

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

May 7, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, MAY 7, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council meeting of May 7, please come to order.

Members, the greeting from, for today is from the Republic of Zimbabwe, dumela, dumela.

Madam Clerk.

KATHY L. KAOHU COUNTY CLERK: Dumela, Chair. Roll call, proceeding with our roll call.

### ROLL CALL

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

EXCUSED: COUNCILMEMBER NATALIE A. KAMA.

CHAIR LEE: Dumela, everyone. Wonderful to see you and looking forward to a very productive Council meeting.

Madam Clerk.

COUNTY CLERK KATHY L. KAOHU: Chair, there are eight Members present, no Members are absent, and one Member is excused. A quorum is present to conduct the business of the Council.

(Councilmember Paltin was excused from the meeting at 9:03 a.m.)

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

Joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey and Deputy, First Deputy Corporation Counsel Richelle Thomson.

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

If connectivity affecting quorum is lost, the Council will be in recess. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically recess to Tuesday, May 11 at 9:00 a.m., using the same virtual connections, unless the Council announces a different date and time.

CHAIR LEE: Opening remarks will be provided by Councilmember Shane Sinenci.

### OPENING REMARKS

The opening remarks were offered by Councilmember Shane Sinenci.

CHAIR LEE: Thank you very much, Member Sinenci.

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

Madam Clerk. Madam Clerk.

COUNTY CLERK: Chair, proceeding, Chair proceeding with the presentation of testimony on the ceremonial resolution. We have one person signed up to testify on the ceremonial resolution. And that is Mr. Mike Moran.

CHAIR LEE: Mr. Moran. On the ceremonial?

COUNTY CLERK: Yes.

CHAIR LEE: Resolution?

### PRESENTATION OF WRITTEN TESTIMONY

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION:

Yes, Chair.

CHAIR LEE: Hi.

MR. MORAN: Hi. Good morning, Chair Lee. Yes, I normally, KCA doesn't normally testify on these, but we felt impelled to do it on this one. Of course, this is for, this is for Mr. Bigley and his Ikaika Ohana.

CHAIR LEE: Uh, Mr. Moran. That--

MR. MORAN: Yes, Ma'am.

CHAIR LEE: --resolution is postponed to the next Council meeting.

MR. MORAN: Okay, well then I'll be short. You made me extra short with me today, Chair. But I will be back on the regular agenda. Thank you for letting me know.

CHAIR LEE: Okay. Alright.

MR. MORAN: Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Chair, there is no other person signed up to testify on the ceremonial resolutions.

Proceeding with ceremonial resolutions. You have before you a proposed resolution entitled--

CHAIR LEE: Madam Clerk. Madam, Madam Clerk?

I have to ask the Members if they have any objections to closing public testimony on the ceremonial resolutions. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. Proceeding with ceremonial resolutions.

## CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 21-69

CONGRATULATING ST. ANTHONY CHURCH ON  
IT'S 175TH ANNIVERSARY AND RECOGNIZING  
DEPARTING MARIANISTS ON 45 YEARS OF  
SERVICE

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

ON YOUR BEHALF, I MOVE TO ADOPT THE PROPOSED  
RESOLUTION ENTITLED "CONGRATULATING ST. ANTHONY  
CHURCH ON ITS 175TH ANNIVERSARY AND RECOGNIZING  
DEPARTING MARIANISTS ON 45 YEARS OF SERVICE".

COUNCILMEMBER SUGIMURA:

SECOND.



COUNCILMEMBER MOLINA: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: Is there a second?

Chair, you're muted.

COUNCILMEMBER KING: You're muted.

CHAIR LEE: I'm sorry. Okay. It's been moved by Vice-Chair Rawlins-Fernandez and seconded by Member Sugimura to adopt the resolution congratulating St. Anthony Church.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I please request the Clerk read the resolution in its entirety?

CHAIR LEE: Ms., Madam Clerk.

COUNTY CLERK: Thank you, Chair.

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

CHAIR LEE: Any discussion? I just want to say that I'm hoping that you will approve this, this resolution. It's, it's very special. I am a, a graduate of St. Anthony School. Not in the 1800's, but a little after that. I want to tell you that Father Roland Bunda will be missed. He's a good golfer. And then, of course, one of the people initiating this resolution was Director Rowena Dagdag-Andaya, who is a very important person in the church community. So, at this time, I would like to ask for your vote.

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I agree that this school is very special. And I was not here when the school burnt, but I heard about it when I was living on the mainland, and it was very sad. But I saw the community come together and, you know, rebuild. And I think that's really the spirit of Maui nui in general. And I want to congratulate the school also. Not only do we have Alice Lee, who graduated there, but we also have Shane Victorino, you know. So, we have just an array of all these wonderful people that can say that they are alumni of this wonderful school. So, thank you very much for bringing this forward. And I will definitely support this resolution. Thank you, Chair.

CHAIR LEE: Thank you. Speaking of other alumni, my son Gary Ambrose graduated from St. Anthony. And my grandson Riley Ambrose is about to graduate from St. Anthony School. He has 22 kids in his class, 22.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND PALTIN.

CHAIR LEE: Okay. I see one, two, three, four, seven "ayes"; two "excused". Excused are Member Paltin and Member Kama. Thank you, Members.

I believe we have someone here to receive the resolution and say a few words. Mr. Stephen Kealoha. Are you on?

MR. STEPHEN KEALOHA: Good morning.

CHAIR LEE: Oh, good morning, Steve.

MR. KEALOHA: Good morning. Can you hear me okay?

CHAIR LEE: Yes. And we can see you fine. Thank you.

MR. KEALOHA: Okay, thank you very much. Good morning, Chair Lee and Members of the Maui County Council. I'm Stephen Kealoha, a member of the St. Anthony of Padua Parish in Wailuku, and Chair of its Parish Pastoral Council.

Thank you for offering this ceremonial resolution congratulating St. Anthony Church on its 175th anniversary and recognizing our departing Marianists. I heard somebody struggle to pronounce Marianists, and you're excused because it's a difficult word to pronounce if you have no idea what it is.

The significance of this resolution is that it represents a legacy, which the parish and the St. Anthony School have provided Catholic services to so many of our Maui community that began with the arrival of the Sacred Heart Fathers and continuing with the arrival of the Marianist Brothers in 1883. And as Chair Lee said, she has a whole

bunch of people within her family who have graduated or will be graduating from St. Anthony School.

As a religious of the Society of Mary, our departing Brothers and Fathers will end their presence on Maui on June 30, 2021, which is right around the corner. The Catholic Diocese of Honolulu will then assume the role of staffing the church and continue to provide a quality Catholic Marianist-based education to our Maui community at large, which includes all of those from other faiths or not. Through continued support by the St. Anthony School Foundation and sponsorship by the Marianists Province of the United States, we are assured that the legacy will be perpetuated. We remain thankful and may we never forget.

We will be presenting this resolution to the Marianists at our Honoring our Marianists Celebration on May 12. So, on behalf of Pastor Roland Bunda and the other religious and lay members of our Marianists ohana of St. Anthony of Padua Parish, mahalo to all of you for this recognition.

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

MR. KEALOHA: Aloha.

CHAIR LEE: I would, I forgot to mention, there's another fairly well-known graduate of St. Anthony, and that's former Mayor Charmaine Tavares.

Okay. Madam Clerk.

COUNTY CLERK: Chair, for the record, there's no written testimony for the ceremonial resolutions.

CHAIR LEE: Okay.

COUNTY CLERK: Proceeding with the presentation of testimony on agenda items.

CHAIR LEE: Okay, the next, excuse me. Sorry, Madam Chair, Madam Clerk. There was supposed to be another resolution, but that is being postponed, as I mentioned earlier to Mike Moran. And so, that's the reason why, even though it's scheduled here, it's, it's, we're going to take that up at a later date. Okay. Thank you.

RESOLUTION  
NO. \_\_\_\_\_

RECOGNIZING AFFORDABLE HOUSING  
DEVELOPER DOUGLAS BIGLEY  
AND IKAIKA OHANA

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KING: You need a--

CHAIR LEE: Member King?

COUNCILMEMBER KING: Thank you, Chair. Do we need a vote on that, or just agree to defer it May 21?

CHAIR LEE: No. We're just postponing it. We're just postponing it.

COUNCILMEMBER KING: Okay. Just so that people know then, Mr. Bigley will be here in person on the 21st.

(Councilmember Paltin returned to the meeting at 9:21 a.m.)

CHAIR LEE: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: That'll be nice to have Mr. Bigley here in person accepting the resolution.

Now, let's see, the next item. Oh, yes, Madam Clerk.

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

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

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

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

Chair, the first person to testify is Dr. Genesis Young. Followed by Bobby Roberto Andrion.

CHAIR LEE: Can you tell me how many people are signed up?

COUNTY CLERK: We have 20 so far.

CHAIR LEE: Okay. Members, I will ask you to please remember to confine your questions to, questions of clarification on the testimony, right?

Proceed, Madam Clerk.

COUNTY CLERK: Our first testifier is Dr. Genesis Young. And Dr. Young will be followed by Bobby Roberto Andrion.

(Councilmember Paltin was excused from the meeting at 9:23 a.m.)

### PRESENTATION OF WRITTEN TESTIMONY

DR. GENESIS YOUNG, CLIMATE ACTION ADVISORY COMMITTEE (testifying on County Communication Nos. 21-210 and 21-232):

Aloha, Honorable Councilmembers. Can you all hear me?

CHAIR LEE: Yes. Aloha.

DR. YOUNG: Thank you. I'm Dr. Young and I'm here testifying in support of the building permit moratorium, CC 21-232. And I am representing the Tourist Subcommittee of

the volunteer Climate Action and Advisory Committee, cause I'm the Chair of that Tourist Subcommittee. I want to really thank the Councilmembers for their time and for passing the sustainable tourism quality over quantity resolution in February this year.

And also want to mourn that then the Planning Commission authorized the Maui Coast Hotel to build another 170-bed hotel only a few months after that despite our resolution. And so, we actually need quality over quantity sustainable tourism. And we're currently suffering from overtourism with more tourists arriving now than had arrived even in 2019. And this exceeds the three to one resident to tourist ratio or 25 percent, which is the County's community plan mandate.

We had 42.7 percent tourists in 2019 and more now. And we should have no more than 25 percent. I know you all know that. How we are to get control of these number of tourists is the question. We need to maintain our beautiful island environment, both for the visitor industry, as well as for the residents, and for the environment, and for climate change, and for the construction industry, who I think is objecting to this. And I don't think they will suffer at all.

The tourist industry going away would be a bigger problem. And if we don't get control of the number of tourists that will be the result of the overtourism that we are suffering under currently. The visitor industry has one of the biggest carbon footprints of many industries because of the amount of CO2 damaging emissions particularly from the travel bringing the tourists here. And hotels do little to offset this themselves.

Simply put, we cannot have more tourists, and need to find ways to decrease overtourism and that's what this moratorium is, is aimed for. The concept of this moratorium came out of CARE Committee and should be sent back there so we can continue our good work to help the Maui Visitor Industry, and the construction trades, and all of us have the most beautiful and sustainable environment here on Maui.

I worked on this moratorium and we provided our input to Honorable Kelly King, and want to continue to do that. So, I urge you to please send it back to, to the CARE Committee so we can work on it further and bring it back to the Council for a wonderful vote in the future to help us with our overtourism.

I want to also mention that I do not believe this will impact the construction industry even slightly, because personally it's been very hard for me to find a contractor these days to work on the shelter that we're building and renovating in Wailuku. And we need more affordable housing built here, as Honorable Councilmember Sinenci said. And we all know cause this is an urgent crisis. And I'm sure there's no problem finding enough affordable housing to build to keep the construction industry more than

occupied, even if they don't build every hotel that they, they may want to, which would actually damage the island and damage the construction industry in the long-run by decreasing the viability of the tourists and visitor industry, period.

So please, please, please, let's get this moratorium moving. It's, it's something we can do. It doesn't do everything we need to do. We've already been talking about raising the property taxes and increasing the cost of rooms by raising property taxes on the visitor industry and, and I think that's still in progress. But I won't go there, cause that's not what's on the agenda today. But please send the, this moratorium through. Let's keep it going and send it back to the CARE Committee. And that's all I have to say. Thank you for your time.

CHAIR LEE: Thank you, Dr. Young. Are there any questions, Members? If not, thank you.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Bobby Roberto Andrion. And he will be followed by Christopher Delaunay.

MR. ROBERTO ANDRION, INTERNATIONAL LONGSHORE & WAREHOUSE UNION  
(testifying on County Communication No. 21-232):

Good morning, Madam Chair. Can everybody hear me? This is--

CHAIR LEE: Good morning.

MR. ANDRION: Good morning, . . . and of course, Vice-Chair Rawlins-Fernandez. Good morning to all of the Councilmembers, and advanced Mother's Day to all, all of the moms. I'd like to talk on behalf of 21-232, as a . . . ILWU. The ILWU Local 142 opposes the bill entitled "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS".

The COVID-19 pandemic caused, you know, record unemployment for the County of Maui and across Hawai'i. There are still thousands of workers without jobs. While the economy is slowly recovering and some workers are returning back to work, it is going to take a few years before the economy may reach pre-pandemic-levels.

Knowing this, Madam Chair and Members of the Council, this is the last thing that Maui County should be considering. We need to ensure good paying jobs are available for all of Maui County residents. A moratorium on hotel construction and visitor's

accommodation will limit good paying jobs and hurt the economy recovery. Workers are still struggling, okay. We should not make it worse.

Madam Chair, for these reasons we strongly oppose. Economic recovery should be our forefront. It's paramount during these times to help our suffering every day. I will conclude with that. Again, Happy Mother's Day to all. Thank you for the opportunity to testify.

CHAIR LEE: Thank you.

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Andrion, for being here. So, did you say you're with the ILWU?

MR. ANDRION: Yes, I am.

COUNCILMEMBER SUGIMURA: You are?

MR. ANDRION: I am the--

COUNCILMEMBER SUGIMURA: Oh, okay. So very relevant then, clarifying question for you, talking about employees or the hotel workers not working. Do you have any way of just quantifying that, or talking about that? It looks like--

MR. ANDRION: I guess, could you, could you clarify your questions more, Council Yuki? Cause--

COUNCILMEMBER SUGIMURA: So, you're talking about hotel workers not being totally back at work. And I just wondered if you could just make a statement about that? I think it's relevant to the, the item, jobs.

MR. ANDRION: Sure. And basically, this is what we're seeing. I mean, some, some hotels have their employees back, but not all 100 percent of them. Some is basically, brings back 600. Others are back at 200. But there's still more people that is not back to work. So, even though we see people on the road, more visitors, our full force is not back at work. So, there are still other unemployment. They're still waiting to get back to work. But there's still not enough jobs that basically would allow them to return to work.

CHAIR LEE: Okay. Thank you.



COUNCILMEMBER SUGIMURA: Thank you for--

CHAIR LEE: Can't hear you anymore. Alright, any more questions?

Yes, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Andrion. Your, your statement about the workers not getting back to work, we still have, we still have hotel rooms that are not full, is that what's going on here?

MR. ANDRION: That is correct. Some of them is sometimes it varies.

COUNCILMEMBER KING: So, if we, we don't have . . . to get the hotels going to the level that they're at right now. But you're advocating for more hotel rooms. Is that what you're advocating?

MR. ANDRION: Well, we're looking, we're looking for if, because basically what we're looking at is that if they do come back, which is . . . Okay, but what I'm saying is because the question was asked if why is it that they're all not back yet? But in the event that they are coming back, which there is a slow . . . as far as workers coming back, I think they need a place to stay.

COUNCILMEMBER KING: Right. But, but, but the statement is that there aren't, we have hotel rooms that, that aren't being filled right now and we have workers that are not working that would have a place to come to if the hotels were back in business at the previous rate before pandemic.

MR. ANDRION: Again, could you, could you rephrase the question as far as what you're asking, please?

COUNCILMEMBER KING: Well, I'm just wondering, I'm just trying to ask how you're relating the people that haven't come back to work to needing new expanded hotel rooms? Because we have the unemployment right now is related to the rooms that can't be filled right now because of the pandemic. Isn't that what your, what you just said, that the pandemic is what's keeping the rooms from being filled and people from coming back to work?

MR. ANDRION: Well, yes, of course. The pandemic is preventing people from coming back. We, we do understand that. And I think that's been going on for a year. And the main issue that we're looking at is that to hinder any more improvements on the hotel so that we can have those people to come back, and get a place that is, is where they want to stay, I think that is what our objective is.

COUNCILMEMBER KING: Okay. Alright. We can have that discussion hopefully in Committee. Thank you. Thank you, Chair.

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

Madam Clerk.

COUNTY CLERK: Our next testifier, Chair, is Christopher Delaunay. And he will be followed by Pamela Tumpap.

MR. CHRISTOPHER DELAUNAY, PACIFIC RESOURCE PARTNERSHIP (testifying on County Communication Nos. 21-210 and 21-232):

Aloha, Chair and Council. This is Chris Delaunay with Pacific Resource Partnership, and I am a registered lobbyist, and I'm employed by the company to lobby. So, we are opposed to Bill 10, the 201H bill that's up for, that's on the agenda. And we recommend that you all uphold the Mayor's veto of the bill. And we oppose Communication 21-232, a moratorium on building permits for visitor accommodations.

While Maui's local workforce and families struggle to survive during this pandemic, six out of nine Councilmembers voted to pass Bill 10, which will make Maui's housing crisis worse. Now, this Council is considering a bill that puts a moratorium on building permits for visitor accommodations, which would put another major burden on Maui's residents and the recovering economy. The local people of Maui need a break from the pandemic and bad policies. They need better policies from this Council that will create more housing opportunities, jobs, revenue for the County; not policies that would drive or force locals out of Maui.

Instead of killing housing, let's support building homes for local residents by supporting and upholding the Mayor's veto of Bill 10. Instead of damaging the economy, let's please defer Communication 21-232, and let's find real solutions to addressing our climate crisis by supporting renewable energy projects that will benefit all of Maui. Again, please uphold the Mayor's veto of Bill 10 and oppose the moratorium on building permits for visitor accommodations. Thank you.

CHAIR LEE: Any questions for the testifier?

Yes, Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a quick clarifying question. I know you, you're against Bill 10, and your solution was renewable energy projects. Can you clarify on that, Mr. Delaunay?

MR. DELAUNAY: No, I lumped the moratorium and Bill 10 into one testimony, cause I'm testifying on both. The moratorium on hotels claims that we need this moratorium to improve or to mitigate the impacts of climate change. And there's other ways of doing that, you know? And the major, and the most reasonable way is to support more renewable energy projects instead of putting a moratorium on hotels that's going to hurt the economy, the local people of Maui with jobs, you know. They depend on these jobs. And also, the construction industry depends on building these things, too, to support their families. So, this is going to hurt the local economy and the local--

COUNCILMEMBER JOHNSON: Okay.

MR. DELAUNAY: --people.

COUNCILMEMBER JOHNSON: I'm sorry, I don't mean to interrupt. I just was trying to get clarification on what sort, what ideas you have for renewable energy, specifically. That's my question.

MR. DELAUNAY: Oh, okay. Great. I hope I answered your question?

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. I have no further questions.

CHAIR LEE: Okay. Any more questions for the testifier?

If not, Madam Clerk.

CHAIR LEE: Our next testifier is Pamela Tumpap. And she will be followed by testifier Lucienne de Naie.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE (testifying on County Communication Nos. 21-210 and 21-232):

Happy Aloha Friday, and Dumela, Chair Lee, Vice-Chair Rawlins-Fernandez, and Members of the Maui County Council. I'd like to testify on two issues, Bill 10, and the moratorium. I am Pamela Tumpap, President of the Maui Chamber of Commerce and advocacy is one of my many duties.

The Maui Chamber of Commerce, again, is a very strong advocate for affordable housing and rentals, which is why we've been so involved in testifying on Bill 10. However, at this point, we support the Mayor's veto of this bill and appreciate his thorough justification. It's been something that we've been trying to share for quite some time.

If we want affordable units, we need all key players in the game. We are at a crisis point, which everyone knows. We are seeing further investment taking up more inventory away from us. We simply cannot bench important players at this critical time. We do not want to hurt our chances to maximize the number of units built, which is what we have felt Bill 10 would do.

Also, as we pointed out before, there are several aspects of Bill 10 that take away key players. The interest rate does not pencil out for all builders. That doesn't mean it won't pencil out for some, but it will definitely take some out of the game. While we understand that the Council might consider projects between 50 to 75 percent, the cost to even bring a project to that point is extremely high. And the homebuilder would be taking a huge risk in the hope that the Council might approve a lower rate when they've already set the bar higher.

Many homebuilders in Maui County, because they are part of our community and they genuinely care about building affordable housing and rentals, really want to get things done. However, if they know their projects don't pencil out here and they do pencil out in other counties across our State, it makes it easier and it actually incentivizes those homebuilders here to do those projects elsewhere. We feel this is a major issue with Bill 10, especially given that the 201H process is a statewide process.

Additionally, we and many others have several concerns about the fact that we invested in Hawaiian Community Assets plan, which is about a month away from their final report, and yet, we are not waiting for it. We are excited by the draft presented, look forward to seeing the end results, and feel Bill 10 is premature based on the work they are doing.

After the bill was passed, Councilmember Molina shared that despite many negative comments against the development community, it was time to put down the gauntlet and work with the development community to get affordable housing and rental units built. Given these comments, we hope that he has reached out to them and met with the homebuilding community, learned new information about what their concerns are, and come up with some mitigating measures to hear the challenges faced and look for ways to get beyond it. But if this has not occurred, we feel the important work has not been done to mitigate ours and other significant concerns. And we have not heard that it has.

Therefore, we strongly urge you not to override the Mayor's veto on Bill 10, so we don't make the same mistakes of the past. Instead, let's work together to find winning solutions.

CHAIR LEE: Pam, do you want to go onto the next item?

MS. TUMPAP: Yes, I'll be happy to. Thank you. The next item is CC 21-232 on the visitor accommodation moratorium. The Chamber always opposes unilateral moratoriums because they are inflexible, and we oppose this bill, however, not just for that reason.

We opposed it when it only dealt with hotels and we are even more concerned with the rewrite to shift the purpose and broadening of this new proposal. We are seeing many activities to chip away at our number one industry, the visitor industry, which we rely on very heavily, more than we ever knew, for our economic sustainability and jobs. Now is not the time to put in inflexible measures that further hurt the industry and add to challenges that we've already seen recently created by eliminating funding for the Maui Visitors Bureau, the higher taxing of hotels and hotel-zoned condominiums, and a further tax increase for time shares.

Additionally, the findings and purpose section of the bill was altered to present information on environmental impacts, which are important. We need to take those into account. But it, so now it's changed the stated purpose of this moratorium. And we do feel that we need to address environmental impacts. However, you know, we are concerned at the same time that it was drastically changed from waiting until the community plan updates were completed to a significant rewrite.

And ultimately, we feel this bill deals with building permits and development. So, we have significant questions on the process. It seems that maybe this would also change allowable zoning usage and we wonder if it should not first go to the Planning Commission? For these reasons, we do not support this measure. We also feel that affordable housing and rentals and other key issues right now are a top priority and ask that the measure be deferred. We appreciate the opportunity to testify on these matters and want to wish everybody a Happy Mother's Day.

CHAIR LEE: Thank you, Pam. Happy Mother's Day to you, too. Members, do you have any questions? If not, thank you very much for coming.

MS. TUMPAP: Thank you. Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Lucienne de Naie. And Lucienne will be followed by Liko Wallace.

MS. LUCIENNE DE NAIE (testifying on County Communication Nos. 21-191, 21-210, 21-222, 21-228, 21-229 and 21-232):

Aloha and good morning to everyone. This is Lucienne de Naie. I'm testifying on my own behalf today. I submitted my laundry list.

But starting at the beginning, testifying to bill, 21-210 or County Communication, Bill 10. This, this is a very important topic. And the idea that we have a provision to allow projects, because they're offering some community benefit, a great community benefit, to bypass a number of regulations and requirements, it's a good comprise. But I do support Mr. Molina's intent that we shouldn't compromise for too little value in return.

And I think it's worth trying the higher percentage. I think that there are some people willing to build at that percentage. It's possible that some will not. But we may also find that it's something that has a better outcome than has been predicted. You folks can always change things back, as has happened.

I've been reading the Maui News from 1900 to, you know, 1932 archives at the UH library. And we've gone back and forth on a lot of things over the years. So, I, I urge you override the Mayor's veto, take a chance, and see if we can get more for the people of Maui.

CHAIR LEE: Members--

MS. DE NAIE: I'm hearing, I'm hearing some sort of a--

CHAIR LEE: Feedback.

MS. DE NAIE: --screech.

CHAIR LEE: Yea. Okay, let's check, let's check if anyone has questions. If not, thank you very much, Lucienne and Happy Mother's Day to you, too. Next?

MS. DE NAIE: Chair?

COUNCILMEMBER KING: Chair, I think she's got some other--

CHAIR LEE: Oh, she has--

MS. DE NAIE: I signed up for several items.

CHAIR LEE: Oh, I'm sorry. I'm sorry.

MS. DE NAIE: Yea, that was just item one.

CHAIR LEE: Okay, Lucienne? Lucienne, could you turn off your video? I think that'll help.  
Okay.

MS. DE NAIE: Yes. How's, how's that? Is that helping?

CHAIR LEE: It sounds stronger now. Thank you.

MS. DE NAIE: Okay, good. And I'm, I'm also trying to get rid of the background noise here. I'm, I'm at a place where it's noisy. I'd like to move onto County Communication 21-191. And this is the referral to committee of a potential bill discussing a moratorium on building permits for visitor accommodations. For many reasons, the discussion on this bill should start in the CARE's Committee, because it is about the impacts that the visitor industry has. And whatever the final outcome is, it may be that there's no bill, no decision, it's just a very important discussion for our community to have right now.

I mean, I, I have to say, you know, friends of mine who haven't been to the beach in Wailea for years started going down there with their families when we had the, the COVID, you know, shut down. And people are just, you know, they're realizing that something has been lost to this devil's bargain we've made with tourism. Tourism is not bad innately, but too much of a good thing is not the direction that's going to help our economy in the long run. It's just important that we have this discussion. And I think the discussion should start in the CARE's Committee. So, I urge you to make that decision.

I would also like to testify very briefly on County Communication 21-228, and 229. And just mahalo the Council for authorizing the creation of these advisory committees. And look forward to the discussion of how the members will be appointed that will be referred to the Council committees by your Council action today.

And last, but not least, County Communication 21-222. This is the authorizing the purchase of the Hana lands. And this is just a very, very important place. I, I'm very familiar with this area, having served on the Hawaii Islands Land Trust Board over the years. It's, it's land that had been identified as the commu, by the community as very important for having a, as part of our legacy, of open space and recreational areas.

So, just want to testify in support, and glad this is finally happening. And thank Ke Ao Hali'i for their good work on this project. So, mahalo all. That's my testimony. And have a great and long meeting.

CHAIR LEE: Gee, thanks. Any questions for Lucienne? If not, thank you very much for coming.

And may we have the next testifier, Madam Clerk?

COUNTY CLERK: Our next testifier is Liko Wallace. And Liko will be followed by Mike Moran.

MS. LIKO WALLACE (testifying on County Communication No. 21-212):

Good morning, Council. I'm here today to testify on County Communication 21-222 [sic]. I thank you for allowing me the time to testify. I am speaking on behalf of the Molokai representative on the County Board of Water Supply. It's been well overdue that we've had representation on the, on the Board. And I am urging the Council to please prioritize putting a Molokai representative on the Board this year. I also understand that East Maui doesn't have one on their also.

Being on several boards myself, we always encourage each different representative from those that are a part of the larger board to have a representation, so we get clear view, and understanding from each different club. In my situation, it's Molokai Canoe Racing Association, which we host four clubs. And we encourage each club to have a representative on the board, one to two, so that we can have the different views that come from the different clubs and their opinions on what is important in their club.

So, with the Board of Water Supply, I feel that it would be more well-rounded if we had the opinions and the views from people from the smaller districts to also be included on the Board, because we face very different situations here. And I would really appreciate that, if you would prioritize putting Molokai, a Molokai rep and an East Maui rep on the Board, so we have well-rounded representation all the way around for the County of Maui.

Thank you so much for hearing my testimony this morning. And I wish all the mothers a Happy Mother's Day. And it's so nice to see all your faces, your smiley faces. And I wish you guys a God bless day.

CHAIR LEE: Thank you so much, Liko.

MS. WALLACE: Thank you.



CHAIR LEE: Same to you. Any questions for Ms. Wallace?

Yes, Member King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Liko. Happy Mother's Day to you.

MS. WALLACE: Aloha. Mahalo.

COUNCILMEMBER KING: So, I just wondered if you had somebody specific in mind for the Board of Water Supply for Molokai?

MS. WALLACE: Well, I know, I know we did had representations that were submitted to the Mayor's Office, and they weren't selected. So, we do have qualified people. And I would appreciate, you know, the younger views to be taken. I know we do have one that is interested. He's an engineer. He's lived here, he was raised here. He went away to school, and he came back with his family. And I feel he would be a very good asset. His name is Ross Takashima, and I would really appreciate it if he was selected, yea.

COUNCILMEMBER KING: Okay. Thank you. I wasn't--

MS. WALLACE: Thank you for asking.

COUNCILMEMBER KING: But I just wanted to, because, you know, your, your, you guys have your pulse on, on the people over there, and good advice in the past on Moloka'i representatives to the boards and commissions.

MS. WALLACE: Yes. Thank you. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Wallace. Mahalo for your testimony this morning.

MS. WALLACE: Aloha. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: So, just to clarify, for the Board of Water Supply, did you mean Juanita Colon?

MS. WALLACE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And Ross Takashima?

MS. WALLACE: Yes, both names. I'm sorry, I forgot to mention hers. She is definitely well-qualified. Mahalo.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Thank you, Chair.

CHAIR LEE: Okay. Any more questions? If not, good to see you. Take care.

MS. WALLACE: Nice to see you, too. God bless you.

CHAIR LEE: Bless you, too.

Madam Clerk.

COUNTY CLERK: Our next testifier is Mike Moran. And Mr. Moran will be followed by John O'Hara.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication Nos. 21-228, 21-230, and 21-232):

Aloha once again, Chair Lee. I'm very difficult to get rid of, as you see.

CHAIR LEE: Aloha.

MR. MORAN: KCA, we're testifying on three items, and we'll try to keep them all brief. The first one is 21-230, which stated bicycle facilities at County parks. So, we're not quite sure what this means, but we certainly have advocated for decades for bicycle facilities and County parks. Just as one example we had a proposed bicycle path through a County park in Kihei for over a decade. And it took so long that finally when it was coming about, Public Works said, oh it's sea level rise, so we're not going to do it. So, we hope that we can do something with this item. Once we're clarified, I'm sure it's going to go to a Committee, and we'll see what it's about.

Next item is 21-228, and KCA has been involved in this issue for the advisory committees for well over two years when our regional Councilmember Kelly King proposed it to us. And we have had unofficial meetings for over two years where we met mostly monthly, reviewed projects. But it will be nice to have a official voice coming about. So, we really appreciate this going forward. And because we're restricted by our bylaws, we're, we can only address South Maui issues, meaning no ill-will to our

friends on the North Shore, who looks like they're getting theirs as well. Okay, that's 21-228.

And the last one is 21-232. And we are very pleased to see that this item has been improved since before. We have a lot of community input saying well it's not just the hotels, what about all this other visitor accommodations? So, we are very glad to see that it's been adjusted to go beyond hotels to visitor accommodations. We all live here, and we know that it's not only the hotels where the visitors stay. And we all have heard that the vast majority of the community wants adjustments made to the visitor industry. Nobody wants to wipe it out; we want to adjust it. We want to improve it.

And this looks like a logical step taking this to committee, so we can have reasonable discussions. Last time we asked that it go to the CARE Committee, where it originated. And again, we, as it's been adjusted, we see even more reason that it should go to the CARE Committee. And we hope that the Council will agree with that point of view. So, with that, we will wrap up, and wish all the mothers a happy Sunday Mother's Day. And aloha to all.

CHAIR LEE: Thank you, Mike. Any questions? If not, thank you very much. A lot of feedback here.

Okay, can we have the next testifier, please?

COUNTY CLERK: Our next testifier is John O'Hara. And Mr. O'Hara will be followed by Guy Hanohano Naehu.

MR. JOHN O'HARA (testifying on County Communication No. 21-222):

Aloha Chair and Councilmembers. My name is John O'Hara. I'm known as Irish . . . I'm a resident of . . .

CHAIR LEE: Mr., Mr. O'Hara. Mr. O'Hara.

MR. O'HARA: Yes.

CHAIR LEE: Your, your voice is choppy. So, why don't we try turning off your video, and then proceeding with your testimony? Can we try that?

MR. O'HARA: . . . Okay, are we okay now?

CHAIR LEE: --it's a little better. Keep talking, let's, let's check.

MR. O'HARA: Okay. Aloha Council Chair and Councilmembers. My name is John O'Hara, known as Irish in Hana. I'm a resident of . . . I'm the Vice-Chair of Ke Ao Hali'i, Save the Hana Coast. I'm here this morning.

CHAIR LEE: Okay, Mr. O'Hara. Mr. O'Hara, for some reason you're not coming in clearly. Are, are you outside? Are you inside?

MR. O'HARA: I am inside.

CHAIR LEE: Inside? Okay. You want to try calling us?

MR. O'HARA: Okay.

CHAIR LEE: Or are you on a computer, or are you on the phone?

MR. O'HARA: I am on the computer right now.

CHAIR LEE: Funny. You know when you're not testifying, you're coming in clear. Are you doing something different?

MR. O'HARA: No, I'm in the same position. How you hear me now? Good?

CHAIR LEE: No, you're chopping up again. You're breaking up again. You know what, can you--

MR. O'HARA: Okay, I'll try call on the phone.

CHAIR LEE: Yea, call on the phone and then we'll put you right back on, okay?

MR. O'HARA: Okay.

CHAIR LEE: Thank you. Meanwhile, we'll take one testifier before him.

Madam Clerk, please be on the lookout for Mr. O'Hara's phone call. Thank you. Next testifier.

(See pages 27 and 28 for completion of testimony.)

COUNTY CLERK: Our next testifier is Guy Hanohano Naehu.

CHAIR LEE: Okay. Hello?

MR. GUY HANO HANO NAEHU (testifying on County Communication No. 21-212):

Hello you guys. Can you guys hear me?

CHAIR LEE: Yes.

MR. NAEHU: Okay. Well, aloha. My name is Guy Hanohano Naehu, born and raised on Molokai. I'd like to say aloha to all of the Councilmembers. Shane, Keani, you guys look awesome. You guys represent us very well. You make me very proud. It's been a very long time not being a part of any County Council agenda meeting, or such. But there's an issue, CC item issue, CC 21-212, the Board of Water Supply, is important enough for me to come out of, or batman to come out of bat cave and to make sure that you guys do what is right. I have a lot of trust and faith in the Councilmembers that we have right now. You guys are very intelligent.

And what it seem, what seemed very obvious was the Maui nui factor, like what Shane was talking about. You know, Maui, Molokai, Lanai, we all one family. We one big family. And if that is the case, and I would like to believe that, there is no way Molokai does not have representation on the Board of Water Supply. Okay, get, I heard you guys talk about jobs. I heard you guys talk about tourism economy. And to me, when you talk about water, you guys all know how many times we've come to the County Council. We went to the State Capitol and we fought for our environment, for our resources, for our culture. So, when you talk water, that's all wrapped up in one. So, I getting real motivated and excited, if not nervous and twitchy, because for over 10 years we haven't had representation, and now we get qualified people.

Juanita Colon's name was mentioned earlier. We've put in written testimony. I've known her my whole life. She's more than qualified. So, I think right now, we way past due for representation. We have qualified representatives. There is no issue here. There is no issue here. We need representation for our island on the Board of Water Supply for Maui nui.

And so, the nominations that are on cue or up for nominations right now, cancel that, cancel that. We need to be a part of the future of this County. And the only way we're going to be part of it is if you put us in and you have us a part of the family. We need this representation. We need a representative. We have qualified ones. And I not only urge or suggest you guys do it, but I, I know you guys going do the right thing. I believe in you guys. I know you guys know what is right. So, yea, that's my testimony.

And a little bit more on top of that. I know you guys dealing with the pandemic and all of this tourist and tourism industry economics. But ever since the pandemic, I have never seen nature more healthy. I have never seen our oceans more bountiful. I've never seen the, the, the, the mauka lands more abundant, you know. Yea, we lost some jobs, but my God, our beauty and our islands and our environment has come back at least five-fold so far. So, thank you.

CHAIR LEE: Okay. Are there any--

Yes, Ms. King?

CHAIR LEE: Thank you, Chair. Thank you for being here, Mr. Naehu. I just have a quick question. The person you were talking about, Juanita, I can't remember the last name, but is she the one that Ms. Wallace was saying was an engineer?

MR. NAEHU: I'm not sure if she was an engineer or not. But I know that Juanita Colon has been doing water, studying water, managing water for her whole adult life. She's been a part of the water management team at Kawela.

COUNCILMEMBER KING: Okay. That's fine.

MR. NAEHU: Yea, Juanita Colon.

COUNCILMEMBER KING: You know, we don't get to see the applications that aren't, for people who aren't nominated, so I was just, it was just a quick question.

MR. NAEHU: I think, I think that's why I'm more motivated than ever right now to contact you guys and testify, because she is a winna. She's a winna

COUNCILMEMBER KING: Okay.

MR. NAEHU: You know, and we've never had, you know, better representation than this ever probably. So, I'd like you guys to jump on this and put her, get her a part of the team so that we can feel safe being a part of the family.

COUNCILMEMBER KING: Okay. Thanks so much for your input. Appreciate it.

MR. NAEHU: Thank you.

CHAIR LEE: Any more questions for the testifier? If not, thank you, Mr. Naehu.

MR. NAEHU: Thank you, you guys.

CHAIR LEE: Aloha.

MR. NAEHU: Aloha.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, we have Mr. O'Hara on the phone.

CHAIR LEE: Okay. Mr. O'Hara, welcome back.

MR. O'HARA: Yes. Okay. Okay. Aloha, Council Chair.

CHAIR LEE: Hi.

MR. O'HARA: And Councilmembers. My name is John O'Hara. I'm known as Irish in Hana. I am a resident of Maka'ala'e. I'm also the Vice-Chair for Ke Ao Hali'i, Save the Hana Coast. But I am here this morning to testify representing my ohana. We are lineal descendants of Mokae and Maka'ala'e. Mokae ohana, Kahiapo, Kekahuna, and . . . . My Maka'ala'e ohana is Kauimakao'e, Kaikala and Kalani.

We came before you two years ago asking for help, and you were more than responsive to our request for help. We are here again to ask for help. Mahalo to the County of Maui for supporting Ke Ao Hali'i and the Hana community in the past. Also, mahalo to the County staff that assisted Ke Ao Hali'i to get where we are today, where we have an item on the Council's agenda.

The land of Mokae and Maka'ala'e is significant from the lineal descendants in this Wahi Pana. It is sacred lands. Our kupuna lived on these lands and are buried there. Of importance, beside the cultural, traditional, and historical significance, these lands also is a way of life for the Hana community. It provides for subsistence and recreation. We need to continue that in Hana. So, we, the lineal descendants of Mokae and Maka'ala'e, we support Ke Ao Hali'i, Save the Hana Coast in their efforts to prevent development of the, these lands.

We ask the Council to grant Ke Ao Hali'i the Open Space Funds to purchase these properties. By purchasing these properties, this will protect these lands for, from investor development in perpetuity and will allow for future generations to enjoy the land like we, our kupunas, and myself, and my family have also enjoyed the land. Mahalo nui to the Council. And mahalo nui ke Akua.

CHAIR LEE: And mahalo to you for your testimony. Any questions, Members? If not, thank you, Mr. O'Hara.

MR. O'HARA: Mahalo.

CHAIR LEE: Mahalo.

Madam Clerk.

COUNTY CLERK: Our next testifier is Jason Economou. And he will be followed by Scott Crawford.

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI (testifying on County Communication No. 21-210):

Good morning, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. Happy Mother's Day. It's good to see you all. And thank for this opportunity to testify. I am testifying on behalf of the Realtors Association of Maui in my capacity as their Government Affairs Director. We represent approximately 1,800 plus realtors and affiliates.

Now, Councilmember Sinenci's opening comments really spoke to me, and, and I want to address something. Anybody that said the housing crisis is going to fix itself was lying to you. The housing crisis will not fix itself, but Bill 10 is not the way to fix it. RAM agrees with the Mayor's assessment of Bill 10 and we urge this Council to allow the veto to stand.

This County has a history of asking for more and doing less when it comes to affordable housing, really when it comes to housing development in general. And that needs to end. Unless this County is willing to do a lot more, significant investments in infrastructure development, and even more than that. Bill 10 just won't make the 201H process any more workable, any more successful. If anything, it just raises the threshold and removes incentives, which that's not how economics work.

You know, I know Bill 10 was well-intentioned, but what does it actually do? A lot of people who are supporting Bill 10 think that it will force developers to build more houses and carry their fair share, but it won't. You know, we don't live in a society where, where the County Council can dictate to developers what they must do. Instead, the County Council creates the landscape for developers and then developers will choose where to build, and that'll often be where it's most profitable and easiest for them to do



so. Businesses often follow the path of least resistance and Maui County just keeps on putting up more resistance.

The language of Bill 10 doesn't really change the ability of developers to apply with projects that are less than 75 percent affordable, and it doesn't remove your duty to consider projects that are less than 75 percent affordable. You still have the same discretion that you did before Bill 10 passed, and if you override the Mayor's veto, you'll still have the same discretion as you did before Bill 10 was ever dreamt up.

You know, many advocates who are desperate for homes, they don't understand the workings of Bill 10 or how the 201H process works, so this sounds good to them. And then, many of the advocates of Bill 10 who already have homes seem a little too content with this, you know; let's just try it out, wait and see, trial and error. But in truth, I just don't think that's fair to the folks who will have to suffer the consequences. You know, if you have a home, it's real easy to say that, yea, why not try this out? We've got time. It's not true. They have time. The homeowners have time. The people of Maui County that don't have homes cannot go with this trial and error approach.

Mayor Victorino was on the Council back when changes were made to 2.96 that required 50 percent of new development to be affordable. We all know what happened. And we also know what happened when that requirement was reduced back down. Mayor Victorino clearly learned from the mistakes of the past and that is why he vetoed Bill 10.

Now, proponents of Bill 10 would have you think that this history is irrelevant somehow. You know, some people would rather compare it to the plastic bag ban. But that doesn't make sense. If a 50 percent workforce housing requirement was largely unworkable by developers, you know, 10 years ago, when lumber was significantly lower in price, when labor was lower in price, when land was lower in price, when everything was lower in price. If a 50 percent affordability requirement was largely unworkable then, why would a 75 percent affordability requirement be so much more workable now? It just isn't.

We know that 75 percent affordable and above projects are coming forward, but those are still heavily subsidized. If you want to subsidize development, don't do it by forcing developers out of our market. Do it by helping. Do it by building infrastructure. Do it by being proactive. Thank you for your time.

CHAIR LEE: Thank you, Jason.

Yes, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Economou. Nice to see you.

MR. ECONOMOU: Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your testimony this morning. So, to clarify, in your testimony, you said that Council will have discretion basically whether we pass this bill or not. So, isn't the gloom and doom in your testimony and others an exaggeration, yes or no?

MR. ECONOMOU: No.

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

CHAIR LEE: Any more questions? If not, thank you, Jason. Aloha.

MR. ECONOMOU: You're welcome.

CHAIR LEE: Madam Clerk, are you there?

COUNTY CLERK: Our next testifier is Scott Crawford. And Scott will be followed by Lipoa Kahaleauahi.

MR. SCOTT CRAWFORD, KE AO HALI'I (testifying on County Communication No. 21-222):

Aloha, Madam Chair and Members of the Council. Good morning. Dumela.

CHAIR LEE: Aloha.

MR. CRAWFORD: I'm Scott Crawford, and I'm here as the Chair of Ke Ao Hali'i testifying on behalf of item No. 21-222. Mainly, we'd just like to again as Uncle Irish said, express our mahalo to the Council for your support of the Open Space Funds to protect these precious Hana lands in perpetuity.

And also we'd like to mahalo the Administration, who's been working with us closely to bring this package before you: Mayor Victorino; Makale'a Ane, from the Resiliency Officer; Stephanie Chen in Corporation Counsel; and Guy Hironaka in Finance, in particular, as well as the rest of the staff. So, we just really appreciate them working with us. And then also the Hawaii Land Trust; Laura Kaakua and Shae Kamaka'ala, who have been, who have agreed to co-hold the conservation easement with these lands along with the County.

So, we'd like to ask that the Council waive committee referral on this item and take action on the item today. And I also would be willing to stay on as a resource person, if you would like, to be available for any more specific questions that may come up when this item comes up on the agenda. And so, again, mahalo.

CHAIR LEE: Mahalo, Scott.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair. Aloha, Mr. Crawford. Mahalo for your testimony this morning. I do plan on taking action on this item today. And if there are, aren't any objections, I would like to ask Mr. Crawford to stay on as a resource?

CHAIR LEE: Okay. Members, are there any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Scott, if you could come back later and be a resource? Thank you.

MR. CRAWFORD: Okay. Thank you, Ms. Rawlins-Fernandez. Thank you, Madam Chair.

CHAIR LEE: Thank you.

Madam Clerk, next testifier.

COUNTY CLERK: Our next testifier is Lipoa Kahaleuahi. And Lipoa will be followed by Dave Jorgensen.

CHAIR LEE: Okay.

MS. LIPOA KAHALEUAHI (testifying on County Communication No. 21-222):

Aloha kakahiaka kakou. Good morning. Mahalo nui for this opportunity to speak. I'm calling in from Hana. And just wanted to mahalo everyone for your continued support of projects in the Hana area. My name is Lipoa Kahaleuahi, Executive Director of Ma Ka Hana Ka 'Ike and volunteer secretary of Ke Ao Hali'i.

My testimony this morning is merely just continued support of the County Communications No. 21-222. And just wanting to focus on your continued support and

commitment to preserving our Hana coast in perpetuity. Just a reminder that your funds, Open Space Funds, are leveraged with State Legacy Land Funds, and that the two work together. And that we just continue to ask for your support in order to close on all of the acquisition of our coastline from Hamoa and Haneoo, including Moka'e all the way to Maka'alae.

The majority of my testimony I wanted to share the voices of some of our haumana, our students, who have, you know, come onboard and really wanted to begin to vocalize their concerns in the, you know, potential acquisition of these lands for private use and what they feel this could do to them. So, just being able to read from their testimony, just a few.

Katara Smith shares, I believe it is important to preserve the land across Hawaii. The land of Hana is important to the people that live here. Numerous families and people use the land as their resources for hunting, fishing, and other raw material. If that land were to be bought and privately owned or used for new development, it would be taking away its resources for many. Another reason to help preserve traditional and ecological knowledge. Multiple traditions in teaching have been passed down for generation to generation. Much of that knowledge is how to use, where they live to provide for them and others. We need this land to continue these traditions and keep them alive.

From Ikua Peters, I believe that conservation and preservation of ecological knowledge of my ancestors here in Hana is important. These traditions will keep the community rooted in the lands. The land represents our ancestors and keeps us tied to our elders of the past. I hear all these stories from my great tutu kane, all about the areas of Hana. But if, but what if they became private and I can no longer go there and share the same experiences that he had? It would dishearten me and disconnect me if the land I heard stories from I could no longer go to.

And also, just listening to the other items on the agenda. Your investment in the continued preservation of our land here in Hana, I feel is directly tied to the quality of our visitor industry and the continued well-being of our kanaka. We too, you know, have experienced since the pandemic, the opportunity to access spaces that were once overcrowded, and the return of our natural resources, and their ability to thrive. And being able to preserve these lands would allow for that to continue. Mahalo nui. Have a great day. Happy Mother's Day to all. Aloha.

CHAIR LEE: Thank you, Lipoa. Any questions for the testifier? If not, thank you for coming.

MS. KAHALEUAHI: Mahalo.

CHAIR LEE: Madam, Madam Clerk, after, after Mr. Jorgensen, how many do we have? Cause I'd like to take a break after Mr. Jorgensen.

COUNTY CLERK: We have nine signed up right now.

CHAIR LEE: Oh, nine? Okay.

COUNTY CLERK: Following Mr. Jorgensen.

CHAIR LEE: Okay. So, about 10:30 or so we'll take a 10-minute break. Is he next?

COUNTY CLERK: Yes, next to testify is Dave Jorgensen.

CHAIR LEE: Okay. Good morning, Dave.

MR. DAVE JORGENSEN, AMERICAN RESORT DEVELOPMENT ASSOCIATION OF HAWAII (testifying on County Communication No. 21-232):

Good morning, Chair Lee and Members of the Maui County Council. I'll apologize ahead of time. We, we're having construction on the roof right above me, and parking garage construction all around me. So, the powers gone out a couple of times, and if there's noise over me, I apologize.

My name is Dave Jorgensen. I'm an attorney in Wailuku and I'm testifying on behalf of the American Resort Development Association of Hawaii, or ARDA Hawaii. I'm a registered lobbyist with ARDA Hawaii. I'm here today to confirm ARDA Hawaii's strong opposition to the proposed moratorium on building permits for visitor accommodations as stated in County Communication 21-232. Written testimony has been submitted on behalf of ARDA Hawaii, and a legal memorandum has also been provided to you.

I'll briefly touch on some of the points raised in those submittals. Implementing a moratorium on building permits for new hotel/resort, time share, short-term rental homes, bed & breakfast homes, and transient vacation rental units, the far-reaching and long-term negative impacts on real estate, construction, tourism in the whole island economy, especially during this time when Maui's working so hard to recover from the pandemic. Unintended consequences include the negative impact on other areas of our economy that rely on the trickle-down effects of the employment in tourism, such as restaurants, stores and suppliers of products that support those accommodations.

The legal memorandum prepared by the Cades Schutte Law Firm makes clear why this proposal must be submitted to the Maui Planning Commission for review and to fully be vetted with proper public input. That opinion also points out several other legal concerns that must be addressed thoroughly before the proposal can move forward.

Our time share industry cares about the environment, and we recognize the need for responsible tourism and better management of our precious resources. Due consideration should be given to the broader impacts of the proposed measure, however. We as a community, need to look to some sort of resolution that provides our local residents with the ability to continue to work to provide for their families, but at the same time, addressing the impacts of the influx of visitors to Maui and move to a more diversified economic base.

We respectfully request that you defer this measure and instead convene a task force with representatives from all stakeholders to address these concerns in a deeper and more meaningful way. If it does move forward, we submit that it should be referred to the Infrastructure and Transportation Committee, as the appropriate forum for consideration, because it deals with amendments to the Building Code and Construction Codes. And thereafter, it should be sent to the Planning Commission for review.

Greatly appreciate your time and consideration on this very timely and difficult matter. I wish all the mothers out there, Happy Mother's Day. And thank you for your time.

CHAIR LEE: Thank you. We have a question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Jorgensen. I just wanted to clarify, when you said that your lawyer thinks it should be referred to the Planning Commission, but you want it to be referred to the Infrastructure Committee. I'm not clear, the link, between the Planning Commission and the Infrastructure Committee? Because the Planning Commission has jurisdiction over Chapter 19, not 16. So, I, I'm trying to clarify what, what's going on.

MR. JORGENSEN: Well, my understanding is because it would impact the planning processes and the approvals that are issued by the Planning Commission for SMA's or discretionary approvals, that it should be considered by the Planning Commission. At least the Maui Planning Commission before the Code would be amended.

COUNCILMEMBER PALTIN: Okay. Thank you for your response.

MR. JORGENSEN: You're welcome.

CHAIR LEE: Ms. Paltin, do you want it to go to your Committee?

COUNCILMEMBER PALTIN: Oh, no thank you. That wasn't, I just trying to clarify. I didn't, usually stuff from the Planning Commission comes to my Committee, but I'm kind of busy.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: I've got a lot of things.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Time-sensitive.

CHAIR LEE: Okay.

I think Mr. Johnson has a question.

COUNCILMEMBER JOHNSON: Thank you, Chair. Aloha, Mr. Jorgensen. Just a quick question. So, right now, we're over the one-third visitor cap, presently, on our islands. And is there a percentage or a number that you would say too much is too much? Do you have a watermark for your organization, or a high cap?

MR. JORGENSEN: Honestly, I mean, no. I, I don't. . . . sorry. No, I don't have a cap. The, the processes that are in place are there to address the impacts. As far as the work of the committees that are doing the community plans, you know, I have the utmost respect for them. But as I'm sitting here today, no, I don't have a number. I don't have a cap--

COUNCILMEMBER JOHNSON: Okay.

MR. JORGENSEN: --that I can give you.

COUNCILMEMBER JOHNSON: Alright. Sounds like the sky's the limit for you. Okay, I have no more further questions.

MR. JORGENSEN: No, that's not what I'm saying, but thank you for the question.

CHAIR LEE: Okay. Any, any more questions? Okay. Seems like no more questions. Thank you, Dave.

MR. JORGENSEN: Thank you.

CHAIR LEE: Okay, so Members, we'll take a short break. Make it till 10:40, 10:40. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:27 A.M., AND WAS RECONVENED AT 10:44 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of May 7 please reconvene.

Madam Clerk, let's continue with testimony.

COUNTY CLERK: Our next testifier is Dr. Chad Meyer. And Dr. Meyer will be followed by Tawn Keeney.

CHAIR LEE: Okay.

DR. CHAD MEYER, KE AO HALI'I (testifying on County Communication No. 21-222):

Aloha all.

CHAIR LEE: Aloha.

DR. MEYER: I'm a member of the Ke Ao Hali'i board. And I just want to give some background about our organization that's not been mentioned to the board yet. I think everyone on the board has had an opportunity to visit the parcels we purchased and are in the process of purchasing, except for maybe Councilperson Gabe Johnson. And we certainly welcome him to come for a visit to see what we do when he has the opportunity.

Three years ago, Scott Crawford, John O'Sullivan *[sic]*, and myself met with Mayor Victorino. And we requested open space money to purchase these incredible coastal parcels south of Hana. At the meeting, we presented him with two pictures. One was a photograph of a coastal perspective from Mokae Hill and the other was a perspective, another coastal perspective from Maka'alae Point.

I'd like to thank the Council and the Mayor today for our community. We now have ownership of Mokae, and we are the stewards of that property. If Bill 21-222 through--

CHAIR LEE: Excuse me? Hello?



DR. MEYER: Yes. Hello?

CHAIR LEE: You seem to be going, your fade, your voice is fading from time to time. Could, could you stay close to the microphone, please?

DR. MEYER: Yes. I'm sorry.

CHAIR LEE: Thank you.

DR. MEYER: If we achieve closure on the Maka'ala'e parcel, we'll have a continuous land mass of coastal properties that are in Conservation in perpetuity. And I just would just like to say we've accomplished this with a very broad spectrum of members of our community, young, elder, haole, lineal descendants. It's been a great experience that all of us come together for this project.

We had one and two hour meetings every two weeks. We have a workday, one day each month on a Saturday. And it's, I think it's an accomplishment for our community. And it represents a transference, actually a reclamation of priceless iconic lands of . . . from plantation-era owners back to the community and the people of Maui. And that's, that's my testimony.

I thank the Council. I also thank the Mayor for his support. I think the County has a gem of the open spaces now in the hands of the community to foster and protect.

CHAIR LEE: Thank you. Alright, Members, are there any questions? If not, thank you for coming. Aloha.

Madam Clerk.

DR. MEYER: Aloha.

COUNTY CLERK: Chair, our next testifier is Tawn Keeney. And Tawn will be followed by Stan Franco.

CHAIR LEE: We can't, we can't hear you. You're muted.

MR. TAWN KEENEY (testifying on County Communication No. 21-232):

Thank you. Thank you. My name is Tawn Keeney. I'm testifying on 232 moratorium. And I have been a physician over on the Big Island in Honoka'a for 36 years until

retiring seven years ago. Over those seven years, I have had the opportunity to focus on my interest in climate change.

In November of last year, I wrote a paper entitled, "Air transport of visitors to Hawaii as a contributor to global warming". The paper was eventually published in a E-journal, monthly E-journal climate emergency digest, and was presented to the Honolulu Climate Change Commission, where it was described as a very important paper and was recommended to be presented to the State Climate Commission, which I did. And I have presented that paper to your Committee, or your Council in testimony. And I hope you'll all get a chance to read it. It's a 10-page paper, but the last 10, the last 5 pages are references.

But I'd like to just hit a couple of the high points of that paper. First of all, it designates the emissions that arose from air travel of visitors to Hawaii in 2019 as 18 million tons CO<sub>2</sub> (equivalent). And this is contrasted to 7.8 million tons from electricity generation and oil refining, and 4 million tons from ground transportation. So, it gives kind of a perspective on the enormity of the emissions from air transport of visitors.

Hawaii had 10 million visitors in 2019. The average ground trip miles traveled by each passenger was approximately 7,000 miles. That's according to the Hawaii Tourism Authority figures. And we have to remember that this is to the most remote inhabited archipelago from any continental land mass on the planet. So, this translates to 70 billion passenger miles traveled. And for the average passenger, the emissions for round-trip travel to Hawaii is 1.8 tons CO<sub>2</sub> (equivalent).

The IPCC recalculated in late 2020, the equitable yearly emissions budget for each world citizen as 2.7 tons CO<sub>2</sub>(e) equivalent in order to have a 60, a 66 percent chance of keeping global warming below 1.7 degrees C, above pre-industrial levels if we reach net-zero emissions by 2050. So, our average traveler has blown through two-thirds of his yearly equitable allotment in his trip to Hawaii.

In the interest of its citizens, the government of Hawaii, through the Hawaii Tourism Authority, promotes and advertises Hawaii as destination. Therefore, Hawaii's 1.4 million citizens assume responsibility for these 18 million tons of emissions. Therefore, in an equitable world, each Hawaii citizen has appropriated the emissions budget of five world citizens. Thank you for your attention.

CHAIR LEE: Alright. Thank you, Mr. Keeney. Any--

Yes, Mr. Sinenci, question?

COUNCILMEMBER SINENCI: Thank you, Chair. And aloha, Mr. Keeney for your testimony. Did you mention that you wrote, could you share your testimony, or send it in? Did you send it in?

MR. KEENEY: Yes, it is. The, the white paper was presented as written testimony. Thank you.

COUNCILMEMBER SINENCI: Okay. Thank you.

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

MR. KEENEY: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Mr. Stan Franco. And Mr. Franco will be followed by Tom Cook.

MR. STAN FRANCO (testifying on County Communication Nos. 21-191 and 21-210):

Good morning.

CHAIR LEE: Good morning.

MR. FRANCO: Chair Lee and Members of the Maui County Council, thank you for listening to me today. I appreciate that. Happy Mother's Day. And I didn't get a chance to say thank you for the Marianists at St. Anthony for their years of service.

I want to speak about CC 21-20 *[sic]*. I consistently supported the change from 50 percent to 75 percent on the 201H. There's much discussion about this. I believe we need more housing for those that are earning, excuse me, earning 140 percent and below. I think this is an effort to make that happen. So, that's the reason I'm supporting it.

On CC 21-191, I support the moratorium of building permits for hotels in South Maui and West Maui. I was part of the General Plan Advisory Committee that created the cap of no more than one-third visitors compared to residents. We have exceeded that cap, and I believe we should pause our development of tourist accommodations to determine how we the people, see ourselves living among our visitors going forward. We must have a community conversation about tourism and its impacts on our local

residents. And I support sending this communication to the CARE Committee for discussion and action.

Thank you very much. Have a great day. And appreciate all the mothers, as I mentioned before. I loved my mom. She's been dead seven years and I keep thinking about her and all the sacrifices moms make for us. Thank you for having me today.

CHAIR LEE: Thank you, Stan. Any questions? If not, thanks for coming.

May we have the next testifier, please?

COUNTY CLERK: Our next testifier is Tom Cook. And he will be followed by Shae Kamaka'ala.

MR. TOM COOK (testifying on County Communication Nos. 21-191 and 21-210):

Hello, Councilmembers. Can you hear me clearly today?

CHAIR LEE: Yes. Good morning, Tom.

MR. COOK: Oh, how refreshing. Aloha, Council. Thank you for your service. My name is Tom Cook. I'm giving testimony today as an individual, principally on two items. One, County Communications 21-210. I, I request that you support the Mayor's veto. I am, I think that you've made a very good point in the discussion. I think that the, our community needs to focus on building affordable homes for local working families. I don't think that, the reason I'm not support, I'm supportive of your overriding the veto, of not overriding the veto is basically to reach out with the Mayor and say, okay, work with us so that we accomplish our goals of getting more affordable housing built.

As a builder, I don't believe that the challenge is legislative. I believe that it's administrative. It's the land use, and the permitting, and the review processes. I am a total advocate of utilizing every tool, resource that we can as a community to prioritize building for local working families, totally. I, that is the emphasis and our drive and our desire.

We don't control building, building supply prices, labor. There's many, many facets to building and cost. I think that if we start working together, whether it's forming some TIGS, but reaching out to the developers and saying, okay, you don't like this particular proposal, let's sit down, let's talk story, let's collaborate and work together, how can we meet our, meet these goals and objectives? So, thank you for the opportunity to give testimony on that particular issue.

As far as County Communication 21-191, the building moratorium for hotels. I'm not an advocate of moratoriums because they're a pretty blunt instrument. I don't, and the two-year limit that Councilmember King put on it as a potential sunset clause for it, I don't think anybody is going to get, and this is just my opinion, forgive me, it's just an opinion, I don't think anybody is going to get their permit approval within two years to build a hotel or to do major improvements. Administratively, to get through the, all the various agencies and to get all the various approvals is a very time-consuming process. I think that if we would focus on those, so I don't think it's necessary. So, I'm not supportive of it. I am supportive of the Council, the Administration working together on behalf of the community, so that we can identify method and means to get homes built for local people. Thank you very much.

CHAIR LEE: Okay. Any questions? If not, thank you, Tom.

Madam Clerk.

MR. COOK: Aloha.

CHAIR LEE: Aloha.

COUNTY CLERK: Our next testifier is Shae Kamaka'ala. And Shae will be followed by Lori Tsuhako.

MS. SHAE KAMAKA'ALA, HAWAI'I LAND TRUST (testifying on County Communication No. 21-222):

My apologies, I was on mute.

CHAIR LEE: Yes.

MS. KAMAKA'ALA: Aloha, Chair and Members of the Council. Mahalo for the opportunity to testify this morning. My name is Shae Kamaka'ala, sharing testimony on behalf of Hawai'i Land Trust, project partners, in strong support of Communication 21-222, to authorize the use of County Open Space Funds by grant to Ke Ao Hali'i to purchase and put these lands in Hana, Maui, into permanent community stewardship and care.

To keep it quick, I rest on our written testimony. Just wanted to highlight one important and exciting aspect of this particular project and the use of these funds for these Hana lands is they truly provide the County with the opportunity to invest in community, invest in cultural, and environmental resilience and sustainability, and that's why HILT is such a strong supporter and active partner in this landscape level project. Community,

cultural, and environmental resilience and sustainability are extremely important factors, as we together navigate holistic health for our communities in subsistence economies in these trying times. And that's it for my testimony.

I would, oh, apologies. Just also would like to highlight that the County's Open Space Funds are matched by nearly 50 percent by State and private funds and are lined up nicely for the permanent protection of these lands. So, we would respectfully urge the Council to waive Committee referral and take action today. And I'm happy to stay on as a resource person, if the County Council would like. Mahalo.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Kama, Kamaka'ala. Mahalo for your testimony this morning. Since you are available, Chair, if there aren't any opposition or objections, may we request Ms. Kamaka'ala to stay on as a resource?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, that's fine. Thank you for being willing to be a resource. Thank you.

COUNCILMEMBER SUGIMURA: Chair?

MS. KAMAKA'ALA: Sure. Mahalo.

CHAIR LEE: We have another question.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much for being here. You mentioned in your testimony that the County funds are being supported by private and State. I think that's what you said. Do you have a budget or a document that you could share with us? Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

MS. KAMAKA'ALA: Yes. Mahalo for that question.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I requested Ms. Kamaka'ala to be on when this item comes up, so that we don't need to, this kind of discussion that's not clarifying questions during public testimony.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Well, she mentioned she had a budget. So, I just wanted her to just--

CHAIR LEE: Okay. You're muted now.

COUNCILMEMBER SUGIMURA: I just wanted her to just submit the document to us. I didn't expect a discussion about it. But she did mention it in her testimony, so I just wondered if she would share it with us? That's all. Thank you.

CHAIR LEE: Alright. I saw another hand. Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Aloha, Shae. I just was wanted to clarify that HILT is working with Ke Ao Hali'i? During the budget, we heard that HILT was withdrawing from Maalaea Mauka for Trust for Public Land, and I just wanted to clarify that you guys are able to work with Ke Ao Hali'i, if you weren't able to work with Maalaea Mauka, or Trust for Public Land was the better fit?

MS. KAMAKA'ALA: Yea, mahalo for clarifying, Councilmember Paltin. And that is correct. Hawaii Island, the Land Trust, kind of our role and specialty is be involved in conservation, acquisitions that that don't necessarily, where the project structure is not State ownership and that's the Trust for Public Land's specialty. And we kind of help to facilitate the conversations with the community involved with the Trust for Public Land to see if they were able to take on that project, kind of foreseeing that government ownership of those lands were the best for that place, and for that 'aina. And so, yes, we, we are not involved with the Maalaea project, and are direct partners for the Save Hana Coast project with Ke Ao Hali'i and the County.

COUNCILMEMBER PALTIN: Okay, thank you. Thank you for clarifying that.

MS. KAMAKA'ALA: You're welcome.

CHAIR LEE: Okay. So, we can ask more questions later when this matter comes up, okay, Members?

Let's see, Madam Clerk, may we have the next testifier?

COUNTY CLERK: Chair, our next testifier is Lori Tsuhako. And she will be followed by Faith Chase.

CHAIR LEE: Good morning, Lori.

MS. LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS (testifying on County Communication No. 21-210):

Good morning, Madam Chair and Members. I'm Lori Tsuhako. I'm the Director of Housing and Human Concerns. I'm here to offer testimony this morning on item CC 21-210. I'm here to ask Council to sustain the Mayor's veto of Bill 10. Rather than giving you a really long formal presentation, I just want to spend a moment to read to you a response that I wrote to Baldwin High School students who made an inquiry about the Mayor's veto of Bill 10. I wrote to these young people:

I'm very appreciative that young people are taking time to learn about the community issues that impact their lives right now and will impact their lives in the future. You are paving the way for a more informed and involved electorate and that will ultimately mean that our community will grow stronger. So, congratulations and thank you for your interest and your desire to learn more about affordable housing.

Bill 10 appears to be a pro-affordable housing proposal. Essentially it says that housing developments that seek a fast-track process from the County must provide 75 percent affordable housing units, which is up from the current 50 percent requirement. On the surface, it was, this would seem like a very positive law or requirement. However, when we take some time to analyze the implications of the proposal, we can see that there may be unintended consequences.

The vast majority of housing projects that offer more than 75 percent affordable units are very heavily subsidized by County, State, and Federal sources. In other words, tax dollars. These subsidies are what allow developers to balance their books and pay for the land, the homes, and the infrastructure. In order for developers to provide a greater percentage of affordable homes, they will need more and more subsidies. In other words, tax dollars. If they can balance their costs by building affordable homes and homes that are more expensive, our community will ultimately benefit from having more housing.

As you are aware, there are families that make good money, and there are families that make less money. We need to have housing for everyone to continue to live here



in Maui County. If we don't build homes for family who make good incomes, people like doctors, firefighters, nurses, teachers, other two income earners, where will they live? Aren't they more likely to leave our community and move to the mainland? And if these two-income families move away, who will take care of us when we're sick? Who will respond to emergencies at our homes? And who will teach your children? That is the dilemma that will result from Bill 10.

It is reality, especially during and after the pandemic, that some families do earn a good income. We cannot forget about their housing needs. We can and should offer housing to people of all incomes and realize that those housing choices will look different. That is one of the big reasons that Mayor Victorino has vetoed Bill 10. This legislation will not do what our community needs. If developers are not able to build homes for our working families, fewer homes will be built and our community will look much, much different than it does now.

So, I thank the students for their interest, and, and their teacher as well. But I would again ask the Council to consider a sustaining vote of the Mayor's veto of Bill 10. Thank you and Happy Mother's Day to all.

CHAIR LEE: Thank you, Director Tsuhako. Are there any questions, Members? If not, thank you. Oh, we have one.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Director Tsuhako. I just have a quick question. Cause I like, I understand the idea that our firefighters could, could, you know, could be affected by this. But I don't know any of our first responders, or firefighters, or teachers that can afford a \$1 million home that's considered now affordable or very close to \$1 million. So, would you propose a raise on incomes to, for our firefighters, and first responders to match that that cost of homes more, more closely?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you, Councilmember Johnson, for your question. I, I don't have the authority to give those folks a raise. I would love to. But I think the whole point of my argument was mostly that we have two-income earning families, who are at 140, between 120 and 140 of the area median income. And if we don't have housing for those folks, those are the folks who will take their professional skills and their expertise out of our community. And that's what the fear is, is that, you know, we want to be able to offer housing at the entire spectrum of what people can obtain in order to maintain our community.

COUNCILMEMBER JOHNSON: Okay. So, I understand that.

DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you.

COUNCILMEMBER JOHNSON: Thank you, Director. So, just a follow-up question. So, can you confirm how many of the last 13 201H projects were more than 75 percent affordable?

CHAIR LEE: Okay.

DIRECTOR OF HOUSING AND HUMAN CONCERNS: No, but--

CHAIR LEE: Excuse me, Director. That's really not a clarifying question. That's more for discussion when the item comes up, if you wouldn't mind, Mr., Member Johnson? Okay?

COUNCILMEMBER JOHNSON: Certainly. Thank you. Thank you, Director. I have no further questions. Thank you, Chair.

CHAIR LEE: Okay. Anybody else with questions? If not, thank you, Director Tsuhako.

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

COUNTY CLERK: Chair, our next testifier is Faith Chase. And Faith will be followed by Scott Shapiro.

MS. FAITH CHASE (testifying on County Communication Nos. 21-210, 21-226, 21-230, and 21-232):

Aloha Chair. Aloha Council.

CHAIR LEE: Aloha.

MS. CHASE: I'd like to testify, I'm sorry, I didn't put it in the chat box, Clerk. Okay. I would like you to override the Mayor's veto on Bill 10 for reasons that I've already stated before.

I, in regards to CC 21-232, amending the Building Code relating to the moratorium for hotels. Yay. Rock on. Don't be afraid. Is that the one? No, that's not the one. Visitor accommodations, yea, that's the one, or is it 21-191? I'm getting my numbers mixed up. Generally, you know how I feel about that. I don't want to waste all my time, because there's one that I really want to speak about.

The 21-230, I'm really excited to see what that conversation is with Moku'ula. That's a, that's a very, thank you, Chair Lee. I look forward to seeing which Committee that goes to and following that. It's, we are very blessed to have such a sacred place to malama.

What I'd like to speak most about is Communication 21-226, establishing a customer service as a goal and measure for County departments. Amazing. Thank you, Councilmember Molina. This has been an area that has been so, you know, there's no mechanism for that when people come to testify, or they call for help. I've said it before, it's at the liberty of the Committee secretary to give that respective Chair sort of that spreadsheet of what the testifiers have spoken about and what to do. And so, I think that this is an area that will have this broader, this kind of umbrella capability of doing just that, where you, and this is not just at the Council, it's at the State Legislative level too. So, I'm very excited to see this, however, however it develops and grows, because I'm very frustrated.

And I just gotta, I just gotta tell you, I took a, I tried to take a breather and I haven't been paying attention to, I have to go catch up some meetings at this last week. But really quickly, I want to say that last year I made myself, or 2020, I gave myself a commitment to be nice, because my mother thought that I was being very sassy, and I never say thank you for what you guys do. And I said, you know, I'm always damage control, mom. By the time I get to testify, I'm angry. And so, I really don't, mom, I'm not really, haven't been grateful for anything, so why am I supposed to say thank you? And forgive me for being so honest, but truthfully, I said okay, I'm going to give a year, I'm going to be nice, I'm going to be polite. And so, hopefully you thought I was polite. But you know what, that was last year, and I'm tired, and I will not be coming back to this Council and repeating everything I said last year.

I took a whole year. I invested in myself. I paid myself out of my, part of my retirement to just watch my County. And I will not be repeating myself. So, thank you for doing your job. If, if I, if I am concerned about something that I have already spoken about, I'm going to give you written testimony and it's going to be in bold letters. And I'm probably going to fax it or write in crayon and try another method. But I will not be coming back here this year and talking about stuff I already talked about. Anyway, thank you, Councilmember Molina. This is going to be an amazing piece. Thank you for listening today.

CHAIR LEE: Faith, you're one of our more passionate testifiers. Always interesting to hear you. Any, any questions for Faith? If not, thank you, Faith.

MS. CHASE: A hui hou. Happy Mother's Day.

CHAIR LEE: Thank you.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Scott Shapiro. And Mr. Shapiro will be followed by Rita Ryan.

MR. SCOTT SHAPIRO (testifying on County Communication Nos. 21-210, 21-212 and 21-232):

Coming. Hold on. Okay, here we go. I lost my video button. Can you all hear me okay?

CHAIR LEE: Yes. Morning, Scott.

MR. SHAPIRO: Before I forget, Happy Mother's Day to all of the moms this week, cause that's a big thing. That's the most important thing. I'd like to talk on three things today that are also important. And very quickly, CC 21-212, that came from the GREAT Committee. I want to really thank Mayor Victorino, you don't hear me say that often, for nominating Kimberly Thayer to the Maui Planning Commission, an environmentalist. I just can't say enough how thrilled I am to see somebody like this potentially get into the Maui Planning Commission. So, thank you, Mayor Victorino. And I hope she, she's nominated and passes.

The next, the next item I'd like to talk about is 21-210, Bill 10. I ask you all to override the Mayor's veto on this. 201H is just one way the developers can build affordable housing. There's Section 2.96, where developers can build market-rate housing. They have a 25 percent number of affordable housing units they have to build or pay for credits, which most market-rate housing developers, let's say in Wailea or on west side, will find housing credits, and they won't build any affordable housing. So, 2.96 allows developers to build affordable housing. 201H allows developers who want to build market-rate housing with very, a set of decreased restrictions to build housing. So, if we're going to give decreased restrictions, we should demand affordable housing. We should demand it.

My idea is to stop all development of market-rate house completely and only build affordable housing for a period. Put a moratorium on that. That's what I think. But, you know, crazy right? Well, it's not that crazy, cause we have enough of it. The trickle-down theory of building more housing in general to create more affordable housing does not work and it's never worked. We're never going to get there. So, I'm

passionate about that. And, and I'm a part of the problem, too. I moved here a number of years ago, right? I bought a market-rate house. And so, I'm part of the problem 25 years ago. But I'm trying to make up for that now. So, please override that veto. 201H is not a big component of building housing on Maui.

To the next one that I'm also very passionate about, 21-232. There should be a moratorium. I hope I can get a full three minutes on this. Needs to be a moratorium on any way to figure out this dilemma that we're in right now with visitors. Too many visitors on Maui. Again, I'm part of the problem. I increased the residency number here on Maui, you know, in 1995. . . . moratoriums work as long as there are things that are done in that period of time, where there's a moratorium, right. If we just kind of hash things over, nothing gets done, that's a real waste of time. So, I think there needs to be concrete steps that we have to take with a moratorium, or it'll be all for not. I fully support this. And you know, I didn't think there would ever be a day where I would have to make a reservation to go watch sunrise in Haleakala. That, that to me is crazy. Thank you.

CHAIR LEE: Thank you, Scott. Members, are there any questions? If not, thank you, Scott.

MR. SHAPIRO: Thank you. Happy Mother's Day.

CHAIR LEE: Thank you.

Madam Clerk.

COUNTY CLERK: The next testifier is Rita Ryan. And Rita Ryan will be followed by Jordan Hocker.

MS. RITA RYAN, CLIMATE ACTION ADVISORY COMMITTEE, CLIMATE REALITY PROJECT, AND 350HAWAII.ORG (testifying on County Communication No. 21-232):

Hello. My name is Rita Ryan, and I am testifying on behalf of three organizations: the Climate Action Advisory Committee of Maui; the Climate Reality Project, Maui County Chapter; and also 350Hawaii.org. I'm testifying on CC 21-232, the proposed moratorium on visitor accommodations. We stand in strong support of this moratorium, and we kindly ask that you vote today to defer to the CARE Committee.

First, I would like to say Happy Mother's Day to all Councilmembers, staff, and testifiers who honor the divine mother, mother earth. She is mother to us all and gave birth to all life on this planet.

Previous testimony by pro-development lobbyist Mr. Jorgensen suggested that it should go to the Infrastructure and Technology *[sic]* Committee and then Planning. And that's based on the assumption that it will fly through IT and become a Planning matter. I want to remind Mr. Jorgensen and the Council that this State and this County has declared a climate emergency. While more of the same growth seemingly stimulates the economy by creating mostly low-paying jobs in tourism, it also increases our affordable housing woes and burdens our economy, burdens our environment, and burdens our patience with tourists. We need to prioritize affordable housing first. And developing jobs for people who cannot afford housing doesn't make sense and it is not sustainable.

Also, we don't feel that either the Infrastructure or the Planning Committee will focus on the client, climate impact, or Maui County's climate commitments. Why should we deprioritize the climate impacts of new development when this drastically impacts the environment, the climate, and the survivability of our planet? I agree that we need to look at the local infrastructure impacts on more tourism, the traffic and road improvements, expanding the landfill, and the water impacts. However, we need to consider the environmental impacts first before the infrastructure impacts.

Not allowing this bill to be considered by the CARE Committee suggests that we prioritize a low-paying job economy over the environment. Referring it to the Infrastructure and Technology *[sic]* Committee suggests that we only care about local impacts on traffic, not the global impacts to our scorched earth planet. Think globally, act locally. The CARE Committee can look at this bill through the lens of the climate and the environment, and consider how it impacts our carbon reduction committee, commitments made by this Council. We most likely will not be able to reach our carbon reduction goals if we expand tourism. Is the Council willing to deprioritize these commitments?

You all voted in favor of rejoining the Paris Climate Accord and setting realistic goals for carbon reduction. This is where the rubber meets the road. The CARE Committee needs the opportunity to study the impacts to our local and global environment. Tourism has a huge carbon footprint, and until the airline industry makes progress in electric flight, hydrogen powered flight, and other renewable energy alternatives, we will continue to base our economy on extreme greenhouse gas emissions.

The Climate Action Advisory Committee; the Climate Reality Project, Maui Chapter; and 350Hawaii.org strongly recommends that any bill that will have impact on our County's carbon reduction commitments absolutely must be referred to the CARE Committee. We have the opportunity here to honor our cherished mother earth. Please vote wisely. Thank you for your time and consideration.

CHAIR LEE: Thank you for your testimony. Any questions, Members?

If not, Madam Clerk. Madam Clerk, how many more people do we have to testify?

COUNTY CLERK: We have two more.

CHAIR LEE: Okay.

COUNTY CLERK: The first one is Jordan Hocker. And Jordan will be followed by Albert Perez.

CHAIR LEE: Okay.

MR. JORDAN HOCKER (testifying on County Communication Nos. 21-205, 21-210, and 21-232):

Hello, Councilmembers. I hope you're all well today. And also, as many others have said, Happy Mother's Day. I hope that you are thoroughly celebrated moms out there. So, I actually have three agenda items that I'd like to testify on. I'll just keep it brief.

The first one is CC 21-205, which is the Mayor's communication appointing Joseph Imhoff to the Maui Arborist Committee. I could not, I actually didn't know that this was on the agenda, and when I saw it I kind of like leapt for joy. I hope that he is nominated and put in this position. Joseph has done incredible work with reforestation in regards to native species, but also has very innovative, applicable solutions for invasives as well. So, I would love to see him in that position. I think that, you know, I have the same concerns about our climate and climate change.

MS. RYAN: I'm sorry. No, I haven't seen any. I've been focusing on this.

MS. HOCKER: I think someone's unmuted. So, I, I'm just saying I would really love to see Joseph in this position. I think that reforestation could be a huge push for, for us mitigating climate change, cooling down our environment, and increasing the rainfall in the atmosphere. So, it's very important.

And then, my next agenda item 21-210, which is relating to Bill 10. And I would love to see the Council overturn the Mayor's veto. I was really devastated when I saw that the veto happened. And it's not particularly surprising. And I'll just touch on, basically what I said to you guys the last time I was in front of you regarding this matter, which is that we have to push forward. 201H projects are 201H exemptions. They are fast-

tracked, developers want them. And if they're going to get, you know, a large chunk off of their time and energy and, and permitting process, then they should be building houses for people. I live in a two-income household. You know, when I look at a million-dollar home, I don't see a teacher and firefighter being able to really afford that. Like, I, I'm, I think that market-rate homes are not should what, should not be what's focused on in terms of building houses in general.

And so, I would just really ask you to overturn this veto. It's not like developers are not going to be able to build market-rate houses going forward into the future if this over, veto is overturned. So, I'm just asking you to consider pushing forward against the status quo. And every single time a piece of legislature comes forward that asks the status quo to operate differently or to change, we hear a lot of the big players come forward with a lot of doomsday scenarios that quite frankly I really resent. And so, I think that we can go forward positively and recognize that some things will have to be left in the dust, that people are really used to. And that is part of moving courageously into the future to be offering and making sure that our citizens are taken care of.

And then my, my last piece of testimony is on the visitor accommodation moratorium. I would like to mirror what everyone has said in regards to we don't need more tourism. I too, would like to read that ten-page paper on the carbon footprint of visitors coming over here, because that information, and I urge the Council please look into that and read it thoroughly. It was an element of this impact that I hadn't considered. So, we don't need to be doing anything else that's going to offer more accommodations to tourism, to tourists. We don't need to bring any more people here. And I don't really think that that is a radical idea, although I feel radical saying it. That's just where it's at. We're at capacity. We were at capacity before COVID and we're even more aware of it.

So, please consider that moratorium and, and take it seriously. I know that people who built hotels and people who make money off of hotels are really against it, and I can see why they would feel that way. However, you have people making money and then you have people being overrun, displaced. And so, I think we need to look at that inequity in there. And that is the end of my testimony. Thank you so much for all of your hard work.

CHAIR LEE: Thank you, Ms. Hocker. Any questions, Members?

Ms. Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Hocker for your testimony. I just, you know, I wanted to clarify what you said about building more accommodations that would bring tourists in. You know, what, what I kind of see is if there aren't



accommodations, if there aren't cars, then they will find other ways, you know, with the Tepui tents on rental cars and things like that. And I just wanted to clarify, if, if you meant that by not building the accommodations, you feel that the tourist won't come, won't then come? Because, like, even without rental cars, they're renting U-Hauls and Turo's. Even if all the visitor accommodations are full, they're, they're still end up coming. And so, I just wanted to clarify your thoughts on that.

MS. HOCKER: Yea, so I, I think I'd like to answer your question. I'd like to mirror what, I believe it was Scott Shapiro had said, which is that the moratorium gives us time to get a hold on those sorts of things. Absolutely, they want to come here, they're going to come here. And like I said before . . . I'm not really sure how to remedy that issue.

But forcing people to have to plan ahead, having actual, like a cap, having a realistic cap on how many things are available. Right now, what we see is people are used to things being business as usual. And they're showing up here going, wait, what do you mean everything's not there for me? And so, I think that the moratorium would give us an opportunity to create a, you know, a plan around people camping in vans on the side of the road, which, you know, I don't, yea. I would like to say that if we put a moratorium on building visitor accommodations, it will give us time to figure that out.

COUNCILMEMBER PALTIN: Thank you, Ms. Hocker. Thank you, Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for you. Aloha, Ms. Hocker. Mahalo for your testimony. But I have a question for the Chair.

CHAIR LEE: Okay. What is your question?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh no, I was just going to thank--

CHAIR LEE: Oh, I see. I see. Any, any more questions for Ms. Hocker?

VICE-CHAIR RAWLINS-FERNANDEZ: But I just wanted to--

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

Okay. Now, Vice-Chair Rawlins-Fernandez, you have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. I, I guess my question, or my statement was if we can, you know, just, this item is being referred to Committee. So, you know, if Members can just try their best to like not like full on discuss this item. It's going to be

referred to Committee. That, the last question was kind of stretching it. It wasn't a super clarifying question. It asking for thoughts, so--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --if we can just. Mahalo, Chair.

CHAIR LEE: Alright. I'll try to remember that. Sometimes it's a little hard when you don't know what the Member is going to ask until the question is asked. But yea, okay. I'm sure nobody did that on purpose.

Let's see. I believe we have one more testifier? Madam Clerk.

COUNTY CLERK: Actually, we have a total of four now. And our next testifier is Mr. Albert Perez. And Albert will be followed by Sandy Baz.

CHAIR LEE: Okay. So, we want to make sure, Members, that we ask clarifying questions, alright and not get into any discussions at this time. Especially with the moratorium bill, because it's going to be referred, yea?

Alright, Mr. Perez. Happy Mother's Day.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on County Communication Nos. 21-210 and 21-232):

Why thank you. Same to you, Chair Lee.

CHAIR LEE: Thanks.

MR. PEREZ: Aloha to Members of the Council as well. Albert Perez, Maui Tomorrow Foundation, testifying today on 21-210, the veto of Bill 10. I, I was looking at the reasons for the veto and it struck me, one the reasons that the Mayor is objecting to the Bill 10 is because the Countywide Policy Plan calls for a range of housing options. But the 201H projects that we see are typically providing a minimum affordable housing to facilitate the building of mansions on agricultural land. That does not ensure a range of housing options. It puts all the affordable units in one corner of the property and then the mansion owners are willing to pay millions for giant houses with infinity pools right next to the affordable housing.

So, we should be encouraging developers like Doug Bigley, who have no problem providing 75 or 100 percent affordable housing. And they provide more housing

options than typical 201H developers. It's true that they take advantage of public grants and tax credits, but that's a good thing. Providing affordable housing is a good use of public funds. Otherwise, our people cannot compete with overseas investors for market housing. And if we don't take action, we will have to continue to leave.

And I'd just like to encourage the Council to take a look at the Lima Ola project on Kauai, where the County did the 201H. They provided 550 affordable homes that were 100 percent affordable for sale and rent.

Anyway, please override the veto of Bill 10. Bill 10 will encourage developers who know how to provide truly affordable housing. We'll have fewer abusive developers taking up the Council's time and putting pressure on the Council to take action within 45 days. Thank you very much.

I'd like to move onto 21-232, the moratorium. So, the COVID-19 pandemic caused a temporary shutdown of our visitor industry, and this drove home the extreme vulnerability of our economy to overreliance on that industry. It also allowed us to see what our islands can be like when there's not so much tourism. As of 2019, the inflation adjusted visitor expenditures had not increased since 1989, even though Hawaii had 2.5 million more tourists. This means more stresses on roads, and reefs, and trails, and beaches, to generate the same economic benefits. We need to strive for just the opposite, less visitors who spend more money and increase resident's quality of life.

The Council recently adopted a resolution emphasizing quality over quantity in the visitor industry. A short time later, the Maui Planning Commission approved a 170-room hotel expansion in Kihei. Some Planning Commission members expressed frustration that the Council was putting the decision on them, and they asked the Council to give them clear guidance about limiting visitor industry expansion.

This moratorium can do just that. It will implement the Maui Island Plan ratio of one-third of the visitors to the resident population. That's already law and the Council can put it into effect through this ordinance. This ordinance should be revised to apply to all of Maui County.

And since we're already over the ratio, the County could lower the number of visitors by buying condos and other low-cost visitor accommodation units and selling or renting them to Maui County residents. This would speed up the provision of affordable housing. These visitor units are already built. The infrastructure is already there. And let's turn them into housing for our residents. I urge you to take action quickly on this moratorium ordinance. Mahalo.

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

MR. PEREZ: Aloha.

CHAIR LEE: Madam Clerk, is Mr. Baz next?

COUNTY CLERK: Yes, Sandy Baz is next. And Sandy will be followed by Junya Nakoa.

MR. SANDY BAZ, MANAGING DIRECTOR (testifying on County Communication No. 21-210):

Aloha Chair, Councilmembers. Sandy Baz, Maui County Managing Director. I'm testifying on behalf of Mayor Michael Victorino on County Communication 21-210, relating to the veto of Bill 10 (2021), Draft 1. The Mayor does, in his veto message, outline his reasons for vetoing the bill and you've heard a number of testimonies in support of that.

I will add just briefly here that, you know, Bill 10 continues to perpetuate and may even enhance our resident's dependency on developers to build housing as, as and where they see fit, asking for exemptions related to planning, zoning, construction standards for subdivisions, development and improvement. And unfortunately, and Mr. Perez pointed this out, this is rarely in support of the County's Maui Island Plan objective to implement the Maui Island directed growth strategy in Chapter 8 of the plan.

In addition, the State's Housing Finance and Development Corporation has a 201H process that they have established that will continue to require developers to only request, you know, 201H for 50 percent plus one additional unit, whether or not Bill 10 is put into place. And right now, we collaborate with the developers quite a bit on, as they prepare projects for presentation, and when it's a County-sponsored project, it's gone through the County, and is working on a 201H. Even though it's a 201H is a State process, we still collaborate with them significantly. And we feel that if Bill 10 is put into place, developers will continue to be, you know, proposing projects that may be under the 75 percent threshold, but our collaboration with them may be diminished.

Micah Kane, the CEO of Hawaii Community Foundation, noted that over the past 30 years, government has transferred responsibility of building major infrastructure work like roads, water, sewer, public facilities from a government role to a direct cost on housing developments. And this has created an imbalance of risk. And cost exacerbates the ability for the private sector, both for-profit and nonprofit, to deliver affordable housing opportunities for Maui's residents.

And, you know, just to note, the Administration has been working very collaboratively with Hawaii Community Foundation, landowners, developers, you know, again, both nonprofit and for-profit, builders, unions, and many others, on solutions that are not just reaching the same toolbox of regulatory demands. We've been working with them specifically on housing projects, including working with them with our . . . group in preparation for applications that come before you and other planning commission items. And, you know, we've been working with them to identify and plan for significant workforce housing opportunities in Central, South, and West Maui in the very near-future.

We've also begun to work to develop the infrastructure to support future workforce housing projects. And we appreciate the Budget Committee's support of those items, you know, throughout. You know, it's going to take time. You know, the Maui Island Plan calls for us to do this. The directed growth strategies really, you know, if you look at that document, put the onus on us to put those forward. And when we continue to rely on developers to do it, like Bill 10 is emphasizing, it just, it puts off that responsibility.

You know, something that we can do, as well, is its part of our resiliency plan, is to create pathways to keep affordable houses on the market. You know, that's, that's something that we try to do and it's in a majority of what we're trying to plan for. We've been working on that for a number of years. There have been more housing, there have been more workforce housing units developed and available for our residents. Definitely not enough. Definitely, you know, we have to continue working, collaborating on that.

And so, on behalf of Mayor Victorino, we ask that you sustain the veto and we continue to collaborate with the Administration and others to truly increase the availability of attainable workforce housing for our residents. So, thank you, Chair.

CHAIR LEE: Thank you. Are there any questions?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Trying to clarify the issue of . . . some feedback, on the issue of collaboration. Thank you for being here, Managing Director. Are you folks also collaborating with Hawaii Community Assets on the affordable housing, the Comprehensive Affordable Housing Plan? And do you support, you know, the idea of having the plan?

MANAGING DIRECTOR: So, yes. We have been working with the Hawaii Community Assets. In fact, they've been working with our departments. They interviewed them

and provided information in there. We've been collaborating with them and they provided us with a draft that we gave them feedback on. And they are currently meeting with us every couple of weeks to get more information, clarification, and move forward a plan. So yes, collaboration is a real key factor to this.

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

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Baz. Just a quick clarifying question. You mentioned in your, in your three minutes that you said it's going to take time to work with developers and collaborate. So, my question is, is do you recognize that this is a housing crisis? And do you rec, do you think we have time for this crisis?

MANAGING DIRECTOR: So, yes. It definitely is a housing crisis. It's been a housing crisis. I started working on this housing crisis in 2003 when I was at MEO with the Maui Nui Housing Task Force and we--

CHAIR LEE: Okay. Sandy? Mr. Baz?

MANAGING DIRECTOR: Oh, sorry. Yes, it's a housing crisis. Yes.

CHAIR LEE: Yea, he sounds like he has a lot of things to add. So, Members, any objections to having Mr. Baz as a resource person when this matter comes up?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Very good. Can you stay, Mr. Baz, as a resource person?

MANAGING DIRECTOR: Yes. Yes. So, I'll make myself available.

CHAIR LEE: We probably going to take a lunch first. Yea. Okay. Thank you. Thank you.

So, Madam Clerk, do we have another testifier?

COUNTY CLERK: Yes, Chair. Uncle Junya Nakoa is next to testify. And Mr. Dick Mayer is to follow.

CHAIR LEE: Alright. Good morning, Junya.

MR. JUNYA NAKOA (testifying on County Communication Nos. 21-210, 21-212, and 21-232):

Yessah, good morning. Ho, brah, da God is watching us. How that buggah when put me for talk right after Sandy Baz. Chee hoo. Brah, Bill 10, override the veto. Override the Mayor's veto, gunfunnit. Yea, timing. This, sorry, I stay cleaning my mother's house. Happy Mother's Day. But, yea, veto that buggah. We when talk to you guys all about um. You guys heard the testimony. This 201H bill for whatever, you know, is not one 2.96 one. 201H, like braddahs was saying, not market homes, you know what I mean? We not going make them build 49 market homes so we can get 51 affordable. More better go get more. Like some of em said, put, just no need build market, just build affordable. Nuff already. Get plenty.

And then, plus the Planning Department when go support one other project that's happening Wailea and they not building nothing affordable homes, zero. So, you know what I mean, only these million-dollar homes with infinity pools take our water again, you know, and all that kind stuff. But yea, override the veto, the veto, override um. The Pacific stuff guys, oh, my God, they're, they spending choke money for put um on Facebook. Me, I no more money, but I get, I can get Facebook. Just no, veto that buggah. I tell you, no, override the veto. Override the veto. Ho my God. Okay, I going talk to, okay, I pau with that video, veto thing, cause hoo piss me off.

Okay, the next one is the, the moratorium. I know you was going defer um hope to the CARE Committee. So, real short, yea, we no need any more hotels, pau. Okay, I pau with that one. See, quick yea?

What was the other one. Oh, yea, okay, my braddah, he when go, he when ask for help. This buggah, I respect these buggahs; Hano and Ua from Molokai. You know, these buggahs, hoo chicken-skin right now I get just talking about those buggahs. Cause they when get me riled up from back in the days when ho brah, they was bad ass and stuff. But listen to that guys. They the one who, you know, what I mean, take care the water. They the one who take care the environment. These buggahs live off the aina and all that kind stuff. So, listen to him for get that Juanita Colon person. And I know they said one other name, but I forget their name. But, but yea, try go put those buggahs inside the Water Commission thing.

Listen, we gotta listen to Molokai people cause they the ones and eh, and Hana, Hana, Hana, they badass too. They know how to protect the water, use the water, and make the, and when you do that, hoo the island going come green. Only ono going be. You know what I mean? So, please listen to Hano and the other aunty when talk, I think was Keani mother. And get that Juanita Colon lady or even the other braddah, I forget his name. But try listen to Molokai. Molokai badass. And, and plus, I going Molokai

tomorrow. I going go help clean the land tomorrow. So, more chicken-skin I get. Chee hoo. Yea, I think I pau.

Wait, wait, wait, wait, I not pau. Happy Mother's Day to all you mothers. And all you fathers over here on the commission and on the, on the, the Council, and all the, the people who working behind the scenes, Happy Mother's Day to you guys. And tell your wives and your mothers happy . . . day, you buggahs. Yessah, I go, I gotta go finish cleaning my mother's house. Chee hoo.

CHAIR LEE: What a good son. Thank you, Junya. Any questions for Junya? Thank you. Aloha.

MR. NAKOA: Yessah. Have a good one.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next and final testifier is Dick Mayer.

MR. DICK MAYER (testifying on County Communication Nos. 21-210 and 21-232):

Hello, Councilmembers.

CHAIR LEE: Good morning.

MR. MAYER: Good morning. I'm going to, going to say something that would have seemed very inappropriate just a few years ago. I would like to wish the majority of the Councilmembers a Happy Mother's Day, because this is the first time in Maui County's history that the majority of the Council are women and mothers. Happy Mother's Day.

CHAIR LEE: Thank you.

MR. MAYER: Please override the Mayor's veto of CC 21-210, overriding the Mayor's veto of a bill that would require at least 75 percent affordable housing on 201H projects. This is something that should be required, the 75 percent. And I urge you to override the measure. Previously, and it's been mentioned several times today, the 50 percent requirement for affordable housing in 2007 was thwarted by the 2008 collapse of the housing market, and not by the Maui County Code 2.96 requirement for 50 percent affordable housing. We have to remember that it was not the ordinance, but rather the whole housing market nationally that collapsed that market.



This time, the 75 percent requirement is only being applied to 201H projects in this ordinance, which receive many, many concessions from the County with regard to infrastructure, community plans and other benefits. So, it's very restricted to only the 201H projects. This ordinance would not affect many other construction projects which do not involve 201H. For example, and I'll just use one example, Mike Atherton's Waikapu Country Town is not a 201H project and has its own affordable housing requirements.

With regard to CC 21-232, asking for an interim moratorium on visitor accommodations, visitor accommodation building permits in South and West Maui, I recommend that this item be sent to Councilmember King's Committee because it is going to affect her district in particular, and because of the subject-matter that her Committee is intended to discuss. Councilmember King's Committee is intended to examine, and it's right in the title, the word "resilience" and this matter examines Maui's long-term ability to remain economically resilient if we continue to depend so completely on the visitor industry.

We all saw the effects of COVID-19 on that industry and the enormous unemployment rate. We need to diversify our economy and further construction of new hotels. This will not affect any existing facilities. It will only affect new, new projects. This bill on a visitor unit moratorium along with the passage of the 201H affordable housing ordinance, which I previously mentioned, go very well together. By reducing the construction of new visitor accommodations, we will incentivize developers and the construction industry to focus their efforts on affordable housing, the highest goal for almost all Councilmembers when they ran for office last November.

My only regret is that the moratorium would only apply to two of Maui islands six community plan districts. Just yesterday, I received a phone call from a developer who wanted to talk with me regarding a brand-new hotel in Kahului. Central Maui, in particular, needs lots of affordable housing and certainly does not need more hotels in that area to compete for construction workers and for resources against the needs for affordable housing in Central Maui. So, please consider possibly adding other districts to the South and West Maui situation.

I want to conclude by thanking you all and wishing you all, particularly mothers, a very Happy Mother's Day.

CHAIR LEE: Thank you, Dick. Are there any questions, Members? If not, have a great weekend, Dick. Thank you for your testimony.

Madam--

MR. MAYER: Enjoy lunch.

CHAIR LEE: Thanks.

Madam Clerk?

COUNTY CLERK: Chair, we do not have any other testifiers signed up. If an individual connected to the meeting has not testified, but would like to do so, please unmute and identify yourself now. You can also inform the staff via the meeting chat. This is our last call for testifiers. Please indicate if you would like to testify.

MR. KEEAUMOKU KAPU (testifying on County Communication Nos. 21-210 and 21-232):

Hi. Aloha.

CHAIR LEE: We have one.

Madam Clerk, do you see?

MR. KAPU: Aloha.

CHAIR LEE: Do you see Keeamoku?

COUNTY CLERK: Yes.

CHAIR LEE: Okay.

COUNTY CLERK: Yes.

CHAIR LEE: Can you help him with the information?

COUNTY CLERK: Okay. He needs to unmute on his end, because he's unmuted on our end.

MR. KAPU: Okay, can you hear me?

CHAIR LEE: Okay, we can hear you. Thank you.

MR. KAPU: Okay. Hi. Mahalo, Councilmembers, for allowing me to testify. I want to testify on that Bill 10 that everybody is talking about. It's really going to set a bad precedence. For years, we've advocated to make sure, making sure that a lot of these developments

go through the right process. Years ago, we were involved in another one, which was a State planning on 201G fast-track. And that one talked about massive developments on how it was going to be exempt. This one, I think is way even more worse, because it kind of minimizes the impact of less than 50 homes to be exempt from doing any type of public review, or any type of AIS and anything.

And you know, as I can relect, recollect years ago that that's been an ongoing battle for us. I'd love to really push to encourage the Council to make sure that due diligence is done on behalf of the public community that there is, there should be some kind of public process to allow community to be involved in the planning process, especially when it comes to a 201H project. We are right now, on the west side, really don't agree with a lot of things that is going on, on how all of a sudden these developers love to circumvent County ordinances, and all these kind of things.

So, to start off these next things that had, that is required to do, I'm really asking the Council to do their due diligence, to make sure that the community's voices are heard. And, especially a lot of those other things out there that is going, especially for the moratorium . . . hotel. And I think that's really a bad idea too at the same time. So, I mahalo you for allowing me this opportunity to speak my voice in this issue. It's really concerning to us, especially our kuleanas that live mauka that are always subjected to these kinds of projects and never a part of the project to begin with because we live a different kind of lifestyle. But it is really concerning to us on how these things are being circumvented in today's process. So, mahalo. Mahalo for allowing me to testify for you. And I wish everyone, especially you wahines' out there a Happy Mother's Day. Mahalo.

CHAIR LEE: Thank you very much. Are there any questions for the testifier? If not, thank you. Thank you for joining us. Mahalo.

Madam Clerk.

COUNTY CLERK: Chair, we have one more testifier that just signed on with the last four digits of telephone 4259.

CHAIR LEE: Hello, 4259? Could you state your name please?

MR. SAM AKOI III (testifying on County Communication No. 21-222):

Yea, aloha. Can you, can you hear me?

CHAIR LEE: Yes, we can.

MR. AKOI: Okay. Aloha. Aloha kakou, Chairman Alice Lee and County Councilmembers. My name is Sam Akoi. I live in Hana. I am testifying in, in Communication No. 21-222. I'm a board member of Ke Ao Hali'i, lineal descendant, and Aha Moku rep for Hana. I am testifying in full support of Ke Ao Hali'i's missions and support. I hope that you folks make the decision today in supporting community funds, County funds to purchase and keep our lands in perpetuity.

I get, I'm going to wing it a little, you know? When Ke Ao Hali'i was formed a few years ago, I joined it up, I joined up because I was, I remember when I was little boy, living out in Kipahulu. And, you know, didn't have any tourists around, didn't have anybody, you know. We used to clean pigs on the, on the road and, you know. But when, when they, the Ke Ao Hali'i formed this board of 75 percent of lineal descendant, I was, I was, you know, so happy that, you know, we have the lineals that making this board to save our coastal lands. So, I took part and I joined. And that's where we are today. I see most of us here today working forward with Ke Ao Hali'i in accomplishing our goals and our missions. And I see most of our committee is all familiar faces. And we just got one, like Gabe Johnson is like just a new Member, you know. So, this is not a, a old or new thing that is moving forward.

But I encourage you that we support, support us in this moment. And I, I love our, how, you know, we have the community, you know, coming down and, and restoring our iwi kupuna, you know, down there. We're joining up with Legacy Land, HILT, the community from all of Maui, even other islands too, that we come. And, and so, I thank you folks for, for working with our lineal descendants here in Hana, at Mokae and Maka'alae.

So, yea, one thing I learned from my papa growing up, I was like, papa, how I know if I doing the right thing? And he said, well, if you think about it, then that's not the right thing to do. So, I try not to think about it, but just to, to remember that myself, I come from this land from thousands of years ago, my family and a lot of lineal descendants from here and from Mokae and Maka'alae. I encourage you that you make the right decision. And thank you so much. Mahalo for your time. Aloha.

CHAIR LEE: Thank you for your testimony.

MR. AKOI: Happy Mother's Day.

CHAIR LEE: Thank you, on behalf of all our mothers on the Council. Any questions, Members?

If not, Madam Clerk.

COUNTY CLERK: Chair, that was our final testifier.

CHAIR LEE: Okay.

COUNTY CLERK: And we can offer a last call if anyone is wanting to testify?

CHAIR LEE: Okay, Madam Clerk.

COUNTY CLERK: Chair, no one else has indicated that they wish to testify. And for the record, we have received written testimony.

CHAIR LEE: Okay. 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. Roberto Andrion, International Longshore & Warehouse Union Local 142;
2. Christopher Delaunay, Pacific Resource Partnership;
3. Pamela Tumpap, Maui Chamber of Commerce;
4. Mitchell Imanaka, American Resort Development Association – Hawaii;
5. Tawn Keeney;
6. Shae Kamaka'ala, Hawaiian Islands Land Trust;
7. Susan Bradford;
8. Sylvia Cabral;
9. Catherine Camp, NAIOP Hawaii Chapter;
10. Jerry Gibson, Hawaii Hotel Association;
11. Frank T. Goeckel, Wyndham Destinations;
12. Mufi Hannemann, Hawai'i Lodging & Tourism Association;
13. International Union of Bricklayers and Allied Craftworkers Local #1 of Hawaii;
14. Justin Keli'i Kanakaole;
15. Nathaniel Kinney, Hawai'i Construction Alliance;
16. Maui Hotel & Lodging Association;
17. Tanya Maile Naehu;
18. Ryan A. Nobriga, American Resort Development Association – Hawaii;
19. Darla Palmer-Ellingson, Climate Action Advisory Committee;

20. Frank "Bud" Pikrone, Wailea Community Association;
21. La'akea Poepoe;
22. Sherry Pollack, 350Hawaii.org;
23. Kilia Purdy-Avelino;
24. Marlene Kamuela Purdy and Harry Kanekawaiola Purdy III;
25. Linda Schatz, Schatz Collaborative;
26. Gino Soquena, Hawaii Building & Construction Trades Council;
27. Larry Stevens; and
28. Michele Yoshimura, Budget Director.

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

Okay, Members, it is just after 12, good time for our lunch break, and return at 1:00. Is that okay with everybody? Okay, this meeting is in re--

COUNCILMEMBER SUGIMURA: No objections.

CHAIR LEE: Pardon me? Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Oh, no objections. Oh, I'm so glad. Okay, this meeting is in recess until 1:00. Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:02 P.M., AND WAS RECONVENED AT 1:05 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS KAMA AND PALTIN, EXCUSED.)

CHAIR LEE: Will the Council meeting of May 7, please reconvene. It's approximately 1:04-ish.

Alright, Madam Chair, I mean, Madam Clerk. The minutes. We're on the minutes.

COUNTY CLERK: Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meetings of February 19, 2021 and March 5, 2021 were presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND PALTIN.

CHAIR LEE: Okay, all "ayes". So, that's seven "ayes", two "excused"; Members Kama and Paltin.

Next, Madam Clerk.

COUNTY CLERK: Chair, prior, prior to proceeding with county communications, I just want to add that the congratulatory resolution for St. Anthony Church and School is recorded as RESOLUTION NO. 21-69.

CHAIR LEE: Thank you.

COUNTY CLERK: Proceeding with County Communications.

(Councilmember Paltin returned to the meeting at 1:06 p.m.)

## COUNTY COMMUNICATIONS

NO. 21-193 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated April 15, 2021)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for February 2021 for all registered well reporters in the County of Maui.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

MOVE TO FILE COUNTY COMMUNICATION 21-193, AS IS  
FOR INFORMATIONAL PURPOSES.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member Sinenci, seconded by Member Sugimura to file County Communication 21-193.

Any more discussion? If not, all those in favor of the motion to file this item, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, all "ayes". Okay, now we have eight "ayes", one "excused". Member Kama is excused.

Okay, next item.



NO. 21-194 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 8, 2021)

Transmitting 75 contracts/grants for the month of March 2021.

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 County Communications 21-195 through 21-198, 21-215 through 21-219, and 21-221?

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Any objections, Members? Or are you going to be asking for contracts? Any objections?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'll, I'll put that in my motion.

CHAIR LEE: Okay. Second? Alright, Vice-Chair Rawlins-Fernandez moved to refer all these items.

VICE-CHAIR RAWLINS-FERNANDEZ: No. I, I request, I requested the Clerk bring them up, please, if there are no objections.

CHAIR LEE: Oh okay. Okay. No objections to bringing them up.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Kathy. Madam Clerk.

COUNTY CLERK: Okay.

NO. 21-195 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,  
(dated April 12, 2021)

Transmitting the Notice of Grant Award from the Corporation for National and Community Service for the Retired and Senior Volunteer Program in the amount of \$73,350.

NO. 21-196 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated April 12, 2021)

Transmitting Contract Modification Order No. 9 from the State of Hawaii, Executive Office on Aging for the Title III Program in the amount of \$589,291.

NO. 21-197 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR, (dated April 27, 2021)

Transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2021, through March 31, 2021.

NO. 21-198 - SANDY BAZ, MANAGING DIRECTOR, (dated April 30, 2021)

Transmitting the Fiscal Year 2021 3rd Quarter CIP Reports.

The recommended action is that County Communication No. 21-198 be referred to the Budget, Finance, and Economic Development Committee.

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

COUNTY CLERK: And--

CHAIR LEE: Oh, you have more?

COUNTY CLERK: I have more.

CHAIR LEE: Oh, okay. Go ahead.

NO. 21-215 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated April 16, 2021)

Transmitting the Short-Term Investment Reports as of March 31, 2021 (Fiscal Year 2021 Third Quarter).

The recommended action is that County Communication No. 21-215 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-216 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 19, 2021)

Transmitting the Fiscal Year 2021-2022 certification of the net taxable real property valuation for the County of Maui.

NO. 21-217 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 21, 2021)

Transmitting two reports on the settlement of claims as of March 31, 2021.

The recommended action is that County Communication No. 21-217 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-218 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated April 27, 2021)

Transmitting the Budget Implementation Report as of March 31, 2021 (Fiscal Year 2021 Third Quarter).

The recommended action is that County Communication No. 21-218 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-219 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 27, 2021)

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

The recommended action is that County Communication No. 21-219 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-221 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated April 27, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.41, MAUI COUNTY CODE, CREATING THE KULA AGRICULTURAL PARK REVOLVING FUND".

The recommended action is that County Communication No. 21-221 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: That it? Is that it?

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

CHAIR LEE: That's it? Okay, Vice-Chair Rawlins-Fernandez, what do you want to do with all these?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair and mahalo, Madam Clerk.

I MOVE TO FILE COUNTY COMMUNICATIONS 21-194 THROUGH 21-197, EXCEPT FOR THOSE GRANTS AND CONTRACTS THAT COUNCILMEMBERS REQUEST FOR COMMITTEE REFERRAL, AND 21-216.

AND TO REFER 21-198, 21-215, 21-217, 21-218, 219, AND 221, TO BE REFERRED TO YOUR BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE.

CHAIR LEE: Okay. I'm sure everybody memorized, remembers every single thing that you said. Okay, starting, anybody have, oh, a second. Let's have a second.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, and seconded by Member Sugimura, to file these various items and refer these various items.

So, starting with the first one. Does anyone have, oh, did you want discussion, first? Vice-Chair? Or shall we just go into what contracts people want to pull out? Okay. Which contracts are requested to be put aside?

Yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you.

COULD YOU SEND C7318, PULEHU ROAD AND HANSEN  
ROAD SAFETY EVALUATION TO MY COMMITTEE, PLEASE,  
IT?

CHAIR LEE: Can you repeat that? C--

COUNCILMEMBER SUGIMURA: C, as in Charlie, 7318.

CHAIR LEE: 7318?

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Okay. To IT because it's related to?

COUNCILMEMBER SUGIMURA: It's my community request, actually, from last budget. So, this is, this is the contract.

CHAIR LEE: Oh, it's a contract?

COUNCILMEMBER SUGIMURA: So, I'm interested for, yeah for my community. And it's, it's Department of Public Works contract.

CHAIR LEE: Oh, okay.

COUNCILMEMBER SUGIMURA: So, it's relative to my--

CHAIR LEE: Okay. Your Committee?

COUNCILMEMBER SUGIMURA: --my Committee. Yea.

CHAIR LEE: Alright. That's the main thing. Okay. Alright. Any other contracts? Anyone?

Member King.

COUNCILMEMBER KING: Thank you, Chair.

I REQUEST, I'D LIKE TO REQUEST GRANTS G5071-1,  
RELATING TO THE COASTAL DUNE RESTORATION AND  
MANAGEMENT COORDINATOR; AS WELL AS GRANT G5320,  
WHICH IS SAVE MAUI'S OHI'A TREES.

CHAIR LEE: Okay, is it G5071-1?

COUNCILMEMBER KING: G5071-1. And then--

CHAIR LEE: And G53--

COUNCILMEMBER KING: 2-0.

CHAIR LEE: Okay. 5-3, 3520. Okay.

COUNCILMEMBER KING: 5320.

CHAIR LEE: 5320. I have an extra 5 in there. Alright, any objections to those being referred to these other Committees?

COUNCILMEMBER KING: The CARE Committee.

CHAIR LEE: Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: No objections? Okay. Any other contracts? So, we have one, two going to climate change, I mean, CARE Committee. And one going to IT.

Member Johnson.

COUNCILMEMBER KING: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I WOULD LIKE TO REQUEST THE GRANTS G5299, HOME  
INVESTMENT PARTNERSHIP GRANT FOR FAMILY LIFE  
CENTER AT \$450,000; AND G5214-1, COVID-19 HOUSING  
ASSISTANCE FAMILY LIFE CENTER FOR 345,000. IF

THERE'S NO OBJECTIONS, I WOULD LIKE THEM REFERRED  
TO THE AFFORDABLE HOUSING COMMITTEE, ALTHOUGH  
I'M OPEN TO THE BODY'S REFERRAL.

Mahalo.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. So, the two will go to your Committee. Any other contracts?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

WITH MEMBER SUGIMURA'S PERMISSION, I'D LIKE TO PULL  
C7320 FOR HER COMMITTEE.

CHAIR LEE: C7320. Okay, what is this on, on?

COUNCILMEMBER PALTIN: It's for the Napili Wastewater PS. A lot of questions and  
comments within my community about--

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: --the progress.

CHAIR LEE: Any problem with that, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: No problem. No problem.

CHAIR LEE: No problem? Any objection, anybody else? So, ordered.

That goes to the--

COUNCILMEMBER SUGIMURA: IT.

CHAIR LEE: PSLU Committee.

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Right?

COUNCILMEMBER SUGIMURA: IT.

CHAIR LEE: Oh, you want it to, oh, okay. I, I misunderstood you. Okay. IT Committee.

Alright, next. Anybody else? Any other contracts, anyone? Okay, so that takes care of CC 21-194. Okay, that takes care of that one.

Any other objections to the referrals? I mean, the filing of CC 195, 196, 197? And is it 198, as well? And 1-9--

VICE-CHAIR RAWLINS-FERNANDEZ: 198 to be referred.

CHAIR LEE: Referred? Okay, so up to 197 to be filed, everybody. Any ob--

Yes, Ms. King?

VICE-CHAIR RAWLINS-FERNANDEZ: And 216.

COUNCILMEMBER KING: I have a question. Because when the Clerk was reading off 21-196, I thought she said for Title I and II. But my paper says Title III Program.

COUNCILMEMBER PALTIN: I heard the same thing, and same.

CHAIR LEE: Okay. Madam Clerk, could you review CC 21-196 and look at the Title I and the II Program.

COUNTY CLERK: It is.

CHAIR LEE: Title III?

COUNTY CLERK: Thank you for bringing up that. Thank you, Council, Councilmember King. It is Title III.

CHAIR LEE: Okay.

COUNTY CLERK: I have a space in my notes. Sorry about that.

CHAIR LEE: Oh, okay.



COUNCILMEMBER KING: Alright. Thank you.

CHAIR LEE: Okay. Good catch. Alright. But that's to be filed. Anything? Okay. If you don't mind, I just want to take this grouping first, okay?

Any other comments, questions, on the filing of these items? Okay, all those in, well, yea, all those in favor of the filing please raise your hand, say "aye". I'm sort of splitting up this vote.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Thank you.

Now, you also wanted to file 21-215, 216, 217, 218, and 219, and 221?

VICE-CHAIR RAWLINS-FERNANDEZ: No. No, no, just 216 to file and then the rest referred to the BFED Committee as noted on the agenda, your recommendation.

CHAIR LEE: Oh, okay. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: . . . dispose of it all at one time. Sorry.

CHAIR LEE: Okay. So, does everybody get that, filing of 21-216 and then the referring the rest to BFED? Any objections?

Okay, cause there is a motion on the floor, yea, a motion and a second. Okay, all those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: So, we have all eight "ayes", zero "noes", one "excused"; Member Kama.

Okay, back to the Clerk. Kathy. Kathy, the Clerk. Madam Clerk.

COUNTY CLERK: Thank you, Chair. Continuing with County Communications.

NO. 21-199 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 12, 2021)

Informing of a vacancy on the Council on Aging due to the resignation of Susan Lussier, effective April 12, 2021.

COUNTY CLERK: County Com--

CHAIR LEE: Wait, wait, wait. Are we going to skip over the other ones, like 21-220?

COUNTY CLERK: We're picking up, we're picking up the ones that left off after 198.

CHAIR LEE: Okay. Alright. Okay, go ahead. Proceed.

COUNTY CLERK: Okay.

NO. 21-200 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 12, 2021)

Informing of a vacancy on the Liquor Control Adjudication Board due to the resignation of Herman Nascimento, effective April 8, 2021.

NO. 21-201 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 15, 2021)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Hannah Werth, effective April 12, 2021.

NO. 21-202 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 20, 2021)

Informing of a vacancy on the Maui County Arborist Committee due to the resignation of Carolyn Franklin, effective April 12, 2021

NO. 21-203 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 28, 2021)

Informing of a vacancy on the Council on Aging due to the resignation of Dorothy Yoza, effective April 28, 2021.

NO. 21-204 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 19, 2021)

Informing of the appointments of Leonora Espaniola and Kelli Pili Aloha Nahooikaika (Reappointment) to the Committee on the Status of Women, for terms expiring March 31, 2025.

NO. 21-205 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 21, 2021)

Informing of the appointment of Joseph Imhoff (replacing Carolyn Franklin) to the Maui County Arborist Committee, for a term expiring on March 31, 2026.

CHAIR LEE: Member Molina.

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

MOVE TO FILE COUNTY COMMUNICATIONS 21-199  
THROUGH 21-203.

I believe I wanted to do 204 and 205 separately.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: So, I would request that the motion only go up to 21-203. Separate motions.

CHAIR LEE: Okay. Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to file County Communications 21-199, 200, 201, 202, and 203.

Any discussion? No? Mr. Molina.

COUNCILMEMBER MOLINA: Yes. Just a brief discussion, Madam Chair. The Mayor received notices of these resignations from the respective boards that were named. Mr. Nascimento's resignation was effective April 8, 2021. And the resignations of Ms. Lussier, Ms. Werth, and Ms. Franklin were effective April 12, 2021. And the resignation of Ms. Dorothy Yoza was effective April 28, 2021. Just want to thank all of these individuals for participating in local government and for volunteering their time to our community. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: One, two, three, eight "ayes", one "excused"; motion carries.

Madam Clerk.

Mr. Molina.

COUNCILMEMBER MOLINA:

YEA, MADAM CHAIR, SINCE THE CLERK ALREADY READ  
21-204 AND 205, I WOULD LIKE TO FIRST GO AHEAD AND  
MOVE TO FILE COUNTY COMMUNICATION 21-204 AND  
21-205.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez to file County Communications 21-204 and 21-205.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. First of all, the Mayor has appointed Leonora Espaniola and Kelli Pili Aloha Nahooikaika which is a reappointment for terms expiring on March 31, 2025, to Committee on the Status of Women. I want to thank both of these individuals for participating.

And for 21-205, the Mayor has appointed Joseph Imhoff to replace Carolyn Franklin for a term expiring on March 31, 2026. The nominees to the Maui County Arborist Committee are appointed by the Mayor, with notice to but without approval by the Council. Same thing for the Committee on the Status of Women, which I just read earlier. So, I want to thank everyone for volunteering their time to serve. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Alright, all "ayes". Eight "ayes", one "excused"; motion carries. Excused, Member Kama.

COUNTY CLERK: Madam Clerk.

NO. 21-206 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,  
(dated April 8, 2021)

Transmitting the semiannual report regarding park dedications for each community plan area for the period of October 1, 2020 through March 31, 2021.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-206.

I need a second.

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay. Moved by Member Sugimura, seconded by Member Sinenci, to file County Communication 21-206.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member Sugimura, discussion?

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

CHAIR LEE: Anymore discussion? Otherwise, all those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

NO. 21-207 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 23, 2021)

Informing of the acceptance of Waterline Easement W-2, Waialele Ridge Condominium Project, Mailepai Hui Partition – Hui Road C, TMK: (2) 4-3-001:001 POR.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. If there's no objections, I would like to ask the Clerk to also call up County Communication 21-208 and 21-209.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

County Clerk.

NO. 21-208 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 23, 2021)

Informing of the acceptance of Use of Easement Agreement W-2, Waialele Ridge Condominium Project, Mailepai Hui Partition – Hui Road C, TMK: (2) 4-3-001:001 POR & 033.

NO. 21-209 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 27, 2021)

Informing of the acceptance of Fire Hydrant Easement FH-2, Valley Isle Fellowship, TMK: (2) 3-5-002:018.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS 21-207  
THROUGH 21-209.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file County Communications 21-208, 209, and 207.

Discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, these are purely informational, and no further action is required by the Council. Thank you.

CHAIR LEE: Okay. Any more discuss--

Yes, Ms. Ta--

Okay. All those in favor, say "aye", raise your hand.

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

CHAIR LEE: Okay. "No"?

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. Excused is Member Kama.

County Clerk.

NO. 21-210 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 19, 2021)

Notifying of his veto of Bill No. 10 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES".



CHAIR LEE: Alright. Members, do you want to take this up now or at the end of the calendar?

VICE-CHAIR RAWLINS-FERNANDEZ: End of the calendar, please.

CHAIR LEE: At the end of the calendar? Okay. Any objections moving it to the end of the calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

(See pages 125 through 137 for discussion and action.)

CHAIR LEE: County Clerk, move onto the next item, please.

NO. 21-211 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE,  
(dated April 27, 2021)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF COOP DERENNE TO THE LANAI PLANNING COMMISSION".

CHAIR LEE: Mr. Molina, is there a need to move this to the end of the calendar or take it up now?

COUNCILMEMBER MOLINA: I'll leave it to the, your choice, Madam Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, did you--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was thinking that perhaps we could move 211, 212, 213, and 214 to the end of the calendar.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Alright. So, ordered.

(See pages 138 through 143 for discussion and action.)

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Okay. 220.

NO. 21-220 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated April 19, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PUBLIC WORKS, FISCAL YEAR 2021 BUDGET".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. This is a procedural matter that can be taken care of today.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, all "ayes". So, eight "ayes", zero "noes", one "excused"; Member Kama.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO  
FILE COUNTY COMMUNICATION 21-220.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass the, the bill *[sic]* contained in County Communication 21-220.

Vice-Chair Rawlins-Fernandez, discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed resolution would transfer \$40,000 within the Department of Public Works from the Engineering Program – General Fund, Category A to the Administration Program, Category A.

This transfer is being requested, as the funds are needed to positions filled at higher salary than budgeted because of an internal transfer, filling a position for a full year rather than the anticipated nine months, and an error in the budget step of an incumbent.

Representatives, Budget Director Michele Yoshimura is on if any of the Members have questions. Mahalo, Chair.

CHAIR LEE: Okay. The Chair said passing the bill, but it's adoption of the resolution attached. Any questions or comments on this item? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Kama.

Madam Clerk.

COUNTY CLERK: For the record, Chair, that is RESOLUTION NO. 21-70.

NO. 21-222 - CHANA MAKALE'A DUDOIT ANE, RESILIENCE OFFICER,  
(dated April 20, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE USE OF OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUNDS BY GRANT TO KE AO HALI'I TO BE USED TO PURCHASE PROPERTY IN HANA, MAUI, HAWAII, AND AUTHORIZING THE COUNTY TO RECEIVE A PERPETUAL CONSERVATION EASEMENT".

CHAIR LEE: Okay. This is Member King?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, if the Members would prefer, we can also move this to the end of the calendar if there's lots of discussion? But if not, we also have our resource personnel on the line, Ms. Shae Kamaka'ala and Mr. Scott Crawford. But if, if Members prefer to move this to the end of the calendar, I'm open to that as well.

CHAIR LEE: What's the pleasure of the Members? Yes, Vice, yes, Member King?

COUNCILMEMBER KING: Yea, I just as soon take care of it now if that's . . . with everybody.

CHAIR LEE: Okay. So, who wants to take care of it now?

COUNCILMEMBER KING: I think that's--

VICE-CHAIR RAWLINS-FERNANDEZ:

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

COUNCILMEMBER JOHNSON:

SECOND.

COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER KING: Second.

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

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO  
FILE COUNTY COMMUNICATION 21-222.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez. Where is this feedback coming from? Rawlins-Fernandez.

COUNCILMEMBER KING: I don't know, but I think you can give it to Member Sinenci. That's his district, so you know, he can be on record as seconded.

CHAIR LEE: Well, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Everyone has to mute, has to mute. That's where the feedback is coming from. The Members are not all muted.

CHAIR LEE: Okay. So, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed resolution would authorize the use of Open Space, Natural Resource, Cultural Resource and Scenic Views Preservation Fund by grant to Ke Ao Hali'i to purchase nine parcels totaling 70.07 acres in Hana, Maui from Hamoa to Waioka. These properties are identified as the Maka'ala parcels and Mokae II parcels and the Kakio parcels.

Ke Ao Hali'i is in the process of securing funding approval from the State Legacy Land Conservation Program through the Division of Forestry and Wildlife, DLNR, in the amount of \$3,445,000. And an appraisal has determined the fair market purchase price for the property is \$7,183,500.

We have Budget Director Michele Yoshimura on the line from the Administration if Members have questions for the Administration. And we also requested two resources if Members have questions for our resource personnel: Mr. Scott Crawford and Ms. Shae Kamaka'ala. Mahalo, Chair.

CHAIR LEE: Any more discussion?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Just a quick question. So, was this already factored into the Open Space Fund with our current budget needs for open space? Maybe that's a question for Budget Director.

CHAIR LEE: Budget Director Yoshimura.

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, Councilmember King, yes, it's factored into the Fiscal Year '21. We also put it in Fiscal Year '22 just in case we couldn't get

this approved in time. So, if it does get approved today, we could remove that from the '22 Budget. Thank you.

COUNCILMEMBER KING: Okay. So, I just, so since we already have it approved, is there a reason why we have to approve it again? Or is it just a release of funds?

BUDGET DIRECTOR: Chair, this is, you're approving the resolution to authorize the acquisition and the granting of the funds to Ke Ao Hali'i.

COUNCILMEMBER KING: Okay. Great.

BUDGET DIRECTOR: Thank you.

CHAIR LEE: Anymore? Well, I just have to ask Ms. Tamara Paltin, is that mango, cut mango?

COUNCILMEMBER PALTIN: Lahaina mango.

CHAIR LEE: Lahaina mango. Okay.

COUNCILMEMBER PALTIN: Eat local.

CHAIR LEE: Eat local.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to follow up on a question that Member Sugimura had asked during testimony. And I was being the . . . police and called a point of order. So, Ms. Kamaka'ala has that information on the budget that Member Sugimura has, if she wanted to hear that additional information.

CHAIR LEE: You want to hear the information, Ms. Sugimura? Huh?

MR. CRAWFORD: I'm about to get \$3.6 million for Maka'ala.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Crawford, you're--

CHAIR LEE: Wait. Mr. Crawford.

VICE-CHAIR RAWLINS-FERNANDEZ: --not muted.

COUNCILMEMBER SUGIMURA: Oh, now he's muted. Yea, I just wanted, I just wanted the information, so if, and if Shae had it in writing, I would be gladly, you know, glad to receive it in writing for our records. Or if she wants to tell us, that's fine. I can see we're all going to approve this. It's a good thing.

CHAIR LEE: Is she on the line?

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Okay. Is Shae on the line?

MS. KAMAKA'ALA: Yes. Mahalo, Chair and Councilmember Sugimura. So, the resolution states this, and I'll just read it, or not read it but summarize. The State is providing grants of \$3,445,000. And today, we are requesting \$3,000,600 *[sic]* from the County for the purchase of the nine parcels. All other project related costs including due diligence, escrow fees, and conservation easement related project costs are being covered by privately raised funds by Ke Ao Hali'i and HILT. And that should answer your question, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I thought it was going to be in more detail, but that's fine. You know, I just thought you would have who the other support, supporters were of this good project. Sorry about this, my voice.

CHAIR LEE: Okay. Ms. Ane.

MS. CHANA MAKALE'A ANE: Thanks for providing this opportunity to clarify this question. In the County Communication 21-222, the budget for the parcels are on page 86, 95, and 96. So, there's a detailed budget for, for all of the parcels. And there are separate, separated into the three different budgets because of how they were listed in the ordinance and how they were going to be purchased moving forward. So, all of that is in the transmittal.

CHAIR LEE: Ms. Ane, could you email that information to the Clerk for us, please?

MS. ANE: Yup. And you have it in your, it is the County Communication. It is part of the resolution.

CHAIR LEE: Oh, okay.

MS. ANE: So, you have it.

CHAIR LEE: Alright. Okay. Thank you.



COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Then you don't have to do that then. Alright. Thanks.

Any more questions, Members? If not, let's see. We took the vote, didn't we? No, we didn't take the vote yet. Any more questions or discussion? All in favor of the motion, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Okay. Next. County Clerk.

COUNTY CLERK: Thank you, Chair.

NO. 21-223 - ALICE L. LEE, COUNCIL CHAIR,  
(dated April 14, 2021)

Relating to the Break Free from Plastic Pollution Act.

The recommended action is that County Communication No. 21-223 be referred to the Climate Action, Resilience, and Environment Committee.

NO. 21-224 - KELLY TAKAYA KING, COUNCILMEMBER,  
(dated April 28, 2021)

Relating to Maui County's participation in Local Governments for Sustainability's Circle City Scan Pilot

The recommended action is that County Communication No. 21-224 be referred to the Climate Action, Resilience, and Environment Committee.

NO. 21-225 - ALICE L. LEE, COUNCILCHAIR,  
(dated April 19, 2021)

Relating to a downloadable application for reporting illegal fireworks.

The recommended action is that County Communication No. 21-225 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Madam Clerk, could you hold up a second? Madam Clerk?

A Member had a question. Member King?

COUNCILMEMBER KING: I just, yea, I just had a quick question. Because you referred this, Chair, I just want to make sure I'm, I know what this is, because it was just a letter. But are you, the Break Free from Plastic Pollution Act, was that the Federal, the Federal Act that was--

CHAIR LEE: I, I really don't have any details handy.

COUNCILMEMBER KING: Oh.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Didn't it come from you, or no?

CHAIR LEE: It did. It's something was sent to me and I referred it to you.

COUNCILMEMBER KING: Oh, okay. So, you'll send whatever was sent to you?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Cause all I got was the letter, so I just want to make sure I was on the right track.

CHAIR LEE: Yes.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Okay.

Sorry for the interruption. Madam Clerk, continue, please.

NO. 21-226 - MICHAEL J. MOLINA, COUNCILMEMBER,  
(dated April 26, 2021)

Relating to Establishing Customer Service as a Goal and Measure for County Departments.

The recommended action is that County Communication No. 21-226 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-227 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated April 27, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE RETENTION OF SHERRY BRODER AS SPECIAL COUNSEL FOR THE CHARTER COMMISSION".

The recommended action is that County Communication No. 21-227 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-227 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-72. COUNTY COMMUNICATION NO. 21-227 WAS THEN FILED. See pages 96 through 101 for discussion and action.)

NO. 21-228 - MICHAEL J. MOLINA, COUNCILMEMBER,  
(dated April 28, 2021)

Relating to appointments to the South Maui Advisory Committee.

The recommended action is that County Communication No. 21-228 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-229 - MICHAEL J. MOLINA, COUNCILMEMBER,  
(dated April 28, 2021)

Relating to appointments to the Paia-Haiku Advisory Committee.

The recommended action is that County Communication No. 21-229 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Okay. Do we need a clarification on County Communication 21-227?  
Vice-Chair Rawlins-Fernandez? No? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Clarification or consideration?

CHAIR LEE: Clarification.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I was going to--

CHAIR LEE: I had that, I had that marked, but, for action, possible action on the floor. But  
anyway, let's see--

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Let me call on Member Molina.

COUNCILMEMBER MOLINA: Yes, Chair?

CHAIR LEE: So, all of these are going to be referred to your Committee?

COUNCILMEMBER MOLINA: It seems so on the agenda.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 21-227

CHAIR LEE: Yea, okay. So, then getting back to, I have this marked for a reason, 21-227.  
No, no particular interest in this?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would like to take action on 21-227.  
I move to waive--

CHAIR LEE: Any objections, Members? Any objections?

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, um. I'll--

CHAIR LEE: Okay, what is your proposal?

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 JOHNSON:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to waive the Rules of the Council with regard to County Communication 21-227.

Vice-Chair Rawlins-Fernandez, discussion? No discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, so the time sensitivity of this matter is that Ms. Broder has been retained or hired as the Charter Commission's analyst. And so, for continuity to approve--

CHAIR LEE: Okay, we have to vote on the, on the Rule.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. I was just explaining the time sensitivity.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: For the, why we're going to waive the Rule.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO  
FILE COUNTY COMMUNICATION 21-227.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina,  
to--

VICE-CHAIR RAWLINS-FERNANDEZ: Adopt.

CHAIR LEE: --adopt the resolution in County Communication 21-227.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the Council has the exclusive authority to authorize retention of special counsel by adopting a resolution with at least a two-thirds vote. Because of the unique independent work required of the Charter Commission and to providing, provide the Charter Commission with legal services by a knowledgeable legal advisor with experience drafting Charter revisions, there is a real necessity to immediately retain special counsel for the Charter Commission.

Attorney Sherry Broder, of Oahu, is uniquely qualified to serve as the Charter Commission's special counsel based in part on her experience as an analyst to the Maui Charter Commission and Counsel to the City and County of Honolulu Charter

Review Commission. She's also been retained for the analyst position for the Maui County Charter Commission this year as well. Mahalo, Chair.

CHAIR LEE: I just, I just wanted to make sure that this is based on a Sole Source?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay. Any--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: --other questions, Members?

Mr. Molina, and then Ms. Sugimura.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Maybe a question for Corporation Counsel. Is the amount appropriated, I guess it was \$50,000. Would that be enough to last for the whole term up until next year? I assume it is. But if we're hiring special counsel with someone with this kind of expertise, I'm just curious if that is a, if that amount is sufficient.

CHAIR LEE: Ms. Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you. And thank you, Councilmember Molina for the question. Ms. Broder is in her capacity as analyst, is deeply discounting her normal fees. In terms of her work as special counsel, we will work with her. And I would anticipate that her work as special counsel, she's going to need to bill against the 50,000. So, at this time, it looks like it will be. But if not, we would need to come back to you.

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

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: That was going to be my question, because we worked with her 10 years ago--

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: --on the Charter Commission. She's very good. Thank you.

CHAIR LEE: Okay. Any more questions?

Yes, Ms. Tamara Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair Alice Lee. I was wondering, is this monies coming from our, that one self-insurance fund that we were talking about?

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Paltin, for the question. So, we would need to pass, or adopt the budget with the new general provisions. And then, we would be able to access the self-insurance for special counsel. So, for the 50,000, right now, it's coming from General Fund.

COUNCILMEMBER PALTIN: Okay. So, General Funds from OCS Budget? Or, oh, okay, okay. Alright. Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Just a couple quick questions. So, that's in the 2021 Budget, correct? So, it's the current budget. And then, would, would Ms. Broder be attending the meetings virtually, since she's on Oahu? So, I suspect that may be why that--

(Councilmember Paltin was excused from the meeting at 1:50 p.m.)

CHAIR LEE: Is that, is that a question for Corp. Counsel?

COUNCILMEMBER KING: I don't know. Whoever can answer it, I guess.

CHAIR LEE: Richelle?

FIRST DEPUTY CORPORATION COUNSEL: Yes. Councilmember King, she'll be attending virtually.

COUNCILMEMBER KING: Okay. Great. Thank you.

CHAIR LEE: Any other questions, Members? All those in favor of the motion, say "aye", raise your hand. Okay, Tamara, are you there?

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



NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND PALTIN.

CHAIR LEE: Seven "ayes", two "excused"; motion carries. Excused are Member Kama and Member Paltin.

Alright. Madam Clerk.

COUNTY CLERK: For the record, county, County Communication 21-227, the RESOLUTION NO. is 21-72.

And for County Communication 21-222, the Open Space RESOLUTION is NO. 21-71.

NO. 21-230 - ALICE L. LEE, COUNCIL CHAIR,  
(dated April 19, 2021)

Relating to bicycle facilities at county parks.

The recommended action is that County Communication No. 21-230 be referred to the Human Concerns and Parks Committee.

NO. 21-231 - ALICE L. LEE, COUNCIL CHAIR,  
(dated April 26, 2021)

Relating to Moku'ula and Mokuhinia.

The recommended action is that County Communication No. 21-231 be referred to the Human Concerns and Parks Committee.

COUNTY CLERK: To your Infrastructure and Transportation Committee with a--

CHAIR LEE: Wait, wait, wait, wait, wait. Hold on one second. One second. Okay, Vice-Chair Rawlins-Fernandez, did you have a comment on CC 21-231?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, yea, so for, for this item, for the, and I wish Member Paltin was here, so perhaps we can hold off discussion on this? But it was for the Moku'ula and Mokuhinia.

(Councilmember Paltin returned to the meeting at 1:51 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: And it was a referral from the Budget Committee and there's Member Paltin. And I wasn't sure if in that discussion during Budget session if we wanted these items to go to Budget, the BFED Committee or the Parks, HCP. And so, that was my question for Member Paltin.

COUNCILMEMBER PALTIN: Parks, please.

CHAIR LEE: Parks? Okay. Alright. Member Sugimura.

COUNCILMEMBER SUGIMURA: And Tasha's Committee wants it. So, it's confirmed. Thank you.

CHAIR LEE: Okay. Alright. That's fine. So, please proceed, Madam Clerk.

NO. 21-232 - KELLY TAKAYA KING, COUNCILMEMBER,  
(dated April 29, 2021)

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

The recommended action is that County Communication No. 21-232 be referred to the Infrastructure and Transportation Committee, and subject matter referral to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I, can I ask to bring up County Communication 21-191, to move to file that one?

CHAIR LEE: Yea, sure. We can do that now or later. Any objections to bringing up the County Communication 21-191, along with this other County Communication, Members? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

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

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

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING:

OKAY, I MOVE TO FILE COUNTY COMMUNICATION 21-191.

And I'll . . . for second.

COUNCILMEMBER JOHNSON:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Member King, seconded by Member Johnson, to file County Communication 191, 21-191.

Member King.

COUNCILMEMBER KING: Thank you, Chair. With the revised Communication 21-232, in . . . the CARE Committee, the 21-191 is no longer necessary.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Member King.

COUNCILMEMBER KING: That's all. The other one was just a referral, right?

CHAIR LEE: Okay, this, I am recommending the referral be to, the bill to Ms. Sugimura's IT and the subject matter to CARE.

COUNCILMEMBER KING: Sorry, I didn't hear that part of that.

I'D LIKE TO MOVE TO SEND THE BILL AND SUBJECT  
MATTER TO THE CARE COMMITTEE; AND ALSO THE  
SUBJECT MATTER TO IT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Oh, okay. Been moved by Member King, seconded by Vice-Chair Rawlins-Fernandez, to refer this matter to the CARE Committee.

Now, can you repeat exactly what you said earlier.

COUNCILMEMBER KING: Okay, so that the bill, the subject matter, the bill goes to the CARE Committee, the subject matter is a dual referral to the CARE and IT Committee.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I would like this bill to come to IT Committee and the subject matter we could both share it. And the reason is, when you look at the title of the bill, right, we're talking about the Building Code, and this is Title 16. So, 4000.4, 400.4 [sic] Prohibition of building permits for visitor accommodation--

COUNCILMEMBER KING: Chair, point of order. I think I didn't get to speak to my motion, first.

CHAIR LEE: Oh, I'm sorry. I thought you did. Member King, go ahead.

COUNCILMEMBER KING: Thank you. No, you asked me for a clarifying, to clarify the motion, so I did that. But I, if you look at the revised Findings and purpose, and I'll read that.

The Council finds that visitor accommodation development and the related increase in tourism cause negative impacts on the environment. The Council also finds that – to preserve the County's environment, mitigate climate change, and work toward resilience – building permits for new hotel, resort, time share, short-term rental homes, bed and breakfast home, transient vacation rentals must be limited for an interim period. The purpose of the moratorium established by the Ordinance is to lower carbon-emission levels, mitigate climate-change impacts, and limit the rate of global warming by pausing visitor accommodation development and the related increase in tourism. The pause will prevent additional air, noise, light, land, and water pollution until the County updates the West Maui and South Maui community plans.

In addition, the Council finds that the Maui Island Plan includes a policy calling for a daily visitor population not to exceed one-third of the resident population. With a daily visitor census of nearly 70,000 and resident population of well under 150,000 in 2019, Maui dramatically exceeded the desired visitor-resident ratio. The Council further finds that a large percentage of the island's transient accommodations are in West Maui and South Maui, and the community plans for both areas are at various stages of comprehensive updates for the first time in more than 20 years. Under Chapter 2.80B, Maui County Code, each community plan sets out "the desired sequence, patterns, and characteristics of future development." In addition, the Council finds construction moratoria are well-established tools to temporarily and appropriately preserve the status quo, as seen, for example, in Maui County Ordinances 1997 in 1991 and 5125 passed in 2020; the City and County of Honolulu Ordinance 18-6 in 2018, and also, looking outside our, our own State, the City of Asheville, North Carolina, Ordinance 4766 in 2019.

So, there's big precedence for this and it's mainly an impact issue. It's not, it's not necessarily a ministerial issue. It's a really holistic look at what we're doing with tourism and the environment. So, I think it belongs in the CARE Committee as many of the testifiers have testified to today. Thank you.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you. So, I'm, I'm going to speak against the bill. I would like this, the bill to come to my Committee. As it says in the title, "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS". And if you look at the purpose of my Committee, it specifically talks about this. And so therefore, this discussion, the bill should be a discussion in my Committee.

So, while there are evident, evident and important environmental reasons addressed in the purpose of this bill, the bottom line is that this is a bill to amend Title 16 of the County Code, which is the Building Code, and which is part of my Committee. And I would like to ask that this then get referred to my Committee, the bill get referred to my Committee for proper discussion with the Department of Public Works, which is the Department which has been assigned to my Committee.

And, and this is about, this chapter applies, the new chapter applies to applications for building permits for visitor accommodations. It's clearly stated in Section 400.4.4 *[sic]* "Prohibition on building permits for visitor accommodation development in West Maui and South Maui. No building permit applications for visitor accommodation development in West Maui or South Maui may be accepted".

Resolution 21-4 was unanimously adopted by this body on January 2, 2021, which is our rules organizing the standing committees on the Council. And on page 2 of this Resolution, it states, "BE IT RESOLVED by the Council of the County of Maui that it expedite the business of the Council, standing committees of the Council are formed to make recommendations to the Council and ensure the most efficient alignment of subject matter and expertise". So, therefore, I, I'm asking for this bill to come to my Committee, Chair.

CHAIR LEE: Okay. Anybody else? Any more discussion?

Okay, yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, when CC 21-191 came up, it, it had nothing to do with climate change, resilience and, you know, climate impacts and mitigation. In the purpose of this bill, it talks about the tourism industry and its impacts to our, to climate change, to global warming, to sea level rise, and the subject matter related to CARE. And so, for that reason, I'll, I'll support the bill going to the CARE Committee.

CHAIR LEE: Okay. Anybody else?

Ms. Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you. I guess--

COUNCILMEMBER SUGIMURA: Sorry. I'm in a meeting. I'll call you back.

CHAIR LEE: Ms. Sugimura, we can hear you.

COUNCILMEMBER PALTIN: I, I just had a question to anyone who could answer it at this point. What is the difference if a bill and the subject matter goes to one or the other Committee, is my, my question?

CHAIR LEE: Well, I guess that, that question belongs with Ms. King.

COUNCILMEMBER KING: I guess I would answer you this way, and thank you for the question, Member Paltin, is it kind of depends on that angle you're looking at it from. And clearly this bill is looking at this as an environmental issue and an impact issue. And so, I would think that while it does address some ministerial issues like building permits, the overall reason for this bill has to do with impacts on our environment, impacts on our community. And so, it relates to the issue of resilience, I think more than the issue of whether or not just to give out a permit. There's . . . reasons that we're in the . . . position that we're in with, you know, the protest we're getting from the community and the pushback against what's happening with overtourism. So, that's how I see this bill addressing the problem.

CHAIR LEE: Anymore questions, Ms. Paltin?

COUNCILMEMBER PALTIN: Just one more. Regardless of which bill and subject matter goes where, wondering if the two Chairs were going to kind of hear it concurrently at like the same Committee week, so that it's, that we're not like shooting ahead in one Committee. That was just my, I guess it's a request maybe or a question.

COUNCILMEMBER KING: Is that for me?

COUNCILMEMBER SUGIMURA: We could.

COUNCILMEMBER PALTIN: I would say both.

COUNCILMEMBER KING: Okay. Well, the, the bill can only go to one Committee. So, the, whichever Committee the bill goes to, it should be the one that hears it. You can't bring up the bill in your Committee if the bill is not referred to your Committee.

COUNCILMEMBER PALTIN: I, I understand that. I guess--

CHAIR LEE: Member, Member Paltin, let's have Ms. Sugimura answer that same question.

COUNCILMEMBER SUGIMURA: Yea, so I would like to, you know, this to come to my Committee as a bill so we could take it up with the Department of Public Works. I already had a brief discussion with them about doing this. And as I said earlier, if, if we want to hear this, my next meeting is on the 17th that I, when I set the agenda, I can set the bill in that Committee and have, I'm sorry, in my, sorry May 17 meeting at 9:00, and we can talk about this. And, you know, Member King's a member of my Committee. And I guess you're asking can it be heard in the same week. Is that what you're asking?

COUNCILMEMBER PALTIN: Yea, I, my question was, I mean, at this point, I don't really have a preference on where the bill goes, but my preference would be that the bill and the subject matter come up in the same week so we have the discussion. You know, not one shoot ahead and one behind, I guess, is, is what I'm asking. It's regardless of where the bill and the subject matter goes. Are you folks, two Chairs, committed to hearing it kind of relatively same time so that it, I don't know, you know what I mean, is it, that it doesn't need to be heard relatively same time?

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yup, that's fine with me, you know, as I said my date. When this came up at the last Council meeting, I did give that same date. It's my first meeting after budget. So, I'm willing to take it up. My legislative analyst, we're, right now, talking about agenda and I basically said let's wait to see what happens with this before we finalize it with other items that we were planning on adding in. So, I'm game. I'm open.

CHAIR LEE: Ms. King.

COUNCILMEMBER PALTIN: And my last question for that--

CHAIR LEE: Hold on.

COUNCILMEMBER PALTIN: --would be--

CHAIR LEE: Ms. Tamara Paltin.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Let's have Ms. King answer that question, same question first. Ms. King, about the timing of the, scheduling of the meeting.



COUNCILMEMBER KING: Yea, if I, if the bill is referred to my Committee, to the CARE Committee, I would take it up on the first meeting, which would be Wednesday the 19th.

CHAIR LEE: Okay. Now, what is your next question, Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I guess I just was wondering if, if, like, we can commit to, like, moving it forward when we're, when we're both Committees are ready to? Cause obviously the bill cannot go to both Committees like you guys said. But can we not move, like can we move together? Just that was my question. Can we move it together?

COUNCILMEMBER SUGIMURA: You're asking, have the discussion in the same week, right? That's--

COUNCILMEMBER PALTIN: And also, to clarify about passing it out of Committee when, when everybody's ready to. Like, you know, when the discussion has run its course.

COUNCILMEMBER SUGIMURA: Okay. So, in other words, could I ask a question?

CHAIR LEE: Sure. But, I, you know, in all fairness, Ms. Paltin, I'm not sure they could answer that question not having any discussions yet, yea?

So, Ms. Sugimura, what were you going to say?

COUNCILMEMBER SUGIMURA: No, that's what I was going to say. You know, it kind of depends on the discussion in the meeting, but I'm certainly, you know, willing to work towards it, you know, or that, I guess I should say. I mean, I see where you're going with this.

CHAIR LEE: Ms. King, you have anything to add?

COUNCILMEMBER KING: Pardon?

CHAIR LEE: Do you have anything to add?

COUNCILMEMBER KING: Well, I was just going to reiterate that I think we're talking . . . the bill can only pass out of one Committee. So, we can't have, you're not going to have two simultaneous Committees passing out a bill because . . . one or the other Committee.

CHAIR LEE: Alright, any more questions?

Vice-Chair Rawlins-Fernandez, and then Mr. Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the way I understand Member Paltin's question is that she just wanted whoever is going to have the subject matter and whoever is going to have the bill, that both Committees schedule the subject matter discussion and then the bill in the same Committee week. And I support that.

And it sounds like Member Sugimura is willing to hear the bill on the 17th, as well as Member King on the 19th. I guess the question that hasn't been answered is whether Member Sugimura would hear the subject matter on the 17th if the bill didn't go to her Committee?

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I think we're trying to resolve or work towards a solution. So, the answer is yes. Although, I really believe, thank you, I really believe that this, you know, the bill belongs in the, with Department of Public Works, as we, as a body have organized what our Committees are going to be. And I think just for consistency and efficiency, you're going to talk, if you're going to talk about this for Title 16, I really believe that it belongs in my Committee. And I think I've said it several times why. But sure, I think that this is important enough, we've heard from the community. And I talked to the Department and I, I understand where this--

VICE-CHAIR RAWLINS-FERNANDEZ: You answered my question.

COUNCILMEMBER SUGIMURA: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: She answered my question.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And thank you, Members, for this discussion. I, I'd like to support the bill going to CARE Committee. I think by listening to some of the testimony today about the impacts of, to the environment, and then looking at the bill and its strong emphasis on the climate action and mitigating climate change, I think, I want to have that discussion first before even considering permitting.

So, I know that when we formed the Climate Action Committee, you know, it had a lot of far-reaching arms amongst all of the different departments. So, like, a lot of this

could be, fall under the climate action because it has those types of affects on all of the different departments. So, and then of course, I'm not in the IT Committee and, and I want to support Member King, cause, cause she's the, the author of the bill. Thank you, Chair.

CHAIR LEE: Okay. I'm going to just say my peace. And that is I'm voting against the motion, because regardless of all the reasons you come up with, and the purpose, in order to affect the purpose, you still have to amend the Code. So, if you want to disregard that, that's fine. But that is a fact, you know, you can disregard the facts. That's your choice.

So, all, anybody have any, Mr. Molina or Mr. Johnson, you have one last say?

COUNCILMEMBER MOLINA: No. No.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: I'm ready to vote, Madam Chair.

CHAIR LEE: Everybody, all, okay, all those in favor of the motion, which is to, Ms. King's motion to refer the bill to her Committee and the subject matter to the IT Committee, all those in favor of that motion, raise your hand, say "aye".

COUNCILMEMBER KING: Chair, just a correction. So, the subject matter would be a dual referral and then the bill would go to--

CHAIR LEE: Oh, so you want the subject matter and the bill? Okay. So, make that clarification. The motion is for the, the bill to be referred to the CARE Committee and the subject matter to be referred to both the CARE Committee and the IT Committee. That is the motion.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I guess this is a procedural question. And I don't know if it would be for OCS. But if the bill is going to Committee, would the subject matter also need to go to that Committee that's getting the bill? Or, second question. Does Member King want to create two items? Are you trying to create a subject matter separately from the bill?

COUNCILMEMBER KING: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay then. I don't think the subject matter would need to go to the Committee. It would just go to the Committee that's not getting the bill.

COUNCILMEMBER KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: The bill is the subject that you're going to be talking about.

COUNCILMEMBER KING: That's fine.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Okay. One more clarification. The, the bill is going, is, the motion is for the bill to go to the CARE Committee and the subject matter to go to IT Committee. Okay? All those in favor of that motion, raise your hand and say "aye".

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

CHAIR LEE: One, two, three, four, five.

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

NOES: COUNCILMEMBERS PALTIN, SUGIMURA, AND  
CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: So, there's three "noes". Five "ayes", three "noes"; motion carries. One "excused". So, the, I don't have to repeat it. Okay? Everybody knows the referral.

Okay, Madam Clerk, let's proceed with the next item. Are we on ordinances?

COUNTY CLERK: We're moving onto ordinances, yes.

CHAIR LEE: Okay. Alright.

COUNTY CLERK: Proceeding with ordinances up for second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 40 (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,  
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,  
AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION,  
NATIONAL HOUSING TRUST FUND,  
TITLE III PROGRAMS

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up Bills, Bills 41 through 44.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Madam Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 41 (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, STATE ELECTION CARES – HAVA)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 42 (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,  
EMERGENCY FUND (MARCH 2021 FLOODING EVENT)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 43 (2021)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF PUBLIC WORKS (2021 FLOODING EVENT, ROAD AND DRAINAGE  
INFRASTRUCTURE DAMAGES)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 44 (2021)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,  
(RENEWABLE ENERGY PROGRAMS GRANT; EAST MAUI ECONOMIC DEVELOPMENT,  
ENVIRONMENTAL AND CULTURAL PROGRAMS; HAIKU-PAIA-MAKAWAO ECONOMIC  
DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO BILL, PASS BILL 40 THROUGH BILL 44 ON  
SECOND AND FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to move Bills 40, 41, 42, 43, 44 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 40 amends Appendix A, Part I, Fiscal Year 2021 Budget to further increase the appropriation of the grant entitled "Aging and Disability Resource Center Expansion" by \$110,000 *[sic]*; increasing the appropriation for "National Housing Trust Fund" by \$335,570; and increasing the appropriation for the "Title II Program" grant by \$760,000.

Bill 41 adds a new appropriation for \$12,545 from the State Elections.

Bill 42 and 43 amend Appendix A, Part II, to provide \$9 million in funding for cost related to the flooding of March 2021. Bill 42 was amended at the April 16 Council meeting to add a condition to Appendix A, Part II, Special Purpose Revenue, that the Department must present the plan for emergency funding use and the plan for cost recovery from the property owners of the Kaupakalua Reservoir, East Maui Irrigation and Mahi Pono, to the Council by the Department prior to the work commencing and provide the Council annual financial performance report.

I, I have a question on that proviso for, I don't know if Mr. Raatz is on?

CHAIR LEE: David?

VICE-CHAIR RAWLINS-FERNANDEZ: Or Corporation Counsel? So, the, the question would be if, if we could place the proviso only on the funds that is associated with the, that area that was damaged by the Kaupakalua Reservoir and not the entire 9 million? And if that would be considered a substantial amendment or a substantive amendment?

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

SUPERVISING LEGISLATIVE ANALYST DAVID RAATZ: Thank you, Chair. Well, first as a basic matter, it's okay to have substantive amendments as long as it's within the scope of what's noticed on the meeting agenda. So, as you've described the proposal, I would think that there wouldn't be a problem under Sunshine Law notice standards. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mr. Raatz, a follow up. So, we'll, we'll be fine as, in regards to the . . . . As far as Council Rules, would I waive, what is that, Rule 19.C., if, if I were to make that amendment?

SUPERVISING LEGISLATIVE ANALYST: Thank you, Chair, if I may? Yes, Rule 19.C. is the Rule that does come up fairly frequently these days where if you're proposing or you're making an amendment to a bill that's up for second and final reading, the Rule does state that the Council needs to postpone final action on the amended bill, unless you waive that Rule which would require two-thirds vote.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Raatz. And then, one question for Budget Director Yoshimura. Mahalo, Budget Director. The, do you have the amount in front of you? If not, perhaps it would be sufficient to just say that the, the amount, the cost related to the Kaupakalua Reservoir. Cause the 9 million includes other repairs that wasn't associated with that particular flooding event. I'd like to disassociate the proviso from the other flood damages.

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, are you referring to then the Kaupakalua Bridge #35 at Peahi Road? There was that part that's a total of \$3 million.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Budget Director Yoshimura.

CHAIR, I WOULD, I WOULD LIKE TO MOVE TO AMEND THAT THE PROVISO THAT THIS COUNCIL PASSED LAST COUNCIL MEETING BE ONLY TO THE 3 MILLION THAT WAS ASSOCIATED WITH THE KAUPAKALUA RESERVOIR DAMAGES.

CHAIR LEE: Can you read that proviso again, please?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

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

COUNCILMEMBER KING:

SECOND.



CHAIR LEE: Okay. So, my question is, where's that feedback coming from? Alright, Member King, can you turn off your microphone, please? Thank you.

So, this bill is actually for \$9 million. And three point something million is proviso'd? Is that correct?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair, right, right now, the proviso is applied to the entire 9 million.

CHAIR LEE: I see. Okay, okay, I just, I, I just don't like to doing things on the fly, you know--

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

CHAIR LEE: --when it comes to bridges, when it comes to bridges and roads and, you know, public safety infrastructure. You sure you don't want this discussed more thoroughly? Or this is something that you feel is actually not significant?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, the, the proviso is already associated with the 9 million. We passed it on first reading.

CHAIR LEE: Okay, so what exactly are we doing now?

VICE-CHAIR RAWLINS-FERNANDEZ: Disassociating the proviso with the other sixish million.

CHAIR LEE: Okay. I would have to ask the direct, Budget Director. Is this something that you folks discussed and is, is amenable to?

BUDGET DIRECTOR: Chair, so we, we submitted a budget amendment for \$9 million to take care of repairs and damages that was a result of the flooding.

CHAIR LEE: Yea, yea.

BUDGET DIRECTOR: It was the Council that put the proviso on for the \$9 million. I guess Vice-Chair Rawlins-Fernandez is now saying rather than provisoing the 9 million, she just wants to put the proviso on 3 million, because 3 million is directly related to Mahi Pono and EMI, and want to do the cost share there. So, I, we can talk to the Department of Public Works. I was hoping somebody from there was, Director Dagdag-Andaya is not on. But we can have that discussion. But it is a reduction, so yes, it will help us a little bit.

CHAIR LEE: Okay.

BUDGET DIRECTOR: And the other 3 million, I guess we could also discuss with, I can discuss with her. You want to move this to the end of calendar?

CHAIR LEE: This is the end of the calendar.

BUDGET DIRECTOR: There's a whole bunch of other stuff, right? So, I can get a response from them. But, yea, the less restrictive we are, the better it is. I think we are looking at the Governor's proclamation, emergency proclamation ending July 7. So, we are trying to get as much encumbered by that date.

CHAIR LEE: Alright so--

BUDGET DIRECTOR: So, I, oh, sorry. I guess for clarification--

CHAIR LEE: So, you agree to, you agree to this?

BUDGET DIRECTOR: Well, I would prefer not having a proviso, and we could inform the Committee. I'm not sure how restrictive this is going to be, what kind of approval process we're going to need from the Council in order to move forward.

CHAIR LEE: Okay. Well, maybe, maybe the Vice-Chair can explain that part.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Mahalo, Chair. So, there's no approval required. It's just that the Department must present the plan.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, it's just informing the Committee.

CHAIR LEE: Alright. That sounds reasonable, doesn't it, Director Yoshimura?

BUDGET DIRECTOR: Yes. Thank you, Chair. Thank you, Vice-Chair.

CHAIR LEE: Just trying to get this clear. I don't want nobody falling off any bridges. Okay, any other questions, comments, anybody? You want to proceed with your, with your motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I, I made the motion and then Member King seconded the motion. And I think we had pretty full discussion and I'm ready to vote on the motion to amend the main motion.

Chair, you're muted. Chair, you're muted. I think she said everyone raise your hand if you say "aye".

COUNTY CLERK: Excuse me.

CHAIR LEE: Read my lips. Raise your hand and say "aye". Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, our Clerk has a question.

COUNTY CLERK: Can you please clarify the motion one more time?

CHAIR LEE: Can you repeat the motion?

COUNTY CLERK: Or restate it?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Sure. The motion to amend the main motion, is amend the proviso . . . with Bill 42 to disassociate the proviso from the entire 9 million to only the 3 million that's associated with the Kaupakalua Reservoir flood damages. And the proviso reads, "The Department must present the plan for emergency funding use and a plan for cost recovery from the property owners of the Kaupakalua Reservoir, East Maui Irrigation and Mahi Pono, to the Council by the Department prior to the work commencing and provide the Council annual financial and performance reports on the funding".

Chair, you're muted. Chair, you're muted.

CHAIR LEE: Okay. Madam Clerk, do you have any more questions?

COUNTY CLERK: Just if clarification will be needed on how the disassociation process works.

CHAIR LEE: Why, you deleting the proviso from the 9 million and putting it on the 3 million? That's what we're doing, right? Okay. Madam Clerk, you still look puzzled. So, what is your question?

COUNTY CLERK: What is the specific language that goes with that?

CHAIR LEE: I thought she said it, but you want to repeat it, Vice-Chair Rawlins-Fernandez? Specific verbiage to your amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. The Department of Public Works must present the plan for emergency funding use and a plan for cost recovery from the property owners of the Kaupakalua Reservoir, East Maui Irrigation and Mahi Pono, to the Council by the Department prior to the work commencing and provide the Council annual financial and performance reporting on the funding.

COUNTY CLERK: Sorry. I've identified that in the bill already, but where does the 3 million fit in that language that you just mentioned?

VICE-CHAIR RAWLINS-FERNANDEZ: In, oh, in the breakdown.

CHAIR LEE: There's a total of 9 million there, right, Kathy? So, we're talking about provisoing the 3 million and no proviso on 6 million.

COUNTY CLERK: But the 3 million is not mentioned in the bill right now.

CHAIR LEE: Part of the 9 million, right? Okay.

COUNTY CLERK: Chair, could we have a recess just to double-check.

CHAIR LEE: Alright. And then, maybe Member, Vice-Chair Rawlins-Fernandez, maybe you could email them the exact wording. Okay? Five-minute recess, everybody.

Yes, Vice-Chair, what? What did you say? What did you--

VICE-CHAIR RAWLINS-FERNANDEZ: No, I was just saying okay, I will.

CHAIR LEE: Oh, okay. Five-minute recess.

VICE-CHAIR RAWLINS-FERNANDEZ: I will.

CHAIR LEE: Five-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:30 P.M., AND WAS RECONVENED AT 2:42 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of May 7 please reconvene?

Madam Clerk, you want to bring us up to date on where we are?

COUNTY CLERK: We are waiting for the restatement of the proviso. The proviso language.

CHAIR LEE: Okay. Vice-Chair. Vice-Chair Rawlins-Fernandez, can you restate your whole amendment?

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

OKAY, SO NOW IT'LL READ, "THE DEPARTMENT OF PUBLIC WORKS MUST PRESENT THE PLAN FOR EMERGENCY FUNDING USE, INCLUDING THE SCOPE OF WORK AND A PLAN FOR COST SHARE FROM THE PROPERTY OWNERS WHERE APPLICABLE".

COUNCILMEMBER KING:

AND I'LL RESTATE MY SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: I'll call on you, Ms. Sugimura, as soon as, okay, I got the thumbs up.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Great. And when, when Budget Director was on, she mentioned that there was some emergency funding and I just wanted to, from the Governor, and I just wanted to make sure that this will not delay us, I guess maybe the word, from being eligible for what we could be eligible with that emergency funding because of the flood. I wonder if we should ask the Budget Director. I think this is good, this amendment, cause it clarifies it.

BUDGET DIRECTOR: Chair.

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

CHAIR LEE: I'm sorry. Director Yoshimura, did you hear Ms. Sugimura's question?

BUDGET DIRECTOR: Yes. Thank you. And yes, the proviso that is being proposed will be, will work for us.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Okay.

BUDGET DIRECTOR: Thank you.

COUNCILMEMBER SUGIMURA: Very good. I just wanted to be sure that we get where we need to go. And the Department presents, and we don't have a delay because of this. So, thank you.

CHAIR LEE: So, everybody clear on the, on the motion, right? Okay.

Madam Clerk, are you with us?

COUNTY CLERK: Yes, Chair.

CHAIR LEE: You ready? Okay. All those in fa--

Oops. Yes, Ms. Yoshimura.

BUDGET DIRECTOR: Sorry. Just a question. For clarification, is there going to be a subject matter referral that we can submit the plan to, or you want it to go through Council for a referral to a Committee? Or is it going to be a subject matter referral to BFED or IT?

CHAIR LEE: Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I can do a subject matter, matter, subject matter referral to BFED Committee.

CHAIR LEE: As, as part of your motion, or what?

VICE-CHAIR RAWLINS-FERNANDEZ: As, as part of the main motion.

CHAIR LEE: Okay. Alright.

Member King.

COUNCILMEMBER KING: Okay, so that means we're not going to file? The original motion had filing of the communication. But we're referring the communication instead of filing?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, no, no. Just the subject matter.

COUNCILMEMBER KING: Okay.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

The main motion as amended. Any more discussion? If not, all those in favor--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Oh, discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE RULE 19.C. OF THE RULES OF THE  
COUNCIL TO ENABLE US TO PASS THIS BILL 42 TODAY  
WITH THE AMENDMENT THAT WE JUST DID.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Alright. Any dis, second would be Member Sugimura.

Any more discussion? Okay. All those in favor of waiving the Rules of the Council,  
raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Chair. And so, the main motion includes the amendment that we just made to clarify the proviso, as well as subject matter referral to the BFED Committee for the bill to subject matter, the 9 million Emergency Funds. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, it looks like eight "ayes", zero "noes", one "excused"; motion carries.

(THE MATTER RELATING TO THE EMERGENCY FUND,  
REPAIR AND RECONSTRUCTION OF ROAD AND DRAINAGE  
INFRASTRUCTURE DAMAGE AND OTHER RELATED COSTS  
RESULTING FROM THE MARCH 2021 FLOODING EVENT  
WAS REFERRED TO THE BUDGET, FINANCE AND  
ECONOMIC DEVELOPMENT.)

CHAIR LEE: Whoo. Alright. Madam Clerk. Next?

COUNTY CLERK: We have five items moved to the end of the calendar.

CHAIR LEE: Okay.



COUNTY CLERK: Did you want to start with County Communication 21-210, Mayor's veto notice?

CHAIR LEE: Alright. Could you bring that up?

### COUNTY COMMUNICATIONS

NO. 21-210 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 19, 2021)

Notifying of his veto of Bill No. 10 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES".

CHAIR LEE: Alright. Members, this is the big one. My understanding, and Corp. Counsel, are you with us on the call? We might have some legal questions. Richelle? Oh, Richelle, thanks.

FIRST DEPUTY CORPORATION COUNSEL: Yes, I'm here.

CHAIR LEE: My understanding is that in order to override the Mayor's veto, that would require six votes?

FIRST DEPUTY CORPORATION COUNSEL: Yes, thank you, Chair. So, Charter Section 4-3.1 requires a two-thirds vote of the entire membership of the Council. And so that is six affirmative votes to override.

CHAIR LEE: Six? Okay. Members, before we take the vote, do you have any questions for Corp. Counsel? Alright.

Yes, Ms. King.

COUNCILMEMBER KING: Just, I was just . . . out of curiosity, what's the timing on that, the requirement?

CHAIR LEE: This we would probably have to ask, Corp. Counsel, do you know that, or should we ask David on this one?

FIRST DEPUTY CORPORATION COUNSEL: I'm sure I can answer that.

CHAIR LEE: Okay.

FIRST DEPUTY CORPORATION COUNSEL: The Council has within, no less than five or within 30 days after the bill has been returned by the Mayor, reconsider the vote. And so, it's between five and 30 days.

CHAIR LEE: Okay. Five and 30 days of the Council's receipt of it?

FIRST DEPUTY CORPORATION COUNSEL: That is correct.

CHAIR LEE: Okay. So, Kathy, when did we receive this bill, the veto?

COUNTY CLERK: April 19. April 19, 2021.

CHAIR LEE: So, 30 days would be May 19. May 18. Okay, everybody got the dates in order, in your minds. Okay. Anybody want to make a motion?

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO OVERRIDE THE VETO AS IT PERTAINS TO BILL 10 (2021), DRAFT 1, ENTITLED "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES"; AND FILE COUNTY COMMISSION [S/C] 21-210.

COUNCILMEMBER MOLINA:

SECOND

CHAIR LEE: Okay, moved by Member Johnson, seconded by Member Molina, to override the Mayor's veto.

Discussion, Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Members, as we have previously discussed in length, Bill 10 would require projects developed under the voluntary 201H process and provide 75 percent of the units for Residential Workforce Housing. It's

important to remember that Bill 10 is just the beginning in important complementary housing reforms that I would like to take up as Chair of Affordable Housing Committee.

You all know how hard we worked to fight increased money for the Affordable Housing Fund last month. I did this with the purpose and a plan in mind to support affordable housing projects and help builders in our community to overcome obstacles we are facing. I ask for the mahalos, for the Members full support of this motion. Mahalo.

CHAIR LEE: Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And I appreciate the testimony on both sides of this issue. And speaking of one testifier this morning. Ms. Tumpap, mentioned my name in her testimony about comments I made at a previous meeting about, you know, working together with the developers.

Well, I'm one step ahead, because I've already met with a developer who approached me, and a consultant, about a potential 201H project for the Upcountry region. And I was told by them that when they saw Bill 10 moving through the Council, they decided to take it upon themselves to go back to the drawing board to see if they can make their proposed 201H project work. Well, they were able to change what was once a 50 percent plus 1 proposal to a 68 percent affordable project. They said they can make it work. Now, they were a bit disappointed that they could not make the 75 percent work. But the point is, they took a 50 percent affordable project and made it 68 percent. That is an 18 percent increase.

And this is the key to Bill 10, to try to maximize as many affordables as we can. Bill 10 simply asks developers to do their best to increase the number of affordable units that they're achieving by this process. So, should they, once this project comes before us, potentially the Upcountry community could realize 18 percent more affordable units should it be approved.

But again, as I've stated all along, the 75 percent request is an ask. It's not a demand. So, to the developers out there, you know, do your best to provide the most number of affordable units you can. And if you make your best effort, offer the community a compatible, workable, and effective project, then you have the ability to request less than 75 percent.

Now, as far as the Mayor's veto, it doesn't surprise me. The Mayor is using the same scare tactics that individuals have presented to this Council during deliberations, such as, history has shown that such additional restrictions have the opposite effect. The

Mayor uses the original Residential Workforce Housing Policy requirement of 50 percent of units be affordable as an example for why increased percentages did not work.

However, comparing the old policy to Bill 10 is like comparing apples and oranges, Madam Chair. Developers didn't use the old workforce housing policy. One reason was it did not have the incentives that the 201H process has. The other factors that the country was going through, a great recession. Financial experts have concluded that the recession seriously impacted housing starts and resulted in construction coming to a standstill. So, to say Bill 10 will have the same effect as the old workforce housing policy, in my opinion, Madam Chair, is absurd.

And the Mayor said that Bill 10 is another layer of regulation. How is setting a percentage requirement for affordable housing another layer of regulation? Bill 10 does not take away any of the incentives to developers in the 201H process. Developers can still request exemptions, receive expedited review, and receive waiver of fees and assessments.

So, Madam Chair, to, to me, you know, from the six meetings that the Council had, we received a lot of testimony from families that were brought to tears because they can't afford to pay rent or buy a home. And, you know, this Council has chosen the family's needs over what's called the bottom line. So, if developers are benefitting from reduced costs and expedited processing, I think it's only fair the community should benefit from more affordable housing in return.

And the Mayor stated, we must consider our teachers, plumbers, firefighters, nurses, and all other skilled professionals who keep our community strong. These hard-working citizens will be hurt most by this policy. Well, Mr. Mayor, it's the teachers, the plumbers, firefighters, nurses, and skilled professionals, these are the residents that testified, many of them on behalf of more affordable housing and supported Bill 10 as well. So, with that being said, Members, I ask those of you who supported this bill to continue your support of this Bill 10. Thank you, Madam Chair.

CHAIR LEE: Thank you, Member Molina.

Any more comments, or ques, discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to make comment on some of the testimony that we heard this morning. And some of the lobbyists and whatnot seemed opposed to creating affordable housing through government subsidy, which is

puzzling to me because the whole 201H process is like a government subsidy first of all in the exemptions of fees and fast-tracking. And also, because, you know, of the counties of Hawaii, the State, Maui County gives, I think, the most subsidy to nonprofits. And through this election and, and you know, anybody that's been paying attention, affordable housing, places for our people to work is not getting any better, you know.

So, if we're using government subsidies to fund all these social needs and not fund affordable housing when we're in a crisis, then I don't understand what their problem is with government subsidy to create affordable housing. It hasn't been done without the government subsidy. We're waiting, waiting, waiting until we get to this crisis point. And then, I heard mention of using all the tools in the toolbox. Government subsidy is one of those tools, you know. And if it gets it done, it gets it done.

But I agree with Member Molina. We're asking for more and I would hope that this increases the dialogue between the communities, developers, and us. Unfortunately, it can't be super-efficient cause they gotta talk to us individually or over here because of the Sunshine Law. But that's how it is. But, you know, if there's a will, there's a way. And it's not, you know, if it's a great project and it only has 50 plus 1, or 50 plus 2, and they talk to everybody, I mean it still can pass this way. But if there's, if it's a controversial one and it's only 50 plus 1, if it's not the right location, then please, don't waste our time, you know.

We've heard those zombie projects that come before us again and again. And what it does is it takes away from truly affordable housing. What it does is it divides our communities. And that's not something that I want to continue to see. So, I'll support this. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. Yea, I'm going to retain my vote from Committee. In the budget process, I supported the Council's efforts to put another \$7.4 million into the affordable housing projects. So, I do want to support the bill with the, with the caveat that we, as a Council, subsidize the construction costs, water, sewer, and road costs. And also, to acquire properties, County properties and, that can be given to the developers to bring down their costs as well. As Mr. Baz said, they want to put more monies into the fund for this very purpose. And if Bill 10 will slow market rate houses from being built and increase the rate of affordable housing, then that's good policy, Chair. Thank you.

CHAIR LEE: Anyone else? Okay, I, I will say--

Yes, Ms. King.

COUNCILMEMBER KING: I think Yuki Lei had her hand up, first.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, yea, we've talked about this, many meetings. And a very important subject as it has brought community statewide to talk to us and share their views. And housing is a number one concern that we have, as well as the community and building it. And I'm going to maintain my vote as I have throughout this whole process. And I'm going to support the Mayor's veto. I'm going to vote "no" on the override. And it's because I believe that, in general, the, the 201H process with the 75 percent adds a layer of challenges to an already challenging subject.

And, and we need to build houses for our working families. And as you can tell, you know, that people are moving away from Hawaii to go to the ninth island in some cases. I just heard a very dear friend moved, having, you know, problems with this. And it's kind of hit home for me. So, more so, I would like us to stand our, our position of supporting affordable housing. I'm glad that we, on this bill, whichever way it goes, we added the amendment for "above-moderate", so therefore, we do now cover the firefighters, and teachers, and those that would've been excluded had we not made that amendment. And thank you very much. I am voting against the motion.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. This has been a really hard one for me from the beginning, because I don't, I can't, I don't think any of us can say that this is definitely going to work, that this bill is going to work. It's a good idea, I'm glad we made the statement that we'd like to see 75 percent. But we've already heard that we won't get 75 percent. You know, that the most, one of the developers could come up with 68 percent. So, it always makes me uncomfortable we put in exemptions that we have to make, and then there's the question of why we make them. Is it a personal, you know, affinity for somebody? Or is it some personal connection? And I would, I would be all in if we had done the funding.

And I really want to commend Member Johnson, because I, that's what I believe in, is a vision and a plan. But I think we have pieces of the plan here and we don't have the whole, all the components working together. We need, we know we need to provide infrastructure. And it was a little bit disturbing to see, you know, us resist the 20 million because we didn't have a firm project, and yet, we heard from people saying how expensive infrastructure is. And then, later on, the conversation was about how expensive infrastructure is and how we might not have enough money in the Affordable Housing Fund.

So, it was really confusing for me. I got, you know, I got texts from the public saying, what are you guys doing? You know, first there's too much money, now there's not enough money. What direction? So, I don't feel real comfortable that we have a solid plan here. I would like us to get there. And I think if we wait another month, we might have that. But I just real, am really uncomfortable with where we're going with this and then putting in all the possible exemptions. I don't know how those are going to be--

Cause frankly, I've seen projects in the same area, some pass and some not pass, and, and it appeared to be, you know, an affinity for a certain developer over another. So, I'm right now not going to support the override because I want to see us get to the, the place where we have a fully described plan that works for what we know is going to advance affordable housing.

And the other thing I want to say is that we have done affordable housing. So, you know, we can do this. We can make decisions on what percentage of affordable housing, while we, we have total control over the Affordable Housing Fund. So, if we see a project that we don't like because it doesn't have enough affordable housing, we can turn it down. The, the one thing I, I dislike most about the 201H is that 45 days. And I had proposed to get that expanded. I think in my first term, you know, didn't have support for that. But that's the thing that bothers me the most, because it doesn't give us the time sometimes to do a thorough investigation of some of these projects. And so, the choice is one or two, just deny them and give ourself, give them some time to reapply or pass them through. And in, in my first term, everything passed through.

So, I'm not, I just am not really comfortable with where we're at with this. And I, I wish I was. I wish we had done the full funding that Member Johnson had proposed, which was part of the plan. And I will support that. I will support the funding in the future going forward. But right now, I'm just, I'm not comfortable that we know exactly what the results of this proposal is going to be. So, that's where I'm at now. Thank you.

CHAIR LEE: Anyone else?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. What a twist. So, it looks like we don't have the votes to override. That's unfortunate. I would support the motion to override for all the reasons that Member Molina said, and all the reasons Member Paltin said, and Member Johnson, and Member Sinenci. And yea, so I, I, I think they summed it up really well.

For me, as I stated again each time this came up, that the bill that Member Molina introduced, I really, really supported. But then we, you know, we chipped away at it, chipped away at it. And now, it's to the point where it's just discretion. And it, it, it's pretty disheartening to fight for something so hard that, that really doesn't give the Council that much.

And I agree that we need a Comprehensive Affordable Housing Plan. But this would send a clear message on, this is what we've been talking about, about what the expectation of this Council is while we wait for the Comprehensive Affordable Housing Plan to be finalized. And even when it's finalized, it doesn't mean we're going to adopt all the recommendations. I'm hoping we will. I'm hoping they'll be wonderful, and I'll like completely support it. But, you know, there's no guarantee.

And so, in the meantime, I think that this, this bill would create the rule. This is the rule this Council wants to see more affordable housing in this legislation that provides all kinds of subsidies. This would create an amendment to our Code in which the 201H allows for projects to request exemption from. So, it's pretty ridiculous this whole . . . over, over Bill 10.

Regardless, I think we as a Council can all agree that ensuring that we figure out a solid plan forward to provide our residents affordable housing so that we're not continually banging our head against the wall, and not getting the affordable housing that our residents need and, and deserve, and that should be affordable in perpetuity or for as long as possible and to stay with those that want to make this home and that call this place home. And so, yea, it's, it's kind of crazy that this, the override won't go through. But I thank everyone for, you know, all the efforts. Mahalo.

CHAIR LEE: Anyone else?

Mr. Molina, then Mr. Johnson.

COUNCILMEMBER MOLINA: No, Madam Chair. I'll yield to the Affordable Housing Chair first, and then I can go after.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Okay, thank you, Chair. I, I really appreciate Councilmember Keani Rawlins-Fernandez's points. I just want to add to some of them. You know, in the 201H project, the developers are going to get a lot of exemptions. You know, we, we as a body, we have to balance the 201H exemptions with what the community needs. And that's why the push was for 75 percent. That's key. If we were making good paying jobs and, and business was a booming, then we could say, hey,



25 percent, we don't really need it. But no, that is dire straits, times are, times are really tight. We're coming out of a pandemic. And if ever there was a time, the time is now.

You know, I often am recalling of this whole debate and listening to the lobbyists, such as PRP. And it's like watching a soccer game and people . . . an injury. I just can't, I can't buy it.

(Councilmember Paltin was excused from the meeting at 3:10 p.m.)

COUNCILMEMBER JOHNSON: So, that's my, that's my two cents on it. I wish, I wish we had some gumption. And I, and I appreciate what other Members are saying. But, you know, that's, that's where I'm coming from. So, that's my two cents on it, Chair. Mahalo.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Mr. Johnson, I credit you, you have a lot of gumption. And I thank you for bringing this bill out, because it, this bill had been sitting in the previous term and was not brought out. But you took the bull by the horns and brought it out. And we deliberated and we all voted. And, you know, it passed. But of course, now, I'm like Member Rawlins-Fernandez, quite surprised that it looks like this override is not going to pass. And granted, we didn't get the 20 million of funding that we wanted for this Affordable Housing Fund. But we still added a respectable amount. We're trying to be fiscally sensitive, right? And we still added, maybe I'm wrong, but close to 8 million and with no plan, with no plan. We still added a respectable amount.

And so, I'm not going to be wishy washy on the subject of housing, you know, affordable housing. We need housing. I'm going to stay, you know, consistent and we're in a crisis. So, to me, you know, if you're really truly committed to more affordable housing, ask. And that's what Bill 10 was, it's an ask. And yea, I know I've mentioned earlier, it was 68 percent. But hey, it's a start and that's the whole intent. So, maybe 75. But I like, I like 68 percent versus 50 percent, if you ask me. So, but I think we've shaken the trees here.

So, I think future applicants for 201H's, you know, we're going to be asking. So, hopefully any projects that are proposed better be good, because I'm not going to rubberstamp every single project. Cause I, one, we need to balance the need for housing, but we don't want Maui to turn into another Honolulu at the same time, right? So, we need to make sure the infrastructure is there. And again, we've added more monies to the Affordable Housing Fund to address some of the infrastructure concerns. But yet, there's no plan. So, I think it's a fair compromise. We didn't get 20 million as

some had asked, but we still added something. So, I just want to thank everyone for working so hard on this. We've put in a lot of time. And I appreciate the input from everyone else. But, but the tree has been shaken. So, we'll see where we go from here in the future with any future 201H proposals. Thank you, Madam Chair.

CHAIR LEE: Member Sinenci, you had your hand up again?

COUNCILMEMBER SINENCI: Thank you, Chair, for my second and final. I think we're sending the wrong message. I think we need to stand behind our statements that we, that we want to address of this crisis. Nine out of 13 projects were 100 percent. There's literally no risk to build 10. And this is just, this is just one, like Member Johnson said, just one little piece of a lot of things in the, the cog that needs to, needs to happen for this, for this to go through.

I was looking, like Member Molina, I was looking forward to meeting with our, our construction industry to see what kind of ideas that we have to present with them a commu, County properties whether it be Waiale, whether it be the old . . . wherever we have to present to these developers. That they too could be bringing down their costs with land acquisition. I was looking forward to receiving additional requests of 2-3 million of the affordable housing to pay for some of their infrastructural connections cost, road cost, sewer, and water cost.

So, these are some of the things, I mean, I was, I mean, I'm ready to roar. I mean, if these guys, if, if we want to extend. This is, this is why we're supporting Bill 10, not because of everything that the naysayers have said because of the possibilities and what we have to offer to, to extend to the naysayers. So, again, I want to, I want our actions to stand behind the statements that we've been saying all along during this crisis. Thank you, Chair.

CHAIR LEE: Ms. King, did you have your hand up?

COUNCILMEMBER KING: Yea, I did. You know, I, I appreciate what everybody's saying. And I wish we did stand behind it. I wish we did fully fund it during the budget session, the 20 million. We fell short of that. The same people who were coming out and asking us to support Bill 10 were asking us to raise the highest levels of real property tax on the highest value of houses and the hotels, and we fell short. We couldn't fund even the 11 million much less the 20 million. So, we have, we have, you know, my opinion, this has nothing to do with what the developers came out and said or being intimidated. I mean, . . . you know, I'm not intimidated by developers. It has to do with having a holistic plan that all works together and not just pieces of it.

And we, all the things that we talked about that we want out of this bill, we can do that. We have the final say over the Affordable Housing Funds. And we can just, we can, and we've already just, with this, with the discussion about this bill, we told developers, we want to see at least 75 percent. We've gotten 100 percent. We have several projects in, in South Maui that are 100 percent affordable. So, it's not, we know it's doable.

But, you know, I was really disappointed, and I mentioned that during budget. You know, we, we're going to pass a bill and then we're not going to follow it up and put our money where our mouth is. So, that's my big disappointment, is I was already. And I didn't see that . . . didn't come out of the Budget Committee with, with that part of the plan. You know, we would be ready to forge ahead with the plan if we had put that money in that was proposed by Member Johnson. And we're not, we're not there yet.

So, you know, I'm, I'm not in disagreement with anything that anybody said here, but I also know that we, we have and we can control that Affordable Housing Fund, decide who gets it based on what they're doing. So, anyway, that's all I'm going to say about that, because I just, I've been really, you know, like some of the others have stated, I'm disappointed with what came out of the budget session, especially when we start talking about affordable housing. I don't feel like we're all in, I feel like we're all in on the bill, but when it came to putting our money where our mouth is, we couldn't do it. Thank you, Chair.

CHAIR LEE: Vice-Chair. Thank you. Vice-Chair, do you want to speak one more time before we take the vote?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR LEE: You don't have to.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Sure, I'll make it quick. Mahalo, Chair. Yea, I, you know, there, there, we don't have a plan for that 20 million extra dollars for the Affordable Housing Fund, but some Members are fully behind it without a plan. But, you know, so I don't really see the connection between the 20 million additional to Affordable Housing Fund and this bill at all. I don't know. I don't, I don't get it.

But, I, you know, I voted for this bill from day one. I, I wanted it the way that Member Molina introduced it. But I was willing to compromise and I kept compromising. I didn't want to raise \$20 million and raise the property taxes until safeguards were in place so that we're not taxing the people that we're trying to help. If we tax the people out of the homes that they're renting, then we're going to get more homeless people. So, that doesn't make sense either.

So, yea, so, I, you know, I, I, I want to see a plan. I want to support a comprehensive plan that doesn't only talk about infrastructure. There's so many different ways to achieving affordable housing that I would like us to explore that we have been exploring. And I think we have been doing a really good job. For example, passing the new classification for the long-term rental exemption and classification. These are, these are all ways that we can get people in houses that, that'll make it affordable.

So, mahalo, you know, Member Johnson, for scheduling and expediting this bill. Mahalo, Member Molina, for drafting and introducing this bill. So, but I, I, I still, I still think this Council is great. And I still think we're going to do great things together. There's a lot more work we're going to be doing, you know. So, we're just going to get past this and then we'll just keep moving forward and do great things for our community. Mahalo, Chair.

CHAIR LEE: Okay. I think we have one thing in common, we agree that this is a very complex problem, you know. Attaining affordable housing is not something recent. It's, it's grown over the years into a beast. And honestly, the 75 percent really lacks no, any evidence or facts to support 75 percent versus 74 percent versus any other number. We cannot piecemeal our way through this problem. We need a comprehensive plan, and that's what we're waiting for. And it'll take everything, everything we've got. But not more regulation.

I think we need innovation, working collaboratively with the community, with the developers, with the departments. Because we're like just one department in a sense. Because other departments can be obstacles in, in this whole, in this whole environment of trying to produce more housing. So, I, you know, I thank everybody for coming up with ideas. And, and the main thing is that we keep going regardless of our differences and our different approaches. But the main thing is that we don't take our eye off of the goal, which is to produce more housing. And that's, that is coming. That is really coming. I can feel it, it's coming.

But in the meantime, we have this veto to work on and to vote on. So, all those in favor, I believe the motion was to override the veto, please say "aye" and raise your hand. Not me, I just--

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

CHAIR LEE: So, it's one, two, three, four. Four "ayes".

Those against, raise your hand.

NOES: COUNCILMEMBERS KING, SUGIMURA, AND  
CHAIR LEE.

EXCUSED: COUNCILMEMBERS KAMA AND PALTIN.

CHAIR LEE: Okay. Four "ayes", three "noes", two "excused"; Member Paltin and Member Kama. So, the motion fails.

Alright. Madam Clerk.

COUNTY CLERK: Thank you, Chair. Can we have a motion to file that item, please?

CHAIR LEE: Okay, can somebody make a motion now to file that item?

VICE-CHAIR RAWLINS-FERNANDEZ:

MOVE TO FILE COUNTY COMMUNICATION 21-210.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina, to file the item.

Okay. All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND PALTIN.

CHAIR LEE: Okay, one, everybody. So, it's seven "ayes", two "excused"; Member Paltin and Member Kama.

Anything else on that?

COUNTY CLERK: No. That's good. Thank you.

Moving onto County Communication 21-211.

NO. 21-211 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE,  
(dated April 27, 2021)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF  
COOP DERENNE TO THE LANAI PLANNING COMMISSION".

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE FROM  
FURTHER CONSIDERATION OF THE PROPOSED  
RESOLUTION ATTACHED TO COUNTY COMMUNICATION  
NO. 21-211.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by mem, Vice-Chair Rawlins-Fernandez,  
to discharge the Committee of 21-211.

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. The 60-day  
deadline for the Council to approve or disapprove the nomination of Coop Derenne to  
the Lanai Planning Commission is May 24, 2021. So, that is the reason why I'm asking  
for this consideration.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND PALTIN.

CHAIR LEE: Seven "ayes", two "excused"; Member, Members Paltin and Kama. Motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Discussion, Mr. Molina?

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

(Councilmember Paltin returned to the meeting at 3:24 p.m.)

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-211, AND TO  
FILE COUNTY COMMUNICATION 21-211.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to  
adopt the resolution in County Communication 21-211.

Mr. Molina, discussion?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Sorry, this is kind of a long  
one, yea.

MOVE TO AMEND THE PROPOSED RESOLUTION IN THE  
FIRST "BE IT RESOLVED" CLAUSE TO STRIKE THE WORD  
"APPROVES" AND REPLACE IT WITH THE WORD  
"DISAPPROVES".

CHAIR LEE: Anymore discussion? Oh, I'm sorry. Was that a motion? That was his question,  
right?

COUNCILMEMBER MOLINA: Yes, that was a motion to amend. That was a motion to  
amend.

COUNCILMEMBER SINENCI:

SECOND.



CHAIR LEE: Motion to amend, okay. Alright, seconded by Mr. Sinenci.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Mayor received notice of Mr. Derenne's withdrawal, which was dated April 26, 2021. So, the disapproval of Mr. Derenne's nomination was by no means a reflection of his character. The Council approval or disapproval is needed to allow the Mayor to submit a replacement nominee within 10 days after Council action. Thank you, Madam Chair.

CHAIR LEE: Anymore discussion? If not, all those in--

Ms. King.

COUNCILMEMBER KING: So, I just want to ask a question. Mr. Molina, does that put the ball back in our court, then? Is the next, is, does, do we have to come up with a nominee?

COUNCILMEMBER MOLINA: No. Basically, the action we take, taking today, because of the withdrawal, we have to vote this person down. That's just a procedure. And then from the time the, 10 days after the, the Mayor has up to 10 days after the Council action to disapprove. So, the ball is still in the Mayor's court to submit a replacement. And if he doesn't meet that deadline, then it goes into the Council.

COUNCILMEMBER KING: Okay. Well, I was just hoping that we can urge him to work with Member Johnson on that replacement.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, did you have your hand up? You're muted.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Mahalo, Chair. Sorry, I was calling staff really quickly to, cause some, sometimes we put the name of the nominee on the disapproval resolution. So, that was my, the puzzled face that I was making earlier. That was the reason for it. And, and so, I just got confirmation from staff that the way that Member Molina did it is the, is the correct way. So, that was, it was just going to be my question, that if we, you know, we strike disapprove, we strike approve and put disapprove or do we put the name on the resolution, the disapproval resolution? So, I can be voting in--

CHAIR LEE: Thank you for totally confusing us.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Sorry. Welcome to my brain.

CHAIR LEE: Okay. Alright. The motion is, Mr. Molina, can you repeat the motion, please?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The motion is to disapprove the nomination of Mr. Coop Derenne for the Lanai Planning Commission.

CHAIR LEE: Okay. All those in favor to disapprove, say "aye". I believe we had a second on that one already, yea? Okay. Everybody's in favor of disapproving this person.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Molina. Are we done with, with you?

COUNCILMEMBER MOLINA: Yea, I believe we're done with Mr. Derenne.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Move onto the next item.

CHAIR LEE: Okay. Ma, let's see, Madam Clerk.

COUNTY CLERK: We still have the main motion on the floor. Motion, main motion as amended.

CHAIR LEE: Yea, okay. Okay. The main motion as amended. Any, anymore discussion on that? All those in favor, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

COUNTY CLERK: For the record, that's RESOLUTION 21-73.

CHAIR LEE: Thank you.

COUNTY CLERK: Moving forward to County Communication 21-212.

NO. 21-212 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE,  
(dated April 27, 2021)

Transmitting the following proposed resolutions entitled:

1. "APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI";

*Disapproving the appointment of Gene Ross Davis (Molokai) to the Board of Variances and Appeals.*

2. "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI";

*Approving the appointment of Leinaala Perry to the Board of Water Supply for a term expiring March 31, 2026, and disapproving the appointment of Clark Hashimoto.*

3. "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI";

*Approving the appointment of Shane Dudoit to the Liquor Control Adjudication Board for a term expiring March 31, 2026.*

4. "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI";

*Approving the appointment of Snehal Patel to the Liquor Control Commission for a term expiring March 31, 2026.*

5. "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION";

*Approving the appointment of Karen Kamalu Poepoe to the Maui County Cultural Resources Commission for a term expiring March 31, 2026.*

6. "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI";

*Approving the appointment of Kimberly Thayer to the Maui Planning Commission for a term expiring March 31, 2026.*

7. "APPOINTMENT OF A MEMBER TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI"; and

*Approving the appointment of Stacey Moniz to the Police Commission for a term expiring March 31, 2026.*

8. "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI".

*Approving the appointment of Dylan Andrion to the Fire and Public Safety Commission for a term expiring March 31, 2026, and disapproving the appointment of Gregory Peros.*

CHAIR LEE: Member Molina.

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

MOVE TO DISCHARGE THE, THE GREAT COMMITTEE FROM  
FURTHER CONSIDERATION OF THE PROPOSED  
RESOLUTIONS ATTACHED TO COUNTY COMMUNICATION  
NO. 21-212.

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 County Communication 21-212.

Discussion?

COUNCILMEMBER MOLINA: Yes. Thank you very much, thank you, Madam Chair. Sorry. The 60-day deadline for the Council to approve or disapprove nominations to the BVA, Board of Water Supply, Liquor Control Adjudication Board, Liquor Control Commission, Maui County Cultural Resources Commission, and the Maui Planning Commission is May 17, 2021. The 60-day deadline for the Police Commission nomination is May 18, 2021. And the 60-day deadline for nominations to the Fire and Public Safety Commission is May 24, 2021. So, a discharge is needed to enable the Council to consider action today on the proposed resolutions. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Mr. Molina.

COUNCILMEMBER MOLINA: 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.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson, to waive the Rules of the Council.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolutions today. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Everybody. So, eight "ayes", zero "noes", one "excused"; Member Kama.

Member Molina.

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

MOVE TO ADOPT THE PROPOSED RESOLUTIONS  
ATTACHED TO COUNTY COMMUNICATIONS 21-212 AND TO  
FILE COMMUNICATION 21-212.

CHAIR LEE: Second? Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt the recommendations in County Communication 21-212, and to file communication.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. At the GREAT Committee meeting of May 4, 2021, your Committee discussed the, or interviewed the following nominees. First to the BVA, Gene Ross Davis of Molokai. To the Board of Water Supply, Clark Hashimoto and Leinaala Perry. And to the Liquor Control Adjudication Board, Shane Dudoit. To the Liquor Control Commission, Sne Patel. To

the Maui County Cultural Resources Commission, Karen Kamalu Poepoe. To the Maui Planning Commission, Kim Thayer. To the Police Commission, Stacey Moniz. And to the Fire and Public Safety Commission, Gregory Peros and Dylan Andrion. Obviously, that's a long list, so I'm not going to talk about their wonderful merits and so forth. So, anyway, we all had a great interview process on that day. So, I'd like to thank these individuals for putting their necks out on the line.

AND WITH THAT SAID THEN, I MOVE TO AMEND THE  
PROPOSED RESOLUTION BY ATTACHING TO COUNTY,  
COUNTY COMMUNICATION 21-212 BY PLACING ALL OF  
THESE INDIVIDUALS NAMES.

And when you deem it appropriate, Madam Chair, you can ask for any requests for separation if Members want to vote separately on any of these nominees. Thank you, Madam Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Before the separations begin, I just was wondering, Mr. Mossman had said that he would try and get some of the answers to the questions I had about Ms. Perry, because we were unable to interview her. And so, I just was inquiring if he was on or if he had transmitted the answers that anyone saw, because I didn't see anything coming in, personally?

CHAIR LEE: Let me ask the Clerk. County Clerk, did you receive any information, emails, letters from the Mayor's Office from Ipo Mossman?

COUNTY CLERK: No.

CHAIR LEE: Oh, there he is.

COUNTY CLERK: Not us.

CHAIR LEE: There he is. Mr. Mossman.

MR. IPO MOSSMAN: Hi. Hi, Chair Lee. I called earlier this morning, talked to Ms. Shelly Espeleta. And Shelly has, had stated that due to the timeframe that I should just read out what the questions were. So, I decided to stay and watch your entire meeting this afternoon, which was very, very entertaining. And I appreciate what you guys do. So, let me just get right to it.

As far as the affiliation for Ms. Leinaala Perry, it is none. She has no affiliation whatsoever. Her background, I think we asked if she was, she had any employment. The answer is no, she is 100 percent community service-oriented citizen of Hana, or resident of Hana. And to answer the 21 CCLC Grant that was listed on her application, the answer, it's a 21st Century Community Learning Centers Grant that was created in 2016. Today, it is expired. But she was the project coordinator and the multi-task person for this grant with the schools.

So, as it stands, she is unemployed and she does nothing more than her community service, which I believe she does a great job there. She's also the co-founder of Project Ho'omanu, or Ho'omana, that I believe is, you know, that keeps her really busy. And it's a full drive partnership with Hana Arts. I don't know if you had any other ones, but I think that was the questions that are asked, that was asked of me, yes.

COUNCILMEMBER PALTIN: Thank you. The other question was her expertise in water knowledge or water, the qualifica, water expertise.

MR. MOSSMAN: Sorry, I forgot. I had that under the personal side. She has no prior water knowledge whatsoever. And yea, just answered. She does not have any water knowledge.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair. I have some requests for separation at the appropriate time.

CHAIR LEE: Are there any more questions for Mr. Mossman while he's here? If not, thank you, Ipo. Thank you.

MR. MOSSMAN: You're welcome.

CHAIR LEE: Okay, are there any--

Yes, Ms. King.

COUNCILMEMBER KING: Thank you. Ipo, are you still there?

CHAIR LEE: Ipo, come back on.

MS. MOSSMAN: I'm too slow with my computer. Yes, I'm still here.

COUNCILMEMBER KING: Okay. I just wanted to ask you about the Board of Water Supply because we had several folks from Molokai ask about putting a Molokai member on the Board of Water Supply.



MR. MOSSMAN: Yes.

COUNCILMEMBER KING: And I wasn't there, so, but I'm assuming that neither of the two people that you, that are on this list are from Molokai?

MR. MOSSMAN: No. That, you're talking about the Molokai applications? Is that--

COUNCILMEMBER KING: I'm talking about the Board of Water Supply that we're looking, the two names we're looking at. Leinaala Perry--

MR. MOSSMAN: The one--

COUNCILMEMBER KING: Okay, can you--

MR. MOSSMAN: I'm sorry, the one that was mentioned today, Councilmember King, was, I think Lance Teshima *[sic]*. But I think that was for, he was looking at the BVA at the time. And the other one was Ms. Juanita Colon. That was for the water, yes. They were applications that were sent in.

COUNCILMEMBER KING: So, we still have no one from Molokai on the Board of Water Supply, yet?

MR. MOSSMAN: Yes. Your answer is yes. And as I had explained, it was part of the selection process that, that was made by the Administration and the Mayor, that they wanted East Maui, and Kula, and then, you know, yes. But to answer the question, no one from Molokai at this time.

COUNCILMEMBER KING: Okay. Do we have any more openings at this time, or--

MR. MOSSMAN: No, I'm sorry, we don't. It's all, the next opening will be, unless somebody vacates, will be on March 31, 2022.

COUNCILMEMBER KING: And then what are the, where are the, the existing folks? Cause I don't, I'm looking through the, the, doesn't have the list of, they usually give us in hard copy of who's on the Board of Water Supply. You know, what, what areas they're from, the current members.

MR. MOSSMAN: Well, you, you should have that on your boards and member that is sent out to us from, from Ms. Shelly Espeleta, has basically all the Board and Water Supply members that are currently on the Board. And, and I'm not sure, Councilmember King,

if you're asking the question about, about who are the selectees, cause I believe it's there.

COUNCILMEMBER KING: No, I, well, I can't, you know, I can't access it the way the County page comes up. I can't, I can't click on that item. I don't know why. But all I have is the resolutions and the names. But usually we get that list of who's currently on the Board of Water, the different commissions and it says where they're from.

MR. MOSSMAN: Yes.

COUNCILMEMBER KING: So, can you just tell me, you know, where the folks, the existing members are from?

MR. MOSSMAN: Sure. Start with Norman Franco, who is out of the Kahului district. And I have Nalani Kaninau, who is out of the Kihei district. And I have Joe Aquino, out of the Lahaina district. We have Dean Frampton, who is out of the Pukalani district. Johanna Amoral [sic], who is also from the Kihei-Waihee [sic] area. Antone Eaton [sic], who is from Waikapu. And Buddy James Nobriga, out of the Wailuku area, leaving two vacancies.

COUNCILMEMBER KING: And then we're adding a Kula. And where's the other proposed person from?

MR. MOSSMAN: Where, where did we end, Council King?

COUNCILMEMBER KING: The two people that you're proposing to add are from Kula and--

MR. MOSSMAN: We have Clark, there's a Clark Hashimoto, who is out of the Kula area, Kula. And then, we have Leinaala Perry, out of the East, East Maui.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Are there any--

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Mossman, for continually working to, to fill the seat with a East Maui candidate. I know we were trying to, we had previous candidates from East Maui that we wanted to, and however, they were not able to serve due to some personal issues, family issues. So, mahalo, for bringing forth the East Maui. Prior to that, you know, we've been working hard to get our East

Maui representation on the, the commission. Do you know prior to those that dropped out, when was the last time we did have a Hana representative on the Commission?

MR. MOSSMAN: I don't have that, Council Siniski *[sic]*. I do not have that information quite right on me. But I do know that one of our, one of our priorities was to get someone from the East Maui, especially with the departure of the vacancy of Shay Hodges. And we wanted to have that. And I know we had the Hana people that, that representatives that we did have, and unfortunately, they went out. And so, I don't know. I can get back to you on that. But I believe it's been some, some time. I don't have that information.

COUNCILMEMBER SINENCI: Okay. Thank you, Mr. Mossman. Thank you, Chair.

MR. MOSSMAN: And can I just make a clear point, Chair Lee, please, if you don't mind.

CHAIR LEE: Sure. Okay.

MR. MOSSMAN: I know when we talked on, at the GREAT Committee, there was a mention that there were five applications that were sent in from the Hana district. And I must say that we've never received five applications. And just wanted to make that a call to action to make sure that, that because we do keep really good records of who we have. And just wanted to make mention of that. We never did receive five applications. All the people that we have, every Hana person that had an application is now sitting on a Board. And so, that shows that we do not have applications from the Hana area. So, just to keep you abreast.

CHAIR LEE: Any more questions, Mr. Sinenci? No?

COUNCILMEMBER SINENCI: Yea. Thank you, Chair. And I, and I believe Mr. Mossman was referring to actual people from Hana. We did meet with Keanae residents and so I believe some of the residents had put in a couple of those applications. So, not necessarily from, from East Maui, Hana. But they had some recommendations from Keanae area. So, those were some of those, even though they weren't from, they were suggested by some of the, the Keanae constituents. Thank you.

MR. MOSSMAN: Just a point of clearance, please, Chair? If you did have that, in fact, because we do not have any applications from that section. And if you feel free, Councilmember Sinenci, I would love to have their names to find out if, where, what how, why. Because, again, very much so we want East, we, you know, we are really looking to make sure that we have good representation from all the districts. And so, that's one of the areas that I really pride ourselves to make sure we get people from the districts, so that we don't, that we have a better selection.

COUNCILMEMBER SINENCI: Mahalo, Mr. Mossman. We can acquire those. Thank you.

CHAIR LEE: Alright. Are there any more questions?

Yes, Member Paltin.

COUNCILMEMBER PALTIN: So, I just wanted to clarify, was that only for the Board of Water Supply, or for all the commission? The Fire Commission is, I know there's a pretty qualified applicant from South Maui and they're not represented on the Fire Commission. So, I just, was that only for the Board of Water Supply you wanted to have good representation of all the districts?

MR. MOSSMAN: No. What I was trying to get to, Councilwoman Paltin, which was that we break down a lot of the applications that we have. And we have a ongoing list, two years old and, and present. And on the list, we have broken down by districts, by alphabetized, and so we are able to literally, if we know that somebody's from East Maui and we can pick if they're from Haiku, if they're from Paia, if they're from Hana, etc. That goes for all boards, all boards, okay. And in that area, we, that's where we know that you have been dying to get somebody from the Lahaina area on your fire board. And we try our best to get those applications in from that, that sector. And that's what, that's what we mean. But we have a pretty thorough list of applicants that will break it down by districts and, you know, by I guess, of course gender, etc., so.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Anyone else have questions for Mr. Mossman?

Okay, are we now at the point where we're going to separating some of these items, Members? Okay, can you let us know which items, anybody?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I'D LIKE THE SEPARATION OF NUMBER 1 AND 2.

CHAIR LEE: One and two? Okay. Let's go down the list. Anybody else, so that we can approve the, you know, the rest?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you.

I'D LIKE TO SEPARATE THE LIQUOR CONTROL  
ADJUDICATION.

CHAIR LEE: Number 3?

COUNCILMEMBER PALTIN: Yes.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN:

AND NUMBER 8.

CHAIR LEE: And number 8.

COUNCILMEMBER PALTIN: For, for, I'm not sure for number 8, do we do it cause there's two nominees? So, can we separate both of the nominees, or how does that work? Do we have to vote for both of them, or do we--

CHAIR LEE: No, we can separate the, the nominees.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Right now, we just want to separate the department, I mean, the boards, yea.

COUNCILMEMBER PALTIN: Oh, okay, got it. Got it. Thank you. Sorry.

CHAIR LEE: Okay. So, we have four of eight that we're going to separate. Any, anyone else with a request to separate?

So, shall we, Mr. Molina, just vote on 4, 5, 6, and 7?

COUNCILMEMBER MOLINA: Yea. I have no objections to voting on the, I guess the commissions that have no request for separation.

CHAIR LEE: Okay. Any objections, Members, to voting on 4, 5, 6, and 7?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Mr. Molina, can you make a motion for, for those four and to separate. Well, at least to separate 1, 2, 3, and 8.

COUNCILMEMBER MOLINA: Okay.

MOVE TO APPROVE THE APPOINTMENT TO THE LIQUOR CONTROL, THE NOMINEE FOR THE LIQUOR CONTROL COMMISSION, NOMINEE FOR THE MAUI COUNTY CULTURAL RESOURCES COMMISSION, THE NOMINEE FOR THE MAUI PLANNING COMMISSION, AND NOMINEE TO THE POLICE COMMISSION.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Member Paltin, to approve number 4, 5, 6, and 7.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: It looks like we got all eight "ayes", zero "noes", and one "excused"; Member Kama. Motion carries.

So then, we're back to number 1.

COUNTY CLERK: Chair.

CHAIR LEE: Yes. Madam Clerk.

COUNTY CLERK: The approvals need to be, need to reference the Exhibit "B", attached to the resolution. Cause right now, Exhibit "A" is the nomination names. And then, those names need to carry over to either the Exhibit "B", which is the approval exhibit or Exhibit "C", which is the disapproval.

CHAIR LEE: Okay. Do the numbers correspond to the other Exhibit "B"?

COUNTY CLERK: Yea. Each of the resos have that setup.

CHAIR LEE: Okay. So, so Member Molina just has to add the words, "as listed in Exhibit 'B'"?

COUNTY CLERK: They, no it needs to be added to Exhibit "B".

CHAIR LEE: Oh, add.

COUNTY CLERK: As listed, as listed on Exhibit "A".

CHAIR LEE: Okay.

COUNTY CLERK: Exhibit "A" is the master proposal.

CHAIR LEE: Okay, as listed on Exhibit "A", to be added to Exhibit "B".

COUNCILMEMBER MOLINA: I guess we can do this as a friendly amendment, I guess?

CHAIR LEE: Yea.

COUNCILMEMBER MOLINA: Yea. Okay.

CHAIR LEE: Friendly amendment.

COUNCILMEMBER MOLINA:

IF EVERYBODY HAS NO OBJECTIONS, FRIENDLY  
AMENDMENT.

CHAIR LEE: Friendly amendment. The seconder, are you supportive of that? Yea. Okay.

So, Madam Clerk, can you do that? Okay. Do you need anything else? You need anything else?

COUNTY CLERK: You just need to duplicate that for all. We'll need to--

CHAIR LEE: Oh. Use that wording for all the rest?

COUNTY CLERK: Yea. Yea.

CHAIR LEE: Okay. Alright. Alright. So, who's going to do number 1?

Mem, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: You separated number 1 and 2.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I did. Mahalo, Chair. I move to a, adopt the resolution? Or are we doing amendments to the main?

SO, TO, TO MOVE FROM EXHIBIT "A", THE NAME OF THE APPOINTMENT OF THE MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI, TO EXHIBIT "C".

CHAIR LEE: Okay. You want to explain that?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. Okay. So, the Exhibit "A". So, moving it from the master list to Exhibit "C", which is the disapproval list, res, yea, disapproval list.

CHAIR LEE: Okay. And can you say the name of the person, just to be clear?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Sure. Mr. Gene Ross Davis.

CHAIR LEE: Alright. Is there a second?

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina, to move number 1 from Exhibit "A" to Exhibit "C".

COUNTY CLERK: Excuse me, Chair.

CHAIR LEE: And I didn't catch the name of that person.



Yes? Yes?

COUNTY CLERK: Exhibit "A" would stay the same, because these are nominated members that will just stay on the master list. But the name would be either entered into the approval exhibit or the disapproval exhibit. Just to clear that up.

CHAIR LEE: Okay. So, the, so, what exactly do you want her to say?

VICE-CHAIR RAWLINS-FERNANDEZ: I know what she wants me to say. So, I'm not, I'm not moving it. I'm just adding it. So, I'm going to add the name to Exhibit "C".

COUNTY CLERK: Right.

CHAIR LEE: Alright. And do you want, do you want the, those who have separated these items to mention the names of the people?

COUNTY CLERK: Yes. The names need to be clear.

CHAIR LEE: On the record, okay.

Can you mention the name again, please, Vice-Chair? Who's going from "A" to "C".

VICE-CHAIR RAWLINS-FERNANDEZ: Sure, Chair.

OKAY, I MOVE TO ADD THE NAME GENE ROSS DAVIS TO  
EXHIBIT "C", THE DISAPPROVAL LIST.

CHAIR LEE: Okay. Did we have a second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. Seconded by Member Paltin.

And discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, Mr. Davis joined us on Tuesday for the special GREAT Committee meeting. And at that meeting, I asked Mr. Davis if he would support a born and raised Molokai Keiki O ka Aina who has over 13 years of engineering experience and is of the younger generation? And I really want to thank

him for, you know, supporting that. For uplifting our opi'o that go away, and get an education, and get the relevant experience, and then want to come home and serve. So, I, you know, I'm so appreciative of his support. When I asked him, he said, you know, he didn't see why not. And, and I thought that was so awesome. So, for that reason, I hope the Mayor will nominate Ross Takashima to the Board of Variances and Appeals to represent Molokai on that board. And again, thank you, Mr. Davis. Mahalo, Chair.

CHAIR LEE: Ah, yea. Vice-Chair, when Mr. Davis said he would, you know, support someone like that, did he mean he, to, for him to step down as a nominee? Is that what he meant?

VICE-CHAIR RAWLINS-FERNANDEZ: It wasn't clear. I just asked him if he would support him. I think that that was implied. There's only one seat available right now.

CHAIR LEE: Mhm. Somehow, I didn't get that one, but that's fine. That's fine. Okay, any more questions, everybody?

Alright, there's a motion on the floor to move Mr. Davis's name to the disapproval Exhibit "C". All those in favor of the, oh, is there any more discussion on this? All those in favor--

Oh, alright, more discussion. We have Ms. King.

COUNCILMEMBER SUGIMURA: No, I just wanted to say that I'm going to vote--

CHAIR LEE: Ms. Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Oh, thank you. I'm going to vote against the motion. I listened to his, his interview and answer questions, and he seemed like a really strong community person with great credentials. So, I hope that Keani's nominee can be put on a later date, I guess. But I'm going to be supporting Gene Ross Davis from Molokai to be on the Board of Variances and Appeals. Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER SUGIMURA: So, I'm going to vote against the motion.

COUNCILMEMBER KING: I just had a question for Vice-Chair Rawlins-Fernandez. What, so, Mr. Davis, do you know how long he's been there?

VICE-CHAIR RAWLINS-FERNANDEZ: No. He's a nominee.

COUNCILMEMBER KING: Right. How long has . . . Molokai?

VICE-CHAIR RAWLINS-FERNANDEZ: . . . Molokai?

COUNCILMEMBER KING: Because you wanted him to support someone who's born and raised, so I'm assuming he wasn't. So, do you know how long he's been on Molokai?

VICE-CHAIR RAWLINS-FERNANDEZ: No, he is. He's born and raised Molokai.

COUNCILMEMBER KING: Oh. Okay. Oh, I didn't understand your, your question. Because I wasn't there, so, but you said you made, you asked the question would he support Keiki O ka Aina having this seat. But you're saying he is, he is from Molokai--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm saying someone who has the qualifications.

COUNCILMEMBER KING: Oh, okay. So, it wasn't, it wasn't--

VICE-CHAIR RAWLINS-FERNANDEZ: He has over 13 years, he has over 13 years of engineering experience. And he has a degree in engineering. So, he is much better suited for this board because of his background, and education, and experience. And because, you know, he's of the younger generation who has moved back home and that wants to, you know, contribute to the community. And I think, you know, giving our next generation these opportunities are very important. And he's very excited to serve.

COUNCILMEMBER KING: Okay. So, he has applied? Oh, okay. Alright. Thank you.

CHAIR LEE: Do you know if the Mayor will nominate him?

VICE-CHAIR RAWLINS-FERNANDEZ: He should.

CHAIR LEE: Anymore questions, anybody?

COUNCILMEMBER JOHNSON: Good answer.

CHAIR LEE: Huh? Any more questions? Ready to vote? All those in favor of the motion, raise your hand and say "aye".

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

CHAIR LEE: Okay. We have one, two, three, four, five, six "ayes".

Those against?

NOES: COUNCILMEMBER SUGIMURA AND CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Would be two. And then, one "excused". So, motion carries.

I have nothing against this person. I just want you to know, I just, I thought the other guy was okay, you know? Alright. Next. And I don't even know the other guy, by the way. So, that takes care of us having a vacancy on number 1.

Number 2. Vice-Chair. Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADD THE NAMES OF CLARK HASHIMOTO AND  
LEINAALA PERRY TO EXHIBIT "C" DISAPPROVAL LIST.

CHAIR LEE: Okay. You want to take this separately?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. Oh, I don't know. Up to, up to the Members. Up to the Members.

CHAIR LEE: Well, Member, well, let's ask Mr. Molina, since he's the Chair of the Committee.

COUNCILMEMBER MOLINA: I guess I'm the go-to guy on this. You know, I'm, it's either way. You can go separate and, you know, you have the representative or nominee who comes from East Maui, so I don't know how Mr. Sinenci may feel, if you'd like to just group the two of them or just do it separately. So, I'm fine either way, Madam Chair.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: But I, I think--

CHAIR LEE: Vice-Chair.

COUNCILMEMBER MOLINA: --just to be cleaner, maybe better to go separate.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: But that's just my opinion.

CHAIR LEE: Okay. Vice-Chair. I think you're frozen. Oh, you're not frozen? Okay. You were just looking down for a long time. Okay.

Oh, Member Sinenci.

COUNCILMEMBER SINENCI: Yea, thank you. I would support separate. We only have one additional name, not two. So--

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI: So, I'm looking to support for East Maui candidate.

CHAIR LEE: Okay.

Member Sugimura.

COUNCILMEMBER SUGIMURA: And Clark Hashimoto is Upcountry-Kula, and I would like to support him. So, if you want to take it up separately.

CHAIR LEE: Separately?

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Okay. Let's separate it. Let's separate it. Vice-Chair Rawlins-Fernandez, can you separate them?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

CHAIR LEE: Please.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: One at a time.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE, I MOVE TO ADD THE NAME CLARK HASHIMOTO TO  
THE EXHIBIT "C" LIST OF DISAPPROVALS.

CHAIR LEE: Okay. Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Seconded by, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to move Clark Hashimoto to Exhibit "C" disapproval.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, at the February 2 meeting of the GREAT Committee, we received two names: one from Hana who withdrew, and the other from Wailuku, Ms. Christy Kajiwarra-Gusman. And during our interview with Ms. Kajiwarra-Gusman, she withdrew her name for someone who would be a qualified Molokai nominee.

I'm going to take a couple steps back. Alright. Okay, at the February 2 GREAT Committee meeting, we received testimony from former Board of Water Supply Chair Shay Chan-Hodges, who testified to the fact that when she got on, there was only one other woman at the time, and there wasn't a lot of geographic diversity. And during her five-year term, there were no representatives from Molokai. And in her testimony, she stated, "we decide what the . . . our experiences are in our communities affect what goes on the agenda". She also said, "and just to give an indication, we've never had a member from Molokai or Lanai on the Water Board, and we do not discuss issues on Molokai or Lanai because nobody brings them up". She went on to say, "so, when they are, since their term ended, there will be three members from Central Maui, two members from Kihei, one from Upcountry, and one from Lahaina. There will be nobody again from Molokai and Lanai, and nobody from East Maui, including, and nobody from Makawao, and nobody from Haiku, and nobody from Huelo". She also stated that, "it's the board who decides contested case hearings. So, when someone has an issue, it's the people who are on the board that will, that make, that will make the decision about whether or not to overrule the director's decision on that."

So, after hearing this and learning that there hasn't been anyone on the Board of Water Supply for over 10 years, and I looked through all the meeting minutes from 2008, myself, I looked at all of them to see who it was that was on the Board to make sure that this information was accurate. The last time someone from Molokai represented our island on the Board of Water Supply was March of 2011, and that was Ms. Kui Lester.

This year, the County has started the, the contract with Townscape to update our Water Use and Development Plan for Molokai. Last year, the County requested an increase of reservation at the Ualapue Well with CWRM. And again, when we took up the nominees, I asked the nominee, Ms. Kajiwara-Gusman, if she would allow for a qualified person from Molokai to be on the Board. And, and she was so gracious that she, she said she would support someone. And so, it was for that reason that Pro Tem Kama also voted along with us, cause it was something that the nominee at the time recognized that was important.

So, not only does the, the nominee that applied with the Mayor from Molokai is a female from Molokai, but she's also highly qualified. When we make decisions on who we put on boards and commissions, we like to put the most qualified nominee on. And we like to ensure that there's diversity, gender diversity, there's geographic diversity, and diversity in background. There are four Councilmember districts that are not represented: Member Sinenci, Member Molina, myself, and Member Johnson.

CHAIR LEE: Wait, wait, wait. Vice-Chair. Vice-Chair. But Shay Chan-Hodges is from East Maui, I mean from Paia-Haiku, right? No?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, her term expired.

CHAIR LEE: Yea, but she was there for five years and her term just expired.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, but--

CHAIR LEE: So, there was representation for five years for that area, yea?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. But on the Board now, no more.

CHAIR LEE: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: But there's only like two spots, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, right. Okay. I almost pau. I almost pau. Okay. So, Member Sugimura has a representation for her district. One of the members on the Board of Water Supply is a resident of Pukalani.

And lastly, Ms. Colon, she sits on the Hawaii Rural Water Association. So, this is, this is the kicker. She has experience on, for Lanai water systems and issues, for Hana water systems and issues. So, she brings with her not only experience of Molokai systems and issues, but also the other sister rural districts. So, what a package, right?

And I, and I asked the nominee if he knew anything about the Molokai systems and Molokai water issues. And he's, he said he didn't, not about the County water issues. So, for that reason, I will be supporting my motion. Mahalo, Chair.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, for the opportunity. Mahalo, Member Rawlins-Fernandez. I'll be speaking in support of the motion. I know Mr. Hashimoto does represent the Kula. However, he has already served on the Water Board in previous terms. He served five years previously. And the Council did agree to, to including fewer people to these boards and commissions. And so, that's, we've been working hard to keep an East Maui representative on this commission.

And even though Ms. Leinaala Perry might not have the same type as Ms. Colon does, what she does have is she has a generational knowledge. So, for any of the candidates and the present commissioners that are on there, when you talk about Waikamoi, when you talk about wai, Haipua'ena, when you talk about Puohokamoa, when you talk about Nuaailua, when you talk about Waikani, when you talk about Makapipi, when you talk about . . . these are, Ms. Perry knows every and, and then some. So, she comes with generational knowledge.

And in the past, we've seen these boards and commissions don't take that, that scientific generational knowledge passed down from our kupuna. And I think we should realize that that in itself is the experience that we want to see of all these resources, including the different moku's, including the different ahupua'a's. That's what Ms. Perry comes with. She might not have those type of scientific experience, but she has lineal, and you've heard a lot of lineal descendants speak this morning about the Hana moku. Why? Because they know every, they've, they've been raised, born and raised here. So, they know each, each punawai, where all of our resources are. They know where the, the muliwai, where the freshwater meets the oceans and all of those fisheries. So, this is the kind of experience that we want to bring to the commission.



CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, the motion on the floor is we separated the two, correct? I just want clarification, Chair.

CHAIR LEE: Yea, we're separating Clark and Ms. Perry.

COUNCILMEMBER SUGIMURA: Okay. So, Shane spoke on Leinaala from Hana. And I want to just say that I want to speak in favor of, or I guess against the motion, if you want to move him to Exhibit "C" which is disapproval, for Clark Hashimoto. He comes with experience, as he said, he's generations of ag in Upcountry and understands the perils that we've gone through with water and our water meter list, as everybody hears about and hears about and hears about. But he understands and has a lot of knowledge about water and about the needs of it and what we go through in the Upcountry area. And I, I, I'm grateful that he's coming with experience. Somehow, we're looking at him as because he's served, that's working against him. I, I don't think that's correct. That I believe that because of our experiences in life, each one of you have the same, that we come to the table with different opinions and different perspectives of solving problems in the community.

And I think that his family, the Hashimoto Family has lived a life in Upcountry and can share the perils of what happens with this Upcountry water meter list, which is a big discussion. And all the related things that, you know, that water does, you know, water is life and essence. So, you talk about farming, you're going to talk about wastewater. I mean, everything has a tie to water. And I think that Mr. Hashimoto has walked the talk, lived it, you know, and can bring a lot of his knowledge and experience to the table. So, I'm going to speak against the motion as it relates to Mr. Hashimoto.

Leinaala Perry. I'm glad, Shane, that you spoke about her. I know her from all the things that she does and face, with Facebook for the community, as feeding the, the people of Hana. You know, during this pandemic, I saw the food drives that they did, as well as, I think she's one of the founders of the youth drug program that they have in Hana. I think she's done a lot. And I think I also worked with her with Aloha Festival in the days that I did it with the community, and Hana community was included. So, yea, she's a great person and I, I would recommend her to be on the Board of Water Supply. Thank you.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, are we just dealing, currently right now, with Mr. Hashimoto, or are we dealing with Ms. Perry? I thought we said separated.

CHAIR LEE: Yea, we did separate it, yea.

COUNCILMEMBER MOLINA: Yea, so it wouldn't be appropriate to talk about Ms. Perry right now.

CHAIR LEE: It's, it's Mr. Hashimoto.

COUNCILMEMBER MOLINA: Hashimoto.

CHAIR LEE: Yea. We're going to--

COUNCILMEMBER MOLINA: Okay. That, that's what I thought. Well, anyway, I'd like to throw my comments in. You know, it's with reluctance I cannot support the motion on the floor, because I like Mr. Hashimoto. He brings a wealth of experience.

But, at the same time, I totally support the concerns my colleague from Molokai has. I believe she brought this request up from the previous term to the Administration. And again, it's fallen on deaf ears. So, I don't know what the outcome will be of Mr. Hashimoto's vote. If he moves forward, so be it. If he doesn't, then the Administration will have to come back to us.

And I'm not going to support any new nominee, if Mr. Hashimoto doesn't make it, that's not from Molokai. I mean, I'm not sure why the Mayor intends to silence, keep the voices of Molokai silent on this very important board. As a matter of fact, I've consulted with my analyst and I'm considering taking it to the GREAT Committee to amend the Code to allow for all island representation on, on this board like we do for some of our other commissions; Police Commission, Liquor Commission, BVA, and so forth. So, maybe it's high time we amend the Code, so this way we don't have to go through this again. Cause I can understand where the, where my colleague from Molokai and people of Molokai are feeling this sense of frustration. It's like their voices are not being heard. And, you know, I hope it's not a political thing. I mean, we're all one County.

And, you know, water is a resource that's important to all of us. And with the Water Use and Development Plan, I think we need to have input from all; Molokai, Lanai, Maui nui, and so forth. So, while I will not support the motion, I will certainly state that if Mr. Hashimoto's nomination does not pass today and the Administration submits somebody else, I would hope that it's from Molokai cause I'm going to have a hard time supporting another nominee if it's, that persons not from Molokai. And in the meantime, I'd like to work with any members, my colleague from Molokai, look at amending this Code to include representation from Molokai on this Board. Thank you, Madam Chair.

CHAIR LEE: Thank you. Anyone else want to discuss this?

Okay, so, yes, Ms. Vice, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I've already started working on amending the Code, because it's, it's, this is BS. I'm not speaking against Mr. Hashimoto. I just want to make that clear. It's not about being against him. If we don't approve one of these seats for Molokai, Molokai is going to have to wait another year before there's an opportunity for Molokai to have a voice. And that's shameful. It's been over 10 years. And while not everyone on this Council or in previous Councils and I'm not blaming you folks, but right now we are in the position to make it right. This is about fairness and equity.

And if Mr. Hashimoto wants to come back next year, he can come back next year, and I would be happy to approve him. This, this isn't speaking about, you know, his, his lack of experience, because he, he does have experience. And I'm very grateful that he's willing to continue to serve the, the community. So, this isn't about being against Mr. Hashimoto.

This is about fairness. It's been over 10 years. And so, now we're going to say, Molokai wait one more year. You know that Molokai already feels like the stepchild of this County. And, and we're going to continue to make our Molokai residents feel that way. I got a lot of calls like they're, they mind blown that that this County has allowed this injustice to go on. Our WUDP has started and we need representation on that board.

The Upcountry water meter list has been an issue for a long time. Waiting one more year to put someone from Kula to address the Upcountry water meter lists, I mean, ask anyone that's on the Board currently, do they not know about the Upcountry water meter list? I guarantee they all know. Who doesn't know? Who doesn't know about the Upcountry water meter list on this Council? Raise your hand. We all know about it, because when we, when we campaign, we're asked about it.

How many of you know Molokai water issues? Exactly. And that's what it's like on the Board of Water Supply. How many of them know Molokai water issues? That's not fair. That's not fair to Molokai.

CHAIR LEE: Anything else?

VICE-CHAIR RAWLINS-FERNANDEZ: Please, Members. Please do this for Molokai. Mahalo, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. You know, I heard the people who testified. And I know about not being represented, you know, we've had many times when South Maui has not been represented on boards and commissions. So, I'm going to support the motion. I think we have an opportunity. And I agree with, I think everybody knows, we're not, this is not a motion against anybody, Mr. Hashimoto especially. It's a motion for equity in these positions on the Board of Water Supply. Water is one of our biggest community issues. So, you know, let's not wait. We have an opportunity to do something about this now to send that message, you know, to the Mayor. Let's get somebody from Molokai on this Board. Thank you.

CHAIR LEE: Anybody else? Personally, I'm inclined to continue to support Mr. Hashimoto, because I believe we shouldn't wait until somebody's nominated to make a push for district representation. I mean, that's, that's quite embarrassing for somebody to volunteer to do something and then be disapproved, not because you're not qualified; because you're from the wrong district. So, and I don't like pitting one district against the other.

But, the, the problem with this, what we're doing here is even if we deny Mr. Hashimoto, we still are not guaranteeing somebody will be nominated from Molokai. So, what I'm saying is these conversations have to take place first with the Mayor, you know. And that, and so that he does nominate somebody from, from Molokai, rather than waiting till somebody that, you know, who has, who is well known and respected is nominated and we have to deny him. So, that's' my dilemma right now.

You know, I, I feel for you, Vice-Chair. And, and I wish, I wish we had a nominee from Molokai that was nominated by the Mayor. And then, you know, we wouldn't have this problem. But instead, we have a, somebody who's highly regarded in the community that we're being right now asked to turn down, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Point of clarification, Chair.

CHAIR LEE: Yes. So, as you stated, in February, when Ms. Christy Kajiwarra-Gusman came before us, and she was willing to allow someone from Molokai to be filled in that seat. And we did put Ms. Juanita Colon's name, there's politics involved, Chair, you know that. And it, Mr. Mossman admitted to having . . . application. And he said that Molokai just wasn't prioritized, wasn't prioritized. That's what it was. It wasn't because there was an application. It was because he didn't care about Molokai.

CHAIR LEE: So, are you saying that when Ms. Christy Kajiwarra withdrew her name, that Ms. Colon applied for this position with the Water Board.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Yes. Immediately.

CHAIR LEE: Immediately?

VICE-CHAIR RAWLINS-FERNANDEZ: Immediately. And Mr. Mossman confirmed that. Same day. The day she stepped down; we submitted the application. I'm, I, I made good on my word. I got the application in right away. And, you know, I thought Mr. Mossman and I were working really well together. And I, and I thought he was going to advocate for making sure that Molokai got a voice. I mean, Ms. Kajiwaragusman was happy to allow someone from Molokai, because she learned that day, along with the rest of us, that Molokai hasn't had anyone on the board for years. And, and after my research, it, it was longer that, it's been a decade. So, you know, like this, this injustice has gone on for a, over a decade. And here we are now, and we can make it right. And let's make it right.

CHAIR LEE: Ms. King, you had your hand up?

COUNCILMEMBER KING: Yea, I just wanted to say, Chair, that, you know, I agree with Member Rawlins-Fernandez. So, this isn't going, these are not new, you know, hopes and desires. We say this almost every time we get boards and commissions that aren't balanced. We talk about how they need balance.

This happened with, even with the Police Commissioner that we approved. We had two, those two, those two nominees; one by one of our own Members, and one by, and well, both of them by two of our Members. And we, we even said, you know, they're both qualified. We picked one and we said we hope the next one, the, that the next opening goes to the other person who was extremely well qualified, you know, and it didn't happen.

So, this has been a long conversation. And it's been happening since I was first on the Council and asking about why, you know, we don't get more input into who's chosen. We never had a Mayor who's been willing to give us that input or even show us who's applied. So, so, I don't think this is a new conversation. And I think it's very easy every time to say, oh, we have a very good qualified person, so let's not upset the apple cart. But unless we take a stand, we're never going to get that, you know, collaboration that we're looking for in these boards and commissions.

And we've got a lot of people in the community who have never served, who have been applying time and again, and I've seen their applications, especially for the Planning Commission. I'd like to see them at least starting to get considered. But we do a lot of, we do a lot of rotating people from one board of commission to another. And, you

know, they're good and it's really nice that they want to serve. But there's a lot of people out there who never had a chance.

And, you know, I don't like this idea that it's who you know, or who, you know, people know your family or what you've done in the community. It should be really about qualifications. That's the point we've been trying to make, I think as a Council, is that let's, let's have more balance, let's have more qualified people. And, you know, we have, we can, we can give, we've given the names. We just haven't ever had them approved. So, I don't see it as a thing that comes up just because we want something we think about at the time. We've been having this discussion, or I have, for years.

So, I, I agree with, you know, our Vice-Chair that we, we, unless we take this stand at some point, it's going to continue. You know, and the next time the opening comes up, there will be a very good person from not Molokai that's appointed and we're going to say, well, you know, this person is really good, and we like this person, and we know this person. And we're not going to, unless we take a stand at some point, which I think is now, we're not going to get that balance that we're looking for. So--

CHAIR LEE: You know, I'm inclined to agree with you in this instance. But I'm, I'm not going to make this a pattern, for myself anyway, because we clearly don't have that authority. And people should understand, we don't have the authority to nominate. Our job is to confirm. And--

COUNCILMEMBER KING: That's right. But we don't--

CHAIR LEE: So the, so the Mayor is doing what he's supposed to do, maybe not in a good way. But he's doing, taking care of his responsibility. We're taking care of ours. I don't mind taking a stand today with the idea that we're going to have a conversation with the Mayor and, and try to convince him in a collaborative way that we need to have better representation across the board.

So, you know, but it just kills me that I'm voting against somebody who's just sort of caught up in this political, you know, puzzle. And, that's the part that bothers me a lot.

COUNCILMEMBER KING: Yea, . . . I think a lot of nominees are good. So, you know, it's not voting, I don't see it as voting against somebody. I think I see it as voting for a more, you know, a more broad stakeholder participation. That's my position.

I, I don't know Mr. Hashimoto. I'm sure he's a fine person. And, you know, I don't think and I, and I've done this before where I voted, you know, for somebody else to come . . . You know, maybe it's a gender thing, maybe it's a demographic, or maybe it's a geographic, but we just need better, more rounded representation. So--

CHAIR LEE: Yea. Well, you know, the people could say the same for us Councilmembers. We need to be qualified as well.

COUNCILMEMBER KING: But they voted us in.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Okay. So, I just want to say that, listening to this conversation, I'm going to stick by Clark Hashimoto, he's Upcountry and with his experience.

And I, I was in charge of this committee, this Policy Committee my first term. And I will say that the same discussion came up with the same questions. And there's a Member of the Council who took care of it on the other side. And maybe Mr. Molina maybe can enlighten us as to what happens. Because I think he got asked these questions by us when he was, he was working on the ninth floor. And he was doing a great job presenting and doing what we see Ipo doing, you know. And it's a hard job, I thought. And Mr. Molina answered the questions and did what he had to do. I don't know, maybe, Mike, you can enlighten us on what it's like on the ninth-floor side.

But I hear what Chair is saying and Keani is saying, you know, with the frustration from the district. And Kelly was one of those that always asked the question, who else, who else, you know, applied? And it was kind of consistent. And, but yet, I have to say that I hear what, you know, what is being said.

I do support Clark Hashimoto and his experience. And I will continue to, to represent the people of Upcountry. And I think he represents our district well. Thank you for letting me speak.

CHAIR LEE: Alright. Anybody else? I think everybody said everything.

Oh, okay. Mr. Sinenci. Mr. Sinenci. We were talking about Mr. Hashimoto now.

COUNCILMEMBER SINENCI: Yea, thank you. And, you know, I'm going to support the motion on the floor, not because of Mr. Hashimoto's qualifications. I just would, but I would consider him for next year's appointment so that, so that hopefully he can give some of the, the newer people that haven't been on the Board a chance.

Also, with the Department of Agriculture coming up next July, or next year, I mean, he'd be great, having him serve on the State Board of Agriculture as well as the Water Board would be instrumental in helping us develop that department when that comes up next year. Thank you.

CHAIR LEE: Okay. Anybody else?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to remind Members that Molokai residents are your constituents too. And Ms. Shay Chan-Hodges said that we do not discuss Molokai and Lanai issues because nobody brings it up. I just want that to really sink in. No one on the Water Board brings up Molokai issues because no one from Molokai is on. Molokai residents are your constituents, all of your constituents too, not just mine. Mahalo, Chair.

CHAIR LEE: And I will repeat what I just said for the public to know, we don't nominate boards and commission people. We confirm them. We don't nominate them. So, by not, by disapproving Clark Hashimoto today, doesn't mean we automatically get that other person from Molokai. We have to work on that, yea. Okay.

All those in favor of the motion to move Mr. Clark Hashimoto from, to Exhibit "C" for disapproval, raise your hand and say "aye".

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

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

And "noes"?

NOES: COUNCILMEMBERS MOLINA AND SUGIMURA.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: And two "noes". Two "noes", Ms.--

COUNCILMEMBER SUGIMURA: Three "noes", right?

CHAIR LEE: No, no.

COUNCILMEMBER SUGIMURA: Oh, what did, how did you vote? I'm sorry, how did you--

CHAIR LEE: I voted "aye". I voted "aye". I voted "aye", with reservations and reluctance. I voted "aye". Okay, so the two "noes" are Mr. Molina and Ms. Sugimura. And Member



Kama is absent. I mean, not absent, but "excused". Okay. So, we got our work cut out working with the Mayor.

Now we have, okay, what about Ms. Perry? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADD MS. LEINAALA PERRY TO EXHIBIT "B",  
APPROVAL LIST.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. It's moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to move Leinaala Perry to the Exhibit "B", which is the approval list.

Discussion? Vice-Chair Rawlins-Fernandez, then Mr. Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make it quick. Member Sinenci's advocacy of all of our constituent that resides in Hana was very compelling. I recognize Ike Kupuna, Ike Hawaii as legitimate science. And I, I think her contribution to the Board in that way will be an asset.

And to the point of trying to work with the Administration to get those residents in our districts, in our residency districts, to be nominated, I will be advocating with the Charter Commission to strike that process from the Charter. It's terrible. The nomination and confirmation process doesn't work. It's broken. It may have intended to work for a certain amount of time, but it's obviously not working. And so, I will be advocating with the Charter Commission to amend that process, and to allow for the Council to appoint its own representation and not allow Mayors to behave like, as if they were kings, because they are not. And so, therefore, I support my motion. Mahalo, Chair.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Like Molokai, East Maui has found ourself in this situation as well. We've worked hard to get an East Maui representation on the Board of Water Supply. We've been dealing with over 120 years of, of water injustice. At the State level, our Na Moku Aupuni O Koolau has been in litigation for over 15 years, almost 20 years, just to see if we could get 10 streams of East Maui

connected from mauka to makai so we can have stream life go up and down and spawn into the ocean. So, we talk about the water justice. That's the kind of representation that we want on this board of, for the commission. Thank you, Chair.

CHAIR LEE: Anyone else? Okay, all those in favor of the motion to move Leinaala Perry from "A" to, well not "A", to move to the "B" Exhibit for approval, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Oh, it looks like eight "ayes", so, zero "noes", and one "excused"; motion carries.

So, we are now on number 3, I believe. And that is, was that Ms. Paltin? Who was that? Ms. Paltin?

COUNCILMEMBER PALTIN: Oh. I just, I'm not sure if somebody else makes the motion, but I can't support an approval for the Liquor Control Adjudication when he's so clearly qualified and first choice for the Fire and Public Safety Commission. So, I know that I probably won't be on the winning side of the vote. But in principle, I'm not going to vote for approval. So, if somebody else wants to make the motion, I'm, I'm going to vote against approval because he belongs on the Fire and Public Safety Commission. It was his first choice. He, there's nobody on there with that kind of knowledge. And you know, there's--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

COUNCILMEMBER PALTIN: --things that you need to know. So, I mean--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Paltin, so you would move the name to Exhibit "C", the disapproval list. And then--

COUNCILMEMBER PALTIN: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And then speak to the motion.

CHAIR LEE: Well. Well, okay. But on the other hand, you know, let's not waste time. You, you know, I doubt too many people agree with you because--

COUNCILMEMBER PALTIN: Yea. So, I just don't want to vote for approval. But if you guys want to make a motion to approve him, I'm just not going to support it.

CHAIR LEE: Okay. Alright.

Member Molina.

COUNCILMEMBER MOLINA: I guess it falls to me now. Alright. Alright.

MOVE TO PLACE THE NAME OF SHANE DUDOIT ON EXHIBIT  
"B" FOR APPROVAL TO THE LIQUOR ADJUDICATION  
BOARD.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second. Moved by Mr. Molina, seconded by Ms. Sugimura, to move Mr. Dudoit's name to the Exhibit "B", approval list.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: No, no more additional discussion other than the fact that I appreciate Mr. Dudoit willing to still volunteer his time even though, as Member Paltin says, he has a background in firefighting. But I think he can do a good job on this board, because as I mentioned, they do dole out penalties for those who violate liquor laws. And he's very involved with our youth and I'm sure is against underage drinking and all of that. So, I still think he can do a very, provide a very valuable service to our community on this board. Thank you.

CHAIR LEE: Ms. Sugimura, any discussion?

COUNCILMEMBER SUGIMURA: No. I have, you know, he, we interviewed him. And, you know, I think it's kind of interesting. And he was a firefighter and now that they're going

to be approving the new Fire Chief, you know, in some discussions in the past, our group said, oh you cannot have any kind of relationships, right? And, but anyway, this is not for the fire, Fire Safety, but for the commission that he applied for. I support him and his, you know, what he's done in the community speaks volumes to me. So, I support him for this. Thank you.

CHAIR LEE: Okay.

Member Paltin.

COUNCILMEMBER PALTIN: Yea, so I guess now is the time. And I, I, you know, I think he will do a good job as a Liquor Control Adjudication. And it's not anything against him. I'm voting this way, it's a matter of principle and to support his first choice for Fire and Public Safety Commission, because I think that they need at least one person that knows the terminology, that knows the situations. There's nobody on there that works in the emergency medical response field as a first responder. And, you know, when we asks, ask, when I ask questions to the nominees for that commission, it was like deer in the headlights, you know. And so, I gotta, I gotta go with my, you know, the way it is. And it's, it's, I hope that Mr. Dudoit takes it as support of his first choice. But I can't, can't support this motion.

CHAIR LEE: Okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I know, so I think this is another example of, you know, why a Charter amendment to allow Council to, you know, just appoint our own people to boards and commissions. Because I completely support and agree with what Member Paltin is saying that, you know, the Fire and Public Safety was Mr. Dudoit's first choice. And I think he would have been an, an, a great asset to the fire board, or Fire Commission, sorry.

And I wanted to clarify for the record, that this Council didn't say any relationship. Conflict of interest is financial. And so, he, he no longer is employed by the department. So, there isn't a financial relationship anymore. It's not just any relationship. It's, it's a financial one. So, if there's financial benefit. So, I just wanted to clarify that, it's not any relationship.

So, with reluctance, you know, I'll, I'll support him for the Liquor Adjudication Board because he's, he's willing to. And I thank him for his willingness. And I think he'll be a great contribution to the Board. But I wish I could support him for the Fire Commission as well. So, I'll be voting in favor of the motion. Mahalo, Chair.

CHAIR LEE: Anyone else? If not, all those in--

Oh, Mr. Sinenci, are you voting? Or you have a question?

COUNCILMEMBER SINENCI: No, I, I speak in support, Chair. Thank you.

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

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

CHAIR LEE: One, two, seven "ayes".

All those opposed, raise your hand.

NOES: COUNCILMEMBER PALTIN.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: And one opposed; Member Paltin. So, seven "ayes", one "no", one "excused"; motion carries.

So, that brings us to number 8. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADD MR. GREG PEROS TO EXHIBIT "C",  
DISAPPROVAL.

And if I get a second, I'll--

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND, FOR DISCUSSION.

CHAIR LEE: Okay. Member Paltin moves to move Greg Peros to Exhibit "C", disapproval.  
Seconded by Vice-Chair Rawlins-Fernandez.

Member Paltin. Discussion?

COUNCILMEMBER PALTIN: Yes. And, you know, we've been, we've been speaking to diversity on boards. And we were given two males from the Central area that work in the resort industry. And I'm not opposed to males from the Central area that work in the resort industry at all. But two at the same time when South and West Maui aren't represented? And, you know, we, we thought of somebody, also. I mean, Mr. Dudoit would've been great. We thought of somebody from South Maui who would've been great. And we reached out to him and found out that he actually has an application in there, and he sent us his application. Mr. Gordon Gillis, I think. And he has worked with, you know, the Red Cross, MEMA, and, and things like that. And so, you know, this is, like, we're picking the next Fire Chief.

And, and I, I'm going to support the other nominee because I do see the value of having someone from the resort industry that can, you know, get the message out to our tourists. But two that both live in Central Maui, when South Maui isn't represented, when West Maui isn't represented. You know, we, we, none of us are the same. None of us live in the same area and I think that the Council is better for it, you know. We're all our own people, with our own backgrounds, our own previous lives. And this is a huge important decision of the next Fire Chief. And we need somebody with some sort of public safety experience--

And so, it's nothing against Mr. Peros, I'm sure he's a wonderful guy. I think that, you know, it's great to want to serve the public. And what, the answers that he gave to my question didn't give me the confidence that somebody from the Fire Department could just go in there and give him like a snow job. You know, like, just say things that they want him to hear, want, want to hear, and accept it. Like, you gotta have some level of discernment. So, that's my motion.

CHAIR LEE: Alright. Any more discussion?

I, I understand what you're saying, Member Paltin. But I do recall that one of the visitor employees works in West Maui. And when you work like eight, nine hours a day, you know, that's, you should know that area. I don't, I forget where Peros works, but it must be in one of the resort areas.

COUNCILMEMBER PALTIN: Maui Beach Hotel.

CHAIR LEE: Oh, Maui Beach? Okay.

Alright, all those in favor of the motion to move Mr. Greg Peros to Exhibit "C", raise your hand and say "aye".

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

CHAIR LEE: One, two, three, four, five. Okay, so we have five "ayes".

And those "no", raise your hand and say "no".

NOES: COUNCILMEMBERS MOLINA, SUGIMURA, AND  
CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: One, two, three "noes". So, motion carries; five "ayes", three "noes", and one  
"excused". Okay. So, that takes care--

Yes, Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADD MR. DYLAN ANDRION TO THE EXHIBIT "B".

And if I get a second, I'll explain my reason.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: I don't think we can do that? Huh? We can't nominate people yet.

VICE-CHAIR RAWLINS-FERNANDEZ: No, no, it's not nominating. It's the approval.

COUNCILMEMBER MOLINA: No, yeah to approve.

CHAIR LEE: Oh, approval? Oh, I see.

COUNCILMEMBER KING: The second one.

COUNCILMEMBER MOLINA: Separation, yea.

CHAIR LEE: Oh, I see. That's, oh, okay. So, moved by Member Paltin, seconded by Member  
King. Was it you that raised your hand, Member King?

COUNCILMEMBER KING: Yea.

CHAIR LEE: Okay, seconded by Member King, to move Mr. Andrion to Exhibit "B".

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And like you said, Mr. Andrion works in West Maui. He had opportunity that he shared with us to assist after the 2018 fires. And you know, I appreciated his answers. You know, he, he had a very clear vision and he had clear benchmark standards, measures. I think we all can agree he had enthusiasm. And, you know, I liked what he said about being able to partner with the Department on education. And I think that, you know, it is good to have some representation from the visitor industry, because they are our number one industry. And so, like I said in Committee, he won me over. Thank you.

CHAIR LEE: I think he won everybody over. He, very impressive. And also, very religious, surprisingly.

Anybody else? Anybody else? Okay, all those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: So, it looks like it's unanimous. Eight "ayes", zero "noes", one "excused"; Member Kama. Motion carries.

Madam Clerk, does it take, that, are we done with 21-212? Oh, I think she went home.

COUNTY CLERK: Now, there would, we would need a, a vote on the main motion as amended.

CHAIR LEE: Oh, okay. Vote on the main motion as amended. Oh, this is really complicated cause we said no on some of these. Okay.

Madam Clerk, come back. Madam Clerk. Kathy?



COUNTY CLERK: I'm sorry. Go ahead. Go ahead, sorry.

CHAIR LEE: So, the, the main motion as amended, with all the different "aye", "yes" and "noes"?

COUNTY CLERK: I'm sorry. Can you repeat that?

CHAIR LEE: Okay, we, not all were "ayes", and not all were "noes", you know what I mean?

COUNTY CLERK: Right. So, each reso was individually amended.

CHAIR LEE: Okay. So, we have to go through the four that were, the four and, and take a vote on this as amending the main motion? The main motion as amended? Cause we took votes all the way along, all, all away along the line, yea? So, now you're saying we have to take a vote on the main motion as amended?

COUNCILMEMBER SINENCI:

SO, MOVED.

CHAIR LEE: Okay. Alright. Whatever that means. Alright. Moved by Member Sinenci.

COUNTY CLERK: Sorry. Yes.

CHAIR LEE: Moved by Member Sinenci, seconded by--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

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

VICE-CHAIR RAWLINS-FERNANDEZ: The main motion was made by Member Molina.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And so, we, we amended the main motion. And so, just, just like with budget, you know, we don't, we don't go all yes and, and no, you know, on everything together. But when we take the final vote, you know, we have to take one vote on whether to adopt the whole thing or not. So, just same like this one where, you know, some of us agreed with where people were placed on the exhibits to approve or disapprove, but we have to take it in one motion as a whole.

CHAIR LEE: Okay. Member Molina, you're making the motion then, to amend and, I mean to--

VICE-CHAIR RAWLINS-FERNANDEZ: He made the motion.

CHAIR LEE: Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: He made the motion.

COUNCILMEMBER MOLINA: The motion's already been made, yea.

CHAIR LEE: Oh, okay. And who seconded it?

VICE-CHAIR RAWLINS-FERNANDEZ: I think I did.

COUNCILMEMBER MOLINA: Member Rawlins-Fernandez, I believe, yea.

CHAIR LEE: Okay. Cause I believe Mr. Sinenci also moved. Remember, you said, "so moved"? Okay. So, you're unmoving, right?

Okay, everybody, the motion as amended with all the different individual votes that we took on, on four different items, okay. So, you just vote one way. All those in favor of the motion a, I mean, the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. It's unanimous; eight "ayes", zero "noes", one "excused". Motion carries.

I hope we don't do this again, cause this doesn't feel right. Doesn't feel right. And it's not like Budget at all. Cause you're talking about individuals, yea?

Okay, next item.

COUNTY CLERK: So, to clarify, that covered all eight of the resolutions; the four that were singled out and the other four that were taken as recommended.

CHAIR LEE: Yes.

COUNTY CLERK: And, and that would be--

CHAIR LEE: Can you double, can you make sure staff double checks that before we close, because I want to sure that--

COUNTY CLERK: Okay.

CHAIR LEE: --we didn't skip anything, okay?

COUNTY CLERK: Okay. Hold on. Staff said good, all good.

CHAIR LEE: Okay. Alright.

COUNTY CLERK: And those, those eight RESOLUTIONS would be assigned the number 21-73 through 21-81. Oh, I'm sorry, 21-74 through 21-81.

CHAIR LEE: Okay. Alright.

NO. 21-213 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE,  
(dated April 30, 2021)

Transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY".

*Disapproving the appointment of Nohelani U'u-Hodgins to the Maui Redevelopment Agency.*

CHAIR LEE: Okay. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GREAT COMMITTEE FROM  
FURTHER CONSIDERATION OF THE PROPOSED  
RESOLUTION ATTACHED TO COUNTY COMMUNICATION  
NO. 21-213.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second on the discharge, Mr. Sinenci. Okay, moved by Member Molina, seconded by Mr. Sinenci, to discharge the Committee.

Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. A discharge is needed to enable the Council to consider action today on this item. Thank you.

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

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

CHAIR LEE: Eight "ayes". Well, Member Paltin, are you? Okay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Member Sinenci. Moved by Member Molina, seconded by Member Sinenci, to waive the Rule 7.G. of the Council.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Approval of this motion by a two-thirds vote will enable the Council to consider the proposed resolution today. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Motion carries unanimously. 8-0, one "excused"; motion carries.

Member Molina, your turn.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-213 AND TO  
FILE COUNTY COMMUNICATION 21-213.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member Sinenci, to adopt the resolution contained in 21-213.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. Boy, we're all getting good with this. We can do this with our eyes closed, yea?

CHAIR LEE: Oh, yea.

COUNCILMEMBER MOLINA:

MADAM CHAIR, I MOVE TO AMEND EXHIBIT "C" ATTACHED TO THE PROPOSED RESOLUTION BY INSERTING THE NAME OF THE BOARD "MAUI REDEVELOPMENT AGENCY" AND UNDER IT, THE NAME OF "NOHELANI U'U HODGINS".

CHAIR LEE: Okay. Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, to amend. Amend the, what did you say? And add the name Nohelani U'u-Hodgins.

COUNCILMEMBER MOLINA: Yea, that would be Exhibit "C". That is the exhibit to disapprove.

CHAIR LEE: Exhibit "C"?

COUNCILMEMBER MOLINA: Yea.

CHAIR LEE: Exhibit "C"? Okay.

Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. The Mayor received notice of Ms. U'u-Hodgins withdrawal on April 29, 2021. So again, this is a disapproval and is by no means a reflection of Ms. U'u-Hodgins character. Again, this is just the standard procedure we take when a, an individual withdraws their nomination for a board or commission. Thank you.

CHAIR LEE: Member Molina, isn't this the second time she, she's withdrawing?

COUNCILMEMBER MOLINA: I believe she wasn't withdrawn. She was a nominee for the Fire Commission. I think she was disapproved, if I recall.

CHAIR LEE: Oh, I see. Okay. Alright. Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I think that she was, it had to do with her being married to a firefighter and kind of being close to the position. But I just wanted to ask Member Molina, we just seem to be getting an inordinate number of withdrawals and, and resignations, is that my imagination, or?

COUNCILMEMBER MOLINA: No, you're not. I know when I, I worked for the previous Administration, we didn't see this many. I mean, you had on occasion, but yea, it's just been unusual the last year or two with an inordinate amount of resignations and withdrawals. I mean, I don't know why but--

COUNCILMEMBER KING: We keep asking--

COUNCILMEMBER MOLINA: --you know, it's one of those things.

COUNCILMEMBER KING: Yea, I wasn't in your meeting this week because I was on the mainland. But we keep asking nominees about, you know, the commitment and, and showing up at meetings. But we were just, it just seems like we're getting, I didn't know if it was my imagination, but it seems like we're getting an inordinate number of withdrawals and resignations.

CHAIR LEE: Yes, good question. Any, any other comments or questions? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, motion carries unanimously, and one "excused"; Member Kama.

Mr. Molina, anything else?

COUNCILMEMBER MOLINA: No, I believe that's it, Madam Chair. Well, let me look. Maybe get some more. Nah, I'm just kidding. I think that's it on our agenda. I know you guys want to continue working, right? No, I, I think that's it.

CHAIR LEE: Well, we made, you know, all these changes on these. We're just going to.

COUNCILMEMBER MOLINA: Oh wait, wait. I think our Committee Vice, Vice-Chair Rawlins-Fernandez has something.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For CC 21-213. It's pau. And then the last item is 21-114.

CHAIR LEE: Okay, did the staff say something? Madam Clerk?

COUNTY CLERK: Yes. For the record, Communication 21-213 is resolution 21, oh, sorry. You have to vote on the main motion first. I jumped too far ahead.

CHAIR LEE: Okay. Alright. That, that vote I guess was just only to move it to Exhibit "C" then?

COUNTY CLERK: As amended.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: It seems like we, we took this vote, but then hey, we've taken about 100 today. Motion carries; eight "ayes", zero "noes", one "excused".

Okay. Are we down to the last item? Okay. Let's do it. Okay, what, what's the problem, Madam Clerk?

COUNTY CLERK: Just checking my reso numbers. For the record, County Communication 21-213, is RESOLUTION 21-82, number 21-82.

CHAIR LEE: Okay. Got it.

COUNTY CLERK: And then we have the final item, which is County Communication 214.



NO. 21-214 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated April 30, 2021)

Transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL TO ADD A CONSENT CALENDAR".

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Chair. I move to adopt the resolution 21-2, oh wait, wait. Let me see. Wait hold on, hold on. Let me grab my notes in case I do it wrong. Okay.

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

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to adopt the resolution in CC 21-214.

Vice-Chair Rawlins-Fernandez, discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the time sensitivity of this item is we've been discussing it for months about how we would like to have a Consent Calendar. We have all the Council Rules in the GREAT Committee, which we'll continue discussing as the GREAT Committee Chair has opening on his agendas. And, but I think this one was a priority, so I've separated this out from the group of amendments to the Council Rules so that we can consider taking action on this today. And then, moving forward, we'll have a Consent Calendar. And then I'll speak to what it is in the main motion.

CHAIR LEE: Alright. Any other comments or questions? Okay. All those in favor of the motion, say "aye", raise your hand. Ms. Sugimura, are you going to vote?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Everybody said "aye". Eight "ayes", zero "noes", motion carries, one "excused".

Member, I mean, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO  
FILE COUNTY COMMUNICATION 21-214.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to adopt the resolution in this communication.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, Robert's Rules of Order allow for the Council to utilize a con, a Consent Calendar that groups routine items into a single agenda item. In doing so, the grouped items can be approved in one action rather than through multiple motions like how we have been. This is a time saving tool, time typically spent making motions and voting on routine items is reallocated to discussing more critical topics that require more discussion, and would hopefully prevent us from Council meetings lasting till past 5:00 p.m.

And then, Chair, I can share my screen, so that Members can see the language, if Members would like? And then I can read it.

CHAIR LEE: Okay. I think what people want to know more would be examples.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, yea, so, I'll, I'll, I'll share it and I'll read it. How's that sound?

CHAIR LEE: Oh, okay. Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, can everyone see? Okay, I'll make it a little bigger.

CHAIR LEE: How many pages are we going to have to--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh no, it's just this one, this one page.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: The, the Consent Calendar is intended for matters that will not require discussion at a Council meeting. Oh, you can't see it anymore, huh?

CHAIR LEE: You mean, okay, like, give example. Like, for instance, that moratorium.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, wait, I'm going to read it.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, yea. No, no, I'll read it and it'll say. Prior to the posting deadline, Committee Chairs will be notified of items intended for posting on the meeting agenda. Committee Chairs will inform staff of the items intended to be included on the Consent Calendar and the intended action of each item. Items that can be added to the Consent Calendar include County or General Communications intended for filing or referral and bills on second reading. The Consent Calendar will indicate the intended action for each item.

At the meeting, Councilmembers may request to add items to or remove items from the Consent Calendar. The items being removed from the Consent Calendar would default to the location required by the Rules of the Council unless otherwise specified. If a Councilmember disagrees with the indicated action of an item on the Consent Calendar, the Councilmember must request its removal from the Consent Calendar for discussion; this includes requests for Committee referrals.

Once the Consent Calendar is agreed upon, no further discussion will be permitted. The recommended actions indicated on the Consent Calendar must be taken up in one motion.

After the Council has taken action on the Consent Calendar, and prior to proceeding with the remaining items on the agenda, the County Clerk must announce the resolution and bill numbers assigned to all resolutions and bills passed as part the Consent Calendar.

So, again, Chair, what, what the question you had asked is, what can be included on the Consent Calendar? It's items that will not require discussion. So, it'll be County or General Communications, and bills on second reading. So, not committee reports, bills on first reading. And not items, not resolutions that Members would like to pass on the floor, because that would require discussion. So, anything that would require discussion would be removed from the Consent Calendar. All the filing and referral items would stay on Consent Calendar and we'd take it up in one motion. So, that was something that, you know, everyone kind of requested that we do. And then that way we don't have to go through all of the different motions from each Committee Chair, we can just do it one time.

I, I drafted it, I, I tried to think it through all the way, so that, you know, it would be very, a clear process. But I'm also open to any amendments that Members have. Mahalo, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I just have a question for Member Rawlins-Fernandez. So, if something, so who creates the Consent Calendar? Would it be the Chair, so that all referrals go on there that don't, don't require action? And then, if we, if we have an issue, like we had today with the, you know, who's going to . . . what's going to get referred to, then we would request to take it off that Consent Calendar at the meeting or prior to the meeting?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for the question, Member King. So, prior to the posting deadline, Committee Chairs will be notified of the items intended for posting on the meeting agenda. Committee Chairs will inform staff of the items intended included on the Consent Calendar and the intended action of each item, whether for filing, or for referral, or for passage on the second reading.

At the meeting, if there are Councilmembers that are not the Committee Chairs, if Councilmembers would like to request the removal of items from the Consent

Calendar, you would do it at the meeting. And that would include Committee referrals. So, if you have a disagreement about the action, so the intended Committee for an item to be referred to, then you would request that item be removed from the Consent Calendar. So, the double referral that we reassigned to go to CARE, so the visitor accommodation moratorium bill, that if that had been placed in the Consent Calendar at this meeting, we would remove it from the Consent Calendar, so that we can discuss what Committee it would go to.

COUNCILMEMBER KING: Okay. I get it now. Alright. Thank you.

CHAIR LEE: Mr. Molina, I think I saw your hand up.

COUNCILMEMBER MOLINA: Yea, Madam Chair. Just wanted to get your thoughts and the Clerk's Office, if they had a chance to review the proposed matter? And if maybe if Corp. Counsel, or OCS can chime-in. No Sunshine Law issues, right? I mean, say if Members are discussing, you know, how items on the agenda will be voted on prior to an open session. I mean, since you may have a lot of discussion going on as far as what goes on this Consent Calendar and if you have some Members that don't approve what goes on there.

I mean, I'm just trying to figure, figure this out, cause, I mean, I like the proposal, but just have to ask, just have some questions. I mean, I know we got a Chair, we got a Chair's meeting coming up on May 26, so I don't know if that's another option. But anyway, I'd just like to hear some feedback.

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

Well, in the meantime, Mr. Molina, Mr. Molina, I can tell you that I support the concept and the general idea. I, I'm getting the, the details today along with you. So, we're all learning as we go along together.

Mr. Raatz.

SUPERVISING LEGISLATIVE ANALYST: Thank you, Chair. Yes, there are Sunshine Law issues that we'll have to be careful about in implementing this new Rule, if it's adopted. As the Councilmembers are aware, the Sunshine Law does prohibit making or seeking voting commitments outside of a duly noticed public meeting. So, we're aware of that. There are other bodies in the State of Hawaii who are subject to the Sunshine Law who also operate with Consent Calendars. So, we believe it is doable and we will just have to be cognizant of the limitations. Thank you, Chair.

CHAIR LEE: Other hands came up?

Oh, Mr. Molina, did you want to hear from Corp. Counsel?

COUNCILMEMBER MOLINA: No, I think it was sufficient from Mr. Raatz. I'm fine.

CHAIR LEE: Okay.

Ms. Sugimura, then Ms. Paltin.

COUNCILMEMBER SUGIMURA: I was just wondering; I was glad to hear Mr. Raatz' answer. And I was just wondering about transparency. So, it doesn't affect any of the agenda posting or anything? This is just, or on the agenda will it say what, what was already designated to be on this Consent Calendar, or how would the public know, or are we even going to tell the public what was decided before the agenda was posted? Or how, how is this in terms of public transparency?

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Mahalo for your question, Member Sugimura. So, you know how when we have testifiers come and then they want to testify on things that are going to be referred, and we're like it's going to be referred so we're going to discuss it later? So, the Consent Calendar will be posted with the rest of the agenda. It's going to be all together. So, as to your question of transparency, it, it's, it's not a vote outside of an open meeting. It's just grouping items together so that we can take action on those items together.

If a Councilmember doesn't want it referred to a certain Committee, for example, such as for BFED Committee, we get a lot of grant notifications. So, I, I would, you know, I usually just file them. But instead I could put them in a Consent Calendar. We, you know, for the easement notifications, or easement dedications, you know, we file those, too. So . . . we always say this is purely for informational purposes only. And so, instead of like taking up all that time, we, we put those grant notifications and easement dedications into the Consent Calendar so that we can take them all up at once and we save ourself, selves time and then we can communicate.

So, we'll even, this is a communication tool to communicate with the, the, the public, the community that, you know, whatever is on the Consent Calendar is either going to be filed, or passed on second reading, or referred to a Committee. So, we're not going to be discussing it much. But they can still testify on anything on the Consent Calendar.

So, if someone brings in new information that, you know, we weren't aware of, and let's say it was slated to be filed, it was a grant notification slated to be filed. And in testimony, we learned that, you know, there's questions about this grant. Then what, what we would do is when we finished public testimony, and we begin our meeting, we, I would request that grant notification item to be removed from the Consent Calendar so that we can have a discussion or refer it to Committee.

So, if we're going to change the action intended on the Consent Calendar, then we would just remove it from the Consent Calendar. Yea, so it's not, it's not like in stone like concrete. It's super flexible. It's written to be flexible, and transparent, and time-saver for efficiency. Mahalo, Chair. Mahalo, Member Sugimura, for your question.

CHAIR LEE: So, others had questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. To me it kind of feels like we're doing Committee work at the Council meeting. And, you know, like I, I don't mind trying to go home a little bit earlier. But I have concerns that things might slip through the cracks this way with the way that, you know, people read all the materials or don't. And so, if we're voting today, I'm, I'm not going to be able to support.

CHAIR LEE: Okay. Any more questions? Any more questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, this is something that we've been talking about for months. And Members have been like asking for it, which is why I, I, I, I, this isn't, I've been telling Members I would do this because they've been asking for it. So, I'm only giving it to the Members that asked for it. . . . And so, I would say, okay, I mean, you know what, I'm going to draft it up and I'll bring it to you for consideration. It, it's been posted on the agenda for a week. I don't know if, you know, Members had an opportunity to read it. And so yes, this is kind of like doing Committee work, but we've done a lot of other things that are like Committee work today.

And, and so, you know, for this, I mean, if Members don't want to take action on it, then, you know, I mean, we can continue, you know, our practice of insanity of doing the same thing and hoping for different results. But, you know, again, like, I just drafted this up, because it's something that Members had requested. And Member Molina always has a very full agenda with settlement, you know, items, with boards and commissions, with filling new boards and commissions that we're creating. And so, I,

I was just expediting this, because it seemed like something that everyone was asking for. So, that's all, you know. I, I'm just trying to help.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, yes, I think a lot of people have been talking about it. I have and I certainly support the idea. But this is a very, what is the word? Skeptical group you have, you know. We don't jump onto new things quickly. It takes time to absorb, yea, and digest, and distill, and so forth. So, I, I think that's what's the reaction you're getting now. It's just not that they don't, they don't support it, but they just want to feel more comfortable with it, you know. And they want to learn a little bit more. Get used to, to some of the details.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Chair. You know what I did today?

CHAIR LEE: What?

VICE-CHAIR RAWLINS-FERNANDEZ: I did something we normally don't, right? I took all the referral items on the agenda and I put it all into my one motion instead of waiting for it to all be done by the Clerk. I did that today, and it was faster. So, it would be the same thing like what I did this morning, when I, I asked for all these bills to be taken up at once, so that I can just file them and refer them. And then, and that was one motion. So, it's, it's the same thing.

I, I understand new is scary. But, you know, I, I, I think I wrote it out pretty clear. I'm not hiding anything and I'm not trying to trick anybody and--

CHAIR LEE: No, no, no. Nobody's saying that. They're just trying to absorb--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. There's lots of flexibility, flexibility in there. Just like, you know, just like the budget process, lots of flexibility.

CHAIR LEE: Okay. No, because when you just give words and I kept saying to you several times, give us examples, give us examples.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: And you said, oh just, you can just read it. But we need more than just words. We need, you know, like examples on how you apply what the words are and how do you apply it to, you know, to an actual agenda? So, that was the question.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay..



CHAIR LEE: Yes, Ms. King.

VICE-CHAIR RAWLINS-FERNANDEZ: So, like the grant notifications and the waterline easements.

CHAIR LEE: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: You know, all of those, those notifications of contracts, they, they would just, they would go in there. But like the contracts, people usually like to, to take stuff out of it. So, I wouldn't put that one in the Consent Calendar. It would just be in the regular calendar. It would be the regular agenda.

CHAIR LEE: Well, maybe the Members are willing to, to give it a try, you know, before we put it in concrete. Before, before, you know, it's in permanent ink, why don't we just try and give it a try?

Member King.

COUNCILMEMBER KING: Yea, thank you, Chair. Thanks for the proposal, Member Rawlins-Fernandez. I, I was one of the ones I think that have been discussing this for a while. And I did know that, I did know that's what you did today on the calendar, because you lumped all the, the items for filing and referral. So, you know, the only question I had was on the timeline of when we would be able, if, I guess either before the meeting we'd be able to pull things off the Consent Calendar and ask to, if they be on the regular one.

But my, my, I would vote on this today. I would just ask that maybe we give ourselves till, you know, a couple of meetings just so we could explain to the public what's happening. And I think that's the most important thing, is that when people know what that, the Consent Calendar is, that we're not going to take action on those things and they don't have to write up, you know, a three minute testimony on something because it is going to be referred. That's where I think people get confused about looking at the agenda because they don't know when something's likely to be, you know, when we're likely to try pass something on the floor or going to refer it. And so, a lot of times like drum up, you know, a dozen people to come and testify on something that's going get referred to Committee. Then, they have to come to Committee and do the same thing. So, I think that's what we're trying to do, is make it easier on the public as well.

So, if we could give a little time just to explain what we're doing to the public, and that the things on this calendar are not going to be passed on the floor today, that we've already decided that these are the things that are going to be referred. I think that

that's very valuable to the public, because they just, they don't know sometimes. And people get scared that things are going to be passed without a conversation. So, I'd support it. And I just, the only thing I think is that we need, we need a couple weeks to let the public know what we're doing. Thank you.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. Yea, I speak in support. I think, like, just like today's meeting was a great example, right? We had about four or five very, lots of testimony on some really important items. And what we did today was, we just kind of moved them all to the end of the calendar. I think that's kind of the model that we're doing. And then, and then, everything else in between those, those main ones, we just kind of, I think Member Rawlins-Fernandez either referred a bunch or she deferred some. And, if it's for second reading and has everybody's approval, those can be also be voted on.

And so, I think it'll, you know, when, when I was a regular County resident, we would talk about County bureaucracy. And so, I think it'll shorten some of the bureaucracy and, and get, we'll actually get more work done, I think. And, and really have some, some discussions on, on those main items. So, I speak in support.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair. I just kind of threw, I was thinking about this as an alternative. If the majority of Members say we're a little uncomfortable and wanted more time. And I guess this would be something that would go to GREAT Committee, yea? I could commit to putting this on the May 18th agenda, if the Members like. But if not, then as Member King has stated, if we want to educate the public, then we take action today, we should establish a firm date when we want this to be implemented, you know. August 1, September 1, what have you. So, I think that needs to be established if we are going to take action.

So, this way at least, there's some lead time to find out what, to get any additional questions answered. To get input from the Clerk, I don't think we heard from the Clerk today on this. And I know we heard from you, Chair Lee. So, anyway, I just kind of throw that out there for consideration. So, if we take action, we need to establish a firm date when we want this implemented, so as Member King said, to educate the public as to what's going on. And then, in the meantime, we can get feedback from, maybe additional feedback from OCS, and the Clerk as well. So, thank you.

CHAIR LEE: Okay. Anybody else have comments before we take a--

Yes, Member Paltin?

COUNCILMEMBER PALTIN: So, Member King was saying, I mean, there was talk about the flexibility and folks not knowing about what will pass on the floor and what won't. So, if we put something down as referral, and then at the meeting somebody pulls it off to pass it on the floor, because there's flexibility, then, and people are not prepared to speak to it, because it was on the Consent Calendar, what happens, is one my questions? As well as if only the Committee Chair knows, like who makes the decisions of what gets on the Consent Calendar, you know?

I think that there was some, I mean, we all came to agreement eventually as to who the Committee Chairs were and Vice-Chairs were, but there was some folks that were vying for similar Chairs. And so, I just, you know, I have a lot of questions. I think the public deserves to weigh in on the conversation as well. So, I, I would prefer to discuss this in Committee, not eight hours into a long meeting with all the other things going on. So I will not support the motion.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, we can also commit as Committee Chairs to, to not put anything, you know, sneaky or controversial on the first couple of Consent Calendars. So that, you know, we get a feel of what it's like. You know, and, and some examples of what I would put on is, you know, the, the Senior Volunteer Programs, the grant of \$70,000; the Executive Aging Type III Program got 589,000. And these are all just notifications, so I, I would put that on.

I, I imagine Member Sinenci would want to put in some of the, the water reports, or water easements. Even, you know, the Mayor informing of vacancies on the Council of Aging, on the Liquor Control Adjudication, the Cost of Government. We can't do anything with these. You know, it's not like we can change it. The Mayor is just informing us of a vacancy on the Maui County Arborist Committee.

So, you know, we can, we're a great Council, we work together, we collaborate. And so, I think, you know, if it, if this does pass today, as Committee Chairs, we can commit to, you know, for the first few Consent Calendars we'll just, we'll make it very easy for each other. We'll just put those, those that are routinely filed and/or referred, you know, and then that's it. Okay. Mahalo, Chair.

You said Member Sugimura.

CHAIR LEE: I'm sorry. I'm sorry. I'm sorry. My, I was muted. Before I call on you, I wanted to just say that for those of you who don't know how matters are, are referred, it's usually the decision of myself, Traci, and David Raatz. And then we, we also discuss this with the County Clerk. So, that's, and that wouldn't change.

Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so, I was wondering what the County Clerk thought of this process?

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Thank you, Chair. While we all read the resolution and the attachment, we haven't had a chance to formally sit down and discuss the aftereffects of implementing it with our processes. Probably definitely we're going to need more time between our posting deadline of 12 noon, and when we send the agenda off to be, to the Maui News. And within that window, we're having to contact nine Councilmembers and get their consent on the items. So, we're still, I think we would like another opportunity to hash through this. And we haven't had any discussions with OCS on procedures like who would be responsible for calling the Councilmembers to get their consent?

CHAIR LEE: Vice-Chair.

COUNTY CLERK: Just, just those types of things.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: So, then--

CHAIR LEE: Can you respond to--

Let her respond to Kathy.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR LEE: You have a response for Kathy, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, yes. So, I think if we take it slow, then we can, you know, figure it out as we go. But if we keep not doing something because we don't know how . . . figure it out or, you know. And, and we're also already

busy. So, it's like whatever is on the front burner, you know, that we take that up and it becomes a priority. But once it goes on the back burner, then it, you know, it kind of out of sight out of mind for a while. So, I think, you know, passing it today would give it a sense of urgency to make it happen.

COUNCILMEMBER SUGIMURA: Thank you. So, I have a, I have another thought. I just want to share this and, you know, continue.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I just have another thought. So, thank you, Kathy, for your response because I think that's important. You sound like you needed more time to kind of work it through your process.

One of the things that you mentioned when there is a termination or resignation for a commission. And one of the things that I noticed that Mike Molina does really well is he always thanks them. And he does show our appreciation as a County for their service. And I hope that we can still include that in this, you know, in the list. I'm not too sure what the final process is going to be or are we just going to do it like one mass, you know, motion, like what, what we saw today with the Budget Committee. Or will there be some time for, you know, Mike Molina to, you know, say the nice things he says about all these people who give their time and devotion to the commission.

So, I would like us to maybe, you know, spend the time to put it on the front burner, ask Mr. Molina if he could, you know, have it discussed in the GREAT Committee and work out the details before we launch. And then do this and communicate with the public, so everybody understands, including OCS and Clerks, and everybody, to understand what the new process is, along with the Councilmembers.

So, Keani, thank you for coming up with it. And Chair Lee, I think you were talking about this as we have had some Council meetings, so you can clearly communicate to people what is going to get referred and, you know, as it would affect testimony, too. So, I just wanted to say that about the boards and commissions. I think it's a nice touch that Chair Molina does for the GREAT Committee.

CHAIR LEE: Okay, what does that have to do with this now, exactly?

COUNCILMEMBER SUGIMURA: So, as you handle the list, if you can also, you know, have the opportunity to put in comments like what Mr. Molina does as he says thank you for what's on this, on this, you know, calendar, so.

CHAIR LEE: Okay. I'm not sure, I, I get you, but the other alternative is to vote on it today and make the effective date not, not right away, so we can practice, you know? That's, that's another alternative. I thought, Ms. Sugimura, what you're talking about is saying thank you to the people on the, on the list in County Communication 21-212. That's not what you're talking about?

COUNCILMEMBER SUGIMURA: Well, it's, it's like that. But no, I'm talking about the people who resign, and we get the, you know notices from the Mayor that would probably go on this, this list of--

CHAIR LEE: Okay. But that, that's not, you're not talking about the Consent Calendar? I mean, agenda?

COUNCILMEMBER SUGIMURA: Oh, would it go on the Consent Calendar? I think it was one of the examples that was brought up of what would go on the Consent Calendar, the nominations or the notification from the Mayor of people who resigned.

CHAIR LEE: Oh. Vice-Chair.

COUNCILMEMBER SUGIMURA: I thought that was one of the examples.

CHAIR LEE: Vice-Chair, you have an answer to Member Sugimura? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo Member Sugimura, for your question. If Member Molina, as the GREAT Committee Chair would like to continue making comments on all these vacancies or resignations, you don't have to put it on the Consent Calendar. Nothing has to be on the Consent Calendar. It's just a tool that would be available for us to use if you would like to use it. That's all, that's all. We could, we could approve it today and not even do it. Like, we don't have to put anything on the Consent Calendar. But it's there if we'd like to use it, because now we have language in our Rules that would enable us to.

COUNCILMEMBER SUGIMURA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I think, I think, I think I, I'm tired. You know, I was trying to help. If Members don't want it, you know, whatever. I mean, we can talk about it in Committee. But I'm, I'm done trying to explain it. So, we can just take the vote already. Mahalo, Chair.

CHAIR LEE: Okay. The other alternative was for it to go to the GREAT Committee. So, everybody, please let me know what you want to do. Either we vote, we can vote for it right now, or we can refer it to Committee.

Member Paltin.

COUNCILMEMBER PALTIN: I'd like to just follow the normal process of referring it to Committee. I feel like that's the taking it slow part. Those were just a couple of the off the top questions I had. I, I would like to know the entirety of the process of what we're doing before voting on it. And, you know, if the start date needs to be later for the County Clerk to figure out the processes and procedures, then I don't see a problem with discussing it in Committee and doing the work in the Committee. Thanks.

CHAIR LEE: Anyone else? Alright. It doesn't seem like, I think everybody's brains are fried right about now. You know, kind of tired; 17 minutes to six. Alright, it seems that, it seems that, you know, there's a lot of questions still in the air. So, are there any objections to referring this to the GREAT Committee?

COUNCILMEMBER SUGIMURA: No objections.

CHAIR LEE: Say now. Say now. No objections? So, ordered.

Thank you so much, Vice-Chair. We really appreciate it, your hard work.

COUNCILMEMBER SUGIMURA: Yea, thanks for your hard work.

CHAIR LEE: Yes, Member Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll withdraw my motion.

COUNCILMEMBER MOLINA: Yea, thank you Madam Chair. Yea, and I'll, I want to thank Committee Vice-Chair Rawlins-Fernandez, Council Chair, Vice-Chair and Committee Vice-Chair Rawlins. And I guess I'll stand by my commitment to put it on the May 18th agenda, which is 11 days away. And, you know, and with the other stuff, we can make do. But, it's, it's, definitely meriting further discussion. But I appreciate the efforts. She's certainly worked very hard on this. So, 11 days away. And then depending on what happens in Committee, we also have a Chair's Meeting scheduled for May 26 to do further assessment, you know, say it passes out of Committee and so forth. So, there's time for, you know, implementation and work out whatever kinks. And then, I'm confident this can move forward and address many of the concerns. Thank you.

CHAIR LEE: Okay. Did you want to say anything else, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I JUST WANTED TO WITHDRAW MY MOTION, SO THAT  
THERE ISN'T A MOTION ON THE FLOOR.

CHAIR LEE: Oh, I'm sorry. I'm sorry. Motion withdrawn, and the second withdrawn.

Oh, boy. Madam Clerk, where are you? Have we reached the end of the calendar?

COUNTY CLERK: Yes, Chair, we've reached the end of the calendar, and there is no further business before the Council.

CHAIR LEE: Okay. Members, it's been an interesting day. And I know you're exhausted and had enough of each other for today. And we'll see you next week. Have a wonderful and safe weekend and a Happy Mother's Day. Everybody be kind to your moms. Okay, thank you so much, everyone.

COUNCILMEMBER SUGIMURA: Good meeting. Good meeting.

CHAIR LEE: Thank you so much.

COUNCILMEMBER KING: For our meeting without any Committee reports it took a long time.

CHAIR LEE: Okay, this meeting is adjourned.

### ADJOURNMENT

The regular meeting of May 7, 2021 was adjourned by the Chair at 5:44 p.m.



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





**LOCAL 142**

# INTERNATIONAL LONGSHORE & WAREHOUSE UNION

LOCAL OFFICE • 451 ATKINSON DRIVE • HONOLULU, HAWAII 96814 • PHONE 949-4161

HAWAII DIVISION: 100 West Lanikaula Street, Hilo, Hawaii 96720 • OAHU DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814  
MAUI COUNTY DIVISION: 896 Lower Main Street, Wailuku, Hawaii 96793 • KAUAI DIVISION: 4154 Hardy Street, Lihue, Hawaii 96766

May 6, 2021

Maui County Council  
Kalana O Maui Building, 8<sup>th</sup> Floor  
Councilmember Alice Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice Chair  
Friday, May 7, 2021; 9:00 a.m.

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COUNTY CLERK

## STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-232

Dear Council Chair Alice Lee and Council Vice Chair Keani Rawlins-Fernandez:

The ILWU Local 142 opposes the proposed bill entitled "amending the building code to add Chapter 40 relating to a moratorium on building permits for visitor accommodations."

The Covid-19 pandemic caused record unemployment for the County of Maui and across Hawaii and today, there are still thousands of workers without jobs. While the economy is slowly recovering and some workers are returning back to work, it is going to take a few years before the economy may reach pre-pandemic levels.

Knowing that, this is the last thing the Maui County Council should be considering. We need to ensure good-paying jobs are available to all Maui residents. A moratorium on hotel construction and visitor accommodations will limit good-paying jobs and hurt economic recovery. Workers are struggling and we should not make it worse.

For those reasons, we strongly oppose. Economic recovery should be paramount during this time.

Thank you for the opportunity to testify.

Sincerely,

ILWU Local 142  
Maui Division

Roberto Andrion  
Division Director

## County Clerk

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**From:** Christopher Delaunay <cde launay@prp-hawaii.com>  
**Sent:** Thursday, May 06, 2021 7:02 PM  
**To:** County Clerk  
**Subject:** PRP Testimonies for Bill 10, Draft 1 and Communication No. 21-232  
**Attachments:** PRP Testimony\_Bill 10 Veto \_MAUI COUNCIL\_7 May 2021.pdf; PRP Testimony\_Communication 21-232\_Moratorium \_MAUI COUNCIL\_7 May 2021.pdf

**Importance:** High

Aloha,

Attached please find two testimonies from PRP for tomorrow's May 7, 2021: 1) Testimony regarding the Bill 10 veto; and 2) Testimony regarding Communication No. 21-232.

Thank you,

**Christopher Delaunay**

Government Relations Manager  
DIRECT 808.380.8838  
EMAIL [cde launay@prp-hawaii.com](mailto:cde launay@prp-hawaii.com)



**Pacific Resource Partnership**  
1100 Alakea Street, 4th Floor  
Honolulu, HI 96813  
[www.prp-hawaii.com](http://www.prp-hawaii.com)

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Testimony of  
Pacific Resource Partnership

City Council  
Council of the County of Maui  
Councilmember Alice L. Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice Chair

Communication No. 21-232—Moratorium On Building Permits For Visitor Accommodations

Friday, May 7, 2021  
9:00 A.M.

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

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in **strong opposition** to Communication No. 21-232, a moratorium on building permits for visitor accommodations. Halting all building permits for new hotels, resorts, timeshares and other visitor accommodations will limit job opportunities for those who need them the most during these difficult economic times—Maui's local workforce.

Moreover, this bill would unfairly penalize Maui's visitor industry, including Maui's local workforce and businesses that depend on this industry to survive, in an attempt to mitigate the impacts of climate change. Climate change is a complex global issue with many contributing factors. This bill provides no documentation, scientific studies or evidence to suggest that a moratorium on building permits for new hotels, resorts, and other visitor accommodations will lower carbon emissions or mitigate climate-change impacts.

Instead of a moratorium on accommodations development, we recommend that this council defer this measure and consider policies that will significantly lower carbon emissions while protecting Maui's economy and workforce, such as supporting the development of renewable energy projects. The development of renewable energy projects provides a valuable opportunity to stimulate Maui's economy, both by creating new jobs and by creating infrastructure which can help lower energy costs to consumers and businesses.

Given the above, we respectfully request that you defer this measure. Thank you for the opportunity to submit written testimony.





Testimony of  
Pacific Resource Partnership

City Council  
Council of the County of Maui  
Councilmember Alice L. Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice Chair

No. 21-210—Mayor, notifying of his veto of Bill 10 (2021), Draft 1

Friday, May 7, 2021  
9:00 A.M.

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

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in **strong opposition** to Bill 10, Draft 1 and the override of the Mayor's veto.

Contrary to Bill 10's intended purpose, an increase in the 201H affordability requirement threatens to halt the construction of new affordable housing projects in the County of Maui. Its impact on the creation of new housing would be significant, and cripple the county's potential for economic growth, especially as it works to overcome the effects of the pandemic.

Bill 10 will likely remove an important tool in the toolbox from developers who choose not to use government (state/county) funds to build affordable housing units. If this important tool is removed, projects may need to depend on public funds in order to pencil out. Housing projects on Maui that are 100% affordable have relied on government subsidies in order to make them work.

Historically, the implementation of ill-advised policies has resulted in sharp losses in construction jobs. In late 2006, the County of Maui enacted an ordinance requiring 50% of the units in residential development projects be workforce housing. A law enacted in 2007 required developers to provide proof projects had sufficient long-term sources of water, adding further burden and cost to the developer. These policies, along with the Great Recession, triggered a construction industry slow-down which wasn't reversed until the 50% requirement was lowered to 25% in 2014. Between December 2006 and January 2011, construction employment in the County of Maui construction employment fell by 53%, a direct loss of over 3,000 construction jobs. These are not jobs that the industry or Maui can afford to lose.

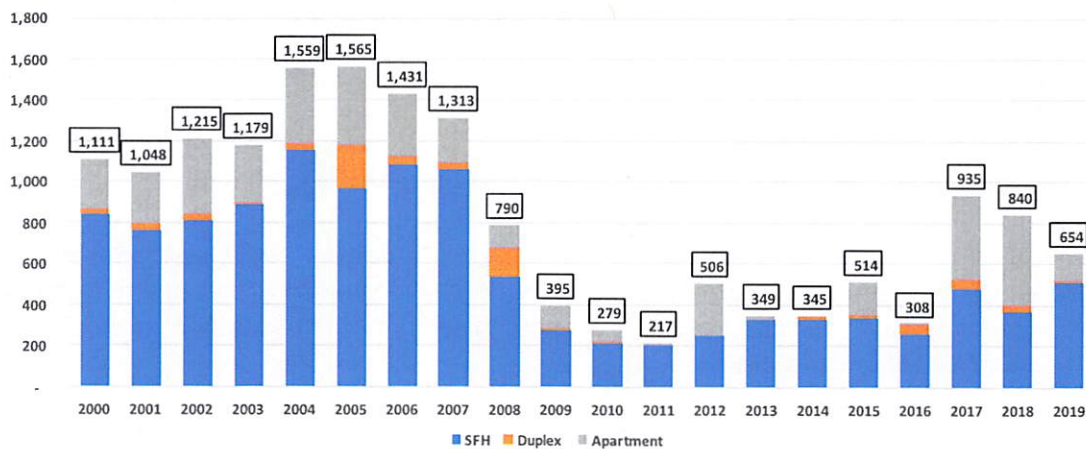
We also know that the imposition of a 50% workforce housing requirement failed to produce significant growth in housing construction, especially of affordable housing units. Maui sacrificed the needs of residents



**(Continued From Page 1)**

for an ill-considered policy that ignored market realities. We should learn from the mistakes of the past and not take Maui residents down the same road again.

## Maui County– new private residential unit authorizations 2000-2019

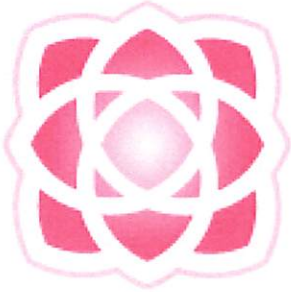


Sources: DBEDT (Data Book Table 21.07), PRP

Moreover, Maui's economy has been the hardest hit by the pandemic. Efforts to limit the one sector (construction industry) that has held up during the downturn are illogical and unwise. Bill 10 will not benefit housing supply, local families, or the local economy. Instead, it will limit housing and job opportunities for those who need them the most during these difficult economic times—the residents of Maui.

Given the above, we respectfully request that you uphold the Mayor's veto of Bill 10 (2021), Draft 1 and ensure that more affordable housing can be built on Maui.





**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

RECEIVED

2021 MAY -7 AM 10:28

OFFICE OF THE  
COUNTY CLERK

**Testimony on CC 21-210  
Override of Mayor's Veto of Bill 10  
Friday, May 7, 2021**

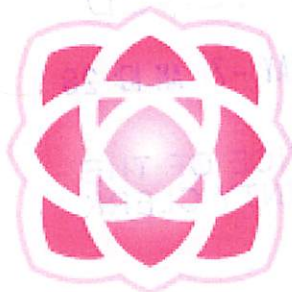
Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and  
Members of the Maui County Council,

The Maui Chamber of Commerce is a strong advocate of affordable housing and rentals, which is why we have been so involved in testifying against Bill 10. We support the Mayor's veto of the bill and appreciate his thorough justification.

If we want affordable units built, we need all key players in the game. Given our crisis, we simply cannot bench important players at this critical time. We do not want to hurt our chances to maximize the number of units built, which is exactly what Bill 10 would do. As we have pointed out before, there are several aspects to Bill 10 that take away our key players:

- The increased rate may not pencil out for all builders and all projects, leaving projects that could be done at 50% +1 unit out of the game.
- While we understand that Council will consider projects between 50%-75%, the costs to even get a project to that point are extremely high and the home builder would be taking a big risk in the hopes that they would be approved at a lower rate.
- Many home builders build in Maui County because they are a part of our community and they genuinely care about building affordable homes and rentals. However, many also do projects throughout the state. If the regulations make it easier to build affordable units in another County, it incentivizes the home builder to build there instead. We feel this is a major issue with Bill 10, especially since 201H is a statewide process.

Additionally, as we and many others have pointed out several times, the Council has invested in the Hawaiian Community Assets plan, which is only about a month from their final report. We are excited by the draft presented, look forward to seeing the end results, and feel Bill 10 is premature based on the work they are doing.



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on CC 21-210

Friday, May 7, 2021

Page 2.

After Bill 10 was passed, despite many negative comments directed at developers, Councilmember Molina shared that it was time to put down the gauntlet and work with the development community to get affordable housing and rentals units built. Given these comments, we are wondering if he reached out to and met with the home building community and if he learned any new information as a result that helps him, and the council better understand the challenges faced by some projects when the bar is raised to 75%. If this has not occurred, important work has not been done to mitigate our and other's significant concerns.

Therefore, we strongly urge you not to override the Mayor's veto of Bill 10. Let's not make the same mistakes of the past and instead push forward together to find winning solutions to boost our stock of affordable housing and rentals after hearing Hawaiian Community Assets plan.

Mahalo for the opportunity to provide testimony on this matter.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.





# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

RECEIVED

2021 MAY -7 AM 10: 28

OFFICE OF THE  
COUNTY CLERK

**Testimony on CC 21-232**  
**Amending the Building Code to Add Chapter 40**  
**Relating to a Moratorium on Building Permits for Hotels**  
**Friday, May 7, 2021**

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

The Maui Chamber of Commerce opposes unilateral moratoriums because they are inflexible and opposes this proposed bill.

We opposed this moratorium previously when it only dealt with hotels and we are even more concerned about the rewrite to shift the purpose and broadening of this new proposal.

We are seeing many activities to chip away at our number one industry – the visitor industry – that we rely on heavily for our economic sustainability and jobs. Now is not the time to put in any inflexible measures that could further hurt the industry and add to the challenges created by eliminating funding for the Maui Visitors Bureau, the higher taxing hotels and hotel-zoned condominiums and a further tax increase for timeshares.

Additionally, the findings and purpose section of the bill was altered to present information on environmental impacts, with the stated purpose of this moratorium now “to lower carbon-emissions levels, mitigate climate-change impacts, and limit the rate of global warming by pausing the visitor accommodations development and the related increase in tourism.” While addressing climate issues are important and must be addressed, the original published intent was to keep West and South Maui the same until the community plan updates were completed. However, ultimately, this bill deals with building permits and development. Given this, we have significant questions about the process. It seems as if this would also change allowable zoning usage and we wonder if it should first go before the Planning Commission.

For these reasons, we do not support this measure, feel there are higher priorities to address and ask that this measure be deferred.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.





2021 MAY -6 AM 10:57

RECEIVED

OFFICE OF THE  
COUNTY CLERK

May 6, 2021

TO: Councilmember Alice L. Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice-Chair  
Members of the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION - HAWAII (ARDA-Hawaii)  
Mitchell Imanaka, Chair

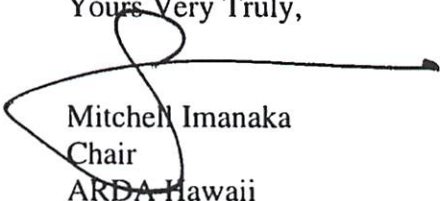
RE: CC 21-191 (Amending The Building Code To Add Chapter 40 Relating To A Moratorium  
On Building Permits For Hotels) and CC 21-232 (Amending The Building Code To Add  
Chapter 40 Relating To A Moratorium On Building Permits For Visitor Accommodations)

(Sent via e-mail to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us))

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

Attached please find a memo regarding the legality of certain aspects of the proposed measure on a moratorium on the issuance of building permits in certain districts on Maui. Your kind consideration of the points raised would be greatly appreciated.

Yours Very Truly,

  
Mitchell Imanaka  
Chair  
ARDA Hawaii

**DATE:** May 5, 2021

**TO:** ARDA Hawaii c/o Mitchell A. Imanaka, Esq.

**FROM:** Cades Schutte LLP

**RE:** CRC 21-191 (Amending The Building Code To Add Chapter 40 Relating To A Moratorium On Building Permits For Hotels) and CC 21-232 (Amending The Building Code To Add Chapter 40 Relating To A Moratorium On Building Permits For Visitor Accommodations)

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We were asked to review CRC 21-191 (“**Bill 191**”) and CRC 21-232 (“**Bill 232**”) (together, the “**Bills**”) to assist our client in its evaluation of the Bills. This memorandum offers our preliminary assessment.

## I. INTRODUCTION

**Bill 191.** On April 8, 2021, Councilmember King transmitted proposed Bill 191 to the Maui County Council (“**Council**”). Bill 191 seeks to add Chapter 40 (Moratorium on Building Permits for Hotels) to the Maui County Building Code. Under Bill 191, Chapter 40 (Moratorium on Building Permits for Hotels) would provide in material part as follows:

4000.4 Prohibition on building permits for hotel development in West Maui and South Maui. No building permit applications for **hotel development** in West Maui or South Maui may be accepted.

Section 4000.4 (emphasis added).

The term “hotels” is defined as “transient accommodations.” Section 4000.3. The term “development” is defined as “any **new** units used for transient accommodations.” *Id.* (emphasis added). Although the term “new” is not defined in the Bill, the plain meaning of the word is a “thing recently come into being.” Black’s Law Dictionary (11th ed. 2019). Hawai’i courts construe statutes according to their plain meaning. *Peer News LLC v. City & County of Honolulu*, 138 Hawai’i 53, 60, 376 P.3d 1, 9 (2016) (where the language is plain and unambiguous, a “court’s sole duty when construing [ordinances] is to give effect to its plain and obvious meaning”). In accordance with the plain meaning of the word “new,” the Bill does not apply to the renovation of existing “transient accommodations.”

The term “transient accommodations” is not defined in Bill 191 or the Maui County Code. It appears that the use of the term “transient accommodations” in the Bill is intended to capture hotels, time share units, transient vacation rentals and bed and breakfast homes. Under this construction, Bill 191 would prohibit the acceptance of building permit applications for the construction of units intended to service “transients,” which Maui County Code defines as “any visitor or person who owns, rents or uses a lodging or dwelling unit, or portion thereof, for less than one hundred eighty days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.” Maui County Code 19.04.040.

The prohibition on the “development” of “transient accommodations” in West Maui and South Maui would automatically lift at the earlier of two years from the effective date of the law or when the ordinance approving the South Maui Community Plan update takes effect if that date is later than the effective date of the ordinance approving the West Maui Community Plan update. Given the anticipated timing of the South Maui Community Plan updated, Bill 191 would apply in West Maui and South Maui until the South Maui Community Plan has been updated.

Under Bill 191, there are no exemptions as of right. Instead, “the Council may authorize exceptions from [the prohibition] by resolution upon request by the director of public works.” Section 4000.5.

The findings presented in the Bill contain three parts. First, the findings imply that the development of transient accommodations has increased the ratio of visitors to residents. Second, according to the findings, a large percentage of these transient accommodations are in West Maui and South Maui, for which updated community plans are under review. Third, as support, the findings assert that prior moratoria on construction—specifically, Maui County Ordinances 1997 (1991) and 5125 (2020), City and County of Honolulu Ordinance 18-6 (2018) and City of Asheville, North Carolina, Ordinance 4766 (2019)—have been used as tools to temporarily preserve the status quo.

Bill 191 was placed on the agenda for the April 16, 2021 meeting of the Council and again on the agenda for the May 7, 2021, meeting of the Council.

**Bill 232.** On April 29, 2021, Councilmember King transmitted proposed Bill 232 to the Council. Bill 232 also seeks to add Chapter 40 (Moratorium on Building Permits for Visitor Accommodations) to the Maui County Building Code. Under Bill 232, Chapter 40 (Moratorium on Building Permits for Visitor Accommodations) would provide in material part as follows:

4000.4 Prohibition on building permits for visitor accommodation development in West Maui and South Maui. No building permit applications for **visitor accommodations** in West Maui or South Maui may be accepted.

Section 4000.4 (emphasis added). “Development” is defined as “any new units **expressly** designated to be used for visitor accommodations.” Section 4000.3 (emphasis added). The term “visitor accommodation” is defined as “any kind of transient accommodations, including hotels, resorts, timeshares, short-term rental homes, bed and breakfast homes, and transient vacation rentals.” *Id.* As is true with Bill 191, Bill 232 would not apply to the renovation of existing “visitor accommodations.”

The prohibition on the “development” of “visitor accommodations” in West Maui and South Maui would automatically lift at two years from the law’s effective date. Alternatively, the prohibition would automatically end in West Maui on the effective date of the West Maui Community Plan update if the West Maui Community Plan update becomes effective in less than two years. Similarly, the prohibition would automatically end in South Maui on the effective date of the South Maui Community Plan update if the South Maui Community Plan update becomes effective in less than two years.

Unlike Bill 191, Bill 232 “does not apply to any development that has received its last discretionary approval prior to the effective date of the ordinance establishing the chapter.” Section 4000.5. Like Bill 191, “the Council may authorize exceptions from [the prohibition] by resolution upon request by the director of public works.” *Id.*

Bill 232 presents the same findings as Bill 191. In addition, Bill 232 claims that the development of visitor accommodation and the presumed related increase in tourism cause negative impacts on the environment. To preserve the County’s environment, mitigate climate change and work toward resilience, visitor accommodation development must be prohibited. Thus, the stated “purpose of the moratorium . . . is to lower carbon-emission levels, mitigate climate-change impacts and limit the rate of global warming.” Section 1 (Findings and purpose).

Bill 232 has been placed on the agenda for the May 7, 2021 meeting of the Council.

## II. ANALYSIS

**A. The Maui Planning Commission Must Review the Bills.** The Maui County Charter provides in relevant part:

The [Maui] planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning programs.

...

3. Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the final public hearing.

#### Maui County Charter Section 8-8.4.

The Bills prohibit a specific kind of development—“transient accommodations” or “visitor accommodations”—in specific community planning districts of Maui—West Maui and South Maui. Prohibiting specific uses in specific districts is quintessentially a zoning power under the Hawai‘i Zoning Enabling Act. *See* HRS § 46-4(a) (“zoning” is the “establishment of districts . . . and the adoption of regulations for each district”) (emphasis added). Furthermore, the Bills connect the prohibition on development to the adoption of updates to the West Maui and South Maui Community Plans. Planning is a fundamental part of zoning and, in Hawai‘i, must precede the adoption of zoning regulations. *Id.* (“Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to guide the overall future development of the county . . . [and] shall be one of the tools available to the county to put the general plan into effect in an orderly manner.”). Finally, the findings in the Bills expressly assert that they are intended “to temporarily maintain the status quo by establishing a moratorium on building permits . . . in West Maui and South Maui until both community plans are updated.” Bill 191, Section 1; Bill 232, Section 1. Thus, from the findings to the moratorium itself and to the end of the moratorium, the Bills purport to exercise the County’s zoning power and materially involve “planning programs” and “land use.”

In accordance with the Maui County Charter, if the Council advances the Bills, the Council is required to submit the Bills to the Maui Planning Commission. Public hearings must be held on the Bills. The Council may not act until the hearings have been completed and the Commission’s findings and recommendations have been adopted.

**B. The Bills Fail to Substantially Advance a Legitimate State Interest.** The Due Process Clause of the Fourteenth Amendment provides that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. CONST. amend. XIV; *accord* HAW. CONST. art I, § 5. “The Due Process clause confers both procedural and substantive rights.” *Richardson v. City & Cty. of Honolulu*, 124 F.3d 1150, 1162 (9th Cir. 1997). Substantive due process protects individuals from arbitrary acts of government and ensures that “the government does not exercise power without any reasonable justification in the service of a legitimate government objective.” *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). A “regulation that fails to serve any legitimate governmental objective may be so arbitrary or irrational that it runs afoul of the Due Process Clause.” *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 542 (2005); *see also id.* at 549 (Kennedy, J. concurring) (noting



that the *Lingle* decision “does not foreclose the possibility that a regulation might be so arbitrary and irrational as to violate due process”).

The Bills fail to serve a legitimate governmental objective in two ways. First, an increase in hotel rooms and other visitor accommodations has not caused an increase in the daily visitor population. On the contrary, hotel rooms on Maui have declined from 8,577 units in 2000 to 7,251 units in 2020. Only a handful of hotels have been built during the last 25 years. Yet the daily visitor count has continued to increase.

Second, hotels and other visitor accommodations, such as timeshares, may only be developed in areas that are designated for hotel use (not in residential neighborhoods) consistent with existing zoning laws. Accordingly, the development of hotel and other visitor accommodations avoids the potentially adverse effects on neighborhood character, area infrastructure and the availability of on-street parking.

Furthermore, the assertion in Bill 232 that the prohibition on the development of visitor accommodations is intended to address negative impacts on the environment does not withstand scrutiny. No rational review leads to the conclusion that developing visitor accommodations in two areas of Maui over a period that would not exceed two years has any effect on carbon-emission levels, climate change or global warming.

Resting the Bills on demonstrably flawed factual premises severs the connection between the purported purposes of the Bills and the actual effect of the Bills. With the failure of the purposes of the Bills, the prohibition becomes arbitrary and the Bills are invalid. *See, e.g., New Jersey Shore Builders Ass’n v. Township Committee of Dover Tp.*, 468 A.2d 742 (N.J. 1983) (holding that a moratorium on issuance of building permits for construction of multi-family housing and for conversion of motels into condominiums was invalid due to lack of factual justification for moratorium in regard to problems of water supply and water pressure and explaining that “[t]he situation must be exigent, the causes must be adequately explored, and it must be demonstrated that other less extreme solutions have been investigated and found to be not feasible. None of these requisite proofs is before the court. Stripped to its essentials, the ordinance is nothing more than an expedient legislative reaction”).

**C. The Trigger for Ending the Moratorium in West Maui in Bill 191 Lacks a Rational Basis.** As explained above, a law must bear “a rational relationship to a legitimate governmental purpose.” *Romer v. Evans*, 517 U.S. 620, 635 (1996) (a law must bear “a rational relationship to a legitimate governmental purpose”). Bill 191 rests in large part on the need to adopt revisions to the community plans before new units are developed. Accepting this premise as true, it is irrational to prohibit the development of units in West Maui until the revised South Maui Community Plan has been adopted.

**D. The Bills Violate Vested Rights.** The right to proceed with a project despite a change in the law vests upon reliance on the last discretionary approval for a project. *Kauai County v. Pacific Standard Life Ins. Co.*, 65 Haw. 318, 328, 653 P.2d 766, 774 (1982) (a “final discretionary action constitutes official assurance”). While Bill 232 exempts “any development that has received its last discretionary approval prior to the effective date of the ordinance establishing the chapter,” neither Bill exempts projects that do not require discretionary approval to proceed. If a project does not require discretionary approval before applying for a building permit, the right to proceed has vested, whether or not an application for the building permit has been accepted. To conform to the law of vested rights, Bill 232 would need to exempt any development that has received its last discretionary permit and any development that does not require discretionary approval. As explained in the next section, Bill 191 has an additional flaw.

**E. Bill 191 Compounds the Violation of Vested Rights.** Bill 191 does not exempt projects for which the owner has obtained its last discretionary approval, such as an Special Management Area (“SMA”) permit. Prohibiting the issuance of building permits for vested projects, subject only to a “discretionary exception” left in the hands of the Council, is invalid. *See Allen v. City & Cty. of Honolulu*, 58 Haw. 432, 439, 571 P.2d 328, 331 (1977); *Waikiki Marketplace Inv. Co. v. Chair of Zoning Bd. of Appeals of City & County of Honolulu*, 86 Hawai‘i 343, 949 P.2d 183.

**F. The Bills Violate the Equal Protection Clause.** The Equal Protection Clause “keeps governmental decision-makers from treating differently persons who are in all relevant respects alike.” *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992). Where the challenged government action does not implicate a suspect class or burden a fundamental right, the action is unconstitutional if it does not “rationally further a legitimate state interest.” *Nordlinger*, 505 U.S. at 10.

Here, the Bills respectively single out “transient accommodations” or “visitor accommodations” in West Maui and South Maui and treat such accommodations differently from the rest of the County. There is no rational basis for treating developers of such accommodations in West Maui and South Maui differently from similarly situated developers in the rest of the County. Because there is no rational basis for the regulation, the classifications drawn in the Bill violate The Equal Protection Clause.

**G. The Examples of Moratoria Cited in the Bills Do Not Support the Bills.** The Hawai‘i examples of moratoria cited in support of the Bill materially differ from the moratorium proposed in the Bill. Beginning with Maui Ordinance No. 1997, the measure (1) only applied to “hotels,” (2) applied to the “issu[ance]” of a permit and not the “accept[ance]” of an application and (3) included express exemptions for, among other things, (a) pending applications (“19.82.979 Exemptions. This ordinance shall not prevent the following: 1. The processing, approval, or granting of any permit or approval application for hotel development which is complete and has been properly filed with the county prior to the effective

date of this ordinance . . .”), (b) projects that had received SMA approval (“19.82.979 Exemptions. This ordinance shall not prevent the following: . . . 2. The processing, approval, or granting of any permit or approval application for hotel development for which a special management area permit has been granted prior to the effective date of this ordinance.”) and (c) permits or approvals necessary for the renovation of guest rooms (“19.82.979 Exemptions. This ordinance shall not prevent the following: . . . 5. The granting of necessary permits or approvals for maintenance, repair and alteration which do not create additional guest rooms.”).

Similarly, Maui Ordinance No. 5125 (2020) (1) only applied to the issuance of transient vacation rental permits, bed and breakfast home permits, short-term rental home permits, County special use permits, State special permits, conditional permits and building permits that would allow transient vacation rental use or transient accommodations, except in any zoning district where transient vacation rental use was a permitted use (Section 19.97.020), (2) only applied on Lānaʻi (*id.*), (3) only lasted until the earlier of one year or the adoption of a cap on the maximum under bed and breakfast and short term rental permits (Section 19.97.030) and (4) included exemptions for permit applications that had been completed prior to the effective date of the ordinance (Section 2).

Turning to Honolulu Ordinance No. 18-6, the measure only applied to “large detached dwellings,” “accessory dwelling unit[s] located on the same lot as an existing large detached dwelling” and “two family detached dwelling[s]” in one residential district on lots with an area of less than 10,000 square feet. (Section A.) Even in this limited application, the Ordinance contained (1) a general exception for “large detached dwellings” meeting specific characteristics (Section B), (2) exemptions for certain kinds of developments, including projects with SMA approval, “for which a discretionary permit has been lawfully issued by any government agency, and is in effect on the effective date of this ordinance” (Section C) and (3) and “exemptions for any development for which a building permit application has been submitted to and accepted as complete by any government agency for processing as of the effective date of this ordinance . . .” Section C.

We could not locate the mainland example—City of Asheville, North Carolina, Ordinance 4766 (2019).



I believe that the following paper will show that Tourism to Hawaii, beyond all other considerations, must be judged in an environmental and climate change context. Hawaii's tourism, as a societal construction enjoys a mixture of benefits and consequences. However when placed in the context of the environmental damage done, particularly in regards to 'climate justice' and global warming, its societal balance sheet loses significance. In spite of its economic benefits, tourism to Hawaii must be abandoned for the environmental reasons discussed in this paper.

I composed the following paper in October, 2020. It was published in a monthly Honolulu e-Journal, 'Climate Emergency Digest' and was presented to the City and County of Honolulu Climate Change Commission. Of the 5 commissioners, 4 are climate scientists. The paper was described as 'very important' and was recommended to be presented to the State Climate Commission. Of this 10 page paper, the final 5 pages are references focusing on the importance of including 'non-carbon' emissions in calculation of 'Global Warming Potential', as recognized by the IPCC. The definitive work in the scientific literature on quantifying air transport emissions leading to global warming was published by Lee, et al. in the journal Atmospheric Environment in January, 2021 and was not available to me in forming this paper. That paper is entitled "The Contribution of Global Aviation to Anthropogenic Climate Forcing, 2000 to 2018" and is linked here: <https://www.sciencedirect.com/science/article/pii/S1352231020305689> The summation statement in the abstract of this dense and technical paper is the following: "CO2-warming-equivalent emissions based on global warming potentials (GWP method) indicate that aviation emissions are currently warming the climate at approximately three times the rate of that associated with aviation CO2 emissions alone." As will be seen, I believe that this serves to substantiate the conclusions which are reached regarding global warming emissions from air transport of Hawaii visitors.

Tawn Keeney MD

#### HAWAII VISITOR AIR TRAVEL EMISSIONS AS CONTRIBUTOR TO GLOBAL WARMING

This paper attempts to answer the question "How much global warming emissions are generated though air travel of visitors to Hawaii?" Though discussion and criticism will appropriately arise, the core answer will be 18 million tons of CO2(equivalent) emissions arose from air travel of visitors in 2019. To gain perspective on this number, the emissions from all of Hawaii's Stationary Combustion (electricity generation from power plants, petroleum refineries, etc.) was 7.8 million tons CO2(e), and all emissions from ground transportation in the islands reached 4 million tons CO2(e). (Hawaii State Greenhouse Gas Inventory) It is therefore proposed that Hawaii's imperative efforts toward conversion of power generation and ground transportation to zero emissions sources will make only modest improvement in the state's emissions profile if we continue to host the current numbers of visitors.

The derivation of the figure of 18 million tons CO2(e) from visitor transport must be understood.

REGION	# of VISITORS	ORIGIN CITY	ROUND TRIP MILES	EMISSIONS -CO2(e)
U.S. West	4,600,000	Portland	5,200	6,440,000 tons
U.S. East	2,300,000	Washington D.C.	9,600	5,750,000 tons

Japan	1,600,000	Tokyo	7,600	1,600,000 tons
Canada	500,000	Vancouver B.C.	5,400	700,000 tons
Europe	140,000	London	14,000	546,000 tons
Oceania	360,000	Sydney	10,000	972,000 tons
Korea	230,000	Seoul	9,200	552,000 tons
China	90,000	Shanghai	9,800	234,000 tons
EMISSIONS (EQUIVALENTS CO <sub>2</sub> ) TOTAL:				18,394,000 tons

The above table, in it's first two columns, collates information from the Hawaii Tourism Authority 2019 data regarding numbers of visitors from each of 8 'Regions of Origin'. The third column chooses an origin airport representative of that 'region'. The fourth column calculates the round-trip miles in the most direct flight itinerary from that origin airport to Honolulu. We will discuss the 5th column momentarily as we choose the correct method to convert each itinerary into it's CO<sub>2</sub>(e) emissions.

For this discussion the number of miles traveled for each passenger itinerary, and the CO<sub>2</sub>(e) emissions for which each passenger is responsible, are calculated by the Carbon Offset websites. The several available carbon offset websites calculate carbon emissions from various activities including air transportation and then allow the purchase of 'offsets' to be applied to environmentally restorative projects to compensate for those emissions. Each 'offset' website has it's own methodology for these calculations.

The number of miles traveled by visitors from each region is derived from the most direct itinerary from the chosen airport in that region to Honolulu. Factoring the number of travelers from each region in 2019, it is determined that the average visitor to Hawaii travels approximately 7,000 miles in their round-trip to the 'most remote inhabited archipelago from any continental land mass' on the planet. From the 2019 Hawaii Tourism Authority data, Hawaii hosted 10 million such visitors in 2019 (70 billion miles traveled). I must pause to acknowledge that we don't know what percentage of those travelers might have been stopping here in an otherwise necessary trip across the Pacific, or how Hawaii as destination might have been shaped by other travel plans. That limitation of this study should be understood.

The calculation of the emissions associated with flight itineraries is the major accomplishment of the Carbon Offset websites. In order to determine which website we would use for our calculations, we looked at eight of the most commonly used international websites and calculated the emissions burden of round-trip flight for the example: Portland to Honolulu. The outcome was as follows:

ICAO (International Civil Aviation Organization):	1,317 lbs. CO <sub>2</sub>
Terrapass (US):	3,365 lbs. CO <sub>2</sub> (e)
Atmosfair (German):	3,740 lbs. CO <sub>2</sub> (e)
Sustainable Travel International:	2,640 lbs. CO <sub>2</sub> (e)
My Climate:	2,800 lbs. CO <sub>2</sub> (e)
Native Energy:	3,460 lbs. CO <sub>2</sub> (e)
Carbon Footprint:	2,340 lbs. CO <sub>2</sub> (e)
Climate Care (British):	2,500 lbs. CO <sub>2</sub> (e)

(This British site multiplies the carbon emissions by 1.9 to account for non-carbon emission, as recommended by the British government environmental agency)

The Carbon Offset website coming closest to the average (2,770 lbs.) of the calculated values is the site My Climate. I have therefore chosen this Offset calculator to derive the emissions reflected in Column 5 of the above table. However, it is imperative that one understands the reasons between the large discrepancy between the calculations of ICAO and those of the other Offset sites.

Other than ICAO, the computations of the carbon offset sites include the 'non-CO2' emissions and other factors which go to make up the Radiative Forcing Index and Global Warming Potential. These are measures of the total heating potential of any activity, not just the CO2 emissions. The IPCC, through the work of various investigators has determined that in air traffic flying above 9,000 meters (which would comprise 90% of all flight time to Hawaii) the non-CO2 emissions such as water vapor and ice crystals (as contrails) and nitrogen oxides and particulates are substantially more contributive to global warming than the CO2 emissions themselves, up to a factor of 2x. Most regional air traffic does not reach this height. For a more complete description of these factors and calculations see the Atmosfair Carbon Calculator Methodology (particularly Chapter 4 on non-CO2 emissions) here:

[https://www.atmosfair.de/en/standards/emissions\\_calculation/emissions\\_calculator/](https://www.atmosfair.de/en/standards/emissions_calculation/emissions_calculator/)

The ICAO (which, though UN affiliated, is airline industry operated) computations do not acknowledge 'non-CO2' factors. Atmosfair factors Non-CO2 emissions above 9,000 meters as equivalent to fully 2x the CO2 emissions, acknowledged by the IPCC with "not less than low confidence (not 'very low')". This then is added to the CO2 component of emissions. Countries such as Austria or Germany consider a warming effect of non-CO2 that is comparable to CO2 in national assessments of aviation impacts. This reflects that much of their air traffic is regional and below 9,000 meters. The IPCC has indicated that they will address the issue of 'non-CO2' factors again in their 2021 assemblies. Suffice it to say that there is uncertainty in how to apply the 'non-CO2 emissions' factor. However, the Precautionary Principle should apply to all climate change associated considerations. The five pages of Documentation and References at the end of this paper focuses on the issue of the importance of 'non-carbon emissions'.

Using the emissions calculator of the carbon offset site 'My Climate' as the mid-way or middle-ground method between ICAO and Atmosfair, and applying it to the representative airport from each of the origin airports and factoring the number of visitors from that region, we derive the emissions of CO2(e) from that region. Adding these we derive a total emissions of over 18 million tons from visitor air travel to Hawaii.

It follows that, with 10 million visitors in 2019, the 'average' visitor's emissions burden is 1.8 tons CO2(e) from his round trip flight. It is important to understand this 1.8 tons emission burden for the average visitor in terms of the notion 'climate justice'. The IPCC in late 2020 has recalculated the equitable yearly CO2(e) budget for each world citizen.. There is a 66% chance of keeping world temperature increase below 1.75 degrees C if a yearly equitable carbon budget for each world citizen of 2.75 tons CO2(e) emissions is achieved and world CO2(e) emissions reach net 0 by 2050. With 1.8 tons in travel emissions that average visitor has 'blown through' 2/3 of this yearly 2.75 tons equitable carbon allotment in his flight to Hawaii. Further, because the government of Hawaii, through funding the Hawaii Tourism Authority, actively promotes this tourism for the benefit of it's people, the citizens of Hawaii must assume ownership of these emissions. Each Hawaii resident has thereby appropriated the equitable carbon emissions allotment of five world citizens. (18 million tons/1.4 million residents/2.75 tons/person). The carbon budget calculations do not include positive feedback

loops such as progressive methane release from melting arctic permafrost or drying or burning of the Amazon rainforest. Nature Conservancy states that the US average yearly carbon emissions now amounts to 16 tons per person and the yearly global average is 4 tons.

It is notable that the Hawaii State 2019 Greenhouse Gas Inventory designates the category 'Domestic Air Transport'. It reports the 2019 emissions as 3.2 million tons CO<sub>2</sub>(e). This category includes only inter-island flights and flights departing from Hawaii to the US mainland. It does not include US mainland arrivals. It does not include international flights (either arrivals or departures). It does not include the 'non-carbon emissions' above 9,000 meters (considered to have up to twice the global warming potential of the accompanying CO<sub>2</sub> emissions, and which comprises 90% of the flight time to and from Hawaii.)

Will the development of Sustainable Aviation Fuel be the answer for the Hawaii Economy's reliance on tourism? Because of EU's cap & trade policy Europe may have taken the lead in SAF development. A European study estimates that by 2030, with ideal policy support and continued favorable conditions, plant based SAF could account for 6% to 9% of European air transportation fuel use. < <https://skynrg.com/news-and-inspiration/expert-opinions/expert-opinion-on-green-horizons/> > Though we should explore SAF, we should not paint the picture that aviation is about to become sustainable. Hydrogen powered flight is being actively investigated. However, I refer to calculation by a French astrophysicist of the amount of renewable electricity required to make the hydrogen sufficient to power all current flights at Charles de Gaulle Airport: 5,000 sq. kilometers of wind turbines or 1,000 sq. kilometers of solar panels. < <https://www.youtube.com/watch?v=vPoDjNWJJ0w> >

Ultimately, advertisement of Hawaii as a visitor destination must be abandoned. This imperative will eventually be forced upon us, but by being proactive we could lead the world in commitment to climate change mitigation. However, if the Hawaii Tourism Authority's \$80 million budget for the promotion of tourism were discontinued, the multi-billion dollar visitor industry itself would quickly step in with funding for advertising Hawaii. Though the public would save this money, which is derived from the Transient Accommodations Tax, the visitors would keep coming, the goal would not be achieved. In 1990, 8 years before promotion of tourism by public funding through creation of the HTA, the Hawaii Visitors Bureau reported 7 million visitors.

Another approach might be to modify a modest proposal currently before legislature of a \$20 'green fee' applied to the TAT for each Hawaii visitor. This \$20 Transient Accommodations 'Green Fee' could become a nightly fee. This nightly fee could be raised by \$5 to \$10 each year until the number of visitors in the preceding year had fallen to the 'desirable' level. Hopefully this level would reflect respect for the above notion of 'climate justice'. What is that level? Keith Amemiya, as candidate for mayor, was asked that question. His reply (after some thought) - "somewhere around 6 million". This examiner would place that number lower.

The Hawaii Tourism Authority reports that the 'average' visitor to Hawaii spends \$1,800 on their visit. Is that visitor going to be dissuaded from his 10 day visit by an extra \$200 spent as 'green fee'? A few, but not most. The Hawaii Tourism Authority has endorsed the position that perhaps 2019's numbers reached 'too many', and that we may want to reduce the number of budget or economy travelers, but continue to encourage the more high end or extravagant visitors. Those 'higher end' travelers will not even notice the extra \$20 per day spent.

Our world is 'on fire'. Twice in the past year, temperatures have been recorded above the arctic circle at 100 F or higher. These times are unprecedented. This is the beginning. The scientists are saying that global warming is coming faster than they had imagined possible. It is time for commitment.



## DOCUMENTATION AND REFERENCES

1. Yerton, S. (2019, August 27). Air Travel's Carbon Footprint Takes a Big Environmental Toll in Hawai'i. *Civil Beat*.

<https://www.civilbeat.org/2019/08/air-travels-carbon-footprint-takes-a-big-environmental-toll-in-hawaii/>

2. Shkvorov, A. (2020, July 3). Hawai'i's Runaway Tourism. Excerpts from the transcript of the main presentation delivered during the virtual colloquium "Hawai'i's tourism futures: What constrains the realm of possibilities?"

<http://hrt.hawaii.red>

3. Atmosfair Emissions Calculator Methodology.  
Chapter 4: Climate Impact of Non-carbon Emissions.

[https://www.atmosfair.de/en/standards/emissions\\_calculation/emissions\\_calculator/](https://www.atmosfair.de/en/standards/emissions_calculation/emissions_calculator/)

### Chapter 4 Summary:

Aircraft engines emit various pollutants that contribute directly or indirectly to raising global temperatures. Among them, carbon dioxide (CO<sub>2</sub>) is the easiest to explain in terms of origin and effect. The combustion of kerosene produces CO<sub>2</sub>: the more kerosene is consumed, the more CO<sub>2</sub> is produced. CO<sub>2</sub> is used as the basis for calculating climate damage. Other pollutants and their effects can be summarized using an internationally recognized calculation method and these warming effects can hence be converted into those of CO<sub>2</sub>. First, the emissions calculator calculates the fuel consumption per passenger and based on this result, determines the amount of CO<sub>2</sub> that has a comparable effect to that of all other pollutants emitted by the flight added together (effective CO<sub>2</sub> emissions). This is the calculator's final CO<sub>2</sub> output, which Atmosfair will then offset through climate protection projects.

The degree of climate impact for emissions and their effects depends on the altitude and the state of the atmosphere at the time of the flight and when the aircraft emits the pollutants. The emissions calculator only processes the non-carbon emissions when the flight profile exceeds 9000-meter altitude. For a short-haul flight of 400 km, the amount of time spent at over 9000 m usually equals 0% of the flight profile (depending on the aircraft type) and then gradually rises to over 90% (for distances of 10,000 km and beyond). In order to properly include the effect of those emissions in the calculations, the CO<sub>2</sub>-emissions produced at over 9000 m are multiplied by two and then added to the actual carbon emissions ("factor 3").

The effects those pollutants have on the climate have been described in detail by the IPCC, the Intergovernmental Panel on Climate Change (IPCC 1999, 2013), and by subsequent studies directly based on the IPCC's findings (Grassl, Brockhagen 2007). This document will only address the major pollutants and their effects. See the above Atmosfair website for further discussion.

4. Articles referencing the contribution of 'non-CO<sub>2</sub>' air transport emissions to global warming.

4.1. Gössling, S. & Humpe, A. (2020). The global scale, distribution and growth of aviation: Implications for climate change. *Global Environmental Change* 65, 102194.

<https://www.sciencedirect.com/science/article/pii/S0959378020307779>

An important omission of Kyoto Protocol and Paris Agreement is their focus on CO<sub>2</sub> and other long-lived greenhouse gases, ignoring aviation's contribution to radiative forcing from short-lived emissions such as nitrous oxides (NO<sub>x</sub>), or in the form of contrails or clouds (H<sub>2</sub>O) (Lee et al., 2020). These non-CO<sub>2</sub> emissions are not directly comparable with long-lived GHG, but they do contribute to global warming (Lee and Sausen, 2000).

Non-CO<sub>2</sub> warming is expected to remain relevant in the short and medium-term future (Bock and Burkhardt, 2019). To account for non-CO<sub>2</sub> warming, countries such as Austria or Germany consider a warming effect of non-CO<sub>2</sub> that is comparable to CO<sub>2</sub> in national assessments of aviation impacts (Environment Agency Austria, 2018; German Environment Agency, 2018). In 2018, aviation has been estimated to account for 2.4% of anthropogenic emissions of CO<sub>2</sub> including land use changes (Lee et al. 2020). There is an additional warming effect related to contrail cirrus and NO<sub>x</sub>, which is larger than the warming from CO<sub>2</sub>, if calculated as net effective radiative forcing. Lee et al. (2020:2) conclude that "aviation emissions are currently warming the climate at approximately three times the rate of that associated with aviation CO<sub>2</sub> emissions alone".

4.2. Le Page, M. (2019, June 27). It turns out planes are even worse for the climate than we thought. *New Scientist*.

<https://www.newscientist.com/article/2207886-it-turns-out-planes-are-even-worse-for-theclimate-than-we-thought/>

Burkhardt and her colleagues used a computer model of the atmosphere to estimate how much warming contrails caused in 2006 - the latest year for which a detailed air traffic inventory is available - and how much they will cause by 2050, when air traffic is expected to be four times higher. The model accounts for not only of the change in air traffic volume, but also the location and altitude of flights, along with the changing climate. The team concludes that the warming effect of contrails will rise from 50 milliwatts per square metre (mW/m<sup>2</sup>) of Earth's surface in 2006 to 160 mW/m<sup>2</sup> by 2050. In comparison, the warming due to CO<sub>2</sub> from aviation will rise from 24 to 84 mW/m<sup>2</sup> by this time. In a scenario in which the airline industry increases fuel efficiency and reduces the number of soot particles emitted by improving fuels and engines, the warming from contrails by 2050 is limited to 140 mW/m<sup>2</sup> and the warming from CO<sub>2</sub> to 60 mW/m<sup>2</sup>.

4.3. Timperley, J. (2017, March 15). Explainer: The challenge of tackling aviation's non-CO<sub>2</sub> emissions. *CarbonBrief*.

<https://www.carbonbrief.org/explainer-challenge-tackling-aviations-non-co2-emissions>

4.4. Larsson, J., et al. (2018). Measuring greenhouse gas emissions from international air travel of a country's residents. *Environmental Impact Assessment Review* 72: 137-144.

<https://www.sciencedirect.com/science/article/pii/S0195925517303116>

There are also non-CO<sub>2</sub> effects from aviation on the climate including nitrogen oxides, contrails, and aviation-induced cirrus clouds (Azar and Johansson, 2012; Boucher et al., 2013; ICAO, 2013; David S Lee et al., 2010). There are significant uncertainties about how large these effects are. Our choice to include them is mainly based on that they are accounted for in the last scientific review carried out by the IPCC (Boucher et al., 2013). We apply this by using the most



cited scientific estimate (David S Lee et al., 2010). The inclusion of non-CO<sub>2</sub> effects is done by multiplying CO<sub>2</sub> emissions by an Emission Weighting Factor (EWF). The EWF is highly dependent on the time perspective considered: the shorter the time perspective, the higher the EWF will be. In this paper, we used Global Warming Potential (GWP) with a 100-year perspective, for which the EWF is 1.9 (Lee et al., 2010).

4.5. Sullivan, A. (2020, January 21). To fly or not to fly? The environmental cost of air travel.

*Deutsche Welle.* <https://www.dw.com/en/to-fly-or-not-to-fly-the-environmental-cost-of-air-travel/a-42090155>

Many estimates put aviation's share of global CO<sub>2</sub> emissions at just above 2 percent. That is the figure the industry itself generally accepts.

But according to Stefan Gössling, a "professor at Sweden's Lund and Linnaeus universities and co-editor of the book *Climate Change and Aviation: Issues, Challenges and Solutions*, "That's only half the truth." Other aviation emissions such as nitrogen oxides (NO<sub>x</sub>), water vapor, particulates, contrails and cirrus changes have additional warming effects. "The sector makes a contribution to global warming that is at least twice the effect of CO<sub>2</sub> alone," Gössling told DW, settling on an overall contribution of 5% "at minimum." A few years ago, environmental group

Germanwatch estimated that a single person taking one roundtrip flight from Germany to the Caribbean produces the same amount of damaging emissions as 80 average residents of Tanzania do in an entire year: around four metric tons of CO<sub>2</sub>.

4.6. IPCC. (1999). *Aviation and The Global Atmosphere*. J.E.Penner, D.H.Lister, D.J.Griggs, D.J.Dokken, M.McFarland (Eds.) Prepared in collaboration with the Scientific Assessment Panel to the Montreal Protocol on Substances that Deplete the Ozone Layer Cambridge University Press, UK.

<https://www.ipcc.ch/report/aviation-and-the-global-atmosphere-2/>

In an attempt to aggregate and quantify the total climate impact of aircraft emissions, the Intergovernmental Panel on Climate Change (IPCC) estimated that aviation's total climate impact is some two to four times that of its direct CO<sub>2</sub> emissions alone (excluding the potential impact of cirrus cloud enhancement).

4.7. Azar, C. & Johansson, D. J. A. (2012). Valuing the non-CO<sub>2</sub> climate impacts of aviation. *Climatic Change* 111 (3-4): 559-579.

<https://link.springer.com/article/10.1007/s10584-011-0168-8>

While the principal greenhouse gas emission from powered aircraft in flight is CO<sub>2</sub>, other emissions may include nitric oxide and nitrogen dioxide (together termed oxides of nitrogen or NO<sub>x</sub>), water vapor and particulates (soot and sulfate particles), sulfur oxides, carbon monoxide (which bonds with oxygen to become CO<sub>2</sub> immediately upon release), incompletely burned hydrocarbons, tetraethyllead (piston aircraft only), and radicals such as hydroxyl, depending on the type of aircraft in use. Emissions weighting factor (EWFs) i.e., the factor by which aviation CO<sub>2</sub> emissions should be multiplied to get the CO<sub>2</sub>-equivalent emissions for annual fleet average conditions is in the range 1.3-2.9.

4.8. Jardine, C. N. (2009). Calculating the Environmental Impact of

Aviation Emissions. <https://www.eci.ox.ac.uk/research/energy/>

In 1999 the contribution of civil aircraft-in-flight to global CO<sub>2</sub> emissions was estimated to be around two percent. However, in the cases of high-altitude airliners which frequently fly near or in the stratosphere, non-CO<sub>2</sub> altitude-sensitive effects may increase the total impact on anthropogenic (human-made) climate change significantly. A 2007 report from Environmental Change Institute/Oxford University posits a range closer to 4% cumulative effect.

4.9. Faber, J. & Nelissen, D. (2017). Towards Addressing Aviations Non-CO<sub>2</sub> Climate Impacts. *CE Delft*.

[https://www.cedelft.eu/publicatie/towards\\_addressing\\_aviations\\_non-co2\\_climate\\_impacts/1961](https://www.cedelft.eu/publicatie/towards_addressing_aviations_non-co2_climate_impacts/1961)

Aviation has different impacts on the climate. While the EU and ICAO have started to address the impacts of CO<sub>2</sub> emissions, the other impacts remain unaddressed directly. This note argues that they should be addressed in line with established European policy as well as because of the precautionary principle.

In terms of radiative forcing, the non-CO<sub>2</sub> climate impacts of aviation are estimated to be about as large as the impacts of CO<sub>2</sub>. In other words, the cumulative effect of the non-CO<sub>2</sub> impacts on the current climate is about as large as the cumulative effect of aviation CO<sub>2</sub> emissions. (Note, however, that radiative forcing is not a good metric for designing policies as it tends to measure the impact of past activities rather than influence future activities, and so does not fully account for the different lifetimes of the CO<sub>2</sub> and non-CO<sub>2</sub> impacts).

In view of the impact of aviation's non-CO<sub>2</sub>-emissions on climate, there are good reasons to implement policies to address them. The uncertainty about the exact size of the impact is not a valid argument to postpone action when the precautionary principle applies. This section shows that this appears to be the case.

In its communication on the Precautionary Principle, the European Commission (EC, 2000) states that the precautionary principle can be invoked to take action when the following criteria are met:

- It should be “considered within a structured approach to the analysis of risk which comprises three elements: risk assessment, risk management, risk communication. The precautionary principle is particularly relevant to the management of risk”.
  - “Potentially dangerous effects deriving from a phenomenon, product or process [should] have been identified”.
  - “Scientific evaluation does not allow the risk to be determined with sufficient certainty”.
- Each of the criteria has been met for non-CO<sub>2</sub> climate impacts of aviation.

There exists a well-established EU policy to deal with emissions causing climate risks in general, as is evident from the 2020 climate and energy package and the 2030 climate and energy framework, for example. This policy underlies the EU ETS and effort sharing, as well as policies aimed at for example fluorinated greenhouse gases. The EU policy contributes to a global policy framework within the UNFCCC.



The potentially dangerous effects of climate emissions, including aviation NO<sub>x</sub>-emissions, have been identified, but there is ongoing discussion about the size of the impact.

Although it is clear that the non-CO<sub>2</sub> climate impacts add to the global temperature increase, the level of scientific understanding of the aviation non-CO<sub>2</sub> impacts is still considered too low to calculate the risks exactly (Lee, et al., 2010). Moreover, there is an ongoing discussion about the relevant metric for comparing long-term and short-term climate impacts which is in itself not a scientific but rather a political decision because it depends on the type of risk that a society is willing to accept.

4.10. Hemmings, B. (2017). The non-CO<sub>2</sub> impacts of aviation must be tackled. [A *Transport & Environment* briefing]. Brussels.

[https://www.transportenvironment.org/sites/te/files/publications/2017\\_06\\_non\\_CO2\\_aviation\\_briefing\\_final\\_0.pdf](https://www.transportenvironment.org/sites/te/files/publications/2017_06_non_CO2_aviation_briefing_final_0.pdf)

Non-CO<sub>2</sub> effects of aviation have been acknowledged by scientists but ignored by policymakers. It is estimated that gases other than CO<sub>2</sub> have at least as large a climate impact as CO<sub>2</sub>. The European Commission has so far failed to address aviation's non-CO<sub>2</sub> effects despite undertaking to do so in 2008. This risks undermining the EU's climate policy. T&E recommends the Commission now acts on its 2008 promise and proposes a charge on NO<sub>x</sub> emissions and earmarks funds for research into other non-CO<sub>2</sub> effects such as contrail and cirrus formation and their avoidance.

Measures proposed or in place to address aviation's climate impact, such as EU Emissions Trading System (EU ETS), the CO<sub>2</sub> standard for new aircraft or the proposed global measure (CORSIA), only address CO<sub>2</sub> emissions from aviation. However, aviation's non-CO<sub>2</sub> climate effects including NO<sub>x</sub> emissions at altitude, contrails, cirrus cloud formation, soot and water vapor etc. can equal or exceed the climate impact of aviation CO<sub>2</sub>.

European Commission Brussels, 3.2.2017 Commission Staff Working Document Proposal for a regulation of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community in view of the implementation of a single global market-based measure to international aviation emissions.

The Commission's Impact Assessment accompanying its February 2017 ETS proposal restates the high importance of non-CO<sub>2</sub>: "Aviation also has non-CO<sub>2</sub> impacts, such as emissions of NO<sub>x</sub> and water vapor at high altitudes, which have been estimated to have several times the impact of aviation's CO<sub>2</sub> emissions. This impact assessment does not further consider these impacts."

EU's Clean Sky Initiative: "Aviation climate scientists tell us there is a dearth of research funds into aviation non-CO<sub>2</sub>. Industry greatly influences funded research projects and won't have pushed for such work as there are no financial benefits to carriers of reducing non-CO<sub>2</sub> effects."

4.11. Sims R., R. Schaeffer, F. Creutzig, X. Cruz-Núñez, M. D'Agosto, D. Dimitriu, M.J. Figueroa Meza, L. Fulton, S. Kobayashi, O. Lah, A. McKinnon, P. Newman, M. Ouyang, J.J. Schauer, D. Sperling, and G. Tiwari, 2014: Transport. In: *Climate Change 2014: Mitigation of Climate Change*.

*Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Edenhofer, O., R. Pichs-Madruga, Y. Sokona, E. Farahani, S. Kadner, K. Seyboth, A. Adler, I. Baum, S. Brunner, P. Eickemeier, B. Kriemann, J. Savolainen, S. Schlömer, C. von Stechow, T. Zwickel and J.C. Minx (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

[https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc\\_wg3\\_ar5\\_chapter8.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc_wg3_ar5_chapter8.pdf)

#### Author's Note

The accompanying article should be considered a 'living document'. It is a first effort at communicating conclusions which may change shape as more data and more perspectives are assembled in service to the important examination of environmental and societal consequences of visitor travel to Hawai'i. Further investigation will be ongoing and contributions to this discussion are welcomed.

Tawn Keeney, MD





HEARING OF THE COUNCIL OF THE COUNTY OF MAUI

ATTN: CHAIR ALICE L. LEE & VICE-CHAIR  
KEANI RAWLINS-FERNANDEZ

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Testimony in Strong Support of Communication No 21-222, Resilience Office, transmitting a proposed resolution entitled "Authorizing the Use of Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Funds by Grant to Ke Ao Hali'i to be Used to Purchase Property in Hana, Maui, Hawaii, and Authorizing the County to Receive a Perpetual Conservation Easement"

Feb. 25, 2021, 11:00am

Aloha mai kākoku Chair Lee, Vice-Chair Rawlins-Fernandez & Members of the Council of the County of Maui,

Hawaiian Islands Land Trust, d/b/a Hawai'i Land Trust ("HILT") is Hawai'i's islands-wide land trust that is both a Hawai'i 501(c)3 nonprofit, and a nationally accredited land trust. HILT'S mission is to protect and steward the lands that sustain Hawai'i, and to perpetuate Hawaiian values by connecting people to 'āina. Mahalo for the opportunity to provide testimony in strong support of Communication No. 21-222 and its accompanying resolution.

**Mālama Maka'ala'e, Kāki'o, and Mokae's Coastal Lands at Hāna, Maui:** Open Space funding for these Hāna acquisitions will allow for the permanent project of over 70.07 acres of coastline along the Hāna coast from Maka'ala'e to Mokae (Waioka Pond to Hamoa Beach). The project structure includes a fee acquisition to Ke Ao Hālī'i, local 501(c)(3), whose Board members include representation by genealogical Hāna families; and conservation easements to be co-held by HILT and the County of Maui to ensure permanent protection and public use. The use of these funds meets multiple Open Space purposes and allows the opportunity to invest in community, cultural, and environmental sustainability and resilience—extremely important factors as our County, State, and communities navigate holistic health in these trying times.

Project partners have also successfully leveraged other public and private funding sources to support the permanent protection of these lands, with \$3,445,000.00 coming from the State Legacy Land Conservation Program (LLCP) fund and over \$300,000.00 in private funding sources.

As HILT steps into its 10-year anniversary in 2021, we are humbled and equally emboldened in how our mission and partnerships provide direct reprieve to address the complex environmental and community resilience issues that we collectively face statewide. Mahalo nui loa for your public service and for the opportunity to submit testimony. We look forward to working collaboratively to protect our most special places throughout the County of Maui.

Mālama pono,

Shae Kamakaala

Director of 'Āina Protection, [shae@hilt.org](mailto:shae@hilt.org), 808-940-0639

RECEIVED  
2021 MAY -5 PM 2:01  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

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**From:** Susan Bradford <sbradfordmaui@gmail.com>  
**Sent:** Thursday, May 06, 2021 10:34 PM  
**To:** County Clerk  
**Subject:** County Communication 21-232

Hello.... I am providing testimony for the Bill for a moratorium for Visitor Accommodation Development. County Comm 21-232 I totally support this bill. We need to stop and think about the future of Maui County. To only focus on tourist development will ruin the experience for everyone.

Thus, I believe tht this bill should be referred to the CARE Committee for deeper consideration and a broader discussion concerning sustainable tourism.

Thanks, Susan Bradford

Kihei



Virus-free. [www.avast.com](http://www.avast.com)

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2021 MAY -7 AM 7:58  
OFFICE OF THE  
COUNTY CLERK



## County Clerk

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**From:** Syl Cabral <sylviacabralmaui@gmail.com>  
**Sent:** Saturday, May 01, 2021 12:43 AM  
**To:** County Clerk; mayors.office@mauicounty.gov  
**Subject:** Testimony and Questions for county council May 7th overturn Veto

Please explain who, if any, are in line and who are the developers who can't wait to start building? We always know Peter Martin.  
Who else?

Do these investors have the land acquired and zoned?  
Or are you making up laws for "future considerations".

I think the residency requirement is the answer to years of frustration getting around the HUD requirement that the properties go "public" after 90 days.  
It was Kihei Kalama Kai and the north kihei project Kamalani where 5 local families out of 55 qualified at Kalama Kai (advertised as "oceanfront luxury") and 20 out of 220 qualified for Kamalani. The broker at the time said locals could not qualify because they had a "car payment" Surely those in the range of \$75k x 2= \$150k surely can have a car payment and at this time qualify for a one million dollar home. All the hype about no housing is not correct. The county has no responsibility to build homes for the middle class and should stop catering to developers who build very little affordable and reap the benefits of state, county and federal infrastructure. As soon as the courts open, there will be a flood of homes in foreclosure. Many are living mortgage free this past year and the banks will not be able to evict for up to another 2-3 years or longer with the courts facing a tremendous backlog of evictions which often take minimum six to 12 months to evict since many of Maui's judges fail to follow state, county and real estate laws of evictions. After living rent/mortgage free for 3-4 years, those people can go bankrupt and then clammer on the next administration about the need for new affordable homes starting over with clean slates within 3 years after bankruptcy. Anyways, I doubt one affordable home (under Bill 10) will be built before the deluge of foreclosures start.  
If builders want to build, they will. Savio does and spencer did.  
The rule was 75% affordable about 10 years ago. It should be 100% affordable and let developers build their mc mansions, hotels, condos on their own dime. Please do not tell us the new condo project in wailea is doing "affordable housing" somewhere on poisoned monsanto lands to fulfill any county requirements.  
Under Arakawa and maybe Apana, the county NEVER collected the funds according to their own codes from people who flipped the homes before the covenants were up. Build longer covenants, make affordable housing leasehold and no investors will be interested. The Queen decreed "leasehold lands". The administrations ignored the Hawaiian laws.

Please Be Very Well,

Sylvia Cabral Realty  
Call Me @ 808 879 9007  
For Daily Properties News

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## County Clerk

---

**From:** Syl Cabral <sylviacabralmaui@gmail.com>  
**Sent:** Thursday, May 06, 2021 10:56 AM  
**To:** Maui\_County Council\_mailbox; County Clerk; Council - Maui County  
**Subject:** May 7th Testimony Affordable Housing

The county complains about "no funds". The last two mayors let the affordable housing covenants expire and let people sell their affordable homes and net great returns ignoring the county codes.

### LACK OF ENFORCEMENT

It remains a fraud of federal documents (mortgages) for buyers to sign they are buying a home for long term occupancy when in fact they are buying to hold and sell every 2 years. Remember holding for the 2 years circumvents the home ownership tax exemption.  
wink wink

Please Be Very Well,

Sylvia Cabral Realty  
Call Me @ 808 879 9007  
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## County Clerk

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**From:** Syl Cabral <sylviacabralmaui@gmail.com>  
**Sent:** Thursday, May 06, 2021 11:02 AM  
**To:** Maui\_County Council\_mailbox; County Clerk; Council - Maui County  
**Subject:** Moving Checklist for Children May 7th Testimony Affordable Housing

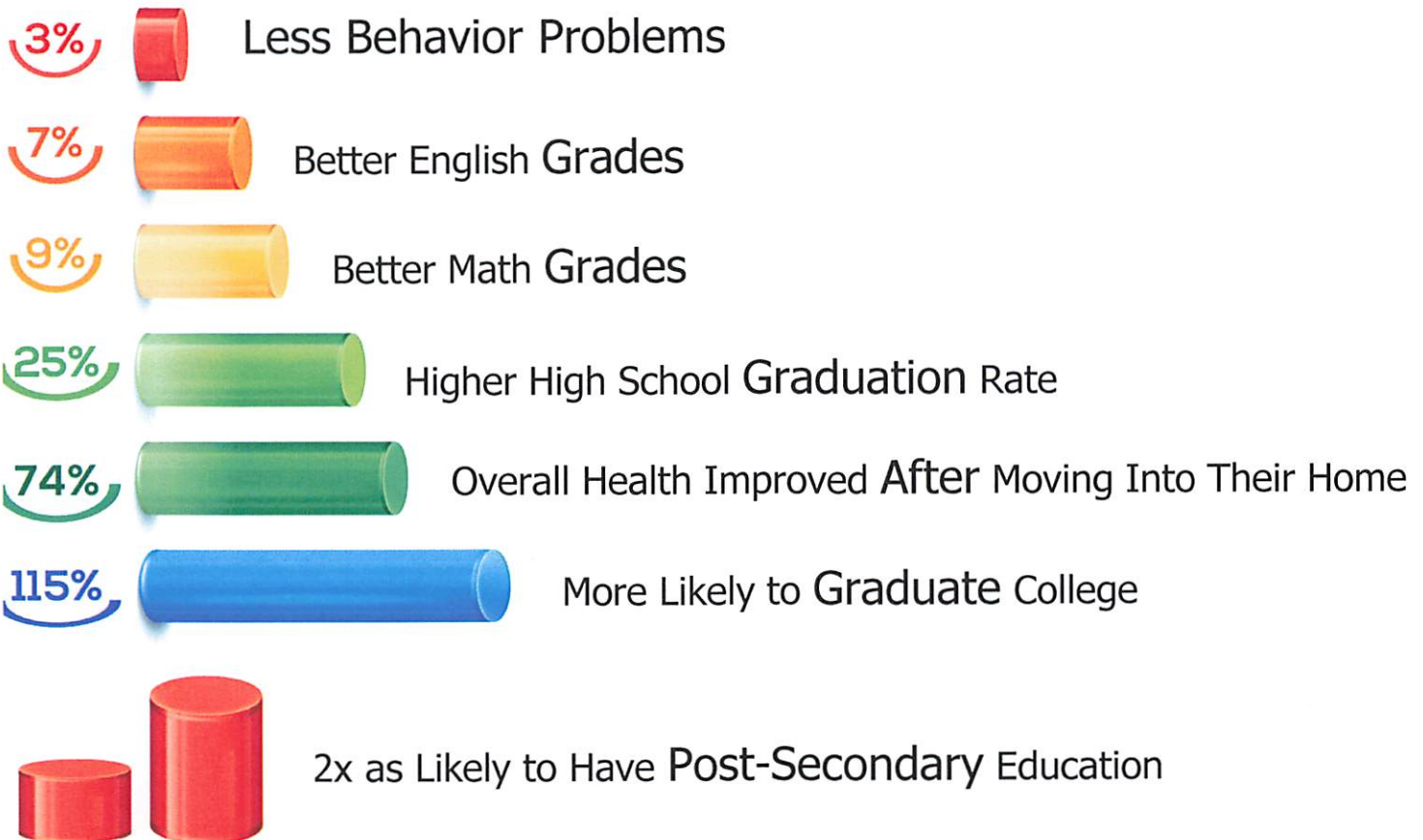
- As you travel on the plane or in the car to your next place, bring your favorite stuffed animal to keep you company.
  - Remember a nightlight or flashlight for camping in the bushes & doing homework.
- Get used to taking showers at public facilities while getting ready for school
- Make sure that you have your favorite bedtime stories.
  - Bring a small bag of toys, games, coloring books, and crayons, maybe even a puzzle, to keep you busy while Mom and/or Dad pack up the black trash bags with your belongings.
  - label your bags with your name so you'll know where your special things are.
  - Have Mom or Dad take some pictures of your best friends, and take these photos with you to help you from being lonely until you make new friends in your new school.
  - Give your pets some hugs, and take good care of them during the move. Reassure them that you hope you do not need to send your pets away.
  - Tell your friends you are moving, and get their addresses and phone numbers so you can write to them or give them a call.
  - Say goodbye to your teachers, and let them know you learned a lot from them.
  - Put on a happy face, and understand how important it is to keep the Aina clean and safe

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## Home Ownership & Helping Children Grow Up Stronger, Smarter & With More

Statistics show that children who are raised in homes that are owned (not rented)...



**I am passionate about helping families and children thrive.  
Call me today to learn more about home ownership in our market.**





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HAWAII CHAPTER

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May 6, 2021

Chair Councilmember Alice Lee  
Vice-chair Councilmember Keani Rawlins-Fernandez  
Maui County Council

RE: CC 21-210 - Veto of Bill No. 10 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES".

Hearing date: May 7, 2021 at 9:00am

Aloha Chair Lee and members of the Council,

Thank you for allowing NAIOP Hawaii to submit testimony in **STRONG OPPOSITION** to Bill 10—AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES. NAIOP Hawaii is the Hawaii chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

Bill 10 requires projects created under HRS § 201H to provide a minimum of 75 percent of the of total dwelling units for very low, low, below-moderate, and moderate-income households, unless a percentage, which is greater than 50 percent is approved by council resolution. The measure is intended to change the way affordable housing is built to increase the production of workforce housing. However, this is simply not the case. The passage of Bill 10 contradicts the urgent need to expand housing opportunities for Maui County's workforce by further limiting the type of housing inventory and increasing the cost of the county's limited housing supply.

Maui is in dire need of more affordable housing for its residents, and Bill 10 will only make Maui's housing crisis worse. On its face 75 percent requirement appears to enable the creation of more affordable housing, however, drawing from previous policy it is apparent that additional regulations actually deter the development of new housing projects and new homes due to the causative financial infeasible effect. For example, in 2006 Maui enacted a similar requirement mandating 50 percent of units in residential development projects to be workforce housing. Since it's inception in 2006 only three workforce housing



COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION

HAWAII CHAPTER

projects were built until 2014 when affordability requirements were reduced. Additionally, construction permits and bid results heavily declined during that time span leading to construction employment falling by 53 percent and a loss of more than 3,000 jobs. The subsequent amendment reducing the requirements in 2014 resulted in hundreds of units becoming available to Maui's workforce.

Furthermore, this measure will severely reduce affordable housing availability for Maui's workforce as the county recovers from the impacts of COVID-19. Bill 10 will severely limit the type of housing inventory and increase the cost of housing at time where many residents are economically vulnerable and recovering from the impacts of the pandemic.

In sum, NAIOP supports the Mayor's veto of Bill 10 and **strongly opposes** the measure. Bill 10 will lead to less workforce housing contrary to the measure's intent. Increased regulation will deter the development of affordable housing and lead to a loss of jobs at a time which Maui residents are recovering from the economic impacts of the COVID-19 pandemic. The council should consider the impacts of similar policy passed in 2006 and work to find creative solutions that will incentivize the development of affordable units.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Catherine Camp", with a long, sweeping flourish extending to the right.

Catherine Camp, President  
NAIOP Hawaii





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May 6, 2021

Councilmember Alice Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council

RE: **MORATORIUM ON VISITOR ACCOMMODATIONS DEVELOPMENT IN WEST MAUI AND SOUTH MAUI**

**Hearing date: Friday, May 7, 2021 at 9:00 AM**

Aloha Chair Lee and members of the Council,

Mahalo for the opportunity to submit testimony on behalf of Hawaii Hotel Association ("HHA") in **OPPOSITION** to the proposed bill in CC 21-232 relating to a Moratorium on Visitor Accommodations Development in West Maui and South Maui.

At the heart of this matter appears to be a desire to control the impact of tourism in Maui. While HHA supports responsible tourism, a moratorium on visitor accommodations development, as suggested in CC 21-232, is not the right approach for several reasons. First, the bill provides no evidence to suggest that a moratorium on building permits for visitor accommodations will provide any meaningful benefit to preserve Maui's environment or mitigate climate-change during the moratorium period. In fact, the number of hotel rooms in Maui have actually decreased in the past few decades. The presumption that preventing future construction of hotel rooms would promote climate change mitigation is entirely inaccurate.

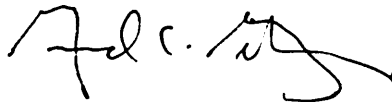
Second, instead of providing a better environment, the bill will negatively impact construction and tourism industries, and harm many Maui residents that rely on these jobs to provide for their families. The moratorium will eliminate hundreds of construction jobs during the two-year moratorium. In addition, the moratorium will also cause a substantial loss in good paying jobs and shutdown of local business in related industries which are critical to the recovery of Maui's economy. These job losses will further delay Maui's economic recovery and ultimately cause further outmigration of local families with generational roots.

Councilmember Alice Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council  
Page 2

Finally, the approach taken to implement a development moratorium seeks to circumvent due process and proper planning procedures. As with any other zoning or land use restrictions, a moratorium on development should be presented to the planning commission in order to be properly considered and vetted. CC 21-232 was not recommended or even considered by the planning commission, nor was there a period for public input prior to being introduced by the council. The public deserves the opportunity to provide input through proper planning procedures so that all affected have the chance to consider and provide input on the amendments. Circumventing the planning process in this manner would set a dangerous precedent for the moratorium being expanded to other geographic areas and to proper planning initiatives.

Simply put, HHA supports the need for responsible tourism and protection of Maui's precious resources. However, proper consideration should be given to the drastic consequences to Maui's community and economy caused by this measure. Accordingly, I respectfully ask that the council defer this measure.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Jerry Gibson", with a stylized flourish at the end.

Jerry Gibson, President  
Hawaii Hotel Association

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May 6, 2021

OFFICE OF THE  
COUNTY CLERK

Frank T. Goeckel  
Senior Vice President - Strategy, Acquisitions and Government Affairs  
Office: 407 626-3854  
Mobile: 407 818 7826  
Frank.goeckel@wyn.com

**RE: Opposition to Maui County Council Bill (CC 21-232)**

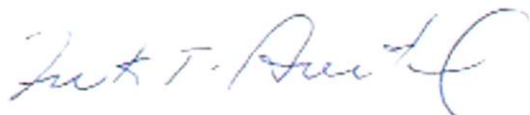
Please accept this testimony in strong opposition of the proposed moratorium on building permits for visitor accommodations.

Wyndham Destinations is the world's largest vacation ownership company with more than 245 vacation club resort locations across the globe. Of the 850,000 families that own our product, Maui is one of the most popular destinations for owners and exchangers. Some of the primary reasons are the pristine beaches and tropical paradise that the island offers. That is why we are supportive of efforts to maintain the environment and have taken steps as a company in our resorts to use environmentally friendly products, reduce energy and water consumption, and minimize waste.

While it is clear we are in alignment on the goal of protecting and preserving Maui, we believe this measure is unwarranted and does not advance its stated purpose. There is no evidence that visitor accommodations in two areas of Maui have had any effect on carbon-emission levels, climate change or global warming. Yet this proposal would enact such extraordinary measures as to put a pause on a whole industry for up to two years with no data to support it.

We respectfully request that this Bill be held until the Council has taken appropriate steps to consider the effect that this will have on the citizens of Maui that rely on the hospitality industry for employment, whether it be in one of the many beautiful existing resorts or in construction jobs building new resorts. Please take careful consideration whether enough research and evidence has been provided that support taking such extreme actions against an industry that has been a good partner to residents of Maui both as an employer and a supporter of the causes they care about.

Respectfully Submitted,



Frank T. Goeckel  
Senior Vice President - Strategy Acquisitions and Government Affairs





HAWAI'I LODGING & TOURISM  
ASSOCIATION

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

Maui County Council  
Council Meeting

CC 21-232: AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A  
MORATORIUM ON BUILDING PERMITS FOR HOTELS

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

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers—advocates on behalf of an industry that has been disproportionately hamstrung by the COVID-19 pandemic. Our people and our businesses are just beginning to get back on their feet, and we, as community, should be trying to make it easier for businesses to recover safely especially during an economic downturn that has hurt our state's top economic driver. At its core, this proposed measure unfairly discriminates against a single industry that consistently contributes millions of dollars each year in State and county revenues.

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

Moreover, the proposed language of the measure cites several goals including the lowering of carbon emissions, climate change mitigation, and limiting global warming by "pausing visitor accommodation development and the related increase in tourism" but limiting development and renovation now would not accomplish this. Any restriction on hotel development would not in any effective manner lower the demand for travel to Maui County at this time. It would, however, severely limit a property's ability to retrofit or upgrade its infrastructure during planned rebuilding.

Finally, restricting construction, expansion, or renovation would only harm other sectors of our economy like construction and other trades that have survived the pandemic. Building permits of all types ultimately mean more projects and, by extension, more jobs for Maui residents. It would seem self-destructive to enact such limiting constraints on both the travel industry and the trades in Maui which is historically the county most reliant upon tourism for its economic well-being. This fact was made

especially clear during and throughout a pandemic that has left Hawai'i with the highest unemployment rate in the nation.

**For these reasons, HLTA strongly opposes this proposed measure.**

Thank you for the opportunity to offer this testimony.



LOCAL #1 HI, IUBAC



## International Union of Bricklayers and Allied Craftworkers Local #1 of Hawaii

2251 North School Street, Honolulu, HI 96819

Phone: (808) 841-8822 • Fax: (808) 777-3456

May 7, 2021

The Honorable Alice L. Lee, Chair  
The Honorable Keani Rawlins-Fernandez, Vice Chair  
Maui County Council  
200 South High Street, Eighth Floor  
Wailuku, Hawai'i 96793

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### Statement of Local 1 in Strong Opposition to CC 21-232

Dear Chair Lee, Vice Chair Rawlins-Fernandez, and Members:

The International Union of Bricklayers and Allied Crafts, Local 1, writes to strongly oppose CC 21-232, which transmits a proposed bill entitled "Amending the Building Code to Add Chapter 40 Relating to a Moratorium on Building Permits for Visitor Accommodations."

Our members would be dramatically and detrimentally affected by the proposed bill. Due to the discerning nature of Maui's visitors, hotel construction and renovations typically involve a substantial amount of high-quality, high-finish stone, marble, terrazzo, and tile work – the type of work that our well-equipped contractors and well-trained members perform. Hotel construction and renovation work provides our members with living wage jobs so they can support their families on Maui County.

If the proposed bill transmitted by CC 21-232 were to pass, our members and contractors would find it nearly impossible to find stable and economically-sustaining work opportunities in Maui County. While the bill purports to only be in effect for a few years, if our Maui members are forced to move away from the island, it will be much more difficult for them to return home afterwards even if hotel construction were to be permitted again. If local contractors close up shop and are unable to open back up after the bill expires, the void will be filled by mainland contractors which would further harm the local economy.

With the tourism industry in a tenuous position due to the COVID-19 pandemic and with an uncertain future ahead for the local construction industry due to the state of the global economy, we are extremely concerned by this proposal. Thus, we must respectfully urge the Council to reject this very problematic proposal.

Thank you for the opportunity to testify on this matter.



## County Clerk

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**From:** justin kanakaole <kanakaolej@gmail.com>  
**Sent:** Wednesday, May 05, 2021 7:27 PM  
**To:** County Clerk  
**Subject:** Letter in support of having a Molokai representative on the Board of Water Supply in Maui County

I was raised in East Maui in a small town known as Hana. I was raised by my grandparents. My grandfather Eric on weekends would take my younger brother, my older cousin and myself to hold signs at a place called Makapipi in Nahiku Maui protesting EMI's claim to water rights. I was 8 years old during this time. The issue of water runs very deep in me and my ohana. You can say I have a passion, an affinity for wai (water). I know the struggle. From an early age I knew the struggle. Moloka'i has proven time and again that their community can unify and uplift. They know their kuleana and do a job so amazing to protect their precious island and it's resources that I cannot find the words to describe such a beautiful display of Aloha Aina. I trust that Molokai knows as a community what they are doing and entrusting such a responsibility to Ms. Juanita Colon with such an important role to represent them at the seat of The Board of Water Supply is something I don't think Molokai takes lightly. I trust the Molokai community and their decision for Ms. Colon to represent them. Please give Molokai a representative, who is actually from Molokai and lives there, a seat on the Board of Water Supply. In closing, I myself truly feel every island and it's community deserves to dictate what goes on on their own island. We should speak for our own island and not mingle in an other islands affairs. I understand that we are a state in America , in some opinions, but not in my opinion, and we fall under a county in jurisdiction, in some opinions, but not in my opinion, and that the county as regulated by the State which is as regulated by the Federal government of the United States, feels the need to appoint whom they see fit to such roles as in this case. But what about what the people want?

Aloha,  
Justin Keli'i Kanakaole

Sent from my iPhone

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Hawai'i  
Construction  
Alliance

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P.O. Box 179441  
Honolulu, HI 96817  
(808) 220-8892

May 6, 2021

The Honorable Alice L. Lee, Chair  
The Honorable Keani Rawlins-Fernandez, Vice Chair  
and Members  
Maui County Council

**RE: OPPOSITION to County Communication 21-232 – Amending the Building Code to Add Chapter 40 Relating to a Moratorium on Building Permits for Visitor Accommodations**

Dear Chair Lee, Vice Chair Rawlins-Fernandez, and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

We write in opposition to Council Communication 21-232 as the proposed bill would stop the issuance of new building permits and would halt a major portion of the construction jobs necessary to Maui County's recovery from the pandemic.

The broad scope of this moratorium falls squarely on the back of working families that are already struggling to survive in a county with the highest cost of living in the nation.

Growth in Maui's hotels lodging capacity ended 25 years ago, while the explosion of bed and breakfast and vacation rentals have directly contributed to over-crowding of beaches and other public spaces.

These short-term rentals sap critical housing supply from the local community and do not create the job growth and economic security that "traditional" hotels provide for the population of Maui.

Most importantly, while the visitor industry is still struggling to recover from COVID, this moratorium crushes any shovel ready projects that blue collar workers are relying upon to outlast the fiscal tsunami created from the pandemic.

In an era of staggering job losses, why would the council take up an item that would only exacerbate the depression?

What other jobs can the working class in Maui turn to, during this moratorium?

Therefore, we request your support to defer Council Communication 21-232.

Mahalo,

A handwritten signature in black ink, appearing to read 'Nathaniel Kinney'.

Nathaniel Kinney  
Executive Director  
Hawai'i Construction Alliance  
[execdir@hawaiiconstructionalliance.org](mailto:execdir@hawaiiconstructionalliance.org)





*Maui Hotel & Lodging*  
ASSOCIATION

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Testimony of  
Maui Hotel Lodging & Association

Maui County Council  
County Meeting

CC 21-232: AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON  
BUILDING PERMITS FOR HOTELS

Chair Lee and members of the Maui County Council, Mahalo for the opportunity to submit testimony on behalf of the Maui Hotel & Lodging Association.

The Maui Hotel & Lodging Association (MHLA) is the legislative arm of the visitor industry. Our membership includes 195 property and allied business members in Maui County – all of whom have an interest in the visitor industry. Collectively, MHLA's membership employs over 25,000 residents and represents over 19,000 rooms. The visitor industry is the economic driver for Maui County. We are the largest employer of residents on the Island - directly employing approximately 40% of all residents (indirectly, the percentage increases to 75%).

It should be noted that the findings of this proposed measure cite tourism statistics from 2019 that do not take into account the pandemic. The industry will continue to face challenges to recover after a year-long depression in visitor arrival numbers.

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

In addition to opposing the bill itself, we strongly oppose its assumption that the moratorium will "lower carbon-emissions levels, mitigate climate-change impacts, and limit the rate of global warming by pausing visitor accommodation development". It is our position that the work to be accomplished as described in this bill falls under the Infrastructure & Transportation Committee whose duties have a long-term focus on construction, environment, sustainability, and utilities. These elements will ensure that future development is held accountable for growth and improving Maui's quality of life.

**For all these reasons, MHLA strongly opposes this bill and its proposed measure.**



Maui Hotel & Lodging  
ASSOCIATION

Thank You for the opportunity to offer this testimony.

Michael Pye  
Fairmont Kea Lani

Angela Vento  
Wailea Beach Resort

Gregg Nelson  
Napili Kai Beach Resort

Gregg Lundberg  
Westin Maui Resort & Spa

Michael Cuthbertson  
Destination Residences Hawaii

Aaron Placourakis  
Tri-Start Restaurant Group

I, Tanya Maile Naehu, a resident, community organizer and educator write this testimony to urge you to secure and prioritize a "Molokai" seat on the County Board of Water supply. Juanita Colon should fill this seat for this term. She is knowledgeable about Moloka'i's water systems both natural and man-made, she is from Moloka'i, she is a Kanaka Maoli raised in Ho'olehua on Hawaiian Homestead, and she has worked with water management for nearly her whole adult life. Truthfully, I was waiting for the day that Juanita would hold a position that she was meant to be in, like this one.

Moloka'i has it's own unique watershed and aquifer system that cannot be confined by the regulations and decisions made for Maui island watersheds, wells, reservoirs, etc. Ten years is far too long to continue with the lack of Moloka'i's voice on the Board. Please know that although I speak for myself and my keiki, I know that all of Moloka'i feels the same. Keep Moloka'i, Moloka'i. That means our experts from our island who love it as an 'ohana member need to have a seat at the table when we are discussing Moloka'i, that is just the pono thing to do. If you were completely able and competent enough to care for your own family members would you ask someone else to care for them?

Mahalo for hearing my kāhea, now I trust that the pono decisions will move us forward. As King Kamehameha said, "*Imua e nā poki'i a inu i ka wai 'awa'awa, 'a'ohe hope e ho'i mai ai.*" Which translates to: Forward my young brothers and drink of the bitter waters, there is no turning back.

Mahalo

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**In Opposition to Maui County Council Bill**  
**Relating to a moratorium on building permits for visitor accommodations**

MAUI COUNTY COUNCIL MEETING  
May 7, 2021, 9:00 a.m.

Chair Lee and Members of the Maui County Council,

We are writing in **strong opposition** to the proposed bill to "amend the building code to add Chapter 40 relating to a moratorium on building permits for visitor accommodations."

The bill is overreaching and **unnecessary** given that the County, through the existing process, can already decide which proposed developments are good for the community without imposing a moratorium.

Implementing a moratorium on building permits for new hotel, resort, timeshare, short-term rental homes, bed and breakfast homes, and transient vacation rental units for an undefined period of time will have far-reaching and long-term negative impacts on real estate, construction, tourism and the whole island economy.

While the intent is to place a pause on the development of visitor accommodations and any increase in visitors, it also will have a negative impact on much-needed employment opportunities for our Maui residents who work in construction, tourism and in other related fields such as transportation and retail. Other unintended consequences include the negative impact on other areas of our economy that rely on the trickle-down effects of employment and tourism, such as suppliers of products that support such accommodations.

Our timeshare industry cares about the environment, and we recognize the need for responsible tourism and better management of our precious resources. Due consideration should be given to the broader impacts of the proposed measure, however. We as a community need to look to some sort of resolution that provides our local residents with the ability to continue to work to provide for their families while at the same time addressing the impacts of the influx of visitors until Maui can transition to a more diversified economic base.

We respectfully request that you **defer this measure** and instead **convene a task force** with representatives from all stakeholders to address these concerns in a deeper and more meaningful way.

Thank you for your consideration.

Respectfully submitted,



Ryan A. Nobriga  
ARDA Hawaii  
Maui Task Force Chair

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2021 MAY -7 AM 9:42

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CC: Honorable Michael Victorino

County of Maui Council Members  
200 S. High Street  
Kalana O Maui Bldg 8th Floor  
Wailuku, HI 96793

May 6, 2021

Honorable County of Maui Council Members;

My name is Darla Palmer Ellison, and I am submitting this testimony on behalf of the Climate Action Advisory Committee, or CAAC, with data supplied by our EV/Energy subcommittee, Rob Weltman, and support from our Tourism subcommittee, Dr. Genesis Young.

The Climate Action Advisory Committee (CAAC) provides community input and proposals to the Maui County Council and Administration on issues related to the effects of the climate crisis on Maui County and actions to mitigate and adapt to them.

While the bill providing a MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS may at first glance seem to primarily be about housing, the effects of increased tourism in worsening the climate crisis and eventually making Hawai'i unable to support human life are even more profound. The Hawaii State Legislature recognizes this urgency, declaring a climate crisis for the state. An increase in visitor lodging will inevitably result in an increase in visitor traffic and other environmental impacts. We therefore ask that this item be under the purview of the County of Maui Climate Action Resiliency and Environment (CARE) committee.

A 2010 study at UH Mānoa, published in Energy Economics, writes that "emission rates generated by visitor demand are estimated to be higher than that of residents by a factor of 4.3 for carbon, 3.2 for methane, and 4.8 for nitrous oxide." That is mostly due to the huge amounts of greenhouse gas emissions from trans-pacific flights and from intense use of rental ground transportation.

18M tons of CO2 equivalent emissions were generated by air travel in 2019 to and from Hawai'i. That can be compared to a total of 7.8M tons from all power plants and refineries, and 4M tons from all ground transportation.

Heroic efforts to speed up the transition to renewable energy and carbon-neutral ground transportation will continue to be dwarfed by the climate destroying effects of air tourism which is considerably beyond any remotely sustainable level. This data does not begin to address the impacts of tourism once visitors are on island, where tourist far outnumber residents and exceed community plans. Maui does not need more visitor accommodations and more visitor traffic. On the contrary, we desperately need to reduce them for both housing reasons and climate change reasons.

The CAAC urges the County Council to consider the potential climate crisis benefits of establishing a moratorium on building permits for hotels and to move forward the bill creating a MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS through the CARE committee for further discussion and adoption. Over tourism is killing the environment and is going to kill tourism without action.

Respectfully,

Darla Palmer-Ellingson  
Climate Action Advisory Committee  
808-280-0949  
[360socialbiz@gmail.com](mailto:360socialbiz@gmail.com)

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**Mission**

*The Climate Action Advisory Committee serves to gather, assess and provide community input and resources to the Maui County Council, Maui County Administration, and others on climate emergency matters affecting Maui Nui.*



## County Clerk

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**From:** Frank "Bud" Pikrone <gm@wcamaui.com>  
**Sent:** Friday, May 07, 2021 9:32 AM  
**To:** County Clerk  
**Subject:** CC 21-232 Moratorium Bill

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2021 MAY -7 AM 9:42

OFFICE OF THE  
COUNTY CLERK

Aloha,

I am writing on behalf of the Wailea Community Association. This Council passed legislation to increase developer requirement for affordable housing to 75%, which since 2006 has shown not to help but only stall development. Now you have a bill that will stop the very development that is intended to pay for the affordable housing. Maybe that is the intention all along, to just stop all development.

So, what does this bill do for the people of Maui? Certainly not the things superfluously spread throughout the bill. Without development, the people of Maui will lose work/jobs. Without housing inventory, the people of Maui will see housing prices continue to soar.

This bill is flawed in it does not properly define "resorts" or "short-term rental homes", leaving that to the Councils whimsy. The bill also says it will automatically repeal itself after two year. But we all know it may take years to recover from it. Or not at all if this is intended to halt permits as the council morphs it into the community plan.

It is also completely irresponsible to not wait for your own study to be completed before any new legislation is considered.

I recommend you use common sense and not approve this bill.

Frank "Bud" Pikrone  
General Manager

**Wailea Community Association**

**Wailea Resort Association**

555 Kaukahi Street  
Wailea, HI 96753  
808-874-6866  
gm@wcamaui.com

## County Clerk

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**From:** Laakea Poepoe <poepoe@hawaii.edu>  
**Sent:** Friday, May 07, 2021 6:22 AM  
**To:** County Clerk  
**Subject:** Testimony 5/7 Council Meeting

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2021 MAY -7 AM 7:58

OFFICE OF THE  
COUNTY CLERK

CC 21-212 "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER  
SUPPLY FOR THE COUNTY OF MAUI";

Aloha council members,

Please accept this testimony as a plea to reserve a seat on the Board of Water Supply for a Molokai Resident. I put my full support behind applicant Juanita Colon, who is highly qualified and whose presence on the board will benefit the entire county. Maui residents currently occupy 7 and likely to be 8 or 9 seats on the Board. Is one seat for Molokai too much to ask? Molokai has been historically underrepresented on this critical board despite the fact that we have county water infrastructure, water issues, and an upcoming WUDP. I understand that you either approve or deny the names sent down by the Mayor, and if the Mayor won't prioritize Molokai, I hope that you will by holding a seat until a qualified Molokai candidate is put forth.

Mahalo  
La'a Poepoe  
Molokai Resident



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2021 MAY -6 AM 8:05

OFFICE OF THE  
COUNTY CLERK

May 5, 2021

Aloha Chair and Council Members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **supports County Communication 21-232**, the proposed bill that would amend the building code to place a moratorium on visitor accommodations development in West and South Maui. This bill will help ensure the County stays on track to implement critical plan action items relating to the visitor-industry impact on the County's environment.

Just last month the State Legislature followed Maui County's lead and officially declared a Climate Emergency for Hawaii. But it is not enough to acknowledge the crisis we face, meaningful actions to address the climate crisis must be taken. This moratorium would do just that by providing the County with clear policy direction to mitigate climate change and work toward resilience. As a means to facilitate further discussion on visitor impacts, resilience, sustainable tourism, and impacts to Maui, we recommend referring this bill to the Climate Action, Resilience, and Environment Committee whose purview includes carbon emissions and other related contributors to climate change.

Thank you for the opportunity to testify.

Sherry Pollack, Co-Founder, 350Hawaii.org

## County Clerk

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**From:** Kilia Purdy-Avelino <kpurdyavelino@gmail.com>  
**Sent:** Friday, May 07, 2021 8:25 AM  
**To:** mayors.office@co.maui.hi.us; County Clerk  
**Cc:** Keani N. Rawlins; Kelly King; Zhantell K. Lindo  
**Subject:** Maui County Board of Water Supply, Molokai Seat Appointee

> Aloha e Mayor Victorino and Maui County Council,

> My name is Kilia Purdy-Avelino from Ho'olehua, Molokai. I, along with my husband, Justin Avelino, and our 4 children, who are native beneficiaries of the Hawaiian Homes Commission Act 1920 (HHCA), understanding the value of our precious waters and native Hawaiian water rights as written in the HHCA, urge you to honor the voices and people of Molokai by placing Ms. Juanita Colon, Molokai-born and raised, highly qualified and knowledgeable in the area of water, to represent a seat on the Maui County Board of Water Supply for our island. It is long overdue and now that we finally have a qualified person to fulfill this kuleana, who has been appointed by our own people, it is now your kuleana to do your duty of listening to the people of our island. We don't see any reason for you not to do so.

> We believe she is the best person to keep Molokai informed and to advocate on our behalf on all Molokai water issues.

> Mahalo,

> Kilia Purdy-Avelino, Ho'olehua Homestead, Molokai

Sent from my iPhone

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2021 MAY -7 AM 8:26  
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COUNTY CLERK



## County Clerk

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**From:** Marlene Purdy <kammypurdy@gmail.com>  
**Sent:** Wednesday, May 05, 2021 7:10 PM  
**To:** Mayors.Office@co.maui.hi.us; County Clerk  
**Subject:** Maui County Board of Water Supply, Representative for Molokai

Aloha Mayor Victorino and Maui County Council, We are Marlene Kamuela Purdy and Harry Kanekawaiola Purdy III from Hoolehua, Molokai. Our ohana are native beneficiaries of the Hawaiian Homes Commission Act 1920 (HHCA) that have dedicated our lives, time, and effort to protect our precious Hawaii waters and native Hawaiians water rights as written in the HHCA.

It is absurd that for ten years, Molokai has had no representation on the Maui County Board of Water Supply (MCBWS) especially when our island has an extensive County water system. We need a permanent Molokai seat at the MCBWS table. Currently, there are several critical Molokai water issues that need to be addressed. We support our Molokai water expert Juanita Colon as our representative. She is knowledgeable and most likely understands the Water Use Development Plan more than most. We urge Mayor Victorino to please reconsider his selection to fill the MCBWS vacant seat with our Molokai water expert, Juanita Colon. We believe she is the best person to keep Molokai informed and to advocate on our behalf all Molokai water issues.

Mahalo,  
The Purdy's

Sent from my iPhone

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2021 MAY -6 AM 8:05  
OFFICE OF THE  
COUNTY CLERK



Mobile: 808.428.8717  
Email: lindaschatz@schatzcollaborative.com  
Schatzcollaborative.com

RECEIVED

2021 MAY -7 AM 7: 56

OFFICE OF THE  
COUNTY CLERK

May 6, 2021

**Council of the County of Maui**

200 South High Street, 8<sup>th</sup> Floor

Wailuku, Hawaii

**SUBJECT: Bill 10 (2021)/CC21-210**

Aloha Council Chair and Members,

**I strongly oppose Bill 10 (2021)**

Please do not override the Mayor's veto by voting for this bill. The facts are clearly stated:

- In 2006, Maui County Council increased the affordable requirement from 25% to 50% and this ordinance went into effect from 2007 to 2014. **During that 8-year period only 13 housing units were produced.**
- In 2014, the Council changed the affordable workforce requirement from 50% to 25%. The following year, 56 affordable/workforce units were permitted and since then **an average of 220 affordable/workforce units have been permitted from 2015 to 2020.**
- 220 units per year is not enough to meet the increasing demand for housing in Maui County and it is also clear that reducing restrictions and requirements increases housing production based on the two previous facts.
- If this Bill is enacted, many housing developers will develop elsewhere on other islands where restrictions are not so stringent. The proponents of this bill act like there are developers lined up to build housing on Maui, there are not. You will just lose good developers, their skills, their money, their investors to other islands that do not have this high requirement. Hawaii Island, Oahu, Kauai does not have this requirement – they will overlook Maui.
- Non-profit developers – 100% affordable need subsidies they rely on tax credits and a trust fund that is taxpayer funded. They require an average of \$150K of subsidies per unit and there's not enough money to go around.

Increasing the 201H affordability requirement to 75% of the units will NOT PRODUCE more projects. And we have the benefit of experience in Maui County to show us that this policy, well intentioned as it may be, simply backfires. It will in fact stop projects from moving forward and



Mobile: 808.428.8717  
Email: [lindaschatz@schatzcollaborative.com](mailto:lindaschatz@schatzcollaborative.com)  
[Schatzcollaborative.com](http://Schatzcollaborative.com)

result in the further gentrification of Maui. This is truly a bill that benefits market rate and high-end homeowners to keep Maui out of the hands of local families.

Thank you again for the opportunity to submit this testimony. If there are any questions, or if additional information is needed, please do not hesitate to contact me at (808)428-8717.

Warmest Regards,

A handwritten signature in black ink, appearing to read 'Linda Schatz'.

Linda Schatz  
Principal





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2021 MAY -5 PM 2:01

OFFICE OF THE  
COUNTY CLERK

May 5, 2021

Maui County Council  
200 S. High Street  
Kalana O Maui Bldg.  
Wailuku, HI 96793

**Re: Testimony in Opposition to CC 21-232**

Aloha Chair Lee and Maui County Council Members,

My name is Gino Soquena, Executive Director of the Hawaii Building & Construction Trades Council (HBCTC), which is comprised of 16 of the 19 construction trade unions here in the State of Hawaii. Mahalo for allowing me to submit this testimony in **opposition** to CC 21-232 and the corresponding bill regarding a "Moratorium on Visitor Accommodations Development in West and South Maui."

HBCTC's mission is to promote the interests of the Hawaii Building and Construction Trades Council, its members and affiliates, with the underlying goal of creating job opportunities and a healthy and vibrant construction industry throughout Hawaii. We are committed to providing Hawaii's working men and women with hope for a better tomorrow through support of smart growth techniques while maintaining our valuable natural resources.

While the proposed bill's stated intent to preserve our environment is commendable, it is not an appropriate means to provide the desired protection. The bill provides no scientific studies or evidence suggesting that prohibiting building permits for visitor accommodations will provide any meaningful climate-change mitigation during the two years of the moratorium.

Conversely, this bill will cause substantial harm to Maui's construction and tourism industries which could cause significant financial detriment to hundreds of Maui's working families. This bill would cause the loss of hundreds of well-paying construction jobs during the moratorium. Our members rely on these jobs to provide for their families and continue to call Maui home. During this critical time in Maui's economic recovery, it is unthinkable that the council would consider a bill such as this one without significant research on the detrimental effects.

We urge the council to consider the financial impact this bill will have on working families that have called Maui home for generations and find other ways to address the concerns the council may have. Accordingly, we at the HBCTC ask that the council please defer this bill.

Mahalo Nui Loa,

Gino Soquena  
Executive Director  
Hawaii Building & Construction Trades Council



## County Clerk

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**From:** Larry Stevens <lfstevens@earthlink.net>  
**Sent:** Friday, May 07, 2021 8:48 AM  
**To:** County Clerk  
**Subject:** CC 21-232

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2021 MAY -7 AM 9:42

OFFICE OF THE  
COUNTY CLERK

Aloha Council

I support forwarding this item to the CARE committee. It is critical to consider the future of this important industry in the context of its impacts on our environment and our people.

Mahalo

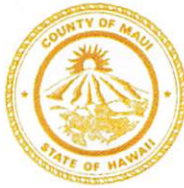
Larry



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Michael P. Victorino  
Mayor

Sananda K. Baz  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

May 6, 2021

RECEIVED  
2021 MAY -6 AM 10:49  
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COUNTY CLERK

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Michael P. Viti 5/6/21  
Mayor Date

Honorable Alice L. Lee, Chair  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: BILL 40 (2021)**

At its Council meeting of April 16, 2021, information relating to County Communication 21-186 was requested by Councilmember Mike Molina. The Department of Housing and Human Concerns provides the following response:

1. For the Aging and Disability Resource Center ("ADRC") grant and Title III grant, what is the term of the grant - provide start/end date for use of the funds.

**ADRC:**

- *Current contract date: June 30, 2020 – June 29, 2022. However, if a contract period is ending and the funds are not expended, the State of Hawaii Executive Office on Aging modifies the contract to extend the date so that the funding can be expended.*

**Title III:**

- *Current contract date: October 1, 2019 – September 30, 2021. Funds can be used for two years past the end date of the contract.*

2. National Housing Trust Fund - who will be receiving the funds and how much will each recipient receive?

*For the National Housing Trust Fund (HTF), there are two different Program Year ("PY") allocations for PY 2020 (July 1, 2020 to June 30, 2021) and PY 2019 (July 1, 2019 to June 30, 2020) that the County will be receiving from the State of Hawaii through the Hawaii Housing Finance and Development Corporation.*

*The County of Maui typically receives an allocation from the HTF program every 3 years. The year the County expected to receive an allocation was PY 2020. For PY 2020, the County was awarded \$2,850,000. Of this award, \$2,700,000 will be distributed to the Kaiaulu O Halelea low-income multi-family rental housing project located in Kihei and \$150,000 will be retained by the County of Maui for administration of the program.*

*The County of Maui was selected to receive additional funds that became available from another County for PY 2019. The County of Maui will receive \$485,570 in HTF PY 2019 funds. \$460,570 will be distributed to the Kaiaulu O Halelea project and \$25,000 will be retained by the County of Maui for administration of the program.*

Should you have any further questions, please contact me at ext. 7212.

Sincerely,



MICHELE M. YOSHIMURA  
Budget Director