support of Councilmember King's Resolution CC 21-93. The COVID-19 pandemic has demonstrated that Hawai'i's current tourism industry is unsustainable and therefore damaging to our environment and people. As such, I support a post-pandemic tourism economy that relies on sustainable practices. I hope you can pass this Resolution as quickly as possible, as we continue to work on economic improvement during this on-going crisis.

Mahalo,

Representative Tina Wildberger
House District 11 - South Maui
Kīhei · Wailea · Mākena

Office of Representative Tina Wildberger
Proudly serving the 11th House District

415 S. Beretania St. Honolulu, HI 96813, Room 327

Phone: 808.586.8525 | Fax: 808.586.8529 | email: repwildberger@capitol.hawaii.gov

Karen Worthington
66 Puakea Place
Kula, Hawaii 96790
808-214-9336, karen@karenworthington.com

RECEIVED
2021 FEB -4 PM 1:35
OFFICE OF THE
COUNTY CLERK

February 4, 2021

Maui County Council Meeting

Testimony submitted via email to county.clerk@mauicounty.us

County Council Meeting Date: February 5, 2021, 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. I have written to you before and have testified at prior committee and council meetings; I continue to be fully in support of this bill and hope that you will enact this legislation today.

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.

After I started sharing with friends about this proposed ordinance, I learned of several stories that began with a gathering at a home (where minors were drinking) and ended with physical and emotional injuries that will take years to repair. In several circumstances, adults were on the property and may not have known what was taking place. In other situations, adults were aware, but, despite the harmful outcomes, can't be held accountable without a law like the Social Host Liability Ordinance. These stories add weight to my belief that this law is essential to ensuring the safety of our young people and creating a new community norm that sends the message that underage drinking is unacceptable, and our community will hold adults and youth accountable for their decisions.

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.

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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.

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.

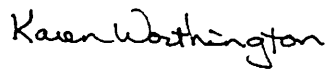
A Social Host Liability Ordinance gives parents a concrete reason to say no to underage drinking on their property or anywhere else—violating the rule will result in civil penalties. If kids drink at a friends' house, the friends' parents can be fined. And, since teens can be considered a "responsible 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. 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 script is cursive and fluid, with the first name "Karen" and last name "Worthington" clearly legible.

Karen Worthington