

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

July 2, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, JULY 2, 2021, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

CHAIR LEE: Will the County Council meeting of July 2, please come to order.

Madam Clerk, we're going to have roll call right now, but let me start off by saying to everyone, we're still helping our Councilmember get ready for her trip to France, to Europe and so we continue with the French language; bonjour and vous etes fantastique.

Madam Clerk.

COUNTY CLERK KATHY L. KAOHU: Bonjour, Chair and Council.

ROLL CALL

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

EXCUSED: NONE.

CHAIR LEE: Bonjour everyone, again and I look forward to a wonderful meeting and hopefully a quick one. Alright, everyone is here.

Madam Clerk.

COUNTY CLERK: Chair, there are nine Members present, and a quorum is present to conduct the business of the Council.

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

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

CHAIR LEE: Opening remarks will be provided by Council Pro Tem Tasha Kama.

OPENING REMARKS

The opening remarks were offered by Council Pro Tempore Tasha Kama.

CHAIR LEE: Thank you. Pro Tem. That was beautiful.

Now, Members, 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: Alright. Thank you, Members. 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.

Also, we will be setting the Consent Calendar, are there any requests to add or remove items from the Consent Calendar, Members?

No? Are there any objections to setting the Consent Calendar?

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: No objections. Alright. Apparently, we don't have anything for the Consent Calendar. I don't see it.

VICE-CHAIR RAWLINS-FERNANDEZ: It's the first six items.

CHAIR LEE: Nobody is adding. Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: It's the first six items. I'm sorry, I don't have it in front of me. It's the first, anyway.

CHAIR LEE: Oh, okay. I'm sorry. My pages are out of order. My pages go straight to testimony. Now the Consent Calendar comes after the Minutes. Right? Madam Clerk?

COUNTY CLERK: Correct. That's correct. Right now, we're just setting the calendar and then we'll follow it with testimony.

CHAIR LEE: Exactly. And there's nothing to add. Nothing to add. Okay, very good.

So, at this time, shall we begin with testimony, Madam Clerk?

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

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

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

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, only Councilmembers, staff, and designated resource persons will be connected to the meeting through BlueJeans. 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 Keisa Liu and Keisa will be followed by Bret Gobar.

CHAIR LEE: Good morning.

PRESENTATION OF ORAL TESTIMONY

MS. KEISA LIU (testifying on County Communications Nos. 21-298 and 21-305):

Good morning, Chair Lee. Good morning, Vice-Chair Rawlins-Fernandez, Councilmembers, and members of the public. My name is Keisa Liu, and I am here to testify on two agenda items, CC 21-305 and CC 21-298.

So, I'd like to start first with CC 21-305. Really simple, I support this. I would have even supported a stronger proposal, honestly. I was in that town hall that Councilmember King put on and I listened to Orion Cruz, who I remember from when I was at Seabury talk about how Palau has successfully put in some of the strictest sunscreen laws in the world. And all I could think was, let's do that here, let's push to be a little like Palau in this, right?

You know, Hawaii is one of the top travel destinations in the world and we got a lot of sunscreen in our waters. I mean, at the very least, we should do all that we can to make sure it's not toxic for our ocean. And maybe it would help us open up the conversation to a wider topic of, let's figure out how we can protect our skin without sunscreen? Maybe we wear some cotton or linen, bamboo like Jordan Hocker said. Put some shea butter on. Maybe we don't go out and get burnt, because we out there for like 15 hours . . . the water and all that kind of stuff, maybe we change our behavior a little bit, so we don't have to wear so much sunscreen. You know, some of us saying, you know, keep going with this, I like this. And you have residents out there who are happy to support even stronger measures to protect our environment and frankly, ourselves.

Now moving on, I'd like to speak on 21-298. I'm going to go ahead and say, boo, to this amendment. No, thank you. I oppose. I saw that little bit of fiber that was put in there for 50 percent affordable housing, 50 percent visitor accommodations, stays affordable for 30 years, etc. You all got me looking at this like, really? First of all, we are asking developers to stop feeding us visitor accommodations, plain and simple. Out bellies are full. Now they over here telling us to eat more. Telling us, oh you all need vegetables, right? We'll put some vegetables in here for you. We cannot digest and process if we keep being feed. Trust me, I know. That was one embarrassing Christmas in Mexico.

But when has it ever worked in our favor to make these kinds of deals with developers of visitor accommodations? What have they done to get us to trust them? Have they been caring about the environmental impact that tourism in an authentic way? Have they been fairly sharing water with us? Have they been leaving them iwi alone? Now

this isn't about me not wanting affordable housing, I have a clear stance on that, we need affordable housing.

What I have a problem with is making deals with players in an industry that is crushing us. And let me remind you that we are victims in an abusive relationship here. And now our abuser is telling us that they'll give us a little affordable housing project, if we come back to them cause they know we starving for that. You all better walk on over there and tell them we ain't that hungry.

We're strong enough, to try to figure out how to build without them. And we are busy surrounding ourselves with people who want to build with us, without exploiting us. Tell them we don't want their no-face money. If y'all too scared to walk over to these developers and tell them, no thank you, trust and believe, I'm happy to do that for you. In fact, I'll start right now. We said, no thank you. Now y'all need to know the difference between a little give and take and being taken advantage of. Remember that your work is to protect us from abusers of our resources and our people. Do not let them step on us. Mahalo for your time and consideration.

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

Madam Clerk. Madam Clerk, is the timer working?

COUNTY CLERK: Yes. She had about 19 seconds left.

CHAIR LEE: Alright. Okay.

COUNTY CLERK: Our next testifier is Brett Gobar.

MR. BRETT GOBAR [testifying on Bill No. 60 (2021)]:

Testing. Can you hear me?

CHAIR LEE: Yes. Mr. Gobar.

MR. GOBAR: Aloha Friday to the voices elected to represent my voice and protect the Maui environment. That is you, Councilmembers. Water resources need to be returned to the people rather than the corporations like Mahi Pono and A&B. I'm testifying regarding the proposed moratorium Bill No. 60, I believe. I ask each Councilmember including those who generally don't favor these things, to vote yes, in support of this temporary moratorium to allow us to make better plans.

It's now clear to all of you that tourism is destroying what was once one of the most beautiful places on earth. So I'm exceedingly surprised that some Councilmembers still believe tourism and construction helps local residents, when in fact, they're costing us money out of our budgets. More money than is coming in. Small organic farming must be the focus of truly healthy and sustainable jobs for the benefit of local residents and all of Hawaii, for safe and healthy foods. Tourists will stop visiting if you continue to allow further environmental destruction. Mahalo, for all the energy you put into all of these difficult issues. Aloha Friday.

CHAIR LEE: Thank you, Mr. Gobar. Any questions, Members? If not, thank you very much. May we have the next testifier, please.

COUNTY CLERK: Our next testifier is Christopher Delaunay, followed by Mike Moran.

MR. CHRISTOPHER DELAUNAY, PACIFIC RESOURCE PARTNERSHIP [testifying on Bill No. 60 (2021)]:

Aloha, Chair and Councilmembers. Chris Delaunay with Pacific Resource Partnership, registered lobbyist.

We're in opposition of Bill 60. You know, our State has been, has the highest cost of living in the Nation, and COVID-19 only made things worse, you know, at a time when unemployment has just skyrocketed. Maui has taken a larger hit with higher unemployment rates in the State and a slower economic recovery. Imposing a moratorium on the construction of visitor accommodations will only further hurt Maui's economic recovery and it will also make it more difficult for Maui, Hawaii born residents to stay in Maui.

You know, we provided a graph in our testimony stating from, showing from 2010-2019, there has been a decline in Hawaii born residents and an increase in U.S. citizen born and foreign-born residents on Maui. The moratorium will likely accelerate this trend causing Hawaii born residents and their families to leave Maui for more job opportunities and a better life elsewhere.

I also like to point out that, um, you know, Bill 60 would unfairly penalize Maui's visitor industry 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 visitor accommodations will lower carbon emissions or mitigate climate change impacts. Furthermore, there is no evidence supporting the assumption that a moratorium will limit the number of visitors coming to Maui. Instead, a moratorium will

likely keep visitors out of hotel districts, causing them to seek accommodations in residential neighborhoods. This would unnecessarily harm the quality of life for local communities. And again, we oppose Bill 60 and thank you for this opportunity to testify. Mahalo.

CHAIR LEE: Thank you, Mr. Delaunay. Any questions? If not, thank you, again.

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

COUNTY CLERK: Our next testifier is Mike Moran, followed by Patricia Gardner on last four digits, 7950.

CHAIR LEE: Bonjour, Mike.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on County Communications Nos. 21-288, 21-294, 21-295, 21-297 & 21-305 and Bill No. 60 (2021)]:

Bonjour, Chair and Committee Members. Mike Moran for the Kihei Community Association, Happy Aloha Friday to all. We're submitting testimony on six items this morning, so we'll try and be brief on each one because we can see the list of testifiers is growing exponentially.

Starting with Bill 60, which I think everybody is familiar with by now, we see this as the last step at Council to, and we ask you to please approve it. Just a couple of brief comments on it, those of us who have been supporting it, have all frequently used the word pause. This is, that's all we're asking for is a pause in this movement and now recently, we hear some government executives starting to use that same word pause.

We heard our Mayor saying he was asking the airlines to pause coming here, which I get, we would all be happy with that. But is that a realistic action, just asking a for profit business to pause. And when we see the airlines are seemingly out of control, they're quickly adding flights and then next minute they're cancelling flights in a chaotic system. We would love to think that would work, but we don't think it will. Just asking a polite Hawaiian ask, we don't, taking action that the Council is doing passing a bill, making a law, we think that's a good thing to do, and we ask you for your support on that.

Moving on to CC 21-305, we support that also, Councilmember Paltin, to, yes, let's take that next step. You know, again, this Council over the past, over the years has been very strong on environmental actions, as you continue to be and we're trying to, you know, we took a step and said let's, let's not have this stuff, let's get rid of it. What

about the people who brings it in, you know, so they not buying it here? But if we make that prohibit sale, use or distribution, taking that next step forward, and as you've all, most of you again have often said, we want to educate the people coming in, so let's educate them on that.

And just one example of that, several years ago at 'Āhihi-Kīna'u, that's what the rangers were doing. They set up a big, I believe a 55-gallon drum, and when visitors would come on to the preserve, they would say to them, you know, look at this great, big drum, that's how much is accumulating of these sunscreen products was accumulating here. You think it's only a dab, but when you multiply it out, it's this one big drum. And the other use for the drum was, we ask you to get rid of that stuff you brought, we'll give you a free sample of reef friendly, and the drum would slowly fill up with people wanting to do the right thing. So, we see this as an example of, of asking everybody to do the right thing, so we're in complete support of that.

Moving on to CC 21-297, to Council Chair Lee, asking our State to address overcrowding on the State highways. Yes, I mean, I think we all see that right now, the visitors are back seemingly, right back to pre-COVID standards. The big emphasis is, of course, on the very narrow, winding highway, where we see that. But it's all the highways, all the highways, you know, our Pi'ilani Highway here is jammed, you know, we saw what happened years ago. We restriped it to make it four lanes, but we made it so narrow and reduced the speed limit.

And as development continues, the development that we want, the high school, and I think we have at least a half dozen affordable or workforce housing projects in various stages in South Maui, but it's all going to increase traffic. So, yes, we ask the State to help us. You know, we can't do anything with the State roads, we ask for your help, as the Chair is asking for here.

Okay, I don't want to lose my place here. Going on to item four, 21-295. Those of you that participated or watched the regenerative tourism town hall. We were very impressed with that. We took the recording, with the help of Councilmember King's staff, and we posted a recording on our website and keep urging people, if you didn't see it, go watch it. And we believe this is the first of these town halls and Councilmember King, you've set a very high standard for the next guys coming along, but we thought that was great and we know some of you watched or participated in that.

Number five, 21-294, true, that was an excellent thing, the groundbreaking at the wastewater, trying to do something with this, this named wastewater, we figured as a resource, it's not a waste, it's a resource and that's what we're trying to do with it here. Use it for irrigation, you know, the community has tried to advocate for that for years,

but we get the expense. How much is it going to cost to run the purple pipes for miles and miles to golf courses and so forth? And here we can use it, very close by, and perhaps start growing something that can be used here. One suggestion was hemp, if we're going to grow something, why aren't we growing hemp and we can use that in building, and stop wasting that other resource, sand, to make cement and other products that we can use here. Maybe food product, if the Department of Health lets us do that.

Okay, so that was five and the last one, the number six, 21-288. We understand the process, this is not a Q&A that we can ask you a question and you answer it. But we would please ask, when you get to that item, we had met with the Director of Public Works and had a, about a month ago, and had assurance that the, at least the first portion of that Kihei Road pavement from Lipoa down to around where the fire house is, was definitely going to begin construction this year, you know, this year. And our understanding was the funding was there for the second half, maybe not construction in 2021-2022. And now we see this, seemingly that they need approval for Federal funds, and we hope this is not something that's going to delay. Maybe we're misreading it, we all don't understand it, so we would just hope there might be some clarity when you approach that topic.

Whew, okay, I tried to zoom it in as quick as I can. Thank you, Chair Lee and Councilmembers for the opportunity. I think you're muted, Chair.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: Sorry. Mike, thank you for covering all those six items so efficiently.

Member King, questions?

COUNCILMEMBER KING: Thank you. That was a great testimony, covered a lot in a short period. I just wanted to go back to the sunscreen ban and ask you if you were following it back in my first term, which was in 2017? We tried to pass a pretty strict sunscreen ban at the County level, we never got to second reading and then the State passed one. But if you were following, the KCA was, were you supporting it back then? The ban as well.

MR. MORAN: Absolutely, Chair King. And that's why I'm saying, this is, looks like it's progress. And that's what we all know that sometimes you start something and okay, it didn't, it didn't get approved, but you don't quit, you say okay, well we learned something now and go on.

COUNCILMEMBER KING: I just wanted to let you know, because it was preemptive. The County was preempted from passing our own law, but that preemption has expired so that's why I'm hoping to bring it back and hoping that you guys can dig out your testimony and bring it back to us.

MR. MORAN: I think we can do that, without, not me, but we have some very efficient Board members who can probably dig that back up for us and thank you for asking and thank you for trying before.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Alright, are there any more questions? If not, thank you again, Mike. Have a great weekend.

MR. MORAN: You too guys. Aloha.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our testifier is Patricia Gardner on last four digits, 7950 and Patricia will be followed by Rod Antone.

MS. PATRICIA GARDNER [testifying on Bill No. 60 (2021)]:

Aloha, this is Patricia Gardner with We Are One Ministries, and I am supporting this moratorium against visitor accommodations. I feel that we are going over the edge of building for visitors and hotels. We need to care for the people, we need to care for our 'aina.

And the element of sunscreen has been brought up, and this is so very true. It is killing the coral; the fish have tumors on them. And I look at Maluaka, the old Maui Prince and how beautiful that was to snorkel out there. Just, a bit of heaven, turtle town with turtles. Now there are no turtles, there's no coral, the coral is dead and there's no, really no schools of fish.

And our island is changing, and we have to be proactive. This is my belief. We have to be proactive with coming together, as residents here and care for our 'aina. I believe that there needs to be a stronger participation with what is good for our 'aina at the hotels with the visitors that are, that are staying there and also on the planes. Not just listening or watching it on the screen, but also a handout so they can look at it and if they're not paying attention, getting ready to get off the plane, that they have something to look at.

I think the people will, will accommodate that, if we're strong enough, if we're clear enough about what's good for our 'aina. And the way that building is happening for high-cost housing and the sale of property is in, it's in the millions, it's beyond our local residents can afford. And we have homeless out in the streets, more now than ever before, it is becoming like a little Oahu. And I think that we need to come together as a, as an ohana and really look at the important things that are needed to save our island. It is being destroyed, and it's all about commerce, having more money, visitors.

And if we're going to have visitors here on the island, then we need to educate them. We need to educate them, what is good for our island? What is good for us? What we prefer for them to come here, for them to do? And so, I am a strong proponent of opposing more vacation rental buildings, put a moratorium on it and focus on the people. Focus on what we need as residents here.

I really appreciate you listening to me and hearing me, and I trust that it will be heard in a very deep way. Mahalo.

CHAIR LEE: Thank you. Members, questions?

Oh, yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Could you ask the testifier what organization again? I didn't hear the organization.

MS. GARDNER: We are One Ministries. I work with spiritual teachings with groups and individuals and do counseling.

CHAIR LEE: Okay. Thank you very much

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Thank you.

MS. GARDNER: You're welcome.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is Rod Antone, followed by Shay Chan Hodges.

MR. ROD ANTONE, MAUI HOTEL AND LODGING ASSOCIATION [testifying on Bill No. 60 (2021)]:

Aloha.

CHAIR LEE: Aloha.

MR. ANTONE: Can you see and hear me?

CHAIR LEE: We can hear you.

MR. ANTONE: Okay. Let's, I, sorry, okay, let's just go with the, the audio, not sure what's wrong with my camera. But--

CHAIR LEE: It came on.

MR. ANTONE: Oh, there.

CHAIR LEE: Now we can see you. Now we can see you.

MR. ANTONE: There we go. Okay. Aloha, folks. Good morning, Council. It's been a while. Nice to see all of you. Rod Antone, registered lobbyist, State and County for the Maui Hotel and Lodging Association and this testimony is for Bill 60. As stated, as I stated a couple months ago when this, this bill first appeared, the number of visitor units for hotels, timeshares, and condominiums has not increased since the early 2010's with Courtyard Marriott. And visitor numbers have gone way up from 2.3 in 2012 to 3 million in 2019, all the while, you know, visitor units hit about 16,000 in 2015 and then they decreased. So, if people aren't staying at the hotels, condos, and timeshares, where are they staying? And maybe we should look at those accommodations and apply a moratorium there. If you press pause on a movie that is not playing, nothing happens. So, I have these numbers, I sent it to you guys before, I'll be happy to send it to you again.

Also, in speaking with Planning, there is a concern that, I don't know if you folks know about the Shoreline Setback Rules that are, they're trying to pass these boundaries, these new boundaries. If the, a moratorium passes and these boundaries passes, and there's a hotel that wants to bring one of their structures back behind the boundaries, will they be able to build, or will the moratorium force them to wait a year? And, you know, the Administration is telling us one thing, Council is pushing us in another direction, I think that should be addressed.

Also, and forgive me, I'm not a 100 percent on this, I've heard that Corp. Counsel has not reviewed Bill 60, which I know it's not a requirement for a bill to pass Council, you don't need Corp. Counsel's approval. But they do review bills to make sure the County is not open up to lawsuits, and as a taxpayer, it seems, that seems legally perilous not to have them review this bill.

We understand that tourism impacts our community. I live in Paia, you guys know that I can't even find parking at Mana Foods sometimes. But it's not just on Maui, it's all across the globe and the moratorium in my research . . . oh, sorry, I will wrap up.

We oppose the moratorium. We'd like to work together on another bill, they're doing moratoriums, they've done them in Amsterdam, Barcelona, I saw they mentioned Ashville, North Carolina. Ashville, North Carolina has a, has an urban plan for hotels. I didn't see that mentioned in this bill. Anyway, thank you all and good seeing you all again.

CHAIR LEE: Rod, perhaps you could share that information with us, by sending it to the Council.

MR. ANTONE: I will. I will.

CHAIR LEE: We have a question for you.

Member King.

MR. ANTONE: Yes.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Rod. Nice to see you. You're looking well.

MR. ANTONE: Aloha, Member King.

COUNCILMEMBER KING: We just had another Marriott open in South Maui in the last couple of years, and so you might have missed that in your statement that no new hotels have been opened since 2010. You know, we've had proposals for other expansions, and we got other hotels in the works here, under construction, including the Hilton, which is where the old Maui Lu used to be. So, there has been a lot of activity in the last few years and some of it has already opened and brought new tourist.

MR. ANTONE: Yeah. I'm sorry, I should, I'm sorry, I should clarify. Go ahead, I'm sorry.

COUNCILMEMBER KING: No, in your, in your review. And then, we've also gotten quotes from the HTA about the increased numbers, so I'm not sure where your numbers are conflicting, but we're working off a lot of reports from DBEDT, from HTA, from Hotel and Lodging Association, from articles . . . even the Mayor saying, you know, it's time for a pause. So, there is a lot of conflicting information, not sure, but if you have, I don't know where your information is coming from, but we'd like you to send that in and we can compare it to what we've been reviewing.

MR. ANTONE: Yes. Let me clarify. We hit a record high in 2019 before the pandemic, it's 3,059,000 visitors. And at that time our accommodations units were actually lower because of timeshare conversions, but again, I will send, I've got a great graph here, I will send that in to all Councilmembers as long as some other information I found about moratoriums internationally.

COUNCILMEMBER KING: Okay and just to understand that timeshares are also visitor accommodations, so converting them doesn't . . . keeps the numbers the same. But, you know, I appreciate that and my last question for you is do you, do you believe we should follow the Maui Island Plan that prescribes the number of tourists that should be on the island, which we have exceeded?

MR. ANTONE: I do. I just don't think this moratorium is going to, going to reduce it. Look at the rent-a-cars.

COUNCILMEMBER KING: It's not meant to reduce it. It's meant to put a pause on it.

CHAIR LEE: Okay. I think, I think we've had enough clarification on the testimony. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Nice seeing you, Rod.

MR. ANTONE: Aloha.

COUNCILMEMBER SUGIMURA: I wanted to, your testimony, just for clarification, did you say that you would be willing to work with us on looking at the hotel industry, visitor moratorium? What did you say in your testimony?

MR. ANTONE: We'll be willing to work with you folks on any bills, and actually I apologize for not being around these last two months and a half, I mean I think most of you know why. But 100 percent, I'd love, we'd love to sit down with all the stakeholders and let's work, let's look at what's been done in other, that's worked and let's take the solutions and find something that works for Maui.

COUNCILMEMBER SUGIMURA: Thank you, Rod. I'll call you on that. Thank you very much.

CHAIR LEE: Okay. Any more questions? If not, thank you, Rod. Madam Clerk, how many more testifiers do we have?

COUNTY CLERK: About ten more, right now, signed up. Our next testifier is Shay Chan Hodges, followed by the caller on last four digits 6309.

CHAIR LEE: Alright let's try move along.

MS. SHAY CHAN HODGES, MAUI ESG (testifying on County Communication No. 21-300):

Bonjour, Councilmembers. My name is Shay, bonjour, my name is Shay Chan Hodges, and I am testifying in support of County Communications 21-300, entitled "SUPPORTING THE SUBMISSION OF A LETTER OF INTEREST FOR THE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT PROGRAM", also known as WIFIA.

I am a Co-Organizer of the Maui ESG Project which was approved for a third year of funding by this Council, the objectives of which include supporting participative governance through transparency and accountability about community resources, including streams. Engaging the community in developing community based, community driven, financial and governance investment structures that benefit residents. Establishing equitable, sustainable, and culturally appropriate 21st century solutions based in Native Hawaiian perspectives and practices, including supporting cultural practices, and kanawai when accessing ahupua'a water systems.

This reso before you helps us to accomplish the first step in achieving the goals of this year's grant by expressing Council's support for submission of a letter of interest for a Federal WIFIA loan application. Some priorities of this EPA loan program include economically stressed communities; protection against extreme weather events; repair, rehabilitation and replacement of aging infrastructure and conveyance systems; and new or innovative approaches.

In early May, with our partner Gita Swamy from IoTask, the Maui ESG Project met with WIFIA staff in Washington D.C. to determine the eligibility of various potential water projects in Maui County. Upon determining that the purchase and repairs of Wailuku Water Company and Molokai Properties Water Systems would qualify, IoTask identified water engineering firm, Woodard & Curran as an investor partner. Woodard has specific expertise in designing solutions to water related challenges and is

interested in being an equity investor. The projects would include ESG objectives and will be designed to ensure financial sustainability that is compelling to outside investors. In additions to the purchase and repairs, WIFIA funds can finance rehabilitation of water systems and water sheds, conservation, and the support of traditional and cultural practices. The project will adhere to UN ethnic standards which enshrine indigenous people's rights to free, prior and informed consent on projects affecting their lands, resources and cultural heritage.

Woodard & Curran which has the credit worthiness to demonstrate its ability to repay the loan over its term will be the lead partner in submission of the letter of interest and will incur the loan. Maui County will not have a financial obligation to the project and is only stating its support for submitting a letter of interest. Private perspective borrowers must have public sponsors and must demonstrate support of the local government in the project's municipality.

Please note that this is the very first step in the process, which will require some initial leg work and an engineering assessment by Woodard. Following submission of the letter of interest on July 23, we will begin working with residents on development of community ownership, financial and government structure, identifying community priorities, reaching out to investors and other funders, and beginning to map out what a full application would look like, if we were invited to apply for financing in the Fall.

Mahalo for your time and mahalo again for your support of the Maui ESG Investment Project. We really appreciate you folks. Aloha.

CHAIR LEE: Thank you. Questions for Shay Chan Hodges?

Yes, Miss, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for the explanation, Shay. So, is this, could this, because Upcountry, right, we have the most cesspools, so can this be used for residents for cesspools?

MS. CHAN HODGES: I believe WIFIA funds could. The application that we're submitting does not look at cesspools because it has to address the specific water system. But they do, do wastewater, so the County could submit for WIFIA funding, for sure, for that. And it's very good loan terms.

I'm sorry, I can't hear you.

CHAIR LEE: Yeah, you're muted, now.

COUNCILMEMBER SUGIMURA: Sorry, so you're not talking about the whole program, you're only talking about the water side for infrastructure, but not the wastewater side too. Is that what you're saying?

MS. CHAN HODGES: This specific application, we weren't intending to look at the, the wastewater aspect. The way the application process is, however, is you can adjust it, so there could be the potential, if there was an interest in that, to do that. Part of, what's really kind of cool is the EPA works with you, so you submit an initial application, you sort of provide certain options, so if, if it did apply we could look at that.

CHAIR LEE: Okay, thank you. I think she clarified that this, she's not referring to wastewater. Any more questions?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just, I too, no questions, I just wanted to ask Ms. Chan Hodges if she wanted to stay on, if Members had other questions when we get to the item, Chair? If there are no objections?

CHAIR LEE: Members, do you have any more questions for Ms. Shay Chan Hodges? She's welcome to stay on, but I don't think anybody has any questions, Member Sinenci.

COUNCILMEMBER SINENCI: Oh, okay. I was just anticipating her as a resource, Chair.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I would have no objections.

CHAIR LEE: Any objections, Members? If not, Shay Chan Hodges, would you be able to stay on when, when we bring this item up as a resource?

MS. CHAN HODGES: Yes, I'd be happy to.

CHAIR LEE: Okay. So ordered. Thank you. Next testifier, please.

COUNTY CLERK: Next testifier is calling in on last four digits 6309. 6309 will be followed by Jordan Hocker.

MS. STACY MOKE [testifying on Bill No. 60 (2021)]:

Hi, my name is Stacy Moke and I'm a long time resident here on Maui and I've raised my daughter here and I am in full support of Bill 60, of the moratorium on building new visitor accommodations. Our island is overrun, we are losing our quality of life for visitors and for our residents here, and it's just too much. And thank you for all that you're doing, and I'm finished. Thank you.

CHAIR LEE: Thank you. Members, questions. If not, lets have the next testifier, Madam Clerk.

COUNTY CLERK: Our next testifier is Jordan Hocker, followed by Niniau Kawaihae.

MS. JORDAN HOCKER [testifying on County Communication Nos. 21-294, 21-297, 21-298, 21-305, 21-310 & Bill No. 60 (2021)]:

Aloha, Councilmembers. Bear with me today. I have several agenda items, I'm going to try to go through them quickly. I have things prewritten, so I won't tangent off.

Okay, so first agenda item is CC 21-305. I really support this measure and I actually encourage it to go even further. Instead of allowing sunscreen companies to come up with these alternative chemicals, like avobenzone, in response to the oxybenzone ban. And to whatever end, I think we need to outline what sunscreens are approved and allowed like zinc oxide, which is considered reef safe sun protection. Because we don't really have the time to be going back and forth with these commercial entities while we wait for the science and the impact to catch up. So, I fully support this initiative and I actually love to see it to go a longer distance in reef protection.

So, I'll move onto 21, CC 21-297, and 21-310, I guess can go together in terms of transportation infrastructure. I want to thank you, Councilmember Lee for the resolution and acknowledgement of how it would take the State's cooperation to solve our traffic problem. I support problem solving our transporation and overcrowding, and in turn, infrastructure changes. We are going to need the State's support, but we do need to do something yesterday.

In terms of 21-310, in terms of regulating tourist traffic on the road to Hana. While I think that either of those solutions are a good idea, I'm leaning towards Option A, having designated tours, and really having, having the behavior of tourist, tourist rests on shuttles or companies that are taking them out there. One provides more guidance

for how they need to behave themselves in East Maui, but also, I think it will take rental cars off of the road.

In groups like Maui Bound, which is just purely a tourism group that I'm in to sort of give them alternative information to their viewpoint, I see like many are renting cars to do the road to Hana. So if you make it easy for them to do it without a car, that might be a good option? And really, as we see the road needs so many updates and advancements, more rental cars is a heavier impact. So, I just want to thank Councilmember Lee and then also, Shane Sinenci for putting the ball moving on this.

And so, I'll move on to CC 21-294, on the wastewater treatment plant. I think it's a fundamentally important process to manage our wastewater resources particularly in areas that are heavily desert, irrigated deserts. I hope to see more of these projects particularly with the hope that some of our larger water consumers will have more accountability for how they consume or possibly move them to, have to reclaim their own wastewater.

So, then I'll move onto Bill 60. I support Bill 60. I would like to see it applied to the entire County, but I have said that to you all many times and I'm getting the sense that that's not going to happen. So, I think that we have all of these infrastructure issues to handle before we press ahead and this moratorium is pause. So, infrastructure examples that we desperately need to address before bringing more people here or offering more visitor accommodations, is transportation, as you all know. Sustainable water management, the visitor accommodations, hotels and such, are our largest water consumers, and without water we don't thrive and it's not properly managed as it is.

We could do affordable housing or the tourism industry could have some time to deal with the fact that they don't really pay all their employees a living wage. Contrary to the statement of previous lobbyists I don't think that this will cause more people to have to move away. If anything, I think that tourism is highly likely and very responsibly, very responsible for the high property values and thus, our residents having to move away. Right now, it's not people who live here buying homes, it's people who have been here before on vacation, snatching up our homes and driving up our median house prices.

Again, the moratorium is not a doomsday scenario, this is pause. And the industry is one of excess growth, they have never said this is our intention to mitigate our own growth to the point where it's more important, the money coming in, then as actually preserving the resources that they rely on to make the money. It's kind of a, it's a thing I really don't understand.

So no doubt that we need over tourism management and I think this is an issue that will take addressing on many sides and I think that Bill 60 is a way, just addressing one

of the issues. I know there's a concern with this not reducing the number of visitors coming here, but I think the logic is pretty simple and I've seen it in these tourist groups with the rental car shortage. Many people are waiting to come here until it's less crowded, until they can find a car to rent for not an exorbitant price and I think the same can be applied to visitor accommodation.

So I'll move onto my last agenda item that I'm testifying on, which is CC 21-298. In this I understand why the amendment was put forth to maybe propose some middle ground and work with developers so they don't feel like the Council is just stonewalling them with this bill. But I'm really concerned with developers having a loophole to Bill 60. I think we have more than enough examples of developers saying that they are going to build affordable housing and then it not actually being affordable when it comes out or not building the whole units that they say that they are.

When I, when developers are limited, when initiatives come forward to limit developers, they always promise affordable housing, it's like the thing they come out of the bat with. They do it for zoning changes and I just don't honestly think that's their intention. Developers on this island are such that they have the power they want and then deal with the consequences after. We see this in many cases, with buildings literally falling into the ocean. We've seen this with affordable housing not getting built in West Maui, when they said they were going to build it. And so, I'm concerned that, you know, this amendment doesn't have the teeth to follow, to address what happens if developers don't follow through. So really, I'm against this amendment, I think that Bill 60 as it stands, even though it does not apply to the entire island, I'm still in support. So that is the end of my testimony. Thank you, Councilmembers.

CHAIR LEE: Thank you, Jordan.

Member King has a question.

COUNCILMEMBER KING: Thank you. Just a clarification for Ms. Hocker, that we did hear you loud and clear, even others, that we, you want a moratorium for the entire island, so there's another bill moving through that will be complimentary, not conflicting with this current bill. So, just wanted to let you and others know that we heard, we heard the public loud and clear.

CHAIR LEE: Any other comments or questions?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Nice seeing you Jordan? What building or hotel fell into the ocean? I think that's what you said in your testimony.

MS. HOCKER: Yeah, yeah. So there is, I believe the home that's owned by the Maui Jim guy, that's falling in. There's the issues, Greg . . . building on the westside. I just think that we, I think that people who have enough money to not follow the rules, don't worry about actually following them. So that's, that's where that statement comes from.

CHAIR LEE: Alright. Any more questions, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Thank you very much, Jordan. Have a great weekend. Madam Clerk.

Oh, one more question, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Hocker for your testimony on all those items this morning.

Yeah, I just wanted to reiterate that I'm sorry you felt unheard, but as Member King stated, that I did introduce a resolution that would be islandwide and it's going to be heard by the Planning Commission first before it comes back to Council. So you can keep that on your radar. Mahalo. Mahalo, Chair.

MS. HOCKER: I will follow it then. Thank you.

CHAIR LEE: Okay, anybody else? If not, thank you very much.

Madam Clerk.

COUNTY CLERK: Our next testifier is Niniau Kawaihae, followed by Lani Eckart-Dodd.

MS. NINIAU KAWAIHAE, DEPARTMENT OF HAWAIIAN HOME LANDS (testifying on County Communication No. 21-296):

Aloha. Good morning, Madam Chair, Members of the Maui County Council. My name is Niniau Kawaihae, special assistant in the Office of the Chairman at the Department of Hawaiian Home Lands. I'd like the Chair's indulgence to bring up in joint testimony with me, our Commissioner from Maui, Randy Awo.

CHAIR LEE: Okay. Is he there?

MS. KAWAIHAE: He is. Randy. Commissioner Awo, you can unmute and turn on your video.

CHAIR LEE: Which item will you be discussing?

MS. KAWAIHAE: I am testifying on CC 21-296, in support of the County of Maui's resolution honoring the centennial of the the Hawaiian Homes Commission Act. Next week Friday, July 9, marks the 100th Anniversary of President, U.S. President Warren G. Harding signing the Hawaiian Homes Commission Act of 1920 into law. And so we have been throughout this pandemic, reflecting and thinking upon the last several decades of the attempt to rehabilitate Native Hawaiians across the State with trust lands, that of course, because of the times, when plantations had most of the good fertile agricultural lands in the Territory of Hawai'i, the Hawaiian Homes Commission, you know, kind of got second and third grade land classes.

And of course, as we know from the Nelson case that went through the Hawai'i court system more recently, the Department has been severely underfunded, and insufficiently funded for a number of decades. However, despite all of those challenges, I think Native Hawaiians on the homestead, the Department has been able to issue almost 10,000 residential, agricultural, and pastoral leases statewide, as well, as provide bare minimums in the term, in terms of what Native Hawaiian rehabilitation was meant during the time that Prince Kuhio advocated and, and brought forward this bill. So I want thank all of the Members for consideration of this resolution and look forward to its passing.

CHAIR LEE: Thank you. I see we have Randy, here. Hi.

MR. RANDY AWO, COMMISSIONER, DHHL (testifying on County Communication No. 21-296):

Hi. Aloha. Aloha, Chairwoman Lee, Members of the Maui County Council. Again, my name is Randy Awo, I serve as the Maui Commissioner for the Hawaiian Homes Commission. Today, I'm writing in strong support of the aforementioned resolution celebrating the centennial of the Hawaiian Homes Commission Act of 1920, as amended. As you may know, this July 9, will mark the 100th Anniversary of the signing of the Hawaiian Homes Commission Act into law by then U.S. President Warren G. Harding.

The passing of this act was the culmination of several years of hard work by the Ahahui Puuhonua o Na Hawai'i and the Territorial Legislature to address the poor living conditions of many Native Hawaiians, disenfranchised from their lands, after the Great Mahele and the overthrow of the Kingdom of Hawai'i. Since that time, the Hawaiian Homes Commission Act has awarded nearly 10,000 leases to residential, agricultural,

and pastoral lands despite decades of insufficient funding to develop adequate infrastructure or programming to address the Native Hawaiian rehabilitation efforts.

We want to thank Council Vice-Chair Keani Rawlins-Fernandez for introducing this very important resolution honoring the hard work and the legacy of our Prince Jonah Kūhio Kalanianaʻole and we strongly urge its passing. Mahalo. Aloha.

CHAIR LEE: Thank you. Any questions?

Yes, Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Awo.

MR. AWO: Aloha.

COUNCILMEMBER KING: Good to see you. I just wanted to, I wondered if you had been able to contact any of our Congressional delegation if they were planning to do anything on July 9? I just wanted to offer that myself and Member Sugimura will be in D.C., hopefully in close proximity to our Congressional delegation during that week for the NACo Conference. So if there's anything that we can do to get them to do a recognition . . . and I hope I speak for her, you know, we can, we can try to make that push as well.

MR. AWO: Thank you, Councilmember King. I defer that to Niniau. There has been contact made with our delegation and . . . further responses?

MS. KAWAIHAE: Yes, I, I'm really happy to say that we will be having a small socially distanced ceremony at our Kapolei offices next week Friday, at 9:00 a.m., that will be livestreamed. And we are honored and pleased that our senior Senator Brian Schatz will be in attendance providing remarks.

The Deputy to the Chairman, Tyler Gomes will be traveling to D.C. as well next week with a contingent of Native Hawaiian Trust Representatives, as well as the Executive Directors of the Papa Ola Lōkahi and the Native Hawaiian Education Council. And on Friday, July 9, in D.C., they will be doing the office blessings for Congressman Kai Kahele and Congressman Ed Case, and also making efforts to tour the capitol privately and socially distanced to see where Prince Kuhio's original office space was located. The building he was in has been renumbered so it took a while for the staff to figure out where, where his original office was, but they located it and the current member, I believe, is allowing them to make a visit.

COUNCILMEMBER KING: Okay, great. Well, if you have any additional invitations, I'm sure Member Sugimura and I will make an attempt to attend that blessing as well.

MS. KAWAIHAE: I will, I will pass that along.

CHAIR LEE: Thank you.

MR. AWO: Mahalo.

CHAIR LEE: Anyone else? Questions? If not, thank you very much. Appreciate you coming.

MR. AWO: Aloha.

CHAIR LEE: Oh, I see one hand.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I wanted to quickly thank Commissioner Awo and Ms. Kawaihae for their help in crafting the resolution and for their strong testimony in support this morning. Mahalo. Aloha. Mahalo, Chair.

CHAIR LEE: Thank you. Thank you, again for coming.

Madam Chair, I mean Madam Clerk, may we have the next.

COUNTY CLERK: Our next testifier is Lani Eckart-Dodd and followed by Lucienne de Naie.

MS. LANI ECKART-DODD [testifying on Bill No. 60 (2021)]:

Aloha kakahiaka kakou. I'm Lani Eckart-Dodd. Hi, aloha. Sorry if there's a little bit of noise, I'm actually down at the . . . at Waipuilani down in South Kihei. The children in my son's program are down here surveying the reef, checking out what life is here, the limu, the fish. It's a beautiful day, and the children are beautiful over here. But I have a little bit of 'eha, you know, hurt in my na'au because I'm tired of telling our children this is where we used to do things, this is where we used to pick limu. And to drive past parks and say, oh, that's where we used to go surfing, but now too crowded, cannot go. Or go past hotels and gated-communities and say that's where we used to go fishing, but that's, there's no more access.

Drove out to Hana last week and I had to tell them that's where we used to go swim in the ponds, but cannot, because it's too crowded with tourist. It's, it's so painful. The tourism has exploded out of control in my lifetime, from the time I was their age till now, and it's time to take a pause. It occurs to me as we're sitting over here at the beach,

you know, traditionally, if resource was in distress or endangered, there would be a kapu placed. And I feel like this Bill 60, moratorium on visitor accommodations is doing just that. It's putting a pause, something, a resource that is in distress so that we can take a step back, take a look at the systems in place that are, are or may not be working to make adjustments and to allow us to recover a little bit.

So, I fully support Bill 60, you know, the beaches are full, the parks are full, there's traffic on Maui, the grocery store sometimes the shelves get bare and the hospital is full. There's so many people here, so you know, there's been capacity, carrying capacity studies, you need to heed them. There's community island plan, we need to follow it. I think we're past the one to three ratio at this point. So, let's take a pause, I support Bill 60 and mahalo to the Council for passing this and pushing this through. Mahalo.

CHAIR LEE: Thank you. Questions, Members? If not, thank you, again.

Madam Clerk.

COUNTY CLERK: Our next testifier is Lucienne de Naie, to be followed by Pamela Tumpap.

CHAIR LEE: Good morning, Ms. de Naie.

MS. LUCIENNE DE NAIE, SIERRA CLUB [testifying on County Communication Nos. 21-299, 21-300, 21-305, & 21-309 and Bill No. 60 (2021)]:

Aloha. Let's see if I can get an image here. Good Morning. Bonjour. I'm testifying on behalf of the Sierra Club Maui Group on two of the items and then the rest I'm testifying as a private citizen.

The first is Bill 60, and Sierra Club Maui does support this. We really need a time out to figure out what we're doing. Our resources, we're really never quite designed to accommodate as many tourists as we have ended up with. If a moratorium helps a bit, it could help us learn how we want to better shape this part of our economy. But time outs are a traditional way to figure out what you are going to do, whether you're playing basketball or trying to plan the future of the whole island. So, we're very, very strongly in support of this and thank all the Council people and members of the community who have put so much time and effort into crafting something that has a chance of informing us for the future, and giving us a potential better path forward.

I would just say as a resident of East Maui, it's crazy out here, you know, on this highway. It's like people were yelling in front of Twin Falls cause the car was just

stopped on the road, and people who were monitoring the parking lot were going get off the road, get off the road. Cars were backed up behind this thoughtless tourist who wanted to take a picture. It's crazy, you know, we are not Disneyland, so we need to think about how we going to do it better.

Moving on to bill, um, County Communication 21-305, having to do with the sunscreen prohibitions. We also are in strong support of this. The Sierra Club worked with the last round to try to get better laws in place about what sunscreens really will do as little harm as possible. So, we're very glad that this is being brought up again and refinements are being made and so, please accept our support as it's referred to Committee. We will weigh in again but this is, this is a good step forward.

And then moving on to the other matters, the Communication 21-299, the proposed amendments to Bill 62, the zipline bill. I'm just speaking as a private individual now, who lives in the vicinity of a zipline. Yes, commercial activity, of course, is one phase of kind of exploiting a neighborhood. But non-commercial activity or activity that hides as not being commercial, because maybe it's a meet up group that goes to rappel a waterfall every month, it's like, eh, you know, let's have some way of looking into this if neighbors are concerned, at least there's some way to call and say, is this really, you know, permitted, is this really allowed. So, I'm supportive of the amendment and I'm very supportive of passing Bill 62 today and getting some regulation out there.

On County Communication 21-300, really grateful that Ms. Shay Chan Hodges has put this forward and given the County an opportunity. We do need to look at how we can transition from the aged state of some of our infrastructure and our water infrastructure, the part that diverts streams is very aged. The youngest ditch in East Maui is a hundred years old, and that's the youngest one and some of them are much older. So this is an opportunity, and I hope that the Council will support the resolution, just saying that, you know, the County doesn't have to apply for money, but is interested in seeing what could be, come out of this in terms of, you know, some proposals and some funding.

And then, the County Communication 21-309, which has to do with shoreline access. I didn't see any direct information on it, I know it's going to be referred to Committee. But we definitely need all the clarity we could get with shoreline access. I have so say, as president of the community association in Haiku, I have fishermen calling me going, how come I can't get down to, you know, this spot anymore, there's a locked gate? And yet I know there's a subdivision there, so there's supposed to be access, you know, there's supposed to be under our coastal law access. So, thank you to Councilmember Kama for putting this forward and hopefully during the discussion we'll find out more and be able to support it in more detail. But just the idea of bringing up shoreline access for recreational purposes for our residents is very important. So, mahalo to you all and have a good short meeting. Aloha.

CHAIR LEE: Thank you. We have a question.

Member Paltin.

You're muted. You're muted. Staff, can we help her. Can't hear you.

VICE-CHAIR RAWLINS-FERNANDEZ: Try pressing "M".

CHAIR LEE: What is that for? Press "M" to make it happen.

VICE-CHAIR RAWLINS-FERNANDEZ: Mute and unmute.

CHAIR LEE: I wonder what, let's go to another question and come back to Member Paltin. I saw another hand, Ms. Sugimura, was it? And you're muted as well. You're muted as well. What's going on here? Did I see another hand? Did I see Mr. Sinenci's hand? Yes, Mr. Sinenci, please say something. He's muted as well. I almost heard something.

Member Paltin, were you able to fix your audio?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, perhaps we can take a quick recess?

CHAIR LEE: Yeah, I was going to suggest that, giving them 30 seconds more. Lucienne, would you be able to stay on for a few minutes while we try and connect with the other Members?

MS. DE NAIE: I'll be happy to, Chair.

CHAIR LEE: Okay, good. Members, we'll take a five minute break. Just five minutes. Let's make it 10:25, 10:25, little over five minutes. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:16 A.M., AND WAS RECONVENED AT 10:25 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of July 2, please reconvene. Now, we don't want to keep our testifier waiting. So, questions?

Member Paltin for Lucienne.

COUNCILMEMBER PALTIN: Um, thank you. I was, my question was in regards to the zipline situation bill that you testified on. We had a lot of testimony to pass that legislation today and I just was wondering, which is more important, if there is a loophole for a bad actor to correct the loophole today and maybe pass it in a couple of weeks? Or was it to pass it today? I can't hear you.

MS. DE NAIE: Sorry. Mahalo for your question, Councilmember Paltin. That is a tough question. I would say pass it today, and then amend it, because that loophole was probably not something that is going to affect things in the, in the near-term, it will be, you know, longer-term. And meanwhile, we just have people that you know, are in this grey area of the law and people in the neighborhoods have no recourse, you know. The Planning Department said, well, we don't really have a law about it. So, that's why we all worked so hard to, to get something in place, you know. Who knew, these weren't a big deal, you know, 20 years ago, but they are now, so.

COUNCILMEMBER PALTIN: Okay.

MS. DE NAIE: And there are good faith operators, so, we, we, I think you have a fair bill that's crafted fairly. I would say pass it today and do the amendment, which is a good amendment, later. I saw that a lot of the amendment is just, you know, housekeeping sorts of things, dashes, and paragraph indents and things like that. But I think those are insubstantial changes that can be changed even if you pass it.

COUNCILMEMBER PALTIN: Oh, I'm sorry. It wasn't the posted amendment. The Director brought to our attention a different issue that exempts one of the bad actors from the bill, which was I thought the point of the bill.

MS. DE NAIE: Oh. I'm sorry. Yeah, I'm sorry.

COUNCILMEMBER PALTIN: So, we're going to try, we weren't able to post the ASF because we just found out about it yesterday, so I just was wondering, it was--

MS. DE NAIE: I see. That's why you asked me this question because I haven't seen the other amendment. Okay, well, if it truly would be necessary to have this in, to, you know, make sure that one of the bad faith operators is included, then I think, you know, you should take the time and get it in.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR LEE: Question, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you, Lucienne for hanging out as we had our technology issues. So, this is also about 21-299, which is the, I'm sorry, which is the zipline, second and final reading bill. And I know that you're with the Haiku Community Association and part of that was, um, we were, I was hearing, which was, which caused me to start the ball rolling with Member Molina about this, that there was a zipline that was planning on putting a zipline across Jaws. Did you hear that?

MS. DE NAIE: Yes. I definitely, well, I don't know if it's across Jaws, it was one that was proposed on a property that's just a little bit to the east of Jaws and maybe one of the gulches involved was Manawaiiao, which is the gulch that leads down to what people call Jaws, yes.

COUNCILMEMBER SUGIMURA: So, is it still happening? Since you're--

MS. DE NAIE: You know, it's been very, it's yeah, it's been very quiet recently, so I think the Planning Department could answer that question better than I could because--

COUNCILMEMBER SUGIMURA: Okay, I thought--

MS. DE NAIE: --they would know if there's still a valid, you know, a concern for the, it's in the SMA zone, so they would need to get some sort of an SMA thing to do anything in the SMA zone, I know. I don't think the ziplines are categorically exempt or anything. But I kinda think that they are waiting to see what, what the bill is like to see if they would move forward. There was a tremendous amount of community opposition, a hundred people attended a meeting, and I don't think any, not one person was for it. So, that's what I know about that. But, yes, that was a concern.

COUNCILMEMBER SUGIMURA: I mean, cause I think all of those things were the nemesis of getting this all, you know, put together for this bill that you're seeing today. So, thank you very much for your testimony and clarification.

MS. DE NAIE: Yeah, thank you all for your work.

COUNCILMEMBER SUGIMURA: Thank you.

MS. DE NAIE: Yeah.

CHAIR LEE: Any other questions, Members? If not, thank you, Lucienne for answering those questions.

And Madam Clerk, do we have another testifier?

COUNTY CLERK: Our next testifier is Pamela Tumpap, to be followed by Scott Shapiro.

CHAIR LEE: Pam, are you there? Let's go on to Scott Shapiro.

MR. SCOTT SHAPIRO [testifying on County Communication Nos. 21-298 & 21-305 and Bill No. 60 (2021)]:

I'm here. Can you hear me? Is that--

CHAIR LEE: Go ahead, Scott.

MR. SHAPIRO: Sorry. I just have a question. Do you guys have a quorum right now? I don't know what the number--

CHAIR LEE: Yes, we do.

MR. SHAPIRO: Okay. My math is not great, so. Um, so I wanted to, I'm in Maine, actually, the state of Maine. So bonjour from Maine, visiting family, you can see the cross-country skis behind me. I wanted to testify on Bill 60 and 21-298.

Real quickly, starting with 21-304, um 305, prohibition of sunscreens, I'm in support of that. I like the idea of Jordan Hocker, brought up about maybe looking into further which types would be acceptable, so there is no runaround by companies until this, you know, gets sorted out. So, maybe not jump into it super fast, but I definitely, as most of us, would support that.

So, Bill 60 and 21-298, they go together, yet I think, Councilmember Paltin's 21-298 needs to be held back after a moratorium is put in place, so we can look at that more closely, to see if it fits. So, I would support that, but with, I think we need more consideration of what that might mean. Bill 60, I'm in full support of. I'm very happy to hear that another resolution was formed to include the other parts of Maui besides South Maui and is it West Maui, right now?

CHAIR LEE: Yes. South and West Maui.

MR. SHAPIRO: Yeah, so, thank you for that, again. I'm in full support and I just wanted to touch base with you guys while I'm here, because I really think it's very important to voice my concerns. So, thank you very much. Have a great holiday weekend, everyone. And that's it.

CHAIR LEE: Thank you, Scott. Hope you have a wonderful vacation. Are there any questions? If not, thank you. Happy 4th of July.

MR. SHAPIRO: Thank you. See you soon.

CHAIR LEE: See you soon.

Madam Clerk.

COUNTY CLERK: Chair, Pamela Tumpap is back on the call.

CHAIR LEE: Okay.

COUNTY CLERK: So, we can call her up, to be followed by Randy Sakumoto.

CHAIR LEE: Pam.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE [testifying on County Communication No. 21-310 and Bill No. 60 (2021)]:

Awesome. Okay, aloha, good morning, bonjour and Happy Aloha Friday, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. I can see we're having some BlueJeans issues.

I would like to testify on Bill 60 and CC 21-310. First, you know, we know the importance of protecting our environment, a sustainable visitor industry and economic diversification. We understand residents are frustrated, businessowners, we're all residents, our staff are residents. You know, we're frustrated with the infrastructure issues, traffic, overcrowding. We believe though, there are other ways to address these issues without instituting a moratorium, and that we have been working in that area for quite some time, creating plans to work toward that direction and yet we're not seeing the same level of focus on moving those plans forward.

We encourage Council to study the issues and work with all stakeholders before putting in a moratorium. As Rod mentioned earlier, he wants to jump in and help. We've expressed our interest in helping. And we'd like to see many other industry groups included while we work to solve these problems. So, you know, we want to see opportunities where we come together to set strong programs in place to address the key issues, while not hampering our economic growth.

We again share that restricting growth will not restrict the number of visitors traveling to Maui, and by not allowing growth in these areas, specifically zoned for visitor accommodations, we're concerned it will drive people to illegal rentals in residential areas. And there was a comment made earlier that I want to make a point on, and I've shared before. You know, when it comes to green initiatives, many of our hotels and resorts are leaders in these, and we're trying to get a handle and get stories, and they're coming forward, wanting to share more of those things that they've been doing. So I think it's important that we tap into that resource and get a, and get a good handle on all the things they're doing.

I think Councilmember Paltin, you know, with her amendment was trying to do a good thing and pushing forward affordable housing and rentals with some creative thinking. We just don't think that, that proposal will work at this time, the properties would be able to purchase the land for residential use and build residential workforce housing units in an equal number to the amount of accommodations. I think that needs to be brought up more with the industry. It's not the time to hamper economic activity. Accommodations were some of the hardest hit in 2020, many are trying to catch up from a year of loss and as shared before, Paul Brewbaker, estimates the moratorium forecast for just a pause for two years would have significant revenue loss.

We are also hearing that, you know, as it was brought up at the last hearing, that businesses are looking for employees and we understand concerns about not having enough workers, particularly if there's growth. So, while many people are reporting job numbers and openings, it's important to look at the source and correlate the data with our County. According to Hirenet Hawai'i's Hawaii Workforce Infonet, Maui County had 800, excuse me, 8,350 unemployed individuals in May of 2021. If we compare this to the average from 2019, which was approximately 2,000 unemployed individuals, and we still have about 6,350 unemployed people from this pandemic. Recently, after our last hearing, we asked the Maui Hotel and Lodging Association, how many of their members, you know, had openings. And surveying their members with about half bringing in, there are about 558 open positions. We strongly feel that as extended benefits run out in the next few months, and in-person school is back in session, we will see these job openings quickly filled and there will be opportunities to grow.

Lastly, we are concerned that if this is passed, the bill may face legal challenges. We urge you not to put the County in a precarious position and ask that you defer this bill until you have a legal opinion rendered by Corp. Counsel. If they feel the County is protected, we feel their opinion should be publicly shared.

We also sent you today an updated letter, we have more signatures, there are now 111 signatures on that asking that this moratorium be held. So, we appreciate and thank you for the opportunity to testify.

I'll just move forward to item CC 21-310. We too, have great concern over what is happening on the road to Hana. We are seeing pictures on the news of tremendous overcrowding, and we are hearing stories from both local residents, as well as tour organizers that people are going off into areas they're just not supposed to be going off into, in addition to blocking the roads, even though we've started to institute a reservation system at Wainapanapa.

We like plan A and I'll tell you why, while I know there's issues and you have to get approval from the State, it seems for a toll road, even if you do a toll road, you still have people once they pay, meandering around Hana. With the tour guides and the tour plan, you've got managed tourism, you've got people who are getting on and off tour vehicle at certain periods of time. You've got people who can't park and know the appropriate places to park, and you've got a lot of local residents running those companies. We'd be happy to share a number of Chamber members who are tour providers with you, but the reason we like this is because the tour operators can help to manage where people are going and we believe that will not only help clear up blockages, but also save County and State resources. And we appreciate again the opportunity to provide testimony today.

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

Oh, one question here, Member Paltin.

COUNCILMEMBER PALTIN: I just was wondering to clarify, when you said that school goes back in session, that the jobs will fill up and being that the elementary school kids are ineligible for the vaccine and the Delta variant, is the Chamber doing anything proactive to get ahead of that?

MS. TUMPAP: Thank you so much for asking. Yes, the reason we say that is because we hear so many parents are still caring for their children at home and of course, during the pandemic, they were educating them from home and as school opens up, that will help. What we're doing currently, and we've published it many times and continue to publish it, is we're partnering with Minit Medical. They are working with businesses, also any organizations or groups. We're trying to get to those remote areas or areas where maybe parents don't have time to, to drive into the clinics, reach out, they can go to businesses across Maui County, but, well, excuse me, not Maui County, Maui island, this is Minit Medical, and with Hana they would need a certain number of people who can be vaccinated, but they're trying to get to remote areas and they will drive out, they just need a small room.

If anybody has any questions about how to schedule Minit Medical, you can reach out to the Chamber office and we will give you the contacts. They are going on the road, so they're going out to, if there's a cluster at schools, or there's a cluster at businesses, and it's not just for the business employees, it could be their spouses, their children, their significant others, it could be associates of the business or the organization. And you just need to give them some sense of, they have all three vaccines available, what vaccine would be preferred and the number of people and then they can schedule a time to come out to your remote location and assist.

COUNCILMEMBER PALTIN: Oh, I guess I was, I was concerned about the elementary school that the school kids that aren't old enough for the vaccine, if they're all in, together in one room.

MS. TUMPAP: Well, you know, unfortunately, we don't handle school services, or pre, you know, kindergarten or primary school services but you know, we could talk to people, like maybe MEO, might be a helpful resource on that. But we are concerned about the kids who are not old enough to get the vaccines, but we don't coordinate school services, but we are in strong support of seeing other service providers come forward. Daycare is being looked at at the State level and we support daycare options and other schooling options with social distancing and--

COUNCILMEMBER PALTIN: Yeah, I guess the reason that I asked that is that's a concern with kids going back to school and then people going back to work if it explodes again with our children, then you know, with your statement that, oh, the kids are going back to school, and everyone will go back to work, it's, um, I just have questions and concerns about that general statement.

MS. TUMPAP: I hear, I hear you.

COUNCILMEMBER PALTIN: Okay. Alright.

MS. TUMPAP: Yeah. So, we have been working on, of course, encouraging vaccinations, and the closer we get to herd immunity helps reduce some of those concerns. But we do also understand there are a number of people that just don't believe in it, and, and so, that's going to be an ongoing challenge. But for those who are on the fence about getting vaccination and helping us get to those herd immunity numbers, we've been doing several education programs with special business matters segments with Kaiser doctors and others.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any other questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Ms. Tumpap, thank you for joining us today.

MS. TUMPAP: Thank you. Good morning.

COUNCILMEMBER JOHNSON: I saw, you know, I hear you loud and clear, that the Maui Chamber of Commerce does not support the moratorium and instead, you pivoted to the idea of managing our infrastructure. So, my question is a clarifying question on your infrastructure points. Recently some of our Councilmembers, myself and Kelly King have met with the airlines and one of the ways we can manage, another way to manage the tourism is to look at the way we run the gates at the airport. So, maybe a cap on how many people pass through an airport gate? Do you, does the Chamber of Commerce support that idea? Do you have a stance on managing people going through an airport gate?

MS. TUMPAP: So, not at this time, but we are bringing together a committee to look at this and work on it.

COUNCILMEMBER JOHNSON: Okay. Well, when you come up with a stance, I would love to hear from it. So, thank you, Ms. Tumpap. I have no further questions.

MS. TUMPAP: Our pleasure. Thank you.

CHAIR LEE: Member, Member Molina, then Member King.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good Morning, Pam. You know, you mentioned Paul Brewbaker's assessment, economic assessment. Did that assessment also include the impacts to quality of life and what kind of cost it could have on the community as well? I know he's kind of looking at it from the perspective of a economist and in terms of revenue generated and what a moratorium could cost, but was the cost to impacts to our quality of life considered in his assessment, if you know?

MS. TUMPAP: Actually, I think this came up the last session as well. I know that Paul is actually working on a broader study, but I, we're not involved in that, we didn't engage him. I just know that he's working on it, so I don't know what all is going to be included in that. But I know it's something that's actively in the works now.

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

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Pam.

MS. TUMPAP: Aloha.

COUNCILMEMBER KING: Thanks for being here today. I just wanted to clarify, you, you, you, I keep hearing that you folks want to work with us, and I did invite Sherry Duong and yourself to be involved in the initial . . . of the Climate Action Advisory Committee. You both dropped off fairly early on, so, you know, we would love to have that involvement if you're willing to stay involved, there is a sub-committee of that organization on sustainable tourism, and I was really disappointed--

MS. TUMPAP: We just saw that.

COUNCILMEMBER KING: Yeah.

MS. TUMPAP: We just--

COUNCILMEMBER KING: I would request your participation. So you know, you're welcome to join again, it's all voluntary, you know, people giving us their expertise. But you know, we tried.

MS. TUMPAP: I apologize. Well, I appreciate that you tried, to be honest with you, Kelly, I apologize. We did see the sustainability email, just the other day come through and Amber is going to reach out to you, we definitely want to make time for that. I, I, you mentioned that we dropped off, I don't know that I ever participated once because I don't recall being invited.

COUNCILMEMBER KING: This is the whole Climate Advisory Committee last year, you know Sherry came to the first, one meeting and then she just said, she wasn't going to come back again, so.

MS. TUMPAP: Okay, so I didn't, I didn't even realize I was, to be honest with you, I didn't realize we were invited, and I don't believe I attended anything.

COUNCILMEMBER KING: You were, you were on the original list, but we'll try to involve you again. And the other thing I wanted to ask you is, did you see the posting from HTA, the Hawaii Tourism Authority, that Governor Ige put on his Facebook page that says,

while it's not legal to put a cap or limit on number of people who visit our State, limiting the lodging supply may be just as effective. So this is the Governor, this is HTA's statement that the Governor reiterated on his Facebook page.

MS. TUMPAP: No, I haven't seen that yet, but we'll look it up. And we know that the Governor is looking at the veto on HB 862, we've been working with him on that. But I haven't seen that Facebook, but we'll have Amber look it up.

COUNCILMEMBER KING: Okay.

MS. TUMPAP: So, I appreciate that reference. Thank you.

COUNCILMEMBER KING: Okay. Thanks.

CHAIR LEE: Anyone else? Questions? If not, thank you, Pam and then let's move on to the next testifier?

MS. TUMPAP: Thank you. Aloha.

COUNTY CLERK: Our next testifier is Randy Sakumoto, followed by Dick Mayer.

MR. RANDY SAKUMOTO, HAWAII HOTEL ALLIANCE [testifying on Bill No. 60 (2021)]:

Mahalo, Chair.

CHAIR LEE: Okay.

MR. SAKUMOTO: For some reason, I can't get my video on.

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

MR. SAKUMOTO: Okay, I apologize for that. Aloha, Councilmembers, my name is Randall Sakumoto and I represent the Hawaii Hotel Alliance. I'm here to testify in opposition to Bill 60. Earlier my client submitted a copy of a legal memorandum which I prepared when this measure was introduced, and the memo raised a number of legal issues relative to the moratorium on building permits.

Today, however I'm going to limit my testimony solely to the potential due process violations that will result from the enactment of this bill. Government action violates substantive due process rights when that action is not rationally related to a legitimate

governmentally purpose. In other words, a law is invalid on substantive due process grounds if it is arbitrary and irrational.

Here Bill 60 fails to advance a legitimate governmental interest because of the means set forth to achieve the bill's objectives. The stated purpose of the bill is to "stop increasing carbon-emission levels, mitigate climate-change impacts, and limit the rate of global warming." However, the bill cites no evidence or empirical data to support the conclusion that the means applied in the bill will actually serve such purposes. It is unclear how prohibiting the acceptance of building permits for visitor accommodations for the next two years will stop increasing carbon-emission levels or have any noticeable impact on global warming. Without a factual basis justifying that the moratorium is necessary or reasonably calculated to mitigate climate-change impacts, the proposed moratorium is an arbitrary act of government.

Bill 60's other governmental objective which is to temporarily maintain the status quo, largely rests on the assumption that a moratorium on building permits will deter tourism. This moratorium however will do nothing to prevent airlines and cruise ships from continuing to bring tourist to Maui, many of whom stay in existing visitor accommodations or illegal short-term rentals. Without the obvious lack of fit between the stated purpose of the bill and the chosen means to advance its objectives, the bill simply fails to further its own objective through rational means. Thank you for allowing me to testify today.

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

May we have next--

MR. SAKUMOTO: Mahalo.

CHAIR LEE: --thank you. May we have the next testifier.

COUNTY CLERK: Our next testifier is Dick Mayer.

MR. DICK MAYER [testifying on County Communication No. 21-298 and Bill No. 60 (2021)]:

Bonjour. Can you hear me?

CHAIR LEE: Bonjour, Mr. Mayer. Yes, we can. Welcome.

MR. MAYER: I'd like to testify on Bill 60 and also CC 21-298. With regards to Bill 60, as you know, I strongly support that bill and I want to give two major things I think that bill will

accomplish. One is, it will allow us to recalculate what we want to do on Maui to manage the tourist industry, the overtourism, the quality of life issues, and I don't have to go into any more details, I think you are well-aware of the issues there. The second thing is, which hasn't been mentioned is that I think it will protect the existing tourist industry from more competition. And so many people have said they're concerned about the effects on our business community, well actually, by having a moratorium on new construction, we're actually protecting the jobs of existing workers, ranging all the way from those who do the, the landscaping and the waiting and the waitressing and chambermaids, and all those all the way up to the top managers. We're keeping out competition from them. So, I think we'll actually strengthen our tourist industry on Maui.

With regard to the statements just made by Mr. Sakumoto a minute ago regarding due process, I think the due process argument can be said that the Maui Island Plan, which is a legal plan of the County, has said that we should have a one to three ratio and we're over that level. So I think you're very capable of defending this proposed bill on the basis of the fact that you are really implementing what the Maui Island Plan has said, and what you should be doing.

I'm sorry that the Planning Department and the Planning Commission have not been following the Maui Island Plan and have been continually adding more and more residents, despite the fact that we're out of whack with our numbers. So, I think that you folks are doing the right thing on that regard.

With regard to CC 21-298, I want to applaud Councilmember Paltin's initiative to get that put on the agenda as an amendment, but I'm opposed to it. And I'm opposed to it not because I'm opposed to affordable housing, but because I don't think that the amendment will get what you want. There are too many ways that developers have found to get around the affordable housing requirement. They buy credits from existing units, and no additional affordable housing is done.

We need to get the affordable housing for the lower income residents and what this bill does not do is specific, specifically indicate what will happen if a developer comes in and buys credits and then says, I don't have to put up affordable housing, and that group doesn't get attention, that lower-income group. So, I'm hoping that you will all find a way to do some of the things that Ms. Paltin has suggested, but do it in a separate ordinance, to get the lower-income people affordable housing and also, be considerate of the one to three ratio that's in the Maui Island Plan.

What we should be really having is three affordable housing units for every new vacation or hotel or timeshare unit that ratio, so we have a ratio, so that when every new additional tourist or tourist family comes in, one of Maui's local families will be able to get the housing that they need. So, please draw up an ordinance to that effect and

then I think people would be happy after the moratorium is over, that you then be able to get the affordable housing you need and also not have it in the interim, when we don't have a proper ordinance to do that. I want to thank you, and merci.

CHAIR LEE: Thank you, Dick. Are there any questions? If not, thanks and have a great weekend.

MR. MAYER: You too. Happy 4th to all of you.

CHAIR LEE: Thank you.

Madam Clerk.

COUNTY CLERK: Our next testifier is the last four digits of 7394. 7394 will be followed by last four digits 9460.

MS. LAURA LOUIE HARRELSON [testifying on County Communication No. 21-310 and Bill No. 60 (2021)]:

Hello. Can you hear me?

CHAIR LEE: Yes, we can.

MS. HARRELSON: Great. Hi, my name is Laura Louie Harrelson. I am a resident of Keokea and Kipahulu. I'm calling as a private citizen. First of all, I just want to say how much I appreciate this opportunity to speak with you all and a special shout out to Councilmember King for bringing Bill 60 to all of you. I am in full support of 60, and in hearing today's testimony, it's obvious that many people feel the same. And the hotel industry has put forth a willingness to cooperate and all of this just speaks to me as an opportunity. We live on a very small island, a very special island, and I'm hopeful that we can all work together to create a sustainable tourism plan as put forth by Councilmember King and I'm hoping that that is going to get further discussion.

And I also wanted to comment on CC 21-310, the East Maui tourism and management of traffic flow. Thank you, Councilmember Lee and Sinenci for putting your attention on that. And we had such an amazing time during the pandemic on the east side, where I've been for a little more than 20 years now, and for the first time got to see a glimpse of what I believe Maui used to be. And I even commented on that to our daughters. And since traffic and tourism have started back up again, I've nearly been run off the road more times than I want to comment on. And its tourists as well as tour buses. So if we are talking about a tourism plan that limits rental cars and restricts it

just to tour buses, I hope that there are some guidelines put on speed limits as well as monitoring their performance because I have many complaints to file on that.

And lastly, I would like to put my attention and feel it's my responsibility as a resident to participate in however you need me and that is the end on my testimony.

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

If not, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha Laura, nice to hear your voice.

MS. HARRELSON: Aloha, Kelly.

COUNCILMEMBER KING: Thanks for calling in with the time difference. So, I just wanted to follow-up and see if we could tap your, your experience for the sustainable tourism issues, since you said you wanted to remain involved, you know I would love to be able to get you on that sub-committee of the CAAC that's looking at sustainable tourism.

MS. HARRELSON: You can count on me, Kelly, always.

COUNCILMEMBER KING: Great. Thank you and have a great time, be safe over there. Aloha.

MS. HARRELSON: Happy 4th everybody.

CHAIR LEE: You too. Any more questions, Members?

If not, Madam Clerk.

COUNTY CLERK: Chair, our next testifier is calling in from the last four digits of 9460, and to be followed by Nick Drance.

MR. DANIEL KANAHELE [testifying on Bill No. 60 (2021)]:

Bonjour, Mademoiselle Chair Lee.

CHAIR LEE: Thank you.

MR. KANAHELE: *(Spoke in French.)*

My name is Daniel Kanahele. I am speaking as a individual. I will keep it short. I am in strong support of Bill 60. The last time the Maui County Council did not pass a bill on second reading as I recall is when the earth was threatened by reports of a collision with a large asteroid. That never happened. Today we have reports of another asteroid heading towards planet earth, specifically in the Pacific region. I believe those reports are also erroneous. So, I am highly optimistic that this bill will pass on second reading. Merci beaucoup. Thank you very much.

CHAIR LEE: Thank you, Mr. Kanahele. Good to hear from you. Are there any questions? If not, thank you. Appreciate that French lesson.

Madam Clerk.

MR. KANAHELE: You're welcome.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is Nick Drance, to be followed by Dave Jorgensen.

MR. NICK DRANCE [testifying on Bill No. 60 (2021)]:

Good morning, Chair and Council. Nice to see you. This moratorium gives us a breather in order to ramp up solutions to serious well-documented problems. Not doing this seems like speeding ahead on the road, not being sure if we're on the right one and the map is in the trunk. We need to pull over so we can find it there. I and others believe this bill should extend at least to our entire island, if not the County. There are some solutions, but the challenge is that they'll take some time to execute. By the time we're close to ready, we'll be right past our turnoff and unable to go back.

And then it goes through the contents of three large reports in three minutes. I know some Councilmembers indicated the need for specific, specifics and data, so I went through these reports page by page. Two studies done by the University of Hawaii in 2018-19, also Hawaii Tourism Authority 2021-23, Destination Management report for Maui County. So I annotated the side with my notes . . . Here are highlights of 12 common topics through all three studies which are discussed in-depth. Resident's sentiment alike, today's Maui News had an article about longstanding resident complaints, even in May when we had 30,000 less visitors from pre-pandemic levels. Visitor levels in March and April were 175,000 and now it's obviously more than that.

So, I will give you these topics and then I'll cite specific comments with page numbers, where they appear in the report if I have time at the end.

So, these studies mentioned resident's sentiment six times. High visitor to resident ratio twice. Impact on resident's quality of life four times. Impact on the health of the visitor industry and sustainability of tourism twice. Economic vitality three times. Input from the communities plans twice. Benefits for residents four times. Regenerative tourism once. Natural resources twice. Climate change, sea level, infrastructure repair and maintenance twice. Infrastructure once. The need for fresh new thinking and new management model six times. How am I doing?

Highlights from a couple of them. Those reports actually indicated that some residents were demanding absolute reduction in tourist numbers and were organizing to intervene, I'm surprised to read that. The UH chart said, well, it indicated the tourist spending relative to residents was down \$17,000 in 1989 to \$11,000 in 2017 and relative 1989 dollars so in other words it said, in some, to some extent adding . . . under these circumstances is like a cat chasing its tail. The majority of residents feel tourism benefits the industry more than them.

And okay, in summary, the need for this moratorium, to me, seems well-documented. We need time to evaluate and execute some of these strategies. These reports indicate that continuing on the same path is not the way forward. So, seeing no other alternative proposed, and in recognition of the legitimacy of these reports and studies, I think it's right to follow the advice of experts. So, I ask you to please vote yes on this bill, execute it islandwide and please do so unanimously. Mahalo nui.

CHAIR LEE: Thank you, Mr. Drance.

Member Sugimura, question.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Drance. Did you say, you submitted that? The details . . . the page numbers and you mentioned the report in general, but I wonder if you could submit it to us in, in more detail. I know three minutes is short time to say all that.

MR. DRANCE: Sure. Sure. I distilled it three times. The original written testimony was huge, then I distilled it, then I distilled it, then I distilled it so, I'll figure out. It's a lot to go through. So, I will send you two distilled things and you can pick out which one you want to read, depending on how much time you have. So, thank you for asking. Yes, I'll send them.

COUNCILMEMBER SUGIMURA: Thank you.

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

MR. DRANCE: Alright. Thank you. Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Our next testifier is Dave Jorgensen, to be followed by Stephen Beidner.

CHAIR LEE: And then how many after Stephen?

COUNTY CLERK: We have eight pending.

CHAIR LEE: Okay. We have to take lunch. Can we have the testifier, please?
Mr. Jorgensen. Or is it the phone number?

COUNTY CLERK: Mr. Jorgensen.

CHAIR LEE: Okay.

COUNTY CLERK: He's in the meeting. He needs to unmute on his side.

CHAIR LEE: Let's go to the next one.

COUNTY CLERK: Okay.

CHAIR LEE: Oh, he's on, is he on the line? Is he on the call?

COUNTY CLERK: He's on the call. He needs to unmute on his side. We can, we can try
Stephen Beidner.

CHAIR LEE: Okay.

MR. STEPHEN BEIDNER [testifying on Bill No. 60 (2021)]:

Hello.

CHAIR LEE: Hello.

MR. BEIDNER: Hello?

CHAIR LEE: Okay, would you like to start your testimony, Mr. Beidner?

MR. BEIDNER: Can you hear me?

CHAIR LEE: Yes.

COUNCILMEMBER KING: I think it's Beidner.

MR. BEIDNER: It is.

CHAIR LEE: Beidner.

MR. BEIDNER: My name is Stephen Beidner. Yeah, good morning, Chair. Good morning, Councilmembers. I'm testifying today in favor of Bill 60. I testified recently at the town hall on overtourism about, not only the managed tourism but . . . I don't want to repeat my testimony.

I just want to talk about one issue today, which is water. Today, July 2, which is the first day of water restrictions in Upcountry, other than Kula, where residents are being asked or mandated to lessen their water use. At the same time, we're welcoming plane loads of tourists that are going to use enormous amounts of water. Their getting off their plane, their plane may be washed. Their getting in their rental car which is just washed for them. Their driving to their hotel where their towels and sheets are being washed and sometimes on a regular basis. They're eating out where there are pots and pans and dishes and produce are being washed.

So, with you know, climate change being real and droughts going, droughts going to be, becoming probably more prevalent, we're probably going to have more restrictions on water use not just Upcountry, but islandwide, maybe Countywide. So at a time when that's happening, I think we need to take a pause and stop creating avenues for more tourism and more accommodations, which will use more precious water resources.

I would . . . I'd just like to also mention that I think the one to three ratio from the Maui Island Plan really is very good and needs to be enforced, but actually maybe need to even be looked at in a different way. I think we need to find a, a sustainable amount of people that can be on the island at any one time, because under the one to three ratio as residents go up, that means more visitors can go up, and I don't think that's a really good idea either, I think we need to have a certain amount that should be here at any one time, no matter who they are. And that's about all I have to say.

CHAIR LEE: Oh, no wonder, I'm muted.

Madam Clerk.

COUNTY CLERK: Our next testifier is Dave Jorgensen.

CHAIR LEE: Dave, are you there? Apparently not, so let's go on to the next one.

COUNTY CLERK: Okay. Mark Deakos.

CHAIR LEE: Mark, are you there?

MR. MARK DEAKOS [testifying on County Communication Nos. 21-298, 21-300 & 21-305 and Bill No. 60 (2021)]:

Councilmembers, yeah. Can you hear me?

CHAIR LEE: Yes.

MR. DEAKOS: Okay. Thank you. Thank you for, my name is Mark Deakos, West Maui resident, twenty-five years. Bonjour.

First, I want to talk, I do support Bill 60. We're definitely way over capacity and we need to pause and try to emulate some of the sustainable tourism practices that are successful elsewhere. And there's no question of the impact of the additional tourism is having on our carbon footprint from jet fuel, rental cars alone, and of course, the water quality and the water resources that are depleting, so no question there.

I don't support the amendment 298, because I do think we need to break away from the mindset that this idea, that we need to trade-off bad for good. So it's kind of like our 201H program, you know, we just incentive the wrong things to get a little bit of good done, and I think we can do all good without offsetting that with, with bad. I do have one exception, if they do want to build the first living building hotel, I'd be in support. Living building is a regenerative design, brainwork that results in a net positive energy, water, eliminates all waste, addresses food security, health, and equity.

So, Mr. Molina raises a critical point about quality of life. You know, just more money being made doesn't equate to increased quality of life. So, we need to use a different currency when we're measuring success.

Moving on to 21-225 [sic]. I support the sunscreen bill. I think everyone can agree on that.

21-300, regarding water. Just a spend a little bit of talk about water and I just want to raise awareness how living buildings actually address water. They first, they eliminate all black water with dry toilets, cause it makes no sense to flush 40,000 gallons of potable water, perfectly good drinking water, down the drain each year. When you combine waste with water, that's where we get issues with pathogens, . . . vector, and we get problems. So, there's no need to mix potable water with our waste.

It also captures, this living buildings, they capture and treat all water on-site. They recharge aquifers, manages stormwater, produces no wastewater, so every discussion should ask, you know, why are we using potable water in our, in our waste system? So, this will eliminate all of that water that can be used for other sources. We don't have to treat it, addresses injection wells, all that kind of stuff, so, that's all I have today. Thank you, Council.

CHAIR LEE: Members, questions? If not, thank you, Mr. Deakos.

MR. DEAKOS: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is calling in with last four digits of telephone number 8154, to be followed by Faith Chase.

MS. JENNIFER FRIEDLANDER [testifying on County Communication No. 21-299 and Bill Nos. 60 (2021) & 62 (2021)]:

Aloha.

CHAIR LEE: Aloha.

MS. FRIEDLANDER: Aloha. Good morning. My name is Jennifer Friedlander, and good morning to Chair and Councilmembers. Thank you so much.

I'm calling in regard to two of the bills, Bill 62 and Bill 60, and there's one point where they cross over. I'm a resident of Haiku for well over 25 years, lived down a road which is substandard. It's a local resident access road and unfortunately this zipline's using these roads, which they just don't belong down our little roads to be honest. I have written already quite a few emails to everybody and thank you for any response.

We've been trying to close down this illegal zipline for many years now and we're waiting to please have this, these ziplines stopped. And even if they are on SMA land and they just go ahead without permits, they somehow just push ahead. They've been making money for years, so now they also have, guess what, a so-called eco-adventure. And so I'm really concerned that they use the word sustainable eco, and maybe their tour is wonderful, they have a little tour bus, but the tour bus also comes down our substandard roads, and they also use this illegal zipline. And so, I'm really looking forward to have Bill 60 passed and I'm not quite sure exactly what you have to change on it? But it is so overdue, Bill 62, rather, on the zipline.

And Bill 60, I'm supporting, because I just see the mess here on the north, the north shore, It's so overwhelming. Tourism is wonderful, I've worked in the tourist industry before, but it's overwhelming, the way the traffic is over here right now. I made it to Hana for the first time, and since well before the COVID arrived and I was shocked at just the overcrowding of everywhere I went, and I really appreciate all your work and thank you so much. Mahalo.

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

May we have the next testifier, Madam Clerk.

COUNTY CLERK: Our next testifier is Faith Chase, to be followed by Dave Jorgensen.

CHAIR LEE: Ms. Chase.

MS. FAITH CHASE [testifying on County Communication No. 21-310 and Bill No. 60 (2021)]:

Good morning, Chair Lee. Good morning, Council.

CHAIR LEE: Hi.

MS. CHASE: Hi. I'm not as prepared as I have been in the past, but I do want to make a comment, thank you for, just thank you for working together, Chair King's moratorium. You know, I just, this is going to be a great thing in history books about this Council working towards this, I just wanted to say that. It sounds like you guys are making good decisions on your own, you don't need, I just wanted to say, I'm super deep grateful. It's so nice to have a good day and be grateful about collaboration and positive moving forward and just, if anybody is a little, one, I'm sorry, testifier Sakumoto, it looks like perhaps maybe he had a lawyer help him write that, but none of that to me, I'm not worried about that at all, like the government purpose, are you kidding me, absolutely.

If you want to talk government, I mean, all governments would agree that this is a necessity. So, anyway, thank you for that.

I just wanted to make a quick comment on CC 21-310. This is a new read for me. I haven't been, like I said, up to date, but I feel like it's a little bit of a reach, but it's important to keep the conversation going. And I understand that the Infrastructure, Transportation Committee had Hana Highway regulation, I understand they put forward a grant. I just wanted to give you a little bit of background, that has been a family commitment for three and a half years and just to let you know, the scribe, the editor, the administrative forefront, Napua Hueo, you know, she was raised at the fruit stand, you know, taxi, tourist, banana bread, you know, from the time she was two-years old. She was also in a head-on collision, right before the Jaws fruit stand store, whatever they have over there. And since then, guardrails and speed limit signs have been improved. But she, she has, she, you know, survived, and came back really strong, and she has been, you know, paying attention to every single intricacy on the Hana Highway.

And if you want to talk Hana Highway, you guys know most of my friends here on this Council know how passionate I am about Amala Place and everything that's going on. I'm a commissioner, I'm proud to be on Healing Solutions on Homelessness. Technically, the Hana Highway starts at Amala, you understand, like right there at that corner. And Napua Hueo is also concerned with those people down there, and those unshelter, all the way, all the way, her whole life. So I just need to give you guys that background.

So, I really hope DHHL when they have, there's some grants that Department of Hawaiian Home Lands puts out or Hawaii Community Development Corporation, HDC is the acronym. Anyway, they held hands of the grantees, they hold their hand, if they get nervous, Auntie doesn't know how to fill out the application, and I would really beg that I watched the whole grant workshop with Inamasu from OED and I really hope the County really does start to say what they, do what they say in regards to grantees. I mean good ideas come from grassroots, you know, residents and so, anyway, please look at that grant submission, because it answers a lot of questions and quite frankly its proprietary, so it took a long time to get to this place, you know. The data, the steps and I think that it's your solution for Hana Highway, wholeheartedly, I think it's a good solution that will have a shelf life, so to speak. Thank you for your time today.

CHAIR LEE: Thank you, Faith. Any questions, Members? If not, thank you again and may we have the next testifier.

Madam Clerk.

COUNTY CLERK: Our next testifier is Dave Jorgensen, to be followed by last four digits 8479.

MR. DAVE JORGENSEN [testifying on County Communication No. 21-298 and Bill No. 60 (2021)]:

I apologize for prior technical difficulties. Good morning and bonjour, Chair Lee, Vice-Chair Rawlins-Fernandez, Councilmembers, and staff.

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. I'm here today to testify on two items, Bill 60 and Communication 21-298 and the proposed, including the proposed amendment.

I'm testifying against the proposed moratorium and the amendment. ARDA Hawaii believes there are inherent flaws in both bills. The stated purpose of Bill 60 is to reduce Maui's effect on climate change, however, there continues to be no data, even suggested stopping the development of transient accommodations will decrease the number of visitors to Maui. The mitigated environmental impacts would actually improve residents' quality of life. So far everything has been based on anecdotes and innuendo. There's no evidence the proposed moratorium will abate CO2 emissions or significantly reduce the impacts of climate change. And in any event visitors will continue to come to Maui.

In addition, limiting hotel and timeshare units will force visitors to seek accommodations elsewhere, including staying in illegal short-term rentals in Maui's residential neighborhoods. The fastest growing segment within the visitor accommodations industry is short-term rental units. This proposal attacks the wrong targets at the worst possible time. If the purpose of the bill is to ultimately decrease the visitor count, perhaps further regulation is needed on the number of legal short-term rentals units that are allowed. Halting the issuance of permits for short-term rental units in residential neighborhoods will prevent an increase in visitors per year and would eliminate overtourism. And it's clear that greater enforcement of illegal short-term rentals is needed.

It's surprising that the County would want to stop timeshare visitors from coming to Maui. The timeshare visitors has the exact profile of the type of visitor we should welcome, with higher income levels, more spending off-property in restaurants and stores. And they are more likely to take care of their property, which for most is a home

away from home, as they are owners, not transients. We should be mindful that the timeshare industry could be part of the solution.

Furthermore, the timing of the moratorium, excuse me, is illogical from an economic perspective. It's concerning that the County would deter capital investment in the time where it is still recovering from the impacts of the pandemic. The County would risk foregoing substantial amounts of investment from being injected into the economy, creating jobs and vital tax revenue.

The timeshare industry is a strong contributor to Maui's economy, providing more than \$73 million per year in State and local taxes, in addition to employment of and income to Maui residents. Additionally, ARDA Hawaii and the hotel industry support the community through substantial charitable donations to on island organizations, such as the Food Bank, the Maui Memorial Medical Center Foundation, and the Boys and Girls Clubs of Maui. Additionally, we have concerns about this bill related to process and constitutional issues raised at previous hearings.

CHAIR LEE: Dave, can you please wrap it up? Please.

MR. JORGENSEN: Yes, and then I'll switch to County Communication 21. We've previously detailed the concerns about the legal issues. I would note that Mr. Mayer's position on due process contrary to Mr. Sakumoto was incorrect and I hope you'll consult with Corp. Counsel on that.

Turning to County Communication 21-298, ARDA Hawaii is strongly opposed to that amendment, which would create an exemption if the development of new visitor accommodations includes affordable housing units. ARDA Hawaii supports the apparent intent of this amendment to incentivize the development of affordable housing, however, we oppose the amendment as it is unduly burdensome and will not result in additional affordable housing units.

The visitor accommodation industry does not have the expertise to properly build affordable housing. The cost of constructing the required amount of affordable housing units is excessive and unreasonable, making construction of new visitor accommodations impossible, moreover new affordable housing won't actually be built due to the cost and time frame associated with utilizing the exemptions.

Furthermore, ARDA Hawaii is concerned with the manner in which Bill 60 and County Communication 21-298 are being pushed through the Council. The bill for the moratorium is being heard on second and final reading so the proposed amendment will immediately become law in the same hearing that it was introduced. There should be another hearing after an amendment is made to provide additional opportunity for

the public to weigh in. ARDA Hawaii respectfully requests County Communication 21-298 should be deferred and that the proposed moratorium with any amendments should be sent to the Planning Commission for further vetting. Thank you for allowing me to testify.

CHAIR LEE: Any questions, Members?

Member King and then Member Paltin.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Dave.

MR. JORGENSEN: Aloha.

COUNCILMEMBER KING: We can hear you but not see you. Were you present for any of the testimony that was given on climate change from the climate experts from the Climate Reality Project or the Climate Action Advisory Committee?

MR. JORGENSEN: I've read summaries of what they testified. No, I was not present.

COUNCILMEMBER KING: Okay, so there's a ton of data there. So it sounds like you don't believe that the built environment contributes to the greenhouse gas emissions.

MR. JORGENSEN: I do not believe there's sufficient data that the reduction of tourism, or the reduction of accommodations--

COUNCILMEMBER KING: I'm not talking about the reduction of tourism, yeah we're talking about eliminating new construction. So, if the built environment is causing greenhouse gas emissions, then more built environment causes more greenhouse gas emissions. So, I'm not sure what, what data you, what actual data you need to show that, you know, the stopping of additional construction would stop the additional greenhouse gas emissions.

MR. JORGENSEN: The concern is that the extent to which change would be, would occur as a result of construction is our problem. That the data, I would consider it more anecdotal that the data implies that there is some effect on it. The amount of the effect, and the reduction of that effect by less construction is still a question.

COUNCILMEMBER KING: Yeah, so we will, you know, that's some of the data we will be looking at during the moratorium once we put a pause on it. But I'm glad you agree that the built environment is a climate issue. Thank you, Chair.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER KING: I think Ms. Paltin's next.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: Ms. Paltin and then Ms. Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering, Mr. Jorgensen if you watched the last Council meeting, cause that's kind of what we did. We introduced the amendment last Council, and then to give people a chance to testify on it, we put it on the agenda this time, so I just was wondering if you watched that last Council meeting?

MR. JORGENSEN: Yes. Thank you for that question. Yes, I participated in that last hearing and testified.

COUNCILMEMBER PALTIN: Okay, so you just missed that going down? Or you didn't see it last time?

MR. JORGENSEN: No, no, it was brought up. I, I apologize, no, it was brought up at the meeting by you, and I appreciate that. And then it was presented today as a formal bill, as a formal communication for the first time.

COUNCILMEMBER PALTIN: Well--

MR. JORGENSEN: The written bill, we did not see the written bill until after the last hearing. The written communication.

COUNCILMEMBER PALTIN: Oh, okay. Got it. Thanks.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, Mr. Jorgensen, you referenced the legal issues brought up by Randall Sakumoto and he says, arbitrary, it's an arbitrary act of government. So, I wonder if you, if that's what you're talking about and if you have a statement based upon that and your experience with this bill.

MR. JORGENSEN: Well, the issues we had raised before, there were four legal issues, four constitutional issues as far as the violation of due process, the lack of a rational basis that this would end the moratorium, the violation of, potential violation of vested rights, and potential violations of an equal protection clause. As far as what you're referring to, the potential is that different segments of Maui that--

CHAIR LEE: Dave, Dave.

MR. JORGENSEN: Yes.

CHAIR LEE: Dave, don't feel a need to clarify another testifier's testimony.

COUNCILMEMBER SUGIMURA: I only asked because he mentioned it as part of his testimony, Chair Lee.

CHAIR LEE: Okay, so--

MR. JORGENSEN: Yeah, yeah, I guess I'd say I don't really, I'm not in a real position to qualify what Mr. Sakumoto said, but there are the four issues and, and we had previously submitted written testimony to the Council detailing those issues.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR LEE: Anybody else?

If not, Madam Clerk.

MR. JORGENSEN: Thank you.

COUNTY CLERK: We're down to the last, we're down to the last final four signed up for testimony. Our next testifier is calling from the number 8479, to be followed by telephone number 2205.

MR. PAUL CARTER [testifying on Bill Nos. 60 (2021) and 62 (2021)]:

Aloha, can you hear me?

CHAIR LEE: Yes, we can.

MR. CARTER: Okay, great. Thank you so much. My name is Paul Carter, I live out here in, also on West Waipio Road, right near the very infamous Jungle Zipline now doing business as Aloha Eco Tours. I wanted to give a little testimony on both Bill 60 and 62.

Quickly, just on Bill 60, I'm in full support of it, as I think almost all of Maui residents are. It certainly gives us, as the data clearly shows at least a temporary help and, on reducing our carbon footprint and difficulties with our infrastructure. And in the

meantime then, hopefully, you know, we'll work out some better solutions for all these different problems that are coming from just too much, too much, too much, too much, too much tourism, you know.

It's so beautiful to have visitors when it's not too much. It's such a wonderful thing, yeah, for the visitors and for us. But it's so bad when it's too much. So we really need this as a temporary measure, stop more building of those kinds of structures until we really have a way to limit and figure out numbers that can work where everyone is going to be happy and the environment, the culture, the ohana, the residents, everybody, tourists will be happy again, yeah. So, thank you very much for considering this bill and passing it today, I hope.

Secondly with Bill 62, also I'm very much in support of you passing that today. I think you've heard lots of testimony about the problems specifically to do with the zipline that is here in our neighborhood in Waipio and what's happened now for years. So, we've been waiting a long time for this. My one concern I want to ask you to pay attention to the enforcement. If you pass this ordinance, and I really hope, because we've been waiting so long, that there will be a way to enforce, to shut down the ones that don't have permits, like the Jungle Zipline now called Aloha Eco Tours, and that are just not in compliance with any kind of, or any kind of pono, let alone this ordinance.

And they should be absolutely required to shut down for a time. How are we going to enforce that? Are we going to get finally a way that we can, when we see them, because we're right here, we hear them? They built it right within a hundred feet or so of homes here and our barns here. And yeah and we call, and someone will come from the whichever department it is and come out, and have them stop, actually physically say no you cannot do this and arrest people if they don't comply or so on. You know, fines are not just enough, because they've already been fined . . . and they haven't paid anything. You know, we what to know that this is really going to be enforced, so the quality of life here can be respected again.

So, thank you very much for listening. I know you've listened to more than I could ever listen to. So many different agenda items and I really appreciate you listening to that. Thank you. That's my testimony.

CHAIR LEE: Thank you. Let's see, are there any questions? No questions. Thank you for coming, and may we have the next testifier, please.

COUNTY CLERK: Our next testifier is calling from telephone last four digits 2205, to be followed Mr. Albert Perez.

MR. TOM COOK [testifying on Bill No. 60 (2021)]:

Aloha, Councilmembers. My name is Tom Cook, resident of Kihei. Thank you for all of your service and your patience and tenacity. I'm calling, I am not in support of the moratorium. I'm very in support of a bunch of us working together to control tourism. I live in Kihei, there's entirely too many people visiting.

Unfortunately, a vast majority of them are not staying in hotels and that's why I feel that this bill has good intention but misplaced. And some of the data that other people have quoted of the increased numbers of tourism, of increased number of tourists, but not being increased occupancy of the hotels.

So, I applaud the effort and I'm hopeful that we can work with the industry, the hotel industry supplies jobs, and designed appropriate place for visitors to stay and I would like to see that the transient vacation rentals be phased out and all conditional use permits not be, have a sunset clause. Corp. Counsel will have a hard task to figure out how to do that, it was a mistake having visitor accommodations in residential neighborhoods. This was not the plan over the last 40, 50 years when I lived there, was keep everybody out of the residential areas.

So, anyway, I'm in my truck, I've been trying to connect with you all day and I'm on my way to a meeting. Thank you for the opportunity to share my perspective. I want to work with the community in any way I can and once again, I applaud your efforts. Thank you.

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

Member King.

COUNCILMEMBER KING: Thank you, Chair. Tom, are you okay to answer a question? I don't want to compete for your time.

MR. COOK: Oh no, I have my, I have both hands on the wheel. I'm legally driving on the road.

COUNCILMEMBER KING: Okay. Okay, don't get in an accident while I'm asking you this question, okay? But you were mentioning data, where did you, do you have data that shows the vast majority of tourists are not staying in hotels?

MR. COOK: I don't have the data. Other people who have given testimony before and my conversation with people who work in the industry. I welcome, I hopeful, hopefully

Councilmember Kelly King that you can do just that, sort of work with the industry and research what is the occupancy of the hotels? What is the--

COUNCILMEMBER KING: We do have that, yeah, we do have that Tom. We do have the occupancy rates, they look like they have been going up, but I don't see any data other than the anecdotal statements like you just mentioned that shows a vast majority of tourist aren't staying in the hotels.

MR. COOK: Well, I think my answer is where are they staying? They're staying in transient vacation rentals or someplace else. There's a lot more people on the island that's tourist that are, that are staying, not staying in hotels, and that to me is the challenge.

COUNCILMEMBER KING: So, that's, that's the part that we don't have data on. If you can get, if you do have data or can find it, can you send it to us?

MR. COOK: I will gladly work on that. Thank you for the opportunity to, to be of assistance. Thank you for the question and I will work on that. Mahalo.

COUNCILMEMBER KING: Thanks, Tom.

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

Madam Clerk.

MR. COOK: Aloha.

COUNTY CLERK: Our next testifier is Albert Perez, to be followed by our final testifier signed up, Junya Nakoa.

MR. ALBERT PEREZ [testifying on County Communication No. 21-298 and Bill No. 60 (2021)]:

Aloha, Councilmembers. Can you hear me?

CHAIR LEE: Yes, we can.

MR. PEREZ: Alright. Good morning. I think it's still morning. I'm testifying today on Bill 60, as well as County Communication 21-298. And I'll start with Bill 60. I've seen recently that Mayor Victorino has come out in favor of limiting additional airline seats, but the airlines don't seem to be very receptive. The County doesn't control the airports, but we do need to stop giving visitors more places to stay.

Those who say that we need to keep building more hotels to keep visitors from staying in illegal short-term rentals, they're actually advocating for enforcement against illegal short-term rentals and that would be poor public policy. We need to do both and stop building more visitor accommodations and continue to crack down on illegal short-term rentals. And once again, this moratorium will not reduce the existing number of accommodations. Sorry, will not reduce the number of existing jobs.

Hotels are already taking advantage of increased demand by raising their rates and this is what we want, more revenue without increasing the impact. I don't want to repeat myself, I'll just say, you know, as the OCS presentation showed, the County has a strong legal basis to pass the moratorium as long as the parameters that they outlined are followed and I urge you to pass Bill 60.

I'll move on now to County Communication 21-298. I'm opposed to this, I, I put a lot of thought into how this could work, I don't think it's going to work. There's already a provision in Bill 60 for the Council to make exceptions, instead of a blanket exception, it would allow the Council to give extra scrutiny to proposals on a case-by-case basis. We already have more than enough visitor accommodations, and the proposed amendment would provide an exception that determined hotel developers may be willing to take advantage of, which would result in more visitor accommodations that we don't need. And I think they'd be, we heard that they don't like it, but I think that they would be more able to than regular housing developers, more able to afford that extra expense, so we don't want that.

Any additional wastewater from hotel units will add to the amount that's being sent down our injection wells. The only exception that we should make for that is for 100 percent truly affordable housing projects. Any more hotel rooms will take us further away from the one to three visitor to resident ratio, further in the wrong direction. And also, we have no idea what type of housing would be built by hotel developers. Cheaply built housing is not truly affordable housing in the long run.

You know I was reading the proposed amendment and the reasoning, but I realize that similar language is proposed in Resolution 21-98, which has been referred to the Planning Commission. And the Council will have an opportunity to review that language when it comes back. So, just reminding you, the County has a strong legal basis per OCS to pass the moratorium as long as the parameters they outlined are followed and that there's already provision in Bill 60 for the Council to make exceptions using extra scrutiny. I urge you to pass Bill 60 as is, unamended. Mahalo.

CHAIR LEE: Thank you. Questions? If not, thank you, Albert. May we have the last testifier, please, Madam Clerk.

COUNTY CLERK: Chair, we had three more sign up during that testimony. So, we have Junya Nakoa next and the testifier calling from telephone 2280.

CHAIR LEE: Mr. Nakoa. Okay, we're not talking about Napili today. We can see you; I can see you, can't hear you yet. Oh, I just heard you, and then something went off. Try again, Junya, please.

MR. JUNYA NAKOA [testifying on County Communication Nos. 21-296, 21-298, 21-305, 21-306 & 21-310 and Bill No. 60 (2021)]:

Can hear me?

CHAIR LEE: Yes, now we can.

MR. NAKOA: Okay. My bad. Okay, first I going talk about six, but couple of 'em will be real fast. Okay, the 21-305, you know the sunscreen one. Try listen to the commercial. Archie Kalepa, he stay telling for go get the good kind to protect the reefs, like that, so change 'em, okay. Go talk to Costco, maybe they can put that kine inside there instead of the junk kine, yeah. You know with the long kine wording for why the buggah junk. Change that, I pau with that. Sorry, I get one phone call. You guys can hear me? Can hear me?

CHAIR LEE: Yes, we can. You took a phone call?

MR. NAKOA: Yeah, somebody called me. Too bad, gun funit. But, um, where the hell I was? Oh, okay 21-306, the public beach access. Yeah, you know over here, I go check out the, the sandbags down here in Kahana yea cause the buggah stay running away and all that stuff. Oh, I steady get flack from the condo owners, you know, but they see me every time so they no bother me anymore cause they know I going come about the sandbags. So go fix the beach access, make sure we get plenty public beach access. What else get, I pau with that one.

21-310, traffic to Kahakuloa and Hana. I know everybody know about the Hana one, but the Kahakuloa one, I talk little bit about 'em. But my friend he one fireman over here in Napili Station and he said get plenty troubles brah out here at the Honolua Bay. You know the . . . they parking all over the place. They grumble when the, when the fire truck come, and they even grumble to them, they tell oh how long you going be, how long you going be taking the parking. Oh boy, if I was a fireman, I slap em. But yeah we gotta check that one out. Okay, that one I pau.

Okay, 21-298, the building of affordable homes, you guys know how much I support the building of affordable homes. But yeah, like couple people was saying, you know these hotels, they going use this as a phew, I going build for the people, local people and then they going do that credits thing and then we stuck with nothing, you know, then we stuck again with zero homes being built here in Lahaina, zero. So, yeah, good try, no get me wrong, anything, anything we can try for go, give 'em, give 'em the effort, no scared um. Okay, that one I pau.

Okay, now I going to the Bill 60. Okay, you know the, the Rod Antone and the Pamela Tumpap, they said they like be part of the solution, well they should have been doing, being part of the solution all this time. You know what I mean, why, why they like do 'em now? You know, they getting paid for do this thing, that's what they are suppose to be doing. They, you know, they should have been doing 'em, yeah. They should have been doing the buggah.

And then you know, to hear the numbers, the TVR units over here on Maui, we get like almost 25,000, like 24,500 or something like that. Get 8,000 hotel rooms; you get almost 2500 timeshares; you get the Minatoya apartments like that, 13,000 of those buggahs; you guys get houses in the hotel zone, oh, that one we talking about big . . . ones, 134 of 'em, you know, so get plenty, get plenty, get plenty of these units yeah so can put one pause on the buggah. Can put, can put. Cause you know like, you know you was saying about the occupations yeah, I talk story with all the workers, yeah, I not like ILWU, no talk to their members, um, the thing is, is even though they get like 80 to 90 percent, 80 to 90 percent they still get room, still get room for the buggahs. So I mean you know, you get 24 other units and all that kine stuff, so get plenty, get plenty. We get nuff for now, okay, we get nuff.

We no have to make nice to these buggahs cause to tell you the truth, they, they overpay this buggahs and they go inside there and they like strap us locals. Some, one time they going meet up with the wrong people and watch out, they going get lickens, they going get dirty lickens. But um, yeah, and so you guys get the power to do this bill, just do em, no scared um.

You know the Planning Department, they, they no scared, they, they pass, they pass projects for one person and then they still get legal legalities, yeah. This buggah you guys doing um for the people of Maui, for the local, so no scared em, fight um, make the Corp. Counsel do their job. Yeah, no scared. Do it for the people, this the one, this the one you go do, you no scared take um to court, give em the gas. Oh, boy, okay.

Then the last one, 21-296. This the one the centennial for Hawaiian Homes Commission Act on July 9. Whew, that buggah is my birthday, so double celebrate

that buggah. Oh, my god, you guys have a good one, yessah, thank you guys for all that you guys do. You guys can go eat lunch pretty soon, so nobody else sign up. Yeehah!

CHAIR LEE: Very good, Junya. Hope you have a wonderful holiday. Members, any questions for our colorful testifier? No. Thank you.

MR. NAKOA: Yessah. Thank you.

COUNCILMEMBER KING: Happy Birthday.

CHAIR LEE: Don't get into any fights now.

Okay, Madam Clerk.

COUNTY CLERK: Our next testifier is Ann Pitcaithley, to be followed by Aja Eyre.

CHAIR LEE: Ann, are you there?

MS. ANN PITCAITHLEY [testifying on Bill No. 60 (2021)]:

Can you hear me?

CHAIR LEE: Yes.

MS. PITCAITHLEY: Hi. Bonjour Council Chair and Councilmembers. I'm calling to commend Kelly King and give my strong support for Bill 60, visitor accommodation moratorium bill. It's expected that people calling from the lobbyists, the hotel and the tourist industry will be in strong opposition to this bill but, and they say you have to have absolute data for proof of, that it's causing climate change. But I think it's pretty obvious that all the CO2 emissions that come from air travel, the increased cars, hotel building, wastewater and more, absolutely contribute to climate change.

And I really appreciate that you are not only taking into account the environment, but the quality of life for the residents. And I have lived here for 32 years. I think it's a real crisis. It's a global issue as well. It's unfortunate that we cannot limit the flights, which are on an increase to Maui. That would be, that would be the best solution, but we're left with the tools that we have, and I think tourism must be professionally managed.

I think this visitor accommodation moratorium bill is an example of best practices addressing overtourism. And that the Maui Island Plan should carry the force of law,

which it doesn't seem to have been doing because we have exceeded the ratio of tourist, or visitors to, to residents here. So, thank you very much for hearing my testimony.

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

May we have the next testifier, Madam Clerk.

COUNTY CLERK: Our next testifier is Aja Eyre, to be followed by Jonny.

CHAIR LEE: Aja, are you there? Let's go to Jonny.

Madam Clerk.

MR. JONNY ORLANDO [testifying on County Communication No. 21-305 and Bill No 60 (2021)]:

Are you there?

CHAIR LEE: Yes, we are. Jonny, what's your last name?

MR. ORLANDO: Aloha, Council. My name is Jonny Orlando, I'm testifying here. I'll start out with one that I can provide a lot of good information on. So I'm actually a pharmacist, I've been serving Maui County my entire career both Maui and Lanai. First thing I will talk about is No. 21-305, the sunscreen. That is great. Thing, thing I would recommend on that, so it won't be a problem, so . . . going to ban oxybenzone and octinoxate, so that's two chemicals that they put in these sunscreens. That's a great start. So, this is the thing, I educate tourist about this all the time. All of those ingredients are toxic to reefs and to us and to fish, anything basically . . . on a baby's face. So, what I would recommend for this, I think it's a great amendment, but what happens is the company's as long as they don't put oxybenzone into the sunscreen they can put these stickers on it that say reef safe. The problem with that is, a lot of people they've got good intentions, they stay buying the reef ones, but it still has all these other ingredients. . . . than go through the whole list, you can find them, so just look on the back . . .

So, what I recommend for that one is to only allow the sale of . . . that has titanium oxide or zinc oxide, like 1950's white zinc oxide. Those are the only two ingredients that are not toxic, it's called a mineral sunscreen. That's what I'd recommend for that, it's just instead of, I mean oxybenzone and octinoxate are great to ban, but I would just say ban them all except for those two, titanium oxide and zinc oxide are the two mineral mass-produced ones that are not harmful. That's my testimony on that one.

Generally, just Bill 60, I don't want to beat to death. The last testifier was great. It's definitely a global issue and there you go. I support it of course. One of the testimony earlier mentioned that visitor themselves are upset and that's very true and then they tend to put that on all of us here and then they stay driving around angry. I been ran off the road close, almost hit on my motorcycle. Another thing that one of the testifier mentioned the timeshares, I wisely disagree. A lot of the timeshares, he says that those people are super wealthy and that may be true and that they're spending more, but what we mentioned too is a lot of these folks at these timeshares have kitchens, full on basically a house. . . . as an example. Okay what they do is they come, they just buy one big thing at Costco, like two grand, two grand at Costco and they eat out because of all the lines and everything. They are not contributing as much as it maybe seems. Like an example of that is the pre-pandemic report . . . much more visitors to Maui but they were spending less. And a lot of those people were finding that a lot of the timeshare folks would come, drop big G's at Costco and then not spend anything at all when they were here.

So I just . . . The last issue with this is not exactly Bill 60 but as far as . . . like the things . . . are going up everywhere or have been like, I don't know if anyone's been down like White Rock, East . . . Makena lately, but it's like heartbreaking down there to see all the local places just being, mansions where people . . . here and I know . . . and I just wanted to bring that up just to be a consideration. That's all.

CHAIR LEE: I'm sorry, are you done with your testimony?

MR. ORLANDO: Yes. Mahalo. Yes, I pau.

CHAIR LEE: Oh, okay. We have a question for you, Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Jonny. I forgot your last name because your box says Disco Cat.

MR. ORLANDO: Oh. I thought I changed that. The last name is Orlando.

COUNCILMEMBER KING: Orlando. I knew it was something memorable. Okay, so I really want to thank you for your testimony, and I wanted to kind of go back to the sunscreen bill. And because you mentioned, and this one came up in the town hall the other day too, that they're doing this on Palau to focus on what is good, the titanium and zinc oxides but their other, other, I mean, by itself it's usually not a sunscreen, it usually has other additives that help make it into a cream, you know, something that's viable, a cream or spray. Are there other additives that could be harmful that could be used with

titanium or zinc oxide that we need to look at? And you don't have to list them all, but maybe you could help out with that bill.

MR. ORLANDO: Absolutely. I'm excited to do that. I can leave like a email, or however you want to contact me, phone number. But yeah, so for example, like when you look on the back of these, they can put in whatever they want to put in.

COUNCILMEMBER KING: Okay. So, I know there's a lot of other potential ingredients. But if you can contact my office, the office of Kelly King and the office of Councilmember Paltin, who drafted the new bill, the new proposed bill. Maybe you can give us some of your professional input.

MR. ORLANDO: Sure. Yeah, no problem. You want me to email you?

COUNCILMEMBER KING: Yeah. Email me, my staff will start looking at, we'll put you on that bill.

MR. ORLANDO: Okay. I can do that.

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

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Orlando. Oh, is he still there?

MR. ORLANDO: Hi.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, good. Very good.

MR. ORLANDO: Can you hear me?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, yes. I love your sign-in name, Disco Cat. Staff has requested if you would please spell your first name for staff?

MR. ORLANDO: J-O-N-N-Y.

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

MR. ORLANDO: Okay. Mahalo.

CHAIR LEE: Thank you.

Madam Clerk, may we have the next testifier.

COUNTY CLERK: Chair, our next testifier is Tiare Lawrence, and Tiare will be followed by Aja Eyre. And that will complete our signed up testifiers.

CHAIR LEE: For now. Hello, Tiare.

MS. TIARE LAWRENCE [testifying on Bill No. 60 (2021)]:

Aloha, Councilmembers. I just wanted to take a brief moment to testify on Bill 60. I wanted to testify in strong support for the following reasons. First, is to mainly so we can protect the tourist experience when they come to the islands. As you know, reservation systems and limited parking are on the, on the to do list, I know I'll be advocating hard for that. And so in order to protect their quality, the quality of their experience, I think we should limit the amount of tourism on the island. Have it more managed and I think a moratorium is a great start in the right.

I also feel like it's important that we send a strong message to the tourism industry and developers alike, that the community is frustrated, you know? We had a meeting with a hotel management a few weeks ago and I expressed to them, where are you guys? Like we go to these meetings and we've been advocating for the realignment of Honoapi'ilani Highway and a lot of that is because of the backlog, the backed up traffic. And we could be such a force together, advocating together. But they're, so you know I just feel like it just sends a strong message and there are certain things that should be completed before we ever talk about adding on any more hotel rooms especially of the West side, and that realignment of Honoapi'ilani Highway has to be priority because safety is becoming a major factor.

And, I'm just going to keep it simple, you know, enough is enough. We need to protect the quality of life for our local residents. I know I feel pushed out. I feel like friends and family are moving like away weekly and a lot of that had to do with just feeling that sense of you can't live here anymore, there's too much people moving here, there's too many tourist, and so, you know, enough. And then, at the end, I just want to say people like myself are depending on you folks to help protect our quality of life for our keiki and their keiki so, just please support Bill 60. Mahalo.

CHAIR LEE: Thank you. Are there any questions, Members for Tiare? If not, thank you for your testimony. May we have the next testifier.

COUNTY CLERK: Our final testifier signed up right now is Aja Eyre.

COUNCILMEMBER KING: Chair, I got a text from Aja, oh there she is. Okay, I got a text that she's actually at a wedding right now, but here she is.

MS. AJA EYRE [testifying on Bill No. 60 (2021)]:

Hi. So, I just, I just want to briefly testify in support of Bill 60, the moratorium. My concern is just that we don't understand the environmental impact. I mean, I know we suspect there's high environmental impact from the increase in tourism over the last, you know, five to ten years, but before we allow more development in the tourism industry, I feel like we need to just really beef up our information gathering on the environmental impact.

I'd also like to see, I'm going to sound like a broken record, I really like to see timeshares looked at in the moratoriums as well, because I feel like they've taken advantage of loopholes to continue to expand the timeshare holdings in our County. And I just support you guys, I really appreciate the Council taking these things seriously. And . . . pass these votes so I appreciate that, I appreciate all the testifiers and it's not something perfect, it's not going to fix everything, it's going to make people angry, but I still think that this is, right now, is the right time for this. Thank you.

CHAIR LEE: Thank you. Any questions?

If not, Madam Clerk.

COUNTY CLERK: Okay, Chair. We have no other testifiers noted. If an individual connected to the meeting has not testified, but would like to do so, please unmute and identify yourself now. This is the last call.

MR. JOHN BLUMER-BUELL (testifying on County Communication Nos. 21-398 and 21-296):

Aloha. Can you hear me talk?

CHAIR LEE: Yes. What is your name?

MR. BLUMER-BUELL: It's John Blumer-Buell, calling in from Hana.

CHAIR LEE: Oh, hi John.

MR. BLUMER-BUELL: Hi. I'm sorry I couldn't get signed up earlier, I've been on most of the meeting. As you know, I've testified in support of the Bill 60, numerous times. The reason I called was I really hadn't heard any testimony about the proposed amendment by Councilperson Paltin. Now I respect Councilperson Paltin enormously and I know the intent is good, but when I first heard that talked about, I immediately went, this is in conflict with the 20/30 Island Plan. And I helped to write that document it is, and so it's not a criticism. I look forward to discussing the issues, Tamara is concerned with, which we all are during the moratorium.

And I think Dick Mayer did a very, I'm glad him and Albert Perez called up, they both did a better job than me about getting into the details of the rationale. So, I just think it would be best to, you know, to put that in Committee, or send it where it will be dealt with. So, I do mahalo Tamara for, you know, introducing it, I don't think it's the right time and I get the impression she's going to France, so have a great trip.

Last couple of things, Alice. I just want to say I support the testimony of Randy Awo. I'm so glad he's on the Commission. That's such an important issue for Hana, for all over, so I know Randy, he's a good man and I'm glad he's, I didn't know he was a commissioner, so I support his testimony. And I support and thank you Councilperson Shane Sinenci for working with Shay Chan Hodges and Ian on the water issues. You, I support her, their work, and their testimony. I think that's very important that we're looking into that.

So, that's all I have to say and mahalo and have a good weekend. And I, and last thing, I'm thinking about the long testimony and I know we were hoping for a short meeting, but you know what, this is what makes democracy work. It's the only thing, when lots of people get, participate, if not, we don't have one and we've almost lost it, so, you know, I appreciate everybody for calling in, and the Council in particular. So have a good weekend.

CHAIR LEE: Thank you. You too, John. Any questions, Members? If not, aloha John.

MR. BLUMER-BUELL: Aloha.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, we have one more individual signed up and that's, they're calling from the telephone number 9385.

CHAIR LEE: Okay. Please state your name, 9385.

MS. CAROL LEE KAMEKONA [testifying on County Communication Nos. 21-296 & 21-305 and Bill No. 60 (2021)]:

Aloha.

CHAIR LEE: Aloha.

MS. KAMEKONA: Can you guys hear me?

CHAIR LEE: Yes, we can.

MS. KAMEKONA: Oh, mahalo. Bonjour . . . Carol Lee Kamekona. I am not a paid lobbyist; however, I am an EA on staff. I am calling regarding the HHCA, Hawaiian Homes Commission Act of 1920. I commend Vice-Chair Rawlins-Fernandez for bringing it forward. Mahalo for that. We support.

Regarding the sunscreen amendment, I echo what the testifier Orlando said. Mr. Orlando regarding the ingredients. Not that I am endorsing, but I do know of a company who does sell a lot of the sunscreens which are good for the reef. I do caution however regarding verbiage. I, what I read, and this talks about health, okay. So, what I read from the FDA, is if there is a certain percentage lower than five percent on ingredients, then it's claimed to be okay, you know, for them to say that it's like, gluten-free, or you know, sugar-free, or that kind of thing. So, I'd like to caution you to see and ensure that that may not be part of the verbiage for sunscreen, in other words, make sure that it does not include any of those ingredients that Mr. Orlando talked about in any type of percentage at all, to make sure that it is good for our coral reef.

The third and final item I'd like to report on or testify on, is the moratorium. I do support the moratorium. I mahalo Councilmember Kelly King for bringing this forward. My understanding is this is for the West and the South Maui area and it is require, it is inclusive of hotels and resorts and the expansion of, although I believe the bill does not include STVRs. TVR's they need quite a bit of enforcement. I think we all agree on that. However, baby steps for now. Let's support the moratorium as it is. I understand Vice-Chair has also proposed a bill to include other areas of our County, I mahalo you for that Vice-Chair. Again, baby steps.

As I've always, always continuously said in our contested case with the Grand Wailea expansion, I am not against development, however, I am against the desecration of our cultural, historical sites and our iwi kupuna. So, I strongly call upon the Planning Department to do more in-depth studies of any permits that come before them that require any type of digging for any kind of development, inclusive of hotel, resorts and

expansions, and also to include in that conversation, our County Archaeologist Janet Six. So, again I do support the moratorium and mahalo Councilmember King for bringing it forward.

That is my testimony for today and I wish you all a very blessed day, holiday season. Ke Akua pu a hui hou. Aloha.

CHAIR LEE: Aloha, Carol Lee. Any questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Bonjour mon ami. Your French is really excellent, I wish I could keep up with that. But I wanted to ask you just to clarify in your testimony, you were talking about sunscreen ingredients, did you say that it was the FDA that allows up to five percent of any ingredient to be--

MS. KAMEKONA: What I read was, you know, on your food labels how it has like, your, 60 percent or five percent sodium, something like that. From what I read is the FDA allows as long as it's under five percent, they can claim that it's like sugar-free, you know what I mean?

COUNCILMEMBER KING: Okay.

MS. KAMEKONA: You know how they list the sodium, the vitamins, all that kinds of stuff on your labels.

COUNCILMEMBER KING: I know, I just wondered if you--

MS. KAMEKONA: So, if it's below five percent, then they can say it doesn't include it at all. And that's all I'm saying with regards to the sunscreen is make sure that there's no language to that effect with sunscreen. That's all.

COUNCILMEMBER KING: Okay, great. Thank you for alerting us to that. We'll check into that with the FDA regulations. Thank you, Chair.

MS. KAMEKONA: Mahalo.

CHAIR LEE: Any more questions? If not, thank you, Carol Lee.

Madam Clerk. Who's the next one.

COUNTY CLERK: This is, nobody has signed up and this is the second last call for testifiers. Please indicate if you would like to testify. Unmute yourself and identify yourself now. Not seeing anything. Chair, no one else has indicated that they wish to testify, and we have received written testimony.

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

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Sorry, I don't have objections. I just, I saw on the log there was one more call, and I know that if people call in and if they're muted on our end, that they cannot unmute themselves, if they do want to testify. So, I don't know if the Clerk would like to unmute them and then ask for a last call?

COUNTY CLERK: Excuse me.

CHAIR LEE: Madam Clerk, did you see that person on the call?

MR. JEFF MUNOZ [testifying on Bill No. 60 (2021)]:

Yeah. I'm a latecomer to the meeting and I just was listening in. I'm new to this so I'm not good, so forgive me. I would like to testify, but I feel I'm a little late in context.

CHAIR LEE: You know what? We'll give you, we'll let you testify. Go ahead.

MR. MUNOZ: Well I--

CHAIR LEE: What is your name?

MR. MUNOZ: Yeah, my testimony is in regards to the moratorium which I agree to and I think it's well, well done and very much needed. That's, you know, there's a lot to be said about it, but I just wanted to put my, you know, my mana'o forward in that regard that I support the moratorium. I think it's very important.

CHAIR LEE: Thank you. What is your name, please?

MR. MUNOZ: My name is Jeff Munoz. M-U-N-O-Z.

CHAIR LEE: Okay. Thank you.

MR. MUNOZ: I'm a 50-year long resident of Maui.

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

MR. MUNOZ: No, I don't because I'm just, I kind of had to quickly look over the bill and I agree with the wording. I, I wish that I was a little bit more prepared for this and I do thank everybody for their attention and allowing me to even speak at this time. And I'll try on the next time, if this comes up again, I will try to be more present for it.

CHAIR LEE: Thank you. Alright, Members.

Madam Clerk, can you doublecheck that there's nobody else.

COUNTY CLERK: Yes. It's confirmed that there's nobody else.

CHAIR LEE: Okay, Members, if there is, if you have no objections to receiving written testimony into the record, and to closing public testimony at this time. Any objections.

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. Chris Delaunay, Pacific Resource Partnership;
2. Rod Antone, Maui Hotel & Lodging Association;
3. Randy Awo, Hawaiian Homes Commission;
4. Pamela Tumpap, Maui Chamber of Commerce;
5. Nick Drance, The Maui Miracle;
6. Robert and Jennifer Friedlander;
7. Paul Carter;
8. Ann Pitcaithley;
9. Ann Bassel;
10. Bette Belanger;
11. Hannah Bernard, Hawaii Wildlife Fund;
12. Ann Blyde;
13. Jody Bowman;
14. Bradbury Family, Garden of Eden Arboretum LLC;
15. Judith Carroll;
16. Chris Collins;

17. Sara DiGrazia;
18. MJ Duberstein;
19. Jerry Gibson, Hawaii Hotel Alliance;
20. Mark Hyde;
21. Carmen Jimenez-Schellhammer;
22. Louise Lambert;
23. Travis Liggett, Reef Power LLC;
24. Ryan Nobriga, ARDA Hawaii;
25. Jessica Pearl;
26. Sherry Pollack, 350Hawaii.org;
27. Charles Reppun;
28. Katharine Romanchuk;
29. Ryan Sakuda, General Contractors Association of Hawaii;
30. Frederic Steineck, The Electrical Construction Company;
31. Johanna Kapōmaika'i Stone;
32. Dean Stelow;
33. Allen Tom, Office of National Marine Sanctuaries;
34. Rakan Zahawi, Charles Darwin Foundation; and
35. Henry Cobos Zavala, Mayor of San Cristobal City.

CHAIR LEE: So ordered. Well, it's about 12:20 or so. Members, you want to take lunch till 1:30? That sounds good. 1:30. Alright. This meeting is in recess until 1:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:19 P.M., AND WAS RECONVENED AT 1:32 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS KAMA AND SUGIMURA, EXCUSED.)

CHAIR LEE: Will the Council meeting of July 2 please reconvene.

Madam Clerk, proceed.

COUNTY CLERK: Chair, proceeding with the minutes.

MINUTES

The minutes of the Council of the County of Maui's public hearings of April 16, 2021 and May 14, 2021 were presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the minutes.

Vice-Chair Rawlins-Fernandez, discussion? Any discussion? No? You're muted, yea.

Okay. All those in favor of approving the minutes, raise your hand and say "aye" please.

(Councilmember Sugimura returned to the meeting at 1:34 p.m.)

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

CHAIR LEE: One, two, three, four, five. Gabe are you an "aye"?

COUNCILMEMBER JOHNSON: Yes, Chair. I'm an "aye".

CHAIR LEE: Okay. Mike Molina, are you an "aye"?

COUNCILMEMBER MOLINA: Yup, Chair. I'm an "aye".

CHAIR LEE: Okay. Seven.

Yuki, are you an "aye" on the minutes?

COUNCILMEMBER SUGIMURA: Yea.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Eight "ayes". Zero "noes".

COUNCILMEMBER SUGIMURA: Oh, thank you. Oops.

CHAIR LEE: Zero "noes". Motion carries. One "excused"; Tasha Kama.

Okay. Ms., Ms. Clerk. Madam Clerk.

COUNTY CLERK: Proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 21-287 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated June 17, 2021)

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

NO. 21-288 - ROWENA DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated June 14, 2021)

Transmitting a copy of the Request for Project Authorization, and/or Modification approving the Federal funds to advertise for bids for the South Kihei Road Pavement Rehabilitation, Lipoa Street to Auhana Road, and Keonekai Road to Kilohana Drive Federal-Aid Project No. STP-3100(016).

NO. 21-289 - ROWENA DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated June 14, 2021)

Transmitting a copy of the FFY 2019-2022 Maui Transportation Improvement Program Revision #12 Administrative Modification, which includes the Mill Street Pavement Reconstruction Project, Federal-Aid Project STP-3840(001).

NO. 21-290 - MICHAEL P. VICTORINO, MAYOR,
(dated June 21, 2021)

Informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the resignation of Melody Uchimura, effective June 21, 2021.

NO. 21-291 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated June 10, 2021)

Informing of the acceptance of Sewerline Easement "1", 65 Manako Street, affecting Lot G, TMK: (2) 5-3-002:158 POR.

NO. 21-292 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated June 10, 2021)

Informing of the acceptance of Sewerline Easement "U-6", 308 Dickenson Street, affecting a portion of Old Mill Street, TMK: (2) 4-6-016:038 POR.

NO. 21-293 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated June 10, 2021)

Informing of the acceptance of Sewerline Easement "U-7", 300 Lahainaluna Road, affecting Old Mill Street, TMK: (2) 4-6-016:004 POR.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernan, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to file the items on the Consent Calendar.

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

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

CHAIR LEE: Any further comments or questions? If not, all those in favor of the motion to file these items on the Consent Calendar, raise your hand and say "aye".

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

CHAIR LEE: I see one, two, three, four, five, six.

Gabe, are you an "aye"?

COUNCILMEMBER JOHNSON: "Aye". Yes, I'm an "aye".

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Eight "ayes".

COUNCILMEMBER KING: Can you see him, Chair?

CHAIR LEE: No.

COUNCILMEMBER KING: Oh, okay. I can see him.

CHAIR LEE: I can hear him. I can hear him.

Eight "ayes", zero "noes"; motion carries. One "excused"; Pro Tem Kama.

Madam Clerk, next. Communications.

COUNTY CLERK: Proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 21-294 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated June 22, 2021)

Relating to Councilmembers' report on the groundbreaking and blessing of the Kihei Wastewater Disposal Pilot Project on June 10, 2021.

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION CC 21-294.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member King, seconded by Member Sugimura, to file County Communication 294.

Discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. Councilmembers Molina, Sinenci, and myself, attended a groundbreaking and blessing of the Kihei Wastewater Disposal Pilot Project on June 10, 2021.

I'm making this report under the Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

The discussion focused on how this green infrastructure low-cost project will help Maui County get closer to its goal of moving to 100 percent reused R-1 wastewater. Discussion at the event included the following topics: nature-based solutions to help Maui County reach its goal of better managing and reusing its treated wastewater; County plans to construct infrastructure to bring R-1 water to more users; and reducing the amount of wastewater that needs to be placed in the environment, with less need for disposal through injection wells.

A quorum of the Council was not present at the meeting.

The groundbreaking and blessing of the Kihei Wastewater Disposal Pilot Project event was not specifically or exclusively organized or directed towards Members of the Council. No commitment relating to a vote on any Council business was made or sought at the meeting.

Chair, that concludes my report. I welcome any additional comments from Councilmembers Molina and Sinenci.

CHAIR LEE: Any additional comments, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I was also at the event. I got there, I guess, on the second round, supposedly of the gathering. But appreciate you making this report. I am having them present on July 22 at my Infrastructure, Transportation Committee meeting and I look forward to their presentation. But thank you, Member King.

COUNCILMEMBER KING: Okay. Thank you, Member Sugimura. I think I might have seen you arriving as we were all leaving, so, but at the end of the event. So, I didn't, I didn't think you heard any of the presentation. But I'm glad you were there.

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

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

CHAIR LEE: Member Johnson?

COUNCILMEMBER JOHNSON: "Aye", Chair.

CHAIR LEE: Alright. Okay. Member Molina?

COUNCILMEMBER MOLINA: "Aye".

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Eight "ayes", zero "noes"; motion carries. One, ex--

Vice-Chair Rawlins-Fernandez, are you asking a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: You can ask me after or call on me after you do the vote for the record.

CHAIR LEE: Okay. I thought you were trying to stop me from taking the vote.

Okay. So, eight "ayes", zero "noes", one "excused"; Member Kama. Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If you cannot see Member Molina and Member Johnson, then perhaps Member Molina and Member Johnson, when we take the vote, you can verbally say "aye". Would that be helpful?

CHAIR LEE: They have been. They've been saying "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Oh--

COUNCILMEMBER MOLINA: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Chair, this is Member Molina. Would it be helpful when we say "aye" or "no", we just say our names as well? You know, "aye, Member Molina", "no"?

CHAIR LEE: No, it's okay. Cause there's only two of you and I, I can tell who's who.

COUNCILMEMBER MOLINA: Oh, you can? Okay.

COUNCILMEMBER KING: Very distinctive voices.

CHAIR LEE: Especially when I go, Gabe are you an "aye" and he goes "aye". And I go, Mike, are you an "aye", and he says "aye". So, I can figure it out. Thank you.

Alright, where were we? Madam Clerk, next one.

NO. 21-295 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated June 24, 2021)

Relating to Councilmembers' report on the Sustainable and Regenerative Tourism Town Hall meeting on June 21, 2021.

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION CC 21-295.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Councilmember King, seconded by Member Sinenci, to file County Communication 21-295.

Discussion, Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. Councilmembers Johnson, Sinenci, and I, attended the Sustainable and Regenerative Tourism Town Hall event on June 21, 2021, held virtually.

I'm making this report under the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

The discussion focused on the future of sustainable regenerative tourism in Maui County. Discussion at the event included the following topics: increased concern in the community about the impacts of the tourism industry; residents' desire for action to ensure a future for the visitor industry that protects the people, culture, and environment of Maui Nui; possible incentives to encourage visitors to give back to the community and help the environment while learning about Hawaiian values.

A quorum of the Council was not present at the meeting. However, I just want to report that the Sustainable Regenerative Town Hall was, included 138 unique viewers in Zoom during the webinar. And the Facebook video has 1,472 unique viewers as of this morning.

The Sustainable Regenerative Tourism Town Hall event was not specifically and exclusively organized for or directed toward Members of the Council. No commitment relating to a vote on any Council business was made or sought at the meeting.

Chair, that concludes my report. I welcome any additional comments from Councilmembers Johnson or Sinenci. Mr. John, Mr. Sinenci, has his hand up.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And yea, I think, mahalo to Member King for putting on the event. I think our constituents felt that they were part of a town hall and a community. They could hear data that was presented, as well as a chance to speak to some of their specific concerns. And of course, our, and also looking forward to the TIG that will follow as well. So, but our, our office has agreed to, to participate in the next town hall. Thank you, Chair.

CHAIR LEE: Thank you.

Member Johnson, did you have anything to add?

COUNCILMEMBER JOHNSON: Sure. Thank you, Chair. Yes, I, I, to, to piggyback on what Councilmember Shane Sinenci just said is I'll do the third town hall after him, so we can really kind of spread the message and that we're taking this, this body takes this issue seriously. So, I, I stand in strong support and I thank Councilmember Kelly King for all the effort that she's done. Mahalo.

CHAIR LEE: Anyone else?

Congratulations, Member King. Looks like you had a very highly successful event.

COUNCILMEMBER KING: Highly successful--

CHAIR LEE: Alright, all--

COUNCILMEMBER KING: --because everyone's so concerned, so. You know, and I think everyone appreciate, I think everybody on the call appreciates this Council and this Council taking the issue seriously.

CHAIR LEE: Okay. Very good.

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

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

CHAIR LEE: Okay. Mike Molina, is it an "aye"? Member Johnson, an "aye"?

COUNCILMEMBER JOHNSON: "Aye", Chair.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

NO. 21-296 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated June 25, 2021)

Transmitting a proposed resolution entitled "RECOGNIZING THE CENTENNIAL
CELEBRATION OF THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS
AMENDED".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION 21-296.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Kelly
King, to adopt the resolution in County Communication 21-296.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I WOULD, I MOVE TO AMEND THE SIXTH "WHEREAS" CLAUSE WHERE, WHERE IT READS: "WHEREAS, THE HAWAIIAN REHABILITATION BILL LAID THE FOUNDATION FOR THE HAWAIIAN HOMES COMMISSION ACT ("HHCA") OF 1921", SO THAT IT WILL READ "1920". AND THAT'S MY MOTION.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to amend the motion to correct the year from 1921 to 1920.

Any further discussion, or any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: I believe it was a, just a typo.

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

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

CHAIR LEE: "Aye", Mr. Molina? "Aye", Mr. Johnson?

COUNCILMEMBER JOHNSON: "Aye", Chair.

CHAIR LEE: "Aye", did you say "aye"?

COUNCILMEMBER JOHNSON: Yes, that's correct, Chair. "Aye", Chair, for Gabe Johnson.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Alright. Eight "ayes", zero "noes", one "excused"; Member Kama. Motion carries.

Now, that's amendment. Now, the main motion as amended.

Vice-Chair Rawlins-Fernandez.

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

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Thank you, Chair.

(The resolution was read in its entirety.)

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Madam Clerk. It's always powerful to hear the names of our ali'i in this virtual chambers spoken. E ola. It's also important to remember the struggles and sacrifices of so many to make the Hawaiian homestead program possible.

I stated this resolution recognizes the Centennial Celebration of the Hawaiian Homes Commission Act of 1920, as amended. And acknowledges the tremendous contributions of Ke Ali'i Jonah Kūhiō Kalaniana'ole made on behalf of the Hawaiian people, the State, the County, through the Act's passage. The Hawaiian Homes Commission has truly been a blessing for many families over the last 100 years.

I am especially proud to know that this program started on Molokai as a pilot program. While it was difficult at first, our people were able to endure the hardship and make the program work, and I'm forever grateful to them. While we have much to do to provide housing for our kanaka, I want to pause to celebrate this important milestone.

I would also like to extend my deep mahalo, again, to Commissioner Awo for attending and for testifying this morning. And mahalo to Ms. Kawaihae for also attending and for inviting Commissioner Awo. And we, it, it's such a scramble sometimes to make sure everything is done before the posting deadline. And then, to remember to also let, you know, those advocates know when a resolution or legislation is posted. And so, a particular mahalo to Ms. Kawaihae for, you know, getting Commissioner Awo to testify on short notice.

And it wasn't until this moment that I, I realized that I dropped the ball on not inviting Commissioner Zach Helm, who's the Commissioner from Molokai and who is also a resident of Kalamaula, and who's ohana was one of the first in Kalamaula that helped to make this program possible. And for that reason, I, I apologize deeply. I would like to amend the resolution one more time. My apologies.

I MOVE TO AMEND THE "BE IT RESOLVED" CLAUSE, THE SECOND CLAUSE, TO ADD "ZACHARY HELM, HAWAIIAN HOME LANDS COMMISSION MEMBER".

So, it would look similar to how Randy Awo's looks. But it would just have Zachary Helm's name as well. He's also a commission, so, a commissioner. So, that's my motion.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to add Zachary Helm's name.

Any further discussion? All those in favor of the amendment, please raise your hand and say "aye".

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

CHAIR LEE: Okay. I heard Member Molina.

Member Johnson?

COUNCILMEMBER JOHNSON: "Aye", Chair.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused"; Pro Tem Kama. Motion carries.

Any further discussion? Now the--

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE RULE 9-17, 19.C. OF THE RULES OF THE COUNCIL, SO THAT WE CAN PASS THIS RESOLUTION TODAY.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Really? We have to invoke the Rule. Alright. Second to that motion?

COUNCILMEMBER KING: I second.

VICE-CHAIR RAWLINS-FERNANDEZ: Member King.

CHAIR LEE: Okay. Member King seconds Vice-Chair Rawlins-Fernandez' motion to amend the Rule, I mean to invoke the Rules of the Council.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The Rule is necessary to be waived so that we can take final action today. Mahalo, Chair, because we amended it.

CHAIR LEE: Okay. Any further discussion? 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: I heard, okay, I heard both Member Molina and Member Johnson. Eight "ayes", zero "noes"; motion carries. One "excused"; Member Tasha Kama.

Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Chair, just for the record, that was to waive the Rule, cause I think you said, you stated it was to invoke the Rule, but we--

CHAIR LEE: Oh, I'm sorry. Okay, to waive the Rule of the Council.

Now, Vice-Chair Rawlins-Fernandez, anything else?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I believe that completes it all. And apologize profusely to Commissioner. Mahalo, Chair.

CHAIR LEE: Alright. So, let's vote on the, the motion as amended, main motion as amended. 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: Oh, I heard both of you this time. Eight "ayes", zero "noes"; motion carries. One "excused", Member Kama.

Alright. Madam Chair. Madam Clerk.

COUNTY CLERK: For the record, that's RESOLUTION 21-103.

NO. 21-297 - ALICE L. LEE, COUNCIL CHAIR,
(dated June 25, 2021)

Transmitting a proposed resolution entitled "URGING THE STATE TO ADDRESS
OVERCROWDING ON STATE HIGHWAYS ON THE ISLAND OF MAUI".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION 21-297.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci,
to approve the resolution, adopt the resolution in County Communication 21-297.

Discussion, Vice-Chair Rawlins-Fernandez?

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

CHAIR LEE: Madam Clerk, could you read the resolution?

COUNTY CLERK: Certainly. Yes.

(The resolution was read in part.)

CHAIR LEE: Madam Clerk, oh oh, BlueJeans attack.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, hopefully BlueJeans is still monitoring.

CHAIR LEE: Okay, BlueJeans, you have to discount our bill.

Okay, anybody from the Clerk's Office, please speak up; James, anybody, Joyce. I
guess BlueJeans attacked the entire Clerk's Office.

Let's take a 10-minute break; 10:20, 2:20. 2:20, so I can find out where they are.
Maybe they went home. I don't know. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I see Deputy.

CHAIR LEE: This meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:07 P.M., AND WAS RECONVENED AT 2:23 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Maui County Council meeting of July 2 please reconvene.

Madam Clerk, could you continue where you left off?

COUNTY CLERK: I will continue on page 2, with the third "WHEREAS" of the resolution urging the State to address overcrowding on State highways, County Communication 21-297.

(The rest of the resolution was read in its entirety.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez, any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Madam Clerk, for reading the resolution in its entirety. And I think it definitely speaks for itself. And we also heard lots of support in testimony. So, mahalo to you, Chair, for introducing this resolution. And I would happily defer to you for any additional comments.

CHAIR LEE: Like, you said, it's rather self-explanatory. Why are we getting this feedback? And, you know, the sooner we send this out, hopefully, you know, we'll get it, this will get the attention of our State Representatives and counterparts. And we will follow up as much as we can to, to make sure that, that solutions are found right away. Because the problems are mounting, and we just have to do something as quickly as possible.

Okay. Any other comments? Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: This is more a protocol.

BUT I'D LIKE TO AMEND THE RESOLUTION SO THAT BRIAN E. SCHATZ IS FIRST ON THE CERTIFIED COPIES OF THIS RESOLUTION BE TRANSMITTED TO THE HONORABLE BRIAN E. SCHATZ, UNITED STATE SENATOR, AND THEN MAZIE AFTER. BECAUSE THE TERMS OF PROTOCOL, BRIAN, BRIAN HAS HIGHER SENIORITY. THOSE THINGS MATTER. AND THAT'S IT. SO, I'D LIKE TO MAKE THAT AMENDMENT.

CHAIR LEE: Okay. We'll, we'll consider that a nonsubstantive change that staff can do, okay, if there are no objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. Okay.

COUNCILMEMBER KING: Chair, Mr. Sinenci, has his hand up.

CHAIR LEE: So, I--

Oh, Mr. Sinenci, yes.

COUNCILMEMBER SINENCI: Thank you, Chair. I too just wanted to mahalo you for acting expeditiously as this, as part of the Hana Highway is, is under State jurisdiction. And it's no wonder that we are a small rural, we're zoned rural country town and not a urban district, because we are just at capacity and we simply lack the bathroom and, and traffic infrastructure. It's become a safety issue when emergency vehicles, buses, and utility vehicles cannot pass by bridge, bridge approaches due to illegal parking. So, again, mahalo. Appreciate your moving this forward. Thank you.

CHAIR LEE: Thank you. There's no question that the traffic conditions are deplorable on Hana Highway, as well as in Kahakuloa. So, we need to do something as soon as possible. And hopefully, Member Sugimura, you will continue this subject matter in your Committee? Okay, very good.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused", Member Kama. Motion carries. Thank you, Members.

Madam Clerk.

COUNTY CLERK: For the record, that's RESOLUTION 21-104.

NO. 21-298 - TAMARA PALTIN, COUNCILMEMBER,
(dated June 23, 2021)

Relating to a proposed amendment to Bill 60 (2021), relating to a moratorium on building permits for visitor accommodations.

NO. 21-299 - TAMARA PALTIN, COUNCILMEMBER,
(dated June 24, 2021)

Relating to a proposed amendment to Bill 62 (2021), relating to zipline, canopy, rappelling, and bungee jumping.

CHAIR LEE: Member Paltin, did you want to move this, these two items? Member Paltin?

COUNCILMEMBER PALTIN: Yea, if there's no objections, I would like to ask that County Communication 21-298 and 299, as well as an additional floor amendment, be taken up with the relevant bills at the end of the calendar.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Madam Clerk.

NO. 21-300 - SHANE M. SINENCI, COUNCILMEMBER,
(dated June 25, 2021)

Transmitting a proposed resolution entitled "SUPPORTING THE SUBMISSION OF A LETTER OF INTEREST FOR THE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT PROGRAM".

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION, AND TO
FILE COUNTY COMMUNICATION 21-300.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND

CHAIR LEE: It's been moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez, to adopt the resolution in County Communication 21-300.

Member Sinenci, discussion?

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

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Certainly.

CHAIR LEE: Why are you smiling? Is it five pages?

COUNCILMEMBER SINENCI: No, it's--

(The resolution was read in its entirety.)

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Madam Clerk. Members, to date, the Water Infrastructure, Finance and Innovation Act ("WIFIA") program has closed 50 loans totaling 9.4 billion in financing. And in Fiscal Year 2021, the Environmental Protection Agency has an appropriation of 55 million, allowing WIFIA to land approximately \$5.5 million.

In April, Responsible Markets and IoTask met with WIFIA staff in Washington D.C. about the program. IoTask has begun reaching out to investors in Responsible Markets through the Maui ESG investment project and has been reaching out to Maui community groups regarding development of community-based and community-driven financial and governance investment structures that benefit our residents.

This partnership, along with science and engineering firm Woodard & Curran as a lead applicant, is planning to submit a Letter of Interest for a Maui County based investment. As a part of this Letter of Interest packet is necessary to demonstrate support of the local government, which is the purpose of this resolution. And I believe part of their involvement would be an engineering report of the current systems.

As stated in the resolution, Maui County would not have a financial obligation to the project, is only committing to providing this resolution to demonstrate support of the project.

So, Members, we do have a July 23 deadline, so I ask for your full support of this resolution. We also have Ms. Shay Chan Hodges should the body have any questions. Mahalo, Chair.

CHAIR LEE: Thank you, Mr. Sinenci.

Members, do you have any questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I, I heard Member Sinenci say there's a deadline of July 23. And I was hoping, aloha Ms. Chan Hodges. Mahalo for being on to answer some of our questions. So, I was hoping you'd be able to expound a bit on the July 23 timeline for us. And, and if you could also let us know why Woodard & Curran would want to do this on our behalf. Mahalo.

MS. SHAY CHAN HODGES: Thank you. Thank you for the question. And thanks for having me. Yes, as Councilmember Sinenci said, the, the due date for submitting the Letter of Interest, which we will be doing, or Woodard & Curran will be doing as the lead, lead partner in this, is July 23. So, we, because it's required that the, the County express support for the Letter of Interest, we definitely want that as soon as possible so that we have time to put this letter, Letter of Interest together. And it's not just like a one-page hey we're interested. We have to do an engineering assessment. Woodard & Curran would come out here, actually, probably, and take a look at the systems. And we need to, we've done some financial modeling, but we need to flush it out more.

And again, this is just that first step. But it needs to make sense so that when the EPA looks at it, they see that it's financially doable that we, Woodard & Curran is credit worthy. And yes, we're very glad that that Woodard has agreed to do it, because they are credit worthy. They, they have the ability to pay back the loan if, you know, if we get it. And they also have all this engineering expertise, as Councilmember Sinenci said. And we've met with them. We've provided with publicly available information about the systems.

And they are extremely excited, particularly with Molokai, about how there's already a strong community infrastructure in place, as far as community members who want to see this kind of thing happen, who already have, as we talked to you folks about many

times, like the community-owned company model. They're already, the, the community is so well organized.

And the way that Curran, Woodard & Curran, even though they're engineers, they fully appreciate that it's not just about the engineering. It's about how you implement it, what things look like on the ground. Obviously, there's many interesting things about Hawaii's water systems that are very unique. And so, they're really excited because, and, and even like the fact that the Water Use Development Plan has just begun on Molokai. That's a lot of work that's being done for them that they can help, they can build on by getting that information and then coming up with innovative ideas. So, they're, they're super excited about what can be done in Hawaii and, you know, from the point, perspective of climate change and those kinds of issues. Basically, the potential of creating new models. Does that answer your question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, it does. Mahalo, Ms. Chan Hodges. Mahalo, Chair.

CHAIR LEE: I have a question. Let's see, do these engineers do the work for free?

MS. CHAN HODGES: No. Well, yes and no. So, they're, historically, what they normally do is, so like the County of Maui could hire them to do the work. In this particular case, they're partners. So, they have, you know, it's all about creating a financial infrastructure and a map or model that in the end--

CHAIR LEE: Okay. Well, let me, let me stop you right there. I just wondered about how this, how the procurement laws would come into play with regard to these consultants.

MS. CHAN HODGES. So, this is not a count, this is not a County project. This is a private project. So, there's no County money. There's no County hiring of anybody. We just need, because, the way WIFIA works is, for example, the County of Maui could submit their own proposal for, as like Councilmember Sugimura says, for our wastewater, for any kind of project that they want. But they also accept applications from private parties, which we are. But when a private party applies, they can't just come in and say, oh we're gonna do this water system in Maui County. They have to show that they've gone and talked to the County and that the County supports it. So, all you're doing is expressing support for us submitting this Letter of Interest. But there's no obligation for anything from the County.

CHAIR LEE: Okay. Well, it sounds like a good idea. It's just that, remember, we, we don't have Administrative powers.

MS. CHAN HODGES: Right.

CHAIR LEE: So, they would, at some point, have to work with the Administration.

(Councilmember Johnson was excused from the meeting at 2:41 p.m.)

MS. CHAN HODGES: Oh, absolutely. And, and we have met with the Managing Director. And we have asked the Mayor to also submit a letter. So, we would like to see both the Administration and the Council show support, ideally.

CHAIR LEE: Okay. Alright. That takes care of me.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just wanted to doublecheck if any of the proposal involves 5G technology or the internet of things.

MS. CHAN HODGES: Not that we know of. No.

COUNCILMEMBER PALTIN: Oh. Are you familiar with the project?

MS. CHAN HODGES: Well, we haven't developed a proposal yet. And it'll be based on the community, so it's not likely to.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any other questions?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, this is very interesting. This is a loan, right? It's not a grant? So, whatever comes out of this has to be repaid, correct?

MS. CHAN HODGES: Exactly. Yes.

COUNCILMEMBER SUGIMURA: So, I guess there's a whole financial plan and there's other things that will happen before you can go further than this one letter.

MS. CHAN HODGES: Exactly. Exactly. So, this is, like we said, it's the--

COUNCILMEMBER SUGIMURA: The--

MS. CHAN HODGES: Oh, go ahead. Sorry.

COUNCILMEMBER SUGIMURA: No. Go ahead.

MS. CHAN HODGES: Oh, I was just going to say, so this is just the Letter of Interest. If the EPA likes our Letter of Interest, then they will invite us to submit an application and that would happen in the Fall. So, that would be, but the Letter of Interest, I mean, I don't know how long it'll be, but I assume it's, it'll be like 40-50 pages, right? It's not just one page. But then, if they think it looks, makes sense, then they'll ask us to do a full, and we have, we'll have up to 12 months, so it'll be very detailed. And that's where the, you know, all the communities' priorities come into play, and the financial model that ensures that the loan can be paid back and that whatever investors are involved will have a return on investment.

COUNCILMEMBER SUGIMURA: So, prior to that then, in order to pay back the loan, you're, did you say you're looking at the island of Molokai to do this project?

MS. CHAN HODGES: Yes, we are. Yes.

COUNCILMEMBER SUGIMURA: You are? And so, whatever water or wastewater system, I guess you're not looking at wastewater, you're looking at only water. Is that correct? By your previous response to--

MS. CHAN HODGES: Yea, most likely, most likely. There, there is a wastewater system there too. So, we're, we haven't figured out all the details of it. But like you said, we'll have to have ancillary projects that bring in other revenues. For example, renewable energy. And one of the ideas is to build on the renewable energy work that's already being done in the community, because there's an interest in being self-sufficient. And then whatever other ideas that we work out that work for the community and bring in revenues.

COUNCILMEMBER SUGIMURA: Interesting. Okay.

MS. CHAN HODGES: And in, oh, just want to note too that the, the actual loan terms are extremely favorable. So, they're based on Treasury rates. So, currently, it's two percent. It's a 40, I want to say, I think it's 40 or 45 year loan term. So, that's a very long loan term. And then, you don't have to begin, or we don't have to begin paying it back 5 years or once the project gets started. So, for us, as a, as the group working on it, that makes it, you know, it's one of the easiest loans you can take on, right? So, we're not super concerned about that.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Anymore questions, Members? If not, thank you, Shay Chan Hodges, for your information.

MS. CHAN HODGES: Thank you.

CHAIR LEE: Alright, Mr. Sinenci, anything--

Yes, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Ms. Chan Hodges, for answering our questions. That's all the questions I have. I just wanted to speak in strong support of the resolution and the motion on the floor to adopt the resolution. And I am thankful to the Maui ESG project, which is now being housed under the Office of Sustainability in the Mayor's Office. Something like that, I probably said it not totally correct, but it's something like that. Yea, so I just, I just speak in strong support. And mahalo, Member Sinenci, for introducing the resolution. Mahalo, Chair.

CHAIR LEE: Mr. Sinenci, any further comments?

COUNCILMEMBER SINENCI: Mahalo, Chair, for my final comments. Yes, just dovetailing on Member Rawlins-Fernandez. Our ESG investment project, this Council had supported them to, to go out and, and actually look for, for these types of additional funding. As you know, in my July 20 APT Committee meeting, we'll be speaking about the Wailuku Water System acquisition. As, and, and as everyone knows, you've seen a lot of the Wailuku water issues in the news of late. So, but we're hoping that this can, it helps relieve some of those questions and, and some of the issues that we all face. Mahalo again, Chair.

CHAIR LEE: Okay. Anybody else? Does every, does anyone see Member Johnson?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, he's been keeping his video off and only when we vote.

Member Sinenci's looking in the high seas in a sense.

CHAIR LEE: Okay. Yea. Oh, he's in a sailboat. Oh, okay.

COUNCILMEMBER KING: No, not motorboat.

CHAIR LEE: Alright, all those in favor of approving the, adopting the resolution, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: Member Johnson? Did you hear an "aye"?

COUNCILMEMBER KING: No.

CHAIR LEE: Member Johnson?

VICE-CHAIR RAWLINS-FERNANDEZ: In his chat, that he may drop the call as they get into the channel. His apologies. So, that, they may be in the channel at this point, and he may not--

CHAIR LEE: Alright. So, we have seven "ayes", zero "noes", two "excused"; Member Johnson and Member Kama. Motion carries.

Madam Chair. Madam Clerk.

COUNTY CLERK: Thank you, Chair. That would be 20, RESOLUTION 21-105.

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

NO. 21-301 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated June 24, 2021)

Relating to amendments to Appendix A, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2022.

The recommended action is that County Communication No. 21-301 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Um, I--

CHAIR LEE: You're muted.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. I request the item to be referred to the BFED Committee.

CHAIR LEE: Oh, okay. All, all of them?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. They'll serve as umbrella items for the Budget Office to direct refer any amendments to those sections in the budget.

CHAIR LEE: Alright.

Madam Clerk, please proceed.

COUNTY CLERK: Okay.

NO. 21-302 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated June 24, 2021)

Relating to amendments to the Fiscal Year 2022 Budget to authorize transfers between categories of use within a program or department.

The recommended action is that County Communication No. 21-302 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-303 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated June 24, 2021)

Relating to amendments to Capital Improvement Projects for Fiscal Year 2022.

The recommended action is that County Communication No. 21-303 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-304 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated June 23, 2021)

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

The recommended action is that County Communication 21-304 be referred to the Budget, Finance, and Economic Development Committee.

COUNTY CLERK: To your Climate Action, Resilience--

CHAIR LEE: Wait, wait, wait, wait, wait, wait. Could you hold on?

Any objections to, to referring these four items: 21-301, 302, 303, 304 to your Budget, Finance, and Economic Development Committee? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Please proceed, Madam Clerk, because some of these next items are going to require action so I want to move that out of the way, okay?

NO. 21-305 - TAMARA PALTIN, COUNCILMEMBER,
(dated June 25, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF SUNSCREEN CONTAINING OXYBENZONE AND OCTINOXATE".

The recommended action is that County Communication No. 21-305 be referred to the Climate Action, Resilience, and Environment Committee.

COUNTY CLERK: To your Government Relations--

CHAIR LEE: So, no action. Just stop us, you know, on the way down.

Okay. Continue then, Madam Clerk.

NO. 21-306 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated June 22, 2021)

Transmitting a proposed resolution entitled "APPROVING THE FISCAL YEAR 2022 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES".

The recommended action is that County Communication No. 21-306 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-306 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-106. COUNTY COMMUNICATION NO. 21-306 WAS THEN FILED. See page nos. 105 through 110 for discussion and action.)

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. It's been so long. I'm trying to find all my notes now. Okay. Do you want to go ahead and read through? I do have, I do have my notes on that resolution, and the next one.

CHAIR LEE: Alright.

COUNCILMEMBER KING: But I can wait till we get to the end and then I'll move.

CHAIR LEE: So, 306 and 307?

COUNCILMEMBER KING: 306 and 307, I'd like to take action on, because those are time sensitive.

CHAIR LEE: Okay.

COUNTY CLERK: Okay.

CHAIR LEE: Madam Clerk.

NO. 21-307 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated June 23, 2021)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATIONS TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2022".

The recommended action is that County Communication No. 21-307 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-307 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-107. COUNTY COMMUNICATION NO. 21-307 WAS THEN FILED. See page nos. 105 through 110 for discussion and action.)

CHAIR LEE: Member King.

COUNCILMEMBER KING: Okay.

SO, CHAIR, IF THERE'S NO OBJECTIONS, I'D LIKE TO, I'D LIKE TO MOVE BOTH OF THESE RESOLUTIONS. IF WE CAN ADDRESS BOTH OF THEM TOGETHER?

COUNCILMEMBER SINENCI: No objections.

CHAIR LEE: No objections for me. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Okay. . . . from my notes. Can you come back to me in a few minutes?

CHAIR LEE: Okay. So, I, I assume we are, establishing a sister-city will be referred?

COUNCILMEMBER KING: Right.

CHAIR LEE: Okay.

COUNCILMEMBER KING: That, I'm asking for that to be referred to the GREAT Committee.

CHAIR LEE: Okay.

Madam Clerk. 21-308, referral to the GREAT Committee.

COUNTY CLERK: Okay.

NO. 21-308 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated June 25, 2021)

Transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH SAN CRISTOBAL ISLAND, GALAPAGOS, REPUBLIC OF ECUADOR".

The recommended action is that County Communication No. 21-308 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-309 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated June 18, 2021)

Relating to public shoreline access for recreational purposes.

The recommended action is that County Communication No. 21-309 be referred to the Human Concerns and Parks Committee.

NO. 21-310 - ALICE L. LEE, COUNCIL CHAIR,
(dated June 21, 2021)

Relating to tourist traffic in East Maui and Kahakuloa.

The recommended action is that County Communication No. 21-310 be referred to the Infrastructure and Transportation Committee.

NO. 21-311 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated June 18, 2021)

Relating to the Central Maui Landfill.

The recommended action is that County Communication No. 21-311 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: No action. Okay, let's see. So, we have, can you repeat, before we go back to Member King, repeat the ones that are going to be referred that we haven't acted on?

COUNTY CLERK: That would be, oh, you mean, the one they're going to take action on or not?

CHAIR LEE: No, no, no. We're going to take action on 306 and 307.

COUNTY CLERK: Right.

CHAIR LEE: I just want to make sure that I don't skip any that we didn't take any action on to be referred to Committee.

COUNTY CLERK: Okay. Starting with County Communication 21-301, 302, 303, 304 to Budget, Finance, and Economic Development Committee. 305 to Climate Action, Resilience, and Environment Committee. 308 to Government Relations, Ethics, and Transparency Committee. 309 to Human Concerns and Parks Committee. And 310, 311 to Infrastructure and Transportation Committee.

CHAIR LEE: Are there any objections to the referrals as read by the Clerk, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. If not, so ordered.

Okay, now we, we have to go back to Member King.

Did you have a question, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, really quickly. I just wanted to hope that the Members are starting to feel a little more comfortable with the Consent Calendar. So, all those referral items were not able to be put into the Consent Calendar, because we restricted what could be put into the Consent Calendar to items that came from the

Administration. And so, this is an example of all the things that could have been put into the Consent Calendar for referral that came from the, the Council. So, I just wanted to take a moment to point that out and hope the Members will reconsider amending our Council Rules to enable that to happen. Mahalo, Chair.

CHAIR LEE: Okay. Any comments, Members? Okay, Vice-Chair, they're not ready.

Member King.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 21-306 AND 21-307

COUNCILMEMBER KING: Thank you, Chair. Okay. I, actually, I would like for consideration of County Communications 21-306 and 21-307.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G.
OF THE RULES OF THE COUNCIL FOR COUNTY
COMMUNICATIONS 21-306 AND 21-307.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Alright. Moved by Member King, seconded by Member Sinenci, to waive the Rule 7.G. of the Council.

Member King.

COUNCILMEMBER KING: Okay. So, Members, Section 21 of the HSAC Bylaws requires each County Council to approve the HSAC operating budget for the upcoming fiscal year.

CHAIR LEE: Well, we're just going to vote on the, waiving the Rule.

COUNCILMEMBER KING: Oh, okay. So, both of these are, are HSAC items that need to be passed so that we can go forward to this next fiscal year and conduct business, basically--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --that's the urgency.

CHAIR LEE: Anymore discussion? If not, all those in favor of waiving Rule 7.G. of the Council, raise your hand and say "aye".

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

CHAIR LEE: Member Johnson are you back? No.

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: So, seven "ayes", two "excused"; motion carries. The excused are Member, Members Johnson and Kama.

Member King.

COUNCILMEMBER KING: Okay. Thank you, Members. Section 21 of the HSAC Bylaws requires each County Council to approve the HSAC operating budget for the upcoming fiscal year prior to the HSAC annual meeting, which this year has been put off from the usual June date to October. Similarly, Sections 5A and 5C of the HSAC Bylaws provide the procedure to be followed in selecting the two NACo, WIR Directors, prior to the HSAC annual meeting.

Since our HSAC annual meeting is scheduled for Thursday, July 22, approval of my motion by a two-thirds vote of the entire membership of the Council, well, that's the motion. That's the motion of the waiver. So, we're beyond the waiver. So, I guess I'll make the motion for the adoption.

I MOVE TO ADOPT THE PROPOSED RESOLUTIONS
ATTACHED TO COUNTY COMMUNICATIONS 21-306 AND
21-307, AND TO FILE THE COMMUNICATIONS.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sinenci, to adopt the resolutions contained in County Communications 21-306 and 21-307.

Alright. Discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. As mentioned, Section 21, 5A, and 5C provide the procedure for County Council approval of the HSAC operating budget and selecting the two NACo and WIR Directors prior to the HSAC annual meeting, which will take place in October this year. The next meeting of the HSAC Board of Directors is on July 22.

The HSAC Executive Committee approved its Fiscal Year 2022 proposed operating budget and its nominations to the NACo and WIR Board of Directors and just needs this last step to finalize in order to set the actions in motion.

Regarding the NACo Board of Directors, the current representatives are Hawaii County Councilmember Tim Richards, as a Presidential Appointment; Kauai County Councilmember KipuKai Kualii; and Honolulu City Council Chair Tommy Waters. The proposed nominations keep the same directors. Likewise, the current WIR Directors are myself and Hawaii County Councilmember Tim Richards. And the proposed nominations would keep us in our seats.

Copies of the budget and nominations are attached to the respective resolutions as well. I respectfully ask for the Councilmembers support of my motion. Thank you, Chair.

CHAIR LEE: Any discussion or questions, Members? If not, all those in--

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for this presentation, Member King. I just have a question on membership fees. So, before, so it looks like each County paid \$43,680 in 2020, 2021, and then again in 2022. And so, in last year, so last fiscal year

because of the pandemic, the things that was budgeted for in 2020, when, you know, we didn't know that there was going to be a pandemic, like travel to the different conferences, ground, lodging, registration for all these things, that ultimately wasn't used. That, that money via membership fees wasn't used. So, I was just hoping you would be able to explain a little bit why membership dues or fees would be the same for this year instead of, you know, like a, some kind of a discount because the money last, last fiscal year wasn't used for the things that was allocated for. Cause I, I do see a pretty large carryover.

COUNCILMEMBER KING: Yea, our, our intent in going forward is to try to hire a support staff. And, you know, we've been talking about an Executive Director for a long time. We decided to, because we don't have quite enough extra in there to hire an Executive Director, we decided to start with a part-time administrator; someone who could set up the books and keep the website and do all the things that we normally transfer from County to County. And then sometimes stuff gets lost and that's why we have this issue with these outstanding audits. So, the intent is to, to budget about 40,000 for a part-time administrator. And then, while we're working on the full job description for an Executive Director, and then fundraising to try to figure out how we're going to keep that. We don't, you know, if we can do fundraising, then we don't have to look at raising each Counties dues beyond what it, what it is and has been. So, that's the goal, is to have this upcoming conference include a larger fundraiser and fundraising efforts.

And in the past, there's never been really a budget for the conference, because the conference, whoever, whichever island is hosting it gets \$5,000 to, as seed money. And then, all the money to run the conference has to come from sponsors. So, the conference that we put on, on Maui in 2019, folks are still talking about it. It was a really great conference. We were able to raise enough money to cover all the expenses and bring experts in. But we did not operate it like a fundraiser. So, we didn't end up, we ended up I think it was 5 or 10,000 extra. And the Council had previously, I think, brought in 25,000 extra, because it used to be an event that was more focused on fundraising than content. And we flipped it. We focused more on content.

So, we're trying to find a happy medium so that we can hold, continue to hold, you know, meaningful content rich conferences, but still do some fundraising so that we might, we might reach a level where we can sustain an Executive Director. So, that's kind of what we're expected to do with that extra funds this year.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that explanation, Member King. And I, I fully support that work, especially since that burden was shouldered by our County for what, the past three years, more?

COUNCILMEMBER KING: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Doing the treasury, we, treasury work and trying to balance the books. So, you know, a big shoutout to Ms. Espeleta for doing a lot of that work. And yea, the 2019 conference was, was amazing and I look forward to this year's conference.

(Councilmember Paltin was excused from the meeting at 3:03 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: One last quick question. And that's, do you, does HSAC plan to have a, an employee or plan to contract this work?

COUNCILMEMBER KING: Well, right now, we're discussing both options. But it looks like we're, we're leaning more towards contracting it out, because then we don't have to do benefits and, you know, retirement and all that.

VICE-CHAIR RAWLINS-FERNANDEZ: Excellent. I would support contracting the work out.

COUNCILMEMBER KING: Yea. And I didn't and, and you know, eventually we hope to find somebody fulltime who can do the lobbying work, as well, so we don't have to have a separate legislative lobbyist and separate administrator. So, someone who can do all of that.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Mahalo, Chair.

COUNCILMEMBER KING: Thank you for that question.

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

COUNCILMEMBER KING: Aye. I think we lost Member Paltin. All I see is her background.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: She said she was going to be right back.

CHAIR LEE: Member Johnson, are you still on the call?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I did text Member Johnson to let me know when he has service again and he's on the call, and then that way you don't

have to keep checking on him. He's going to text me to let me know that he's back on the call for you to call on when we vote.

And then I do also want to quickly give a shout out to Ms. Nicole Kahinu for also doing a lot of that HSAC book balancing work. Mahalo for this opportunity.

COUNCILMEMBER KING: Yea, thank you. Thank you for that, Member Rawlins-Fernandez.

(Councilmember Paltin returned to the meeting at 3:05 p.m.)

COUNCILMEMBER KING: You know, she, both of Shelly and Nicole did so much work in unearthing some of the irregularities of HSAC. And, of course, when you do that kind of work, you don't get a lot of kudos from the other people because it makes more work for everybody. But it was, it was, it was work that needed to be done. We needed to see where we were at before, so we could fix it before going forward. So, you know, yes, you're right, they did put in incredible amount of work and thank, thank them for that too.

CHAIR LEE: Okay. Alright. Now that you're back, Member Paltin, we're ready to vote on passing the West Maui Community Plan. Just kidding.

Okay, we're going to vote on C 21-306 and C 21-307. Alright? Are you ready? All those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: Two, four, six. Okay, we have seven "ayes", two "excused". Member Johnson and Kama, excused. Motion carries.

Madam Clerk, we're on the one and only committee report.

COUNTY CLERK: Prior to that, that's RESOLUTIONS 21-106 and 21-107.

Chair, proceeding with the Committee Report.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 21-46 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that Resolution 21-108, entitled "ADOPTING THE VISION ZERO MAUI ACTION PLAN TO ELIMINATE TRAFFIC FATALITIES AND SERIOUS INJURIES BY 2040," be ADOPTED.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-46.

CHAIR LEE: 44. Is it 46?

COUNCILMEMBER KING:

SECOND.

It says "46".

COUNCILMEMBER SUGIMURA: 46.

CHAIR LEE: Okay. And I have 44. Alright. Been moved by Member Sugimura, seconded by Member King, to adopt the resolution in Committee Report 21-46.

Discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Infrastructure, Transportation Committee met on June 7, 2021, to discuss the proposed resolution to urge the Administration to implement the Vision Zero Maui Action Plan. At this meeting, your Committee was informed that the intent of the Plan was to identify priorities relating to data collection; traffic enforcement; and design and construction of safe roadways, intersections, sidewalks, and paths.

The proposed Plan focuses on addressing seven key goals identified through the planning process: eliminating impaired driving, creating safe speeds, eliminating

districted driving, creating a safety culture, building safe streets for everyone, institutionalizing Vision Zero, and improving data to support decisions.

Your Committee noted the Plan's development was guided by the Vision Zero Advocacy *[sic]* Group consisting of volunteers from various facets of the community and that the Plan is intended as a guide to improve transportation programs that promote safety on Maui's roads and serve as an initiative to end fatalities and serious injuries caused by traffic crashes on Maui, on Maui by 2040.

Your Committee voted 6-0 to recommend adoption of the proposed resolution. I respectfully ask for the Members support of my motion. Thank you, Chair.

CHAIR LEE: Anymore discussion or questions?

Member King, and then Member Sinenci.

COUNCILMEMBER KING: Yea, I speak in strong support of this resolution. And I think the Mayor, at some point, had said he supports the Vision Zero. So, you know, so thank goodness for that. We also, I just also want to mention to all the Councilmembers that today at 5, 5 to 6 p.m., there's an impaired driving awareness rally at Hoaloha Park on Kaahumanu Avenue. So, this is an effort being led by Lieutenant Hankins of the Police Department. And it's really good to be working in concert with the Administration and this Department on this one. So, thank you for bringing the resolution forward, Member Sugimura.

CHAIR LEE: Okay. Thank you for that announcement as well.

Vice-Chair Rawlins-Ferna, or was it Member Sinenci? Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just wanted to speak my support. Mahalo to Member Sugimura; also to the MPO Executive Director Lauren Armstrong for all of her hard work reaching out to the community, as well as the MPO Board; as well as the Maui Police Department Traffic Division; MADD, Mothers Against Drunk Driving; and all the street artists that have been helping around, around the town. So, again, mahalo.

CHAIR LEE: Good. I'm glad you pointed that out.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: Okay. Seven "ayes", two "excused"; motion carries. The excused are Members Kama and Johnson.

Ooh, we're on second and final reading. Okay. This is second and final reading. We don't have to have long drawn-out speeches.

Madam Clerk.

COUNTY CLERK: For the record, the Committee Report 21-46 is RESOLUTION 21-108.

Proceeding with ordinances up for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 60 (2021)

A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD
CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR
VISITOR ACCOMMODATIONS

COUNTY CLERK: And also, County Communication 21-298 that corresponds with that.

CHAIR LEE: Alright.

COUNTY CLERK: And I can bring that up and read that up.

NO. 21-298 - TAMARA PALTIN, COUNCILMEMBER,
(dated June 23, 2021)

Relating to a proposed amendment to Bill 60 (2021), relating to a moratorium on building permits for visitor accommodations.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I move to amend Bill 60, to substitute Bill 60 (2021) with the attached proposed bill.

Did that come through for all you guys, the ASF?

CHAIR LEE: Did everybody get the ASF? Okay. Can you give a brief explanation?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I believe we need a main motion on the floor. So, it would be Member King to move for second and final reading, and then Member Paltin to amend, or propose an amendment to the motion.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Okay, thank you, Chair. Thank you, Member Rawlins-Fernandez. That was, I think that was what Kathy was going to say too. The County Clerk came on and raised her hand, then she went away after you asked your question.

OKAY, CHAIR, I MOVE TO PASS BILL 60 (2021) ON SECOND
AND FINAL READING.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Vice-Chair Rawlins-Fernandez, to pass Bill 60 on second and final reading.

You, you want to say something on the motion, or you, shall we go straight to--

COUNCILMEMBER KING: I, I'm going to hold my final comments, you know, for the reasons you just mentioned . . . getting to this issue. We discussed it a lot and I'll defer to Member Paltin--

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Okay.

SO, I MOVE TO SUBSTITUTE BILL 60 (2021) WITH THE
ATTACHED PROPOSED BILL 21-298 [S/C].

CHAIR LEE: Second? Is there a second?

COUNCILMEMBER MOLINA:

SECOND, FOR DISCUSSION.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to propose the amendment.

Member Paltin.

COUNCILMEMBER PALTIN: Sure. Okay. The proposed exception--

CHAIR LEE: I'm sorry. You proposed a substitution of the entire bill.

COUNCILMEMBER PALTIN: Yea, do you want me to do Section D? What the . . . Section

"D. This chapter does not apply to any development that includes new housing units built, in an equal number to the new visitor accommodations, that are:

1. Affordable to very low income or low income residents, as defined in the residential workforce housing policy, for at least thirty years;
2. Made available for occupancy prior to or concurrent with the new visitor accommodations; and
3. Located in the same community plan area."

The proposed exception will reinforce the Council's desire to encourage affordable housing for our residents. The bill proposing a moratorium on new transient accommodations on Maui referred to the Maui Planning Commission by Resolution 21-98, includes the same exception. We should maintain consistency in both proposed bills.

Historically, hotels built housing for their workers as they constructed their properties. The hotel industry will have no one to employ if residents are continually pushed off island due to lack of housing options. Creating a one-to-one match of visitor and affordable housing units benefits all parties. The proposed exception also allows those in the construction industry the opportunity to continue working during the moratorium.

(Councilmember Johnson returned to the meeting at 3:15 p.m.)

COUNCILMEMBER PALTIN: And so, in response to the testimony today, many of the same people that were testifying were also the ones that said, let the community plans mean something. And this is straight out of the West Maui Community Plan. And, you know, I wasn't consulted on a moratorium for South and West Maui. And, and you know, nearly every day I have folks calling me up, like, when are the Ikaika Ohana projects going to open up their waitlist, because people don't have any place to live over here.

And I do think it's kind of dangerous putting all our eggs in the Ikaika Ohana basket. Numerous times already, I've gotten calls in the middle of the night that they're being held up by the Water Department, or they're being held up by the Housing Department, or whatever it is. That, you know, the last time they called, they were ready to pull out of Maui altogether.

And so, you know, people that can fearmonger either way that, you know, if we don't pass this moratorium, it's going to happen na, na, na, na, na, na. The economy, people can fearmonger, oh, if we pass this, the, the housing isn't going to be built anyway, because it wasn't built in the past. But West Maui has a desperate need for this housing.

And, and right now, all our eggs are in the Bigley basket. And, and from the multitude of calls that I get from them, sometimes it's very tenuous that they're going to stay here, you know. The last call, if the Water Department didn't grant their certificate of occupancy thing, they were going to pull out of Maui completely. So, you know, this, this really does tie in to all the traffic coming in and out of West Maui, because nobody can afford to live in West Maui.

And it's, it's part of the CPAC recommendation. It was signed off as to form and legality by Corp. Counsel Stephanie Chen. And so that's my amendment.

CHAIR LEE: Madam Clerk, I do have a question on procedure. Madam Clerk, are you there?

COUNTY CLERK: Yes, Chair. Yes.

CHAIR LEE: Okay. When you called up the item, I, I had, I was advised that Member Paltin was going to move for a substitution, yea. So, I just wanted to make sure, so if we will treat that as an amendment or as substituting a whole bill?

Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the main motion would need to be made so that a, the proposal to substitute the bill that is relevant to the main motion is there to substitute. So, if there is nothing to substitute, then the substitution can't happen. So, the substitution is an amendment to the main motion.

CHAIR LEE: Okay. I needed to have that cleared up, because when somebody, when she called up the subject matter, could a substitution be done at that time or would a motion be made first? So, that was my question. Okay. So, what is your answer, Madam Clerk?

COUNTY CLERK: Can you repeat that one more time? When I called up the--

CHAIR LEE: Yea, when you call, ordinarily, when you call up an item and somebody, somebody wants to make an amendment, the first step is to make the main motion to pass the item on second reading, that's in this case. Then, somebody will say, I want to make an amendment. And then, I call that person and we take the amendment first. And then whatever happens, then we take the main motion afterwards. But in the, in the case of a substitution, that's what I was asking, is it different than making an amendment? That was my question.

Now, we already heard from Vice-Chair. We already heard from one parliamentarian. I want to hear from another one, okay, before I proceed.

COUNTY CLERK: Okay. Staff on this side is saying, no, it's the same--

CHAIR LEE: As an amendment?

COUNTY CLERK: --substitution and amendment.

CHAIR LEE: Okay. Because in the past, we have proceeded on the course, and then what happens is your staff says, oh, wait, wait, wait, we have to go back to something. So, in this case, we're not going to go back. I'm going to assume that we are proceeding on the correct course. Right? Okay.

COUNTY CLERK: Correct. Yes.

CHAIR LEE: So, we, we had the main motion. We did that part. And now, we're at the amendment, which is a substitution. And so is there any more discussion on Members Paltin's proposed amendment?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I did see Member Sugimura's hand up earlier, so I'm willing to yield to her if she has a question or comment first.

CHAIR LEE: Member Sugimura, did you want to discuss the amendment?

COUNCILMEMBER SUGIMURA: So, I was just wondering how you do exactly what you described. But I have a comment, that basically, based upon comments that we heard in testimony from Randall Sakumoto, I really wonder about the arbitrary act of government by doing this moratorium. So, I don't know if it applies--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

COUNCILMEMBER SUGIMURA: --to this amendment or if it applies to the motion in general. I mean, the, the main, the main motion. But I do have that question and I would like Corp. Counsel to answer that.

CHAIR LEE: You mean on the procedure that we just covered.

COUNCILMEMBER SUGIMURA: No, no, no. Just on the, on the bill, the moratorium bill.

CHAIR LEE: On the, on the proposal.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order. On, on the amendment.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Member, Member Sugimura's question is on the amendment, right?

COUNCILMEMBER SUGIMURA: Actually, I'm talking about the main motion. But so if we're talking about the amendment which has now substituted the, the main bill, this is my general question, and you all can place it where it's supposed to be. But this is a legal issue of a building permit. The due process violation law is invalid and the, and the comment made was arbitrary act of government.

CHAIR LEE: Okay. Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Yea, you are talking about the main motion.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: But we will come back to it. We will come back to it.

COUNCILMEMBER SUGIMURA: Okay, so what happens with this--

CHAIR LEE: Right now, we're, we're on, we're not on the main motion right now. We're on the proposed amendment. The housing one.

COUNCILMEMBER SUGIMURA: Okay. So, even if this, the moratorium, right? So, even, yea, with housing added to it. So, I guess my question is that if you're going to substitute the bill, right, for Tamara's bill for the main bill, then this question that I have, I would like Corp. Counsel to answer it at the appropriate time then, since we're doing the substitution. Thank you.

CHAIR LEE: So, are you saying, what, can you succinctly repeat your question so I can, I can ask Corp. Counsel?

COUNCILMEMBER SUGIMURA: Yea. So, on the moratorium bill, what was mentioned was the legal issue of due process violation. And I guess the, the general term is an arbitrary act of government. So, I would like Corp. Counsel to comment about that.

CHAIR LEE: Okay. So, I, I really believe you're talking about the main motion. Alright? So, we will have that question asked of Corp. Counsel when we go back to the main motion.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Right now, we're on the proposed amendment. So, anymore discussion on the proposed amendment?

Member King.

COUNCILMEMBER KING: Okay. Thank you, Chair. Yea, just on the amendment itself. What the, when this bill was written, and they used a lot of case law to write this bill so that it was tight so that it's defensible. And, and that's why it was tied to the two communities that are currently working on their community plans. And the idea of retiring the moratorium when the community plan is accepted, is that gives it, the

communities the opportunity to put in their plan the policy on this, which West Maui did, did agree to. So, they put that in their plan. When that's accepted, that will become the policy for West Maui.

The, the proposed, the proposal to put it in a moratorium then puts the same stipulation on South Maui. And South Maui is right now going through its community plan and should be allowed to decide for ourselves if we want that same stipulation to be the, the driver to end the moratorium. And we haven't had that discussion in South Maui.

So, I'm glad that it's in the West Maui Community Plan and I will support keeping that in the plan, because that's what the community members there want. But I don't want to see this imposed on South Maui at this time, because the whole point of the moratorium is to take that pause so that the communities can decide what, what they wanted to see in sustainable tourism in their districts. And our community hasn't made that decision. People from our community did come out today against the, against the amendment. So, I, I would speak against this amendment for the, the bill, but I do support it being in the West Maui Community Plan.

And once we do approve the West Maui Community Plan, then the, this moratorium will end for West Maui because their community plan will take over and become the law. So, I fully support what Member Paltin is doing for her community, but I will just ask, please don't put it in this bill and impose that on South Maui when we haven't had a chance to have that same discussion.

CHAIR LEE: Okay. Anybody else? Did I see any other hands up? This is only on the amendment now.

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I, I appreciate Member Paltin's proposed amendment. I know it's coming from a place of need and the West Maui needs affordable housing yesterday, last year, years ago, and here we are in this problem now. And it's just completely exacerbated because of the unfulfilled promises of developments pulling their end to build the affordable housing that they committed to or that were, that was part of the conditions of their development. And I fully support the policy being in the community plan. And I think we all supported that, so it is in the community plan when we hear it at first reading.

I, I think it doesn't quite match to take that out of the community plan as a policy and then stick it into this moratorium bill. It, it will apply as a policy come August. Hopefully, we, we get it passed first and second reading. So, it will be a standalone policy, you know, in accordance with the West Maui Community Plan, updated 2021.

But for this, for this moratorium, as Member King stated, it's, it's cleaner to not have too much gray area; to keep it as black and white for the Directors as possible. As we heard from Director McLean and Director Dagdag-Andaya, it's hard for them to have that kind of discretion with this moratorium. That it's easier for them to not accept applications, really at all, so that, that burden isn't placed on them to try to figure out, you know, who gets an exception and who doesn't. And that it's just, one, you know, black and white, a strict no and not a maybe.

And that there, you know, but this, this bill as it's written in "4000.5 Exceptions. E. The Council may authorize exceptions from this chapter by resolution upon request by the Director of Public Works." So, it, it kind of does give already some discretion. And if that discretion included affordable housing, that's something that we could take up on a case-by-case basis, which would enable us more time to really vet out whatever the, the proposed project is, instead of putting a general statement that opens it up to, you know, whatever projects.

I think that, you know, Mr. Perez, in his testimony, really was succinct in talking about the whole point of this whole moratorium, is to stop the building. And so, proposing this amendment kind of undermines the purpose of this moratorium, which is to pause the construction of future visitor accommodations. And so, having this kind of undermines that, that point of pausing it. Because then we're saying, pause but if you're going to do this then, you know, then you can. So, you know, there's, it, yea, it kind of undermines the, the, the bill itself.

So, for those reasons, I, I won't be supporting the proposed amendment to the main motion. I do support trying to figure out how we can get more affordable housing in West Maui and throughout. Mahalo, Chair.

CHAIR LEE: Anyone else?

Before I call on you, Member Paltin, Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Speaking to the amendment. You know, I applaud Member Paltin, certainly very well-intended. This, while we certainly would like to see if we're talking initial development, it's attainable housing, workforce housing. But I'm not sure if this is the right mechanism to, to use. I'm just concerned about possible developers finding loopholes and that could just sort of water down what the intent of this moratoria is. And so, I would hope that Member Paltin can, maybe someday down the road, look at doing an ordinance on this. And that way it's more, and again, it would help the Directors as well in determining, you know, what

is appropriate. And I think if you mix this in as an amendment with the moratorium, it may create some confusion and some misunderstanding and, worst of all, a loophole.

So, you know, this is a tough one for me, but regrettably, I cannot support trying to achieve the desired goal of additional affordable housing with this methodology or mechanism. Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So, I just wanted to clarify. This is only going to be for like a couple months moratorium for West Maui. Just letting folks know that the moratorium is only going to be a couple months for West Maui. Cause I don't think that was clear the whole process.

CHAIR LEE: Okay. Now, we didn't hear from Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. And yea, I did want to applaud Member Paltin. I did support her when putting on, bringing this up at the CARE Committee. I, I thought it was great and, and connected to, to climate change when she was having one per one versus one per four. The four-one affordable housing for four units. So, I mean, I thought that was.

Anyways, I, I am supportive of the bill as is. But I am also supportive in, in looking at this further if we can refer this for, for a deeper dive. I guess my main concern is we all received these building industry magazines. And in it, Joshua Berlien said there's a severe supply meeting demand imbalance. Maui Builders, who have faced many challenges last year, are likewise looking forward to new developments, as well as profiting from the 2020 carryovers. As of February, according to recent State reports, private Maui building permits have increased nearly 58.6 percent since February of last year. Despite obvious challenges and some projects pause, the majority of industry companies remain saturated with more work than available qualified manpower and professionals. During 2020, the production of materials was impacted by the shutdowns or limited operations at factories and mining businesses. We are feeling the ripple impact of these shutdowns, as well as severe supply meeting demand imbalance, resulting in severely inflated material pricing and material shortages.

So, when, when you're looking at the, at it from an industry perspective, you know, the materials are being is, it's competitive for building materials now, for the developers. So, I think with the pause, then we could potentially focus on more affordable housing versus more visitor accommodations. So, I just wanted to share that from the industry's perspective. Thank you.

CHAIR LEE: Okay. Anybody else who didn't speak yet?

Okay. Second and last, Member King. Second and last, Member Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Yea, I just wanted to acknowledge, I thought I said this earlier, but I do acknowledge that the moratorium will retire for West Maui in a couple months after we approve the West Maui Community Plan. And that's why, I think this, since this, since this idea is already in the plan, then that works for West Maui. So, putting this into the moratorium is, is, is imposing it on South Maui without giving us a chance to decide if that's the way we want to go forward.

And one of my problems with looking at this bill is that we're getting affordable housing without having to attach it to hotel construction. We've got like four or more projects coming into South Maui in the next couple of years that we've already approved that has been 60 percent AMI and lower. So, you know, I wouldn't want to have a bill like this and have someone be able to say, okay, we're going to buy into that affordable housing project, now I can build a hotel or some other such, you know, loophole that might be found.

And so, let us, let us decide. I think we're fairly success in west, in South Maui right now in bringing affordable housing without attaching it to a hotel. And let us decide for ourselves how we want to go forward or what we want to put into our community plan before the moratorium ends. That's, that's kind of the position I'm, I'm taking is that, is that we all support West Maui having this in your community plan, but somehow it hasn't, hasn't gotten to the point where we had this discussion. Thank you, Chair.

CHAIR LEE: Okay. Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I just wanted to address the concern that Member Paltin brought up, which is, you know, a legitimate concern, that we are expediting the adoption of the West Maui Community Plan. And the moratorium is tied to the completion and adoption to the two district's community plans. So, the moratorium would, would, under this bill, would only last for the next, you know, hopefully two months, because we're, we're going to be adopting the community plan.

And that's why I introduced my bill, which, you know, is island-wide, and is tied to the purpose of implementing actions to manage tourism. And so, it, it's not to have a moratorium necessarily go longer. But the purpose of the moratorium would be so that we have the time to create the TIG, come up with a action plan, and propose the legislation to help us really manage the tourism that has really gotten out of control.

And so, you'll see on the, my projected three-month calendar that I, I have set July for the creation of this TIG, because I would like to expedite it. Because I don't want the moratorium to necessarily last two years. But I, I just, we need to manage tourism now. We need to do that. We needed to do that before the, the pandemic happened. But here we are. And we all recognize that the urgency of doing it, which is why I'm expediting the creation of the TIG, so that we can come up with our proposed legislation to accomplish just that. And so, I just wanted to make that clear. Mahalo, Chair.

CHAIR LEE: Anybody for their second and last time?

Okay. Member Paltin, I know you wanted to say something. Did you want to say something?

COUNCILMEMBER PALTIN: Oh no. I already had my second and last time.

CHAIR LEE: Okay. Well, just to let you know, I can't support this amendment, although I thought it was pretty clever in a, in a way. And I just don't see a need for it since in a couple of months we're going to pass the Plan. So, before you, before they set up all the rules to implement it, it'll be over. So, that's my thinking.

Anybody else? If not, all those in favor of the amendment, say "aye", raise your hand.

AYES: COUNCILMEMBER PALTIN.

CHAIR LEE: Okay. Opposed, raise your hand. Okay, this is opposed now. Okay, so we have one, two, three, four, five, six opposed.

So, I'm assuming Sinenci, you were in favor of it?

COUNCILMEMBER SINENCI: I, I was, I was opposed.

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

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Oh okay. So, we have seven opposed, one in favor, two--

Mr. Johnson, were you on the call?

COUNCILMEMBER JOHNSON: Yes, I am, Chair. I, I voted opposed.

CHAIR LEE: Okay. Again, seven, seven opposed and two in favor. No, it couldn't have been. It was six opposed. Six opposed, two in favor, and one, yea, and one "excused". That makes nine.

VICE-CHAIR RAWLINS-FERNANDEZ: I think there was only one in favor; Member Paltin.

CHAIR LEE: Oh, okay. I'm sorry. I, I took your, Sinenci as for it. Okay, so again; one in favor, seven opposed, one "excused". Motion fails.

Okay, back to the main motion. Now, Member Sugimura, you had a question for Corp. Counsel?

COUNCILMEMBER SUGIMURA: Yea, I have a question for Corp. Counsel. I see Moana Lutey on the phone, on the call.

CHAIR LEE: I'd be happy to--

COUNCILMEMBER SUGIMURA: Oh, hi, Richelle.

COUNCILMEMBER SUGIMURA: So, the question is, as it was brought, as it was brought up in testimony by Randall Sakumoto. He talked about the legal issues with this bill. I believe that the moratorium bill was not signed by Corp. Counsel. During our Committee and deliberations, I tried to go into executive session but was never allowed by the body.

And I'm concerned about the statement made that this isn't, could be perceived as an arbitrary act of government by the actions of the bill. And the example he gave was, I tried to scribble the notes so bear with me if it's not all comprehensive, but no correlation with the carbon emission, that whole, you know, there was no clear correlation with all of the environmental statements made to the visitors, impact of visitors, as well as the building permits and, and that whole process. So, I apologize. I scribbled my notes. And, and if Corp. Counsel could answer it. And this is my question on an arbitrary act of government through the passage of this bill. Thank you. I guess, what does that mean and what is your opinion on that?

CHAIR LEE: Ms. Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. And thank you, Member Sugimura, for that question. So, that's one of several potential

basis for challenges to this bill that have been brought up through public testimony. We would welcome the opportunity to discuss this in executive session. But because it goes directly to the defensibility or the illegal basis for challenge, and our likelihood of success we're not, we prefer not to do that in open session. But we're prepared to go into executive if, if the body wishes.

COUNCILMEMBER SUGIMURA: Okay. Thank you. So, I, I would like to ask for executive session if the other Members would allow it, based upon what Corp. Counsel just advised us for a bill, and the concerns that were brought up through testimony. And I'm concerned about the liability of the County and us, Councilmembers, personally, I don't know if there will be, if we pass something that has an arbitrary act of government. Thank you.

CHAIR LEE: Alright. Members, is there a consensus to go into executive session? Apparently not, Member Sugimura. So, your comments are on the record.

COUNCILMEMBER SUGIMURA: So, I just wanted to make sure that--

CHAIR LEE: What's that? What were you saying?

COUNCILMEMBER SUGIMURA: No, go ahead.

CHAIR LEE: Your comments are on the record asking for executive session, and your concerns about liability, etc., and the other issues mentioned in testimony. So, I, I think, you know, like I, the record will show that you have taken that position. Apparently, the other Members prefer not to go into executive session. So, we're going to have to proceed with this.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. So, I, I just would like to make my comments now that, again, Bill 60 will temporarily retain the status quo in the development of hotels and other visitor accommodations in South Maui and West Maui until expected community plans for the areas are updated, or two years have passed, whichever is sooner, because of environmental and other impacts. The community plans, more than 20 years old, is necessary for the . . . visitor accommodations' development until the updated vision, visions for South Maui and West Maui are deliberated amongst citizens and approved by the Council. The County has a history of establishing various types of development moratorium, most recently on Lanai and nobody questioned the

legality of that as states and municipalities have long been afforded substantial discretion by courts in establishing development moratorium.

From OCS, and we can bring our attorneys on from OCS as well, that maintaining status quo is a valid purpose for a moratorium. And that's usually what it's used for if the bill was developed in accordance with case law, and we saw the research that was done on moratorium across the country. So, I respectfully ask the Council's support of my motion. Support all of our residents. I, I know it's tempting sometimes to pick out a phrase or two from a closing testimony, but none of that has been proven. That is all speculation. So, so I ask for the Members continued support of this bill. Thank you, Chair.

CHAIR LEE: Alright. Thank you. Anyone else?

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in strong support of the bill. I wanted to ask Member Sugimura if she consulted with Corporation Counsel about the, her questions that she has been asking to go into executive session?

COUNCILMEMBER SUGIMURA: You're asking me if I asked this question before this moment?

CHAIR LEE: Okay. Let's, we're not debating this issue.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR LEE: I, I had already ruled on it, yea? We're not going into executive session and those issues she brought up about legal questions are on the record, so we're past that already, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I only asked because I, I consulted with Corporation Counsel privately, so that I could hear their legal analysis, as Member Sugimura has shared her concerns. And I had an opportunity to talk through those, their legal analysis to hear, you know, the potential of what arguments have been made by the opposition. And, you know, that's what court is for. Each side makes their legal arguments. And the judge decides, you know, what the law, what the interpretation of the law is. And I think our attorneys, you know, did a good job at crafting it to be as legally defensible as possible.

And so, I, I think it's, it's good. And I, you know, I spoke in strong support of it in Committee and first reading. And I think it's something that our community has, you know, begged us to do. And so, I, I support this moving forward. Mahalo, Chair.

CHAIR LEE: Thank you. Anyone else?

Member Molina, and then Member Paltin.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. You know, I've never been a fan of moratoriums. I sort of look at a moratorium as like having to take a bad-tasting cough medicine. But if you have a cough and you're sick, sometimes you have to do what you gotta do. And I think our community is coughing and, and stressed out with the impacts of the tourism industry, as well as the lack of attainable housing. We heard it from a testifier this morning, there's a lot of despair and, and almost like no hope for our younger generation to, to get a house; you know, people moving away.

And certainly, these are things we can't control with the cost of living and supply and demand. And we have a limited supply of land. We live in an island environment. So, this is not like California or Texas where we've got a lot of land. We sometimes have to use measures like this to control an industry, which has been both a blessing, and to some, also a curse.

And it's interesting that back when we had the Bill 10 hearings, we had a construction lobbyist telling us that, you know, construction workers get greater satisfaction out of building affordable housing versus hotels. Well, now is the time to take that pause and, and reassess what we want to do, not only with this industry but also how we can expedite more attainable housing, especially for our employees of these very industries, the visitor industry and construction industry. And this is about hotel expansion and visitor accommodation. While, true, it will create jobs, but as Mr. Sinenci read out earlier, there's not enough qualified skilled workers to, to do the necessary jobs related to hotel and visitor accommodation expansions. So, that means you're going to have to bring in more workers off-island, you know, from Oahu or the mainland. More people, more traffic, so, you have that variable to consider.

So, you know, we have to, government, to me, has a responsibility. When it comes to health and safety, and this could be argued that this is a health and safety issue. You know, if our community starts to get stressed out because of traffic congestion, quality of life being impacted, you, you, you create a whole different kind of mindset. And it not only destroys the visitor experience, then local residents will become resentful. And then you're going to start having altercations. And that's not good for the perception of our County. What is good is that when government has to step in and

say, hey, let's take a timeout. Let's reassess things. Let's address any environmental concerns that hotel or building expansion will cause, and let's address the impacts to our infrastructure.

While the, this does generate revenue, but a lot of money on these hotel properties, from these hotel properties, which are owned by offshore investors, does not stay here, okay. And many of these jobs are not sustainable living wages, okay. And these are, you know, temporary jobs. And then once the job is finished, then, then what next?

So, this is why I, I think that this might be the right time to consider a tool like this, although it's not something that we all want to do. We did one 30 years ago, and I'm sure maybe the reasons were the same, or not, but I see some similarities with this. So, government is entitled into what it has to do when it comes to a health and safety issue as well. And which I can see this becoming if government doesn't intervene.

So, I think we, we have the right to do this as government officials. We have to do something. If we do nothing, then the problem just exacerbates and then that's when the community is going to get stressed out. And I don't want to see any altercations or, or having our visitor experience shattered, cause we don't want to see that. So, sometimes, you know, sometimes the popular thing is not always the, the, you know, the best thing, but this is the right thing to do at this particular moment in time. And it's just temporary.

And I believe we'll rebound should this thing pass, this moratorium pass. Time will fly and I believe we'll, we'll come out with flying colors. Call me hopelessly optimistic, but we came through after the moratorium in the 1990's, everything rebounded after that.

So, it's just, just time for this right now too. Sometimes we gotta walk the line and make some bold and tough decisions. And this Council has never shied away from that. So, if litigation occurs, so be it. But my argument is this is a health and safety issue and also, protecting our environment. After all, this is why, this is part of our economy. We gotta do what we can to protect the environment and keep that visitor experience a positive one. So, I will support the, the measure on the floor. Thank you, Madam Chair.

CHAIR LEE: Thank you.

Member Sinenci, did you speak? You're muted.

COUNCILMEMBER SINENCI: Just, no, ditto what Member Molina said.

CHAIR LEE: Okay. Then, Mr. Johnson, I saw you peep in a few minutes ago.

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I, I hope you, the body bared with me as I did my travels. And someday they'll build a bridge. No, I'm just kidding. No bridges. Yea, I, I believe in the moratorium strongly. I think the, you know, the, there's a lot of wisdom on this, in this body. Many years, that go back and when I hear Councilmember Molina's historic Council and the old moratorium, and that really speaks to me that we are using the powers that we have to protect our community.

And I don't, I don't begrudge lobbyists who are basically doing their job to say no, we want to have, you know, we want to push as far as we can go. But we would be remiss for us not to do our jobs to protect the folks, to protect our communities from over, overexploitation of fun in the sun, if I can quote fun in the sun destinations. We're more than that and we're better than that.

And there's a culture here. And this is a way that we take a pause, and we look at what we're really doing. What are we dependent on? We're depending on fossil fuels to bring people across the ocean. And that's a, that's a burden. There's a burden in that. There's a cost in that. So, I, I stand strong in the, in support of this moratorium and I hope the body does too. Aloha. Mahalo, Chair.

CHAIR LEE: Thank you.

Member Paltin, did you want to say something?

COUNCILMEMBER PALTIN: Thank you. I just wanted to reiterate for the record, you know, a lot of these problems that we're dealing with, a lot of the solutions that our residents are asking for, is held up by the U.S. Constitution who are asking if we can house our residents first. People are asking if we can stop the planes from coming. People are asking if we can put this tax on the incoming visitors similar to, like, the Galapagos or these other places that can do it, because they're an independent nation like we are. We're just under a prolonged occupation by the United States. So, you know, whether this is legal, I'm saying the occupation is illegal.

So, you know, if you have to do what you have to do, you gotta do what you gotta do. So, I'll vote in support, because we're not being allowed to determine our own destiny. We're not being allowed to control our own borders. We're not being allowed to even set our own capacity for an island. You know, you got capacities for the pool now, you got capacities for buildings.

And us, with our limited land space and our limited resources, we're being infringed upon by the United States of America. They're setting up the Jones Act to hold us down, and all of their paper regulations, and they're not following their own Constitution. So, that's the reason why I'll be supporting this legislation. Thank you.

CHAIR LEE: Member Sugimura, you really didn't have a chance to speak, cause you were only asking about a question from--

COUNCILMEMBER SUGIMURA: I'm fine.

CHAIR LEE: --a pre, a previous discussion. Did you want to say something else?

COUNCILMEMBER SUGIMURA: I'm fine. No, I, I--

CHAIR LEE: You're good?

COUNCILMEMBER SUGIMURA: That was my major question. And I've tried different ways through Committee and first reading, and now we're at second. I'm concerned about the legal aspects of this bill and its implication. Thank you.

CHAIR LEE: Okay. Alright. If you let me, allow me to just say a few words and then we go straight to the vote? I will be voting "no" on this, again, for the same reasons I gave you before. Because even though this is a well-intentioned policy and proposal, I think that this is the wrong tool for, at the wrong time.

I have similar concerns as Member Paltin. I really believe that we need to do things now, quickly, concrete solutions, manageable remedies. We, we started with the caps on STRH's. I think that's great. I wish we could find a way to limit seats on the airplanes. Don't forget, you talk about history, I'm the only one that's been here 30 years ago. And I was, I voted against the extension of the runway. And boy, did I get it for it. All kinds of heat came down on me. But still, I believed in that at that time. And I, till today, that stopped a whole bunch of tourists from coming here. But that was legal.

Finding ways to limit rental cars, coming up with creative suggestions for mass transit, shuttle, using shuttles and so forth. These are the kinds of solutions I hope we can come up with, and quickly, because that way we can get to the heart of the problem, right away. But I understand everybody's point of view, and I certainly appreciate how you, how you think about these things. I just don't agree with all of it.

So, is everybody ready for the vote? All those in favor of the motion, raise your hand and say "aye".

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

CHAIR LEE: So, we have one, two, three, four, five, six "ayes".

No?

NOES: COUNCILMEMBER SUGIMURA AND CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

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

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: Alright, Members, that takes care of that one.

Now, we just have, Madam Clerk, are you still there?

COUNTY CLERK: Yes, I am, Chair. And we still need a disposition for County Communication 21-298.

COUNCILMEMBER PALTIN:

MOVE TO FILE.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez, to file the item.

Any more discussion? 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: It looks like seven "ayes". Oh, thank you. Eight "ayes", one "excused"; motion carries.

COUNTY CLERK: Thank you.

CHAIR LEE: Madam Clerk.

ORDINANCE NO. _____
BILL NO. 61 (2021)

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

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 61 ON SECOND AND FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to move bills, to pass Bill 61 on second and final reading.

Discussion? Any discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 61, the proposed bill corrects an inadvertent error in Ordinance 5209, Bill 38 by incorporating the amendment approved by Ordinance 5203, Bill 20 (2021). I ask for the Members continued support of this motion. Mahalo, Chair.

CHAIR LEE: Okay. Any more discussion? Oh, there's feedback. 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.

CHAIR LEE: Mr. Johnson?

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

ORDINANCE NO. _____
BILL NO. 62 (2021)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING
ORDINANCE RELATING TO ZIPLINE, CANOPY, RAPPELLING, AND BUNGEE
JUMPING COMMERCIAL OPERATIONS IN THE AGRICULTURAL DISTRICT

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS BILL 62 (2021) ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Vice, who? Oh, was it Vice-Chair or Sugimura? Member Sugimura. Bill 62 on second and final reading.

Discussion? Member Paltin.

COUNCILMEMBER PALTIN: The Planning and Sustainable Land Use Committee discussed the impacts of bungee jumping, canopy tours, rappelling, and zipline operations throughout the County.

Supporters of the bill stated the, the negative impacts of these recreational activities caused a significant burden to surrounding properties, permitted uses, including livestock raising and farming dwellings.

The Committee also discussed the environmental and safety concerns of rappelling in and around waterfalls, which will now require a 500-foot buffer for special use permits. Input from existing zipline operators was also taken into consideration to create reasonable legacy provisions and a pathway to compliance for existing businesses.

I ALSO MOVE TO AMEND BILL 62 (2021), WITH THE ASF
ATTACHED TO COUNTY COMMUNICATION 21-299.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Member Paltin. Member Paltin, you should have done that in the beginning, the early part. But that's okay. And seconded by Vice-Chair Rawlins-Fernandez.

Okay. Now you can speak on the amendment.

COUNCILMEMBER PALTIN: Okay.

THIS FIRST AMENDMENT FOR BILL 62 MOVES TO AMEND
BILL 62 AS FOLLOWS:

DELETE "COMMERCIAL OPERATIONS" AND REPLACE WITH
"ACTIVITIES" IN THE TITLE IN SECTION 1;

SECONDLY, DELETES HYPHENS FROM "FIVE HUNDRED FEET" IN SECTION 4;

CORRECTS THE LEFT MARGIN IN SECTION 6; AND

4) CONSISTENTLY CAPITALIZES "STATE" WHEN REFERRING TO THE STATE OF HAWAII, CONSISTENT WITH THE DRAFTING GUIDE FOR MAUI COUNTY LEGISLATION".

IF MY MOTION IS APPROVED, DELETING "COMMERCIAL OPERATIONS" WOULD ENSURE THE LEGISLATIVE INTENT TO PROHIBIT CERTAIN ACTIVITIES WHETHER THEY ARE OF A COMMERCIAL NATURE OR NOT.

I RESPECTFULLY ASK FOR THE MEMBERS SUPPORT OF MY MOTION, AS AMENDED, AND TO FILE COUNTY COMMUNICATION 21-299.

CHAIR LEE: Okay. So, you, you sort of explained it along the way. Any more discussion?
No.

Any more questions or discussion on the proposed amendment? If not, all those in favor of the amendment, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

You have another amendment?

COUNCILMEMBER PALTIN: Yea, I got another amendment. I hope you guys got it in the email.

I MOVE TO AMEND BILL 62 BY:

AMENDING THE LIST OF PRINCIPAL USES IN THE AGRICULTURAL ZONING DISTRICT IN SECTION 3 TO EXCLUDE ZIPLINE, CANOPY, AND BUNGEE JUMPING COMMERCIAL OPERATIONS THAT MAY BE INCORPORATED INTO THE RESTORATION OF A HISTORIC SITE; AND

TO AMEND TRANSITIONAL PROVISIONS IN SECTION 8 TO ESTABLISH THAT THE STANDARD FOR COMMERCIAL ZIPLINE OR CANOPY TOURS THAT RECEIVED APPROVAL AS A PRINCIPAL USE ARE THE SAME AS THE STANDARDS FOR THOSE THAT RECEIVED APPROVAL AS AN ACCESSORY USE; AND

(2) WAIVE RULE 19.C. OF THE RULES OF THE COUNCIL TO ALLOW THE COUNCIL TO PASS BILL 62 ON SECOND AND FINAL READING, AS AMENDED.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Wait. You, you have that all in one amendment proposal?

COUNCILMEMBER PALTIN: Well, this one is in one. I had two amendments. The other one, we disposed of.

CHAIR LEE: Okay. Okay. No, we didn't dispose of it yet.

COUNCILMEMBER PALTIN: Oh. You want me to speak to that second amendment?

CHAIR LEE: No, no, no. That's alright. No.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Usually, usually we handle the Rule separately, but it's late. Okay. You want to speak to that, what you just proposed?

COUNCILMEMBER PALTIN: Sure. Okay. If my motion to amend is approved, the bill's text will be amended as follows:

In SECTION 3, the underscored text will be added to the seventh numbered paragraph in Section 19.30A.050(A), Maui County Code:

"7. Retention, restoration, rehabilitation, or improvement of buildings, sites, or cultural landscapes of historical and archaeological significance; this does not include zipline, canopy, and bungee jumping commercial operations that may be incorporated into the restoration of a historic site, which require a conditional permit under chapter 19.40."

In SECTION 8, the underscored text will be added to second paragraph.

"A commercial zipline or canopy tour in the County Agricultural District that received approval from the County as a principal use or as an accessory use as of the effective date of this Ordinance and that is operated on a parcel or multiple contiguous parcels smaller than 50 acres must meet the requirements of Section 19.40.080(D), Maui County Code, within 30 days of the effective date of this Ordinance but may otherwise continue as a nonconforming use in accordance with Section 19.500.110(C), Maui County Code; except that no later than one year from the effective date of this Ordinance, the owner or operator of the commercial zipline or canopy tour must either obtain a Conditional Permit or cease operation of the nonconforming use."

The Planning Director has advised that these amendments to Bill 62 will ensure the bill fulfills the Council's stated legislative intent for commercial zipline and canopy tours.

CHAIR LEE: Okay, so you also asked to, about Rule 19.C., right? Now, I need to just get a clarification from, oh, did you work with Corp. Counsel on this?

COUNCILMEMBER PALTIN: I worked with OCS attorneys on this.

CHAIR LEE: Okay. I need to ask Corp. Counsel. Corp. Counsel? Ms. Thomson?

FIRST DEPUTY CORPORATION COUNSEL: I think what you're asking is whether it's proper to pass this on second reading, and or whether it should come back. And it should probably come back because this is a pretty significant change.

CHAIR LEE: That's what I thought. The first, the first change was fairly minor. Okay, but, cause you're talking about whether this was posted and whether people could have anticipated this type of change, Ms. Thomson?

FIRST DEPUTY CORPORATION COUNSEL: Yes.

CHAIR LEE: Okay. Did I just give you a hemorrhage, Ms. Paltin?

COUNCILMEMBER PALTIN: No, it's more like a migraine; pounding.

CHAIR LEE: Okay. I, I'm perfectly willing to try and work through this. I just don't want to do anything that, you know, is going to be called back or challenged.

Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This looks like it was worked on by DMR, so, which is Mr. Raatz, who is also an attorney. And I'm thinking that they considered this a nonsubstantive change, otherwise they wouldn't have advised Member Paltin.

CHAIR LEE: I don't agree with you, I don't agree with you on that. It's, it's up to us whether we consider something substantive or nonsubstantive. To me, this is substantive, unless Ms. Paltin tells me otherwise.

Ms. Paltin.

COUNCILMEMBER PALTIN: I just was wondering if this could be a, a thing that we lay on the Clerk's table and print the ASF in the agenda in two weeks, instead of referring it back to the Committee?

CHAIR LEE: We could do that.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Paltin, it, it wouldn't be recommitted to Committee. It would, we would just need to have another reading on it if we deem it substantive, which I still don't think is substantive.

COUNCILMEMBER PALTIN: Okay. And just for all the people that are emailing me, I tried. Everybody that wanted it to pass today, it's not my call.

CHAIR LEE: Okay, Ms. Paltin,

COUNCILMEMBER PALTIN: Yes?

CHAIR LEE: What is the urgency for this, passing it today? I have no connection to this at all. I don't know who is going to be impacted, who's not going to be impacted. I'm just looking--

COUNCILMEMBER PALTIN: Oh, you're not--

CHAIR LEE: --at procedure.

COUNCILMEMBER PALTIN: You're not getting the same emails that I'm getting?

CHAIR LEE: No.

COUNCILMEMBER PALTIN: Pass it, pass it now.

CHAIR LEE: No, but why? Is there something coming up that it has to be passed today?

COUNCILMEMBER PALTIN: No, it's just the will of the people that are emailing, I guess. You know, I'm trying to listen to them, but.

CHAIR LEE: I know, but it's not your fault. We're talking about procedure.

COUNCILMEMBER PALTIN: Okay, main thing you said that for the record.

CHAIR LEE: Yea.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I know you think it's substantive, but may I please call on Mr. Raatz to explain why they advised Member Paltin to waive Rule 19.C.?

CHAIR LEE: David, are you on the call? David, are you on the call? See, we drove him to go home. He went home. He doesn't want to deal with this. I wouldn't either.

DIRECTOR OF COUNCIL SERVICES TRACI FUJITA: Chair.

CHAIR LEE: Yes.

DIRECTOR OF COUNCIL SERVICES: This is Traci. David is here. I'm not sure why he's not popping up. But I can, I can help explain.

CHAIR LEE: Okay. Please explain.

DIRECTOR OF COUNCIL SERVICES: So, the, the issue about the substantive nature of the revision has to do with the Council Rule. There's a Rule that, that Councilmember Paltin was going to waive in order to pass the bill on second and final reading with an amendment. But the issue about substantive doesn't come up when you're applying the Sunshine Law. So, the Sunshine Law, it has a, a much, the revision, revisions can be substantive under the, under the Sunshine Law. So--

CHAIR LEE: If they're posted. If they're posted.

DIRECTOR OF COUNCIL SERVICES: No, not even, it doesn't have to be posted even. The Council has discretion to make revisions on second and final reading, even if they're substantive. But the, the reason why this issue about substantive comes up, it's because of your Rule. It's not the Sunshine Law. So, if you waive your Rule, it can, the bill can be passed on second and final reading today.

CHAIR LEE: Okay. So, you know, let's be very candid, Tamara, is this substantive or not substantive? Forget, forget the, the calls and the criticism. Just pretend we're just talking words.

COUNCILMEMBER PALTIN: Okay, so--

CHAIR LEE: Is this substantive or not?

COUNCILMEMBER PALTIN: For me, the reason why it's not substantive is because, you know, every time that everybody was asking, so will this solve our problem, can the County enforce it? And every time people are like, yes, this will solve the problem. Then somebody in the Planning said, oh we just figured out it won't solve the problem because this person is like doing something this way, and in order to solve it, you need this amendment.

So, I think all along in every single time we heard it for three hours or whatever, people were expecting this to be the outcome of the bill as amended. But then, for whatever Planning mumbo jumbo stuff, they figured out it wasn't going to have the effect that they had told people that it was going to have. And so, this is, I consider it nonsubstantive, because it's making the Planning Department not liars, or something.

CHAIR LEE: Okay. This is my perspective. I think, I think this was an oversight by the Planning Department. But if this is targeting one company, then I think we have a legal issue here. So, if it can wait two weeks, stay on the Clerk's table where there's sufficient notice to everyone, then, then we are free and clear, you know? Or we can handle it today knowing that one company is going to be affected.

COUNCILMEMBER PALTIN: Okay, that's safer, I guess.

CHAIR LEE: Well, that's how I see it, you know. And, you know, if this, if there was some kind of time deadline on this, or something like that. But is this worth a lawsuit, waiting two weeks?

COUNCILMEMBER PALTIN: Well, not for me, personally. But, I mean, you know we're going to get some emails.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Chair. Okay, so it sounds like the discussion is not about Sunshine Law, but whether you feel this amendment would be unfairly targeting one company or not. Because if that is the concern, then even if we lay it on the Clerk's table, post the amendment, and then agendize it, and, and, and do it that way, it would still unfairly target one company if that's how people are understanding it.

And I, I don't think it does that, because it's, it's very broad in saying that this does not include zipline, canopy, bungee jumping commercial operations that may be incorporated into the restoration of historic site, which require a conditional permit. So, I think it, it's just reiterating what is currently the process. And so, we're helping to clarify that enforcement and procedures from the Department's side so that we're, we as the policymakers, are being responsible in incorporating the necessary language to bills, so that they are able to carry out the intention of this body.

And so, as far as Sunshine Law goes, I think Ms. Fujita explained that substantive or not substantive is not relevant to Sunshine Law. It's only relevant to our Council Rules. And so, if we deem this something that was discussed, and that was the intention when we discussed it in PSLU which is something that we talked about, that it would be foreseeable. That someone who would be impacted by this new language would have had this on their radar their whole time. So, I, Sunshine Law is about notice. Our Council Rules for Rule 19 is also about notice. And, and I think they've had proper notice and they've been following this all along. So, I, I think we're in the clear as far as legal issues go.

CHAIR LEE: I don't think we're in the clear. I, I totally disagree with you. I, I totally disagree with you, because, especially on page 9, I think this is one of the key changes, "as a principal use or as an accessory use". Now, substant, I asked about substantive change, and this is a substantive change, yea?

And we have had interpretations from Corp. Counsel in the past, that when there is a substantive change on second reading and it's not agendized, then it has to remain on the Clerk's desk until the next Council meeting when you, when there's sufficient time to agendize the item. Now, so, I, I don't think we can just arbitrarily decide on Tuesday what is substantive, and on Wednesday change our minds on what is substantive. This is substantive.

And I bet Ms. Paltin will say it's sub, substantive. That's why she's willing to, to wait two weeks. Because the only reason why she wants to move it today is because of the calls she's been getting and people are anxious to make sure that these words are put into, into the bill, which were left out. So, nobody, because they were left out until today, nobody would have known that we would have changed it today, right? Cause it would have, it wouldn't have had notice. So that is--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, they're definitely tracking it.

CHAIR LEE: Huh? What's that?

VICE-CHAIR RAWLINS-FERNANDEZ: They are definitely tracking this. I, I, I have no doubt. But, Chair, the question about substantive or not substantive falls under our Council Rules, Rule 19.C. And if we waive that, which we have done pretty routinely, then there, there's no legal issue. That's only, Council Rules is just our, how we operate. It, it's not a legal issue.

CHAIR LEE: I recall, in recent history, we have laid a number of things on the Clerk's desk. Why would we have done that? Bill 10, for example. I mean, that laid on the Clerk's desk, I mean, it camped on the Clerk's desk for a while.

VICE-CHAIR RAWLINS-FERNANDEZ: Right, and so those had other factors. And so, for this particular bill, it, we could be setting our own bad precedent if we're stating, you know, substantive or not substantive is a legal issue. It's, it's our Council Rules issue. And so, this body has the power to override its operating Rules, which is what the Council Rules are. So, it's not statute, it's just our Council Rules.

CHAIR LEE: I, I see it differently from you. I see, you know, if this wasn't, to me, substantive, I wouldn't really, it wouldn't bother me one bit. But I'm really thinking of the Council as a whole. And I, I have to say that this seems like a substantive change.

And I don't know, Member Paltin, I keep going back to you because you're proposing it. If you tell me it's nonsubstantive, we'll just go with that. How's that?

COUNCILMEMBER PALTIN: I'm, I'm not a lawyer. I'm a lifeguard. And this has got just dropped into my lap. I don't know.

CHAIR LEE: Okay, so what you're telling me, it's substantive, come on?

COUNCILMEMBER PALTIN: Okay. Whatever.

CHAIR LEE: It's substantive.

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Fujita is a lawyer. And we can have her speak again to it about the legality of, of whether we can take it up today.

CHAIR LEE: Tell me, why did Bill 10 sit on the Clerk's desk for several weeks, as well as other bills? As well as other bills? That wasn't the only one.

VICE-CHAIR RAWLINS-FERNANDEZ: Because--

CHAIR LEE: Why is this so important that we deal with it today? Why is it? Why not follow procedure?

VICE-CHAIR RAWLINS-FERNANDEZ: I think Bill 10 requires six votes. And I can't remember if, perhaps, I mean, Rule, waiving Rule 19.C. requires six votes, and I can't remember if we had six votes.

CHAIR LEE: Well, we couldn't have not had six votes for several weeks. There were changes made to the bill, and that's the reason why it stayed on the Clerk's desk. And that wasn't, and that's one of several. That's just one of several. You know, can't you see there's a reluctance on the part of Member Paltin?

VICE-CHAIR RAWLINS-FERNANDEZ: Well, Member Paltin is, as she stated, she, she just feels uncomfortable cause she is not a lawyer. But this isn't a legal issue, as Ms. Fujita pointed out. I do have a law degree, but I'm happy to defer to someone who has a, a law license. I don't have my license.

CHAIR LEE: Okay. But Ms. Thomson just told us it was substantive.

VICE-CHAIR RAWLINS-FERNANDEZ: The question of substantive or not substantive is not Sunshine Law. I, I can call on, may I call on Ms. Fujita again?

CHAIR LEE: Well, why choose the attorney? Our Corp. Counsel said, she told us if it's substantive that it has to lay on the Clerk's desk or be recommitted.

VICE-CHAIR RAWLINS-FERNANDEZ: And we can, I guess we can, since this is a procedural matter, we could also call on our Clerk as our parliamentarian.

CHAIR LEE: You mean? Okay, well, Ms. Thomson has her hand up. Go ahead, Ms. Thomson.

FIRST DEPUTY CORPORATION COUNSEL: Chair, thank you. I just wanted to chime in very briefly. So, we use the word "substantive". In the law, which I'm reading, if this is about notice, as you were saying, Chair, we use the word "substantive" to, to mean the same as an item of reasonable major importance. And agendas are meant to be informing the public, you know, of your agenda items. So, before you change something or add something that's of reasonably major importance, it's important, it's obvious to give notice to those who may be impacted so that they may have the opportunity to participate and offer testimony should they wish to support it or oppose it. So, that's, that was where my advice is coming from. It's HRS 92-7.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Thomson, the question is for you. As far as the standard for Sunshine Law, the, whether an amendment, so the standard is whether an amendment transforms the bill into a completely different law under the Carlsmith case. And so, this bill doesn't rise to that level of transforming this bill into a completely different law.

FIRST DEPUTY CORPORATION COUNSEL: Thank you for the question. Of course, it's a matter of degree. But the conservative approach would be to schedule this in the next two weeks and allow whatever public may be impacted via the opportunity to come and tell you what they think. I do agree that, you know, this, it's not a gut and replace, but I think there has been a lot of discussion by the Members that this is a specific inclusion to address a circumstance that is not addressed in the bill that was posted today. So, I . . . waiting two weeks.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: So, Ms. Thomson, wouldn't this be just setting us up for, for bad precedent of just being ultra-conservative in our approach?

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Member Rawlins-Fernandez. I don't think so. But, you know, we prefer to err on the side of caution. But this is the, it's the body's will. So, you know, we can just advise, but we can't dictate.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Ms. Thomson. And so, you know, in law school, we're taught that everyone has their opinions. And the same thing why you go to a doctor and you get a first opinion, you go to another doctor you get a second opinion, you go to a third doctor you get third opinion, because we're all humans, right? And we're all trying to do our best.

And as far as intention goes, that's, when you get to court if someone's going to sue us, then the legislative history will be part of that record to substantiate whether we were working in good faith or not. And I believe that we were or are. And I, I would like to give Ms. Fujita an opportunity to respond to the comments that was made by Corporation Counsel.

CHAIR LEE: And then we're going to take a vote on this and end it.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Ms. Fujita. Ms. Fujita.

DIRECTOR OF COUNCIL SERVICES: Yes, Chair. Yea, I, I, I still don't agree that these amendments rise to that level that would require to Council to not be able to pass the bill on second and final reading. It, under that Carlsmith case, the Council is given quite a bit of latitude in making revisions. That's the whole purpose of the public hearing, taking testimony, is to take into account what the public is saying and revise legislation accordingly. So, if Council was never allowed to make those types of revisions before passing this could go on forever. And under that same reasoning, the budget bill would never get passed on second and final reading cause there's a lot of amendments that are made in the budget bill at second and final reading. They're all substantive, but they don't rise to that level.

CHAIR LEE: Yea, but those are time-sensitive, okay. There's nothing time-sensitive about this.

DIRECTOR OF COUNCIL SERVICES: Yea. The, the standard though on the Sunshine Law is that it, like Vice-Chair Rawlins-Fernandez said, you have to, it has to transform the bill into a totally different type of law. And it's, it's just, you know, in all my time in, in advising Council, I have not seen it rise to that level. We don't do the gut and replace as done at the State Legislature, which to me is a clear example of what's not permitted. But in all my years, I've not recall, I can't recall a time when Council was not able to revise a bill at second and final reading because it transformed a law into a totally different law.

CHAIR LEE: Okay. Thank you. Thank you for your perspective. I still don't agree with you, because I think this is substantive and we, we've had a number of items that laid on the Clerk's desk; probably a dozen or more. So, Vice-Chair Rawlins-Fernandez, why don't you make the motion. You make a motion, and everybody will vote on it, and we can dispose of this once and for all.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Paltin has made the motion and I seconded it. And the motion is--

CHAIR LEE: No, no, no, no. No, we're going to make, the motion is to whether this will pass today or remain on the Clerk's table. Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay, so that--

CHAIR LEE: --to handled first.

VICE-CHAIR RAWLINS-FERNANDEZ: That, that would be the motion that's on the floor. The motion on the floor provides for the amendments. And that will determine, so if you vote "yes", then that means you don't think that, that it's substantive. And if you vote "no", then you think it is substantive and that perhaps the amendment should be posted on the agenda. Either way, it's not a legal issue. It's, it's a matter of preference of this legislative body. And the second is waiving Rule 19.C., so that we can take the final vote on, on second and final reading. So, what you're asking for is on the floor and we're, we're good to go.

CHAIR LEE: What I'm asking for is not on the floor. What I'm asking, what you're talking about and, and, you know, this is, this conversation is totally unnecessary. We could've been going home already, 20 minutes ago, okay. And that is the reason why I'm calling for a vote. Whether I win or lose is irrelevant cause I've made my point. But I don't want to beat a dead horse. Now, the motion she made was to, to pass this item, before we had the discussion. So--

VICE-CHAIR RAWLINS-FERNANDEZ: Um.

CHAIR LEE: --I want to put that motion aside, and I want to find out from the Members whether they want to move forward with this vote today or put this on the Clerk's table. That's what I'm asking for a vote on that.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. So--

COUNCILMEMBER PALTIN: You want me to withdraw my motion?

VICE-CHAIR RAWLINS-FERNANDEZ: --Chair. Chair, would you like--

CHAIR LEE: So, she just withdrew her motion.

VICE-CHAIR RAWLINS-FERNANDEZ: No, she was asking if you would like her to.

CHAIR LEE: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Would you like to take an informal poll? We can do an informal poll.

CHAIR LEE: Well, let's, let's clear the slate, okay. I just want to know from the Members, if they want to vote on moving this forward or taking a vote. So, can you rescind your motion, and then we can deal with this other procedural matter.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Okay. I hope you're enjoying this, Vice-Chair Rawlins-Fernandez? Cause nobody else is.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm putting my degree to good use. I think we can take an informal poll and we can achieve what you're asking us to do. And we'll, we'll, we're setting aside the main motion on the floor, and then the motion to amend, and then taking an informal poll on whether the Members feel that this is substantive. Or actually, it should just, do Members feel like this amendment should wait until we take it up next Council meeting? So, I'll, I'll pose that question and then we can raise our hand if--

CHAIR LEE: No, you don't have to pose that question. I'm running the meeting, okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Alright. Just thought I'd remind you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. So, my, my take from what I've, what I heard from Traci Fujita is that this is, whether it's substantive or not, it's not a Sunshine Law issue. It's a Council Rule issue. So, I would think that we would, the next step would be to vote on waiving that Council Rule. And if we do vote to waive it, then we can go ahead with the vote. But if that doesn't pass, then it just sits on the Clerk's table. But I, I was, you know, from what I heard, I'm not convinced that this is a Sunshine Law

issue. I think it's our Council Rule issue. So, which is something we can deal with internally.

CHAIR LEE: Okay. That's fine. My point is, I believe this is a substantive matter. I believe, as a result, that we should wait two weeks because it's not going to hurt anybody by waiting two weeks. So, this is not a contest. This is a procedural matter, and I am thinking of the best interest of the Council as a whole, erring on the side of caution.

Now, let's, let's cut to the chase and say, those in favor of moving this item forward and not leaving it on the Clerk's desk, raise your hand so I can see.

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

CHAIR LEE: So, we have three people who want to move this, four people want to move this forward. Okay, so five people want to move this forward.

And who would want to leave this on the Clerk's desk?

NOES: COUNCILMEMBERS MOLINA, SUGIMURA, AND
CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: And three people want to leave it on the Clerk's desk. So, Traci, how many, how many votes do we need for this? Just a simple majority?

DIRECTOR OF COUNCIL SERVICES: Right.

CHAIR LEE: Not six? Not six votes?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes? Member King.

COUNCILMEMBER KING: Don't we, don't we need six votes to pass the waiver that we would need to vote on this?

CHAIR LEE: That's what I'm asking.

COUNCILMEMBER KING: Yea, so I think that's what Traci's confused about.

DIRECTOR OF COUNCIL SERVICES: Oh. Oh, sorry.

COUNCILMEMBER KING: I don't think we're talking about how many votes we need to pass the motion. How many votes do we need to pass the waiver?

DIRECTOR OF COUNCIL SERVICES: The waiver.

CHAIR LEE: Six votes. That's why I'm asking.

DIRECTOR OF COUNCIL SERVICES: Yes, six votes. Six votes.

CHAIR LEE: Okay. So, now, going back to the waiver. You want to make the motion, Member Paltin, about the waiver?

COUNCILMEMBER PALTIN: Sure.

MAKE THE MOTION ABOUT THE WAIVER.

Is that what you wanted me to do?

CHAIR LEE: No, I--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: You have to talk, go back to your notes when it talks about 19.C.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I WILL WITHDRAW MY SECOND.

And then, Member Paltin can withdraw her motion. And then we can make, make it clearer for the record.

CHAIR LEE: Okay, that's what I had asked earlier, yea? And I thought that's what Paltin did. And she did. She did withdraw her--

VICE-CHAIR RAWLINS-FERNANDEZ: Motion--

CHAIR LEE: Okay, so now we have a clean set, we have a clean slate. And we're now on Rule 19.C. Okay?

Right, now you make a motion, Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE, I MOVE TO WAIVE RULE 19.C. OF THE RULES OF THE COUNCIL, TO ALLOW THE COUNCIL TO PASS BILL 62 ON SECOND AND FINAL READING, AS AMENDED.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Second. Moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez, to waive Rule 19.C.

Okay. Any more discussion? All those in favor of waiving Rule 19.C., raise your hand and say "aye".

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

CHAIR LEE: I see one. Member King, Member Sinenci, Member Paltin, Member Vice-Chair Rawlins-Fernandez. And I assume Mr. Johnson?

COUNCILMEMBER JOHNSON: Yes, Chair, "aye". Thank you.

CHAIR LEE: Okay. All those opposed to waiving Rule, the Rule of the Council 19.C., raise your hand.

NOES: COUNCILMEMBERS MOLINA, SUGIMURA, AND CHAIR LEE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Three; Member Sugimura, Member Molina, and Member Lee. So, motion fails. So, we're going to leave this matter on the Clerk's desk, okay, for two weeks, and then post it for the next Council meeting.

Alright. Let's see, where were we? Madam Clerk?

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Madam Clerk, would you like us to, like clear the slate completely? Because we still have a main motion with a second. I think that's easier, cause then we don't have to remember, like, oh, who made the motion, who made the second? We'll just, we just clear it and then that way there isn't a main motion and second.

COUNTY CLERK: You can do that. There's the first, the first amendment that is, has already been approved for action. But as--

VICE-CHAIR RAWLINS-FERNANDEZ: We can do that.

COUNTY CLERK: You can--

VICE-CHAIR RAWLINS-FERNANDEZ: Leave the main motion?

COUNTY CLERK: If you can withdraw that second, that second ASF, and, what you did, so then you can leave the, the main motion open.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

COUNTY CLERK: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. Everybody understand that. The first one passed, the first amendment. That was nonsubstantive.

Okay. So, now we're on Bill 63.

ORDINANCE NO. _____
BILL NO. 63 (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.69, MAUI
COUNTY CODE, RELATING TO THE URBAN RESERVE DISTRICT

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Okay.

I MOVE TO PASS BILL 63 (2021) ON SECOND AND FINAL
READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez,
to move Bill 63 on second and final reading.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use
Committee discussed this proposed bill for the Urban Reserve District and agreed that
although the district is purposefully restrictive, it unnecessarily prohibits benign uses
such as recycling facilities and other governmental structures and accessory dwellings
on small lots.

Your Committee amended the bill to limit government structures to County structures.
And I respectfully ask for the Members support of my motion. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: One, two, three, four, five, six, seven, eight "ayes", one "excused"; Member
Kama. Motion carries.

And that brings us to the end of the calendar. What a day. Okay. Thank you,
everybody.

Oh, Kathy, before I adjourn, anything else?

COUNTY CLERK: No. I just wanted to confirm that that is no further business before the Council.

CHAIR LEE: Okay. Any last parting comments, anybody? If not, this meeting is adjourned.

ADJOURNMENT

The regular meeting of July 2, 2021 was adjourned by the Chair at 4:46 p.m.

A handwritten signature in black ink, reading "Kathy L. Kaohu". The signature is written in a cursive, flowing style.

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

Testimony of
Pacific Resource Partnership

City Council
Council of the County of Maui
Councilmember Alice Lee, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice Chair

RECEIVED
2021 JUL -1 PM 4: 22

OFFICE OF THE
COUNTY CLERK

Bill 60 (2021)—RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS

Friday, July 2, 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.

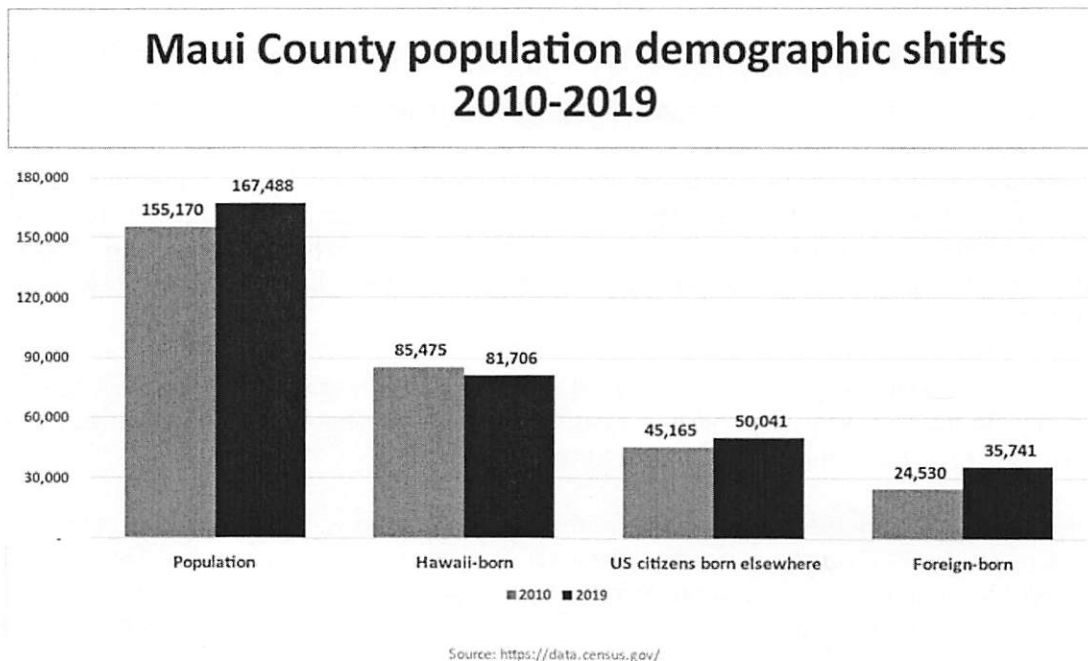
Our state has the highest cost of living in the nation and COVID-19 only exasperated the challenges for many of our residents at a time when unemployment has skyrocketed. Maui has taken a larger hit with higher unemployment rates than the state and a slower economic recovery.

Imposing a moratorium on the construction of visitor accommodations will only further hurt Maui's economic recovery. Maui's economy benefits tremendously from the visitor industry. Between 2020 and 2021, 77% of Maui's property tax contribution came from visitor-use property. Prior to the pandemic, accommodations were the largest employer for the county employing 12,900 residents, which dropped 60 percent and has yet to rebound. Limiting visitor accommodations through a moratorium will also limit the growth of other industries like construction, retail, restaurants, and many of our small businesses. These industries provide important employment opportunities for local residents who depend on these jobs to survive and raise a family on Maui.

From 2010 – 2019, there has been a decline in Hawaii-born residents and an increase in US citizen born and foreign-born residents on Maui. A moratorium will likely accelerate this trend causing Hawaii-born residents and their families to leave Maui for more job opportunities and a better life elsewhere.



(Continued From Page 1)



Bill 60 would unfairly penalize Maui's visitor industry 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 visitor accommodations will lower carbon emissions or mitigate climate-change impacts. Furthermore, there is no evidence supporting the assumption that a moratorium will limit the number of visitors coming to Maui. Instead, a moratorium will likely keep visitors out of hotel districts, causing them to seek accommodations in residential neighborhoods. This would unnecessarily harm the quality of life of local communities.

Given the above, we respectfully request that this Council to defer this measure. Thank you for the opportunity to submit written testimony.

County Clerk

From: rodantone <rodantone@mauihla.org>
Sent: Friday, July 2, 2021 10:06 AM
To: County Clerk; Kelly King; Gabe Johnson; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Yukilei Sugimura; Alice L. Lee; Tasha A. Kama; Mike J. Molina
Subject: Supplemental graph for Bill 60 testimony
Attachments: Accomodations Units vs Tourist Volume.xlsx

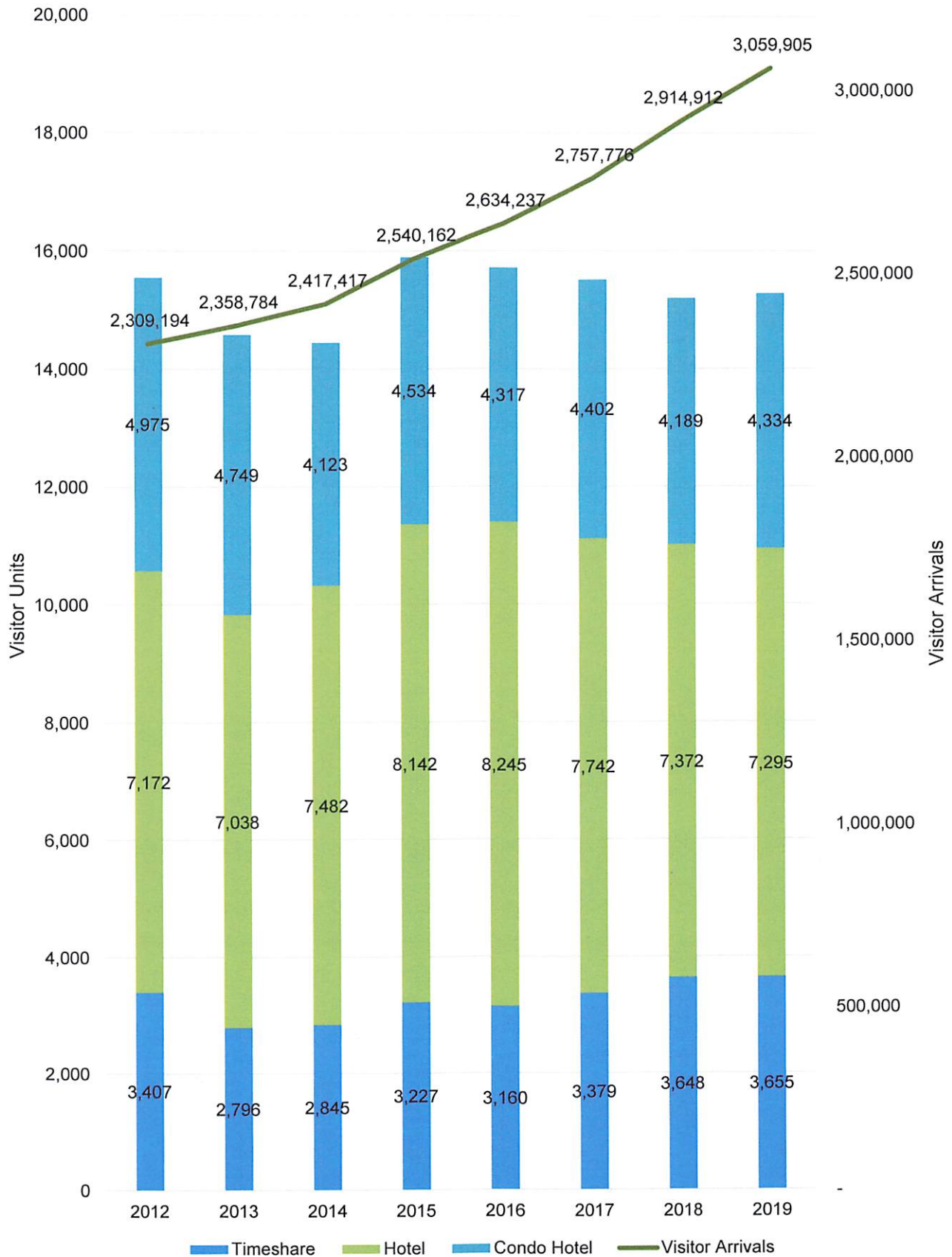
Aloha Councilmembers, here is the graph I was referring to. Also please note that when a hotel converts into a timeshare you can lose units depending on what the new design of the building will be. For example, at Maui Ocean Club they took two hotel rooms to build one timeshare unit so they could have a kitchen in every unit, so they ended up with half of the original units of the old hotel. That's why over time we had a decrease in overall units as you can see from my graph.

Mahalo and let me know if you need anything else.

Rod

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2021 JUL -2 AM 10:17
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COUNTY CLERK

Island of Maui Traditional Lodging Supply and Visitor Arrivals



RECEIVED

2021 JUL -1 PM 1:38

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII

OFFICE OF THE
COUNTY CLERK



**STATE OF HAWAII
HAWAIIAN HOMES COMMISSION**

P. O. BOX 1879
HONOLULU, HAWAII 96805

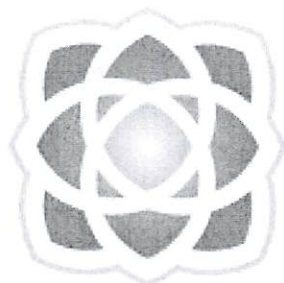
WILLIAM J. AILA JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

COMMISSIONERS
DAVID B. KAAPU, WEST HAWAII
VICE-CHAIR
RANDY K. AWO, MAUI
ZACHARY HELM, MOLOKAI
PAULINE N. NAMUO, O'AHU
DENNIS L. NEVES, KAUAI
PATTY TERUYA, O'AHU
RUSSELL KAUPU, O'AHU
MICHAEL KALEIKINI, EAST HAWAII

July 1, 2021

**TESTIMONY OF RANDY AWO IN SUPPORT OF THE COUNTY OF MAUI'S
RESOLUTION RECOGNIZING THE CENTENNIAL CELEBRATION OF THE
HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED**

Aloha Chairwoman Lee and members of the Maui County Council. I am Randy Awo and I serve as the Maui Commissioner for the Hawaiian Homes Commission. I write in strong support of the afore-mentioned resolution celebrating the Centennial of the Hawaiians Homes Commission Act of 1920, as amended. As you know, this July 9th will mark the 100th anniversary of the signing of the HHCA into law by then-U.S. President Warren G. Harding. The passing of this Act was the culmination of several years of hard work by the Ahahui Puuhonua o Na Hawaii and the Territorial Legislature to address the poor living conditions of many native Hawaiians disenfranchised from their lands after the Great Mahele and the overthrow of the Kingdom of Hawaii. Since that time, the Hawaiian Homes Commission has awarded nearly 10,000 leases to residential, agriculture and pastoral lands despite decades of insufficient funding to develop adequate infrastructure or programming to address native Hawaiian rehabilitation. We thank Council Vice-Chair Keani N.W. Rawlins-Fernandez for introducing this important resolution honoring the hard work of our Prince, Jonah Kuhio Kalaniana'ole, and strongly urge its passing.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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2021 JUL -2 AM 10:17

OFFICE OF THE
COUNTY CLERK

Bill 60
Visitor Accommodations Moratorium
On South and West Maui
Friday, July 2, 2021

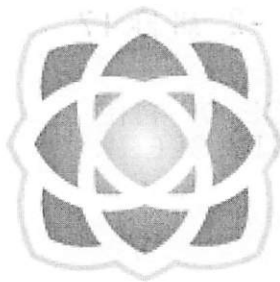
Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

We know the importance of protecting our environment, a sustainable visitor industry and economic diversification. We understand why residents are frustrated with infrastructure issues, traffic and more, but we believe there are other ways to address these issues without instituting a moratorium. We encourage the Council to study the issues and work with stakeholders to find ways to solve these problems. We again share that restricting growth will not restrict the number of visitors traveling to Maui and by not allowing growth in areas specifically zoned for visitor accommodations, you will drive them to illegal rentals in residential areas.

While we appreciate the creative thinking of Councilmember Paltin with her amendment CC 21-298 and the push for affordable housing and rentals, we have doubts that properties will be able to purchase land for residential use and build residential workforce housing units in an equal number to the amount of accommodations.

Now is not the time to hamper economic activity. Accommodations were some of the hardest hit businesses in 2020 and many are trying to catch up from a year of loss.

We are all hearing that businesses are looking for employees and understand concerns about having enough workers if there is growth. While many people are reporting job numbers, it is important to look at the source and correlate data with our County. According to Hirenet Hawaii's Hawaii Workforce Infonet, Maui County had 8,350 unemployed individuals in May, 2021. If we compare this to the average from 2019 which was approximately 2,000 unemployed individuals, then we still have about 6,350 people unemployed from the pandemic. The Maui Hotel & Lodging Association recently surveyed their members and shared that out of a little over half of their member, there are about 558 open positions. We strongly feel that in the next few months as extended benefits run out and in-person school is back in session, we will see these job openings quickly filled with opportunity to grow.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Bill 60
Friday, July 2, 2021
Page 2

Lastly, we are still concerned that if passed, this bill may face legal challenges. We urge you not to put the county in a precarious position and defer this bill until you have a legal opinion rendered by Corporation Counsel. If they feel the County is protected, we feel their opinion should be publicly shared.

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.



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VOICE OF BUSINESS

RECEIVED

2021 JUL -2 AM 10:17

OFFICE OF THE
COUNTY CLERK

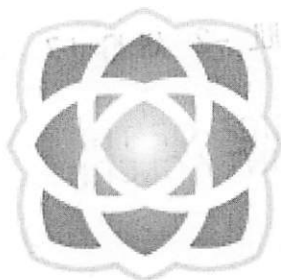
July 2, 2021

To the Honorable Chair Lee, Vice-Chair Rawlins-Fernandez and
Maui County Council Members,

We are writing to you today and signing this letter because we are concerned about the two visitor accommodations moratoriums currently being discussed. We all believe in embracing the Aloha Spirit, responsible tourism, education for our visitors, and respect for our environment and culture. We also all want to see issues like affordable housing and rentals, illegal short-term rentals, infrastructure, traffic, protection of sacred places, and education and protection of our ocean life addressed to better improve the quality of life of Maui's residents. We believe these things can be achieved by bringing the right groups together (such as government officials, industry leaders, organizations, and residents) to find winning solutions for all. We do not feel that the two moratoriums will help solve these issues and in fact, believe they will have significant negative impacts to our economy and residents.

Please consider the following:

- The visitor industry is our economic driver and supports many other industries such as activities, retail, restaurants, transportation, agriculture, manufacturing, and nonprofit organizations. With this support, other industries can grow and help to further diversify our economy. We are the most dependent county in the state on our visitor industry.
- Continuing to support this industry, which generated \$73 million in real property tax revenue from hotels and timeshares in FY21, provides the county with resources to invest in economic diversification while also raising revenue for all other programs like affordable housing and rentals, social services, infrastructure, etc. Real property tax is the biggest revenue source for the County and according to DBEDT, hotels/resort properties account for 20% of expected real property tax revenue in 2021. Additionally, 9 of the 10 largest real property taxpayers in the County are hotels and timeshare properties.
- Visitor accommodations provide employment for thousands of Maui residents, helping to provide for them and their families. In fact, the tourism industry accounts for around 75% of all private sector jobs on Maui.
- The bills will shut down opportunities for investment in our economy at a time when we are trying to recover from the effects of the global pandemic. It is important to remember the industry is recovering and had huge losses so now is not the time to do this. According to leading state economist Paul Brewbaker the opportunity cost of shutting down lodging construction for two years would be about \$200 million per year.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

- We are concerned these moratoriums will create negative impacts by spurring further illegal short term rental operations, which are often in our local neighborhoods, potentially taking more homes away from residents.
- Hotels and visitor accommodations do their part to address the environmental impacts of visitors through sunscreen education, reducing waste, switching to compostable food ware, phasing out water bottles and more. There is also no factual evidence that tourism is a major factor in environmental issues on Maui.
- We would have preferred to see the Council bring all concerned parties together into a working group to hear all points of view and work towards a sustainability plan to address both current concerns and create a map for our future.
- There are potential legal challenges to these bills and any legal challenges that the County faces impacts residents and business as time and service costs to address these are recouped through taxes and fees.

We all support sustainable tourism, but we do not believe that a shutdown on the construction of new visitor accommodations in appropriately zoned and planned hotel and resort areas is the answer. These bills will have the wrong effect at precisely the wrong time. In creating legislation, in particular a moratorium, both the positive and negative impacts must be weighed. We urge you to defer these measures to seriously consider the unintended consequences and devastating economic impact that measures like these will have on Maui's people and fragile economy.

Sincerely,

Pamela Tumpap, President
Maui Chamber of Commerce

Jerry Agbanang
Individual

Merlita Agbanang
Individual

Kui Aipa
Director of Finance
Ka'anapali Beach Hotel

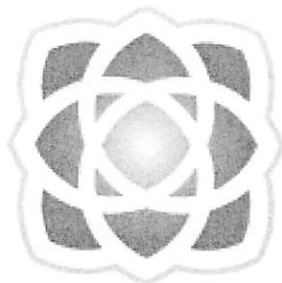
Lahela Aiwohi
Aiwohi Contracting

Mary Albitz
Individual

Rod Antone
Executive Director
Maui Hotel & Lodging Association

Joanna Awai
Director of Sales & Marketing
Maui Coast Hotel

Joshua Berlien, Chair
Construction Industry of Maui



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Joshua Berlien
Berlien Consulting LLC

Amanda Blakesley
Balance Design

MaryAnn Blanchard
Catering Manager
Fairmont Kea Lani, Maui

Dwight Burns
Hawaii Operating Engineers
Stabilization Fund

Francis Keoni Cabanting
Pool Supervisor

Kyle Caires
Maui County Farm Bureau

Monica Carpenter
Zippy's Kahului

Chris Cashabeck
Areas Group Sales Manager
Fairmont Kea Lani, Maui

Kathy Clarke
Kathy Clarke Hawaii

Gazel Correia
Individual

Kathleen Costello
Director of Marketing/Communications
Wailea Resort Association

Kat Cruz
Hospitality Employee
Fairmont Kea Lani, Maui

Michael Cuthbertson
Area Vice President
Destination By Hyatt Residences

Donnie Dadiz
Beach Supervisor
Fairmont Kea Lani, Maui

Barbara Dofa
Director of Human Resources
Napili Kai Beach Resort

David Englert
Rentals Maui Inc.

David Eseke
My Perfect Stays

Thomas Fairbanks, Owner
Old Waiuku Inn at Ulupono

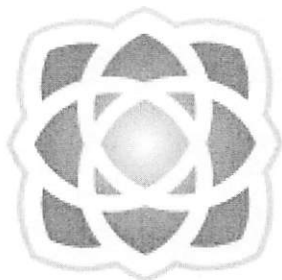
Paul Felix
Certified Business Appraiser
The Edge Consulting Group

Fred Findlen
General Manager
Hyatt Regency Maui Resort and Spa

Ron Gess
President/CEO
PWC Hawaii Corporation

Matthew Gray
Revenue Analyst
Hyatt Regency Maui Resort and Spa

Ruth Guiza
Director of Revenue
Hyatt Regency Maui Resort and Spa



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Astrid Heckert
Director of Finance & Business Support
Fairmont Kea Lani, Maui

Wayne Hedani
President
Kaanapali Operations Association, Inc.

Barry Helle
General Manager
Wailea Blue Golf Course

Sylvia Ho, Treasurer
Maui Chamber of Commerce

Jeff Hoylman
Hospitality Employee
Fairmont Kea Lani, Maui

Jody Joaquin
Assistant Director, Talent & Culture
Fairmont Kea Lani, Maui

Marcus Judge
PGA Head Golf Professional
Wailea Gold/Emerald Golf Courses

William Kamai
Hawaii Regional Council of Carpenters

John Kevan
Maui Paradise Properties

Charlene Kim
Vice-President/Operations Support
Zippy's Kahului

Eric Knez
President & General Manager
eDesign Group, Inc.

Ivan Lay
Hawaii Regional Council of Carpenters

Angela Leone, President
Professional Rental
Management Association

Angela Leone, Owner
Coconut Condos

David Maleski
StandartPark Hawaii

Perlita Manlansing
Individual

Rafael Manlansing
Individual

Terri Marinas
Individual

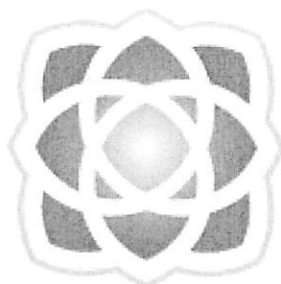
Art Marinas
Individual

Garrett Marrero
Maui Brewing Co.

JS Masson
Director of Revenue Management
Fairmont Kea Lani, Maui

M. Elizabeth May
General Manager
AAAAA Rent-A-Space

Joni McGinnis
Ameritone Maui



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Jennifer McNally
Director of Sales & Marketing
Wailea Golf Club

Dave & Cathy Medina, Owners
A Perfect Vacation Rental

Shannah Milstead
Director of Sales & Marketing
Fairmont Kea Lani, Maui

Jurg Munch, Proprietor
Lahaina Grill & Lahaina Ice Cream Parlour

Janet Murayama
Revenue Management Manager
Zippy's Kahului

Monica Natividad
Individual

Jorge Natividad
Individual

Adelia Natividad
Individual

Joe Natividad
Individual

Rick Nava, Chair
Maui Chamber of Commerce

Gregg Nelson
General Manager
Napili Kai Beach Resort

Darryl Barret Ng
Darts Properties, Inc.

Helen Nielsen
Starr Properties, LLC, Star Equities, Inc.,
Market & Main LLC

Sutee Nitakorn
Director of Sales
Kaanapali Golf Courses

Roger Nitta
Hospitality Employee
Fairmont Kea Lani, Maui

Thomas Noble
Senior Project Manager
Arita Poulson

Lowen Okamoto
Construction Manager,
Performance Infrastructure
Johnson Controls

David Olney
Director of Finance
Hyatt Regency Maui Resort and Spa

Anna Pader
Individual

Elpidio Pader
Individual

Janette Paguyo
Individual

Tylun Pang
Fairmont Kea Lani, Maui

Michael Petersen
Operations Manager
Waste Pro Hawaii, LLC



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Frank "Bud" Pikrone
General Manager
Wailea Resort Association,
Wailea Community Association

Aaron Placourakis
Owner/Operator
Nick's Fish Market Maui, Son's
Steakhouse, Manoli's Pizza Company,
Koho's Bar & Grill

Michael Pye
Area Vice President & General Manager
Fairmont Kea Lani, Maui

Michael Pye
Chair
Maui Hotel & Lodging Association

Richard Ramirez
Executive Sous Chef
Fairmont Kea Lani, Maui

Gina Rausch
Conference Service Manager
Fairmont Kea Lani, Maui

Carol Reimann, Director
Maui Chamber of Commerce

Dena Roady
Area Vice President
Andaz Maui at Wailea Resort

Leanna Robert
iTrip Vacations Maui

Yolanda Saribay
Individual

Jose Saribay
Individual

Adrianna Schillace
Food & Beverage Coordinator
Fairmont Kea Lani, Maui

Ray Shimabuku
International Brotherhood of
Electrical Workers Local Union 1186

Jonathan Starr
Starr Properties, LLC, Starr Equities Inc,
Market & Main LLC

Frederic Steineck
Elcco, Inc.

Patrick Sullivan
Sullivan Properties Inc.

Rie Takahashi
Leisure Sales
Fairmont Kea Lani, Maui

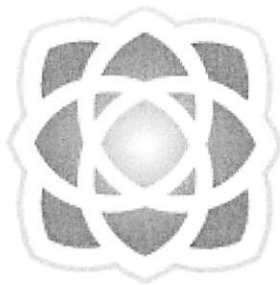
Melanie Takushi
Individual

Amy Taylor
Area Director of Commercial Strategy
Andaz Maui at Wailea

Glenda Tejano
Individual

Roland Tejano
Individual

Chuck Thorne
Hana Lava Tube



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Jan Tsukazaki
Zippy's Kahului

Lynn Uchima
Individual

Luly Unemori
Individual

Bruce U'u
Field Representative
Hawaii Operating Engineers
Stabilization Fund

Angela Vento
General Manager
Wailea Beach Resort

Rick Volner, Director
Maui Chamber of Commerce

Warren Watanabe
Maui County Farm Bureau

John D. White
Director of Sales & Marketing
Ka'anapali Beach Hotel

Tetsuji Yamazaki
General Manager
Sheraton Maui Resort & Spa

Brian Yano
Vice President, Retail
Jones Lang & Lasalle

Jasper Yun
Area Group Sales Manager
Fairmont Kea Lani, Maui



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2021 JUN 28 PM 12: 28

OFFICE OF THE
COUNTY CLERK

Maui County Council Meeting

July 2, 9AM

Testimony provided by Nick Drance

Bill 60 Relating to a Moratorium on Building Permits for Visitor Accommodations

Chair Lee, you noted, in your objection to this Bill, that other solutions exist, and they can be found. You're right but they are few. Reducing the number of visitor accommodations was specifically mentioned in a recent University of Hawaii recent report. The additional reports and studies emphasize the need to respond to resident input. My oral testimony is a condensed from a more complete written testimony which includes citations and links to the reports.

The official HTA Destination Management Plan for 2021-2023 cited significant declining resident sentiment toward tourism development. It cited 6 Objectives:

- Create positive contributions to the quality of life for Maui County's residents.
- Protection of Maui County's natural resources.
- Ensure the authentic Hawaiian culture is perpetuated
- Increase communication and understanding between the residents and the visitor industry. Receive input from their respective communities

Destination Management Action Plan 2021-3

Hawaii Tourism Authority Report

Noted Declining resident sentiment cited. It indicated that residents must have a voice in tourism development

Six objectives

- Create positive contributions to the quality of life for Maui County's residents.
- Protection of Maui County's natural resources.
- Ensure the authentic Hawaiian culture is perpetuated
- Increase communication and understanding between the residents and the visitor industry. Receive input from their respective communities

Page 11

Residents felt crowded out because 3-in-10 persons walking around Maui were visitors. Maui residents felt that tourism created traffic problems and increased the cost of living on island.

Pg. 12

The second greatest threat to Maui's tourism is Climate Change

Pg. 13

Maui Destination Management Actions

mentioned limiting the number of visitors to the island, as well as the number of rental cars.

Charting a new course for Hawaii Tourism

U of Hawaii Economic Research Organization

February 14, 2019

Page 2

Economic Contributions.

In real dollar terms, over the last 30 years, real tourist expenditures peaked in 1989 and likely fell short of the most recent peak in 2018. Increasing the number of tourists is in some respects, like a cat chasing its tail.

It noted the need for an entirely new management model and fresh new thinking.

Increasing costs for visitors

Reduce the number of visitor accommodations we have available

Targeted taxation

Additional information

- Has Maui Reached its Tourism Limit- Maui News Letter to the Editor from Dick Mayer, Sept 9, 2018
- 18 Articles primarily from the Maui News from the last two years
- Rethinking Hawaii Tourism “Time to shift from Marketing to managing Tourism” Dated May 2018 University of Hawaii Economic Research Organization Reports

Note: Updated Visitor Industry Data is available here:

https://data.uhero.hawaii.edu/#/category?id=36&data_list_id=52&sa=true&geo=MAU&freq=M

In summary, the moratorium is the main tool we have to attempt and degree of control over excessive tourism. The Countywide Plan is actually, and law and we must follow it. It's right to listen to the needs of residents. Please vote yes on this Bill.

Mahalo nui,

Nick

References and Citations follow

Destination Management Action Plan 2021-3

Hawaii Tourism Authority Report

<https://www.hawaiitourismauthority.org/media/6860/hta-maui-action-plan.pdf>

Pg. 7

Resident Sentiment

- **The 2019 RSS report showed that resident sentiment had generally weakened** compared to the previous year.
- **Providing residents with a voice in tourism development**, creating jobs with opportunities for advancement, and creating shopping, dining and entertainment opportunities are key to improving resident sentiment

Pg. 9

IV. Objectives

There are six objectives to achieve the goals and vision of the DMAP for Maui Nui.

OBJECTIVE 1 Create positive contributions to the **quality of life for Maui County's residents.**

OBJECTIVE 2 Support the maintenance, enhancement, and **protection of Maui County's natural resources.**

OBJECTIVE 3 Ensure the authentic Hawaiian culture is perpetuated and accurately presented in experiences for residents and visitors, materials and marketing efforts.

OBJECTIVE 4 Maintain and improve visitor satisfaction of their experience in Maui County.

OBJECTIVE 5 Strengthen the economic contribution of Maui County's visitor industry.

OBJECTIVE 6 Increase communication and understanding between the residents and the visitor industry. Each island within Maui Nui has its unique personality, community, strengths and challenges. To capture these distinctions, and the input from their respective communities and steering committees, each island DMAP is presented separately in the following three sections: Maui, Moloka'i and Lāna'i.

Pg. 11

V. Action Plan for Maui

Visitor behavior may also be a cause for concern

- High number of repeat visitors (71%) who are usually independent travelers (81%).
- 83% do self-guided tours or drive around the island.
- Only 21% of visitors go to historic sites and 19% go to museums or art galleries

The community's perspective on Maui's visitor industry in 2019 was not as positive. Residents felt crowded out because 3-in-10 persons walking around Maui were visitors. Maui residents felt that tourism created traffic problems and increased the cost of living on island. They also felt that visitors did not have respect for local culture or the 'aina, and their activities damaged the environment. However, specific quantitative metrics for resident sentiment of Maui residents are not published by HTA.

Pg. 12

Situational Analysis Summary for Maui

The second greatest threat to Maui's tourism is *Climate Change*

Pg. 13

Maui Destination Management Actions

The community also mentioned limiting the number of visitors to the island, as well as the number of rental cars.

NOTE: The HTA is not structured to perform the tasks it is charged with

DLNR Chairwoman Suzanne Case points to a social media campaign run by the Hawaii Convention and Visitors Bureau, one of HTA's marketing partners.

"I have to throw my colleagues at HTA under the bus, and I really like working with them and they're trying, but their catchphrase (is) '*Let Hawaii Happen.*' I don't know how many times I've looked at that and said, '**Seriously? The implied consent to do whatever and 'Let Hawaii Happen.'**'

"And that's a branded, big time, multimillion-dollar funded slogan traveling the world right now. And we're dealing with the fruits of that perception. It's happening all right."

Charting a new course for Hawaii Tourism

U of Hawaii Economic Research Organization

February 14, 2019

<https://uhero.hawaii.edu/wp-content/uploads/2019/08/ChartingANewCourseForHawaiiTourism.pdf>

Page 2

Economic Contributions.

The economic contributions of tourism have not kept pace with explosive growth in visitor arrivals. Despite the fact that Hawai'i received 2.8 million more visitors in 2017 than in 1989, real (inflation-adjusted) receipts were \$1.1 billion less in 2017 than in 1989. **Real expenditures** in 2017 dollars **peaked at \$17.9B in 1989** and then fell and rose with economic cycles, but **likely still fell short of the peak again in 2018**. This means that Hawai'i tourism is a smaller overall contributor to the state's economy than in 1989.

Page 5

Opportunities for improving the existing model

The ultimate solution for visitor industry sustainability will require developing a *new model* that overcomes this distribution of authority and significantly expands the resources available to effect change.

Significant improvements in tourism management will require a *new management model* that specifically addresses current structural deficiencies.

What's the solution?

Increasing costs for visitors to arrive here appears to be the most effective method in reducing their numbers. The airlines won't cooperate because they need and want the revenue. The best we can do is **reduce the number of visitor accommodations we have available**. The Bill before us is the very best we can do, at this moment.

Necessary Changes that are Difficult or Impossible to Implement Using the Current Management Model

Significant improvements in tourism management will require a *new management model* that specifically addresses current structural deficiencies

The volume of tourism in Hawai'i has reached a point where the management of tourism will require **fresh thinking regarding restrictions, fees, or new management technology** – including higher or better targeted taxation to increase the resources available for tourism management.

Marion Joppe

Professor in the School of Hospitality, Food and Tourism Management; Graduate Faculty, University of Waterloo

17 The roles of policy, planning and governance in preventing and managing over tourism

Pg. 7 Governance

“Governance determines who has power, who makes decisions, how other players make their voice heard and how account is rendered” (Institute on Governance, n. d.).

Pg. 7. The need for planning

Almost all the destinations suffering from over tourism have lost much of whatever power they had to control development and/or determine tourist flows to exogenous sources of capital (e.g. cruise lines, low-cost airlines and international hotel chains).

Pg. 9 Conclusion

Over tourism starts with short-term thinking on the part of politicians too focused on reelection and who have bought into the notion of unrestrained free-market capitalism, and is fostered by the ignorance of bureaucrats and *the lack of courage to confront politicians about long term consequences*, as well as by greed on the part of businesses, which are more concerned with grabbing as much as possible of the shared resources for their own profit while externalizing as many of the costs as possible. The backlash to tourism did not happen overnight: it has built up slowly over decades (see, for example, Doxey, 1975).

(Boztas, 2017). Addressing the issue of over tourism requires a transformation in how the capitalistic forces driving tourism's growth are harnessed. The focus must shift from raising tourist numbers and receipts to **improving the quality of resident life** and of tourism experiences, with a planning horizon that is at least 20 years into the future to anticipate the infrastructure, facilities and services needed by increasing local populations and visitor numbers. These include: “conscious capitalism”, which proposes to “elevate humanity through business” (Conscious Capitalism, n.d.); social enterprises or cause-driven businesses, which aim to maximise improvements in social and environmental wellbeing; Bcorporations (a certification), which “consider the impact of their decisions on their workers, customers, suppliers, community, and the environment” (Bcorporation, n.d.); a “circular economy”, which proponents say will “redefine growth, focusing on positive society-wide benefits. It entails **gradually decoupling economic activity from the consumption of finite resources, and designing waste out of the system**” (Ellen Macarthur Foundation, n.d.); and the “Economy for the Common Good”, which “advocates a more ethical economic model, in which the wellbeing of people and the environment become the ultimate goal of business” (Economy for the Common Good, n.d.). All of these approaches challenge the short-term, profit motivated approach to business that has greatly enriched humanity and driven the growth of the middle classes, but has been accompanied by environmental destruction, social stress and market failures.

Destination trouble: Can over tourism be stopped in its tracks?

<https://www.cnn.com/travel/article/how-to-stop-overtourism/index.html>

Bali “More does not always mean better”

Additional information

- Has Maui Reached its Tourism Limit- Maui News Letter to the Editor from Dick Mayer, Sept 9, 2018
- 18 Articles primarily from the Maui News from the last two years
- Rethinking Hawaii Tourism “Time to shift from Marketing to managing Tourism” Dated May 2018 University of Hawaii Economic Research Organization Reports

Note: Updated Visitor Industry Data is available here:

https://data.uhero.hawaii.edu/#/category?id=36&data_list_id=52&sa=true&geo=MAU&freq=M

County Clerk

RECEIVED

From: Mike J. Molina
Sent: Thursday, July 1, 2021 1:16 PM
To: County Clerk
Subject: FW: Zip line ordinance, please pass bill.

2021 JUL -1 PM 1:19

OFFICE OF THE
COUNTY CLERK

From: R&J Friedlander
Sent: Tuesday, June 29, 2021 2:15 PM
To: R&J Friedlander
Cc: Alice L. Lee; Gabe Johnson; Keani N. Rawlins; Kelly King; Mike J. Molina; Shane M. Sinenci; Tamara A. Paltin; Tasha A. Kama; Yukilei Sugimura
Subject: Zip line ordinance, please pass bill.

Aloha all County Council members,
We are asking for you to help with passing the bill relating to ziplines. (Bill 62)

The whole Waipio stream valley is disturbed every day by the noise from the Jungle Zip operating 50feet from our house, in the lovely Haiku/Huelo area. The Waipio Stream Valley is narrow, and the zip line is located in a very narrow strip of land, between houses.

We are urgently awaiting the bill for an ordinance amending the comprehensive zoning ordinance relating to zip line tours etc.,

Jungle zip were reported years ago, and we, the folks living here, were told to wait till the North Shore Zip was dealt with. Now, can we please have help to stop this noise.

Tourists have so many other opportunities to ride and scream on legal zip lines that are not close to where local families live, and are on larger plots of land.

Jungle zip now has another alias they run their zip line under: Aloha Eco Adventures.
Which includes riding on the Jungle zip line!

The zip line started up their business again immediately on October 17th 2020, as soon as tours were allowed. Now they are busy every single day.

We have lived on and cultivated this land for over 20years. We obtained proper permits. The zip line bulldozed SMA land, and built the zip line without permits.

We appreciate your help,
thank you.

mahalo
Robert Friedlander
Jennifer Friedlander

Jungle Zip line, Lothar Kuster, 50 E. Waipio Rd, Haiku, HI 96708

(only about 12 acres total)

TMK: (2)290050400000 , (2)290050260000 , (2)290050390000

now also; Aloha Eco Adventures , which includes Jungle zip, also based : 50 E. Waipio Rd.

We live on Property on W. Waipio Rd.

280 W. Waipio Rd, Haiku, HI 96708. our TMK: (2)290050690000

(W. Waipio Rd, and E. Waipio Rd are no longer connected by road)

Robert Friedlander

Jenn Friedlander,

Po. box 791597,

Paia , HI, 96779.

USA.

Ph: 808-573-8154

New email: R&J Friedlander : waipio2021@gmail.com

RECEIVED

County Clerk

2021 JUL -2 AM 10:17

From: Kelly King
Sent: Friday, July 2, 2021 9:51 AM
To: County Clerk
Subject: FW: Bill 62 ziplines and

OFFICE OF THE
COUNTY CLERK

Testimony for Bill-62

With Aloha,
Sarah Sexton
On behalf of Councilmember Kelly Takaya King



Office of Councilmember Kelly T. King

South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

From: Paul Carter <paul@tranceandhealing.com>
Date: Thursday, July 1, 2021 at 1:15 PM
To: "Alice L. Lee" <Alice.Lee@mauicounty.us>
Cc: "Keani N. Rawlins" <Keani.Rawlins@mauicounty.us>, "Tasha A. Kama" <Tasha.Kama@mauicounty.us>, Gabe Johnson <Gabe.Johnson@mauicounty.us>, Kelly King <Kelly.King@mauicounty.us>, Michael Molina <Mike.Molina@mauicounty.us>, "Tamara A. Paltin" <Tamara.Paltin@mauicounty.us>, "Shane M. Sinenci" <Shane.Sinenci@mauicounty.us>, Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>
Subject: Bill 62 ziplines and

Aloha all County Council members,

We are asking for you to help with passing the bill relating to ziplines. (Bill 62)
We need this specifically in relation to the Jungle Zipline, now calling themselves Aloha Eco Adventures.

Jungle zip were reported years ago, and we, the folks farming and living here, were told to wait till the North Shore Zip was dealt with. Now that that case has settled, we need you to pass this ordinance and make sure it is properly enforced.

Tourists have so many other opportunities to ride and scream on legal zip lines that are not close to where local families live, and are on larger plots of land.

The Jungle zip line started up their business again immediately on October 17th 2020, as soon as tours were allowed. Now they are busy every single day. In this quiet agricultural area, Our lives and homes are now disturbed weekdays and weekends at all hours of the day.

We have lived on and cultivated this land for over 20years. We obtained proper permits. The zip line bulldozed SMA land, and built the zip line without permits, and placed their ziplines within 150 feet of our homes.

We appreciate your help,
thank you.

mahalo
Paul Carter

I live on the Friedlanders Property on W. Waipio Rd.
280 W. Waipio Rd, Haiku, HI 96708. our TMK: (2)290050690000
(W. Waipio Rd, and E. Waipio Rd are no longer connected by road)

6/30/2021

RECEIVED

2021 JUL -1 AM 8:05

Aloha Maui County Council Chair

OFFICE OF THE
COUNTY CLERK

I am submitting written testimony re: Maui County Council member Kelly King's final reading of Bill 60, the Visitor Accommodation Moratorium bill. The visitor resident ratio has exceeded the level outlined in the Maui Island Plan, which must be enforced. Halting building permits for new hotels, resorts, timeshares, short-term rental homes, bed and breakfast homes, and transient vacation rental units for an interim period is a commonsense approach to limiting tourism in Maui.

Over tourism is a real crisis. It is not only taking its toll on our environment but impacting the quality of life for residents. Our infrastructure can barely accommodate its residents, let alone that of up to 8,000 daily visitors.

Travel companies and resorts in Maui will continue to further capitalize on Maui, treating it as an untapped resource to be mined and its assets funneled away with few benefits for residents. Local people are priced out of areas of interest by tourism induced gentrification.

Tourism must be professionally managed, and best practices adopted to minimize or even discourage mass tourism thereby mitigating the worst of its negative aspects.

The Visitor Accommodation Moratorium bill exemplifies best practices in addressing over tourism in Maui.

Thank you, Ann Pitcaithley, Wailuku, HI
808 250-2280

County Clerk

From: Kelly King
Sent: Friday, July 2, 2021 9:53 AM
To: County Clerk
Subject: FW: Zipline ordinance

RECEIVED

2021 JUL -2 AM 10:17

OFFICE OF THE
COUNTY CLERK

Testimony for bill-62

With Aloha,
Sarah Sexton
On behalf of Councilmember Kelly Takaya King

Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

On 7/1/21, 12:57 PM, "Ann Bassel" <annbassel@me.com> wrote:

Aloha All,

My deepest gratitude for the work you have contributed to the proposed Bill No. 62 for an ordinance regarding zipline, canopy, rappelling and bungee jumping operations on agriculture zoned property.

I am writing again to urge the passage of the proposed bill and signature of approval by Mayor Victorino.

Mahalo,
Ann Bassel
Haiku

Sent from my iPhone

County Clerk

RECEIVED

From: Bette Belanger <belangerblue@gmail.com>
Sent: Monday, June 28, 2021 9:49 AM
To: County Clerk
Subject: Bill No. 60

2021 JUN 28 AM 9:59

OFFICE OF THE
COUNTY CLERK

I fully support a moratorium on building any more new hotels and vacation rentals. We need to preserve what green space still remains on Maui. We do not need to attract more tourists. In fact, we must do something to control the over tourism that we are currently experiencing. Please take action before it is too late.

Bette Belanger
Kihei, HI



RECEIVED

2021 JUL -1 AM 8:05

OFFICE OF THE
COUNTY CLERK

July 1 2021

TO: Maui County Council Chair Alice Lee
Vice Chair Keani Rawlins Fernandez
Council Members

SUBJECT: Support FOR Bill 60 "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS"

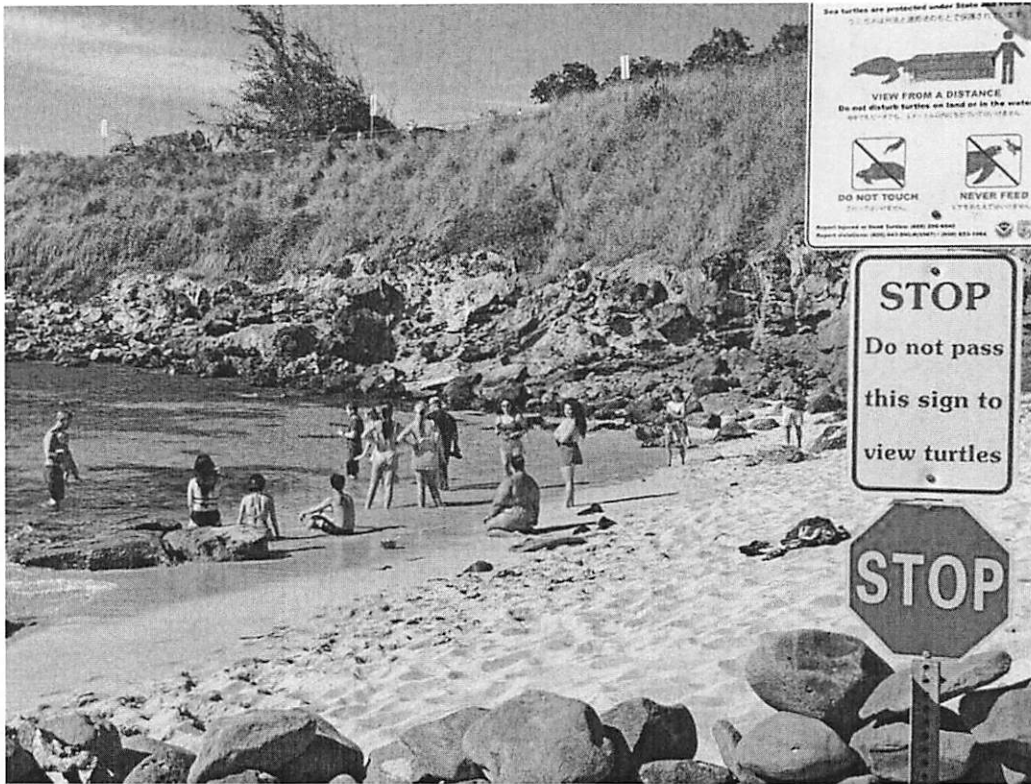
Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and members of the Council,

My name is Hannah Bernard and I am Executive Director and Co-Founder of Hawai'i Wildlife Fund.

Mahalo nui loa, thank you for the opportunity to submit our support for Bill 60 (2021) 60 "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS"

This proposed moratorium on new development is a very important first step in redefining our relationship with tourism here in Hawai'i nei. The reduction in visitors in 2020 caused by COVID-19 gave us an extraordinary opportunity to experience our home in a way that was both poignant and breathtaking. Our nearshore marine resources thrived in the absence of so many people in the water; and also cast a light on our own local usage patterns that we might want to address.

Hawai'i Wildlife Fund is deeply committed to the management of our tourism-based economy, since the impacts of so many visitors to Hawai'i (~10 million in 2019, and expected to match or exceed that in 2021) has negative effects on nearshore marine life. These effects include sea turtle disturbance and outright harassment as well as displacement of our own community from favorite sites. See for example this recent article: on KITV <https://www.kitv.com/story/44090398/maui-sea-turtle-photo-causes-uproar-on-social-media>



A picture posted on social media is making its rounds and turning some heads. A large group of people at Ho'okipa Beach is seen in the water near two turtles—bypassing a sign reading 'Stop do not pass this sign to view the turtles'. Jennie Montijo

We have engaged the tourism industry since our inception in 1996 in order to help manage the impacts on our environment, but we desperately need the County's help in managing the carrying capacity of Maui. Please allow this bill to move forward to begin to formulate a better way of life for residents and to better support the environment upon which we all depend, especially the tourism industry.

Mahalo for your consideration and continued progress in protecting our environment,

Hannah Bernard
Executive Director
Hawai'i Wildlife Fund

County Clerk

RECEIVED

From: Ann Blyde <annblyde@hotmail.com>
Sent: Thursday, July 1, 2021 8:07 PM
To: County Clerk
Subject: Limit hotel developement

2021 JUL -2 AM 7: 45

OFFICE OF THE
COUNTY CLERK

Sirs ..as 16 yr resident please stop hotel development.....a moratorium for 5-10 yrs is desperately needed.to restore some semblance of sanity to an out of control tourism industry.please

Ann Blyde

County Clerk

RECEIVED

From: Kelly King
Sent: Friday, July 2, 2021 9:24 AM
To: County Clerk
Subject: FW: Visitor Accommodations Moratorium

2021 JUL -2 AM 10:17

OFFICE OF THE
COUNTY CLERK

Testimony for Bill-60

With Aloha,
Sarah Sexton
On behalf of Councilmember Kelly Takaya King



Office of Councilmember Kelly T. King

South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

From: Jody Bowman <bowmanjody@hotmail.com>

Date: Friday, July 2, 2021 at 7:25 AM

To: "Alice L. Lee" <Alice.Lee@mauicounty.us>, "Keani N. Rawlins" <Keani.Rawlins@mauicounty.us>, "Tasha A. Kama" <Tasha.Kama@mauicounty.us>, Gabe Johnson <Gabe.Johnson@mauicounty.us>, Kelly King <Kelly.King@mauicounty.us>, Michael Molina <Mike.Molina@mauicounty.us>, "Tamara A. Paltin" <Tamara.Paltin@mauicounty.us>, "Shane M. Sinenci" <Shane.Sinenci@mauicounty.us>, Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>

Subject: Visitor Accommodations Moratorium

Good morning,

I fully support the Visitor Accommodations Moratorium. I was born and raised in Haiku. Over the last 10 years or so there has been a strong increase of visitors to the island. It already felt like we were at our maximum capacity with traffic, parking at beaches, the road to Hana, Twin Falls and many other sites. Now our patience, our parking lots and our islands' resources are beyond taxed.

Let's bring back the balance. We should appreciate what visitors bring to the island and they should appreciate this amazing place and its people. We need to restore that balance and the Visitor Accommodations Moratorium will help with that.

Thank you,
Jody Bowman

County Clerk

From: Garden of Eden Arboretum <info@mauigardenofeden.com>
Sent: Monday, June 28, 2021 9:53 AM
To: County Clerk
Subject: Testimony for Hana Highway Traffic Management

RECEIVED

2021 JUN 28 AM 9:59

OFFICE OF THE
COUNTY CLERK

June 28th, 2021

To Whom This May Concern,

We're grateful that the community and council members are coming together to discuss this important matter. Traffic on the Hana Hwy has escalated since the spring, with this summer being unprecedented.

At the Garden of Eden Arboretum and Botanical Garden (mile marker 10.5) we're doing our part to educate visitors, provide restrooms, and an experiential and educational experience with 2.5 miles of walking trails and waterfall overlooks, and a cafe. We are a small family run business that has been publicly operating since 96' and growing in popularity over the years. Our attraction breaks up much of the road congestion during the busy first half of the day.

Having the road shut down last year was detrimental for our business. At the time we were working to diversify into a plant nursery since tourism dropped off and the National Guard would not let customers through to pick up or buy their plant orders. We were happy to work with the DOT or the Mayor's office in creating a better solution or moving the check point to our location or just before Ke'anae, but we were not given an opportunity to be heard last year, despite our numerous calls, letters, and meeting requests.

We want to be clear that we **do not** support another closure of the federally funded highway, nor do we support a highway reservation system at this time. We need the income to continue operating with the increased costs of doing business. We cannot rely on tour buses. We have put in 30 years of blood sweat and tears and considerable resources into making our attraction what it is today. Our business model is founded around individual parties visiting. We contribute substantially in state tax dollars and community donations. If there is an anticipated closure or limit, we ask that you please work with us and implement it at or after our location. We're 26 miles from Hana and 6 miles before Ke'anae.

With our strategic location, we are happy to work with the community, to better inform our guests through additional signage, pamphlets, etc. It is our thought that if travel guide books and Road to Hana Apps update their content with updated information on what is private property and considered trespassing, what attractions require reservations, and proper road etiquette, this would be a big first step as well as targeting popular travel blogs or companies such as AAA that are frequently doing articles on the Road to Hana. It would also be helpful for hotels to educate their concierge so that the concierges can also address this with visitors. The rental car companies should include a small pamphlet for each season stating the road work that is occurring, available restrooms, road etiquette for the Road to Hana, and public and accessible stops along the Road to Hana. It would also be beneficial to have someone specifically posting these updates in the incoming traveler facebook groups such as "Maui Bound."

Once the general sentiment is that most popular stops along the road require reservations or have capacity restrictions, individuals will plan their trips to Hana differently which should help substantially.

While the new parking ticket signs have not alleviated the issues they have helped, especially with MPD enforcement. It is our recommendation that more signs are put in, where tourists are now parking just further up the road away from the signs (just past Waikamoi heading towards Hana.) It feels good to see more MPD

presence on the highway, which will encourage locals who at times drive recklessly, to slow down, and it will help in limiting overall crime.

What we're seeing right now with visitors is a lack of awareness and conscientiousness. Having been cooped up for a lot of last year likely contributes to this behavior. It would be wonderful if the airlines/ cruise ships could distribute something like the agricultural form everyone is required to fill out, but in the form of an agreement- that they will minimize their environmental impact. An agreement that talks about many of the local issues and concerns and that the guest is committed to not being a part of the problem. Many of our guests do care and want to do right, they just feel uninformed. Visitor education is imperative.

Thank you and we look forward to working together.

Bradbury Family
Garden of Eden Arboretum LLC

10600 Hana Hwy
Haiku HI 96708

County Clerk

From: judith carroll <silkangelmaui@me.com>
Sent: Sunday, June 27, 2021 6:37 AM
To: County Clerk; maurice Jean pierre; Carroll Judith
Subject: Measure #60

RECEIVED

2021 JUN 28 AM 7:48

OFFICE OF THE
COUNTY CLERK

Aloha

We are a couple, but twenty seven year Maui residents, prior homeowners, current business owners. We have lived in a rental house in Maui Meadows for the past 11 years. We are excellent tenants, senior citizens who paid rent on time even through the pandemic. Our home has been sold to some California "house flippers" who gave three households here 45 days notice to vacate. None of the three households are able to find a place to move. This is ALREADY a housing crisis on Maui. This bill is SO OVERDUE. If you folks do not start to take action Maui will not have any workers to serve the thousands of tourist you insist on bringing here because they will not have an affordable place to live. The fabric of our community is being torn apart. This bill is a big step in the right direction but it will not solve the bigger problem you folks have on your hands. Maui USED TO BE SPECIAL but it is quickly changing into a tourist trap. Over tourism with a race for accommodations, a race for a rent a car, a race for a dinner reservation, a bunch of cheap visitors who have never visited Hawaii racing around causing traffic jams, accidents, trampling on, and in general not respecting the host culture or any rules and regulations. If you don't switch lanes from your golden goose tourist economy to a more sustainable agricultural economy Maui will be nothing more than hotel after hotel on every beach, paid parking lots, limited if not charged for beach parking, with constant traffic jams. The real estate will be only for ultra rich non residents who come a couple of times a year. The lights on, water running and nobody home. Meanwhile Hawaiians and residents will be forced out as rentals skyrocket making it impossible to live here if you are not ultra rich. Maui is slipping off the number one island in the world list fast. This over tourism track you are on is a fast track to Maui becoming just another place on the list of "used to be beautiful but now trashed" yes trashed that is what is happening trashed! You will be remembered at this crossroads as leaders having the where with all to take BOLD ACTION to stop the trajectory of the tourism apocalypse or just the ones selling out Maui to the highest bidder. NEWS FLASH!! Maui residents are having to abandon their animals during a pandemic because they are being displaced by rentals being bought and sold to highest bidders from the mainland. Rental prices are untenable, and the Humane Society is at capacity meaning hard working residents are having to abandon their pets just to survive living on Maui. Please do the right thing and pass this bill or take a lot of photos now.

Mahalo to whomever reads this and may be moved to take action to pass Bill #60.

Judith Carroll RN.

Sent from my iPhone

County Clerk

From: Chris Collins <utilityresearch@ohmanalytics.com>
Sent: Friday, July 2, 2021 1:43 AM
To: planning@mauicounty.gov
Cc: building.permits@mauicounty.gov
Subject: Community Solar Project Zoning and Planning Document Request - Maui HI

Hi,

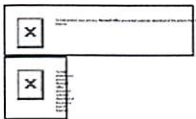
We are conducting research on solar activity in the U.S. and would appreciate access to potential items if possible. Please note that our outreach is based on data from various solar interconnection incentive databases showing projects under development within the area.

1. A list of any planning/zoning hearings and any subsequent planning/zoning decisions/permits and any building permits related to solar and battery projects between 200KW – 10MW.
2. Additionally, any board meeting minutes or relevant documents associated with these projects, including Special Use Permits, Site Plan Reviews, or Building Permits would be greatly appreciated as well.

If there is another department/organization that we should get involved with instead, pointing us towards that organization would be a great help as well.

Thank you!

--
Chris Collins
214-789-1846
San Diego, CA 92130
data@ohmanalytics.com
www.OhmAnalytics.com



RECEIVED
2021 JUL -2 AM 7:45
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED

From: Sara DiGrazia <birthandearth@hotmail.com>
Sent: Thursday, July 1, 2021 4:27 PM
To: County Clerk
Subject: Bill 60

2021 JUL -1 PM 4:27

OFFICE OF THE
COUNTY CLERK

Dear Maui County Council,

Please continue the efforts in balancing Maui's tourism and environmental concerns by supporting this initiative.

Thank you,

Sara DiGrazia (concerned Hawai'i citizen)

808 295 3525

Kailua, O'ahu

County Clerk

RECEIVED

From: MJ Duberstein <mjduberstein@gmail.com>
Sent: Friday, July 2, 2021 7:41 AM
To: County Clerk
Subject: Visitor moratorium

2021 JUL -2 AM 8:01

OFFICE OF THE
COUNTY CLERK

Aloha

My name is MJ Duberstein.

I live at 34 Iliwai Loop in Kihei.

I am an economist, with a graduate degree from UCLA, and I spent the final 25 years of my working career as Director of Research for the National Football League Players Association (AFL-CIO).

I have served as Chair of District Eleven (South Maui) of the Hawaii Democratic Party. And I currently am a Board Member of Akaku Maui Community Media and the Maui Tomorrow Foundation.

I strongly support Member King's proposed moratorium as well as any amendments to make it Countywide.

I don't clean to be extraordinarily prescient. Nevertheless, a year ago, I began seeing what our economy faced as The New Abnormal.

That applied then, just as it does today.

This economy cannot be overwhelmingly linked to exogenous factors—but it is. Tourism has a place—but not the only place.

To go from fields brimming with unrented vehicles to a situation in which folks are buying new or used vehicles to rent out at huge prices is bizarre to say the least.

To ask airlines to curb service is equivalent to searching for horses who've fled the barn.

And yet, and yet, as you know, The Maui Island Plan contains capital-"P" Policy pertaining to a set ratio between residents and travelers. Passed nearly a decade ago, the Policy has not been enforced.

Why? That's a rhetorical query. Ask yourselves?

As a start, this moratorium is a positive initial step changing the situation. You should have no qualms passing it. Obviously, it's no Final Answer. It's the necessary step to take now, today.

Mahalo.

Malama pono.

Malama aina.

Ua Mau Ke Ea o ka 'Aina i ka Pono.

MJ Duberstein

mjd; sent from my iPhone 6s

July 2, 2021

Council of the County of Maui
Councilmember Alice L. Lee, Council Chair
Councilmember Keani Rawlins-Fernandez, Council Vice-Chair



RE: Bill 60 "A bill for an ordinance amending the building code to add chapter 40 relating to a moratorium on building permits for visitor accommodations"

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

I am writing on behalf of Hawai'i Hotel Alliance's ("HHA") member organizations on Maui and across the state to oppose the second and final reading of Bill 60.

HHA understands and shares the concerns voiced by those who want to manage the negative impacts of tourism. We, too, have seen the changing trends in visitor behavior – primarily, tourists shifting from hotels in resort areas to vacation rentals in residential neighborhoods – and how it is impacting Maui residents.

In our previous comments on Bill 60, and in response to the numerous other recent moratoria proposals, HHA has offered our clear commitment to work with the Council to understand and address the root causes of some residents' concerns about tourism. However, we cannot support the Council's efforts to rapidly advance this measure which is unlikely to accomplish either objective.

Instead, we suggest reexamining the number of legal vacation rentals allowed by the County, shutting down illegal rentals, and prioritizing responsible hotel development in areas intended for tourism. New projects in resort areas, like parts of South and West Maui, fund new infrastructure and initiatives that benefit the surrounding communities and the visitors they serve – from workforce housing to new bike paths, roads, street lights, water and sewer lines, and replenishing beloved beaches.

Maui hotels welcome the opportunity to work together toward a more sustainable tourism future for the island. But we believe that is possible without passing a moratorium that would jeopardize Maui's fragile economic recovery and hurt local families who depend on a paycheck from a job in hospitality, construction, or a skilled trade.

We respectfully ask the Council to defer the second reading to carefully consider the legal flaws outlined in the legal opinion submitted by HHA on May 25, 2021, and the potential for costly litigation to defend the measure at taxpayers' expense.

Mahalo,

Jerry Gibson, President
Hawai'i Hotel Alliance

RECEIVED
2021 JUL -2 AM 7:45
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED

From: Mark Hyde <hydem001@hawaii.rr.com>
Sent: Thursday, July 1, 2021 9:43 AM
To: County Clerk
Subject: 7/2/21 County Council Meeting, Agenda Item Bill 60

2021 JUL -1 AM 9:51

OFFICE OF THE
COUNTY CLERK

I support Agenda Item Bill 60 (Moratorium) in addition to the comments made by Dick Mayer, summarized as follows:

- Require every vacation rental and bed and breakfast to have a license number.
- Require the license for all the short-term rentals and also for all units covered by the Montoya decision, mostly condos.
- All advertising for short-term rental units must include the license number with appropriate penalties for non-compliance with the license requirement.
- Utilize a license number system that identifies the community plan district. For example all licenses in South Maui would begin with the letter **S**, UpCountry units would begin with **U**, West Maui with **W**, Central Maui with **C**, North Maui with **N**, East Maui with **E**, Lanai with a **L**, and Molokai with a **M**. This requirement would make it much easier to conform with district short-term vacation rental limits.

The moratorium will give the executive branch of government time to develop new measures to manage the number of tourists in Maui County consistent with the General Plan. Should the mayor fail to act appropriately and effectively, the people will then have an opportunity to elect a new mayor in 2022, one who can and will.

Mark Hyde
4320 E. Waiola Loop
Kihei, HI 96753

County Clerk

RECEIVED

From: PSLU Committee
Sent: Friday, July 2, 2021 9:44 AM
To: County Clerk
Subject: FW: Zipline Bill

2021 JUL -2 AM 10:17

OFFICE OF THE
COUNTY CLERK

From: Kelly King <Kelly.King@mauicounty.us>
Sent: Friday, July 2, 2021 9:32 AM
To: PSLU Committee <PSLU.Committee@mauicounty.us>
Subject: FW: Zipline Bill

Testimony for Bill-62

With Aloha,
Sarah Sexton
On behalf of Councilmember Kelly Takaya King



Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

From: Carmen Jimenez <maurade95@gmail.com>
Date: Friday, July 2, 2021 at 6:32 AM
To: "Alice L. Lee" <Alice.Lee@mauicounty.us>, Gabe Johnson <Gabe.Johnson@mauicounty.us>, "Kanani.Rawlins@mauicounty.us" <Kanani.Rawlins@mauicounty.us>, "Shane M. Sinenci" <Shane.Sinenci@mauicounty.us>, "Tamara A. Paltin" <Tamara.Paltin@mauicounty.us>, "Tasha A. Kama" <Tasha.Kama@mauicounty.us>, "Yukilei.Sigimura@mauicounty.us" <Yukilei.Sigimura@mauicounty.us>, Kelly King <Kelly.King@mauicounty.us>, Michael Molina <Mike.Molina@mauicounty.us>
Subject: Zipline Bill

Aloha my name is Carmen Jimenez-Schellhammer. I live at 36 E Waipio Rd, Haiku, HI 96708. My two acre property is neighbors along the Jungle Fall Zipline.

This email is a request for your help with passing the ordinance relating to the Ziplines.

This Zipline has impacted me and my other neighbors on East Waipio road. A small private road country along the East Waipio stream.

I am emailing out of concern and compassion in passing the Bill that will result in the restrictions/shutdown of the Zipline. Aside of all the headache that accompanies basically an amusement park right in your neighborhood. People screaming at the top of their lungs all day is distributive and disrespectful to our community and the country living culture.

My main concern and complaint is the environment. The Zipline goes right over the East Waipio stream and when the high volume of tourist in that area raises several questions. Such as what is the bathroom situation? How do we know what the stream is being exposed to by foreign exposure.

The bottom line is the high volume, high risk of environment damage needs to be addressed.

Since I understand your time I won't go into the issues regarding the disrespect with COVID-19.

Needless to say I've several encounters and one altercation with zipline people coming to my home, and walking around my property looking for the zipline without their mask.

My questions are who can I call to voice my concerns that this Bill be passed and enforced? How do I find out when this Bill goes into effect?

Mahalo for your time,
Carmen Jimenez -Schellhammer

County Clerk

RECEIVED

From: louiselambert1@gmail.com
Sent: Thursday, July 1, 2021 12:46 PM
To: County Clerk
Subject: Support Moratorium Bill 60

2021 JUL -1 PM 12: 49

OFFICE OF THE
COUNTY CLERK

Re: Bill 60

Aloha

I am a 24 year Resident of Maui County and support the moratorium Bill 60, on building new Tourist accommodation. We don't need more. We do need truly affordable housing for people who live and work here and serve the tourist business, service industry, sustainable agriculture, health, education and local businesses.

Mahalo,

Louise Lambert

Maui Meadows

Sent from my iPad



May 20, 2021

RECEIVED

2021 JUL -2 AM 7:45

OFFICE OF THE
COUNTY CLERK

Testimony v2.0

Climate Action, Resilience and the Environment Committee
Regarding the proposed tourist accommodation moratorium.

by Travis Liggett, President, Reef Power LLC, a Maui small business
www.reefpowermaui.com

Below please find a summary of my calculations to help quantify the impacts of tourism on municipal wastewater pollution loading in Maui Island.

The inputs to these calculations were taken from the Maui County Department of Environmental Management presentation 3/17/2021, as well as UIC Permit reporting documentation provided by the County DEM. The data in the presentation provided plant and reuse flows in March 2020 during peak lockdown, which I compared to average flows from 2019 before the pandemic. This allows us to quantify municipal wastewater pollution loading comparisons between periods when tourism was very prevalent, vs. almost totally absent.

What we can calculate from the data is that the volume of wastewater injected in March 2020 vs. 2019 decreased in Lahaina by 67.05% and in Kihei by 58.61%. This decrease in flow gives a linear decrease in injected coliform cell count CFU Most Probable Numbers, which are an indicator of the potential for the presence of other pathogens that can be harmful. CFU = Colony Forming Unit, which is a unit of pathogen cells that has the potential to start an infection.

In Kihei, coliform cell counts decreased from >179 Billion to >74 Billion MPN injected per day, a 58.61% decrease. In Lahaina, injected coliform counts decreased from <108 Million to <35 Million per day, a 67.05% decrease. Kihei WWRF does not employ any disinfection process before wastewater injection and measured cell counts are above the limit of detection for the test at >2419.6 MPN/100 mL water. Lahaina employs UV disinfection before injection and

coliform cell counts are below the limit of detection at <1 MPN/100mL. In short, Kihei injectate is too septic to measure with the test used, and Lahaina is so free of coliform cells that it reads below the threshold of detection for the test used.

Additionally, we see that percent reuse in Kihei increased by 45.81%, and the percent reuse in Lahaina increased by 96.85% -- almost doubled -- when comparing March 2020 to 2019 average. In short, the amount of reuse stayed roughly the same, while the volume injected decreased dramatically. A good way to think about this is, the majority of wastewater generated by residents goes to reuse, placing 100% reuse within reach; but none of the excess flow attributable to the visitor industry goes to reuse. In my humble opinion, the capacity of the municipal wastewater system is defined by the level of reuse attainable, anything less than 100% reuse can be defined as "over-capacity." The baseline population puts us already "over-capacity" with less than 100% reuse -- adding the visitor industry puts 100% reuse further out of reach.

My recommendation for a criterion for ending a moratorium on new visitor accommodations? 100% reuse. Before any new accommodations can be built, make it a requirement to implement 100% municipal reuse for each community. Then, new construction shall only be approved if the required *expansion* in reuse is developed, to offset any increases in plant flows attributable to a given new visitor accommodation development. What you will then have is a very lucrative industry suddenly compelled to get behind new reuse projects financially or in other ways. If developers use full cost accounting to fund expansions in reuse projects with every project, then the market will drive the migration to reuse with breakneck speed!

On the next page please find a summary of my calculations. Inputs are highlighted in blue, outputs of interest are highlighted in yellow.

A detailed spreadsheet with references is also attached to this email.

Mahalo for your consideration!

Travis Liggett
www.instagram.com/reefpowermaui

Maui municipal wastewater reclamation facility	data designator	timeframe	value	units
KIHEI	PLANT FLOW	pre-COVID 2019 average	3.70	MGD
KIHEI	PLANT FLOW	March 2020 lockdown	2.60	MGD
KIHEI	FLOW REUSED	pre-COVID 2019 average	1.75	MGD
KIHEI	FLOW REUSED	2020 average	1.79	MGD
KIHEI	FLOW INJECTED	pre-COVID 2019 average	1.95	MGD
KIHEI	FLOW INJECTED	March 2020 lockdown	0.81	MGD
KIHEI	% REUSE	pre-COVID 2019 average	47.24	%
KIHEI	% REUSE	March 2020 lockdown	68.88	%
KIHEI	% increase in % reuse	March 2020 compared to 2019 average	45.81	%
KIHEI	% reduction in MGD injection	March 2020 compared to 2019 average	58.61	%
KIHEI	REUSE R1 coliform CFU / 100 mL wastewater	August 2020	< 1.10	MPN/100mL
KIHEI	INJECTED coliform CFU / 100 mL wastewater	January 5, 2021	> 2419.6	MPN/100mL
KIHEI	REUSE R1 coliform CFU total count / day	pre-COVID 2019 average	< 72,884,882	CFU
KIHEI	REUSE R1 coliform CFU total count / day	March 2020 lockdown	< 74,576,321	CFU
KIHEI	INJECTED coliform CFU total count / day	pre-COVID 2019 average	> 179,022,912,505	CFU
KIHEI	INJECTED coliform CFU total count / day	March 2020 lockdown	> 74,097,841,903	CFU
KIHEI	% decrease INJECTED coliform CFU total count / day	March 2020 compared to 2019 average	58.61	%
LAHAINA	PLANT FLOW	pre-COVID 2019 average	4.07	MGD
LAHAINA	PLANT FLOW	March 2020 lockdown	2.25	MGD
LAHAINA	FLOW REUSED	pre-COVID 2019 average	1.20	MGD
LAHAINA	FLOW REUSED	2020 average	1.30	MGD
LAHAINA	FLOW INJECTED	pre-COVID 2019 average	2.87	MGD
LAHAINA	FLOW INJECTED	March 2020 lockdown	0.95	MGD
LAHAINA	% REUSE	pre-COVID 2019 average	29.46	%
LAHAINA	% REUSE	March 2020 lockdown	57.99	%
LAHAINA	% increase in % reuse	March 2020 compared to 2019 average	96.85	%
LAHAINA	reduction in MGD injection	March 2020 compared to 2019 average	67.05	%
LAHAINA	REUSE R1 coliform CFU / 100 mL wastewater	August 2020	< 1.00	MPN/100mL
LAHAINA	INJECTED coliform CFU / 100 mL wastewater	January 7, 2021	< 1.00	MPN/100mL
LAHAINA	REUSE R1 coliform CFU total count / day	pre-COVID 2019 average	< 45,356,972	CFU
LAHAINA	REUSE R1 coliform CFU total count / day	March 2020 lockdown	< 49,387,374	CFU
LAHAINA	INJECTED coliform CFU total count / day	pre-COVID 2019 average	< 108,618,365	CFU
LAHAINA	INJECTED coliform CFU total count / day	March 2020 lockdown	< 35,784,351	CFU
LAHAINA	% decrease INJECTED coliform CFU total count / day	March 2020 compared to 2019 average	67.05	%
KAHULUI	PLANT FLOW	pre-COVID 2019 average	5.64	MGD
KAHULUI	PLANT FLOW	2020 average	5.57	MGD
KAHULUI	FLOW REUSED	pre-COVID 2019 average	0.28	MGD
KAHULUI	FLOW REUSED	2020 average	0.52	MGD
KAHULUI	FLOW INJECTED	pre-COVID 2019 average	5.36	MGD
KAHULUI	FLOW INJECTED	2020 average	5.05	MGD
KAHULUI	% REUSE	pre-COVID 2019 average	4.97	%
KAHULUI	% REUSE	2020 average	9.30	%
KAHULUI	% increase in % reuse	2020 average compared to 2019 average	87.15	%
KAHULUI	reduction in MGD injection	2020 average compared to 2019 average	5.72	%
KAHULUI	REUSE R1 coliform CFU / 100 mL wastewater	August 2020	no data available	MPN/100mL
KAHULUI	INJECTED coliform CFU / 100 mL wastewater	January 7, 2021	> 2419.6	MPN/100mL
KAHULUI	REUSE R1 coliform CFU total count / day	pre-COVID 2019 average	no data available	CFU
KAHULUI	REUSE R1 coliform CFU total count / day	2020 average	no data available	CFU
KAHULUI	INJECTED coliform CFU total count / day	pre-COVID 2019 average	> 491,026,099,080	CFU
KAHULUI	INJECTED coliform CFU total count / day	2020 average	> 462,919,970,583	CFU
KAHULUI	% decrease INJECTED coliform CFU total count / day	2020 average compared to 2019 average	5.72	%



Reef Power LLC Written Testimony - PART II - v2.0

to the Climate Action, Resilience and the Environment Committee of the Maui County Council

May 24, 2021

Re: Proposed visitor accommodations moratorium

Aloha,

I am now taking one last opportunity to advise you on the proper disposition toward new real estate development in Maui as relates to municipal wastewater disposal: the existing municipal systems are operating "over capacity," even with only the baseline loading of the resident population¹, so all development, including real estate development, should be placed in moratorium with the following criterion to resume in each Maui zip code:

1. Reuse is expanded to 100% current municipal wastewater reclamation plant flowrates
2. After completing #1, all new development must be supported by 100% reuse or some other wastewater disposal methods that are sane and sustainable.

What this means is that any new residential or visitor accommodations development that proposes to connect to any municipal system should only happen after 100% reuse is implemented on existing flows. Then, all new development shall be required to certify that new dedicated reuse projects can accommodate 100% of new raw sewage produced, 100% of the time. One exception: truly affordable housing is exempt. Then you will have the entire impetus to develop housing bifurcated into two legally allowable outlets:

1. truly affordable housing dedicated to sheltering and building wealth for existing resident working populations, or
2. high end housing that is truly sustainable.

Why is this important? Right now, because the County of Maui Department of Environmental Management has historically never made it a priority, there is no disinfection treatment step employed on injected municipal wastewater in South Maui, so fecal coliform levels in municipal effluent flowing into nearshore injection wells test above the detection limit of 2419.6 MPN CFU / 100 mL wastewater². That means that the most probable number of fecal coliform cells in the unsterilized wastewater flowing through groundwater into the ocean in Kihei contains at least 2419.6 Colony Forming Units (CFU = a unit of pathogen cells with the capability to start an infection in a host organism, or "Infection Forming Unit") of fecal coliform. Fecal coliform is generally harmless, but it is routinely measured because it provides an indication of the potential for the

¹ [Reef Power LLC Written Testimony on Visitor Accommodations Moratorium Part I - v2.0](#)

² [KIHEI UIC Permit, UM-1396 Type I - IV Testing Results - January 5, 2021](#)

presence of other biological entities that can be pathogenic, or illness-causing, in persons who engage in recreation in nearshore waters within the injection well plume, such as Cove Park in Kihei. And please remember, in Kihei, every visitor who poops and pees into the municipal system has just internally transported an actual zoo of viruses and bacteria from all around the world, rendering the global jet travel system an extended physical mass transport system that routes disease-forming life forms inside visitors' bodies from all around the world, into the toilet and shower, through the sewer mains, through the wastewater reclamation facility where no disinfection is employed, through injection wells then groundwater, and finally into nearshore human recreation environments and reefs. One can add up the total time it takes a disease-forming lifeform living inside the bowels of a future Maui visitor from the other side of the world, to arriving in nearshore waters within the non-disinfected injection well plume in Kihei, to making a resident sick:

1. Visitor ground and air travel time from origin home residence, to Maui accommodations unit +
2. Time from first flush, time through sewer mains, time through wastewater reclamation facility +
3. Groundwater transit time for non-disinfected wastewater to migrate from injection well to reef +
4. Time of local resident swimming to render a Colony Forming Unit into an "Infection Forming Unit" +
5. Incubation time of the pathogen to allow for exponential pathogen cell division and illness or death.

Without disinfection of injected wastewater, it may not be very long before an infected person on the other side of the world leads to a sick local resident in Maui via non-disinfected municipal injection well discharges. This is a fundamental cognitive and design flaw, and 100% injectate disinfection must be implemented before a single new visitor accommodation flushes into the Kihei municipal wastewater reclamation system. The physical system as it exists presently embodies a deadly nexus of failed leadership, greed, incompetence and community apathy. As an immunocompromised sufferer of lower limb lymphedema, I have been hospitalized twice in the past decade with systemic bacterial cellulitis infections that laid me out on an IV antibiotic drip for weeks at Maui Memorial Hospital. Now I know the source of my near-death experiences: lack of sterilization of injected wastewater in South Maui where I was swimming. Now that I know about the absence of any disinfection treatment of injected municipal wastewater in South Maui, I don't know if I will elect to swim in nearshore waters within a few miles of Kalama Park, where the injection well plume is centered, until disinfection is implemented.

Below please find visualizations of this septic plume developed in a USGS publication by Hunt in 2007³. Since the fecal coliform tests performed for UIC permit reporting came in at above the detection limit of the test, we can look at a DOH source describing coliform counts for non-disinfected septic tank effluent to see the range that may actually exist in non-disinfected injected wastewater in Kihei: 40,000 to 160 MILLION CFU / 100 mL⁴.

³ [Ground-Water Nutrient Flux to Coastal Waters and Numerical Simulation of Wastewater Injection at Kihei, Maui, Hawaii](#)

⁴ [HI DOH Onsite Wastewater Treatment Survey and Assessment](#)

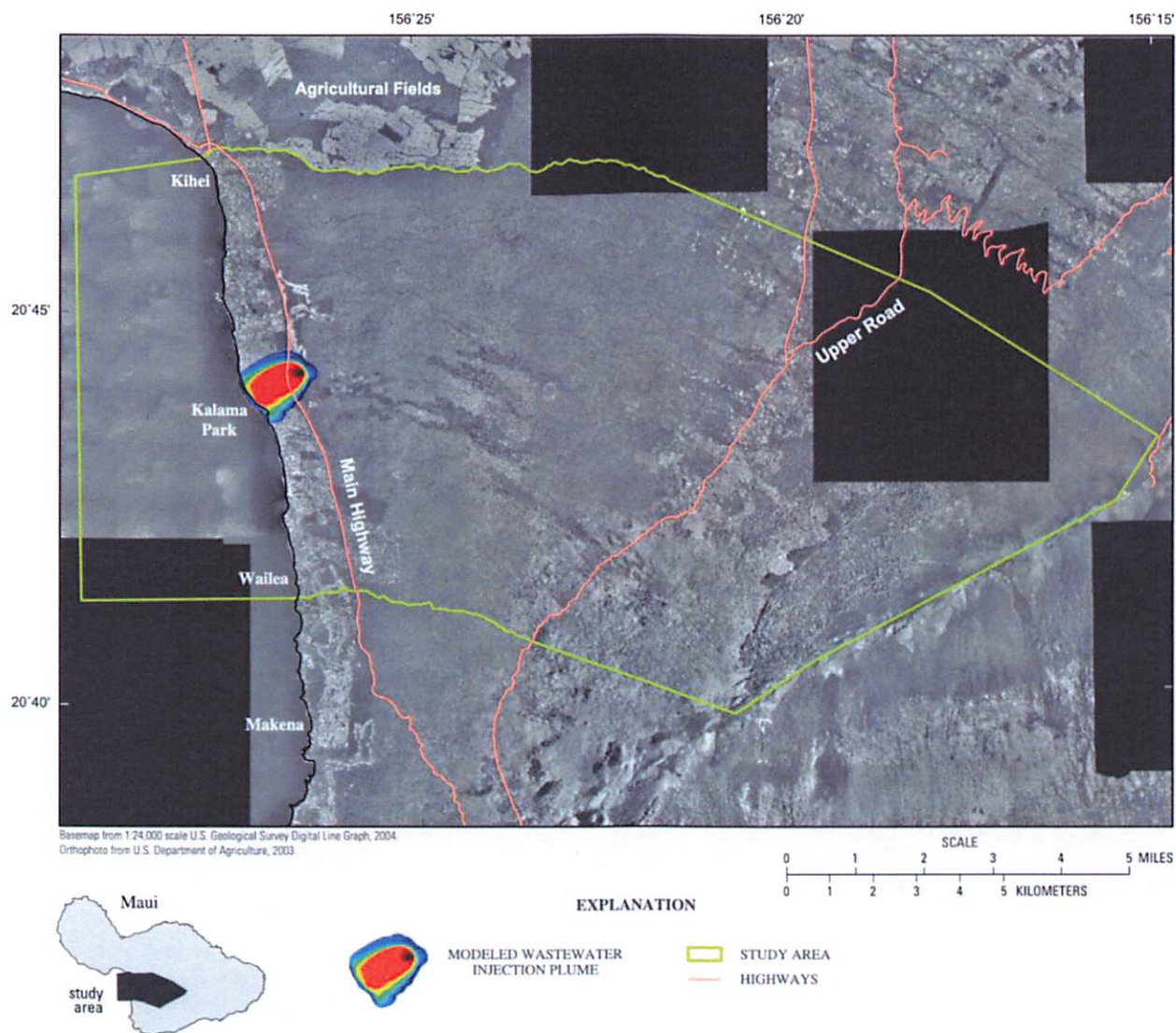
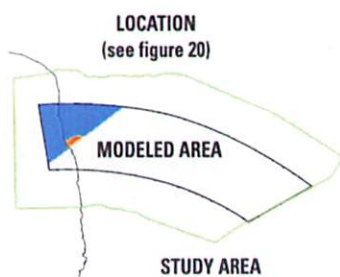
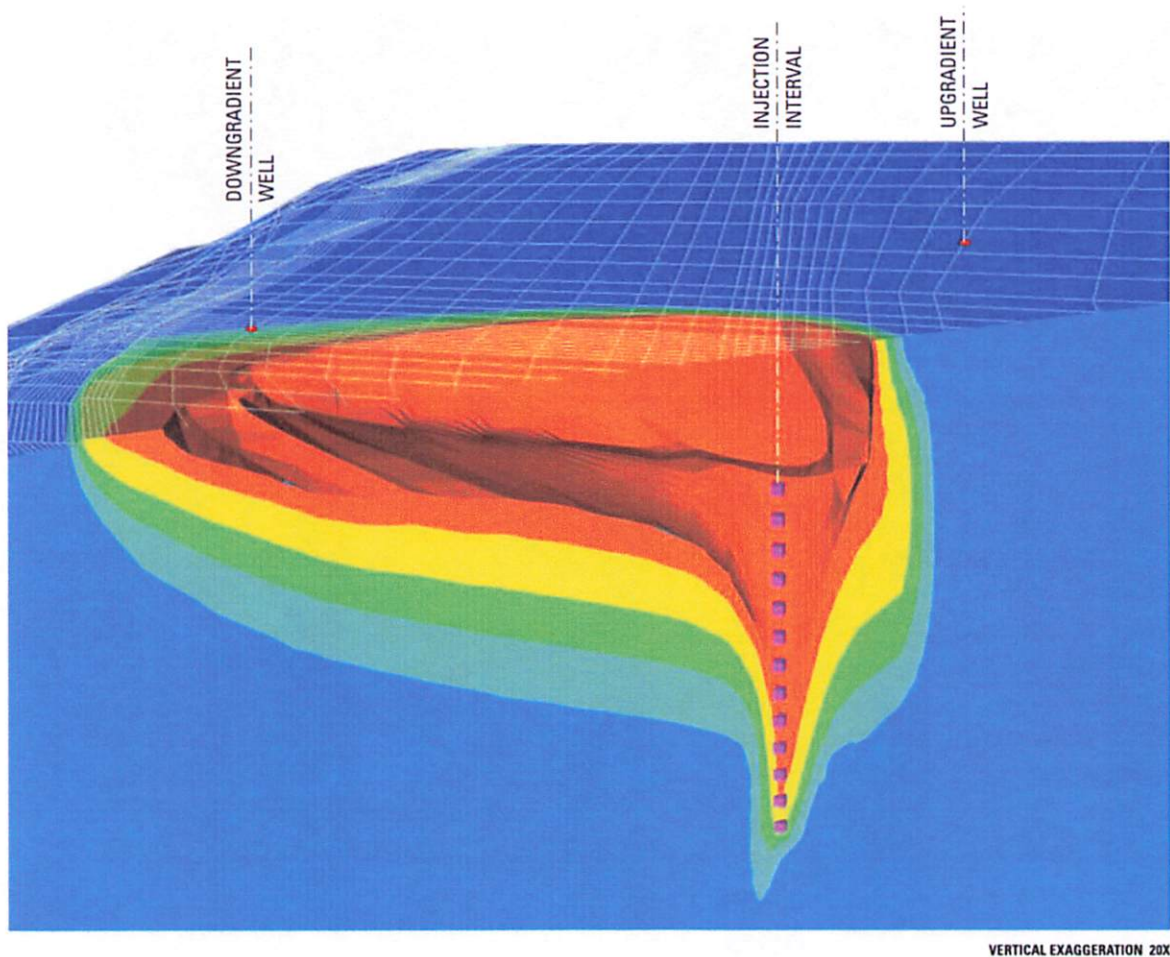


Figure E1. Aerial photomosaic showing the Kihei study area and injected wastewater effluent plume as estimated by numerical modeling, Kihei, Hawaii. The effluent plume is roughly a mile long and a mile wide (0.93 mi, or 1.5 km) and flows beneath the urban strip seaward of the main highway. Colors represent effluent concentration, from 100 percent effluent at the plume core to 5 percent effluent at the outer plume margin. The area inland of the highway is mostly dryland forest, with a few farms and rural homesteads along an upper road at 3,000 feet elevation.



EFFLUENT-TRACER CONCENTRATION, IN PERCENT EFFLUENT

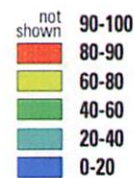


Figure E3. Cutaway block diagram showing the modeled injection plume, Kihei, Hawaii. View is to the northwest. The injection plume is visualized as effluent-tracer concentration, and the core of the plume is revealed by omitting concentrations greater than 90 percent. The small cubes are fluid-source nodes in the model that correspond to the open interval of the injection well. Injected effluent rises buoyantly, spreads out near the top of the aquifer, and flows to the coast; it also mixes with surrounding ground water, resulting in the gradation in effluent concentration shown.

The list of pathogen microbial species commonly found in non-disinfected wastewater is long and terrifying, shown in the U.S. NIH list below. COVID-19 is also found in non-disinfected wastewater⁵.

The major pathogens of concern in municipal wastewater and diseases or illness associated with them⁶

<u>Name of pathogen</u>	<u>Major disease or symptoms</u>
Bacteria	
Campylobacter jejuni	Gastroenteritis
Escherichia coli	Gastroenteritis
Salmonella spp.	Salmonellosis, typhoid, paratyphoid
Shigella spp.	Bacillary dysentery
Vibrio cholerae	Cholera
Yersinia spp.	Gastroenteritis
Viruses	
Adenovirus	Upper respiratory infection and gastroenteritis
Astrovirus	Gastroenteritis
Coxsackie virus	Meningitis, pneumonia, fever
Echovirus	Meningitis, paralysis, encephalitis, fever
Hepatitis A virus	Infectious hepatitis
Hepatitis E virus	Infectious hepatitis, miscarriage, and death
Human calicivirus	Epidemic gastroenteritis with severe diarrhea
Polio virus	Poliomyelitis
Reovirus	Respiratory infections, gastroenteritis
Rotavirus	Acute gastroenteritis with severe diarrhea
TT hepatitis	Hepatitis
Protozoa	
Balantidium coli	Balantidiasis
Cryptosporidium spp.	Cryptosporidiosis
Entamoeba histolytica	Acute amoebic dysentery
Giardia duodenalis	Giardiasis
Toxoplasma gondii	Toxoplasmosis
Helminths	
Ascaris lumbricoides	Ascariasis
Ascaris suum	Coughing and chest pain
Hymenolepis nana	Hymenolepiasis
Necator americanus	Hookworm disease
Taenia saginata	Insomnia, anorexia
Taenia solium	Insomnia, anorexia
Toxocara canis	Fever, abdominal pain, muscle ache
Trichuris trichiura	Diarrhea, anemia, weight loss

⁵ [Sewage poses potential COVID-19 transmission risk, experts warn](#)

⁶ [Pathogen and Particle Associations in Wastewater - Significance and Implications for Treatment and Disinfection Processes](#)

You may have noticed tumors on the faces and bodies of sea turtles in Maui. *Kihei, Maui, has been called a "ground zero" for fibropapillomatosis, the disease that is caused by a herpes virus and manifests as tumors in turtles⁷*. The virus is injected into the environment, and the ingestion by green sea turtles of invasive ocean algae, fed by excess nitrogen found in high concentrations in injected wastewater in Kihei², causes the unchecked growth of the tumors, a leading cause of death of the endangered species.

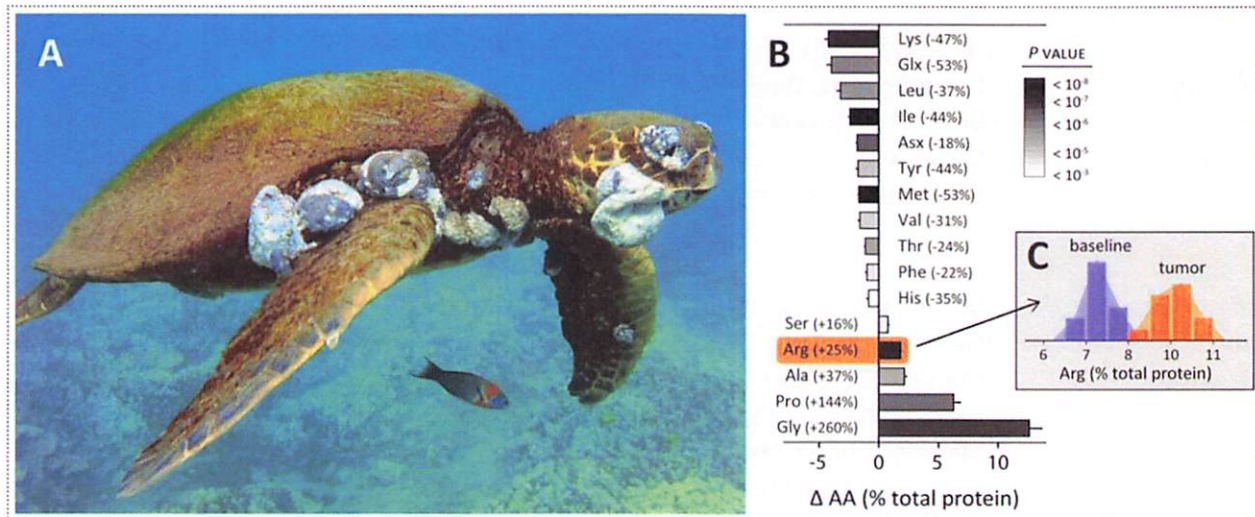


Figure 1: (A) Juvenile green turtle (*Chelonia mydas*) severely afflicted with fibropapillomatosis, a tumor-forming disease associated with α -herpesviruses. Photo: August 2012 Makena, Maui (credit: Chris Stankis, Flickr/Bluewavechris). (B) Amino acid profiles from turtle tissues show fibropapilloma tumors are notably enriched in glycine, proline and arginine, and depleted in lysine. Glycine is a known tumor biomarker; proline aids herpesvirus infections; and arginine and lysine promote and inhibit herpesviruses, respectively. Bars represent the average difference between tumor and baseline tissue for 12 individual turtles, percent changes from baseline percent total protein listed in parentheses, error bars are SEM. Bar color indicates *P* values from two-tailed paired *t*-tests. (C) Underlying histograms for arginine content in baseline and tumor tissue samples, bars are raw values, curves are smoothed trend.

⁷ [Eutrophication and the dietary promotion of sea turtle tumors](#)

Linking the expiration of a legislated moratorium on new visitor and luxury housing units, to the implementation of solutions to wastewater goals, such as disinfection and 100% reuse for municipal wastewater, is a clever way to domesticate the "wild stallion" of capitalism and profits, to pull the "cart" of quality of life, to realize expensive but absolutely essential outcomes, to preserve the collective sense of place that drives the very demand at the root of pressure to develop.

My journey on the path to realize improvements in wastewater management goes back to the year 1984, when 8-year-old Travis became so sick from non-disinfected wastewater that he felt like his fingers would fall off due to skin infections. What started as eczema evolved into severe impetigo. After some investigation, we learned through a dye test that my uncle's septic tank was flowing directly into the stream I played in. Then we found that the mobile home park upstream on the Mississinewa River was discharging their primary treated wastewater directly into the river that the stream flowed into at the corner of our lot. I was so sick that we had to sell the house that my parents had built by themselves with their own two hands, and our entire family of 6 had to move to a new home. That essential trauma of total and complete, 100% loss of place, drives me to this day. There is no better community than Maui. I want to do everything in my power to protect you from the trauma I suffer, the trauma of loss of place, because once you lose it, it is difficult or impossible to get it back within a single lifetime. The limit to one's sense of loss of place can go all the way to 100%, and dramatic action is needed to arrest and reverse the process in Maui. New visitor accommodation and housing real estate development should resume only when 100% municipal wastewater reuse is achieved in a given zip code, and then only when new reuse projects are developed proportionally to any new system flow. The only exception to this moratorium should be truly affordable housing earmarked for existing resident workforce populations. By linking limits on development to wastewater management goals, you will unleash the momentum of the real estate development market to push forward the solutions to two difficult community problems -- affordable housing and injection wells -- with the full force of the industry.

In closing, I will refer to the below partial list of downstream species found in nearshore waters in Ma'alaea Bay, where non-disinfected wastewater flows 24/7. *Each year, tens of thousands of whales travel thousands of miles from their summer feeding grounds to winter breeding grounds. Hawaii, and most abundantly the shallow waters between Molokai, Lanai, Kahoolawe and Maui, is the largest breeding ground for North Pacific whales, most of whom are coming from the northwest coast of North America*⁸.

The system we have in place is a global jet travel industry transporting disease-forming pathogens from around the world inside visitors, into the toilets of Kihei, then the County of Maui DEM collecting and injecting it without disinfection into the world's most important humpback whale calving waters. With disinfection and 100% reuse, we can heal our waters and return to a sane world in which further visitor and luxury housing accommodations make sense. We do not presently live in such a world and it will take a concerted human effort across all levels of Maui society to prevent a total loss of sense of place, by residents and visitors alike.

Mahalo for your attention!

Sincerely,
Travis Liggett
President, Reef Power LLC
www.reefpowermaui.com

⁸ [Humpback Migration to Hawaiian Breeding Grounds](#)

Humpback Whale
"kuapio kohola"
Megaptera novaeangliae



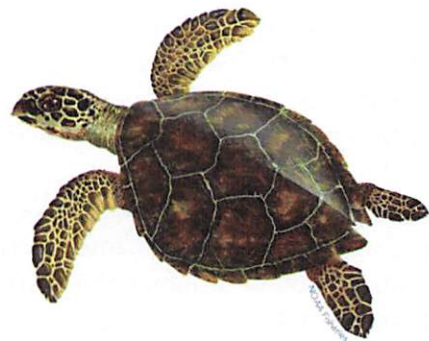
Blacktip Reef Shark
"mano pa'ele"
Carcharhinus melanopterus



Whitetip Reef Shark
"mano lalakea"
Triaenodon obesus



Hawksbill Sea Turtle
"honu'ea"
Eretmochelys imbricata



Green Sea Turtle
"honu"
Chelonia mydas



Night Octopus
"he'e"
Callistoctopus ornatus



Day Octopus
"he'e-mākoko"
Octopus cyanea



Broad Stingray
"lupe"
Dasyatis lata



Manta Ray
"hahalua"
Mobula alfredi



Hawaiian Monk Seal
"Ilio-holo-i-ka-uaua"
Neomonachus schauinslandi



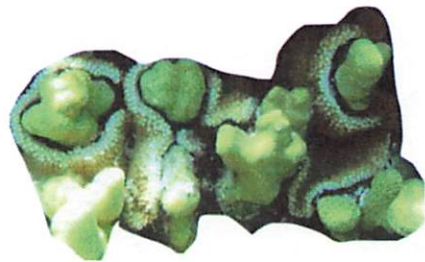
Turkey Moray
"puhi 'oni'o"
Gymnothorax meleagris



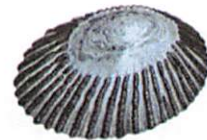
Yellow-edged Moray
"puhi paka"
Gymnothorax flavimarginatus



Rice Coral
"ko'a"
Montipora capitata



Hawaiian Blackfoot Limpet
"opihi"
Cellana exarata



Blue-Black Urchin
"wana"
Echinothrix diadema



Yellow Tang
"lau'ipala"
Zebrasoma flavescens



Bullethead Parrotfish
"uhu"
Chlorurus sordidus



Reef Trigger Fish
"humuhumunukunukuapua'a"
Rhinecanthus rectangulus



Arc-eye Hawkfish
"piliko'a"
Paracirrhites arcatus



Hawaiian Damselfish
"'alo'ilo'i"
Dascyllus albisella



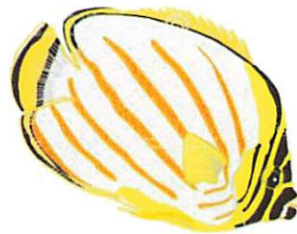
Moorish Idol
"kihikihi"
Zanclus cornutus



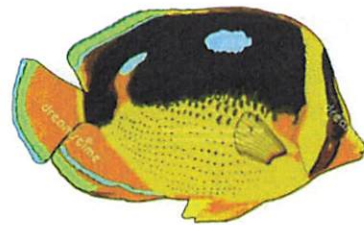
Raccoon Butterflyfish
"kīkākāpu"
Chaetodon lunula



Ornate Butterflyfish
"kīkākāpu"
Chaetodon ornatissimus



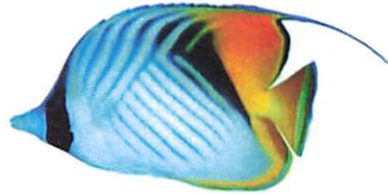
Fourspot Butterflyfish
"lauhau"
Chaetodon quadrimaculatus



Millet Butterflyfish
"lau wiliwili"
Chaetodon miliaris



Threadfin Butterflyfish
"kikakapu"
Chaetodon auriga



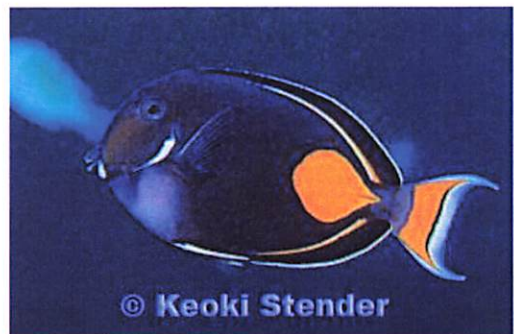
Yellow Longnose Butterflyfish
"lau-wiliwili-nukunuku'oi'oi"
Forcipiger flavissimus



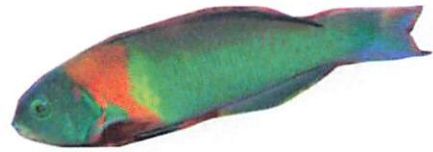
Hawaiian Whitespotted Toby
Canthigaster jactator



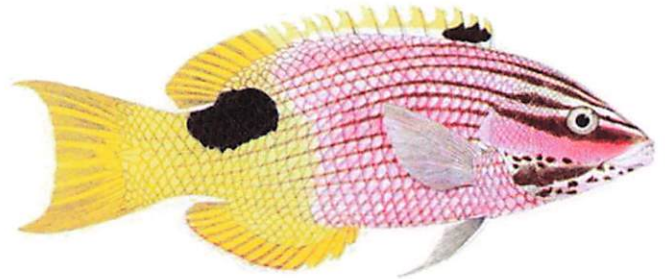
Achilles Tang
"paku'iku'i"
Acanthurus achilles



Saddle Wrasse
"hinalea lau-wili"
Thalassoma duperrey



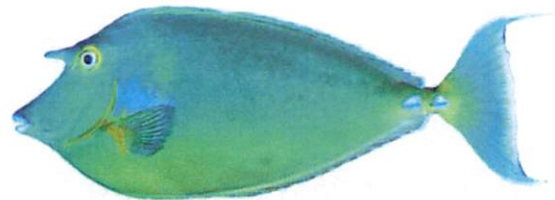
Tarry Hogfish
"a'awa"
Bodianus bilunulatus



Orange Band Surgeonfish
"na'ena'e"
Acanthurus olivaceus



Bluespine Unicornfish
"kala"
Naso unicornis



Pacific Orangespine Unicornfish
"umaumalei"
Naso lituratus



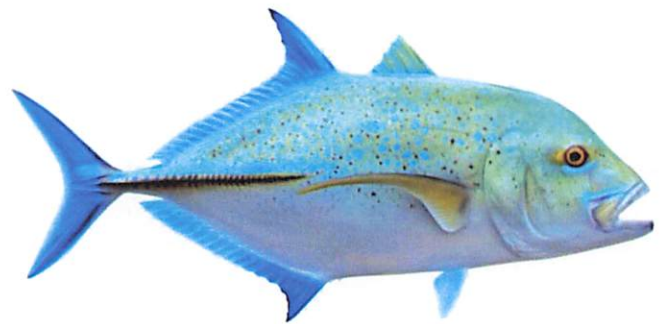
Black Triggerfish
"humuhumu ele ele"
Melichthys niger



Hawaiian Squirrelfish
"ala'ihī"
Sargocentron xantherythrum



Bluefin Trevally
"omilu"
Caranx melampygus



Hawaiian Lionfish
"honu pinao"
Pterois sphex



Convict Tang
"manini"
Acanthurus triostegus



Whitesaddle Goatfish
"kūmū"
Parupeneus porphyreus



Striped Mullet
"ama'ama"
Mugil cephalus



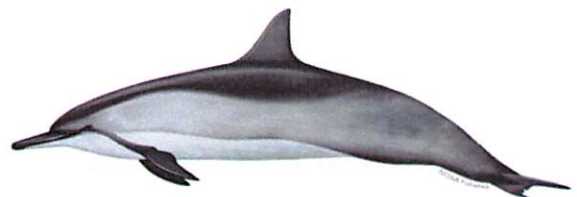
Hawaiian Cleaner Wrasse
Labroides phthirophagus



Manybar Goatfish
"moano"
Parupeneus multifasciatus



Spinner Dolphin
"nai'a"
Stenella longirostris



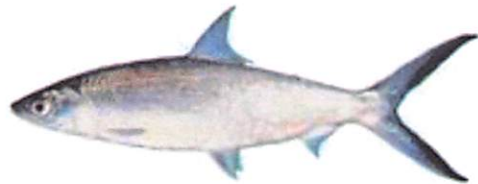
Bigeye Tuna
"ahi"
Thunnus obesus



Hawaiian Flagtail
"āholehole"
Kuhlia sandvicensis



Milkfish
"awa"
Chanos chanos



Striped Threadfin
"moi"
Polydactylus plebeius



Bonfish
"Ō'io"
Albula vulpes



Regal Parrotfish
"lauia"
Scarus dubius



Ember Parrotfish (male)
"uhu 'ele'ele"
Scarus rubroviolaceus



Ember Parrotfish (female)
"uhu palukaluka"
Scarus rubroviolaceus



Spectacled Parrotfish (male)
"uhu uliuli"
Chlorurus perspicillatus



Spectacled parrotfish (female)
"uhu 'ahu'ula"
Chlorurus perspicillatus



Goldsaddle Goatfish
"moano kea"
Parupeneus cyclostomus



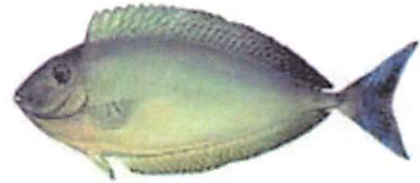
Twosaddle Goatfish
"munu"
Parupeneus insularis



Yellowfin Goatfish
"weke nono"
Mulloidichthys vanicolensis



Sleek Unicornfish
"ōpelu kala"
Naso hexacanthus



Blue-green Snapper
"uku"
Aprion virescens



Yellowstripe Goatfish
"weke"
Mulloidichthys flavolineatus



Antler seaweed (edible)
"limu wawae'iole"
Codium edule



red marine macroalgae (edible)
"limu manauea"
Gracilaria coronopifolia



filamentous marine macroalgae (edible)

"limu ele'ele"

Enteromorpha prolifera



Red Sea Plume (edible)

"limu kohu"

Asparagopsis taxiformis



red marine macroalgae (edible)

"limu huluhuluwaena"

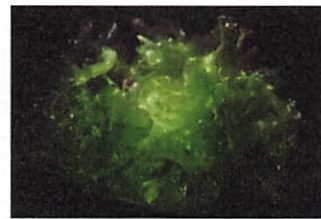
Grateloupia filicina



Sea Lettuce (edible)

"limu palahalaha"

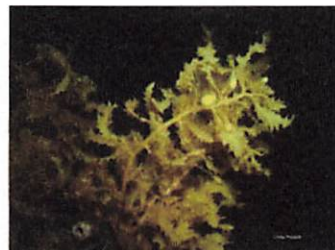
Ulva fasciata



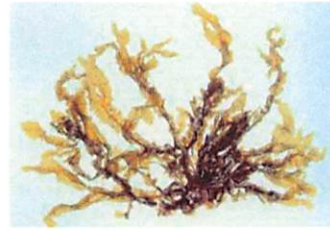
Prickly Sargassum (edible)

"limu kala"

Sargassum echinocarpum



marine macroalgae (edible)
"limu lipoa"
Dictyopteris plagiogramma



Mushroom Coral
"Ako ako a kohe"
Lobactis scutaria



Lace Coral
Pocillopora damicornis



Cauliflower Coral
Pocillopora meandrina



Blue Soft Coral
"Hawaiian blue octocoral"
Sarcothelia edmondsoni



Lobe Coral
"pohaku puna"
Porites lobata



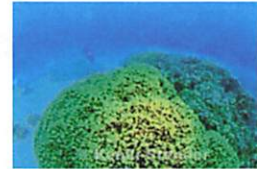
Stony Coral
"ako`ako`a"
Porites evermanni



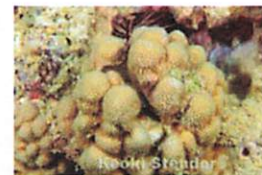
Finger Coral
"pohaku puna"
Porites compressa



Knobby Finger Coral
Porites duerdeni



Brigham's Coral
Porites brighami



Solid Coral
Porites solida



Plate & Knob Coral
Porites monticulosa



Plate & Pillar Coral
Porites rus



Lichen Coral
Porites lichen



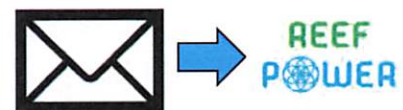
Hawaiian Porties
Porites hawaiiensis



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2021 JUL -1 PM 3:19

OFFICE OF THE
COUNTY CLERK

July 2, 2021

TO: Councilmember Alice L. Lee, Chair
Councilmember Keani Rawlins- Fernandez, Vice- Chair
Members for the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION – HAWAII (ARDA-Hawaii)

RE: Opposition to CC 21-298 (Relating to a proposed amendment to Bill 60 (2021) relating to a moratorium on building permits for visitor accommodations)

(Sent via e-mail to county.clerk@mauicounty.us)

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

I am writing in **STRONG OPPOSITION** to CC 21-298 proposing an amendment to Bill 60 (2021) relating to a moratorium on building permits for visitor accommodations in south and west Maui.

Specifically, the amendment incorporates a new subsection to Maui County Code Section 4000.5 which creates an exemption to the moratorium if the development of new visitor accommodations includes housing units to be built that are: 1) affordable to very low income or low income residents; 2) made available for occupancy prior to or concurrent with the new visitor accommodations; and 3) located in the same community plan area. Under this amendment the Maui County is attempting to leverage the hotel industry to build affordable housing in exchange for the ability to develop their own transient units during the moratorium.

ARDA-Hawaii supports that the intent of this amendment is to incentivize the development of affordable housing for Maui residents. However, ARDA Hawaii opposes the amendment in CC 21-298 as it is unduly burdensome and will NOT result in any additional affordable housing units. The cost of constructing an equal amount of affordable housing units is excessive and unreasonable, making construction of new visitor accommodations impossible. Hotel owners would be required to absorb the costs of obtaining new land and construction of the affordable units. This form of exaction is unfair, unjustified, and disproportional to impose on hotel owners looking to add additional units to maintain their competitiveness.

Moreover, NO new affordable housing units will be built due to the costs and timeframe associated with utilizing the amendment. It would be illogical for hotel owners to absorb the additional costs of constructing affordable units. The construction of the new visitor accommodations will not pencil out; therefore, no new affordable units will be created. The

proposed amendment would also require the affordable units be "made available for occupancy prior to or concurrent with the new visitor accommodations" during the 2-year moratorium. The reality of obtaining land, installing necessary infrastructure, obtaining necessary entitlements, and actually constructing the affordable housing project will be substantially longer than the 2-year window. The amendment would essentially be ineffective because hotel owners would not be able to construct the necessary affordable units that would enable them to build their additional accommodations under the exemption. Due to the above consideration, CC 21-298 will NOT result in additional affordable units as intended.

Furthermore, ARDA Hawaii is concerned with the manner in which Bill 60 and CC 21-298 are being pushed through the Council. CC 21-298 amends Bill 60 which will be heard on second and final reading later in the same agenda. Accordingly, the proposed amendment will immediately become law in the same hearing that it is introduced. Typically, there would be another hearing after an amendment is made to provide additional opportunity for the public to weigh in. This process appears rushed and lacks transparency without adequate time to analyze the impacts of the amendment prior to becoming binding law.

I respectfully ask that you defer CC 21-298. Thank you for your consideration of my comments.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ryan', with a stylized flourish at the end.

Ryan Nobriga
Maui Task Force Chair
ARDA Hawaii

County Clerk

RECEIVED

2021 JUL -2 AM 10:17

From: Kelly King
Sent: Friday, July 2, 2021 9:35 AM
To: County Clerk
Subject: FW: Pass the Visitor Accommodations Moratorium.

OFFICE OF THE
COUNTY CLERK

Testimony for Bill-60

With Aloha,
Sarah Sexton
On behalf of Councilmember Kelly Takaya King

Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

On 7/2/21, 12:27 AM, "Jessica Pearl" <jessicapearl@icloud.com> wrote:

Aloha County Council Members,

Thank you for taking the time to read these emails. I have participated in several of the meetings and I believe that everyone tomorrow will speak for me.

I am a business owner and depend on tourism. However, I believe that we need to have limit setting for the amount of tourism on island and that this moratorium will help set those limits.

Thank you,
Jessica

RECEIVED

2021 JUL -1 AM 8:05

OFFICE OF THE
COUNTY CLERK



July 1, 2021

Council of the County of Maui

RE: MORATORIUM ON BUILDING PERMITS FOR VISITOR ACCOMMODATIONS (Bill 60)

Hearing date and time: Friday, July 2, 2021 at 9:00 a.m.

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 **strongly supports** the proposed moratorium on building permits for visitor accommodations. This proposed bill would amend the building code to place a moratorium on visitor accommodations development in West and South Maui, an action which would help ensure the County stays on track to implement critical plan action items relating to the visitor-industry impact on the County's environment. By doing so, this bill would help preserve the County's environment and efforts towards climate change mitigation and resilience-building.

Earlier this year 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.

Mahalo for the opportunity to testify in support of the proposed moratorium on building permits for visitor accommodations.

Sherry Pollack, Co-Founder, 350Hawaii.org

County Clerk

From: Vivien Lee <leereppun@gmail.com>
Sent: Thursday, July 1, 2021 10:58 AM
To: County Clerk
Subject: Bill 60

This bill is an important step in dealing with Climate Change, the issue that affects and is affecting everyone's life right now. Thank you, Charles Reppun

RECEIVED
2021 JUL -1 AM 11:11
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Friday, July 2, 2021 10:08 AM
To: County Clerk
Subject: FW: Written testimony re: **visitor accommodation moratorium bill**

Testimony for Bill-60

With Aloha,
Sarah Sexton
On behalf of Councilmember Kelly Takaya King



Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor
Wailuku HI 96793
<http://mauicounty.us/>

RECEIVED
2021 JUL -2 AM 10:18
OFFICE OF THE
COUNTY CLERK

From: Katie Romanchuk <ohialani@gmail.com>
Reply-To: "ohialani@gmail.com" <ohialani@gmail.com>
Date: Thursday, July 1, 2021 at 10:22 AM
To: Kelly King <Kelly.King@mauicounty.us>, "MauiTomorrow@aol.com" <MauiTomorrow@aol.com>, "Info@Maui-Tomorrow.org" <Info@Maui-Tomorrow.org>
Subject: Written testimony re: **visitor accommodation moratorium bill**

Kelly and Maui Tomorrow, please help me get this to the right place, thank you.

Written Testimony from Katie Romanchuk

Dear Honorable Maui Council Members and Mayor Victorino

Having lived in Maui for almost 38 years, I have seen drastic changes to our island and the 'aina and marine health as we allow more and more tourists to visit. I felt we reached a tipping point decades ago myself regarding new hotels and over-development in general, but hopefully it isn't too late to save what is left of our precious island. Maui is a small isolated island and resources are limited. We would be irresponsible to those who reside here to expanded our tourism industry beyond what it is, as our roads are clearly already overcrowded, fresh clean water is getting more scarce, we begin water restrictions tomorrow upcountry and Summer is just beginning, for example. Beaches are choke full, parking is difficult, our environment is compromised as more and more natural habitat is covered over with cement and pavement that lasts forever.

When I drove to Kihei and Wailea recently I was mortified and shocked at the obscene number of concrete buildings with hundreds maybe thousands of new apartments or hotel rooms that are going up in our most beautiful ocean front areas. How much can this island take?! How much is enough? Is the dollar more important than people being able to drive to work in a timely matter, and kids to get to school, and have recreational areas in which to play and relax and enjoy beauty, or to have clean water to drink and water our farmlands for food to eat? Can this little island sustain the number of people visiting and living here when there is a crisis - a hurricane, fires, or an earthquake? Do we have a responsibility to take care of our residents? I think Yes.



Is this what we want for Maui? NO.

Please support Kelly King's **visitor accommodation moratorium bill**.

Thankfully yours, Katharine Romanchuk, Haiku citizen.

County Clerk

RECEIVED

From: Ryan Sakuda <ryan@gcahawaii.org>
Sent: Thursday, July 1, 2021 9:17 AM
To: County Clerk
Subject: Testimony on Bill 60 for Maui County Council July 2 at 9 AM
Attachments: Testimony on Maui Council Visitor Accommodation Moratorium.docx

2021 JUL -1 AM 9:28

OFFICE OF THE
COUNTY CLERK

Aloha,

I'd like to provide written testimony on Bill 60 for the Council meeting tomorrow at 9 AM. I will not be providing oral testimony.

Mahalo,

Ryan Sakuda

Director of Government Relations
(808) 286-9338



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

General Contractors Association of Hawaii

1065 Ahua Street, Honolulu, HI 96819

PHONE: 808-833-1681

FAX: 808-839-4167

Website: www.gcahawaii.org



Testimony on Legislation for Visitor Accommodation Moratoriums

July 2, 2021

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately five hundred (500) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Our mission is to elevate Hawaii's construction industry and strengthen the foundation of our community.

At time of this writing, the GCA is aware of the two Moratoriums currently being discussed by the Maui County Council which propose an immediate halt on new developments servicing the visitor industry. It is our understanding that new developments which do not have an active and issued building permit would be immediately ceased if this moratorium passes. GCA understands the good intent of this moratorium, and in some instances, agree with the goals of the Moratorium proposals.

However, we believe the proposed sequencing of these moratoriums will negatively impact our economy further. If we are to diversify our economy to reduce the visitor population, then that plan should be made, invested in and rolled out prior to impacting visitor and building industries – the two only economic drivers in our community.

We all support sustainable tourism, but we do not believe that a shutdown on the construction of new visitor accommodations in appropriately zoned and planned hotel and resort areas is the answer. The bills will shut down opportunities for investment in our economy at a time when we are trying to recover from the effects of the global pandemic. It is important to remember the industry is recovering and had huge losses so now is not the time to do this. According to leading state economic Paul Brewbaker the opportunity cost of shutting down lodging construction for two years would be about \$200 million per year. These bills will have the wrong effect at precisely the wrong time. In creating legislation, in particular a moratorium, both the positive and negative impacts must be weighed. **We urge you to defer these measures** to seriously consider the unintended consequences and devastating economic impact that measures like these will have on Maui's people and fragile economy.



RECEIVED

2021 JUN 28 AM 7:48

June 22, 2021

OFFICE OF THE
COUNTY CLERK

Maui County Council Members

Re: Opposition to CR21-39

Aloha Council Members:

As a resident and business owner on Maui, I wholeheartedly embrace malama 'aina, and I concur with the Chamber of Commerce's letter to the Board. We are all responsible for perpetuating our State's motto - Ua Mau ke Ea o ka 'Āina i ka Pono. This includes providing a stable and prosperous environment for Maui residents - our ohana.

The moratoriums being considered will do more harm than good, and I am steadfast in my opposition against them.


Ms. Rawlins-Fernandez suggested the issue at hand is similar to someone wounded and bleeding out. While that overly dramatic analogy is far from accurate, without the local jobs, income, and stability that tourism, hospitality and construction provides (not to mention the county jobs associated with each of those industries), there would be no life-blood in our body to begin with! The wound she alludes to cannot be healed by stopping the heart from beating. It can only be attended to by capable and responsible physicians - in this case, the Maui County Council. It is their responsibility to create and approve appropriate community plans. Asking our residents to suffer while they do so is detrimental to the overall health of our community.

Current plans should be honored and kept in place until new ones are voted on and implemented. Halting progress so the Council can consider the way ahead would simply highlight its inability to fulfill its roles and responsibilities - all at the expense of Maui residents and businesses. Asking for this 'time out' only adds insult to injury and demonstrates a complete disregard for the economic duress of the people you are meant to serve.

According to DBEDT (<https://dbedt.hawaii.gov/economic/qser/construction/>) Hawaii lost 1300 construction jobs last year, and in the first quarter of this year Maui building authorizations are down nearly 30 percent compared to last year! How much more does the council need? What you are proposing is kicking us while we're already down.

The proposed moratoriums will have devastating and negative consequences on our ohana. A temporary 'solution' is not the answer. I encourage the council to vote NO on this proposal, and instead to use your time in developing the long-term solutions which can be found in an updated community plan.

Respectfully,



Frederic Steineck
President

County Clerk**RECEIVED**

From: pomai stone <pomaistone@gmail.com>
Sent: Wednesday, June 30, 2021 11:59 PM
To: County Clerk
Subject: support of bill 60

2021 JUL -1 AM 8:05**OFFICE OF THE
COUNTY CLERK**

Aloha mai kua,

I am writing to you as a Native Hawaiian and Hawaii resident who supports bill 60. This is an important initiative which would pause visitor accommodation expansion and development in South and West Maui while communities reevaluate what they would like their relationship to tourism to be.

This moratorium would help ensure the County stays on track to implement critical plan action items relating to the visitor-industry impact on the County's environment. By doing so, this bill would help preserve the County's environment and efforts towards climate change mitigation and resilience-building.

Mahalo nui for passing this message along and for standing for what is right for our people and aina.

--

na-u me ke aloha
na Johanna Kapōmaika'i Stone
.:me he lau no ke Ko'olau ke aloha:.

County Clerk

From: Dean Stelow <dstelow@nordev.net>
Sent: Sunday, June 27, 2021 1:27 PM
To: County Clerk
Subject: Proposed 2 year hotel building ... moratorium

RECEIVED

2021 JUN 28 AM 7:48

OFFICE OF THE
COUNTY CLERK

Aloha, my name is Dean Stelow and I am a resident of Kihei. I am asking you to please help pass the proposed 2 year hotel building and transient housing moratorium. Tourism visitor levels are out of control.

- thanks, Dean
Dean Stelow | 920-217-5754

County Clerk

From: Allen Tom - NOAA Federal <allen.tom@noaa.gov>
Sent: Wednesday, June 30, 2021 5:25 PM
To: County Clerk; Kelly King
Subject: Testimony in support of No. 21-308 - Establishing a sister-city relationship with San Cristobal Island, Galapagos

RECEIVED

2021 JUL -1 AM 8:05

OFFICE OF THE
COUNTY CLERK

On behalf of the Hawaiian Islands Humpback Whale National Marine Sanctuary (the Sanctuary), I would like to provide testimony in support of the Resolution establishing a sister-city relationship with San Cristobal, located entirely within the Galapagos National Park.

The Sanctuary is part of the National Oceanic and Atmospheric Administration (NOAA) and NOAA has a larger overarching partnership with the Galapagos National Park. Over the past 25 years, the Sanctuary has exchanged scientists, educators and staff with the Galapagos National Park. In early 2000, we hosted at our Kihei office, the superintendent of the Galapagos National Park. The Park superintendent met with staff, volunteers and went out on our Sanctuary boat. He was also provided the opportunity to meet with the Kaho'olawe Island Reserve Commission staff. The superintendent remarked on how much the islands of Kaho'olawe and Maui were similar biologically and cultural to the Galapagos. He mentioned the similarities of our native flora and fauna being under the threat of extinction, but also how tourism can play a role in shaping our island's economy.

The Sanctuary would be a willing partner in any sister-city relationship. We can offer meeting and office space, as well as access to our research staff and research boat if warranted. I could easily see the Sanctuary assisting with a sharing of staff, students and other members of the public, that in the end will help increase

awareness of the unique island communities that exist both on Maui and on the Galapagos islands.

This resolution, if passed, will go a long way towards showing the world how serious the County of Maui is about a partnership with a World Heritage site, the Galapagos islands (San Cristobal).

Sincerely:

--

Allen Tom
Superintendent
Office of National Marine Sanctuaries
726 South Kihei Road
Kihei (Maui), Hawaii 96753
808-879-2818 ext 225

RECEIVED
2021 JUL -2 AM 8:04

OFFICE OF THE
COUNTY CLERK

Puerto Ayora, 2 July, 2021



Attention: Members of the Council of the County of Maui
Maui, Hawaii
Email: kelly.king@mauicounty.us; county.clerk@mauicounty.us

Dear Members of the County of Maui,

We are honored to send the following letter of support for the resolution to establish a sister-city relationship between San Cristobal Island, Galapagos, Republic of Ecuador, and the County of Maui, Hawaii, United States of America. Both the Galapagos and Hawaii islands have many unique common characteristics that would make this relationship special. We are sure that this alliance would provide a space for future collaboration that can increase the awareness of our unique islands communities, and generate opportunities for science, education and knowledge exchange.

I would also like to take this opportunity to express our interest in supporting a possible alliance between the County of Maui (or perhaps a sister County such as Oahu or Hawaii) and Santa Cruz Island in Galapagos. The Charles Darwin Research Station, run by the Charles Darwin Foundation is located on Santa Cruz Island, and we believe that a partnership with Santa Cruz can also provide a strong space for collaboration.

Sincerely yours,

Rakan Zahawi, PhD
Executive Director
Charles Darwin Foundation for the Galapagos Islands

CC: Johanna Carrión, Interinstitutional Affairs Coordinator, FCD



PROSPERIDAD,
SOLIDARIDAD
Y EQUITAD

RECEIVED

2021 JUL -2 AM 7: 45

OFFICE OF THE
COUNTY CLERK

Puerto Baquerizo Moreno, 02 of July 2021
Oficio No. 217-GADMSC-A-DTC-2021

Dear Mrs.
Kelly King
COUNCILMEMBER
City

Of my consideration:

We are honored to be considered as part of the proposed resolution entitled "Establishing a Sister – City Relationship with San Cristobal island, Galapagos, Republic of Ecuador". We are also please to know that our hard work and effort have paid off.

We are sure that with the creation of this resolution we can strengthen our bond between our communities, since they are so unique. We would even dare to say that we can show to the world that we can empower each other's communities towards a better and sustainable future through our oceanic identities.

What it is expected of this resolution is to have a knowledge, scientific and technological exchange between our communities in the matters of: farming, fisheries, waste water treatment and conservation as well as a cultural exchange and first-hand experience of our traditions and daily life of our children and youth through a well-structured academic system. Lastly, strengthen the promotion of our tourist sights and help each other recover from the pandemic that it is well known, has affected us all. Since we both have great cultures as well as a beautiful nature, unique wildlife and world class surf spots. We hope to potentiate the surf tourism as well as looking forward to a sustainable development that can be aligned with the UN Agenda 2021 to protect and maintain a healthy equilibrium that allows us to keep our ecosystems through future generations.





I make the occasion propitious to express to my testimony of consideration and esteem.

Att,

HENRY
DAGFIN
COBOS
ZAVALA

Feminis digitalizanta poezijent
BAGFIN CUBOS TAVILA
DNI. KANZERYNT BAGFIN COROS
ZAVILA. PREC MOUSTO YRANCO
CENTRAL. DZI. BULADKIN
KONSTANTIN DE KONSTANTIN
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Tchlgst. Henry Cobos Zavala
MAYOR OF SAN CRISTOBAL CITY

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Av. Charles Darwin y 12 de Febrero

