

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

October 1, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, OCTOBER 1, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Council meeting of, of October 1, please come to order.

Alright, Members, the greeting for today is halo toilichte a bhith eòlach ort, toilichte a bhith eòlach ort. Happy to see you all.

Roll call, Mr. Clerk.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call. In accordance with the Governor's most recent emergency proclamation related to the COVID-19 response, Members should state who, if anyone, is present with them as part of roll call.

## ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka and halò ma ka hikina toilichte . . . I'm here at the Hana Cultural Center with my EA Dawn Lono.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and halò toilichte a bhith eòlach ort, Madam Chair and my colleagues. For the record I'm here at my residence in Makawao, and in the other room is my spouse. Aloha and hope we have a very productive Council meeting. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka, everyone. Halò, toilichte a bhith eòlach ort. And I am also here in my same room with no other persons around me.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Members. Um, oh that's a, toilichte, dah lan dah lan dah lan. I'm here in the office, at the, at the, with my staff Kate Griffiths and it's cold in the building, so duly noted. Happy to be here. Aloha.

CHAIR LEE: Happy to see you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou, from Maluuluolele. I'm here at the West Maui District Office with my EA Angela. And halò toilichte a bhith dah lan, dah lan. Every time someone makes a comment the, the words move up and I lost it, sorry.

CHAIR LEE: Oh, okay.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: I'm going to stick to what I know. Ohayo gozaimasu. Good morning everybody from Kula. Nice to see you all, halò and let's get on with a great meeting. Thank you, Chair.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Maui Nui a kama. I am here with Sarah Freistat Pajimola and halò toilichte a bhith, toilichte a bhith, oh I lost it, toilichte a bhith eòlach ort.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: Halò my dear colleagues. I am here alone and look forward to having a wonderful meeting with all of you. Thank you.

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

EXCUSED: COUNCILMEMBER NATALIE A. KAMA.

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

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

Joining the meeting from the Department of the Corporation Counsel is Deputy Corporation Counsel Mimi DesJardins.

CHAIR LEE: Opening remarks will be provided by Councilmember Tamara Paltin.

### OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Palin.

CHAIR LEE: Thank you, Member Paltin. That was, that was very beautiful.

Now, everyone, I ask you to join me in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

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

Mr. Clerk. Mr. Clerk.

COUNTY CLERK KATHY L. KAOHU: Chair.

CHAIR LEE: Yes.

COUNTY CLERK: This is Kathy. Good morning.

CHAIR LEE: Good morning, Madam Clerk.

COUNTY CLERK: Proceeding with presentation of testimony on the ceremonial resolution.  
Chair, I have nobody written in to sign up as testifiers.

CHAIR LEE: Okay. Members, are there any objections to closing public testimony on ceremonial resolutions?

COUNCILMEMBER KING: No objections.

COUNCILMEMBER JOHNSON: No objections.

COUNCILMEMBER PALTIN: Oh, Chair?

CHAIR LEE: We have a question from Member Sinenci.

COUNCILMEMBER PALTIN: Can we do a, a last call for if anybody didn't sign up but they want to, and they're on the line, and they didn't know they were supposed to sign up?

CHAIR LEE: Oh okay.

Madam Clerk.

COUNTY CLERK: Okay. Calling for any individual wanting to provide testimony on the ceremonial resolution "HONORING THE LIFE OF THE LATE CHAD KĀLEPA BAYBAYAN".

COUNCILMEMBER PALTIN: Um, I did--

CHAIR LEE: Has anyone signed up or called in?

COUNCILMEMBER PALTIN: Yea, Elle indicated that she had wanted to sign up.

CHAIR LEE: Oh, I'm sorry. We didn't, oh she came back on the call. Former Member Cochran?



## PRESENTATION OF ORAL TESTIMONY

MS. ELLE COCHRAN:

Hi.

CHAIR LEE: Are you there?

MS. COCHRAN: Yea, I'm here. Sorry, I unlogged. Hi. I'm back. Hi. Yea, I, good morning.

CHAIR LEE: Good morning.

MS. COCHRAN: Aloha. I love your morning greetings. It makes me laugh and smile . . . . That's a good way to start the full Council. Mahalo for that. But, yes, I just wanted to briefly share my heartfelt prayers to the ohana of Chad Baybayan, and Auntie Lillian, and everyone, friends and family. I just want to, I recall, and I honor the moment that I did get a one-on-one meet-and-greet with Chad. It was at a HSAC actually at Mauna Kea on Hawaii Island. And it was just so enlightening. And so, I will always cherish that moment with him. He just, Akua took him way too early for us, but thank god for his presence, for the time he has been on our aina and, you know, for his 'ike, and what he shared. He was such a passionate, dedicated waterman, family, and everything, the Hawaiian culture, you know, possesses. So, mahalo for this resolution in honoring of Mr. Baybayan. Aloha.

CHAIR LEE: Aloha and always good to see you, Member Cochran.

MS. COCHRAN: Thank you.

CHAIR LEE: Any questions?

MS. COCHRAN: You said participate more, so got it, Chair Lee. I will.

CHAIR LEE: Okay.

MS. COCHRAN: I am. Thank you.

CHAIR LEE: Okay. Good. Any questions for Ms. Cochran? If not, thank you again. Have a great weekend.

Madam Clerk.

COUNTY CLERK: Chair, we have one more individual, with the last four digits of the telephone number 4589.

MR. ARCHIE KALEPA:

Aloha. This is Archie Kalepa.

CHAIR LEE: Hi, Archie.

MR. KALEPA: . . . and Councilmembers. Aloha.

CHAIR LEE: Aloha.

MR. KALEPA: I, just, I just wanted to say that I wanted to thank you guys for considering this proclamation, number one. And I think it's well-deserved for Kālepa. He's born and raised in Lahaina. He spent his youth in Lahaina. He honed his skills canoe paddling and his beginning of navigation in Lahaina. And then, became part of PVS, the Polynesia Voyaging Society, and where he became a Pwo. And there is only five Pwo from Hawaii. And you know, losing a Pwo, we're losing a master. And he was a master of his trade, navigation, but I think more importantly, his willingness to share, and his passion for education was beyond most of us as family. He exceeded our expectations and he set the bar high for a lot of us. And so, I just wanted to say mahalo for, for this proclamation. And you know, he's going to be very, very, very missed in the voyaging world, in the world of navigation, and more importantly, missed by all of his family members. So, I just wanted to say mahalo and thank you.

CHAIR LEE: Thank you, Archie. Any questions?

Ms. King? Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Archie. I just wanted, for the public, if you could just tell us your relationship?

MR. KALEPA: Oh, so, Chad is my, Kālepa is my first cousin. His mother and my father are brother and sister, so we grew up together. We grew up fishing in Lahaina with our grandfather. A lot of the things that we learned early on in our childhood came from our parents and our grand, our grandfather. And, you know, I just remember him from small kid days. We grew up together, playing together and, you know, later on, paddling, and then voyaging. So, I'm going to miss him a lot.

COUNCILMEMBER KING: Okay, well--

MR. KALEPA: I miss him a lot.

COUNCILMEMBER KING: --we all . . . . Thank you so, thank you so much for being here. I just, I knew you were related. I wasn't sure what the exact relation was, but it's very interesting, the background. Thank you. Thank you, Chair.

CHAIR LEE: Thank you, Member King. Any other questions?

Madam Clerk, do we have--

MR. KALEPA: And I just wanted to say thank you to Tamara.

CHAIR LEE: Madam Clerk, do we have any other testifiers?

COUNTY CLERK: Chair, at this moment, we don't have any other testifiers signed up for testimony, but we do have the family standing by for when the resolution is being adopted.

CHAIR LEE: Okay.

MR. JOHN HELLER: I'm sorry. My name is John Heller and I signed in trying to testify.

CHAIR LEE: Alright, Mr. Heller. Please proceed. Mr. Heller, this is on the condolent resolution, right? For Mr. Baybayan.

Tamara, is Mr., are you familiar with Mr. Heller? Is he a friend or a family member?

COUNCILMEMBER PALTIN: I'm not familiar with Mr. Heller. I did send notification to the Polynesia Voyaging Society. I'm not sure if that's who it is though. It wasn't clear that it was closing testimony for the ceremonial resolution. So, I'm not sure which, what testimony that he wanted to provide.

CHAIR LEE: Okay. Thank you. Madam Clerk, can you announce last call for testimony?

COUNTY CLERK: Chair, this is the last call for testimony for the ceremonial resolution. And nobody else has indicated wanting to testify. Shall we proceed?

CHAIR LEE: Okay. Members, are there any objections to closing public testimony on the ceremonial resolution? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Madam Clerk.

COUNTY CLERK: Chair, proceeding with the ceremonial resolution.

### CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 21-147

HONORING THE LIFE OF THE LATE CHAD KĀLEPA BAYBAYAN

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ENTITLED "HONORING THE LIFE OF THE LATE CHAD  
KĀLEPA BAYBAYAN".

COUNCILMEMBER KING:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: It's been moved by Member Paltin, seconded by Member King, to adopt the resolution "HONORING THE LIFE OF THE LATE CHAD KĀLEPA BAYBAYAN".

Member Paltin, did you wish to read the resolution in its entirety?

COUNCILMEMBER PALTIN: Thank you, Chair. I, I would like to.

CHAIR LEE: Please proceed.

COUNCILMEMBER PALTIN: Thank you.

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

COUNCILMEMBER PALTIN: Thank you. I ask for the Members full support of this resolution.  
Thank you, Chair.

CHAIR LEE: Thank you. Well read. Any discussion, Members?

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo. I too just wanted to share our condolences to the entire Baybayan Ohana from the East Maui families. . . . Kālepa has been a great kumu to all navigational students throughout the Pae Aina O Hawaii. And so, we wish, may the stars always guide his journey home. Mahalo nui.

CHAIR LEE: Thank you. Any more discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I would just like to thank Member Tamara Paltin for bringing this forward on such a beautiful man. I've known Archie for a long time. But thank you very much for sharing this. I just want to add, do we want to send a certified copy, also, to the Governor, so he can see what a, you know, beautiful legacy he has left and how proud we are in Maui County to also honor this family. So, I would like to make that friendly amendment, if I could, Ms. Paltin. To also add, "BE IT RESOLVED by the Council of the County of Maui" to also include a certified copy to go to Governor, Governor Ige. Is that alright?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Madam Clerk, please be sure to follow up on that.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

CHAIR LEE: Alright. All those in favor of adopting the resolution, please--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to also lend my full support for the, this resolution. Mahalo, Member Paltin, for introducing it. And also, extend my

sincere condolences to the Baybayan Ohana, Baybayan. And I wanted to share the sentiments that was quoted by master navigator Nainoa Thompson. "To be pwo is to be light. To be light is to be loved. You heal. You solve conflict, you take care of the land. It's based on that issue of care." Papa Mau also believed, according to Thompson, that a person only becomes a true master after they die, and only if they pass their knowledge to someone else first. "If that's true - if that's what it is to be a master navigator - well then by that criteria you have to rank Kālepa as one of the greatest navigators in humankind". He said, "I believe that that voyage that he's taking, taken now is to be pwo, the beautiful black sky of night. That is his journey. He has to do on his own". Mahalo, Chair.

CHAIR LEE: Thank you for sharing that. Any other comments, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just want to echo the condolences to the family. I didn't know Mr. Baybayan, but, you know, my husband and I have been working through our company with the Polynesian Voyaging Society on some of their sustainability issues. And I really, I just wanted to mention how appropriate it was to hear that poem that we had today, because the idea of building bridges for the people coming behind you is exactly what this whole organizations, definitely this whole master navigator is all about. So, thank you for that poem, Member Paltin, and thank you for bringing this very timely resolution to us. And in full support.

CHAIR LEE: Thank you, Member King.

Any other comments, Members? If not, all those in favor of the motion to adopt the resolution, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk, are we going to invite the family to speak? Madam Clerk.

COUNTY CLERK: Yes, Chair. R. Tanaka Family is standing by to address the Council.

CHAIR LEE: Ms. Tanaka?

MS. PĀ'ANAĀKALA TANAKA: Aloha. Ke aloha no ia kakou o wau Pā'anaākala Baybayan Tanaka. I am the hiapo, so the oldest of the three children. Mahalo to each and every one of you, Councilmember Tamara Paltin, for bringing this forward, as well as each of you, Councilmember Shane Sinenci, and Yuki Lei Sugimura, and Kelly King for sharing all of that wonderful mana'o and your sentiment. It is such an honor to him to be recognized in, we're, you know, this island, this place where he's from, because he was extremely proud to be from Maui.

I was not only just his daughter, but also a crewmember. And he was my mentor in studying navigation. And he always reminded each and every one of us on the canoe where he came from, West Maui. As well as that he was a proud graduate of Lahainaluna. He would sport his shirt many, many, many times, never let anyone forget. So, very beautiful.

I'm just speaking on behalf of my family, and then also as a student of his, that apprenticed under him to study under navigation. And he was such a great dad. Education was huge in our household. As a young child growing up, he was going to college as you know, studying Hawaiian. And so, Olelo Hawaii was definitely a staple within our household. And so, I'm so thankful for that, as he really and truly inspired me to choose the path that I did.

And perhaps I can just share one short story, as it connects to my community back here in Lahaina, Maui. And it was the first time that I've ever sailed with him. He had finished building Hokualaka'i, which was part of Punana Leo. And they were sailing that canoe from Oahu to Maui. And I was extremely scared, because I was just beginning my journey of Olelo Hawaii, and beginning that journey of really wanting to connect back to my kupuna and my roots of what it is to be Hawaiian and what it is to be a voyager.

And so, as we were sailing, all of that anxiety of what I didn't know and what I wasn't able to do really melted away, because I realized that every single person on that canoe was also just like me, and we were just learning. And we had this tremendous teacher, who was just openly sharing, you know, without any hesitation at all. And so, I think really then was really how I got to see, like, him in action, as a teacher, it was so, so beautiful.

And then, of course, when we got back to Maui I was hooked, and I wanted to do anything and everything that had to do with canoe, and I wanted to learn navigation. And what he told me was, you know, he was living on the Big Island at that time, and he said, "well, you got to go find your canoe". And I was like, oh, how am I going to do this? You live on the Big Island. And that's how I came to connect with Mo'olele and Mo'okiha, and the Hui o Wa'a Kaulua.

And I feel like that in itself has a lot to say. Cause like, before you go sailing everywhere and whatnot, you need to take care your community, you need to find those gems and . . . within your community that you can support, and that can feed you that are tangible and that you can reach. And so, that became my journey. And so, now here I am, the educational director of the Hui o Wa'a Kaulua. And I think, you know, I didn't realize it at the time, but he really set things in motion. And now I'm teaching a new generation of kids, and future voyagers. So, thank you all.

And one of the last things, one of the things that he would always say, too, is when you leave sight of land, you discover the stars. So, tonight when you go home, step outside. Go look at the stars. It's so beautiful out there. So, mahalo.

CHAIR LEE: Mahalo to you. Thank you. Do you have other members of your family who would like to testify?

Madam Clerk.

MS. TANAKA: They--

CHAIR LEE: Ms. Tanaka?

MS. TANAKA: Oh, they, they asked me to be the speaker.

CHAIR LEE: Okay.

MS. TANAKA: So, just me. Mahalo.

CHAIR LEE: Thank you. Alright, Members, any questions for the, Ms. Tanaka? Thank you.

Madam Clerk.

COUNTY CLERK: Chair, that's RESOLUTION 21-147.



## SET THE CONSENT CALENDAR

DEPUTY COUNTY CLERK: Proceeding with item F. on the agenda to set the Consent Calendar.

CHAIR LEE: Members, at this time, we will be, we will set the Consent Calendar. As a reminder, the calendar can still be adjusted even after it is set. Are there any requested changes to the Consent Calendar at this time?

Member Sugimura?

COUNCILMEMBER SUGIMURA: Just to remove 21-458, the first item, and send it to IT please. Well, just remove it. Thank you.

CHAIR LEE: 21-458? Remove. Okay.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Any other changes?

Member, oh, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Removing CC 21-462 please.

CHAIR LEE: 46?

VICE-CHAIR RAWLINS-FERNANDEZ: 2.

CHAIR LEE: 2? 2. Okay. Anything else or anyone else? Just these two?

Vice-Chair Rawlins-Fernandez, you have a motion for the entire Consent Calendar?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. After public testimony, I'll have your motion ready for you.

CHAIR LEE: Okay. Alright.

Madam Clerk, back to you.

COUNTY CLERK: Item G., presentation of written or oral testimony. 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 turn to testify.

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

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

Chair, our first--

CHAIR LEE: Madam Chair. Madam, Madam Clerk. Madam Clerk.

COUNTY CLERK: Yes.

CHAIR LEE: Before you call the first testifier, I have a short announcement. Members, at 11:00, I will ask you if you have any questions for Mr. Spencer Lau, who is a nominee for one of the boards and commissions. And this is because he wasn't available at the last meeting, he's making himself available at this meeting. And so, I thought it would be best that we set a time for him to show up, because I have no idea when we'll get to his item, which is the last item on the agenda. So, at 11 a.m., I'm going to stop, well, after the last testifier, I'm going to call on him. He's supposed to call in. And then, if you have your questions. By the way, do you have questions? I mean if you don't have questions, then we can tell him.

Member Paltin.

COUNCILMEMBER PALTIN: I was, I was the one that requested.

CHAIR LEE: So, you do have a question? Okay. Anybody else? Alright. Okay, so at 11:00, we'll, we'll stop and then take your question for Mr., for Mr. Lau.

Madam Clerk, please proceed with testimony.

COUNTY CLERK: Chair, our first testifier is Angela Vento. To be followed by the telephone ending in 9460.

### PRESENTATION OF ORAL TESTIMONY

MS. ANGELA VENTO, WAILEA BEACH RESORT MAUI [testifying on Bill No. 101 (2021)]:

Good morning, are you able to hear me?

CHAIR LEE: Yes.

MS. VENTO: . . . . It's a delight to be here, Chair Lee, Vice-Chair Rawlins-Fernandez, and certainly all the Councilmembers. My name is Angela Vento. I'm the general manager for the Wailea Beach Resort Maui. I am also a resident of Upcountry Maui. And I am the new Chair for the Maui Hotel and Lodging Association. So, it is wonderful to address you today. I want to start with really a thank you, a mahalo nui loa. I know that Maui, certainly, as we navigate the pandemic recovery, has been faced with a number of issues and your rigor, your conversations, and your inclusion of our industry and us as individuals has been certainly really supportive. We value that.

In addition, I want to remark relative to Bill 101, the TAT three percent tax. I know you were faced with certainly an economic shortfall, as revenues from the TAT which typically came to us through that channel were sent to the State. We needed to find some solutions to be able to ensure we have funding to take care of our residents, social services, issues such as sustainable tourism and sustainability itself. So, I know your work has been tireless, and your thoughtful approach valued.

With that, I certainly wanted to be able to share that, you know, as I look at that in our perspective of data, I think that the representation of the TAT in past was about over \$20 million, I think \$23 million. And I do believe this new tax of three percent is going to allow us to replace those funds, as well as increase by more than double I think what we previously got. So, we look forward to your thoughtful approach to being able to use those funds.

I have over 550 associates that work with me at Wailea Beach Resort. And first and foremost, I testify today as I think about their livelihoods, taking care of their families, and others from that end. And I wanted to remind you that while we had a tremendous summer of occupancies as an industry in the hotels of probably 80 percent, there's an organization called STR Report. And they represent 81 hotels that are in the Maui County, and that's nearly 13,000 rooms. And I wanted to share that in 2019,

occupancies for the full year were about 77.8 percent. For the full year for 2021, we're running at 58. I mean, that is given the fact that we had an amazing and incredible summer, nearly 81 percent for the Maui hotels from that end.

But I would tell you, with the Governor's announcement, I would tell you with some of the current restrictions that we have, and then I would say the news of, while it's exciting for many, volcano erupting on Kilauea, our visitors don't understand that that is not on Maui. And so, I think we still have tremendous headwinds to recover occupancy--

CHAIR LEE: Ms. Vento, could you please conclude your testimony?

MS. VENTO: Yes, I'd like to ask that you consider . . . . We know that . . . in place. I'd like . . . consider . . . by implementation in December of this year, please. Could you hear me?

CHAIR LEE: No. I, we didn't hear the last sentence.

MS. VENTO: I'm asking that you consider delaying the implementation of this new tax until December of 2021, if you would? It will allow us to implement, and it will allow us to effectively communicate with our future visitors. Your consideration is appreciated.

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

Member Johnson.

COUNCILMEMBER JOHNSON: Chair, thank you. Good morning, Ms. Vento. Thank you for your testimony. I was taking notes and I just wanted to clarify your points. You said in 2019, you had a 77 percent occupancy rate, and then in 2020, it was down by, it was in the 50 percents.

MS. VENTO: Yes.

COUNCILMEMBER JOHNSON: Can you tell us what that means financially? Like, what is that number in money?

MS. VENTO: So, so, Gabe, I would, Chair, Councilman Johnson, sorry. I've not done the video testimony very often. So, the, the numbers that I'm quoting are coming from . . . travel research. It represents 81 hotels on the, in the County of Maui. Those 81 hotels represent 12,891 rooms in the destination. That is the entity that ran 77.8 percent in 2019. And in the summer of this year, that same group of hotels ran 81 percent. And year-to-date they are running 70, or 58 percent. So, I cannot necessarily say to you at

this moment. I can get that information to you, but I can tell you it's millions of dollars off of what we did in 2019, that we're seeing in shortfalls.

From my percentage as a hotel, we probably are short \$15-20 million of what we did in 2019.

COUNCILMEMBER JOHNSON: So, \$15-20 million in losses. What . . .

MS. VENTO: Just for one property. Just for one property.

COUNCILMEMBER JOHNSON: Okay. Alright. Okay. Thank you. Thank you, Chair.

MS. VENTO: You're welcome.

CHAIR LEE: Other questions, Members? If not, thank you, Ms. Vento.

MS. VENTO: You're welcome.

CHAIR LEE: Madam Clerk, may we have the next testifier?

COUNTY CLERK: Chair, our next testifier is calling in on the last, the telephone number with the last four digits, 9460. To be followed by Mike Moran.

MS. ANNA DOMINSKI (testifying on County Communication No. 21-479):

Hello.

CHAIR LEE: Hello.

MS. DOMINSKI: Can you hear me?

CHAIR LEE: Yes. Can we have your name?

MS. DOMINSKI: I'm not sure.

CHAIR LEE: Your name?

MS. DOMINSKI: Oh, yes. Thank you. My name is Anna Dominski and I live part of the time on Maalaea Village.

CHAIR LEE: Excuse me, Anna, could you spell, could you spell your last name?

MS. DOMINSKI: Yes. Dominski: D-O-M-I-N-S-K-I.

CHAIR LEE: Thank you.

MS. DOMINSKI: And, and I'm testifying about the jet noise over Maalaea Village. Is this the time to do it?

CHAIR LEE: Yes.

MS. DOMINSKI: Okay. Thank you. So, there is a huge problem with jets flying constantly over this peaceful Maalaea Village. You know, the jets don't just fly here and there, they fly every few minutes one after the other. It's almost like as soon as one is flying, is done flying over your roof, another one is there. And it's not in the morning, or in the afternoon, or late at night, it's all the time, day and night. So, you can imagine getting woken up in the middle of the night by a very loud, obnoxious jet flying directly over your roof at 3 a.m., or 4 a.m.

When you go to Maui, you stay in Maui to get away from all this okay? And people come to Maalaea or Maui just to get away from all this noise. Now, here's the frustrating part, is that the FAA is aware of this problem, right? But they choose to ignore it. So, for years, we've been trying to get them to engage only in the conversation, and they won't have any of it. I consider that to be a bully. When you harm others through noise and all this kind of other antics, and you ignore those cries for help, that's like a bully behavior to me.

And you know what's even worse is that there's a solution to this problem. The solution is for the jets to fly over the ocean, like they used to many, many years ago. They used to fly over the ocean and make their turn to head to the OGG Airport. I believe it's, the term is called "over the towers", where there's nobody there. It's unoccupied land all the way to the airport, so it bothers no one. So, to me, I just don't understand the logic of not coming to the table and figuring out this problem where both parties are happy. The FAA get to do what they want to do with the planes, all the people who live in Maalaea Village, or stay there, get to experience a full night's rest, if you can imagine, and to enjoy their vacation and time in Maui.

I mean, I could understand that sometimes jets have to fly over homes, or parks, or wherever, because they have to get to the airport and there's no, there's nothing that anybody can do. I understand that, and the jets have to go there, and that's just the way it is. But if there is a solution, why can't that solution take place? It makes, it's, it's, it makes no sense to me and it's definitely not in the aloha spirit to not communicate

and not solve a problem. I just don't understand it. It's a bully tactic and I don't like it. I appreciate you for listening to me. And I know your hands may be tied, but you can certainly write letters and get the FAA to talk to us. Thank you.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for testifying. So, can you give me the name of who you're trying to communicate with and has not replied? And you can send it to my office.

MS. DOMINSKI: I don't have names. I don't have names. It's, it's FAA is a huge, huge Federal department, which is funded partially by taxpayers like me. But there'll be other testifiers, I'm sure, on this subject that will get, will have answers to this. And if not, I will, give me a way to contact you, and I will find out a name.

COUNCILMEMBER SUGIMURA: Okay. I was just wondering since you said you've been trying to contact them and haven't replied. So, I thought maybe you--

MS. DOMINSKI: Well, there's a group. There's a group of people, and they have been trying to deal with the FAA for years. This isn't something that just happened yesterday. This is years and years and years. It's, the Maalaea Village Association has been trying to contact someone from the FAA. But it's, you know, they're, they're not interested, you know.

COUNCILMEMBER SUGIMURA: Thank you.

MS. DOMINSKI: Cause they don't have to be interested.

CHAIR LEE: Thank you. I think Member Sugimura will be contacting the Maalaea Village Association.

MS. DOMINSKI: Yes.

CHAIR LEE: Okay. Thank you. Any more questions?

MS. DOMINSKI: Thank you.

CHAIR LEE: If not, thank you.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Mike Moran. To be followed by Howard Wiig.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on County Communication Nos. 21-474, 21-479, & 21-481; Committee Report Nos. 21-87 & 21-91; and Bill No. 101 (2021)]:

Aloha, Chair Lee, and Councilmembers.

CHAIR LEE: Hi, Mike.

MR. MORAN: Mike Moran for the Kihei Community Association. And if I can just squeeze in one personal sentence. The opening statement that Councilmember Tamara made certainly touched me. Us old geezers have to remember that, why are we doing this? We're doing it not only for the next generation, but as we, we've learned from the host culture, we're doing it for six or seven generations to come. So, testifying, we have, I think six items, we're testifying on, but we'll try to be brief on each one, so we don't take up a lot of time.

The first one is 21-474, from Councilmember Molina on adding the two alternates. And we did get very quick response from his office early this week asking if, if our district had gotten any more volunteers to step up. And it looks like we went from a low number of three up to ten. So, that's progress and that will allow not only the actual members, but the two alternatives, assuming they are all qualified people. So, we are in support of that, of course.

Moving onto 21-479, the topic just discussed. And we won't go into it because we realize Councilmember King is just moving this, asking to put it into Committee when they'll be time for plenty of discussion. But I think the previous testifier gave a lot of, of, the community input that we're getting not only from Maalaea, but the whole South Maui district. So, we too are in support of that.

21-481, the transient vacation rentals. When this came up originally, we think this is a very positive step to take all those legal, but unpermitted short-term rentals, that we have a ton of them in our district, to just give them some kind of an identifying number to help out, to help weed out the illegal guys. That it kind of gets lost, you know. There's so many of those that don't have a permit number, and, and, and can get lost in the weeds, and illegal ones have an easier way to sneak into ads and so forth. So, we think this is a very positive step to help in that overwhelming process that the Council and the Planning Department is doing as well. So, we are in support of that one.



21-87, the Affordable Housing Committee. While we do support it, as we discussed it, I think a lot of us don't have much faith in these lists. We've seen lists of community members for various things, and they don't seem to work out for the intended purpose. Well it doesn't mean that you don't keep trying, but when the community hears, oh yea, another list, and then there will be people who object, well, I didn't get on the list cause nobody told me. So, we're not, we don't have a lot of faith that it can succeed, but we do have hope. We do have hope that you're trying and going back to the faith. We do have enormous faith in this present Council, that if anybody can get something like this done, you are the guys that can get it done. So, we say, imua, go forward with this, and we'll hope for a successful outcome this time.

Moving onto 21-91, from the CARE Committee, a first reading of the bill for the, the oversized homes that some of us are calling them to, we can't stop them from being built. But what we said when it was in Committee, at least if they are being built, let's make them as best as we can. Let's make sure that they harm as little as possible when making them self-sufficient. So, we are in support of that, that as that continues to move forward.

And then, the last item is Bill 101 on the three percent. Our feeling is that, yes, all indications are that the community will experience more funding. And we have felt that we have been shorted of funding for all the expenses that were incurred for decades. So, it's time to make up for that a little bit. And we can get some infrastructure. We can get some, some more, more, more well-being for the community from putting this in. And please don't delay it. We think it's well past due. I think you're shooting for today. If you can pass it, we're in full support of that. So, thank you very much for the opportunity to testify this morning. Aloha.

CHAIR LEE: Thank you, Mike, as usual.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to mention, although I neglected to mention you by name, you were definitely in mind when reading that poem, and it surely does apply to you as well. Thank you.

MR. MORAN: Mahalo, Councilmember. Thank you.

CHAIR LEE: Other questions, Members? If not, good to see you Mike, have a great weekend.

MR. MORAN: Thank you, all. You too, all.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Howard Wiig. To be followed by Christopher Delaunay.

CHAIR LEE: Howard Wiig?

MR. HOWARD WIIG, HAWAII STATE ENERGY OFFICE (testifying on Committee Report No. 21-91)

There. Now can you hear me?

CHAIR LEE: Yes.

MR. WIIG: Okay. Thank you. Thank you, Council Chair, Vice-Chair, Councilmembers. My name is Howard Wiig, I'm with the Hawaii State Energy Office. And I'm here on behalf of Energy Office Manager Scott Glenn. We support the intent of this bill really, really strongly. This bill is a North Star pointing the way towards zero net energy homes and buildings. This is part of a nationwide move toward achieving all homes and all buildings zero net energy by the year 2030. And we don't need to be told how necessary this is in order to drastically reduce the amount of CO<sub>2</sub> blowing into the atmosphere. This is, this bill will have ripple effects across the entire nation and across Hawaii, because it has, it's going in the Code. It has the words "zero net energy" in it. And we're working with other progressive communities to achieve this. It also will ensure that there are a lot of PV, photovoltaic panels on the roofs of homes, rather than taking up our valuable land.

So, one suggestion we have in improving the bill is related to the fact that no man is an island, and if the bill as written, it would permit these large homes to be self-sufficient backed up by power generators burning diesel oil. That is not the way we want to go. We suggest, and I think other testifiers will back this up, that the bill ensures that these homes are part of the utility grid. Because where we're headed with energy codes is creating one huge grid. This will encompass, in this case, all of Maui, and every home, every solar farm will be part of this grid. And the utility will enter into agreement with these energy producers and be able to get the energy when they need it, and give it back when they, when it's needed, and to integrate the whole system. And that can only be done when every new home, especially these big homes, are a part of that grid. Again, I think the utilities will be speaking to this.

So, we wish to congratulate the author of this bill on it, and very much look forward to working with the Maui County Council as this bill moves forward. Thank you very much.

COUNCILMEMBER KING: Oh, you're muted, Chair. I think you called on me.

CHAIR LEE: Member King has a question.

COUNCILMEMBER KING: Okay. Thank you. Aloha, Howard. Thank you so much for your testimony. And thanks for helping track this bill from the State Energy Office. I, we did have some earlier meetings. I wanted to ask if you were on those meetings, where, you know, it was stated several times by our local energy experts; people like John Bendon and Off Grid Sustainable Architect, they did tell us that no, no generate, no generators, separate generators will be accepted for the level of approval that we're seeking in this bill.

MR. WIIG: Yeah.

COUNCILMEMBER KING: So, okay.

MR. WIIG: Most excellent. Most excellent.

COUNCILMEMBER KING: Okay. Just wanted to make sure. But thank you so much for being here.

MR. WIIG: My, my pleasure. This is a, it's a privilege to be able to testify on this bill.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR LEE: Any other questions, Members? If not, thank you, Mr. Wiig, for joining us today.

MR. WIIG: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Christopher Delaunay. To be followed by Lynn Britton.

MR. CHRISTOPHER DELAUNAY, PACIFIC RESOURCE PARTNERSHIP (testifying on Committee Report No. 21-87):

Aloha, Councilmembers. Chris Delaunay with Pacific Resource Partnership. I am a registered lobbyist. Aloha. So, I'm here to testify on Committee Report No. 21-87, related to the countywide workforce housing interest list bill. We are in strong opposition of the bill. We believe that it'll further complicate and prolong the process

of getting Maui's residents into affordable housing, and likely increase the overall cost of housing units.

The affordable housing projects using government subsidies, including LIHTC, are highly regulated by governmental agencies. Agencies have specific requirements regarding tenant selection, financial qualifications, fair housing, and accessibility. So, if you're adding additional layer of regulation to the selection process and taking away the developer or its partners or its management company's ability to establish a waitlist, we think this is unnecessary and equal, equates to more risk for the developer and investors. So, I think this risk alone may deter developers from building affordable housing in Maui.

Also, the proposed amendments will put a heavy burden on the Department of Housing and Human Concerns to ensure that all of County, State and Federal regulations are followed in a timely manner. This will likely require the Department to hire and retain more staff with experience in developing affordable housing and require the Department to invest in additional resources to deliver these new responsibilities. The Department, or its designee, will likely be held liable, too, if something were to go wrong and a project weren't to go through.

We are also concerned that changing the sales period from 90 days to 120 days will create additional carrying costs for projects, thereby, making housing more expensive.

Another concern, too, was HUD regulations prevents residency preference, where it's based on how long an applicant has resided or worked in an area. So, that's in violation of HUD laws.

And also, I think that, you know, we want to build more affordable housing opportunities and we need to look at ways to incentivize developers to build more affordable housing before this problem gets worse. And I really think that by taking the, you know, the authority away from the developer to manage and put these lists together and giving it to the County, I think it's just going to be more difficult. And developers aren't going to want to build, and investors are going to be hesitant. They're probably going to go to another county like Oahu, cause there's less regulation on that, on that level. And also, they're putting their, their funding sources in jeopardy, too, like LIHTC, etc.

So, anyway, we're opposed to the bill. Thank you for this opportunity to testify.

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

MR. DELAUNAY: Sure.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify. So, you're a lawyer, or you consulted with lawyers that LIHTC fund, this list wouldn't be able to be used for projects using LIHTC funds or Federal monies because of the residency requirement, or?

MR. DELAUNAY: No, I said it's a HUD regulation. And it's 24 CFR 982.27(b)(1)(iv) *[sic]*. So, I'd take a look at that. It says a residency preference must not be based on how long an applicant has resided or worked. And they call it resident preference areas. So, I would just take a look at that.

COUNCILMEMBER PALTIN: Oh, okay. Alright. Thank you.

MR. DELAUNAY: You're welcome.

CHAIR LEE: Any more questions, Members? If not, thank you, Chris.

MR. DELAUNAY: Okay. Thank you.

CHAIR LEE: And may we have the next testifier?

COUNTY CLERK: Our next testifier is--

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Lynn Britton. To be followed by the last four digits of telephone number 2700.

CHAIR LEE: Okay. Ms. Britton.

MS. LYNN BRITTON [testifying on County Communication Nos. 21-468, 21-479 and 21-481; and Bill No. 101 (2021)]:

Aloha, Chair Lee and Members. Thank you, Member Paltin, for the inspirational poem. I will follow-up, I'd love to have a copy of it to share with our MVA members.

I did submit written testimony and don't want to take your precious time today. I'll just try to summarize my personal testimony, although I'm a past president of MVA, this is my personal input today.

Regarding the HSAC Legislative Package, personally, very supportive of the green fee for, on accommodations and rental cars. We really need to solve the rental car problem

on the island. And also, whatever you can do to make sure that the funds that are raised go back to the individual counties, rather than get lost to the State General Fund, like we have with the parking and traffic tickets.

Aircraft noise, I thought MVA member Dominski did a great job of explaining the personal impact of the aircraft noise. We have been working on this issue since we formed MVA three years ago. I would be happy to provide Councilmember Sugimura with the information, and the person that we contacted at FAA. We've also met with Kahului Airport manager Marvin Moniz several times, as well as the HDOT Airport head several years ago. So, we appreciate whatever the Council can do. We know it's not a County issue, but we just wanted to, and appreciate Councilmember King putting it on the agenda today.

And when you consider supporting the Haiku efforts, if you would just keep Maalaea in mind and help us let FAA and Congressman Kahele know that this is a major issue. They're in the AARP newsletter recently, it said that noise was definitely a health impact. And it's not just annoyance, it's also a health issue. So, we appreciate whatever support you can give on that.

Requiring registration numbers for transient rentals, I think most, if not all of our MVA, Maalaea condo owners that are in vacation rental are legal rentals. I personally am among them. And I just suggest whatever you can do beyond doing the registration, which is a great idea, if you can tie in with the real property tax records, because someone could be paying their taxes, but not be paying the approximate County property tax rate. So, that, that is an issue.

And then, lastly, Bill 101. You know, my history goes back to when Speaker Souki and Senator Yamasaki, we lobbied and got the TAT raised from \$2 million to \$20 million for Maui. You know, so, I have a lot of history on this issue. I know it's hard to turn, turn down the three percent, looking at a possible \$50 million coming back to Maui. So, I understand where you're going with that. I also just ask you to consider the little guys, like myself, and others. I don't manage the condo myself, but a small business does. And this does add complication to the, to the accounting and bookkeeping. So, whatever you can do to put it off as long as possible, I think January would be a great way to do it, because that way all the clean records would be clean for 2021. I just make a personal plea for you to reconsider the actual starting date on that.

Thank you for listening. Thank you for the inspirational beginning of the meeting today. And thank you for all you do. We appreciate it.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And good morning, Lynn. And thank you for your testimony with regards to the flight concerns over on Maalaea. Just as an FYI, you know, we, we, for Haiku, we've been working with Congressman Kahele, and he's been very, very helpful. And of course, he is a pilot as well. And he's, you know, I guess whatever he's been doing, I think some have gotten a little bit better over Haiku. So, you know, yourself as well as others working with Councilmember King in continue to, you know, keep the channels open and work with Congressman Kahele will, I think it'll certainly help Maalaea. Just wanted to share that with you.

MS. BRITTON: Thank you.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: Any more questions, Members? If not, thank you, Lynn. Good to see you.

MS. BRITTON: Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is calling from the last four digits of telephone 2700. 2700 will be followed by Nathaniel Kinney.

MS. LISA BRYANT [testifying on Bill No. 101 (2021):

Hi. Good morning. Can you hear me?

CHAIR LEE: Hi. Can you state your name for the record, please?

MS. BRYANT: Yes. My name is Lisa Bryant.

CHAIR LEE: Thank you, Lisa. You may proceed.

MS. BRYANT: Thank you. My name is Lisa, and I live in Wailuku, and I work for a vacation rental company called Rentals Maui in Kihei, and I am not a paid lobbyist. Thank you for this opportunity to provide testimony. I was not present for the previous discussions, so if my concerns have already been addressed, I do apologize.

Regarding the new three percent County TAT, it would be ideal if the start date is moved to November or December to give companies ample time to adjust, and to give the County time to set up their payment receiving system. The vacation rental company that I work for has hundreds, if not thousands, of future reservations on the books between now and 2022. It is my understanding, and please correct me if I am wrong, that the new County TAT three percent will be assessed on new reservations and will not affect reservations already confirmed? If that's so, if the additional three percent is only charged to new reservations, then that means the TAT payment made to the County will not match the revenue reported to the State through 2022. So, there will need to be some way for companies and owners to list the reason for the difference in the County payment process. Thank you for your time.

CHAIR LEE: Thank you. Members, do you have any questions? If not, thank you, Ms. Bryant.

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

COUNTY CLERK: Chair, your next testifier is Nathaniel Kinney. To be followed by Stacy Morataya-Pilkington.

MR. NATHANIEL KINNEY, HAWAII REGIONAL COUNCIL OF CARPENTERS (testifying on Committee Report No. 21-87):

Chair, this is Nathaniel Kinney. I am a paid lobbyist. I'm representing the Hawaii Regional Council of Carpenters, in strong opposition to CR 21-87, that's the proposed amendments to Section 2.96.1 *[sic]*. While well-intended, the measure is going to have a negative effect on creating more housing opportunities in Maui. Current regulations already give a preference of affordable rental units to Maui residents. So, the proposed legislation would only make the process of certifying and qualifying tenants more difficult and cumbersome.

This bill would also have the effect of punishing affordable housing investors by the loss of the low-income tax credits on each unit, should the applicant's income be miscalculated. It has been clear for some time that increasing the amount of rules and regulations on affordable housing, even if well-intended, has had the effect of eliminating or delaying the development of affordable housing. People that actually finance, entitle, and build these units have been consistent and constant in advocating that we cannot regulate our way out of crisis. What we are doing is we are disincentivizing building affordable housing and, in effect, incentivizing building market or luxury housing by overlaying more and more regulations.



And I understand the intent. I believe in it, that we should, that housing should be reserved for the locals, especially affordable housing. But the application of this law or this proposed law is actually going to do the exact opposite of that. And that's what, points that we wanted to bring across. Thank you very much.

CHAIR LEE: Thank you. Are there any questions for Mr., uh, is it Kinney?

MR. KINNEY: Yes. Thank you.

CHAIR LEE: If not, thank you very much. No questions.

Madam Clerk.

COUNTY CLERK: Our next testifier is Stacy Morataya-Pilkington. To be followed by the last four digits of telephone called 8513.

MS. STACY MORATAYA-PILKINGTON, WAILEA BEACH RESORT [testifying on Bill No. 101 (2021)]:

Good morning, Chair Lee and Council Vice-Chair, and Council. My name is Stacy Morataya-Pilkington. I am the resident manager of the Wailea Beach Resort and have the good fortune of working with Ms. Vento. And I'm coming today to speak with you in, in a plea to consider delaying the implementation of the transient accommodations tax.

My perspective is more related to our associates. As Angela mentioned, we have more than 500 associates that work here at Wailea Beach Resort. And we're very encouraged to see their growth in returning to work, their, their flexibility in needing to bring all of this kind of medical knowledge and patience and understanding into these new times where they're delivering . . . and asking the guests to wear a mask, and checking vaccination records and, you know, the ever-evolving important critical components of the way that we do business, and the way that we engage with our guests.

What my ask is today is to consider the challenge that it will place upon the people doing the work in a time where our occupancies are reeling from the announcement that took place on August 23. In our occupancies, we had group cancelations and thousands of reservations drop off the books. I still have many associates that were impacted by this in a way that they're not working at all, or they're working dramatically

reduced hours. Our focus has been over the last month to try and get everybody built back up. Implementing this new three percent tax immediately before the end of the year will create an undue hardship in using the systems that we have in place, communicating with our guests, and trying to maintain that sense of aloha and connectiveness to the visitors who are coming and looking to do the right thing when they, when they arrive and visit here.

Think of, please, the associates and allow us just a little bit of time to lay a groundwork and get this done. As a citizen of Wailuku and a resident there, I'm delighted to, to see that this revenue is coming. And I feel very hopeful, very optimistic about the changes and the enhancements that will take place in our community. I'm just asking for a little bit more time, so that we can thoughtfully craft our plan, and report our earnings and report the payments, and let our guests know that this is coming, and allow our associates not to be having those conversation over the front desk as rather a surprise when they arrive. Thank you.

CHAIR LEE: Thank you. And Members, do you have any questions? If not, thank you very much. Appreciate your testimony.

Madam Clerk.

COUNTY CLERK: Chair, our next caller is, our next testifier is calling in on the last four digits of telephone 8513. To be followed by William Sides.

MS. SHANNON VANDERHEUVEL, MAALAEA VILLAGE ASSOCIATION [testifying on County Communication No. 21-479 & 21-481, and Bill No. 101 (2021)]:

Aloha, Council. Can you hear me?

CHAIR LEE: Yes. Aloha. May we have your name, your full name?

MS. VANDERHEUVEL: Aloha, County Councilmembers. This is Shannon VanderHeuvel, I am a resident at Maalaea, full-time resident. Live here, have lived here for three years. And I believe I've testified once or twice. So, I'm still nervous with testifying. I'm also the secretary of the MVA, Maalaea Village Association, have been working closely with them. And I also Chair the Crime Committee through the Maalaea Village Association.

So, I'm here to testify, I provided written testimony already. But I just wanted to give some personal testimony that is verbal here at the meeting on two items, well, actually three. The first one is the phaseout of short-term rentals in apartment zones, followed by the aircraft noise abatement, and the three percent.

I wanted to say that I've been living in Maui and it is so expensive to live on the water here in Maalaea. And my husband works, I work. If we were to lose our jobs, we'd have to move back to the mainland. I know that, I know that if, if, with the increased, if we have to move back to the mainland, and we have to sell our unit, I'd like to be able to have anybody that's buying our unit be able to do vacation rentals cause that's basically what everybody has here, is vacation rentals, even though we live here. It would be very difficult for us to sell our unit if, if the new owners would not be able to vacation rent. I'd love to vacation rent also, but we just can't afford that with maintenance fees. They're condos and so there's a lot of high maintenance fees, they're older buildings. And, you know, with a mortgage and the maintenance fees, and if you do vacation rentals, there's a lot more fees involved in that, too.

I don't mind the, I'll get, I'll get to the aircraft noise next. The aircraft noise is constant, as the one testifier already said. Even last night, we've got our TV going, everything is closed up in our unit, we've got the air conditioning on, fans on, and we can still feel the building rumbling because there's such a low plane. It was like 8:51 at night. And, you know, we thought was, sounds like thunder, you know. And, and the building rumbles, you know, because the big planes come over and they're very low. So, I, any help you could do to help pressure, and write letters, or get them to talk to us, and include Maalaea in avoiding having the air traffic going over Maalaea would be really appreciated. And it does happen in the middle of the night, too.

As far as the three percent, I, I don't mind, I wouldn't mind the three percent. And I know it's, it is generated, but, yes, I would agree that it would do a lot of hardship for the smaller person that's renting over here, especially in Maalaea. Others, I don't know if, if it would make any difference or not. But I know that the small owners here have a lot of, a lot, hard time even keeping up with doing their vacation rentals. But on that note, if you do implement it, I would ask that you would start on January 1. And that would really help to do the backlog and future bookings for vacation renters. I know several of the owners are my neighbors and they vacation rent and that's, they're in a scramble, because the bill states that it was going to be starting immediately on October 1.

So, anyway, I appreciate all of your hard work. And being on boards before, I know it is, it is so difficult, and you have so much work you have to do. And I just appreciate each and every one of you for doing your job. Mahalo.

CHAIR LEE: Thank you, Shannon. May we have your, can you spell your last name please?

MS. VANDERHEUVEL: Last name is VanderHeuvel. V as in Victor; A-N-D-E-R-H-E-U-V as in Victor, E-L.

CHAIR LEE: VanderHeuvel?

MS. VANDERHEUVEL: Yes.

CHAIR LEE: Oh, okay. Great.

MS. VANDERHEUVEL: It's a married name.

CHAIR LEE: We have a question for you from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Shannon, for testifying. So, I think you said in the opening that you are a secretary for the Maalaea Village Association, is that correct?

MS. VANDERHEUVEL: That is correct.

COUNCILMEMBER SUGIMURA: And so has the Maalaea Village Association, we heard from Lynn Britton and some other members, and talking regarding the TAT, have they taken a position on that because of the, cause of your members? Or is this a personal?

MS. VANDERHEUVEL: Well, I, I, the item just came up. So, I know, I believe the president, president's testimony probably would cover that. And I don't remember what exactly his testimony is. I know there's been so many emails coming in to the Maalaea Village Association about, about very high concern about this issue.

COUNCILMEMBER SUGIMURA: Okay, so--

MS. VANDERHEUVEL: It, It's been quite new. So, we've been trying to scramble to get information out to, to the, you know, to Maalaea, to our members, yea.

COUNCILMEMBER SUGIMURA: Okay. So, so you're, you sound like there have been discussions about starting the three percent TAT surcharge not today October 1, but possibly a later date. Like you're saying January 1 or, but not today, right? That's what your position is.

MS. VANDERHEUVEL: Well, as far as Maalaea Village Association's position on that, they haven't taken one on that specific item. That would be my personal. Yea, that would be my personal.

COUNCILMEMBER SUGIMURA: Just, just people you're talking to. Okay. Thank you very much.

MS. VANDERHEUVEL: Yes

CHAIR LEE: Any more questions, Members? If not, thank you, Ms.--

MS. VANDERHEUVEL: Thank you.

CHAIR LEE: --VanderHeuvel.

And Madam Clerk. Ms. Kaohu.

COUNTY CLERK: Chair, our next testifier is William Sides. To be followed by the caller from telephone 4589.

CHAIR LEE: Mr. Sides?

MR. WILLIAM SIDES (testifying on County Communication No. 21-478):

Hello.

CHAIR LEE: Hi.

MR. SIDES: Hello. Yea, I'm, got . . . . So, I think what I'll do is I'm just going to read from my notes about my, my position on the Parks Department resolution.

Leinaala Estella and I are co-chairs of the Hana Festivals of Aloha Committee. I've been involved for over 30 years. Park's regulation currently reads in part "any event conducted in a recreational facility for more than five consecutive days requires approval by County Council resolution prior to the issuance of a permit. This requirement shall not apply to leagues, leases, and licenses." I believe it was meant for . . . events and excludes leagues, and I should, and I thought should have excluded our festival. Hana is the only place in Hawaii, hang on a second, Hana is the only place in Hawaii that still does a full week of events. We would like to keep this going as long as we can.

The cost and bureaucracy of Hana's Aloha Week has increased over the years, which discourages many volunteers including myself. It seems Police, Health, Fire, as well as Parks permitting becomes more complicated every year. This is one complicated permitting step that we'd like to eliminate for five years. We've been working around this rule for several years but would like to go into the next five years without having the burden of dealing with a County resolution every year and think you'd want, would

not want to deal with it either. I would hope that you could pass this without delay.  
Thank you.

CHAIR LEE: Thank you, Mr. Sides. Any questions, Members? If not, thank you very much.

May we have the next testifier, Madam Clerk?

COUNTY CLERK: Our next testifier is calling from the telephone with the last four digits 8120.  
8120 will be followed by Pamela Tumpap.

MR. SETH WEAVER [testifying on Bill No. 99 (2021)]:

Hi. Hello.

CHAIR LEE: 8120, could you please state your name for the record?

MR. WEAVER: Seth Weaver.

COUNCILMEMBER PALTIN: I think he said Doug Leavits.

CHAIR LEE: How you spell that? Doug? Doug, are you there?

MR. WEAVER: Aloha.

CHAIR LEE: Hi.

MR. WEAVER: Hi.

CHAIR LEE: Keep talking.

MR. WEAVER: Okay. My name is Seth Weaver. And my Councilwoman is Councilwoman Sugimura. And I'd like to comment on Bill 99 (2021).

CHAIR LEE: Do you have anything else to say?

MR. WEAVER: Yes. So, I had some written testimony, but I think that I'll deviate at this point and just submit it electronically. I'd like to talk about the deer issue, the Axis Deer issue here. I'm in Kula, and the deer have been a problem for a long time and they're just getting worse. And it seems to me that not enough resources have been allocated appropriately to deal with the mitigation of the deer. And I see in the, in the bill here,

Condition B.6.d(3), letter (a) that \$250,000 has been allocated to Maui. And I think that's a good thing, but I don't think it's enough.

I think there's a disproportionate focus between invasive species, specifically deer, being among the lowest priority. And it really saddens me because they are such a devastating impact to our environment. I don't understand why \$700,000, for instance, would be allocated to eradication of, pardon if I pronounce this incorrectly, Miconia and \$500,000 for Fire Ants. And there's stipulation in there, for instance, that the funds for the Miconia cannot be used for deer management. So, it seems to me that the lines have been drawn and certain species that are considered invasive have been elevated over the deer for instance.

And I think that the one thing that can help is to find an accurate count of how many deer are actually on the island. When you look at DLNR, their 2020 . . . aerial study, they indicated that only 7,575 deer are present on the Island of Maui. But there was an article written a couple of days ago in the Maui News about one of the largest venison, commercial venison producers on the island. And that company indicated there's well in excess of 50,000 deer. And so, that disconnect between State data and private data is astonishing. And I can tell you from personal experience that the numbers have got to be at least in the 50,000. Hundreds cross through my property every night and destroy fields. Haleakala Creamery, they can't raise their goats. And I think that more focus needs to be given to the management of the deer population, you know.

Last thing I'd like to say, you know, deer are invasive. And we somehow treat them as, I'll finish up one second, we somehow treat them as more valuable because they can be consumed. And I think that, that analogy of that, that . . . needs to be adjusted. Because, you know, just because we eat an animal doesn't mean that it doesn't have an impact, a devastating impact on our environment. And so, I'll just finish with that. And I think that, or I hope that more focus can be given to this severe priority. Thank you very much.

CHAIR LEE: Thank you. Any questions, Members?

Member Sugimura, then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Yea, thank you. Seth, thank you very much for testifying. And I see your, we have your cell number, also. So, my office will call you, but we did launch the Axis Deer Task Force, and it's quite not on the agenda today. So, thank you for contributing what you shared. And I'll, I'll look up some of the information that you shared. Thank you.

MR. WEAVER: Okay. I appreciate it.

CHAIR LEE: I think he saw the Humane Society and thought, well, that includes the deer.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, that was the clarification I wanted to make. Bill 98 and 99 specifically is related to the Maui Humane Society vehicle. We're, we're giving them, or amending that item in the budget to a grant.

MR. WEAVER: It's, it's the condition--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I wasn't--

MR. WEAVER: What's that?

VICE-CHAIR RAWLINS-FERNANDEZ: I was just sharing that, so that if anyone, who else, you know, is waiting to testify don't think that the deer issue is on today's agenda.

MR. WEAVER: Right, I know. It is on the agenda.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm not, I'm not speaking with you. I'm just clarifying for moving forward. I just--

MR. WEAVER: Okay. But it is on the agenda, Bill 99, Condition B.6.d(3).

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, that's, that's, so if we always allow everyone to testify on anything that there's a budget amendment on, we'll never ever get through meetings here. So, I, yea, I just wanted to clarify that because it is a budget amendment. There are other things in Appendix A. But not everything in Appendix A is open for testimony, just the Maui Humane Society vehicle grant. Mahalo, Chair.

CHAIR LEE: Okay. Mr. Weaver, thank you for your testimony. And I don't think we have any more questions. But Madam Clerk, can you tell me how many more testifiers we have after Pamela Tumpap?

COUNTY CLERK: We have five more currently signed up to testify.

CHAIR LEE: Okay. Great. Proceed.

COUNTY CLERK: So, our next, our next testifier is Pamela Tumpap, to be followed by Kevin Carney.



MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE [testifying on Committee Report  
Nos. 21-87 & 21-91; and Bill No. 101 (2021)]:

I don't see that my video has been released. But it should be on in the moment it is. Do I need to un, let's see, you're going to automatically unhook that?

CHAIR LEE: Pam, we can hear you.

MS. TUMPAP: Okay. Well, I'll testify. I should have video, but it's not, it's not coming up at the moment. So, I'll be happy to continue with testimony. First, halò toilichte a bhith eòlach ort and Happy Aloha Friday, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. I thought I'd give it a shot. You all had to, so I thought I'd try.

CHAIR LEE: Good job. Good job.

MS. TUMPAP: Thank you. I'm Pamela Tumpap, President of the Maui Chamber of Commerce. And first I would like to say what an inspirational morning. The poem shared by Member Paltin was absolutely wonderful today. And I hope you all got to participate in the Imi Pono Program last night that honors the program you started, and showing the art, photography, and videography of our middle and high school entrants. It was really amazing. And I enjoyed learning about Chad Kālepa Baybayan. Clearly a passionate voyager, educator, and mentor. And while I didn't have the pleasure of meeting him, clearly, his legacy makes us all proud. And wanted to send my sincere condolences to his family, friends, and admirers.

I'm here to testify today on three items: CR 21-91, CR 21-87, and Bill 101. So, I wanted to start with the net zero homes. We support new ideas and pilot projects that help us move forward with our clean energy goals, and really like this concept. There's one thing that we're a little concerned about, and that's the range of cost to convert a home of this size to a verified zero net energy. We feel this should be known before the bill is enacted. And here's the reason why. We raised this because one of our tools during this affordable housing and attainable housing crisis is to create multi-generational homes, and multi-generational homes increase housing sizes. Therefore, we'd like to know what the cost of conversion, and to be a verified zero net energy home is, so that we don't hamper multi-generational home housing. But if, you know, and we don't know if it's prohibitive or not. So, that's our concern with respect to that measure.

On the CR 21-87, the affordable housing list. You know, first of all, we deeply appreciate that the areas of the Hawaiian Community Assets Plan are being reviewed and discussed. As mentioned before, we've created an attainable housing and rentals

committee that is comprised of chamber members, which includes some affordable housing and rentals experts, banking members, construction, development, various industries, planning, and property management, and more. And so, as we looked at this list, basically, we see that the list would be maintained by the Department of Housing and Human Concerns. And we feel that they could then do some subset lists that would be helpful maybe to the developers. However, our committee members share, both from the development side, that first of all, they have to maintain their own waitlist in order to show project lenders. They have to verify that they are qualified buyers. Oh, is that three minutes on this issue?

CHAIR LEE: No, you can proceed.

MS. TUMPAP: Okay. Thank you so much. So, they must show that they are qualified buyers to get the lending that's needed. And also, nonprofits have certain Federal requirements, some of that was mentioned earlier, for financial assistance. And it mandates, some of the Federal requirements mandate, they can, they control their own list. So therefore, while we understand the idea and intent, we think it could equate to considerable time and effort that may not create the anticipated benefits. And while Kauai maintains their own list, we understand, they also do their own building.

And lastly, the compromise between 90 and 180 days that settled on 120. The additional 30 days may not seem like a large change, but the home builders have carrying costs and interests on the property during that time. So, we ask that the Council reconsider this, or find ways for the County to help subsidize that extra cost so it doesn't get put into the housing cost. And then, while we like the idea of the County as a buyer when the homes haven't sold, you know, and sometimes the County has granted them one off homes that foreclosed to nonprofits . . . . Thank you. I'll just end real quick. But that we wonder if the County can do the sales better than the developers and just have, ask that that be considered and what that process would be.

CHAIR LEE: Okay.

MS. TUMPAP: And then, if I could go to my last item?

CHAIR LEE: Alright.

MS. TUMPAP: Which is Bill 101. So, we recently conducted a poll of our board of directors on this matter. And while not all felt that the County should take the full percent, the majority supported it, since the County, of course, is losing our State TAT revenue. However, as has been mentioned several times today, we're concerned about it, the tax being considered levied October 1, which would actually be today, for those who are a little lost on their dates with COVID. So, many properties have to update their

reservations systems to account for this tax when guests book. And they just need more time to put this in place. Therefore, we ask that the date be pushed out in terms of when the tax is collected, so both the counties and properties have time. We've heard December and January would be appropriate and give people time.

We also, the way we read the language is that any rooms booked and have the contract paid prior to this passing, then this tax will not apply. We support this language and do not support the effort to repeal that language. And then, again, as has also been mentioned, despite the increase in visitors over the last several months, the numbers dropped significantly in August. We're in the shoulder period of September and October, which means the numbers are lower. And the Governor's message has clearly trickled down into many cancellations, which we've been tracking not just in the accommodations industry, but many other industry. So, this delay in the effective date will not only help the industry and not burden them at this critical time, as well as give the County and properties time to create needed systems. And that would conclude all of my testimony. And I deeply appreciate the opportunity to testify today.

CHAIR LEE: Thank you, Pam. Are there any questions for Ms. Tumpap? Seeing none, thank you again.

MS. TUMPAP: Mahalo. Aloha.

CHAIR LEE: Have a great weekend.

MS. TUMPAP: You too.

CHAIR LEE: Aloha.

COUNTY CLERK: Chair, our next--

CHAIR LEE: Okay, before you go on, we have about five or so left. Members, do you want to take your ten-minute morning break now? Yes? Okay. Alright.

Madam Clerk, we're going to take a ten-minute break. Okay?

COUNTY CLERK: Thank you.

CHAIR LEE: And we will return at, at 10:55, which is a little over ten minutes. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:41 A.M., AND WAS RECONVENED AT 10:55 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of October 1, please reconvene?

Madam Clerk, who do we have next for testimony?

COUNTY CLERK: Our next testifier is Kevin Carney. To be follow by Junya Nakoa.

CHAIR LEE: Okay. Can you ask the staff to watch for Mr. Spencer's call?

COUNTY CLERK: Okay.

CHAIR LEE: I mean, Spencer Lau, Mr. Lau's call.

COUNTY CLERK: Okay.

CHAIR LEE: Kevin Carney?

MR. KEVIN CARNEY, EAH HOUSING (testifying on Committee Report No. 21-87):

Aloha kakou.

CHAIR LEE: Hi.

MR. CARNEY: Aloha, Council Chair, Vice-Chair Rawlins-Fernandez, and Members of the County Council. My name is Kevin Carney. I am Vice President of EAH Housing. We are a nonprofit developer and manager of low-income rental housing, specifically, specifically for LIHTC properties. We've been in operation for, as a nonprofit for 53 years, and operating in the islands for 25 years.

I'm testifying in opposition to CR, and I lost the number, 21-87. And particularly as it applies to our LIHTC industry. You've already received testimony in opposition, so I'm not going to go through my written testimony. I just wanted to point out that we believe that, you know, the purpose I see is providing housing for local residents. And I think that's already being accomplished.

I attached to my testimony the Kihei work, workforce housing agreement for a property we manage in Kihei called Kenolio. And that workforce housing agreement lists preferences, particularly by employment with the County. And from that workforce housing agreement, we derive our resident selection plan. And I've attached copies of the pertinent pages of that resident selection plan, which mirror the workforce housing agreement to provide those preferences.

I would also point out that, you know, we, we manage properties for other owners. We manage for the County of Kauai as well. And on Kauai, we have preferences up in Princeville for property there that was created, I'm going to say five years ago. And the preferences are by zip code. And if you work or live in certain zip codes, then that provides you a preference for access to that housing.

So, getting to the bottom line, I think we already have a process in place and there's no need for the County to get involved on waitlists as it applies to our industry. And I'm only speaking for our rental industry that is governed by LIHTC primarily. I have no expertise when it comes to for sale housing, so my expertise is strictly when it comes to LIHTC rentals. And I'm available for questions. Thank you.

CHAIR LEE: Thank you, Mr. Carney. Are there questions, Members? If not, thank you very, oh, we have one question.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Mr. Carney, thank you very much for being here. So, you basically specialize, if I could use that word, in LIHTC?

MR. CARNEY: That's true, correct.

COUNCILMEMBER SUGIMURA: And so, you're saying that the way that we have this set up will be detrimental for developers to qualify for LIHTC financing?

MR. CARNEY: Not, not detrimental for developers to qualify, no. It's going to complicate the process, because we already have preferences available. And that could be included in the workforce housing agreements that we sign with the counties. And from those workforce housing agreements, like I said, we develop our resident selection plan. And then, we, we have experts, we have a whole, because we've been around for a long, long time, we have a whole compliance department that is expert in all the regulations when it comes to the IRS Section 42, which governs LIHTC properties, as well as fair housing, etc. So, you know, we have a process in place.

I have a feeling that if the County was to get involved, or if they designated another third-party to get involved, it's going to complicate the process, not only for, for our staff having to learn a whole new process, but also for applicants. Because they may have gotten qualified by the County or their designee, but there may have been something missed when it comes to all the regulations we have on our property. And so, we may have to turn away an applicant because of that. And also, if there's an error made in the qualifications, and that applicant is accepted, that could mean a loss of tax credits

for that particular unit, which could be expensive. And I'm talking five-figures for a single unit, where I pay. So, there's liability involved as well. So, I mean, I could go on and on. I just don't think it's necessary, because we're already preferencing for Maui residents.

COUNCILMEMBER SUGIMURA: Thank you very much, Mr. Carney.

CHAIR LEE: Any more questions?

Okay. Ms. Paltin.

COUNCILMEMBER PALTIN: Thank, Mr. Carney. I just was wondering what if you were the third-party contractor?

MR. CARNEY: Well, I guess we could be, yea. But we're already doing, you know, qualifications. So, you know, I guess if the County wanted to pay us to do it, it, that, that would be fine. We could make some money on the side, so to speak. But I just don't see it as being a requirement.

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

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I don't think we were looking at paying huge sums of money to a third-party, but if you're interested. But what I wanted to ask you, you said you have your own preference system in place. What do you mean by that? And how do you do it because, you know, part of the reason for this is we've heard from a lot of people in the community that they don't find out about these, these developments and they don't get on the list, so. How do you, how, what's your preference system?

MR. CARNEY: Well, I, I said we are permitted to provide preferences to certain degrees. So, you know, in Hilo, we're building a senior housing project, age 62 and up. But we're doing that as a, the priority is for veterans and their spouses. And that's allowable by law. So, any veteran and/or their surviving spouse would qualify as a preference to live in that property.

On Kauai we're, we're following the instructions provided by the County of Kauai, which is by zip code. You have to live or work in that zip code. And that's allowable by law. And there is also, you can employ a preference for teachers. That's permitted by law. But you know, some preferences are not permitted by law, and so you have to be very

careful where you step and avoid anything that could involve a fair housing violation. So, that's very critical for our properties.

And it's not only by, you know, to get into a LIHTC property, it's not only by income. There's background checks, there's landlord-tenant, landlord--

COUNCILMEMBER KING: Yeah, I think you answered my question. I was just trying to figure out what you were talking about by your preference. But if you're, if you're following County Code in the different counties, then this would be something we'd follow in Maui County. And the intention behind it is to try to broaden that list so that more people have an opportunity.

MR. CARNEY: Again, . . . preference is just that. It doesn't mean that you're, you're going to get housing. You still have to qualify financially, background check, etc.

COUNCILMEMBER KING: Yea, we know that. We understand that.

MR. CARNEY: Okay. Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Alright. Thank you. Okay. One last question, because we have Mr. Lau standing by.

Mr. Johnson. Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I'll be, I'll be quick, just for a clarifying question. So, you said as long as it's permissible by law and if it violates Federal housing laws, we'd be, we'd be, have concerns. This, in this bill, it has that clause. It says as long as it's permissible by law, we can do that. So, I just wanted to clarify that. I know we're running short on time. So, thank you, Chair.

MR. CARNEY: I understand. I just wanted to further clarify and perhaps get more, a clearer language that, you know, this, this part of the industry is exempt, rather than have to go in for each project and argue that we are exempt.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR LEE: Thank you very much. Thank you, Mr. Carney.

MR. CARNEY: Thank you. Aloha.

CHAIR LEE: Aloha.

Madam Clerk, could you call Mr. Lau?

COUNTY CLERK: Okay. Mr. Spencer Lau, if you can unmute yourself--

MR. SPENCER LAU (testifying on Committee Report No. 21-81):

Good morning

COUNTY CLERK: And testify--

CHAIR LEE: Good morning.

COUNTY CLERK: --and I did--

CHAIR LEE: Somebody said good morning.

MR. LAU: Yea, that's me. So, this is Spencer. Good morning, Council Chair and Councilmembers.

CHAIR LEE: Good morning. Okay. We have a Member who has a question for you.

MR. LAU: Sure.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Lau, for making yourself available today for your nomination to the Cost of Government Commission. My concern was, I mean, I'm sure that you already know about the attendance and the hard work those folks are doing.

MR. LAU: Yes.

COUNCILMEMBER PALTIN: My specific question was, in your resume application it mentioned that you're an insurance agent and you had worked for Councilmember Mike White. And the Cost of Government Commission already released a study on the MVB amounts. And I just was wondering if that had anything to do with your application, or your nomination being that during that time the Council regularly gave about \$4 million to MVB, and whatnot?



MR. LAU: When I worked for Councilmember White, I actually didn't, I wasn't part of that project, so I don't know what happened within that project.

COUNCILMEMBER PALTIN: Okay.

MR. LAU: . . . yea, it's just I had, I had no part of that.

COUNCILMEMBER PALTIN: Okay. And did the study released by the Cost of Government Commission have anything on MVB have anything to do with your nomination or application?

MR. LAU: No, not at all.

COUNCILMEMBER PALTIN: Okay. And, and was that your first choice of boards and commissions?

MR. LAU: That was my first choice, yes. I just knew that there was availability and it's hopefully something I can bring to myself, if approved, to make that committee better with my experience.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you for making yourself available. Thank you, Chair.

CHAIR LEE: Any other questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. My normal three questions. Aloha, Mr. Lau. Mahalo for your willingness to serve our County. Three questions. Do you foresee any concerns with your attendance, and have you been briefed on our attendance policy? Two, would you share your experience with this board? And then, three, how do you envision contributing?

MR. LAU: I, I plan to make all the meetings as best as I can. As a businessowner, it is sometimes difficult, but I will make my best effort in making all meetings. What I bring forward to the committee is basically my businessowner background. And also, being born and raised in Hawaii, I have a lot at stake for our community.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Sorry, and what, your experience with the Cost of Government Commission, you've attended any of the meetings or reviewed the minutes?

MR. LAU: I have not. I have reviewed a couple of the minutes, but not thoroughly.

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

CHAIR LEE: Anyone else? If not, thank you Mr. Lau, for joining the call. We will be--

MR. LAU: Thank you.

CHAIR LEE: --voting on your nomination at the end of the calendar.

MR. LAU: Sure. Thank you.

CHAIR LEE: The agenda. Okay. Thank you.

Alright. Shall we proceed, Madam Clerk, with the next testifier? Madam Clerk?

COUNTY CLERK: Thank you, Chair.

CHAIR LEE: Madam Clerk? Okay.

COUNTY CLERK: Yes. Our next testifier is Junya Nakoa. To be follow by Elle Cochran.

CHAIR LEE: Junya, where are you? Can't hear you. Staff, can you unmute him?

COUNTY CLERK: Chair, he's unmuted on our side.

CHAIR LEE: Okay. Junya, we can't hear you. Okay, yea, you'll call us. Okay. He'll call us, so let's take the next testifier.

Ms. Cochran.

COUNTY CLERK: Our next testi, our next testifier is Elle Cochran. To be followed by Cara Flores.

MS. ELLE COCHRAN (testifying on County Communication Nos. 21-469, 21-477, and 21-479; and Committee Report Nos. 21-87 and 21-92):

Good morning. You got me? Good morning.

CHAIR LEE: Hi.

MS. COCHRAN: Aloha, again. I'm testifying on CC 21-49 *[sic]*, CC 21-477, CC 21-479, CR 21-92, CR 21-87. Alright? Ready?

CHAIR LEE: Ready.

MS. COCHRAN: Okay. CC 21-469, please approve Councilmember Johnson's input into the 2020, 2022 HSAC Package to increase the minimum wage. I proposed it back in the day, too, so I want to support Councilmember Johnson to move that along again. And so, thank you for that. Because I think it relates to the, as Paulo Faleafine mentioned the other day about that circle economy. You know, when you make more, you spend more, and it'll also give our residents that peace of mind economically to make ends meet, which has been difficult lately. So, thank you. That's for that.

CC 21-477, the home own, thank you Ms. Sugimura, for introducing this. The Homeowner's Assistant Fund Program for mortgage relief and this assistance to Maui, Maui County homeowners that are impacted by the COVID-19 pandemic. As a land, a homeowner, I see the difficulties that people are going through. I mean, I have family members, you know, running into foreclosure experiences. So, the people, again, are struggling to make it, we're struggling to make ends meet pre-pandemic. Now, it's just that much worse. So, this definitely will be so beneficial to everyone across the board. So, I mean, last thing we need to do is add more to the homeless situation. So, please support that.

CC 21-479, did I write that right?

CHAIR LEE: Yes.

MS. COCHRAN: Relating to aircraft noise and flight paths around Maalaea and South Maui. This applies to just more than that section for sure. I mean, living in Honolua, if I can read the aircraft numbers on the bottom of the helicopter, they're flying way too close, you know. And that's happened. I can read the name of the aircraft, everything. So, I'm, we get calls from Mr. Pellegrino in Waikapu, the noise factor in Waikapu Valley. So, it's everywhere. Hana, people are landing in people's back, you know, open spaces of, of private lands, causing noise and, and commotion for, for you know, livestock and what have you. So, this goes across countywide. And so, hopefully, we can expand to that.

And then the, the biggie is Councilmember Johnson's CC 21-87 *[sic]*. Please pass it on first reading. You know, I was getting a little hot under the collar with the previous testifiers, cause I don't, I don't agree. I mean, I agree that this, this bill has enhanced, it has been improved with what work the Committee has done. And I, I, some main

points that I, that I want to support is the priority for the selection process that is based on the length of residency of the applicant for the interest list and the lottery.

And to address Mr. Moran's comment about waitlists don't work. Let's not think about the Upcountry water meter list. But I want to look at Napili Hau had a list, you know, my husband was called off this list. So, this, and then as a concierge, we have waitlists for the luau. Right now, luaus are sold out through November, December. It works. We get called, the people get into their luau, they're happy, the company's happy, you know. So, as long as the lists are monitored, right, they're actually looked at, and they're consistently addressed and followed through with. I mean, I could write to-do lists all day long, and if I don't look back at my to-do list, well, guess what? Nothing's going to get done.

And the, in having the lottery done by the County or its designees, I think is, is going to increase the confidence of our residents and our, you know, the applicants to, to looking for a home. The, the lottery, you know, put it in the County's hands for, for selection, versus the developer's hands, I think for me anyways, will increase the open, transparent, and honest process. So, I'm happy about that addition in there.

And increasing the marketing period from the 90 to 120, I think is extremely beneficial. Ninety days goes by really fast. And it will give, you know, the applicants' opportunity to get all their ducks in a row, right, and to, to get them, make themselves eligible and ready to become homeowners. So, I think the develop, on the developer's end, I hear they're saying all this hardship, but you know what, our people are in a hardship right now, have been. So, please keep that in.

And then, if it, after the marketing period, the marketing period is over, that 120, then the County has an option to buy. I think that's, that's helpful, too. I was actually part of the County Buy-Back Program. My first home was bought from a County home. So that, that totally works.

And I just want to add in that to please, please, please keep an eye on developers' advertising. That the applicant needs to get their . . . from the developer's choice of lenders, not the applicant's choice of lender. That's the law. Applicant's choice of lender, not developers. That's been going on for generations. It's against the law. And we need to keep an eye on that cause I continue to see those ads in the paper and it's wrong. So, I don't know what happened. I tried to deal with this with Pat Wong back in the day, and nothing came of it. So, please follow-up, Member Johnson, whoever, on that, cause it's super important. I think that's why we keep losing our, our homes to the market rate and then we're back to square one trying to get an affordable home again on the market. And, and in closing for this item, the, this is, the, this is not an

added regulation. It's, as I said, it's enhancing 2.96. And, and to me, it's improving it. So, that's for that.

And then on CR 21-92, I wholehearted support the appointment of Stacey Lee Vinoray to the Real Property Tax Review Board. She is awesome. She's got wonderful background skills and I've had the firsthand opportunity to have her as my IEM Committee secretary and analyst and she's been just, does outstanding work, very thorough. So, I'm, and she'll be a huge, great positive asset to the Real Property Tax Review Board. And I believe I've got through all my agenda items, Members. And thank you so much for giving me this time and opportunity to testify

CHAIR LEE: Of course. Any questions? Oh, you have a question.

Member Sugimura.

COUNCILMEMBER SUGIMURA: I have to tell you when I saw the minimum wage bill from Mr. Johnson, I thought of you. You were the first person I thought of. Thank you. Nice to see you back again.

MS. COCHRAN: Thank you.

CHAIR LEE: Anymore questions? If not, thank you very much, Elle. Have a great weekend.

MS. COCHRAN: Aloha. You too, Members. Take care. Bye-bye.

CHAIR LEE: Alright.

COUNTY CLERK: Chair, our next testifier is Cara Flores. To be followed by Junya Nakoa.

CHAIR LEE: Cara?

MS. CARA FLORES [testifying on Committee Report No. 21-87 and Bill No. 101 (2021)]:

Hello, can you hear me?

CHAIR LEE: Yes.

MS. FLORES: Yay. Step one done. Alright. I first want to just comment on Bill 101. I support it. I'm testifying as an individual today.

I also wanted to testify on CR 21-87. I think this is a great idea. It is hard to track down affordable housing and find them when they come up. I've been working with a family that's Native Hawaiian for years now, trying to get them into affordable housing and they keep trying to get on the lotteries. And it's, you know, we have to go look for them and find them. And it's a little bit ridiculous how difficult it is.

I do want to share something that I didn't see addressed. And this is not against the law, but it should be. So, and that's where I'd like to see legislation happen. This family wanted to buy a unit at two different workforce housing situations. And both times they did not allow FHA financing. And I've been a realtor since 2007, and the majority of first-time homebuyers use FHA financing. It's one of the most common first-time homebuyer loan programs out there. So, it's ridiculous that they would make one of the rules that you cannot use FHA financing. That's a, that's a barrier they put on purpose, because they don't want those units to sell and then they want to be able to hold them over for, you know, the 180 days or whatever and sell them at market, cause they sell for a lot higher.

The other thing that I have seen several developers do now is ask for 20 percent down payment. And when I tell them that my buyer doesn't have 20 percent down, which is not standard, most first-time homebuyers, my first home that I bought, I had 3.5 percent down with the FHA loan. So that's normal. Conventional loans have gone down to three percent down requirement. So, to ask for 20 percent down is ridiculous. And they say, well, just tell them to ask their family for it. Not all of us have rich family. If, if that was a requirement, I would still not be a homeowner today. These programs are in place for a reason, and it's to help first-time homebuyers buy a home. And they purposefully put obstacles in place to prevent that. So, I'd like to see the County Code address that. And with reference to affordable housing, specifically workforce housing, that those requirements also need to be added in there. But I do support 21-87. And I appreciate you guys.

Regarding someone saying we're not running out of affordable housing, we have plenty. It's not true. I just found out yesterday about Honokowai Kauhale, that's part of the low-income housing, affordable housing system from the State. The State agreed to sell to a developer 1,221 units. They're currently rated low-income. So, that's 30 percent of the . . . . They're, they're upgrading them to moderate income and they're not replacing that low-income housing. So, this, you know, what do those people do? They can't make that much more money. And they're going to end up homeless because there's no units to replace these. That's it. Thank you.

CHAIR LEE: Okay. Any questions, Members?

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Flores. Mahalo for your testimony today. I was hoping you would be able to share what workforce housing projects, the two that you were speaking of that didn't accept FHA loans. And if you're not at liberty to say that publicly, if you would contact my office.

MS. FLORES: I will contact your office. I do not want to say publicly, because one of them I worked for the broker representing the client at the time. And so, I have a obligation to not speak ill about the client.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Flores. Mahalo, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Ah, thank you, Chair. I, I had a side question about the 3.5 percent down. Is it people can have less than 20 percent down? Do they get forced to pay that mortgage insurance after? I mean, if it's that low?

MS. FLORES: Yes. So, anything under 20 percent down, there's usually some kind of insurance payment. It's not always, there's MIP, PMI, the VA has their own, like, separate thing. So, every, you know, that's the technicalities. But yes, almost every loan program that takes less than 20 percent down does have an insurance to cover that 20 percent of some kind. It's either government backed or privately backed. But the insurance you're talking like \$200 a month, or maybe like max like \$600 or whatever. It's, it's not barrier to homeownership. And so, as soon as people pay down that 20 percent with some loans, it automatically goes away, and then with other loans, they can refinance out of it.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any other questions? If not, Madam Clerk.

COUNTY CLERK: Our next testifier, Chair, is Junya Nakoa. To be followed by Tapani Vuori.

CHAIR LEE: Hi, Junya.

MR. JUNYA NAKOA (testifying on Committee Report No. 21-87):

Can you hear me? Hello?

CHAIR LEE: Yes, we can.

MR. NAKOA: All right. Okay. Yea, I going talk about that 21-87 bill. Yea you know what, plenty incidents where local families, oh yea and I am not a paid lobbyist, okay? And then--

CHAIR LEE: You could have fooled us.

MR. NAKOA: Yea, I tell you. But, yea, get plenty guys, they, they go apply for these affordable homes, yea, and then they tell um, they, you know, how these, you go for get these mortgages and . . . loan, you deal with one bank that take care of you for years. You know, you build one reputation with them, you build trust, you build everything with them, and then they going take care you cause they going give you your mortgage. But then when the developers come and tell you, you gotta use their mortgage lenders or whatever for make the loans, they get control, brah. They the one who going tell, yes you can, yes you no can.

And like Cara said, yea, then they make um so hard that they cannot qualify, then that affordable becomes market. That when happen at the Stan Carr, Stanford Carr, whatever development here in Lahaina. Getting tired hear this stuff happening over and over again. So, I give you guys so much credit, brah. You guys are badass, like I said before. You guys the one Council like the guy from Kihei said. You guys is the one we get confidence in to make it right for us the local people, nuff worrying about the other people from the mainland that going buy, make median rate \$1.1 million, yeah and us guys we stuck with nothing.

And then, just to let you guys know, I'm work in progress right now with Kaanapali 2020 and KUA, KUA Foundation to, with the Aloha Aina Party, to build affordable, truly affordable homes that is self-sustainable. That is, we not, we no like make one dollar. We no like make one dollar profit, zero profit. So, we going sell um, the house for cost. And then, so, we can get the money back and we can do em all over. And then, I told Kaanapali 2020, we would, we would, we would use all your affordable housing liabilities like the 51 percent and us guys going build them all. And hopefully, we can build um for \$300,000 like that.

Okay. With this list, you guys going control em. No let these paid lobbyists tell us, and tell us kanakas on Maui what to, what is right and what is wrong. I know you guys get um. You guys all badass. So, sorry, I stay small kine frustrated. I was piss off too and I, like Elle Cochran was, was mad too. And eh, Elle Cochran, please keep testifying. You badass, too. But yea, but like I tell you guys right now, brah, we gotta, we gotta stop this stuff already. Us locals gotta, we gotta stand up and fight these buggahs. We have to, you know. We gotta do what we can and you guys are doing a awesome job.



Lucky you guys no can see me, cause my hands stay going crazy. But love you guys and respect you guys. Have a good one. And yea, on a side note, I when email all you buggahs. I like talk story with you guys for diversity our economy. Yessah. Have a good one. Aloha Friday. . . .

CHAIR LEE: Aloha. Have a good weekend, Junya.

MR. NAKOA: Will do.

COUNTY CLERK: Chair, our next testifier--

CHAIR LEE: I assume there were no questions, right. Okay.

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Tapani Vuori. To be followed by Linda Munsell.

MR. TAPANI VUORI, MAUI OCEAN CENTER (testifying on County Communication No. 21-473):

Good morning, Council Chair, Vice-Chair, and Councilmembers. My name is Tapani Vuori. I'm the general manager here at Maui Ocean Center. I'm also the board member with Maalaea Village Association, with Maalaea Triangle Association, and with Maui Ocean Center . . . focused on Federal rescues and coral repository.

I wanted to testify as a private citizen on CR 21-473. And . . . couple of short paragraphs from the press release from University of Hawaii. Earlier last month, they actually did a survey on all the visitors and . . . stating the following: visitors to the State of Hawaii are willing to pay more for Native Hawaiian cultural experiences, sustainability and local . . . according to the--

CHAIR LEE: Member King.

COUNCILMEMBER KING: Chair, it's really difficult to hear what he's saying. You're coming in really fuzzy, Tapani.

MR. VUORI: Can you hear me? Can you hear me now, Chair?

COUNCILMEMBER KING: That's a little better.

CHAIR LEE: Could you, could you turn your volume up and speak a little slower?

MR. VUORI: Okay.

CHAIR LEE: That might help.

MR. VUORI: Can you hear me better now?

CHAIR LEE: Yes, much better.

MR. VUORI: Okay. good. So, I would like to start by reading the press release from the University of Hawaii. They did a study on, survey on visitors last month. The visitors to the State of Hawaii are willing to pay more for Native Hawaiian cultural experiences, sustainability in locally grown food, according to the findings from a new study conducted by the University of Hawaii, UH at Manoa in West Oahu. With 76 percent, more than a third of the responders were willing to pay 10 percent or more on activities that are put on by Native Hawaiians and are more respectful of their culture. And nearly identical results came with the topic of sustainability. So, clearly, the sentiments are changing with the demographic shift of, we see a lot of the younger generations that are really super interested and quite concerned about what's going on with the environment and how they connect with . . . so instead of dealing with a lot of these negative impacts that we see happening.

I believe there is a pretty strong consensus on Maui and Hawaii in general. In 2019, we had 2.5 million visitors on Maui. I believe it was too much. This may seem a little bit contradictory coming from a gentleman, or a guy, who is running a, really number one or two-rated visitor attraction here on Maui. But as a community, we really need to look at things for a sustainable, and not focus on short term or medium term. We really, in my opinion, should be thinking about longer-term impacts of what is happening.

I'm also on the Advisory Council for the Maui Planning Committee and discussions that are happening right now are looking at the infrastructure and the impact of climate change and what is happening. So, really, ultimately, it's going to come down to well, how much money do we have? Who's going to pay for all of this? So, if I may finish my point?

CHAIR LEE: Sure.

MR. VUORI: I understand three percent, but that to me, that, the danger there, that is it actually causes a dislocation in the market. I believe, or I would argue that we really

need to set a green fee or environmental sustainable cultural fee for everyone flying to Hawaii. And that needs to happen in their journey even before they come to Maui or set their foot in the airport. . . . \$100. Ten percent would be \$1,000 every visitor stay on Maui. Last time I checked it was 8.32 days per visit. So, clearly the cost for a visit is much more than \$1,000. So, this would be a small fraction of their total expenses coming to Maui. And it would actually really tremendously help Maui community to address all these infrastructure issues, like . . . .

CHAIR LEE: Okay. Thank you, Mr. Vuori. Thank you, Mr. Vuori.

MR. VUORI: Thank you.

CHAIR LEE: Member King has a question for you.

COUNCILMEMBER KING: Aloha, Tapani. You were kind of coming in and out of--

MR. VUORI: Oh, sorry about that.

COUNCILMEMBER KING: --in there. But no, I just wanted to clarify your testimony, because you're testifying on a county communication that has four bills in it. Did you have any specific concerns with any of these bills, or were you calling in for, I couldn't get the gist of what, if you were supporting them all, if you were in opposition, or did, do you have a concern . . .

MR. VUORI: Regarding 21-473, about the sustainability and the green fees. And I would urge us to, you know, think a little bit bigger in terms of operating from a place of strength where we actually value our community and our sense of place accordingly.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Any other questions? If not, thank you, Mr. Vuori.

MR. VUORI: Thank you very much. Have a good day.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Linda Munsell. To be followed by Thomas Croly.

CHAIR LEE: Okay. Hello, Linda.

MS. LINDA MUNSELL, DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS  
(testifying on Committee Report No. 21-87):

Thank you. Good morning, Chair and Councilmembers. My name is Linda Munsell. I'm the Deputy Director for the Department of Housing and Human Concerns. I'm here to testify on Committee Report 21-87. We've already submitted written testimony, so I'm not going to go over that document. You guys, you can read that. I just wanted to touch on a couple of things though.

First, the Department supports the idea of developing a central database for residents who are interested in workforce housing units, as well as a central place for disseminating information about current and upcoming housing projects. We think that that, those would be very positive things. We also support encouraging residents to become better prepared for rental and homeownership opportunities. One of the things that, in our conversations with the developers, apparently that is a significant burden and so we really support that idea in this, in this legislation.

However, we are concerned about several aspects of the proposed amendments. And we're a little bit concerned that there hasn't really been enough adequate consul, consultation with the developers on the effect that the amendments might have on, on workforce housing projects. We really would encourage this body to take some time to discuss those changes with the developers who are going to be affected. Specifically, we do note that we believe that the responsibility for maintaining the waitlist and determining eligibility at the project-level should remain with the developers for various reasons. And I think that you had received some testimony, not only from Mr. Carney, but also from others on this already.

We've also expressed some concern about the legal implications of the durational residency. That aside, of course, that's going to be a determination of this body. But that aside, the logistics of actually determining the length of residency is a significant concern for us as well. And I can foresee a lot of fights and having to defend our position on those, on those things if they're fighting for position on a waitlist.

On the requirement to purchase homes before they move to market, we really would encourage you to change that to a first right of purchase, rather than a requirement to purchase. We'd like to evaluate the value of that purchase before it's actually made.

Lastly, we'd also like to point out that requiring rental projects to specifically to publish information in social media outlets may not actually have the intended results that you're looking for. When we've seen projects advertised in social media, we end up with a lot of people who are not residents seeking opportunities to be in those projects.

So, just wanted to point that out to you. That you might consider that as an option and not as a requirement. And those are our comments. And obviously, you can read the written comments if you'd like. Really appreciate the opportunity to be here and really appreciate you taking up this bill. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Linda. Just a couple questions. One, on the, you know, I had brought up in Committee about the phrase that, that required all the social media. And it was actually stated by Corp. Counsel that that doesn't require each and every single one of those avenues, that it, that it still leaves that flexibility, so with the way it's worded currently. So, you know, I'm just, I was just wondering, you don't trust, you know, you're still worried about that wording?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yea, we're, we're, as long as it's very clear that they're not required to use all of those media outlets, then I think that that would be fine. But we would express some concern if it turns into a mandate to use it.

COUNCILMEMBER KING: Okay.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you.

COUNCILMEMBER KING: Cause I think that's probably in the committee report. I think that was stated a couple of times in the committee report.

And then, the other thing I wanted to bring up is, have you ever, you know, I know you're worried about the, the developers not having control over those waitlists, but have you gotten any of the types of complaints that Councilmembers get, about people not finding out about these projects? Because I think that's the root of it, is that there seems to be a lot of citizens who say I, I didn't know that was up for lottery. And so, you know, we're trying to take responsibility for getting that broader list out. But do you get complaints like that? Cause I've gotten a lot of those complaints.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes. Thank you. Thank you for the question. We actually do get a lot of inquiries. And so, because, because of that, and because of this, we're hearing that people aren't hearing about them. We like the idea of the interest list. We also like the central portal, where we can just, you know, get information out very early, and so people can start expressing interest. We also like the idea of forwarding that interest list to the developer, to be the start and the basis of their, their waitlist. But for us to manage the waitlist and to do the eligibility, that's where we, we start to have concerns. So, we love a lot of aspects of the interest

list and the centralized information portal. But when it becomes the waitlist, then we have concerns.

COUNCILMEMBER KING: Okay. Alright. Thank you. Thank you for being here. I appreciate your input.

CHAIR LEE: Any other questions, Members? If not, thank you very much, Deputy Director.

Next testifier.

COUNTY CLERK: Our next and final--

CHAIR LEE: How many more testifiers do we, Madam Clerk, how many more?

COUNTY CLERK: Chair, our, our next testifier is our last testifier signed up.

CHAIR LEE: Okay. Alright.

COUNTY CLERK: And that'd be Thomas Croly.

CHAIR LEE: Okay. Mr. Croly.

MR. THOMAS CROLY [testifying on Bill No. 101 (2021)]:

Aloha, Council. Tom Croly, testifying on my own behalf on, with regard to Bill 101, the transient accommodations tax. I had assumed, as this bill was making its way through Committee and such, that the October 1 date was simply a placeholder. I am stunned and amazed that anyone would even consider it taking effect today. That just makes no sense to me. The State's protocol, when they have increased the transient accommodations tax three or four times over the last several years, has been six months after the legislation has passed and the Governor has signed it, they have implemented it. Generally, that has been on a January 1 basis, which makes sense from an annual standpoint that you do it on, on January 1. But it's, that six months has allowed people to change their rates that they advertise, and to make sure that the people who are making reservations are being appropriately taxed and so forth. So, I, I can't believe that you would even consider starting it on October 1.

I've heard people say in testimony, December 1. I think that would still be too soon. I think the January 1 would be acceptable provided that the provision that is in the current bill that says for existing reservations you wouldn't have this tax responsibility. I have 430 room nights right now that are booked throughout this year and the next six months

next year. So, those folks have paid based on, you know, the taxation that's there. If they've made a reservation through Airbnb, I haven't received the funds, but Airbnb has. Airbnb will release the funds to me after the person stays, okay. So, then I would have this tax liability that would come up that they would not have paid at that point.

I hope that the Council understands there is no shortage in revenues for the County as a result of the State not giving the \$23 million. You guys know. You budgeted without it. And you also know that you increased the taxes on the short-term rental classification by \$28.5 million last year. That more than made up for the \$23 million that you didn't get from the State. The short-term rental classification is paying \$143 million in tax, versus \$113 million that they paid the year before. So, that increase more than made up. In fact, the County is working with the Federal funds at a windfall this year. You guys have more money than you could possibly spend this year and I think, I think you know that.

Finally, I think that it's incumbent upon the County to make sure that the 15,000 TAT permit holders, that they get informed about this before it's imposed. Thank you, Chair, I'll--

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

MR. CROLY: I have a few more points to make.

CHAIR LEE: Could you conclude your testimony, Tom?

MR. CROLY: Oh, thank you. So, so again, it, it would be incumbent upon the County to inform these folks as to what this tax liability is, and more importantly, how they should pay it. I don't think we even have a system set up right now. So, it makes sense to me that we don't impose this tax until a system has been set up and until notice has been given, pre-notice has been given, at a reasonable amount of time for people to prepare for that, and put it in their advertising, and charge the future reservations that they take the appropriate tax. Thank you, Chair.

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

MR. CROLY: Okay.

CHAIR LEE: Have a great weekend.

Are there any more people signed up to testify, Madam Clerk?

COUNTY CLERK: Chair, we have no other--

CHAIR LEE: I want to take care of some business right away. Anybody else?

COUNTY CLERK: Okay. 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 for testifiers. Please indicate if you would like to testify.

CHAIR LEE: Okay, Members, any objections to closing public testimony and to accepting any written testimony into the record?

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. Christopher Delaunay, Pacific Resource Partnership;
2. Lynn Britton;
3. Shannon VanderHeuvel.
4. Kevin Carney; EAH Housing;
5. Linda Munsell, Deputy Director of Housing and Human Concerns;
6. Nane Aluli, The Mauian Hotel on Napili Bay;
7. Noelani Balai;
8. Patricia Cadiz;
9. Peter Cannon;
10. Grant Y.M. Chun, Hale Mahaolu;
11. Linda A. Clark;
12. Carol Daum;
13. Denis Ebrill, Aqua Aston Hospitality, LLC and Marriott Vacations Worldwide Corporation;
14. Scott J. Glenn, Hawaii State Energy Office State of Hawaii;
15. Joel Goldman;
16. Lora Harbo;
17. H. William Hawkins, Maalaea Village Association;
18. Lyndon Ibele, Maalaea Village Association;
19. Mitchell A. Imanaka, ARDA Hawaii;
20. Denise Iseri-Matsubara, Hawaii Housing Finance and Development Corporation;
21. Ralph and Nancy Overton; and
22. Linda Schatz, Schatz Collaborative.

CHAIR LEE: So, ordered.



COUNTY CLERK: Chair, confirming that written testimony has been received.

And moving forward with minutes.

CHAIR LEE: Okay.

### MINUTES

The minutes of the Council of the County of Maui's regular meeting of July 2, 2021 was 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 SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

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

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Now, Members, do, if you have no objections, I would like to take up an item because Member King has to leave at 12:00 and wouldn't be able to return till after 1:45. So, any objections to taking up her committee report?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, if not, Member King.

COUNCILMEMBER KING: Thank you so much, Chair. May I ask for consideration on Committee Report 21-91? And, I don't know, do I have to have the Clerk read it first?

COUNTY CLERK: Yes.

CHAIR LEE: Pardon me?

COUNTY CLERK: Yes. I need to call it up.

### COMMITTEE REPORTS

COMMITTEE REPORT  
NO. 21-91 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT  
COMMITTEE:

Recommending the following:

1. That Bill 106 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.16B.R401.2, MAUI COUNTY CODE, RELATING TO ENERGY CODE COMPLIANCE FOR LARGE RESIDENTIAL BUILDINGS", be PASSED ON FIRST READING and be ORDERED TO PRINT"; and
2. That County Communication 20-570, from Councilmember Kelly Takaya King, be FILED.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you so much, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 21-91.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Johnson, to approve the recommendations in Committee Report 21-91.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Your CARE Committee met on August 17, 2021, and September 15, 2021, to discuss a proposed bill relating to energy code compliance for large residential buildings.

Your Committee discussed a revised proposed bill to require new one- or two-family residential buildings of 5,000 square feet or more of conditioned floor area to be verified zero net energy homes.

Over the course of those two meetings, your Committee received information and analysis from the Department of Corporation Counsel; Department of Public Works; Mayor's Office of Climate Action, Sustainability, and Resilience; State Department of Business, Economic Development, and Tourism; 3-P Consulting; Hawai'i Off-Grid LLC; Green Building Hawai'i; Climate Action Advisory Committee; Boulder County Community Planning & Permitting Department; and Hawaiian Electric Company.

Boulder County requires homes over 5,000 square feet to be zero net energy. And this has resulted in their residents actually building smaller homes.

Your Committee learned that many homes in Maui County over 5,000 square feet are vacation homes that are often left vacant and can more easily achieve the zero net energy requirement.

This bill will be a great step towards testing out stricter requirements before Maui County amends and adopts the 2018 International Energy Code no later than December 15, 2022.

The Director of Public Works agreed the Department can implement the revised proposed bill as written. And Deputy Corporation Counsel agreed, noting it is not necessary to move the provisions to another section of the Energy Code.

Your Committee agreed the revised proposed bill will apply to duplex homes, but also noted very few areas of Maui County are zoned for duplexes. And also, the fact that most duplexes that are, there haven't been any affordable duplexes built to that size. Your Committee recommended passage of the revised proposed bill on first reading and filing of the communication by a 7-0 vote. I ask for the Members full support of your Committee's recommendations.

CHAIR LEE: Any further discussion? Well, any discussion?

Okay. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yea, I wanted to speak in support. I know we had discussed in the Committee about the added cost in, as referenced by one of the testifiers. And . . . the consensus was that if you're building homes at 5,000 square feet, you probably already have enough funds to cover any additional costs. And in the long run, when you're paying those cost savings for, for energy, that'll also help. Thank you, Chair.

CHAIR LEE: Any other?

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Oh, I think Ms. Paltin was ahead of me, Chair. Thank you.

CHAIR LEE: Oh, I'm sorry. I missed you. Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Member Sugimura. Thank you, Chair. I just had a question for Member King about Mr. Wiig's testimony. Are we amending it to include hookup to the grid where available?

COUNCILMEMBER KING: No. Actually, we're not. We had that discussion in Committee that that wasn't necessary because there's no, there's no provision in the Code for having an independent generator qualify under the net zero requirement.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR LEE: Okay. Any more ques--

Oh, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so I'm speaking in favor of this. I heard the testifier talk about multi-generational. That was my concern when this came up, because I think 5,000 square feet, when you, when you hear of it, you think of one home. So, my concern was it would not exclude the possibility for this kind of benefit for multi-generational families. So, I believe that this will be addressed as things come up. So, thank you.

CHAIR LEE: Okay. Anyone else? Alright, all those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: I see eight "ayes", zero "noes" one "excused"; motion carries.

So, Ms. King, you want to tell everybody where you're going?

COUNCILMEMBER KING: Thank you, Members. Yes, I have a panel discussion that I'm supposed to be on. I tried to time it during our lunch hour, even knowing that we don't always take the same lunch hour. But this will be a prelude to the COP26 International Climate Change Conference in Glasgow. And it's a panel with the Governor of Washington and a couple of State Legislators from California. So, I'm, I'm excited to be representing you, there's a real desire to hear from Hawaii as we go forward into climate change issues, because we are experiencing sea level rise, of course, and climate change first before all of our other states in our, in our country. So, anyway, that's where I'll be for the next hour and a half.

CHAIR LEE: Very good. But we still have four minutes.

So, Vice-Chair Rawlins-Fernandez. Vice-Chair Rawlins-Fernandez, did you want to request to take up your item?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections--

CHAIR LEE: We do know that Member King is going to be leaving so we may have seven people, yea?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. If there aren't any objections, I would like to request we take up CC 21-470 and Bill 101. And the reason for this request is that the intention is to pass this out today and we'll, we would need to get the review and signature of Corporation Counsel. You see the CC 21-470 is the amendments to Bill 101, so we would need to get a finalized bill for the Mayor's signature.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. No objections.

Proceed, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I will try my best to make it as quick as possible, Member King.

Madam Clerk, if you could bring up the two items?

COUNTY CLERK: Thank you.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 101 (2021)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.47,  
MAUI COUNTY CODE, IMPLEMENTING A COUNTY  
TRANSIENT ACCOMMODATIONS TAX

## COUNTY COMMUNICATIONS

NO. 21-470 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated September 24, 2021)

Transmitting proposed amendments to Bill 101 (2021).

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 101 ON SECOND AND FINAL  
READING.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to pass Bill 101 on second and final reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, Bill 101 establishes a three percent County transient accommodations tax on all gross rental, all gross rental proceeds, and fair market rental value considered taxable under the definitions of Section 20, uh, 237D-1, Hawaii Revised Statutes.

I'm sure many of you, like myself, has been inundated with questions from those that would be affected by this bill. Okay. When we amended the clause that was taken straight from HB862, otherwise Act 1, we created an inconsistency with the State Statute and with our sister counties. Kauai passed their TAT bill into law last Wednesday, and they didn't repeat the clause from HB862. So, there's really no reason we don't, we're not required to do that.

As better explained by the DO tax director, the clause from HB862 is a two-part test. If a booking or a contract is paid in full and the accommodations contract does not include a disclaimer or a legal way to add the three percent tax, then it does not have to. Inversely, if the booking or the contract is not paid in full and the accommodation has the ability to add the three percent tax, then it must add the three percent tax.

After reading through some of the recently received testimony, I would like to clarify what I had explained regarding bookings at our last meeting. All new bookings and bookings not fully paid for, and there is no way for the accommodation to legally add the tax made from the October 1 start day and moving forward, would be subject to the new three percent TAT. The contract of, of the existing booking made through a travel

partner or a booking engine, such as Costco Travel or Expedia, generally would not allow for any additional taxes. Therefore, this booking would not be subject to the new tax.

Tourist and visitor accommodations have already been paying TAT to the State and know that this process is self-reporting. Of course, it is in their best interest to ensure accuracy in its reporting because they're, they, they'd also be audited. And all these questions will soon be made available online as a frequently asked questions on our County website. It's, it's ready and waiting to be launched.

When thinking, okay, and so for this reason, I move to amend the bill to the, to remove the language to contracts entered into prior to establishment of proposed Maui County Code Chapter 3.47, I'm sorry.

I MOVE TO AMEND VARIOUS PROPOSED MAUI COUNTY  
CODE SECTIONS AS FOLLOWS:

1. IN SECTION 3.47.010, DELETE THE THIRD SENTENCE IN ITS ENTIRETY.
2. IN SECTIONS 3.47.060(A) AND 3.47.070, REPLACE "COUNTY FINANCE DIRECTOR" WITH DIRECTOR", AND IN SECTION 3.47.060(C), STRIKE THE WORD "FINANCE".

And if you check your inbox, I'm sure the Clerks have sent this to you if you would like to follow along. My apologies.

AND FINALLY, 3. IN SECTION 3.47.150(A)(1), INSERT A THIRD SENTENCE TO ENSURE COMPLIANCE WITH THE CHARTER, TO READ AS FOLLOWS:

"FOR PURPOSES OF THIS PARAGRAPH, PENALTIES MAY NOT EXCEED THE AMOUNT ALLOWED UNDER THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED";

AND TO FILE COUNTY COMMUNICATION 21-470.

Oh, sorry. Yes. That's my motion. Okay.



CHAIR LEE: Okay, this is on the amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Alright, any questions on the amendment? Any further dis--

Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. When thinking of the TAT, we often think of large resorts. But this tax would apply to all tourist and visitor accommodations, including the many vacation rentals and bed and breakfasts we, we have heard from, as well as the small hotels, like in Hana and on Molokai.

While I have no doubt that the larger resorts, with memberships to the Maui Hotel & Lodging Association have been following this issue from its inception at the Legislature, I'm not confident that all accommodations, particularly the smaller ones have had sufficient notice.

I try my best to put myself in the shoes of every party that would be impacted by this tax. If I was a guest of accommodation and I was checking out, and I'm told that I must pay an extra tax, I, I'd be pretty upset, particularly because the accommodation didn't give me advanced notice. While this disclaimer may be on the website, this specific tax would not be noticed because it would be premature to since this bill hadn't become law yet and it won't be until it's signed by the Mayor.

If every, if someone in this process of checking out today and had not yet fully paid for the day for October 1, I believe the person would be subject to the three percent tax for this one day and not for the entirety of their trip. And if that tax is not passed to the customer, then it would need to be absorbed by the accommodation. I concede that this is not ideal. That even if we had passed this into law a week prior, like Kauai Council did, that it would have been enough time.

Since that start date must be the first day of the month to coincide with the State's collection of the State TAT, we are not able to give a week or two of transition time. We would need to choose a start date of today, October 1, or consider November 1.

AND SO, I WOULD LIKE TO MAKE A FRIENDLY AMENDMENT  
IF MY SECONDER, MEMBER SUGIMURA, WOULD BE OPEN  
TO IT TO AMEND THE, THE START DATE, THE ENACTMENT  
DATE TO NOVEMBER 1.

COUNCILMEMBER SUGIMURA:

YES.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And that's my amendment.

COUNCILMEMBER SUGIMURA: Very good. Thank you.

CHAIR LEE: Yes, good thing we have photographic memories. Anymore, anymore comments or discussion on this, Members? Cause we're getting ready to vote.

COUNCILMEMBER SUGIMURA: Yea. So, are you speaking on the--

CHAIR LEE: Member Sugimura. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I like the November revised enactment date for November, which will give people time to plan, as we heard from small businesses that had been sending us testimony. And I hear them, right? Whereas a lot of them don't have a whole staff of, you know, accounting departments or whatever.

The other thing is, Keani, thank you very much for making this amendment. Go lady go, man. I love it. I agree with you, 100 percent. I mean, you heard the voices of the people. And I think it allows businesses to react more in line of a business and not like crazy October 1, we're going to start, we're going to do this, you know. But they've been in business this whole time. So, it's not starting a new business. We're, we're folding ourselves in and putting ourselves into something that's existing and rolling. So, allowing people to then take control and, and report to us, and do a good job. So, I support this. Thank you very much for making your amendments.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I didn't get all of the proposed. Can the maker repeat the whole amendment again? No, I'm just kidding. I'm just kidding. I stand in full support. I want to thank Member Rawlins-Fernandez for this compromise. Back in Committee, I think myself and several others were in favor of this, the December implementation. So, I think November 1 is a very healthy compromise. So, I appreciate Member Rawlins-Fernandez for showing some compassion for those that will be affected by this proposal. Thank you.

CHAIR LEE: Thank you. Anybody else?

Member King. I know you have to run.

COUNCILMEMBER KING: I was just hoping that we could vote before I have to leave.

CHAIR LEE: Okay. Ready to vote. All those in favor of the amendment, 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"; motion carries.

Now, the main--

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, we made an amendment by changing the date to November 1 to, which was not posted on the agenda. So, we'll have to first vote to waive our Council Rule 19.C., so that we can take final action today.

(King was excused from the meeting at 12:05 p.m.)

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO, I MOVE TO WAIVE COUNCIL RULE 19.C.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive Council Rule 19.C.

Vice-Chair Rawlins-Fernandez, any further discussion? Otherwise, all those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND KING.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And lastly, I just wanted to make note for the public that as reflected in CC 21-473 the TAT revenue this year would be used toward affordable housing, open space, cultural programs, and tourism management and enforcement. Mahalo, Chair.

CHAIR LEE: I, I too would like to thank you. This was a tremendous job that you did. And really appreciate your hard work and the work of your hard staff, the hard work of your staff, primarily Sarah, and everybody else. Thank you.

Yes, Vice-Chair Rawlins-Fernandez, then Ms. Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I would be remiss if I didn't also extend my gratitude to Mayor Victorino, our Finance Director Scott Teruya, and our Budget Director Michele Yoshimura, and all of their staff.

CHAIR LEE: I love it when we hear about teamwork. Great.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: That was going to be my question, if we consulted with the Administration. So, kind of spooky we're reading each other's minds. So, very good. Thank you. Let's vote.

CHAIR LEE: Very spooky. Okay.

COUNCILMEMBER SUGIMURA: That's spooky.

CHAIR LEE: All those in favor, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND KING.

CHAIR LEE: The motion--

COUNCILMEMBER SUGIMURA: Oh look, there's Scott Teruya.

CHAIR LEE: Okay. We got, one, your vote, Scott. Thank you. Seven "ayes", zero "noes", and two "excused"; motion carries. Great, great job.

One of the reasons why Vice-Chair Rawlins-Fernandez had to sort of rush this before lunch, cause she, she's in between events and, and has to get back to something that she's committed to. And then you'll come back after lunch, right, Vice-Chair? Okay. Thank you so much. Appreciate it.

Now, this is a good time for us to take lunch. Do you want to take it till 1 or 1:30?

COUNCILMEMBER MOLINA: 1:30.

CHAIR LEE: 1:30? 1:30? Okay. Sounds good. We are in recess, lunch recess, until 1:30, okay.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:08 P.M., AND WAS RECONVENED AT 1:31 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS KAMA AND KING, EXCUSED.)

CHAIR LEE: Will the Maui County Council meeting of October 1 please reconvene. Welcome back my chickadees.

So, Madam Clerk, please proceed with the agenda.

COUNTY CLERK: Okay. We left off on item I., action on the Consent Calendar.

CHAIR LEE: Alright.

COUNTY CLERK: County communications. Proceeding with the, with the Consent Calendar.

## ACTION ON THE CONSENT CALENDAR

### COUNTY COMMUNICATIONS

NO. 21-459 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,  
(dated September 4, 2021)

Transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the Positive Outreach Interventions grant, in the amount of \$85,263.

NO. 21-460 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,  
(dated September 4, 2021)

Transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the KALO Program in the amount of \$89,000.

(Councilmember King returned to the meeting at 1:32 p.m.)

NO. 21-461 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,  
(dated September 4, 2021)

Informing of the receipt of \$11,929.63 in Forfeiture Funds from the State of Hawaii, Department of the Attorney General.

NO. 21-463 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated September 20, 2021)

Transmitting Contract Modification No. 10 from the State of Hawaii, Executive Office on Aging, for Title III Programs in the amount of \$926,789.

NO. 21-464 - ERIC A. NAKAGAWA, DIRECTOR OF ENVIRONMENTAL  
MANAGEMENT, (dated September 21, 2021)

Informing of the re-organization of positions within the Department of Environmental Management.

NO. 21-465 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated September 22, 2021)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2022 Fund as of August 31, 2021.

NO. 21-466 - MICHAEL P. VICTORINO, MAYOR,  
(dated September 21, 2021)

Informing of a vacancy on the Civil Service Commission due to the resignation of Blake Takayama, effective September 21, 2021.

CHAIR LEE: Alright. Members, anymore changes to the Consent Calendar.

If not, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina, to file all the items on the Consent Calendar.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: No discussion, Chair.

CHAIR LEE: No discussion. Any other questions or discussion? If not, all those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Member Sugimura, I don't see you.

COUNCILMEMBER SUGIMURA: I'm here. I'm having technical difficulties, but I'm here.

CHAIR LEE: Okay, I saw you. Now, I see you.

One, two, three, four, five, six, seven, eight "ayes", zero "noes", one "excused"; motion carries.

Madam Clerk.

COUNTY CLERK: Proceeding with item J. Communications; 1. County Communications.

### COUNTY COMMUNICATIONS

NO. 21-458 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated September 15, 2021)

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

NO. 21-462 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,  
(dated September 15, 2021)

Informing of the receipt of \$11,929.63 in Forfeiture Funds from the State of Hawaii, Department of the Attorney General.



NO. 21-467 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated September 13, 2021)

Transmitting 52 contracts/grants for the month of August 2021.

NO. 21-468 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE,  
(dated September 23, 2021)

Transmitting a proposed resolutions entitled "APPROVING FOR INCLUSION IN THE  
2022 HAWAII STATE--

COUNTY CLERK: One at a time.

CHAIR LEE: Oh, you want to take it one at a time, okay. Alright. Begin, go back with 21-458.  
Going back there, is that what you're saying?

Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: 21-458, I've asked for it to be removed from Consent  
Calendar and sent to IT please, my Committee.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: To the referral. I thought it was already removed, but okay.

The next one.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: CC 21-462. Who wanted that one?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Request to have it referred to the  
BFED Committee please.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Okay. Okay, so you can resume.

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. CC 21, oh, 4, 21-467.

I MOVE TO FILE COUNTY COMMUNICATION 21-467.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file County Communication 21-467.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Except for the grants and contracts any of the Councilmembers would like to remove and have referred to their Committee or a specific Committee.

CHAIR LEE: So, the motion is to file, right?

Okay. Member Sugimura. Can't hear you.

COUNCILMEMBER SUGIMURA:

CAN YOU PLEASE SEND CONTRACT 7445, UPCOUNTRY MAUI AG PARK, FROM MANAGEMENT, TO MY COMMITTEE, THIS CONTRACT?

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Any other contracts?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. It's not a contract, but a grant.

G65249-1 [S/C], TIME EXTENSION, OED, MAUI COUNTY VISITORS ASSOCIATION, DOING BUSINESS AS MVB, MAUI NUI SUSTAINABLE SAFE TOURISM MANAGEMENT, IF IT, IF WE CAN MAKE ITS WAY TO OUR TIG VIA THE BUDGET COMMITTEE.

CHAIR LEE: Okay. Alright. We're going to, we would refer it to the Budget Committee. Any objections to that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. That's two. Everybody all done. Checking. Alright, other than that, the grant just mentioned, C65249-1 [sic], and the Contract 7445, this item will be filed, and the other two items referred.

Madam Clerk, next.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I think we need to take a vote on the motion, or did I miss that?

CHAIR LEE: Okay. I--

VICE-CHAIR RAWLINS-FERNANDEZ: To file County Communication 21-46, 467.

CHAIR LEE: Okay. I thought we were going to do it all at once, but that's okay. All those in favor of the motion to file, except for those two items, file County Communication 21-467, 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: All "ayes"; that's eight "ayes", one "excused". Motion carries.

Okay. That takes care of 21-467.

Madam Clerk.

NO. 21-468 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE,  
(dated September 23, 2021)

Transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE SIZE THRESHOLD FOR HOMES THAT ARE CONSIDERED A 'DEVELOPMENT' UNDER THE COASTAL ZONE MANAGEMENT ACT";
2. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE";
3. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ASSESS A CLIMATE CHANGE MITIGATION IMPACT FEE FOR TOURISM-RELATED VEHICLES";
4. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH A GREEN FEE SURCHARGE ON TRANSIENT ACCOMMODATIONS; and
5. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS".

CHAIR LEE: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE FROM  
FURTHER CONSIDERATION OF THE PROPOSED  
RESOLUTIONS ATTACHED TO COUNTY COMMUNICATION  
NO. 21-468.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Okay. Moved by Councilmember Molina, seconded by Councilmember Kelly King, to discharge County Communication 21-468.

Mike, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Council must submit its legislative proposals to the HSAC Committee by October 16 of this year to be included on HSAC's next meeting, which is scheduled for October 26, 2021. In light of that deadline, the discharge is needed to enable the Council to consider action today on the proposed resolutions. Thank you.

CHAIR LEE: Okay. Any more discussion? All those in favor of the discharge, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Member King, to waive the Rules of the Council.

Any discussion, Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Approval of this motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolutions for action today. Thank you.

CHAIR LEE: Any more discussion? All those in favor of waiving the Rule, 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: We need seven, we have eight. Eight "ayes", one "excused"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTIONS  
ATTACHED TO COUNTY COMMUNICATIONS NO. 21-468,  
AND TO FILE COUNTY COMMUNICATION 21-468.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to adopt the recommendations in County Communication 21-468.

Discussion, Member Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. As you and the Members recall, these proposal were, were discussed this past Tuesday at the GREAT Committee meeting on September 28, 2021.

The first legislative proposal, as submitted by Councilmember Paltin, relates to lowering the size threshold for homes considered a development under the Coastal Zone Management Act. The State Bill would amend Section 205A-22 of the Hawaii Revised Statutes, to amend the definition of "development" by lowering the size threshold for a single-family residence to 5,000 square feet, under the Coastal Zone Management Act. And this proposal was spurred after CARE Committee's discussion on net zero energy homes. I'd like to thank Member Paltin for this consideration. Thank you, Madam Chair.

CHAIR LEE: Okay. Any more discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Molina. As was discussed in the Committee on Tuesday by Deputy Director Jordan Hart, I wanted to amend the proposal to include a definition of how square footage being measured. And I realize that this would just be a starting point for the Legislature, as all the counties may not measure square footage the same. But just to bring an effort to alert the State that there is no standard definition on how to measure square footage. And I'm hoping that you folks have received my floor ASF.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN:

I MOVE TO AMEND THAT NUMBER 1, AS STATED . . .

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER PALTIN: Okay. Cool.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to, for the amendment and referencing the ASF on the subject of defining the, how to measure square footage.

COUNCILMEMBER PALTIN: Of the floor area.

CHAIR LEE: Of the floor area. Any more discussion on the amendment? All those in, well, did we, I'm sorry, did we have a main motion on this?

COUNCILMEMBER MOLINA: Yes.

CHAIR LEE: Okay. So, all those in favor of the amendment, 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: Eight "ayes", zero "noes", one "excused"; motion carries.

Member Paltin, anything else?

COUNCILMEMBER PALTIN: Oh, no. Thank you for your indulgence.

CHAIR LEE: Next.

COUNTY CLERK: The motion--

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, I believe the motion, I guess has to do with all five, to consider all five at one time in the package. So, I'd like to, if, with your



indulgence, to discuss the next four proposals. And then, once all that is done, then we can go ahead and take a vote. And if there's any request for separating any of these proposals we can do that as well, so.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Okay. Thank you. Anyway, continuing on. The next four legislative proposals were submitted by Councilmember King.

(Vice-Chair Rawlins-Fernandez was excused from the meeting at 1:48 p.m.)

COUNCILMEMBER MOLINA: Councilmember King's first proposal relates to the use of intoxicants while operating a vehicle. The State Bill would amend Section 291E-3, of the HRS, to lower the threshold of blood alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

A representative from the Department of Police said the Department fully supports the bill, which will be a vehicle to save lives. He also stated that police unions and agencies across the State have also expressed full support. In addition to that, he added that the proposal does not prohibit the drinking of alcohol but is aimed to prevent driving after drinking. And if the proposal is approved by the State Legislature, Hawaii will be the second State in the nation, after Utah, to lower the blood alcohol content to 0.05 percent.

And with that said, Madam Chair, I'll yield the floor to the proposer Member King, if she has anything else to say.

CHAIR LEE: Oh, I have a question. Which is the first State?

COUNCILMEMBER KING: Utah.

CHAIR LEE: Utah? Okay, I figured.

COUNCILMEMBER KING: And according, and according to Lieutenant Hankins, they, their, their number of incidences related to impaired driving dropped 40 percent . . . So, that's why he's such an advocate. But I think Mr. Molina pretty much summed it all up. So, we've had, we had discussion about it in Committee.

CHAIR LEE: Any other comments or discussion on this item? Questions? If not, okay, there's no amendments here, huh?

COUNCILMEMBER KING: No amendments.

CHAIR LEE: Okay. So, going to the next one.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Chair. The next two legislative proposals, as submitted by the Councilmember King, relates to the environmental fees. One, assesses a climate change mitigation impact fee for tourism-related vehicles. The State Bill would amend Chapter 171 HRS, to establish: 1) a climate change mitigation impact fee for persons renting, leasing, or utilizing tourism-related vehicles in the State to be used toward protecting Hawaii's natural resources and environment; and 2) a climate change mitigation special fund to deposit all fees collected in accordance with Section 171-A, and any appropriations made by the Hawaii State Legislature for deposit into the fund.

And I'll ask Member King if she'd like to make any additional comments on that before we go onto the next proposal.

COUNCILMEMBER KING: I, I'll just comment that, thank you, Member Molina, you did a great job. But I'll just comment on both of the, the fees. The impact fees are on priority lists for several of our legislators that, that head of the environmental ag committees in the Senate and the, and the House. So, I think there's, we're going in with good support. I expect there'll be several versions of these bills. And so, HSAC is actually considering, at my urging, to be flexible enough that if our bills dies that we can turn around and support a similar bill, because a lot of these bills have the same language, but it may not be our bill that they pick to move forward.

CHAIR LEE: Alright. Any further comments? If not, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And continuing on with the third proposal from Member King. This establishes a green fee surcharge on transient accommodations. The State Bill would amend Chapter 171, of HRS, to establish: 1) a conservation workforce special fund to deposit all revenues collected under Section 237D of the HRS, and any appropriations made by the Hawaii State Legislature for deposit into the fund; and 2) a conservation advisory committee within the department and the office of planning; and 3) a visitor green fee surcharge.

And Councilmember King mentioned to us that these fees would be in addition to the revenue collected from State TAT and County TAT. And she also mentioned that these type of green impact fees are considered top priorities at the Legislature next year. And in addition to that, we had feedback from the Mayor's Office of Climate Change, Sustainability, and Resilience. And they feel establishing this green impact fees would be a sensible approach. And this type of funding is necessary towards off, to offsetting environmental impacts. Thank you.

CHAIR LEE: Any more comments? And so, we go the next one. The last one.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Chair. And the final legislative proposal as submitted by Member King, relates to transient accommodations hosting platforms. The proposed State bills, House Bill 504 and Senate Bill 643 of 2021, would allow counties to regulate transient accommodation hosting platforms. These bills are currently pending in the State Legislature. However, adding them to the HSAC Legislative Package would let State Legislators know these bills are supported by the HSAC Executive Committee as well as the four county councils. And Councilmember King shared with us that these proposals would allow counties to find unpermitted transient accommodations hosting platforms.

I ask for the Members full support and thank Member King for these considerations. Thank you, Madam Chair.

CHAIR LEE: Any more comments or questions? If not--

COUNCILMEMBER KING: Oh.

CHAIR LEE: Member King.

COUNCILMEMBER KING: I'll just quickly comment that we did have John Rapacz from the Planning Department talking about this last bill and saying how this would actually help them regulate because they're in, they're in talks for, you know, some agreements with two of the hosting platforms. But those are just basically agreements. There's no regulation to hold them to it. So, this would help put some meat on, on those agreements, and also expand our reach to all hosting platforms.

CHAIR LEE: Alright. Get ready for the vote. We're voting on the, the main motion as amended. Okay. All those in favor of the main motion as amended, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,  
PALTIN, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR LEE: One, two, three, four, five, six, seven. Now, we're down to seven. I don't see you Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: I think she--

CHAIR LEE: Seven "ayes", two, what's that?

COUNCILMEMBER KING: I saw her leave the meeting.

CHAIR LEE: You saw her?

COUNCILMEMBER KING: I saw her leave the meeting. So, I haven't seen her come back.

CHAIR LEE: Oh, leave the meeting. Oh. Okay. Seven "ayes", two "excused"; motion carries.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. Those are RESOLUTION NOS. 21-148, 21-149, 21-150, 21-151, AND 21-152.

CHAIR LEE: Next communication.

NO. 21-469 - GABE JOHNSON, COUNCILMEMBER,  
(dated September 24, 2021)

Transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE; and
2. "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE".

CHAIR LEE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL, TO CONSIDER THE TWO PROPOSED RESOLUTIONS ATTACHED TO THE COUNTY COMMUNICATION 21-469.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER JOHNSON: Approval of my motion by a two-thirds vote of this entire membership, oh, I'm sorry.

CHAIR LEE: We needed a second, a second. Moved by Member Johnson, seconded by Member King, okay, to waive the Rule of the Council.

And now, discussion, Member Johnson.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 1:55 p.m.)

COUNCILMEMBER JOHNSON: Thank you, Chair. Members, this, the time sensitivity is based on meeting the HSAC Executive Committee's deadline for 2022 HSAC Legislative Package. And having the Council's Legislative Package move at a similar pace for the legislative session that begins on January 19.

CHAIR LEE: Further discussion? If not, all those in favor of waiving the Rule 7.G., raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

COUNCILMEMBER KING: Oh, Member, Member Rawlins-Fernandez is back. So, she is voting "aye".

COUNCILMEMBER JOHNSON: I just saw her.

VICE-CHAIR RAWLINS-FERNANDEZ: "Aye".

CHAIR LEE: You're voting "aye"? Oh good, I didn't see you. Okay. Now, I see you. Okay. So, eight "ayes", one "excused"; motion carries.

Back to you, Member Johnson.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTIONS  
ATTACHED TO THE COUNTY COMMUNICATION 21-469, AND  
FILE THE COMMUNICATION.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Member Johnson, seconded by Member King, to adopt the proposed resolutions in County Communication 21-469.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Each resolution attaches a proposed State Bill to increase the minimum wage. The first resolution is for the HSAC Package. The second reso, resolution is for the Council's Package. The proposals would gradually increase the minimum wage to 16 per hour, \$16 per hour in 2025 with a self-sufficiency income standard adopted in succeeding years.

The State Department of Business, Economic Development, and Tourism, or DBEDT, calculates the amount adults and families living in Hawaii need to cover the basic needs. This calculation is called the Self-Sufficiency Income Standard and reflects, at a minimum, an annual earning that will cover costs related to house and food, which we know are some of the highest in the nation; and other things such as childcare, transportation, healthcare, and clothing, household expenses, etc.

DBEDT's latest study found that 2018, a single adult in Hawaii needs a income of \$35,143 to achieve self-sufficiency, or about \$16.90 per hour. That's 67.3 percent above the minimum wage of \$10.10. A single parent with one child requires \$59,428, or 45.7 percent of one adult's family in the State earn under the Self-Sufficiency Standard.

I believe the bills I am proposing are a way to say one job should be enough. It's a way to say that one adult who works 40 hours a week should earn enough to meet their basic needs of food, clothing, shelter, transportation, healthcare, clothing, and household expenses.

I am the Chair of the Affordable Housing Committee. We all know that our community is being outpriced and working hard on creating housing policies to fix a system that has not served our most vulnerable and hardworking residents. We also know we need to take a multiprong approach, we need to look at the root causes. And I strongly believe that a pervasive, a pervasive low wages for our working poor is one of them.

As Councilmembers, we have long advocated for higher wages for our County workers. Last year, the County Council supported resolutions unanimously that advocated for a livable minimum wage. On June 19, 2020, Resolution 20-84 supported a Feminist Economic Recovery Plan for COVID-19. One of the key recommendations of the plan is to redress, redress critical economic inequalities to promote women's financial independence, which is a basic condition for recovery and liberation from a gender-based . . . by raising the minimum wage to a living wage.

On August 10, 2020, the body unanimously passed Resolution 20-113, supporting pay equity in the County of Maui. Economic Policy Institute notes that this year that minimum wage workers and low-wage workers are disproportionately women, black and Hispanic men. Due to the impacts of structural racism and sexism, women, and black and Hispanic men are concentrated on low wages and would see great gains from increases in the minimum wage. I strongly believe that raising the minimum wage reduces gender and racial pay gaps and promotes pay equity.

On May 26, 2020, the body passed unanimously Resolution 20-76, supporting Maui County's healthcare workers, first responders, and other essential workers at the frontlines of the COVID-19 pandemic.

(Vice-Chair Rawlins-Fernandez was excused from the meeting at 2:00 p.m.)

**COUNCILMEMBER JOHNSON:** These essential workers include grocery store, food industry workers. The Economic Policy Institute wrote in February, essential and frontline workers make up a majority, 60 percent of those who would benefit from a

\$15 minimum wage. The medium pay is well under \$15 an hour, and for many essentials and frontline jobs. I believe we can even, do even better than \$15 by using the data driven State Self-Sufficiency Standard that would support our lowest earners.

If businesses are not responsible for paying our workers enough to meet their basic needs, these workers rely on our safety net, and worse, become subject to homelessness, and the diseases of despair like drug addiction and depression. We see this crisis growing on our store steps, and the current wage system is not working for our most vulnerable. And I believe this is one approach we can make to help support those that need it the most. I humbly ask for your support in this bill and, and the need to raise up our low-income workers with a livable wage in a State that has become too expensive to live. Mahalo.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: That's alright. I was coughing. Any more discussion?

Yes, Member King.

COUNCILMEMBER KING: Well, I don't know what I could add to that. That was quite a speech there, Mr. Johnson. But I just wanted to request that, you know, if we get this passed out, first of all, I hope that Elle Cochran is watching, because I was on the Council the first, my first two years when she tried to get this passed and couldn't get support. But I think you made some excellent points. And I fully support it as, not only a Councilmember, but also as an employer who, we don't have anybody who makes less than \$15 an hour in our company. But I also wanted to just urge you to, if we do get this passed out, please come to HSAC and make that same speech, because next step is to get it passed at HSAC. Okay. Thank you, Chair.

CHAIR LEE: Okay. Anybody else? Alright, very good. All those in favor of the motion, which is to adopt the resolutions in County Communication 21-469, please raise your hand and say "aye".

(Vice-Chair Rawlins-Fernandez returned to the meeting at 2:02 p.m.)

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.



CHAIR LEE: Okay. We can hear you all the way from Molokai. Eight "ayes", one "excused"; motion carries.

Alright. Madam Clerk, last CC.

COUNTY CLERK: Thank you, Chair. Those are RESOLUTIONS NO. 21-153 and 21-154.

NO. 21-471 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE,  
(dated September 23, 2021)

Transmitting County Communication 21-435, from the Director of Housing and Human Concerns, transmitting a proposed resolution, entitled "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE, THE KAIĀULU O HALELE'A APARTMENTS AFFORDABLE HOUSING PROJECT".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO DISCHARGE THE BUDGET, FINANCE, AND  
ECONOMIC DEVELOPMENT COMMITTEE FROM FURTHER  
CONSIDERATION OF THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 21-471.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member, Vice-Chair Rawlins-Fernandez, Member King, seconded by Member King, to discharge this item.

And do we have discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As I explained in the Budget, Finance, and Economic Development Committee, this item is time sensitive, so that they can build the houses. So, and I'll say the same thing for the next motion, which will be to waive the Rules. And then, I'll fully give my explanation when we get to the main motion. Mahalo, Chair.

CHAIR LEE: Okay. All those in favor of the discharge, 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: Seven, eight "ayes", one "excused"; motion carries.

And then, so the next, I'll call on you again for the next vote. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Hope, hopefully you can hear me.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm going to turn off my video. Can you hear me?  
Okay. Okay, great.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

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

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to waive  
the Rules of the Council 7.G.

Vice-Chair Rawlins-Fernandez. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: No further discussion, Chair. Mahalo.

CHAIR LEE: No further, okay. All those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: One, two, three, four, five, six, seven, eight "ayes".

Vice-Chair, can you say something? So, I can't see you, so, say "aye".

COUNCILMEMBER KING: Now, we can see you.

VICE-CHAIR RAWLINS-FERNANDEZ: "Aye".

CHAIR LEE: Oh, now I can see you. Okay. I couldn't a moment ago. Alright. Eight "ayes", one "excused"; motion carries.

COUNCILMEMBER KING: When you turn off your video, Sarah's picture comes up, just FYI.

CHAIR LEE: And although we appreciate Sarah's vote, it's yours that we really need, okay?

So, Vice-Chair, next. We discharged the item, we waived the Rule of Council, so now it's your turn again.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO  
FILE COUNTY COMMUNICATION 21-471 AND 21-435.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to adopt the proposed resolution. And is there any discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll turn off my video.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, as discussed in the Budget, Finance, and Economic Development Committee meeting on September 29, 2021, the Fiscal Year 2022 Budget appropriated \$3,025,442 of the Affordable Housing Fund to Ikaika Ohana for the Kaiāulu o Halele'a Apartments project.

The first phase of the project is currently under development, and the developer intends for the second phase to be constructed at the same time. Restructuring the financing of this project allows it to qualify for additional tax credits and funding.

Your Committee was informed, by the Department of Housing and Human Concerns, that they are working with the Department of the Corporation Counsel to come up with solutions to simplify the financial structure process. Representatives from the Administration are available to answer any questions the Members may have. I ask for the Members continued support of this item. Mahalo, Chair.

CHAIR LEE: Anymore discussion?

Member King.

COUNCILMEMBER KING: Yea, thank you, Chair. I just wanted to thank Member Rawlins-Fernandez, Vice-Chair Rawlins-Fernandez, for pushing this along, because it's very important. And when the, this same Ikaika Ohana did the Kaiwahine Village in South Maui, they were asked by the Kihei Community Association to do it in one phase instead of two phases, because it's less disruptive for the area around. So, this will help them do that. And appreciate the timeliness of this. And I certainly appreciate more affordable housing in South Maui.

CHAIR LEE: Okay. Great. Any more discussion?

Member King, um, Member Sugimura, sorry.

COUNCILMEMBER SUGIMURA: Thank you. I support this and the good work of the developer. And I do want to make note, as it was mentioned in Committee, that this is a loan, L-O-A-N. So, thank you.

CHAIR LEE: Okay. Alright, anybody else? The next spelling word will be, just kidding. All those in favor, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Aye, aye, aye, aye. Okay, we, you know, I see Sarah. That's what I see.

VICE-CHAIR RAWLINS-FERNANDEZ: How about now? No?

COUNCILMEMBER KING: Not yet.

CHAIR LEE: No, but I can hear you. I can hear you, so it's okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

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

Madam Clerk.

COUNTY CLERK: Chair, that is RESOLUTION 21-155.

Proceeding with communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 21-472 - JOANN INAMASU, ECONOMIC DEVELOPMENT DIRECTOR,  
(dated September 13, 2021)

Transmitting the Grant Evaluation Report for FY 2021 for the Office of Economic Development.

The recommended action is that County Communication No. 21-472 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-473 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated September 24, 2021)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; TRANSIENT ACCOMMODATIONS TAX, DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM";
3. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEW PRESERVATION FUND, AFFORDABLE HOUSING FUND, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND"; and
4. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, TRANSIENT ACCOMMODATIONS TAX".

The recommended action is that County Communication No. 21-473 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Is any action anticipated on this item?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Is Vice-Chair. No, I think, I believe that this is connected to the TAT tax, and so I spoke briefly to Budget Chair and she wanted this taken up today to prepare for the TAT tax. Not unless something changed.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you hear me?

COUNCILMEMBER SUGIMURA: Oh there. Go for it.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you hear me?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I, I, I've also tried to call in. Oh, sorry. Can, can everyone let, can the Clerk's let me in?

CHAIR LEE: Can the Clerk's let Vice-Chair in?

COUNTY CLERK: Yes.

CHAIR LEE: You should be able now. Keani.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you hear me?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you hear me? Can you hear me? Can you hear me?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, you can hear me?

CHAIR LEE: Stop it. One "can you hear me" is enough. Okay. Proceed please.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright. Consideration on CC 21-473.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

CHAIR LEE: You want to make a motion or what, what do you want to do?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I want to make my motion. Sorry. Don't make me laugh.

CHAIR LEE: Alright. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO WAIVE, I MOVE TO WAIVE THE REQUIREMENT  
OF COMMITTEE REFERRAL AND REPORT FOR COUNTY  
COMMUNICATION 21-473, IN ACCORDANCE WITH  
RULE 7.G. OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, in regard to CC 21-473, to waive the Rule of the Council 7.G.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This item is time sensitive, so that we can recognize the new County TAT revenue that will, will be added to the budget.

CHAIR LEE: Alright.

Vice-Chair Rawlins-Fernandez: So, it, yea.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.



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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING  
AND TO FILE COUNTY COMMUNICATION 21-473.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass the bill in CC 21-473 on first reading, and filing of the communication.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Members, these proposed bills would recognize TAT revenue, operational expenditures for the implementation and collection of the TAT, transfers to special purpose funds, and recognize the tax rate in Appendix B.

The first bill amends the Fiscal Year 2022 Budget by: 1) adding estimated revenues for Transient Accommodations Tax for, for \$15,000,000; and 2) appropriating the funds to the Department of Finance for the following: a) increasing the Administration Program, Category A – Salaries, by \$186,416 and increasing equivalent personnel by 4.0, and increasing Category B – Operating & Equipment by \$187,700; b) increasing Countywide Costs, Fringe Benefits - OPEB by 4,000,000; c) increasing Countywide Costs, Open Space by 2,000,000, d) increasing Countywide Costs, Affordable Housing Fund by 4,000,000; e) increasing Economic Development and Cultural Programs Revolving Fund by 2,625,884; and f) adding a new appropriation for Tourism management, enforcement and other related costs in the amount of \$2,000,000.

The second bill would amend Appendix D, Department of Finance, Administration Program by increasing the equivalent personnel by 4.0.

The third bill would amend Appendix A – Part II by increasing the Anticipated Revenue for the Open Space, Natural Resource, Cultural Resources, and Scenic View Preservation Fund by \$2,000,000; Affordable Housing Fund by \$4,000,000; and the Economic Development and Cultural Programs Revolving Fund by \$2,625,884.

Finally, the fourth bill would amend Appendix B, Revenues – Fees, Rates, Assessments and Taxes for the Department of Finance by adding the tax rate for the Transient Accommodation Tax.

Representatives, oh sorry. And then, oh yea, so representatives from the Administration are available to answer any questions the Members may have.

AND I'D ALSO LIKE TO MOVE TO AMEND ALL FOUR BILLS ATTACHED TO THE COUNTY COMMUNICATION TO CHANGE, "THIS ORDINANCE SHALL TAKE EFFECT UPON ITS APPROVAL", TO "THIS ORDINANCE TAKES EFFECT ON NOVEMBER 1, 2021".

And that's my motion to amend the main motion. Mahalo, Chair.

CHAIR LEE: Member Sinenci and then Member Paltin.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: He was just seconding the motion.

CHAIR LEE: Oh, I'm sorry.

(Councilmember Molina was excused from the meeting at 2:16 p.m.)

COUNCILMEMBER PALTIN: On the, on the amendment.

CHAIR LEE: Okay, discussion? Discussion, Vice-Chair Rawlins-Fernandez? I thought that was the discussion. Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No further discussion.

(Councilmember Molina returned to the meeting at 2:17 p.m.)

CHAIR LEE: Okay. I have a question, a real quick.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, do you want, Chair--

CHAIR LEE: I have a real quick question.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair. So, I guess I could have a quick discussion. And so, we would start recognizing the funds after November 1, because we changed the dates of the County TAT to start collecting from November 1, instead of October 1, as, as we had originally had planned.

Okay. What was your question, Chair?

CHAIR LEE: All of those appropriations add up to \$50 million?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: And when would we have an opportunity to actually discuss the breakdown?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, and I would like to request that the subject matter be refer, referred to BFED Committee, if there aren't any objections.

COUNCILMEMBER SUGIMURA: No objections.

CHAIR LEE: No, I'm sure there are no objections on that one. No. Okay. Okay, now we have questions.

Member King, then Member Paltin.

COUNCILMEMBER KING: Okay, thank you, Chair. I had the same concern as you. And so if we return the subject matter. Does that give the Council a chance to, to make decisions on how the money is spent if we disagree with the breakdown?

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair. And mahalo, Member King, for the question. So, this is part of the operating budget. And we, we, so we don't have the ability to amend the operating budget. Only the Administration has the ability to amend the operating budget and so, this is an up or down vote.

However, the reason I requested to have the subject matter sent to Committee is so that we can discuss it and try to collaborate with the Administration on how to use the projected revenue of 15, \$15 million that we are projecting from November 1 to the end of the fiscal year.

And again, you know, it's just, it's just a projection, because we have no idea how much we're going to generate. And so, we, we don't want to overestimate how much we

would generate since we're still in the pandemic and we have no idea what even the next month will look like.

COUNCILMEMBER KING: Okay. But then, Chair just ascertained that there's \$50 million that we're approving today without having that input. Is that what I'm hearing?

COUNCILMEMBER SUGIMURA: 15, fifteen.

COUNCILMEMBER KING: Oh, 15--

VICE-CHAIR RAWLINS-FERNANDEZ: 15.

COUNCILMEMBER KING: --today. And then--

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER KING: --we would, we would, we would still have a chance to deliberate on whatever comes in after that. Is that?

VICE-CHAIR RAWLINS-FERNANDEZ: We would--

CHAIR LEE: Did you hear the question?

VICE-CHAIR RAWLINS-FERNANDEZ: So, yes. So, I'm sorry, your question is to deliberate on where you would like to put the funding?

COUNCILMEMBER KING: Right, after this first \$15 million is spent the way we're, we're asked to approve today. Because we haven't really had any input.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. And so, in the, in the next five months, we'll also be going into budget session and then we can allocate the TAT for FY23. But for FY22, because we're already in the middle of the fiscal year, we as a Council don't have the power to amend the budget. But we, we can work with the Administration on where to put the funding as it comes in. So, if you have--

COUNCILMEMBER KING: Right, but--

VICE-CHAIR RAWLINS-FERNANDEZ: --you know, specific requests, Member King, we can, we can discuss it in Committee. I'll, I'll take the item to Committee.

COUNCILMEMBER KING: Okay. My concern was that we do, we have the approval process, which is what we're doing right now, but we haven't had any input into the

proposal. It's been done. So, that was my main, but it looks like Budget Director Yoshimura had her hand up.

CHAIR LEE: Do you have a question, Member King, for Budget Director Yoshimura?

COUNCILMEMBER KING: Just if you want to respond to, you know, when will the Council have input into this? Because, you know, we do, we do have some control over budget amendments, because we have to approve them. And so, I think, like the Chair was hoping to have input how this money was going to be spent.

CHAIR LEE: Budget Director.

BUDGET DIRECTOR MICHELE YOSHIMURA: Thank you, Councilmember King. So, we did take a conservative approach on estimating the revenues for the remainder of Fiscal Year '22. We did try to break it down into different categories to put forth funding for affordable housing, open space, and economic development and cultural programs. What we, we are appropriating a lump sum of money into each fund. What we haven't proposed is what specific projects we want to do with the monies in each fund.

And as Vice-Chair Rawlins-Fernandez mentioned, she will be referring this to Committee. So, we could actually have a greater discussion as to, for instance, the monies that is going into the Open Space Fund. We could have that discussion in Committee. But this is just to allocate the funding, because we're recognizing \$15 million. If we're estimating revenues, we need to have corresponding expenditures. And that's why we are moving, we are proposing

COUNCILMEMBER KING: Yea, no, I, I understand that Director Yoshimura. What I don't understand is why the Council is never consulted in, you know, these decisions to divvy this up in certain ways. So that was my main concern, was that I thought we were supposed to be collaborating.

BUDGET DIRECTOR: Yes, we can. We did this because we needed to recognize the positions that we need. If you would prefer us just recognizing the amount that we needed for the Department of Finance, which is 300, I think 300, a total of \$374,000, and then have the discussion, we could do that, too.

COUNCILMEMBER KING: Okay. Well, thank, thank you for that. So, you know, Chair, that would be my preference. But I'll leave it up to the Council, other Councilmembers to comment on that.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair.

CHAIR LEE: Well, did you hear that exchange? Are you open to that? Are you agreeable?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, am, am I open, am I open to just funding the positions so that we can manage the TAT and leave the other, the funding blank right now until we go to the Committee and decide together?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I just wanted to make sure that I understood what was discussed. Okay, yea, that's fine.

CHAIR LEE: That's fine? Okay.

COUNCILMEMBER KING: Okay, so I'll, I'll, can I make the motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: Can you see me?

COUNCILMEMBER KING: Yea, we can see you.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, you can see me now?

CHAIR LEE: Oh, okay, there you are. Okay.

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

CHAIR LEE: We're still in discussion, actually. You know, we need to have other people chime in.

Go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I, I just, I just really quickly, Chair. I just wanted to ask Director Yoshimura for feedback on what would be the impact of us leaving, not recognizing additional funds. I guess it would, we would just have to do a budget amendment as they come in or--

BUDGET DIRECTOR: Chair.

CHAIR LEE: Director.

BUDGET DIRECTOR: Vice-Chair, yes. So, what you would have to do is disapprove the amendment before you today. And, and we would have to submit a new amendment for your action at the October 22 meeting, and then November 5. So, it wouldn't be effective November 1. That will also delay the timing for Director Teruya to hire personnel to move this forward.

I can, when we, when we discussed the breakdown of how we were going to appropriate the funding, we had gone with the mindset that the Fiscal Year '22 Budget was already set. So, this was actually additional funding that we could recognize and could put forward knowing that the Fiscal Year '23 Budget is right around the corner. And we would have a greater discussion at that time on how the TAT monies should get appropriated. So, this was our best guess as to, you know, where we could put money and where in the next eight months, we could actually put projects together and move forward. And so, that's how we came up with this breakdown.

But then again, if, and like I said, no specific projects have been introduced with this bill. It's just a lump sum of money that's going to go to each fund. So, that discussion can still be had in the Budget and Finance and Economic Development Committee to say for that transfer to the Economic Development and Cultural Programs, \$2.6 million. We can discuss or we can have recommendations for that money, and then we would have to come back in again for another budget amendment to do the appropriations in the special revolving funds.

CHAIR LEE: Michele?

BUDGET DIRECTOR: Yes. Okay, and, and Member King was going to ask the same question. You do need, Finance needs the money to hire the personnel, and to, to upgrade the operations in order to provide the correct mechanism to receive the new tax revenues.

BUDGET DIRECTOR: Yes.

CHAIR LEE: We all understand that. And we certainly wouldn't want to slow that down. So, couldn't we just amend the budget today to make sure that those monies can move forward, and the rest of the items go, go to Committee, so that we can have, take a little bit longer to go over how you're proposing to allocate the rest of the money?

BUDGET DIRECTOR: Because this is a budget amendment for the executive branch budget, and it is proposed by the Mayor, the Council's option would be to either up or down the amendment as proposed without making any revisions.

CHAIR LEE: Are you sure about that?

BUDGET DIRECTOR: It's in the Charter. And, Corp. Counsel, I guess, is available if you want to verify with her.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two things. One, it, it, it's underestimated, so, if we bring in more than we anticipate, while we have the subject matter, subject matter in Committee, we can deliberate on where the future funds in FY '22 could go. Instead of, you know, estimating \$24 million, if, if the tourism, if the visitors and tourists come back and hotel capacity is, occupancy is a lot higher, we'll, we'll generate more than \$15 million. And so, that'll give us that time to deliberate on where the money over \$15 million can go and then we can decide that together.

And the, the second thing is I was hoping that Budget Director Yoshimura would be able to also speak to the risks involved for if, if we don't realize the \$15 million as well. Why the strategy of putting it toward these revolving funds is a, is good strategy for us so that we, it, it gives us that buffer, so that if we don't realize the \$15 million, then we're, we're not impacting our operating, the core services.

CHAIR LEE: Okay. I mean, in my mind, there's, there's a bigger balance to be dealt with in, in the upcoming months. It's, it's too bad everything's moving so quickly that we're, you know, like whew, you know, we're not having ample time to, to really digest, and think about where some of these monies could be expended.

But, you know, on the other hand, I'm, I'm thinking we really need the funding for Finance. Because without that, they won't be able to collect the money. So, you know? They just don't have the resources right now, or the set-up.

Any more discussion on this item? Member Paltin.

COUNCILMEMBER PALTIN: I support the action today. You know, sometimes you gotta take a leap of faith and, and believe that trust works faster than holding it up. This is for, I guess about seven, eight months more of this fiscal year. And you know, we do, we do have an election coming up. So, I would trust that, you know, nothing crazy is going to happen, because not only would the Council call on it, the community would,



you know. I think if, if we're clear in communicating the prioritized needs, and the money doesn't get put there, then we trust that the community will, will respond. And, and so, sometimes we just have to, we're put in that position where, you know, we don't have a lot of options. And my choice would be to trust that the Administration will do the right thing. And if not, to trust that the community will step up. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you. I'm generally supportive. It looks like some of where some, the monies were quickly put, just clarification. And also, 2 million, Budget Director, to the Open Space Fund as well?

BUDGET DIRECTOR: Yes. \$2 million to the Open Space Fund.

COUNCILMEMBER SINENCI: Alright. So, it looks like, and . . . in the chat, 4 million to the Affordable Housing Fund, 2 million to, to tourism management, another 2.6 million to Economic Development and Cultural Revolving Funds. So, for the first, in it's really broad, but I think towards good funding sources, Chair, including the 374,000 for four more personnel for Budget.

BUDGET DIRECTOR: Councilmember Sinenci, it'll be for the Department of Finance.

COUNCILMEMBER SINENCI: Oh, Finance, yes. Thank you.

CHAIR LEE: Okay.

BUDGET DIRECTOR: Chair, can I add?

CHAIR LEE: Before you go further, I just want to say that I, I do have reservations. But these are actually only estimates, and it's not like we could spend them tomorrow, because we haven't collected them. And I don't know when the monies will start flowing in. Probably not till, I don't know, maybe January, February, March. So, that's, that's the only reason why I would support something like this today.

Okay. Director?

BUDGET DIRECTOR: Chair, so, yea, with the effective date of November 1, the first collection, I think, will be December 20. And these monies will go into these special funds. The Administration can't spend the funds without another budget amendment to appropriate the monies for specific projects. So, that's why I reiterated the fact that it will be in BFED Committee for further discussion, and we can talk about projects at that time. But the monies will not lapse once it goes to the funds. It'll remain there.

So, \$4 million will go into the Affordable Housing Fund. We can't spend a dime of that until we come back to the Council with a proposal. So, that, that's, I guess, to address Councilmember King, that's when you could actually say, you know, you want certain projects, or you want to recommend, make suggestions on how the monies are appropriated at that time.

CHAIR LEE: For, for future consideration, please don't forget the Highway Fund.

Member King.

COUNCILMEMBER KING: Oh, thank you, Chair. And I can support this too, with reservations. But so, you're not, there's no plans to putting in this money into grant funding that you then can turn around and administer without approval? Because, and I'm asking you that because one of the things that's in here is \$2 million for tourism management. And, you know, the Council cut the MVB Board back, because we didn't see tourism management happening. So, I would hate to have the Mayor then turn around and give another 2 million to the Maui Visitors Bureau, because, you know, that, we specifically, you know, we specifically cut that, because we didn't see any tourism management coming out of there or, you know, what, what our desired result was.

BUDGET DIRECTOR: Chair. So, Councilmember King, when we did do the tourism management appropriation for \$2 million, we heard how the monies should be spent on the illegal TVR enforcement, water safety personnel at Makena Beach, or increased water safety.

(Councilmember Molina was excused from the meeting at 2:36 p.m.)

BUDGET DIRECTOR: So, rather than putting the monies into each individual department, and trying to guess how much money each department will need, we put it under Countywide. So, between Scott, Director Teruya and I, we will work a plan to use these funds for the specific purposes of tourism management, whether it be enforcement, whether it be promotion, or, well, I shouldn't say, management, and what, whatever we need to do with tourism. That was the, that was the intent.

COUNCILMEMBER KING: So, that will come back to the Council before?

BUDGET DIRECTOR: That can come back to the Council, as well. We can, we can have that come back.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Anybody else with questions or comments?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I support this. I think also, the Members should make a note, or that list that Member Sinenci read. There's also a Countywide Cost Fringe Benefit OPEB by 4 million. So, I think that's very responsible. Thank you for this discussion.

CHAIR LEE: Anybody else?

Okay. Madam Clerk, where are we on the vote?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I believe we're on the amendment to change the effective date from October 1 to November 1. So, amendment to the main motion.

CHAIR LEE: Okay. Any more discussion on that amendment? All those in favor of that amendment, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND MOLINA.

CHAIR LEE: So one, two, three. I'm missing one. One, two--

COUNCILMEMBER SUGIMURA: Mr. Molina has left the meeting.

COUNCILMEMBER KING: Mr. Molina is gone.

CHAIR LEE: Pardon me?

COUNCILMEMBER SUGIMURA: We don't him. I don't see Mike.

CHAIR LEE: Mike? Mike Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: --unreliable internet is contagious.

CHAIR LEE: Okay. We'll take the vote. Seven "ayes". Okay, seven "ayes", two "excused"; motion carries.

Okay. Proceeding along.

VICE-CHAIR RAWLINS-FERNANDEZ: Call for the question on the main motion as amended?

CHAIR LEE: No more amendments? No more amendments. Okay.

COUNCILMEMBER KING: Question?

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yea, we were told earlier that we couldn't make amendments, we had to just go up or down, but this amendment's okay, this amendment is okay?

CHAIR LEE: I think the up or down was on, on the, on how the monies would be appropriated.

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yes, so it, it's amending the section on the effective date. And that's our section.

COUNCILMEMBER KING: And that's okay for us to amend, but the other one is not?

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay?

COUNCILMEMBER KING: Just, just keeping everybody honest.

CHAIR LEE: Okay. So, the motion as amended. Any more discussion? All those in favor, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND MOLINA.

CHAIR LEE: I see one, two, three, four, five, six, seven, again. Seven "ayes", two "excused"; motion carries. Alright.

BUDGET DIRECTOR: Thank you, Chair. Thank you, Members.

CHAIR LEE: So, you're back from Seattle, huh, Director?

BUDGET DIRECTOR: I am, yes.

CHAIR LEE: Good to see you again.

Madam Clerk.

(Councilmember Molina returned to the meeting at 2:40 p.m.)

COUNTY CLERK: Thank you, Chair. Those would be Bills 106 (2021), 107 (2021), 108 (2021), and 109 (2021).

CHAIR LEE: Alright.

COUNTY CLERK: Scratch that. Scratch that. Excuse me, BILLS 107 (2021) through 110 (2021).

CHAIR LEE: Okay. Alright.

COUNTY CLERK: Okay. Then proceeding forward with communications for referral.

NO. 21-474 - MICHAEL J. MOLINA, COUNCILMEMBER,  
(dated September 14, 2021)

Relating to Alternate Appointments to Advisory Committees to the Maui Planning Commission.

The recommended action is that County Communication No. 21-474 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-475 - MICHAEL P. VICTORINO, MAYOR,  
(dated September 14, 2021)

Transmitting a proposed resolution entitled "REMOVAL OF AGNES GROFF FROM THE COUNCIL ON AGING FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 21-475 be referred to the Government Relations, Ethics, and Transparency Committee.

COUNTY CLERK: County Communication 21-476--

CHAIR LEE: Mr., Mr. Molina, did you want to take action on any of these?

COUNCILMEMBER MOLINA: Yes, Madam Chair. As a matter of fact, I was going to ask if the Clerk could call up County Communication 21-476, as well as 21-475. And then, afterwards, I'll make the consideration to take action on these two matters. Thank you.

CHAIR LEE: Madam Clerk.

NO. 21-476 - MICHAEL P. VICTORINO, MAYOR,  
(dated September 14, 2021)

Transmitting a proposed resolution entitled "REMOVAL OF VIVIAN LINDSEY FROM COUNCIL ON AGING FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 21-475 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

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

CHAIR LEE: Alright. Any second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, to waive the Rule of the Council regarding these two items; CC 21-475 and 21-476.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Approval of this motion by a two-thirds vote of the Council will enable the Council to consider the proposed resolution today. Thank you.

CHAIR LEE: Any more comments, questions? All those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, we got, we're back to eight "ayes", one "excused"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTIONS  
ATTACHED TO COUNTY COMMUNICATIONS 21-475 AND  
21-476, AND TO FILE BOTH COMMUNICATIONS 21-475 AND  
21-476.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Member Paltin, to adopt the resolutions in County Communications 21-475, 21-476, and filing of the communications.

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. According to the Mayor's letter dated September 14, 2021, Agnes Groff, a member of the Council on Aging has not attended board meetings since April 2021 to present. And according to the Mayor's letter dated September 14, 2021, Vivian Lindsey, also a member on the Council on Aging, has not attended board meetings since February 2021 till now.

Attempts to contact both individuals via phone and emails have been unsuccessful. And in accordance with Section 2.41.090.E, of Maui County Code, in a six-month period once a board, commission, or committee record reflects a member's non-attendance of 50 percent or more meetings within 30 days of a member's last excused or unexcused absence, the chairperson of the board, commission, or committee must send a letter to the Mayor with a copy to the Council informing of the member's attendance record.

And a copy of the letter from the Chair of the Council on Aging, dated August 27, 2021, documenting Ms. Groff's and Ms. Lindsey's non-attendance, is attached to the Mayor's letters. And so, in accordance with Charter Section 13-2(5), members of the boards and commissions appointed by the Mayor, with approval of the Council may be removed for cause upon recommendation of such removal by the Mayor and the approval of two-thirds of the entire membership of the Council. And I ask for the Members support of this.

But on a personal note, I am hoping that the non-attendance of both of these individuals are not related to health, and that they are in good, you know, health condition. Cause they both, I know of them from the past, they're very fine individuals. So, anyway, that is the motion, Madam Chair. Thank you.



CHAIR LEE: Any more comments or questions?

Member Paltin.

COUNCILMEMBER PALTIN: Oh, I support the motion and thank the members for their service. I just, I always get so worried, you know, when they say that they haven't been able to contact them. And I hope we can find out that they're okay somehow. That's, that's just my only discussion. Cause, you know, it's a pandemic and older and, you know, we, we just came off of suicide awareness month and everything, so I just want to check in on all our people that we can't get a hold of. That's, that's my only comments.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Of course, I support this motion. But I want to say that I ran into Agnes Groff. And I will say that she was having computer problems and connection problems. So, if you're wondering about her health, I saw her at the Upcountry Farmers Market. But she was saying that it was really hard, and I think it got frustrating. So, because this is both the same commission, and I'm on that commission on behalf of all of you, I'm going to check into this. Because, yea, usually the members of the commission that are nominated are seniors and not all of them are tech savvy. So, I will make it a point to talk to the commission, or the Office on Aging. But thanks for that concern, Member Paltin.

CHAIR LEE: Thank you, Member Sugimura.

Anybody else? 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: Okay. It's eight "ayes", one "excused"; motion carries.

Madam Clerk.

COUNTY CLERK: Thank you, Chair. Those are RESOLUTIONS 21-156 and 21-157.

NO. 21-477 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated September 24, 2021)

Transmitting a proposed resolution entitled "URGING THE STATE TO IMPLEMENT THE HOMEOWNER ASSISTANCE FUND PROGRAM FOR MORTGAGE RELIEF AND ASSISTANCE TO MAUI COUNTY HOMEOWNERS IMPACTED BY THE COVID-19 PANDEMIC".

The recommended action is that County Communication No. 21-477 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Um, yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: I just want to make a statement on this, is that once I got the reso out, I did have a discussion, Member Molina, with Lori Tshako. And she made, she is going to be receiving, she said that the Department asked from Department of HHFDC for this funding and that we, she is anticipating that it will come to our, our County in a few months.

So, what happened was, when this program was launched, which was mortgage assistance for COVID, only Honolulu and Kauai participated in this pilot program. And she had lobbied for us to also receive it. So, she told me that we're like in line in the next few months to get this. So, I'm going to withdraw this and Mr. Molina, you don't have to hear it. I will check with Lori, but she did say that it's kind of in motion already. So, this is, this is not needed anymore I guess is what I'm saying. So, thank you. Thank you very much, Mr. Molina. And thank you, Lori Tshako, Department.

CHAIR LEE: Okay, so you, you want us to file this.

COUNCILMEMBER SUGIMURA:

YEA, IF YOU CAN FILE IT, YEA.

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

COUNCILMEMBER SUGIMURA: I see Keani has her hands up.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. That was going to be my question.

SO, I'LL SECOND MEMBER SUGIMURA'S MOTION TO FILE.

CHAIR LEE: And Member King, your, your hand was up.

COUNCILMEMBER KING: I was just going to say the same thing that she should make the motion to file it.

CHAIR LEE: Okay. Alright, any discussion on, anymore discussion on the filing?

Moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file CC 21-477.

All those in favor, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Okay. Did you get that Madam Clerk?

COUNTY CLERK: Yes, thank you.

CHAIR LEE: Okay.

NO. 21-478 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,  
(dated September 20, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF A PERMIT FOR THE USE OF THE HANA BALL PARK/MULTIPURPOSE FIELD, OUTDOOR TENNIS AND BASKETBALL COURTS, HELENE HALL, AND THE HANA COMMUNITY CENTER FOR THE HANA FESTIVALS OF ALOHA IN ACCORDANCE WITH SECTION 13.04A.100, MAUI COUNTY CODE".

The recommended action is that County Communication No. 21-478 be referred to the Human Concerns and Parks Committee.

CHAIR LEE: Is there going to be action on this?

Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yes, thank you, Chair. A consideration for County Communication 21-478.

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

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member King, to waive the Rule of the Council.

Alright. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

CHAIR LEE: Any--

COUNCILMEMBER SINENCI: Approval of my motion by a two-thirds vote of the entire membership of the Council will enable us to consider the proposed resolution today.

CHAIR LEE: Anymore? 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: I see eight "ayes", one "excused"; motion carries.

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO  
FILE COUNTY COMMUNICATION 21-478.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member King, to adopt the resolution in County Communication 21-478.

Discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. The Hana Festivals of Aloha continues to be an eight-day event, which begins on Saturday with the festival parade and royal court procession and ends the following Saturday with a community luau.

The Aloha Festival has been celebrated in Hana for more than 40 years. And events are held every day throughout the week, including a kupuna luncheon, a lei and flower contest, a fishing contest, keiki aloha shirt and muumuu contest, cultural evening with music and hula, movie in the park, just to name a few.

In addition to the daily events, several days are needed for setup and breakdown. Since the Parks rules changed to allow only five-day events, this has created a huge burden on the committee to come before the Council every year to waive the five-day limit. The request for authorization of a five-year permit would greatly assist the Aloha Festival Committee in reducing the burden of paperwork and meetings. And so, I ask for the Councilmembers support of my motion. Thank you, Chair.

CHAIR LEE: Anyone else? If not, all those in favor, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: I, eight "ayes", one "excused"; motion carries. No "noes". Very good.

Next.

COUNCILMEMBER SINENCI: Mahalo, Members.

CHAIR LEE: Madam Clerk?

COUNTY CLERK: Thank you, Chair. That would be RESOLUTION NO. 21-158.

NO. 21-479 - KELLY TAKAYA KING, COUNCILMEMBER,  
(dated September 23, 2021)

Relating to aircraft noise and flight paths over Ma'alaea and South Maui.

The recommended action is that County Communication No. 21-479 be referred to the Infrastructure and Transportation Committee.

COUNTY CLERK: County Communication 21-480--

CHAIR LEE: Wait one second. Wait one second, Madam Clerk.

Member King, I don't want to make light of this, but I was giving a speech not too long ago about overtourism. And I had a five-step program, and one of them was to move Kahului Airport so they can't find us. So, they can't find us. Okay, sorry. Sorry.

COUNCILMEMBER KING: It's not attached to my proposal, Member, Chair Lee.

CHAIR LEE: What's that?

COUNCILMEMBER KING: That's not attached to my proposal, to my county communication.

CHAIR LEE: Yea, I know.

COUNCILMEMBER KING: --just the idea.

CHAIR LEE: Okay. Madam Clerk.

NO. 21-480 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated September 24, 2021)

Relating to Central Maui Regional Wastewater Reclamation Facility (Waikapu) Project.

The recommended action is that County Communication No. 21-480 be referred to the Infrastructure and Transportation Committee.

NO. 21-481 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,  
(dated September 20, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT", and related documents.

The recommended action is that County Communication No. 21-481 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections? So, ordered.

Alright.

COUNTY CLERK: Moving forward with item K. committee reports.

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 21-87 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Bill 111 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 21-87.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Discussion, Member, moved by Member Johnson, seconded by Member Molina, to approve the recommendations in Committee Report 21-87.

Discussion, Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. The Affordable Housing Committee had a comprehensive discussion on the proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY".

The purpose of this bill is to establish a countywide workforce housing list. This would be a digital database where residents can sign up to receive information about any existing or future project that has workforce housing units for sale or for rent. Residents of the countywide interest list would then be referred to individual project waitlists, if they meet the specific criteria for that project.

Having one central pool of applicants to draw from would help ensure that our residents have the same access and are treated fairly across all projects. These lists could also provide the data and real time information we need to develop further policies that effect, effectively meet housing demands.

Both the countywide interest list and the project waitlist would be managed by the Department of Housing and Human Concerns, or through its designee. Helping residents prepare themselves for available housing opportunities would also be done in partnership with experienced and qualified agencies that are already doing this work in the community. The burden is not solely on the department.

Another purpose of the bill is to give priority for workforce housing to applicants based on the length of residency in the County. The ranking system and lottery, as well as



other specific rules and procedures, would be determined by guidelines submitted by the Department to the Council for approval on November 1, 2022.

Finally, the bill would extend the marketing, marketing period for ownership units from 90 days to 120 days for each targeted AMI group. After the final marketing period, any unsold units must be purchased by the County at the original AMI design, designated sales price. Members, these amendments to the residential workforce housing policy are for our residents who work here, are struggling to afford to live here.

Your Committee voted 8-1 to recommend passage of the revised proposed bill. And I respectfully request the Members support of my motion.

CHAIR LEE: Any more discussion? All those in favor of the motion, please say "aye".

COUNCILMEMBER SUGIMURA: May I say something, Chair?

CHAIR LEE: Oh, I'm sorry. Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I was that one dissenting vote when it came out of Committee. I'm going to still have the same vote and I want to explain why. I never got to explain it when we took the vote in the Committee. We just kind of took the vote really fast, and I voted. And I will tell you that we received, not only from the Department of Housing and Human Concerns, comments which raises questions as to, you know, why that didn't come up maybe during Committee.

But the one testimony that I would hope that you would look at came from Denise Matsubara, HHFDC, which they give out State funds to a lot of projects of which Bigley and others have received. And she questions the bill's ranking purposes of applications that uses length of residency. And she also says, just like Mr. Carney, I think who came earlier as a testifier, how it could impact LIHTC funding, as well as the residency. This is the one thing that really got to me. She says, "We further note residency preferences in housing placements would violate Fair Housing laws if they are determined to have a disparative, disparate impact on the basis of a protected class under the Fair Housing Act." So, I, I'm going to still maintain my vote and that's, that's why. Thank you.

CHAIR LEE: Member Johnson and then Member Paltin.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I, you know, I, I come in with open ears. And I have an amendment to address that issue. And it's just adding to the extent permitted by law that would allow that we don't, you know, step on other laws toes, as they say.

SO, I CAN, I MOVE TO AMEND SECTION 2.96.100.D.2. BY  
ADDING "TO THE EXTENT PERMITTED BY LAW".

CHAIR LEE: Okay.

COUNCILMEMBER JOHNSON: Okay?

CHAIR LEE: Go ahead.

COUNCILMEMBER JOHNSON: Alright, to the beginning of the--

CHAIR LEE: Okay. I'm sorry. Go ahead, say, say your amendment. Sorry.

COUNCILMEMBER JOHNSON: Alright. Thank you.

TO, IF AMENDED, THE FIRST SENTENCE WOULD READ, "TO  
THE EXTENT PERMITTED BY LAW, THE APPLICANTS  
SELECTED BY LOTTERY MUST THEN BE RANKED BY THE  
TOTAL LENGTH OF TIME EACH HAS BEEN A RESIDENT OF  
THE COUNTY. THE WORKFORCE HOUSING UNITS MUST  
THEN BE" ORDERED IN THE ORDER OF THE RANKING,  
"OFFERED IN THE ORDER OF THE RANKING".

The intent behind this amendment is to reconcile the bill with Federal rental housing programs including Section 8 and the LIHTC, which is low-income tax housing credits. To be clear, the ranking system is not a residency requirement, but a residency preference.

The bill was signed by Corporation Counsel as to form and legality and supported by OCS attorneys. The resident's duration preference ranking system would be the new standard process and must be used unless specifically prohibited by a Federal rental housing program.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. Moved by Member Johnson, seconded by Member Paltin, for that amendment. Any further discussion? It seemed pretty self-explanatory, but do you have any more discussion?

COUNCILMEMBER SUGIMURA: What section are you amending, of the bill?

COUNCILMEMBER JOHNSON: Okay. Just to . . . I'll give you the actual numbers: 2.96.100.D.2.

CHAIR LEE: Member Sugimura, did you have, go ahead.

COUNCILMEMBER SUGIMURA: So, can we have Corp. Counsel?

CHAIR LEE: Corp. Counsel, are, are you on the call? Mimi DesJardins?

DEPUTY CORPORATION COUNSEL MIMI DESJARDINS: Yes, I am. So, my understanding from the testimony is it's, that it's the ranking only that is the concern under the LIHTC funding, which would be for rentals only. So, by amending 2.96.100.D.2., which is where you get to the applicants that are selected for the lottery are then ranked, that's where the "to the extent permitted by law" language would apply. Prior to that, you have to be a resident to be on the list anyways. And being a resident is, as far as I can tell, legally fine. The lottery is a random selection, so that would be a random selection of people that are residents. That's fine. But it's the ranking that's the issue.

COUNCILMEMBER SUGIMURA: Right.

DEPUTY CORPORATION COUNSEL DESJARDINS: So, in an abundance of caution, putting that language in for the rentals will take care of the LIHTC issue.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: We amended the, you amended the correct section, right? Any more discussion? Okay. All those in favor of the amend--

Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: I have a, I have a question for Mimi. What about the other section, Mimi, of this letter? Where we note that residency preferences in housing placements would violate Fair Housing laws if they are determined to have a disparate impact on the basis of protected class under the Fair Housing Act?

DEPUTY CORPORATION COUNSEL DESJARDINS: And that, that's a correct statement of the law. But we, and that, we make sure that doesn't happen. And if you read HHFDC's language, it could violate the Fair Housing law. It's our burden to make sure that that doesn't happen when we apply anything under the Fair Housing law. So, again, to the extent permitted by law should be, should cover that. But we definitely

do not want, for example, the end result to be disparate. And that's part of what the DHHC is looking for.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Alright. 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, we got eight "ayes", zero "noes", one, one "excused"; motion carries.

So, the, the motion as amended. The main motion as amended, raise your hand and say "aye".

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

CHAIR LEE: Uh, okay. So, seven "ayes". Seven "ayes". No, anybody "no".

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: COUNCILMEMBER KAMA.

COUNCILMEMBER SUGIMURA: I'm voting "no".

CHAIR LEE: Okay, Member Sugimura. Seven "ayes", one "no", one "excused"; motion carries.

Alright. May we have the next item.

COUNCILMEMBER JOHNSON: Thank you, Members.

COUNTY CLERK: Chair, that's BILL 111 (2021).

COMMITTEE REPORT  
NO. 21-88 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT  
COMMITTEE:

Recommending that Bill 112 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), EMERGENCY HOUSING VOUCHERS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE  
REPORT 21-88.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendation in Committee Report 21-88.

Discussion? Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on September 15, 2021, to discuss the proposed bill to amend Appendix A, in the amount of \$420,336.

Your Committee noted these funds would be used for administrative fee amounts that were not originally accounted for. The use of these fees is not limited to the department, to Department administrative costs, but can be shared with nonprofits assisting with the administration of the Emergency Housing Voucher Program. Your Committee voted 9-0 to recommend passage of the proposed bill.

CHAIR LEE: Okay anymore--

VICE-CHAIR RAWLINS-FERNANDEZ: I ask for the Members support.

CHAIR LEE: Oh. Any more discussion anyone? All those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

COUNTY CLERK: Thank you, Chair. That's BILL 112 (2021).

COMMITTEE REPORT  
NO. 21-89 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT  
COMMITTEE:

Recommending the following:

1. That Bill 113 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (AMERICAN RESCUE PLAN ACT OF 2021 – EMERGENCY RENTAL ASSISTANCE PROGRAM #2)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 114 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (AMERICAN RESCUE PLAN ACT OF 2021 – EMERGENCY RENTAL ASSISTANCE PROGRAM #2)", be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 21-89, INCORPORATING  
NONSUBSTANTIVE REVISION.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-89.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on September 15, 2021 to discuss proposed bills to amend the Fiscal Year 2022 Budget from the Housing and Human Concerns, Appendix A, Part I; Appendix D to add a new grant entitled "American Rescue Plan Act of 2021 – Emergency Rental Assistance Program #2", in the amount of \$10,710,000, and adding a Limited Term Appointment equivalent personnel".

Your Committee noted the State took back approximately \$10 million of the Maui County's initial allocation of Emergency Rental Assistance funding in order to meet the 65 percent spending deadline at the State level. These funds are now being reallocated into the Emergency Rental Assistance Program #2 in FY 2022.

Your Committee confirmed the Department of Housing and Human Concerns and its part, partners assist, and its partners assist applicants who do not qualify for the Emergency Rental Assistance Program in identifying other resources that are available to support them.

I requested that we approve the committee report, incorporating any nonsubstantive revisions, to enable the reformatting of Appendix D, by department rather than by page number. This will allow future amendments to Appendix D to only include the relevant section, rather than the entire appendix. And Appendix D, if you'll remember is, was the new appendix that we started this budget session.

Your Committee voted 9-0 to recommend passage of the proposed bills. Mahalo, Chair.

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

Member Sugimura?

COUNCILMEMBER SUGIMURA: Question. I know that, is this where we were talking about that, when the Rescue Act money comes, that we would like to have some kind of input. And so, I wonder if there was, if this would take us down that path that we could? No? It's not, this is not the item? Okay. We never heard from the Budget Office of how to provide input on the Rescue Act money yet then?

CHAIR LEE: No.

COUNCILMEMBER SUGIMURA: Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

COUNTY CLERK: Thank you, Chair. That is BILL 113 (2021) and BILL 114 (2021).

COMMITTEE REPORT  
NO. 21-90 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT  
COMMITTEE:

Recommending the following:

1. That Bill 115 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES –



SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (STATE OF HAWAII, ACT 88, SLH 2021, CENTRAL MAUI REGIONAL WWRF (WAIKAPU) PROJECT))", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That Bill 116 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CENTRAL MAUI REGIONAL WWRF (WAIKAPU) PROJECT", be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Okay. And what about the next one? You did both?

Alright. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-90.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura. I, I got distracted for a moment because I was trying to think of what WWRF was. And I believe it's Wastewater Reclamation Facility. Just being silly.

Yes, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Today is quite the adventure. Your Budget and Finance and Economic Development Committee met on September 15, 2021, to discuss proposed bills to amend the Fiscal Year 2022 Budget, Department of Environmental Management, Appendix A, Part I; Appendix C, to add a new grant entitled "State of Hawaii, Act 88, SLH 2021, Central Maui Regional WWRF (Waikapu) Project".

These bills would add an additional \$3.5 million from the State to the FY 2022 Budget, as noted in Appendix A, Part I, and Appendix C, respectively, and bring the total project funding to \$7 million.

Your Committee noted the Department will be designing a facility with a three-million-gallon capacity per day, which would shed, which would shed onto two-million-gallons a day from the existing Kahului facility, and leave the remaining capacity for new developments.

In addition, the technology that the Department is considering is modular and if it becomes necessary, expansion for additional capacity would be possible. And Member Sugimura has taken the subject matter into her Committee for further discussion. Your Committee voted 9-0 to recommend passage of the proposed bills. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

COUNTY CLERK: Chair, that is BILL 115 (2021) and BILL 116 (2021).

From your Climate Action, Resilience, and Environment Committee. Oh, I'm sorry, we did that one already.

COMMITTEE REPORT

NO. 21-92 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY  
COMMITTEE:

Recommending that Resolution 21-159, entitled "RELATING TO THE APPOINTMENT OF STACEY LEE VINORAY TO THE REAL PROPERTY TAX REVIEW BOARD", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT NO. 21-92.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to adopt the resolution in Committee Report 21-92.

Member Molina, discussion?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on September 14, 2021, to discuss a proposed resolution relating to the Mayor's nomination of Stacey Lee Vinoray to the Real Property Tax Review Board for a term expiring on March 31, 2026, due to the resignation of Russell Johnson.

Council has until October 17 of this year to approve or disapprove the Mayor's nominee, otherwise, the nominee will be deemed appointed.

Ms. Vinoray is a realtor and former OCS employee. She has a background with real property tax and will certainly be an asset to the board if approved. She's also able to attend meetings. Your Committee voted 9-0 to recommend the nomination of Ms. Vinoray. Thank you very much, Madam Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk.

COUNTY CLERK: That's RESOLUTION 21-159.

COMMITTEE REPORT

NO. 21-93 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. That Bill 117 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.270, MAUI COUNTY CODE, REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-78, from Councilmember Gabe Johnson, be FILED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 21-93.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Johnson, to approve the recommendations in Committee Report 21-93.

Discussion, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yea, so this is Gabe Johnson's first bill that was passed. And so, I'm going to say a few words and if he wants to also add. But the purpose of the proposed bill is to provide more flexibility in imposing penalties for being in a park between 10 p.m. and 6 a.m. or when the park is closed.

This flexibility may be needed for people experiencing homelessness, where monetary fines may be counterproductive in helping people looking to seek permanent shelter and other vital services. I respectfully ask for the Members to support my motion.

And this was in Tasha Kama's housing, I mean, Human Concerns and Parks Committee. And it was Gabe's first bill that he got, or he proposed. So, glad to support this. I hope you will too.

CHAIR LEE: Anymore discussion?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Of course, I support this. I'm really excited this is on our agenda today. I just want to give you a couple quick facts. 168 people got fined, the homeless folks got fined in the past two years sleeping in the parks. And they had to get a minimum of \$150 fine. It cost the County \$200 a night to put someone in our jail.

I spoke with Kat Brady from Coordinator on Community Alliance on Prisons. And this is a way that we help the folks who need it the most. Again, we don't want to fine the poor for being poor, so this bill has a special place in my heart, because this is what we have to do as a, as a moral body. And I, I rise in full support. And there's times in these, these meetings that I'll, will be burned in my brain forever. And I just remember the words that Councilmember Shane Sinenci did and how eloquently he was to explain that we, these are our Hawaiian brothers and sisters that need it. And I just want to say that that's a good memory for me. So, thank you, Chair.

CHAIR LEE: Thank you. Any more discussion? If not, 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: Eight "ayes", one "excused"; motion passes.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member, I mean, Member. Madam Clerk.

COUNTY CLERK: Thank you, Chair, that is BILL 117 (2021).

Moving forward with, proceeding with ordinances, second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 96 (2021)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX A, PART I,  
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND  
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,  
DEPARTMENT OF FINANCE,  
(AMERICAN RESCUE PLAN ACT OF 2021,  
NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))

CHAIR LEE: Vice-Chair Rawlins-Fernandez, I hope you're going to wipe up, wipe off the rest of this page.

VICE-CHAIR RAWLINS-FERNANDEZ: Most of the page. Oh wait.

CHAIR LEE: Oh, most of the page. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. Yes, the rest of this page and some of the next page, as I request for the Clerk to also call up Bills 97 through Bills, Bill 100, if there are no objections?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

COUNTY CLERK: Thank you.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 97 (2021)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
DEPARTMENT OF FINANCE,  
(AMERICAN RESCUE PLAN ACT OF 2021,  
NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 98 (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022,  
ANIMAL MANAGEMENT REVOLVING FUND

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 99 (2021)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
ANIMAL MANAGEMENT REVOLVING FUND

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 100 (2021)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY  
OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII  
RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING  
STANDARDS BOARD STATEMENT NO. 68 REPORT

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 96 THROUGH 100 ON SECOND AND  
FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass 96, 97, 98, 99, and 100 on second and final reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Almost there. Bill 96 and Bill 97 amend the Fiscal Year 2022 Budget, Department of Finance, Appendix A, Part I; Appendix C, to add a new grant entitled "American Rescue Plan Act of 2021, Non-Entitlement Units of Local Government (NEUs)" in the amount of \$17,523,295.

Bill 98 and Bill 99 amend the Fiscal Year 2022 Budget, Appendix A, Part II, Animal Management Revolving Fund; and Appendix D to change the conditional language to grant the fund to the Maui Humane Society for the purchase of the vehicles rather than having the County purchase the vehicles.

And Bill 100 authorizes the intergovernmental agreement with Employees' Retirement System to acquire the Governmental Accounting Standards Board Statement No. 68 Report for Fiscal Years 2021 through 2026. I ask for the Councilmembers support of my motion. Mahalo, Chair.

CHAIR LEE: Any more discussion? Okay. All those in favor of approving all of these bills, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.



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

Member Johnson, do you know when you're laughing your face turns red? Would you like to share with us what you're laughing about?

COUNCILMEMBER JOHNSON: It's your jokes, Chair Lee. You're killing me today. You're just killing me.

CHAIR LEE: I wasn't even talking at that time. Okay. Blame me.

Madam Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 102 (2021)

A BILL FOR AN ORDINANCE  
AMENDING SECTION 19.52.090, MAUI COUNTY CODE,  
RELATING TO UNLAWFUL CONSUMPTION OF INTOXICATING LIQUOR  
AND OTHER MINOR UPDATES FOR HISTORIC DISTRICTS NUMBERS ONE  
AND TWO (LAHAINA)

CHAIR LEE: Member Paltin, do you want to do all of them?

COUNCILMEMBER PALTIN: Let's go up to 104, maybe, cause I thought--

CHAIR LEE: Okay. Let's go to 104.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 103 (2021)

A BILL FOR AN ORDINANCE AMENDING THE CONDITIONAL  
PERMIT GRANTED BY ORDINANCE NO. 2101 (1992) AND  
AMENDED BY ORDINANCE NOS. 2360 (1994), 2800 (1999), AND  
3201 (2004) TO ALEXANDER & BALDWIN SUGAR MUSEUM,  
TO ALLOW FOR AN EXPANSION OF THE MUSEUM USE AND FOR  
A TIME EXTENSION ON APPROXIMATELY 4.166 ACRES IN THE  
R-1 RESIDENTIAL DISTRICT AT 3957 HANSEN ROAD,  
TAX MAP KEY (2) 3-8-006:004 (POR.) PUUNENE, MAUI, HAWAII

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 104 (2021)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 3377,  
TO AMEND CONDITIONS, GRANT A TIME EXTENSION,  
AND TRANSFER A CONDITIONAL PERMIT TO HELAINA  
DIMARTINO FOR THE BANYAN TREE TRANSIENT VACATION  
RENTAL WITHIN THE RU-1 RURAL ZONING DISTRICT FOR  
PROPERTY SITUATED AT 3265 BALDWIN AVENUE,  
TAX MAP KEY (2) 2-4-002:002  
HAMAKUAPOKO – MAKAWAO, MAUI, HAWAII

CHAIR LEE: Madam Clerk, was that really a Hawaiian name?

COUNCILMEMBER PALTIN: Helaina.

CHAIR LEE: It was Helaina, yea? Okay. That's okay. Hela'ina. Cute.

COUNTY CLERK: Kala mai.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS BILL 102, 103, AND 104 ON SECOND AND  
FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Mem, moved by Member Paltin, seconded by Member King, to pass  
Bills 102, 103, 104 on second and final reading.

Discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you. The purpose of Bill 102 is to prohibit the  
consumption of intoxicating liquor in recreational areas under the jurisdiction of the  
Department of Parks and Recreation in historic districts one and two in Lahaina.

Your Committee noted the proposed bill was reviewed by the Maui, Molokai, and Lanai Planning Commissions, and the Maui County Cultural Resources Commission. And the Committee voted 8-0 to recommend passage.

Bill 103 purpose is to provide a time extension and to amend the Conditional Permit granted to Alexander & Baldwin Sugar Museum for expanded museum use. The Museum provides educational programs on the complete history of plantation life and the role of the sugar industry in Maui, including adverse impacts. The Museum's proposed expansion of approximately 2.4 acres includes the development of multi, of a multipurpose building, outdoor display, and garden areas, and use of a vacant portion of land for community events.

Your Committee agreed to allow the expansion with the conditions set by the planning commission, Maui Planning Commission, and to extend the Conditional Permit until March 31, 2047, when the Museum's lease with Alexander & Baldwin expires.

Bill 104's purpose is to grant a Conditional Permit transfer and time extension to allow Helaina DiMartino to operate the Banyan Tree Bed & Breakfast, a transient vacation rental with a Rural Zoning District, on historic property that includes structures dating back to the 1920's. The applicant purchased the property from her father, the original permit holder, Marty Herling. She plans to continue operating the seven-bedroom B&B as permitted, since 2006.

Your Committee did add two conditions to bring it in alignment with current B&B rules, that the B&B not operate when the owners are away overnight, and the owners must be County residents and reside full-time on the property. I respectfully ask the Members support of my three motions. Thank you.

CHAIR LEE: Anymore discussion or questions? Alright, 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: Eight "ayes", one "excused"; motion carries.

And the next bill, Madam Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 105 (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY  
CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 105 ON SECOND AND FINAL  
READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to pass Bill 105 on second and final reading.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: The purpose of the proposed bill is as follows: 1) include as a permitted use in the Airport District, buildings or premises used by State or County governments for public purposes, except that facilities on Lanai and Molokai must first obtain approval from the Lanai or Molokai Planning Commission; exclude transient accommodations as a permitted use in the Airport District; and 3) update references to obsolete terms and agencies.

Your Committee noted the Airport District includes Kahului, Kapalua, and Lanai Airports. But the Molokai and Hana Airports are designated Interim Zoning and are not affected by the proposed bill. I respectfully ask for the Members support of my motion. Thank you.

CHAIR LEE: Member Paltin, did you have an amendment?

COUNCILMEMBER PALTIN: I did not, because--

CHAIR LEE: Oh, somebody else did?

VICE-CHAIR RAWLINS-FERNANDEZ: I have an amendment.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a, a critical amendment on your behalf.

I MOVE TO AMEND SECTION 19.28.020(B) TO STRIKE THE SEMICOLON AND REPLACE IT WITH A COMMA.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: That must have been Diane Wakamatsu who found that. Okay. So, is that a friendly amendment, or do we have to take a, is that a friendly amendment?

COUNCILMEMBER PALTIN: We might have to waive some Rules or something. I don't know, second and final.

CHAIR LEE: Okay. Why don't, why don't we just, oh, come on, that's not substantive.

COUNCILMEMBER KING: Isn't that a nonsubstantive change?

CHAIR LEE: Member King?

COUNCILMEMBER KING: Isn't that a nonsubstantive change or edit?

CHAIR LEE: That's what I was thinking. However, why, why worry about it. All those in favor of the amendment, raise your hand and say "aye". Okay, the punctuation change.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Now, the motion as amended. Ready, everybody?

COUNCILMEMBER PALTIN: Okay. We don't need to waive any Rules or anything?

CHAIR LEE: For that? I don't think so.

COUNCILMEMBER PALTIN: Alright. You're the boss.

CHAIR LEE: Alright. All those in favor of the main motion as amended, 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", one "excused"; motion carries.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with unfinished business.

### UNFINISHED BUSINESS

#### COMMITTEE REPORT

NO. 21-81 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY  
COMMITTEE:

Recommending that Resolution 21-160, entitled "RELATING TO THE  
APPOINTMENT OF SPENCER LAU TO THE COST OF GOVERNMENT  
COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT NO. 21-81.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson, to a, adopt the recommendation in Committee Report 21-81.

Discussion, Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on August 31, to discuss a proposed resolution relating to the Mayor's nomination of Spencer Lau to the Cost of Government Commission for a term expiring on March 31, 2024, due to the resignation of Michelle Del Rosario.

Council has until October 10, 2021 to approve or disapprove the Mayor's nominee, otherwise the nominee will be deemed approved.

Mr. Lau's business background will enable him to provide recommendations to promote the service and efficiency of County operations. And if approved, this will be Mr. Lau's first time serving on a County board.

And Committee Report 21-81 was tabled until today's Council meeting to allow Mr. Lau to participate in answering Members questions, which took place earlier this morning. And I want to thank him for making that appearance today.

And for the Members information, your Committee voted 6-2 back in Committee, to recommend that his nomination be approved. Thank you.

CHAIR LEE: Thank you, Member Molina.

Any more discussion? If not, 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: Eight "ayes", one "excused"; motion carries. Yes.

That brings us to the end of the calendar. And let's see, I know that several of you will be going to the conference, right? Member Molina, Member Sinenci, who else is going? Just the two of you.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KING: I was thinking about going. I decided not to go, because I've got some other travel coming up. But I would appreciate either Member Molina and Member, or Member Sinenci, or both of them, taking notes and maybe transmitting them so I could use those in WIR report at HSAC. I would appreciate it. Do my report for me. Thank you.

CHAIR LEE: Okay. I, I don't have that much to look forward to. Not like you guys going off to the mainland, you know, carousing around, good time. What I'm planning to do is get a safety check for my car, which expired last month. Yea, don't tell anybody, right, Member Johnson, don't tell anybody. Okay. Hope all of you have a wonderful, wonderful weekend. And we'll see you back next week. Any announcements, anybody?

Member King and then Member Johnson.

COUNCILMEMBER KING: Okay, anybody who wants to get some exercise tomorrow can come down to the wetlands clean up. That's a wetlands workday starting at 8:00 tomorrow in the parking lot of the medical spa there next to Marcos.

CHAIR LEE: Well, you go ahead and represent us, cause we know you can do a great job.

COUNCILMEMBER KING: I know. It's hard work. It's really hard work, but it's good.

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

COUNCILMEMBER JOHNSON: Thank you, Chair. I just want to thank all the Members for the support of my first bill, and the affordable housing list, and all the big changes that we did in today's meeting. I'm going fishing, so I will be off grid for who knows. I'm not going to tell you, cause you can't talk about fishing because then you won't catch anything. So, I'm just . . . be gone for a little bit. So, thank you.



CHAIR LEE: Well, good luck and have fun. Have Fun.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so just as Kelly is going to be doing some community service, tomorrow is the monthly Pulehunui, Pulehu Posse clean-up that we do, clean Pulehu Road. We go all the way down to the Central Maui Landfill. So, I feel like I'm at home with my committee. And it's expanded now to also include the, I call them Community Workday, but that group has joined us. So, let's see how many people actually show up.

And Chair, I hope one day you might find it to invite the Imi Pono winners to also present what they have, you know, the winners, maybe to present to our Council. I would love to see what they did. Thank you.

CHAIR LEE: Yes. I've, I've already asked MEO for their, their final presentations. It's amazing. These kids are amazing. We just saw them last night and, wow. Anybody else want to say anything about what you're doing.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Not, not so much what I'm doing other than yardwork this weekend. But, just as a public service reminder, next week of course, we have the off-week meetings for Affordable Housing and Budget. And then the, according to the calendar, we made that change for the Committee weeks, Committee meetings for October has been shifted to the week of the 18th, and the Council meeting to the 22nd. So, in case people who follow the calendar may, might need to be aware of that change.

CHAIR LEE: Thank you.

COUNCILMEMBER MOLINA: Just an FYI.

CHAIR LEE: Thank you. That's very helpful. Anybody else?

Member Paltin, are you going surfing?

COUNCILMEMBER PALTIN: I don't think there's waves. But if there is, don't tell anybody. It's, it's flat. Go fishing.

CHAIR LEE: Ah, okay.

COUNCILMEMBER PALTIN: Everybody go fishing.

CHAIR LEE: Go fishing.

Vice-Chair Rawlins-Fernandez, anything special coming up on the weekend?

VICE-CHAIR RAWLINS-FERNANDEZ: Family time. And if it's flat, than I'm definitely not going paddling. Fishing, everybody go fishing.

CHAIR LEE: Member Sinenci, how about you?

COUNCILMEMBER SINENCI: Like, like Member Molina, clean house and clean yard, getting ready for the trip.

CHAIR LEE: Ah. You guys are so good. Very conscientious. Okay, Members, that's all for now until next time. So, please have a safe weekend and have fun. And this meeting is adjourned.

### ADJOURNMENT

The regular meeting of October 1, 2021 was adjourned by the Chair at 3:38 p.m.



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

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2021 SEP 30 AM 7: 53

Testimony of  
Pacific Resource Partnership

City Council  
Council of the County of Maui  
Councilmember Alice L. Lee, Chair  
Councilmember Keani Rawlins-Fernandez, Vice Chair

OFFICE OF THE  
COUNTY CLERK

Committee Report No. 21-87—Countywide workforce housing interest list and related policies

Friday, October 1, 2021  
9:00 A.M.  
City Council Chamber

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

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in **strong opposition** of a bill in Committee Report No. 21-87, establishing a countywide workforce housing interest list and related policies for residents interested in workforce housing rental or ownership units.

The proposed bill will further complicate and prolong the process of getting Maui's residents into affordable housing and likely increase the overall cost of housing units.

Affordable housing projects using government subsidies, including but not limited to Low Income Housing Tax Credits (LIHTC), are highly regulated by County, State, and Federal agencies. Agencies have specific requirements regarding tenant selection, financial qualifications, fair housing and accessibility. Adding an additional layer of regulation to the selection process and taking away the developer, its partners, or its management company's ability to establish a wait list is unnecessary and equates to more risk for the developer, tax credit investors, debt financiers, and private equity investors. This risk alone may deter developers from building affordable housing in Maui.

Moreover, the proposed amendments will put a heavy burden on the Department of Housing and Human Concerns (DHHC) to ensure that all County, State, and Federal regulations are followed in a timely manner. This will likely require DHHC to hire and retain more staff with experience in developing affordable housing, and require DHHC to invest in additional resources to deliver these new responsibilities. Furthermore, DHHC or its designee will likely be held liable for any errors occurring during the qualification process.



**(Continued From Page 1)**

We are also concerned that changing the sales period from 90 days to 120 days will create additional carrying costs for projects thereby making housing more expensive.

We have witnessed and continue to see how Maui's overregulation of affordable housing projects have kept this county in its current housing crisis. We need to find new ways to incentivize developers to build more affordable housing before the problem gets worse. Given the above, we respectfully recommend that this Council defer this bill and consider policies that encourage the construction of more affordable housing.

Thank you for this opportunity to submit written testimony.

RECEIVED

To: Council Chair Alice Lee and Maui County Council Members  
Fr: Lynn Britton

2021 SEP 30 AM 11: 28

**RE: Testimony for the Oct 1 County Council meeting, on the following items:**

- HSAC Legislative Package
- Air traffic noise over Ma'alaea
- Requiring registration numbers for transient rentals in apartment districts
- Implementing a County Transient Accommodations Tax

OFFICE OF THE  
COUNTY CLERK

I am submitting my personal testimony to the Council for these items on the Oct 1 agenda:

**HSAC Legislative Package**

I support the assessment of impact fees on tourism-related vehicles as well as a green fee surcharge on transient accommodations and hosting platforms. We must address the goals of environmental protection and enhancement. Restoring Ma'alaea Bay and the watershed are crucial for Maui's future. In addition, we must focus on placing rental car rentals in the resort areas of the island so that it is not automatic that they rent a car at the airport. Public transportation and resort shuttles need to be encouraged and marketed to visitors.

**Please be sure that the fees go directly to the individual counties where the revenues are generated and not follow the precedent of traffic fines that go to the State general fund.**

**Aircraft Noise Abatement over Ma'alaea**

Please lend your support to Ma'alaea's request for action from the appropriate airport officials and the FAA, to bring relief to residents and visitors from the excessive noise caused by air traffic at low altitudes directly over Ma'alaea.

Air traffic has increased continuously for the past 20+ years (with exception of short period of the pandemic-related travel disruptions) and now is near historic highs. Flights are routed directly over the community, at low altitudes, and the noise is frequently so loud that normal conversations and phone calls have to be interrupted until the offending jet airliner passes by.

This is not only a nuisance, but a real health issue, and a real problem that can and should be addressed. The simple solution is to route traffic over the uninhabited area between Ma'alaea and North Kihei. Aircraft actually fly that space from time to time in present day.

Ma'alaea Village and Haiku face similar problems. Although neither the Maui County Council nor the Mayor have direct authority over airport operations or the FAA, the Council can recognize the problem and request the appropriate authorities take action to address.

**Requiring registration numbers for transient rentals in apartment districts**

I support the Planning Director's recommendation to require registration numbers for transient rentals in apartment districts approved by all Planning Commissions. It is also important to make sure that ties in with the real property tax roles.

Maui has been my home since 1973. I bought and lived in my Island Sands condominium in Ma'alaea from 1985 until my marriage in 2009 when I moved to Waiehu. Doing vacation rental helps me pay the bills, it also supports the small business owners that market and clean the unit and state and county tax coffers because I pay a very high real property tax and GET and TAT. Legitimate vacation rental owners like me would not object to the County's efforts to police illegal rentals that have been allowed to proliferate because of a lack of enforcement by the County.

**Bill No. 101 Implementing a County Transient Accommodations Tax**

I understand the County's interest in implementing a County Transient Accommodations Tax. The possibility of bringing in over \$50 million from a 3% tax is exciting. I caution the Council and the Mayor to focus on the need to re-establish Maui County as a quality visitor destination. Invest in our communities for the mutual benefit of residents AND the visitors who will be generating these new revenues.

Focus on enforcement against illegal rentals, provide funds to protect and preserve our special natural and scenic resources such as Ma'alaea Bay and the Pohakea Watershed, address climate change on our beaches and wetlands, improve infrastructure and help communities such as Ma'alaea eliminate injection wells and cesspools and provide transportation alternatives to relieve traffic on our roads.

Maui residents' concerns about 'over tourism' are legitimate and shared by many, but there is a conflict between talk of over tourism and efforts to tax the industry to produce additional revenues. There needs to be a well thought out plan for the future of Maui's visitor industry. It will take a concerted effort to return to Maui's original philosophy of "quality" over "quantity" that led to our success and focus on the desired goals of cultural, agricultural and environmental tourism that attract the quality visitor who appreciates the uniqueness of our island home.

Thank you for listening and for your service to all of Maui County's people.

A handwritten signature in black ink, reading "Lynn Britton". The signature is written in a cursive, flowing style.

Sincerely, with Much Aloha,  
Lynn Britton

## County Clerk

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**From:** Lynn Britton <blb@maui.net>  
**Sent:** Thursday, September 30, 2021 2:53 PM  
**To:** Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Gabe Johnson; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura  
**Cc:** County Clerk  
**Subject:** Additional input on 3 % TAT RE Testimony for October 1 Maui County Council meeting  
**Attachments:** 3% TAT Bill 101 (2021).pdf; Testimony for October 1 Maui County Council meeting

Aloha!

I apologize for not reading the fine print in Bill No. 101 to implement the County TAT that the tax would go into effect OCTOBER 1, 2021!.

It is highly unfair to impose the tax now without giving TVRs a chance to change their methods of assessing TAT taxes for bookings, etc. It's impact on small businesses like myself and others like me that handle their own rentals is severe.

It is confusing- if you have already received payments for rentals through the rest of the year and next, is the 3% to be added or not?

More work on this legislation needs to be done.

Mahalo for your consideration!

With Much Aloha,

Lynn Britton

"The future depends on what we do in the present." Mahatma Gandhi

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2021 SEP 30 PM 3:20  
OFFICE OF THE  
COUNTY CLERK



RECEIVED

2021 SEP 29 PM 4:31

OFFICE OF THE  
COUNTY CLERK

To: Maui County Council Chair Alice Lee and Maui County Council Members,

Re: Phase out of short-term rentals in apartment zones and Aircraft Noise Abatement for Ma'alaea

Aloha, my name is Shannon VanderHeuvel, my husband and I moved to Maui and bought our condominium at Ma'alaea so that I could be closer to my father, Henry Allen, who lives in West Maui. He gave me the Hawaiian name of Leialoha Lei Makamae, (friends call me Lei). We enjoy Ma'alaea and Maui's beauty and love living here. I am a retired police officer, and Crime Committee Chair and Board Secretary for Ma'alaea Village Association (MVA). I would like to offer testimony on two items: Proposed phase out of short-term rentals in apartment zones on Maui and Aircraft Noise over Ma'alaea.

**Proposed Phase out of short-term rentals in apartment zones on Maui**

As we all know, living on Maui is expensive. If my husband retired from his current job on Maui we might have to move back to the Midwest. We would like to be able to enjoy our condo and be able to put it in vacation rental so that we could cover expenses when we are not here. My mortgage and maintenance fees would not permit me to rent my condo at affordable rates. I am sure this would be the case for most condo owners. If we were to become ill, we might need to see the condo. Future owners would need to be able to do vacation rentals in order to cover expenses. The current legislation to eliminate vacation rentals in apartment zones after December 31<sup>st</sup>, 2021, would prevent us from being able to do that.

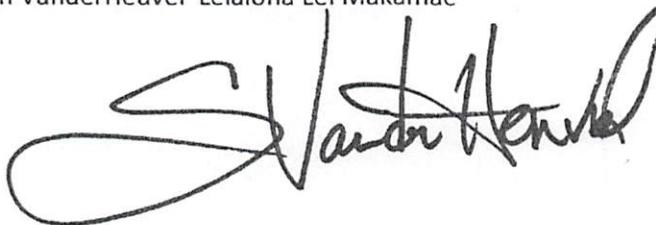
I support the goal of increasing affordable housing on the island. It is much needed. When the County is looking for additional revenues to build affordable housing and improve the environment, this would actually decrease the revenues coming into the County. The only parties benefiting from the proposal would be Maui hotels. I urge the Council to find fairer, more effective ways to address the need for more affordable housing for Maui's people.

**Aircraft Noise over Ma'alaea**

Written testimony will be presented by MVA President Lyndon Ibele and Bill Hawkins, of the MVA Aviation Committee. I ask for your support to bring relief to Ma'alaea residents and visitors from the excessive noise caused by air traffic at low altitudes flying directly over Ma'alaea. Living in Ma'alaea, I can say that the noise is frequently so loud that normal conversations and phone calls have to be interrupted until the jet airliners pass by.

MVA has asked HDOT airport officials and the FAA for help for years. If not flatly ignored, the response received is "it can't be done" or "it's too expensive", with no alternatives. I know that the County Council has no direct authority over airport operations or the FAA. I hope with today's testimony that the Council will recognize the problem and exert whatever pressure it can to encourage HDOT airports and the FAA to face the reality that this is not only a nuisance, but a health issue, and real problem that needs to be addressed. Mahalo for listening, responding to our concerns and for your consideration.

With Aloha Shannon VanderHeuvel Leialoha Lei Makamae

 9-29-2021



Expanding the range of opportunities for all by  
developing, managing, and promoting quality  
affordable housing and diverse communities.



OFFICE OF THE  
COUNTY CLERK

September 29, 2021

Maui County Council  
200 S. High St  
Kalana O'Maui Bldg, #708  
Wailuku, HI 96793

**RE: CR 21-87, Maui County Code, Section 2.96.100 Proposed Amendments  
Council Hearing October 1, 2021, 9:00AM, Testimony in Opposition**

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

Aloha, I am Kevin Carney, Vice President of EAH Housing, a 53-year-old non-profit developer, manager, and advocate of affordable rental housing. I am also a Board Member of Stand Up Maui (SUM) and a member of its Affordable Housing Committee (AHC). My comments herein are entirely EAH's position on the proposed amendments and not those of SUM or its AHC. EAH is strongly opposed to any changes to Section 2.96.100 as will be explained below.

EAH has been operating in Hawaii for 25 years and currently has a managed portfolio of 22 properties, 2,178 units on Kauai, Maui, and Oahu. We also have 3 properties (272 units) in our predevelopment pipeline, one on the Big Island, one on Maui and one on Oahu. Including our California portfolio EAH manages over 10,000 units of affordable rental housing. As a mission oriented non-profit we are long term owners and managers having never sold a property in our 53-year history.

EAH serves primarily those with incomes at or below 60% of the area median income (AMI) and we finance the development of our communities with the use of Low-Income Housing Tax Credits (LIHTC) as our primary source of equity. As a LIHTC developer we do not see a need to make any changes to Section 2.96.100 as it applies to our type of projects. Our specific industry, including our application process, is highly regulated by a variety of entities, County, State, Federal Government (IRS), investors and lenders to ensure compliance related to tenant selection, financial qualifications, fair housing, and accessibility.

We do agree that there is a need for applicant education by third parties well before the property is ready to accept applications because the primary reason for rejecting an application in our industry is poor credit. EAH has worked with the Hawaii Homeownership Center and the Bank of Hawaii, at no cost, on repairing credit to prepare applicants for our rental units and to educate tenants on the next step, homeownership.

As I understand it, the main purpose of the proposed amendments is to create a process that will provide housing, in this case rental housing, primarily for residents of Maui County. EAH believes this is already being accomplished under existing code and regulatory agreements utilizing a preference based on Maui residency. For verification, I have attached the applicable pages, 1 and 2 of the Resident Selection Plan for Kenolio Apartments in Kihei, a property EAH manages. Also attached are applicable pages 1, 5 and 6 from the May 9, 2018, Kihei Residential Workforce Housing Agreement with the County that applies to Kenolio. As you will see the Selection Plan is derived from the Housing Agreement and is the principal document for selecting and qualifying applicants.

Companies like EAH who manage LIHTC communities, whether non-profit or for-profit, have compliance specialists on staff who are trained to qualify applicants in accordance with Section 42 of IRS Code and the various regulatory agreements specific to the property. Producing affordable rental housing is a very long complicated process, typically 5 years or longer from the time of site control to completion and welcoming of our tenants.

EAH believes that adding additional entities, whether it be the Department of Housing and Human Concerns or its designee, to the process of qualifying tenants, is not necessary, will add confusion for our staff and to the applicants and will delay an already well functioning selection process based on preferences. Timing of initial certifications is critical. Initial applications for LIHTC properties have a 120-day life span. If the unit is not available for tenant occupancy within that time period, the certification process must be started all over again.

There is also the issue of liability. If an applicant approved by the County or its designee is determined to be over income after taking occupancy because of a miscalculation, the effect is a loss of tax credit on the unit, resulting in a substantial penalty to the investor who typically would look to the party responsible for the miscalculation, for reimbursement.

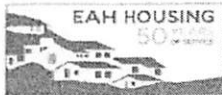
Mahalo for this opportunity to share our extensive experience on the selection process for our LIHTC communities.

For EAH Housing, a roof is just the beginning.

Sincerely,



Kevin R. Carney, (PB) NAHP-E  
Vice President, Hawaii  
EAH Housing



**KENOLIO APARTMENTS**  
116 NOKAHEA LOOP, KIHAI, HI 96753  
TELEPHONE (808)762-2028 FAX: (808)762-2028  
TDD (877) 447-5991  
ken-management@eahhousing.org

## RESIDENT SELECTION PLAN

Kenolio Apartments is a 186 apartment, multi-family community in Kihei, HI that provides housing for extremely low and low income households, without regard to race, color, sex, creed, religion, national origin, physical or mental disability status, familial status, age, ancestry, marital status, source of income, sexual orientation or HIV status.

Kenolio Apartments will make reasonable accommodations to individuals whose disability so requires. Reasonable Accommodation Request forms are available upon request from management. Kenolio Apartments is an Equal Housing Opportunity Housing Facility, admitting people in accordance with Local, State and Federal Housing laws, the County of Maui Residential Workforce Housing Policy (MCC Chapter 2.96), the Rental Housing Revolving Fund (RHRF), and the Low Income Housing Tax Credit (LIHTC) Program.

### NON-SMOKING POLICY

Kenolio Apartments is designated as a Non-Smoking property. Smoking is prohibited in all areas of the property including the interior of apartments, all indoor and outdoor common areas on the property.

It is the residents' responsibility to inform their guests of the Non-Smoking Policy. Any violation of the Non-Smoking Policy will be deemed a material breach of the Rental Agreement and grounds for immediate termination of the Lease/Rental Agreement.

Kenolio Apartments adoption of a Non-Smoking Policy does not make the Owner the guarantor of the residents health or that the property will be free of smoke but management shall take reasonable steps to enforce this policy.

### INCOME LIMITS

To qualify for an apartment, the household's gross income may not exceed the maximum income limit per household size and may not be lower than the income minimum\* per household size. The income maximums and minimums are attached and are posted in the Kenolio Apartments Management Office.

*\*The apartment may be rented if proof is obtained indicating satisfactory and timely rental payment history for the past twelve (12) months in the amount equal to or greater than the rent charged for that apartment size.*

### APPLICATION FEES AND HOLDING DEPOSIT

Application fees will be waived for initial placement. Once all apartments are initially rented, application fees will apply. During the period of waived application fees, the Holding Deposit requirement will still apply.

An application fee of \$35 per adult household member will apply. The application fee is to help cover the cost of conducting credit and criminal background inquiries.

Application fee(s) (per adult to occupy the apartment) are required at the time an application is processed to determine eligibility. A holding deposit of \$200 will be collected once a unit is offered. These funds must be in the form of a cashier's check, money order or ACH transfer. The holding deposit will be applied to your Security Deposit and or first month's rent if your application is approved and you move-in on your scheduled move-in day. If you rescind your application in writing within three (3) days of the date the holding deposit was paid, your holding deposit will be reimbursed. **Reimbursement may take up to 14 business days to be returned to you.** If you cancel after the initial 3



days for any reason your holding deposit will be forfeited. Application fees are non-refundable.

## **APPLICATION PROCEDURES**

Applications will **only** be available when the waiting list is open. Applications will **not** be available when the Waiting List is closed.

**Only online applications will be accepted.** Visit [www.eahhousing.org](http://www.eahhousing.org) to complete your application.

Each applicant must complete an application and be willing to submit to a credit history, rental history, and criminal background inquiry, as well as income and asset verifications.

A lottery will determine the order the applications are screened for initial placements. Once the lottery has taken place, applications will be processed as follows:

Completed online applications will be processed on a first-come, first-served basis. The application must be completed and signed by the head of household and all household members over 18 before an applicant can be placed on the waiting list. If an application is not completely answered, the date of it being fully completed will be the date that the application is considered accepted for rental purposes.

## **PREFERENCES**

Preferences will be used on a continuous basis in the selection of applicants. However, the policy of the Property is that a preference does not guarantee admission. Every applicant must still meet the Property's Resident Selection Plan standards for acceptance as a resident.

For apartments accessible to or adaptable for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority.

Residents shall be selected in accordance with the guidelines described in the County of Maui Residential Workforce Housing Policy (MCC Chapter 2.96). Preference will be given to applicants which meet at least one of the following criteria:

- Currently employed in the County;
- Retired from employment in the County, having worked in the County immediately prior to retirement;
- A full-time student residing in the County (must meet provisions of the LIHTC program);
- A disabled person residing in the County who was employed in the County prior to becoming disabled;
- The parent or guardian of a disabled person residing in the County
- A spouse or dependent of any such employee, retired person, student, or disabled person residing in the County; or
- In the event of the death of the employee, retired person, student, or disabled person, the spouse or dependent of any such person residing in the County.

Applicants shall provide evidence of their preference status. Applicants with a valid verified preference will have priority over applicants without a verified preference. Therefore, applicants with a verified preference that are lower on the waiting list will be offered an apartment first to satisfy the preference order as described in the County of Maui Code of Ordinances Section 2.96.100.

To implement this preference, we will first select applicants with a verified preference in lottery order. Next, we will select applicants without a preference in lottery order. If at any time there is no applicant with a valid and verified preference on the waiting list, then no apartment in the Project shall be held vacant awaiting such applicant, but shall be rented promptly to an approved applicant without a preference.

Where preferences apply, applicants with a valid and verified preference will be moved to the top of the waiting list above persons without a preference.

The preferences so described will at all times be consistent with the requirements of Section 42 and future interpretations or guidance from the IRS and will not in any way jeopardize the project's eligibility under Section 42 of the Internal Revenue Code.



THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII

BUREAU OF CONVEYANCES

DOCUMENT NO.

DATE - TIME Doc A - 67030595

May 09, 2018 10:45 AM

LAND COURT

REGULAR SYSTEM

Return By Mail ☒ Pick-Up ☐ To:

Caleb Roope  
Maui Pacific Associates, a Hawaii Limited  
Partnership  
430 E. State Street, Ste.100  
Eagle, ID 83616

TITLE OF DOCUMENT:

KENOLIO APARTMENTS  
RESIDENTIAL WORKFORCE HOUSING AGREEMENT

PARTIES TO DOCUMENT:

DEVELOPER: Maui Pacific Associates, a Hawaii Limited Partnership  
430 E. State Street, Ste.100  
Eagle, ID 83616

COUNTY: COUNTY OF MAUI  
200 South High Street  
Wailuku, Maui, Hawaii 96793

TAX MAP KEY(S): (2) 3-9-001-157 and 158

(This document consists of 11 pages.)

## **ARTICLE II - RESIDENTIAL WORKFORCE HOUSING PROGRAM**

### **A. Housing Distribution and Affordable Rents**

Developer shall construct 184 Residential Workforce Housing Units plus two employee units and shall offer to rent said units in accordance with the terms, covenants and conditions of this Agreement:

1. Ten of the Residential Workforce Housing Units (three one-bedrooms, four two-bedrooms and three three-bedrooms) will be leased at rents affordable to Families earning at or below 30% of Median Annual income.
2. 174 of the Residential Workforce Housing Units (60 one-bedrooms, 68 two-bedrooms and 46 three-bedrooms) will be leased at rents affordable to Families earning at or below 60% of Median Annual Income.
3. Families shall be eligible to reside in the Workforce Housing Units if, in addition to the requirements set forth elsewhere herein, they comply with the requirements of County of Maui, Code of Ordinances Section 2.96.100 including, without limitation, that each household shall satisfy all applicable State and Federal eligibility requirements.

### **B. Marketing of Residential Workforce Housing Units.**

#### **1. WAIT LIST PROCEDURE:**

- a. The Developer or its management company shall establish a wait list of interested applicants for Residential Workforce Housing Units;
- b. Prior to initiating the wait list, the Developer or its management company shall initiate the wait list process by publishing in at least five issues of a newspaper of general circulation within the County, a public notice that shall contain all information that is relevant to the establishment of the wait list. The public shall also be informed in a like manner of any decision that would substantially affect the maintenance and use of the wait list;
- c. Selection for renting Residential Workforce Housing Units shall be made by a lottery administered by the Developer or its management company and overseen by DHHC, subject to the applicant meeting the eligibility criteria necessary to qualify as an Affordable Renter; and
- d. Each applicant shall be responsible for notifying the Developer or its management company in writing of any changes in mailing address, telephone number, fax number, and/or e-mail address. If an applicant fails to properly notify the Developer or its management company of such changes and the Developer or its management company is unable to contact the applicant, the applicant's name shall be removed from the applicable wait list.

## 2. SELECTION PRIORITY:

a. Residents on the wait list shall receive first priority for the available units. Nonresidents on the wait list may rent a residential workforce housing unit once the wait list has been exhausted of all residents.

b. The developer or its management company may do a mass mailing of housing applications to applicants on the wait list.

c. The residential workforce housing units shall be offered to residents in the order in which their names were drawn in the lottery, provided that there is a unit available in the income group for which they qualify. Nonresidents will then be offered residential workforce housing units in the order in which their names were drawn in the lottery, provided that there is a unit available in the income group for which they qualify.

d. The developer or its management company shall submit copies of the following information to DHHC to verify the rental of residential workforce housing units to eligible renters:

- Applicant's completed final rental application;
- Executed rental lease; and
- All signed federal and state tax returns used to determine eligibility, or any other documents used to determine eligibility by the developer or its management company.

e. The developer or its management company shall maintain a wait list for DHHC after all of the units are rented, which shall be used to fill any vacancy. No vacant unit shall be leased to or occupied by any household except in conformity with all applicable eligibility and waiting list requirements as set forth herein.

f. If Developer intends to sell the development, Developer shall notify DHHC in writing prior to the closing of the sale, and shall provide documentation to DHHC that the prospective new owner acknowledges and is aware of the terms, conditions, and restrictions encumbering the development pursuant to this Residential Workforce Housing Agreement.

g. If the Project is sold within the 55 year term of this Agreement, any new owner must comply with the requirements of this Agreement. Developer shall execute and record a deed restriction complying with County of Maui, Section 2.96.070(c), Maui County Code, and reasonably acceptable to County.

## C. AFFORDABLE RENTER DOCUMENTATION

Within sixty (60) calendar days after the close of each calendar year, Developer or its management company shall provide the DHHC with a report including the following:

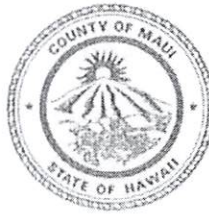
1. Each tenant rented to during the preceding calendar year along with their move-in date; and



MICHAEL P. VICTORINO  
Mayor

LORI TSUHAKE  
Director

LINDA R. MUNSELL  
Deputy Director



DEPARTMENT OF HOUSING  
& HUMAN CONCERNS  
COUNTY OF MAUI  
2200 MAIN STREET, SUITE 546  
WAILUKU, MAUI, HAWAII 96793  
PHONE: (808) 270-7805

September 29, 2021

RECEIVED  
2021 SEP 30 AM 11:08  
OFFICE OF THE  
COUNTY CLERK

Honorable Alice Lee, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

**SUBJECT: COMMITTEE REPORT NO. 21-87  
AFFORDABLE HOUSING COMMITTEE  
A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI  
COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE  
HOUSING POLICY APPLICANT SELECTION PRIORITY**

Thank you for the opportunity to provide the Department's testimony on the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY".

As stated during the Affordable Housing Committee's multiple discussions, the Department supports the concept of developing a centralized database for residents interested in workforce housing units, as well as a central place for disseminating information about current and upcoming workforce and affordable housing projects. The Department also supports encouraging residents to become better prepared for rental and homeownership opportunities by working with a HUD certified housing agency.

The Department also feels strongly that other proposed changes in the legislation are significant and are deserving of adequate time and review to verify that the suggested changes in the law will result in the intended outcome. Our discussions with the development community strongly indicate that there has not been adequate consultation or discussion to insure that intended outcomes will be achieved, and there is significant opinion that the proposed changes will have a negative, rather than a positive impact on housing projects.

Having said that, the Department has concerns about several very specific amendments as proposed:

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TO SUPPORT AND EMPOWER OUR COMMUNITY TO REACH ITS FULLEST  
POTENTIAL FOR PERSONAL WELL-BEING AND SELF-RELIANCE



**1. Department management of the project wait lists, both for rental and for sale projects.**

The Department has no objection to referring lists of interested residents to developers for their projects and requiring the developers to prioritize these residents for units. However, determining eligibility of the families on the list should be done by the developer. For rental projects, the liability associated with making an error when determining eligibility can be significant, especially, for example, if the project developer has been granted Low Income Housing Tax Credits. From discussions with the project developers, it is clear that the staffing and cost required to complete the work would be significant. For for-sale projects, the developers' ability to obtain financing is dependent upon finding qualified buyers. Developers have significant investment in these projects and delays in determining eligibility increase the cost of development thus making homes less affordable to our residents.

The Department believes that the responsibility for maintaining the wait list and determining eligibility should continue to be borne by the project and the developer. If the Council is concerned about mortgage steering, for instance, we believe that there are alternate avenues to address this issue than to shift the workload to the County and the Department. This can be done either through training for developers, or by providing more clearly written selection procedures that developers must adhere to.

**2. Priority based on length of residency.**

The amendments proposed were modeled after a policy currently in effect in the District of Columbia (DC), with one very significant difference. The DC model places priority on the wait list based on the length of time the individual has been on the interest list, rather than the length of their residency.

The debate about whether durational residency runs contrary to Fair Housing or Constitutional law aside, the Department is deeply concerned about the proposed durational residency from a logistical aspect. The documentation and verification process to determine the length someone has been a resident, minus absences, would be subject to errors and challenges, and we foresee significant and perhaps unnecessary administrative time devoted to determining length of residency and defending residency calculations.

**3. County requirement to purchase units as proposed in 2.96.090(D)(4)(d).**

The Department believes that it would not be in the best interest of the County to require the purchase of all workforce housing units, prior to those units being sold at market. We encourage the Council to amend this section to give the County the right to purchase, but not be required to purchase. This change will allow the County to evaluate the value and necessity of the purchase before making a decision. Aside from the expense and unpredictability of these purchase requirements, there are additional concerns and cautions that should be exercised before compelling the County to purchase homes. These include the County's limited capacity to hold residential real estate, to sell homes, and the inadequacy of planning for a land trust of some kind to possibly take ownership of homes.

**4. Publication requirements for rental projects as proposed in 2.96.100(3).**

Publication in social media outlets tends to attract a great number of non-local applicants for rental projects.

To add further context to the Department's comments, we note that Chapter 2.96 MCC was enacted in 2006, and after very careful consideration and much debate, was amended in 2015. As a result of the amendments, data indicates that MCC 2.96 which originally had produced almost no units between 2006 and 2104, enabled nearly one thousand (1,000) housing units completed or under construction today. Additional projects representing another fourteen hundred seventy-four (1,474) units have executed workforce housing agreements with the County and are pending. The majority of these units are workforce units. This has been a significant shift in momentum in favor of housing development for our community. Inasmuch as the amendments proposed to Chapter 2.96 MCC will also impact projects utilizing 201H and MCC 2.97 processes, we would respectfully ask this body to thoroughly vet these proposed changes with the community before taking action, and possibly losing the momentum we have gained in recent years.

The Department appreciates your time and consideration. Should you have any questions, please feel free to contact me at Ext. 7805.

Sincerely,



LINDA R. MUNSELL  
Deputy Director of Housing and Human Concerns

xc: Honorable Michael P. Victorino, Mayor  
Housing Division

The Mauian Hotel  
5441 Lower Honoapiilani Road  
Lahaina, HI 96761

Testimony on Final Reading, Bill No. 101 (2021) – “A bill for an ordinance establishing a new chapter 3.47, Maui County Code, implementing a county transient accommodation tax”

My testimony is asking that the Maui County Council delay the implementation of the additional 3% transient accommodation tax to January 1, 2022, or at least till November 1, 2021. The VERY SHORT NOTICE implementation of this MCTAT creates serious hardship on the smooth collection of this additional tax.

First, we cannot collect the additional tax from any of our guests currently inhouse and staying beyond October 1. The response from our guests would be extremely critical of us because we are the entity collecting the additional tax.

Second, we must now contact all future guests who have been quoted rates and made their initial deposits that their charges have all increased because of the additional 3% MCTAT.

Third, we need to make sure the Online Travel Agencies (OTAs) like Expedia and Booking.com who we do business with, are informed of this additional 3% MCTAT so they can price their packages accordingly.

Please help us out in this regard. We're having a difficult time recovering from our losses in 2020 and early 2021. If we end up needing to absorb the uncollected 3% MCTAT, this adds further burdens to our ability to increase the wages for our employees and pay our bills.

Thank you for your consideration.

Nane Aluli  
General Manager  
The Mauian Hotel on Napili Bay

RECEIVED  
2021 SEP 28 PM 2:20  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** noelani balai <ehaunty@yahoo.com>  
**Sent:** Tuesday, September 28, 2021 1:34 PM  
**To:** County Clerk  
**Cc:** Kelly King  
**Subject:** Communication No. 21-479 Aircraft Noise

You don't often get email from ehaunty@yahoo.com. [Learn why this is important](#)

I would like to give testimony in support of Communication No.21-479.

As a longtime resident of Ma'alaea, I was so pleased to see that the county is finally responding to our community's complaints about the aircraft noise and flight paths over Ma'alaea. When I moved here thirty years ago, our community was a nice peaceful fishing village. Today as Maui has grown so have the amount of flights to our island. The aircraft noise has increased tremendously! There are those in our community who have tried unsuccessfully to speak with airport officials. I believe they even have a plan for altering the flight paths. Please work with the Ma'alaea community to resolve this issue.

Thank you for your time and attention to this matter,

Noelani Balai  
150 Hau'oli Street #514  
Wailuku, Hi. 96793  
Phone: 808-242-8036

RECEIVED  
2021 SEP 28 PM 2:20  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** Maui\_County Council\_mailbox  
**Sent:** Friday, October 1, 2021 10:25 AM  
**To:** County Clerk  
**Subject:** FW: Support for proposed amendments to MCC 19-12-020

The following is being forwarded for your attention/information. Thank you!

-----Original Message-----

From: Patricia B Cadiz <pbcs5@mac.com>  
Sent: Friday, October 1, 2021 9:59 AM  
To: Maui\_County Council\_mailbox <county.council@mauicounty.us>  
Subject: Support for proposed amendments to MCC 19-12-020

[You don't often get email from pbcs5@mac.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

I support the proposed amendments to MCC 19-12-020 requiring all taxes be current and requiring TMK in advertising.

Thank you,

Patricia Cadiz  
Maui, Hawaii



## County Clerk

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**From:** Peter <peter@hawaiianresources.net>  
**Sent:** Wednesday, September 29, 2021 5:40 PM  
**To:** County Clerk  
**Cc:** Alice L. Lee; Mike J. Molina; Kelly King  
**Subject:** Communications #21-478 re: Aircraft noise over Maalaea

RECEIVED

2021 SEP 30 AM 7: 53

OFFICE OF THE  
COUNTY CLERK

Some people who received this message don't often get email from peter@hawaiianresources.net. [Learn why this is important](#)

Dear Council Chair Alice Lee and Council Members,

Regarding Aircraft noise over Maalaea:

I have read the testimony of Captain Bill Hawkins, the Maalaea Village Association (MVA), chair of the MVA Aviation Committee, with great interest.

Bill points out that the solution is very simple. Please focus on the solution. Simply fly a safe approach to Kahului over uninhabited areas. The suggested approach is very well described in Bill's testimony. This totally solves the problem for Maalaea.

If the Council wants the Maui community to support sustainable tourism on Maui, then please realize that 250 super loud low level flights a day over the Maalaea community is way too much. This happens all day long and as well as in the dead of night. Noise pollution is a health and safety issue. Common sense says to find a solution.

Common sense can also solve the problem for Council Member Mike Molina and his Haiku Community.

Aircraft coming in from the East fly over Haiku, make a big circle over Maalaea Bay, and then come in over Maalaea Village affecting both communities. This big circle over the bay eats up fuel. If the aircraft approached Maui over the Alenuihaha Channel, well off of Kaupo, and circled in over Maalaea Bay instead of over Haiku, then the fuel would be similar and both the Haiku and Maalaea noise problems would be solved. Just fly the approaches over the uninhabited areas of Maui.

While the County Council does not have jurisdiction over the Kahului Airport flight paths, a resolution by the Maui County Council will provide much needed support and attention to the efforts of Council Member Molina and of the MVA. Capt. Bill Hawkins has well described the FAA's resistance to change. The FAA's easy answer is to ignore and do nothing.

Your support will make a big difference for both Maalaea and Haiku.

With aloha,

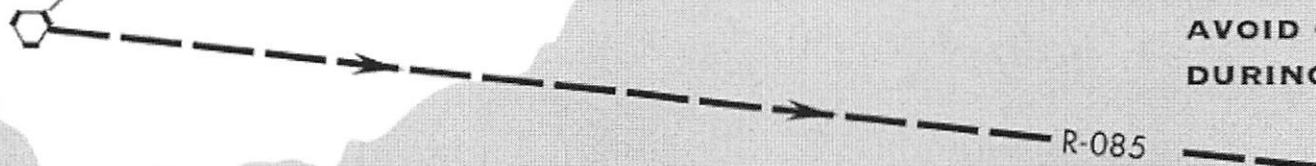
Peter Cannon

ATIS 128.6  
HCF APPROACH  
119.5 225.4  
MAUI TOWER ★  
118.7 279.6

# PROPOSED RADAR VECTORS (OGG)(PHOG) RWY 02 KAHULUI, HAWAII

LANAI

LANAI  
117.7 LNY  
Chan 124



Proposed Draft  
NOT FOR NAVIGATION

KAH



**AKAHI**  
300 W. Wakea Ave.  
Kahului, HI 96732  
808-877-0544

**ELUA**  
200 Hina Ave.  
Kahului, HI 96732  
808-872-4180

**EKOLU**  
717 Makaala Dr.  
Wailuku, HI 96793  
808-242-4377

**EHA**  
1057 Makawao Ave.  
Makawao, HI 96768  
808-573-1647

**ELIMA**  
11 Mahaolu St.  
Kahului, HI 96732  
808-893-0002

**EONO**  
810 Kelawe St.  
Lahaina, HI 96761  
808-661-5957

**EHIKU**  
56 Ehi Ku St.  
Kihei, HI 96753  
808-891-8588

**EWALU**  
88 Ohia Ku St.  
Pukalani, HI 96768  
808-573-5500

**HOME PUMEHANA**  
P.O. Box 100  
Kaunakakai, HI 96748  
808-553-5788

**HALE KUPUNA O LANAI**  
P.O. Box 630418  
Lanai City, HI 96763  
808-565-6615

**LOKENANI HALE**  
1889 Loke St.  
Wailuku, HI 96793  
808-243-9272

**KAHULUI LANI**  
65 School St.  
Kahului, HI 96732  
808-868-0180

**LAHAINA SURF**  
1037 Wainee St.  
Lahaina, HI 96761  
808-661-3771

**LUANA GARDENS**  
615 W. Papa Ave.  
Kahului, HI 96732  
808-871-9009

**KOMOHANA HALE**  
120 Leolea St.  
Lahaina, HI 96761  
808-661-5957

**KULAMALU HALE**  
65 Ohia Ku St.  
Pukalani, HI 96768  
808-868-4148

**HULIAU**  
145 Waihepe Ave.  
Kahului, HI 96732  
808-868-2229

**CHSP/MEALS PROGRAM**  
200 Hina Ave.  
Kahului, HI 96732  
808-872-4170

**HOMEOWNERSHIP/  
HOUSING COUNSELING**  
200 Hina Ave.  
Kahului, HI 96732  
808-242-7027

**PERSONAL CARE/  
HOMEMAKER/CHORE**  
11 Mahaolu St. Ste. A  
Kahului, HI 96732  
808-873-0521



**HALE MAHAOLU**

WHERE ALOHA LIVES

RECEIVED

202 SEP 29 PM 2:11

OFFICE OF THE  
COUNTY CLERK

September 28, 2021

Chairperson Alice Lee  
Maui County Council  
200 S. High Street  
Wailuku, HI 96793

VIA E-MAIL [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

RE: CR 21-87 – Countywide Workforce Housing Interest List and Related Policies for Residents Interested in Workforce Housing Rental and Ownership Units

Dear Chairperson Lee:

The above-referenced bill pending before the Maui County Council would require that the County or its designee establish a countywide workforce rental housing interest list of interested applicants.

I am writing as the executive director of Hale Mahaolu, a non-profit provider of affordable rental housing for seniors and families. As you are aware, our company owns or manages 17 different properties comprised of over 1,200 housing units on Maui, Molokai, and Lanai. We have a long-standing and well-established process in place for maintaining wait lists for our various projects.

The proposed ordinance is not clear whether it would apply to our work in the context of our existing properties or whether it is meant to apply only to new properties in the initial stage of leasing. In either case, I would respectfully submit that the County Council may want to think twice before requiring that the Department of Housing and Human Concerns (DHHC) take on this role. There are numerous regulatory and compliance standards dictated by the U.S. Department of Housing and Urban Development, as well as funder driven standards which provide a framework and guidelines for the various lists which we maintain at our properties.

These standards will routinely govern the minimum qualification criteria for each property's occupants, which can vary significantly depending upon the regulatory requirements imposed on the project by its funding. Depending upon that criteria, certain projects are tailored to age-specific groups, income-specific groups, special needs groups, various combinations thereof, etc.

Providers like Hale Mahaolu have extensive experience and training in how to manage these lists so as to comply with regulatory standards. We have implemented software-based waitlists which provide for a seamless process when the applicant becomes eligible for a unit, with individuals' information already in the system available to populate relevant documents and forms. We also have personnel who perform an internal audit function of our lists and applications, dedicated to ensuring that we are compliant with regulatory standards.





Chairperson Alice Lee

September 28, 2021

Page | 2

The proposed ordinance would presumably have DHHC take on this role without necessarily understanding the intricacies of ensuring that this task is administered properly and without issue.

The volume of applications and inquiries which we receive each month numbers in the hundreds, and it would be difficult to imagine that DHHC has the staffing or expertise in place to take on this function.

I would respectfully request that the portion of the proposed ordinance pertaining to rental housing be reconsidered. Thank you for your kind consideration of this request.

Sincerely yours,



GRANT Y. M. CHUN

Executive Director

Budget Finance and Economic Development Committee  
Thursday, September 30, 2021

Testimony on COUNTY PROPERTY TAX REFORM (BFED-78)

Aloha Chair Keani Rawlins-Fernandez, Vice-Chair Tamara Paltin, and Committee members:

Mahalo for the opportunity to submit testimony in full support of the 'Aina Kupuna Tax Relief Bill.

My lineage has deep roots here on Maui. My paternal great grandparents were John David and Maria Hamole Nohua of Kaupo. Their descendants are the Kaleikini's, Needham's, Kekiwi's, Hai's, Pi'imauna's, Kalaehano's, and Ho'opi'i's.

My great grandmother Maria Hamole, has an interest in Land Grant 2577, located in Kaupo. The property predates the State of Hawaii and has been cared for by the Nohua ohana for generations. This bill would help lineal descendants preserve what is left of our ancestral land.

Additionally, my grandfather William Boniface Scott Ha'i conveyed his interest in several properties with Royal Patent 6220 and Land Commission Award 5178E to my father Ephraim Ha'i who in turn conveyed his interest to me. Our family has owned this land since 1933, meaning we are two years short of the original 1931 cutoff. I humbly request your support to extend the cutoff until 1940. This extension would be a substantial benefit to my own family and more importantly to so many other Hawaiian families. It is our kuleana to protect and preserve the land we are still blessed to own, and by doing so, we pay homage to our kupuna who came before us.

Mahalo nui for your consideration and time.

Sincerely,



Linda A. Clark  
(808) 268-9844  
clarkl004@gmail.com

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2021 OCT - 1 AM 7:56  
OFFICE OF THE  
COUNTY CLERK

County Clerk

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**From:** Carol Daum <gncdaum@gmail.com>  
**Sent:** Thursday, September 30, 2021 11:59 AM  
**To:** County Clerk  
**Subject:** written testimony 10/1/21 Maui Council agenda

2021 SEP 30 PM 1:28

OFFICE OF THE  
COUNTY CLERK

You don't often get email from gncdaum@gmail.com. [Learn why this is important](#)

Aloha,

Please submit this testimony tomorrow for Agenda item #21-479:

As a member of the MVA and a resident in Maalaea I am requesting that you (this council) please vote to request action from the FAA requesting relief of aircraft noise by:

- (1) that Ma'alaea be declared a noise sensitive area,
- (2) that noise abatement procedures be established, and
- (3) that all arriving aircraft be required to fly approaches which avoid flying directly over Ma'alaea Village.

This aircraft noise directly overhead is very disruptive, constant and irritating to an otherwise very quiet village.

Respectfully,

Carol Daum  
190 Hauoli ST  
530-318-6452

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from other disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited. Please do not forward this message without permission from the sender.

# AQUA-ASTON

## HOSPITALITY

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2021 SEP 30 AM 10: 50

OFFICE OF THE  
COUNTY CLERK

September 30, 2021

TO: Councilmember Alice Lee, Chair  
Councilmember Keani Rawlin-Fenandez, Vice- Chair  
Members of the Maui County Council

FR: Aqua-Aston Hospitality

RE: Comments on Bill 101 Relating to County Transient Accommodations Tax

(Sent via e-mail [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us))

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members Maui County Council,

Thank you for allowing Aqua-Aston Hospitality, LLC ("Aqua-Aston") to provide **Comments and Amendments** on Bill 101 establishing a new chapter 3.47 to the Maui County Code, implementing a county transient accommodations tax. Aqua-Aston has engaged in hotel and resort management in the state of Hawaii for over 75 years.

Bill 101 establishes a county transient accommodation tax of three percent (3%) ("**County TAT**"). The new County TAT imposes a monthly tax on the gross rental or gross rental proceeds derived from the furnishing of transient accommodations. Every transient accommodation broker, travel agency, and tour package that arrange transient accommodations, and every operator, and occupant of a resort time share vacation unit, must pay to the County the tax imposed. The County TAT takes effect upon the approval of the ordinance.

Aqua-Aston understands the County's intentions in establishing the County TAT in response to Act 1, Special Session Laws of Hawai'i, which stripped the County of allocated State Transient Accommodations Tax. Nevertheless, we have concerns with the implementation of the additional 3 percent increase. The Council intends to have the County TAT levied from October 1, 2021, which is the same day that it is being heard for second and final reading. Accordingly, the County TAT would be retroactively applicable to reservations made on October 1, 2021 even though the bill has not been officially signed by the Mayor.

Having the County TAT levied upon October 1, 2021, the date which Bill 101 may become effective, puts hotel operators at a disadvantage. Primarily, hotel operators will not be able to: 1) disclose the new tax to guests in advance; and 2) collect the new tax as the guest already booked their room at a specific price including tax. Hotel operators will not be able to charge guests for the County TAT until Bill 101 has been officially passed and signed into law. Therefore, Hotel operators will need to pay for the County TAT themselves for reservations between October 1 and the date Bill 101 is officially approved and able to be included in charges for rooms.

Office: 820 Mililani St, Ste. 600, Honolulu, HI 96813 T 808-931-1400

Mailing Address: 6649 Westwood Blvd., Orlando, FL 32821

Aqua-Aston respectfully requests the County TAT not be levied until, at a minimum, the date immediately subsequent to being officially passed to allow: 1) appropriate notice to be given to guests and travel partners; 2) hotel operators to charge for the County that is officially passed; 3) booking engines to be updated with the new County TAT; and 4) rental agreements to be modified with the new required language.

Accordingly, Aqua-Aston recommends the following amendment to Bill 101:

1. Amend the second sentence of Section 3.47.010 to state "This tax is considered levied on the date after the Bill has passed."

Mahalo for your consideration of these amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Debrill", with a stylized circular flourish at the beginning.

Denis Ebrill  
Aqua Aston Hospitality, LLC, Managing Director



MARRIOTT  
VACATIONS  
WORLDWIDE  
SM

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2021 SEP 30 AM 10:50

September 30, 2021

OFFICE OF THE  
COUNTY CLERK

TO: Councilmember Alice Lee, Chair  
Councilmember Keani Rawlin-Fenandez, Vice- Chair  
Members of the Maui County Council

FR: Denis Ebrill, Marriott Vacations Worldwide Corporation

RE: Comments on Bill 101 Relating to County Transient Accommodations Tax

(Sent via e-mail county.clerk@mauicounty.us)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members Maui County Council,

Thank you for allowing me to submit testimony on behalf of Marriott Vacations Worldwide Corporation ("MVWC") **providing comments** to the proposed bill establishing a new chapter 3.47 to the Maui County Code, implementing a county transient accommodations tax. MVWC is a global leader in the timeshare industry with ten resort properties in Hawaii. Timeshare resorts are an important and stabilizing part of the tourism industry, and resort development provides thousands of construction jobs in Hawaii per year.

Bill 101 establishes a county transient accommodation tax of three percent (3%) ("**County TAT**"). The new County TAT imposes a monthly tax on the gross rental or gross rental proceeds derived from the furnishing of transient accommodations. Every transient accommodation broker, travel agency, and tour package that arrange transient accommodations, and every operator, and occupant of a resort time share vacation unit, must pay to the County the tax imposed. Pursuant to Section 3.47.010, the new County TAT is "considered levied on October 1, 2021." The County TAT takes effect upon the approval of the ordinance.

MVWC understands the County's intentions in establishing the County TAT, however, we have concerns with the implementation of the additional 3 percent increase. The Council intends to have the County TAT levied from October 1, 2021, which is the same day that it is being heard for second and final reading. Essentially, this would mean that the County TAT would be retroactively applicable to reservations made on October 1, 2021, even though the bill has not been signed by the Mayor. Hotel operators will not be able to charge guests for the County TAT until Bill 101 has been officially passed and signed into law. Therefore, Hotel operators will need to pay for the County TAT themselves for reservations between October 1 and the date Bill 101 is officially approved and able to be included in charges for rooms.

Having the County TAT levied upon October 1, 2021, the date which Bill 101 may become effective, puts hotel operators at a disadvantage. Primarily, these hotel operators will not be able to disclose the new tax to guests in advance, and therefore, may not be able to collect the new tax as the guest already booked their room at a specific price including tax. Furthermore, timeshare resorts will need to update their Hawaii disclosure statements and file with the Department of Commerce and Consumer Affairs ("**DCCA**").

Councilmember Alice Lee, Chair  
Councilmember Keani Rawlin-Fenandez, Vice- Chair  
September 30, 2021  
Page 2

Accordingly, MVWC respectfully requests the County TAT not be levied until, at a minimum, the date immediately subsequent to being signed into law by the Mayor to allow: 1) appropriate notice to be given to travel partners that the law has been signed; 2) hotel operators to charge for the County TAT that is officially passed; 3) booking engines to be updated with the new County TAT; and 4) rental agreements to be modified with the new required language. Furthermore, making the County TAT levied after it officially becomes law provides resorts adequate amount of time to properly notice guests that the law has been officially signed into law.

Based upon the foregoing, MVWC recommends the following amendments to the County TAT bill:

1. Amend the second sentence of Section 3.47.010 of Bill 101 to state "This tax is considered levied on the date after the Bill has passed. "

Mahalo for your consideration of these amendments.

Aloha,

A handwritten signature in black ink, appearing to read "Denis Ebrill", followed by a period.

Denis Ebrill  
Senior Vice President  
Marriott Vacations Worldwide Corporation



# HAWAII STATE ENERGY OFFICE STATE OF HAWAII

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807  
Web: energy.hawaii.gov

DAVID Y. IGE  
GOVERNOR

SCOTT J. GLENN  
CHIEF ENERGY OFFICER

Testimony of  
**SCOTT J. GLENN, Chief Energy Officer**

before the  
**MAUI COUNTY COUNCIL**

October 1, 2021  
9:00 AM

Comments in consideration of  
**CARE-42**  
**RELATING TO ZERO NET ENERGY HOMES**

RECEIVED  
2021 SEP 29 AM 11:17  
OFFICE OF THE  
COUNTY CLERK

Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council, the Hawaii State Energy Office (HSEO) supports the intent of CARE-42, which would require new one and two family residential buildings over 5,000 square feet to be zero net energy homes, and looks forward to further refinements of the measure.

We are all aware of reports from the United Nations, from scientific organizations and other distinguished bodies indicating that climate change is accelerating and which point to worsening droughts, forest fires, floods and rising sea levels. Scientists agree that rising temperatures caused by man-made CO<sub>2</sub> emissions are the prime cause of these catastrophes.

CARE-42 is part of a national shift that recognizes the importance of building codes to steer our buildings, and the energy systems that support them, to more sustainable and efficient designs. Both our buildings and our energy infrastructure generally last more than 50 years.

Measures such as this are intended to move the builders of high-end residences toward highly efficient windows, roofs, air conditioning and water heating technologies which in turn would help to bring these products to hardware department shelves.

Perhaps just as importantly, measures such as this spark conversation and creative thought, as we recognize the importance and lasting impact of the facilities and



Hawai'i State Energy Office Testimony  
CARE-42 Relating to Zero Net Energy Homes - Comments  
October 1, 2021

systems that are built today, and hear about the potential interactions between home design, energy resources, and our natural environment.

Greater building efficiency, and the ability of homes to produce their own energy, reduce pressure on using our limited land, especially agricultural land, for renewable energy development. Maximizing the use of roof space for energy production – even in excess of the amount used for the individual building – has the potential to further reduce demands on our limited land areas, and could also be considered in this bill.

It is important to avoid measures that unintentionally cause facility owners to switch to the use of fossil fuels, or to isolate themselves from the grid. Progress toward decarbonization is supported by greater participation in efficient renewable energy production, distribution and use through interactive, grid responsive systems.

The Hawaii State Energy Office looks forward to participating in these discussions, as the details of CARE 42 are worked out in a way that moves Maui and the state of Hawai'i toward energy self-sufficiency. In joining forces with similar initiatives across the country, advanced building codes and standards have the potential to move the CO<sub>2</sub> needle downward and contribute to Hawai'i's net carbon negative goal.

Thank you for the opportunity to testify.

## County Clerk

---

**From:** Joel Goldman <donutking22@gmail.com>  
**Sent:** Monday, September 27, 2021 10:11 AM  
**To:** County Clerk  
**Subject:** Testimony for article 21-479 COUNCILMEMBER KING, relating to aircraft noise and flight paths over Ma'alaea and South Maui

[You don't often get email from donutking22@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha

My name is Joel Goldman and I own property at the Ma'alaea Yacht Marina in Wailuku. As the number of flights in and out of Maui has increased substantially over the past few years, the amount of noise is getting impossible to ignore. There are documented health concerns about people subjected to excessive noise over time causing various health conditions like heart attacks, loss of hearing, depression and others. While I realize one can't simply get rid of the airport to reduce the noise, a number of proposals have been submitted to the director of the airport, Marvin Moniz, which have then been denied by the FAA. The airport director I believe would gladly implement the proposals, but his hands are tied by the FAA.

I am hopeful that bringing this issue forward by council member King will help move the FAA to agree the proposals merit implementing, especially since they save time, money and noise. There appear to be no downsides to this, except the FAA needs to make the change.

Sincerely,  
Joel Goldman

RECEIVED  
2021 SEP 27 AM 10:20  
OFFICE OF THE  
COUNTY CLERK

September 30, 2021

To: Maui County Council and Council Chair Alice Lee

Subject: Testimony requesting Abatement of Air Traffic over Ma'alaea Village

Dear Council Chair Lee and Council members,

My written testimony today respectfully requests the Council to advocate on behalf of Ma'alaea Village residents for a redirection of incoming air traffic flight pathways away from the residential area of Ma'alaea. Currently a constant barrage of aircraft approach the Kahului Airport via a direct low altitude flyover of every Ma'alaea condominium and home. The flights typically begin early in the morning, around 5 am, and continue late into the evening. When aircraft fly over, residents' phone conversations must be halted due to the noise, and individuals on the other end of the line can hear the roar of the jet engines. The noise pollution is unhealthy, as is the fuel exhaust coming down from a relatively close proximity.

My family and I have resided in Ma'alaea for over 40 years, and many years ago most flights approached in a different manner which did not negatively impact the residents and guests of Ma'alaea. Then, incoming flights did not fly directly over every single Ma'alaea residence, but instead over the uninhabited area of Kealia Pond, between Ma'alaea and Kihei. Occasionally an incoming flight still uses the old approach over the unpopulated refuge and beach, but that is rare. It seems like a relatively easy fix to change the flight path by a few degrees and subsequently provide much needed relief from the current noise and air pollution.

Please use the weight of the Council to impress upon the agencies in charge, be they the FAA, Kahului Airport management, or others, of the need to address this issue and change the incoming flight pathways away from direct low altitude flyovers of residential areas.

Mahalo for your time and attention to this matter.

Mahalo with Aloha,

Lora Harbo

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2021 OCT - 1 AM 7:56  
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COUNTY CLERK

To: Maui County Council

Meeting Testimony 10/1/2021

[county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

From: Captain H. Wm. Hawkins  
[bill.hawkins@live.com](mailto:bill.hawkins@live.com)  
808 249-8224

Subject: Communications # 21-478  
Relating to aircraft noise and flight paths over Ma'alaea



Aloha Council Chair Alice Lee and Members,

Thank you for the opportunity to address you today regarding aircraft noise and flight paths over Ma'alaea. I am Bill Hawkins retired airline captain/check airman and former Federal Aviation Administration (FAA) approved designee. As the chairman of the Ma'alaea Village Association (MVA) Aviation Committee, we seek your help in declaring Ma'alaea an aviation noise sensitive area and to promote a plan to offset the final approach to the Kahului airport (OGG) in order to avoid direct flights over Ma'alaea at low altitudes with excessive noise levels.

We have spent the last 3 years advocating with the FAA and the Hawaii Department of Transportation. We have met with Marvin Moniz OGG airport manager and been in touch with fellow airline pilot Congressman Kai Kahele. But due to FAA resistance to change, we have had little success. We appreciate South Maui Council member Kelly King bringing the matter to the Council to be addressed. We understand Haiku has smilier aircraft overflight noise concerns.

This request is made on behalf of the safety and well-being of Ma'alaea residents directly under the path of arriving aircraft **now averaging more than 250 flights per day**. While it is understood that the airport was here first, arrivals have increased significantly since the 1970's when Ma'alaea was first developed. While the Ma'alaea residential area has changed little, the airport has experienced a continued increase in traffic. In 2021 aircraft arrivals are running above those for pre-pandemic 2019 and is expected to rise even more in the future. Jet engine noise exceeds that of a jack hammer. Imagine how 250 flights per day, every day, directly above you is equivalent to a jack hammer constantly in your home.

Douglas M. Hildrew, M.D., medical director of the Yale Hearing and Balance Program, has gone on record stating that a high level of noise stimulates a stress response that increases blood pressure and levels of stress-related hormones causing cardiovascular issues, including stroke. The American Heart Association warns of an increased risk of heart attack for those who are regularly exposed to excessive noise, the kind found near airports. Chronic stress is a contributor to deaths related to immune system suppression, diabetes, atherosclerosis, psychiatric illness, sleeplessness, fatigue, and possibly cancer. Hearing loss adds to the risk of cognitive decline. Health issues are not small things. Aircraft noise over Ma'alaea is as big a safety issue as safety concerning crews and passengers. It is time the FAA treated it as such.

The solution is surprisingly simple; redirect low level flights to fly over uninhabited areas. A modified approach has been submitted to Marvin Moniz OGG airport manager. This approach is based on an existing visual day only approach. But this new proposed approach consists of radar vectors to intercept the final Instrument Landing System (ILS) to avoid Ma'alaea. This approach can be assigned at anytime including night and during poor weather conditions.

To: Maui County Council

Meeting Testimony 10/1/2021

The OGG airport manager has been helpful but due to high workloads and other priority safety items, communications are slow to almost non-responsive. Your help to acknowledge that this is a priority safety issue encouraging timely updates would be a boost to these efforts. While your direct control in this matter may be limited, your influence can not be ignored. The council influences many supporting aspects of airport areas. The County Council is the single most important advocate for Maui safety and environmental concerns. The Council is encouraged to contact airport managers, HDOTA, and the FAA expressing concerns as to the safety of those who reside in harm's way.

Mahalo,  
Bill Hawkins,  
Chairman MVA Aviation Committee

817 875-8875 Mobile  
808 249-8224 Land  
[bill.hawkins@live.com](mailto:bill.hawkins@live.com)

MVA Past President  
American Airlines, Captain Ret.  
Former American Airlines Check Airman  
Former American Airlines Flight Standards Evaluation  
Former FAA Approved Program Designee Boeing 757/767  
Former United States Air Force (USAF) Combat Pilot  
Former USAF Captain C-141 Flight Examiner/Aircraft Commander  
Former USAF UPT Williams AFB T-37 T-38

Attachment: Proposed Radar Vectors OGG RWY 02

ATIS 128.6  
HCF APPROACH  
119.5 225.4  
MAUI TOWER ★  
118.7 279.6

**PROPOSED RADAR VECTORS  
(OGG)(PHOG) RWY 02  
KAHULUI, HAWAII**

LANAI

LANAI  
117.7 UNY  
Chen 124

MAUI

LOCALIZER 110.1  
I-OGG

MAUI  
115.1 OGG  
Chen 98

WAILUKU

KAHULUI

5788

4617

VALLEY ISLAND  
327 VYI

EXPECT  
7-MILE FINAL  
2,000 AGL

MAALAE A IS A  
NOISE SENSITIVE AREA  
AVOID OVERFLIGHT  
DURING VMC OPERATIONS

MAALAE A

KIHEI

WAILA

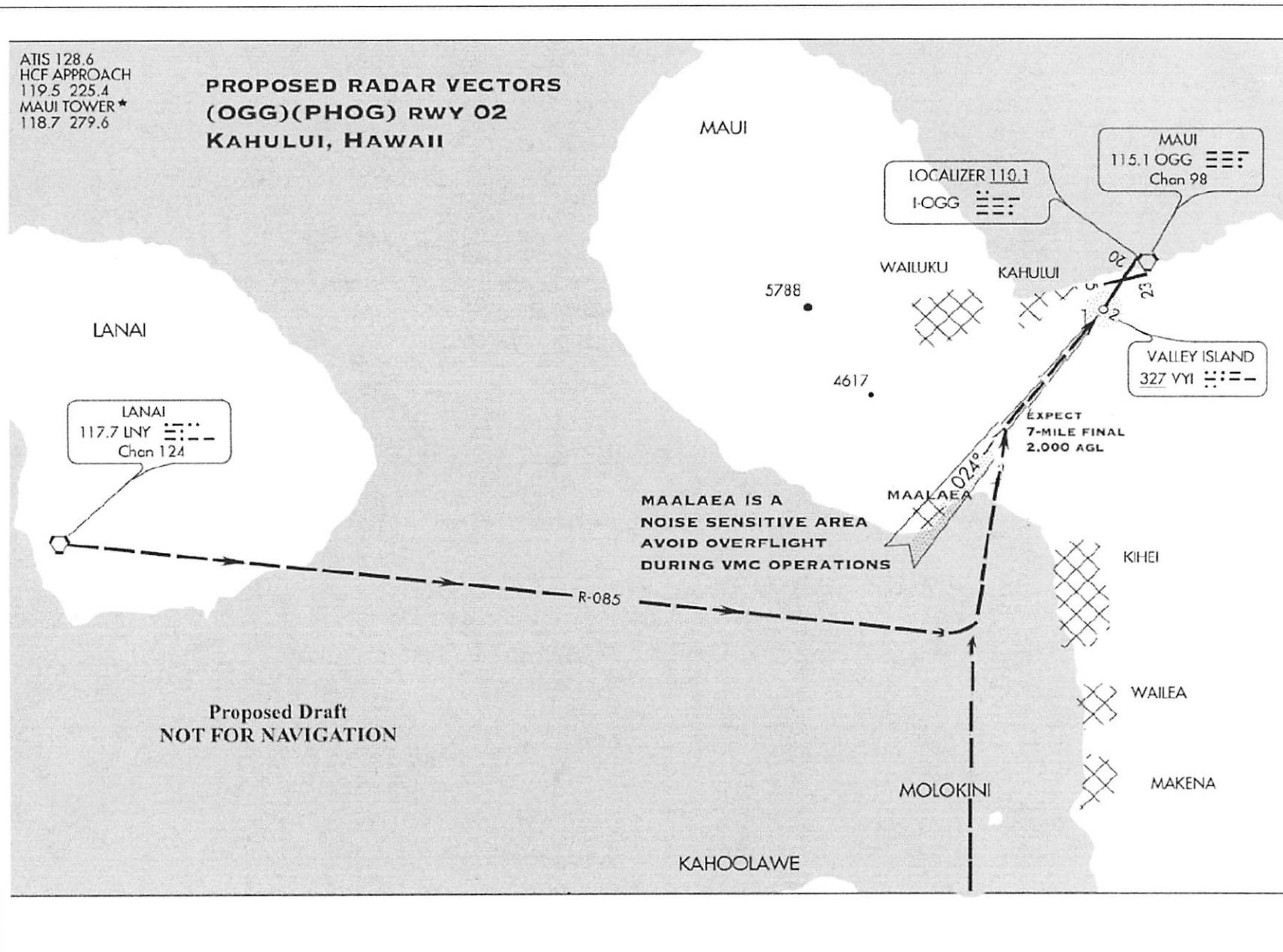
MAKENA

MOLOKINI

KAHOOLAWE

R-085

Proposed Draft  
NOT FOR NAVIGATION





County Clerk

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**From:** Lyndon Ibele <akibele75@gmail.com>  
**Sent:** Wednesday, September 29, 2021 7:41 AM  
**To:** County Clerk; Alice L. Lee  
**Cc:** Kelly King  
**Subject:** Air traffic noise over Ma'alaea

2021 SEP 29 AM 7:53

OFFICE OF THE  
COUNTY CLERK

Some people who received this message don't often get email from akibele75@gmail.com. [Learn why this is important](#)

To: The Maui County Council and Council Chair Alice Lee  
CC: South Maui County Council Member Kelly King

RE: testimony for the Oct 1 County Council meeting, regarding air traffic noise over Ma'alaea

I am submitting my personal testimony to the Council for this item on its Oct 1 agenda.

I am a 20+ year owner of a condominium in Ma'alaea, and I am requesting action/relief from the appropriate airport officials and the FAA, to bring relief to residents and visitors to Ma'alaea from the excessive noise caused by air traffic at low altitudes directly over Ma'alaea.

Air traffic has increased continuously for the past 20+ years (with exception of short period of the pandemic-related travel disruptions) and now is at near its historic high. Flights are routed directly over the community, at low altitudes, and the noise is frequently so loud that normal conversations and phone calls have to be interrupted until the offending jet airliner passes by.

The simple solution is to route traffic over the uninhabited area between Ma'alaea and North Kihei. Volunteer members of the Ma'alaea Village Association have been attempting to have productive discussions with County airport officials and the FAA for nearly 4 years. If not flatly ignored, the response received is "it can't be done" or "its too expensive", with no additional explanation.

While I recognize that the County Council has no direct authority over the airport operations or the FAA, I thank the Council for recognizing the problem and exerting whatever pressure it can to force the airport and the FAA to the reality that this is a real nuisance, a real health issue, and a real problem that can and should be addressed.

Thank you to Kelly King for adding this topic to the Council meeting, and thank you to the County Council for listening and responding to community concerns. Please accept this email as written testimony for the Oct 1 Council meeting.

Sincerely,  
Lyndon Ibele



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2021 SEP 29 AM 9:53  
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COUNTY CLERK

Submitted by email to: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)  
[mailto:Alice.Lee@mauicounty.us](mailto:mailto:Alice.Lee@mauicounty.us)

September 29, 2021

To: Council Chair Alice Lee and Maui County Council Members  
RE: PHASING OUT TRANSIENT ACCOMMODATIONS IN APARTMENT DISTRICTS

This testimony for the Oct 1, 2021 County Council meeting is submitted by the Ma'alaea Village Association (MVA) on behalf of its +180 members and the owners of +500 condominium properties in Ma'alaea Village.

MVA is deeply concerned by and adamantly opposed to efforts to phase out transient accommodation rentals (TVR's) in apartment districts in a misguided effort to increase affordable housing for Maui residents.

Ma'alaea condos are not attractive as residences or long term rentals with their limited parking and limited storage. Property taxes, mortgage and maintenance fee costs are very high, resulting in high monthly rental rates that few Maui residents could afford.

The greatest single beneficiary of reducing the number of TVR's is the hotel industry. The County would not see an increase in affordable housing, and instead would see a significant loss in TAT and property tax. The loss of tax revenue would be counter to the County's need of greater funding to support its efforts to increase affordable housing.

All things considered, this proposal will not achieve its goal of increasing affordable housing inventories, and will result in economic harm to the County. MVA encourages the Council to reject this proposal.

Sincerely,

Lyndon C. Ibele  
President, Ma'alaea Village Association





OFFICE OF THE  
COUNTY CLERK

2021 SEP 30 AM 11:09

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September 30, 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: Comments on Bill 101 ("**Bill 101**") ("A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.47, MAUI COUNTY CODE, IMPLEMENTING A COUNTY TRANSIENT ACCOMMODATIONS TAX")

(Sent via e-mail to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us))

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members Maui County Council,

Thank you for allowing ARDA Hawaii to submit testimony **providing comments** to the proposed bill establishing a new chapter 3.47 to the Maui County Code, implementing a county transient accommodations tax. ARDA Hawaii is the local chapter of the trade association for the timeshare industry. Timeshare is an important and stabilizing part of the tourism industry and Maui's economy. Timeshare owners have made a long-term commitment to Maui by purchasing and owning real property in the County. These owners are consistent and dependable visitors who bring substantial tax dollars to the County and continue to come even during periods of economic downturn.

Bill 101 establishes a county transient accommodation tax of three percent (3%) ("**County TAT**"). The new County TAT imposes a monthly tax on the gross rental or gross rental proceeds derived from the furnishing of transient accommodations. Every transient accommodation broker, travel agency, and tour package that arrange transient accommodations, and every operator, and occupant of a resort time share vacation unit, must pay to the County TAT once it takes effect upon the approval of the ordinance. Pursuant to Section 3.47.010, the new County TAT is "considered levied on October 1, 2021." The County TAT takes effect upon the approval of the ordinance.

ARDA Hawaii understands the need for the County to establish the County TAT, however, we have concerns with the timing of the application of the additional 3 percent increase. The Council intends to have the County TAT levied from October 1, 2021, which is the same day that it is being heard for second and final reading. Essentially, this would mean that the

County TAT would be retroactively applicable to reservations made on October 1, 2021, even though the bill has not been signed by the Mayor. Timeshare operators will not be able to disclose the new tax to guests in advance. Furthermore, timeshare operators will not be able to charge guests for the County TAT until Bill 101 has been officially passed and signed into law. Therefore, operators will need to pay for the County TAT themselves for reservations between October 1 and the date Bill 101 is officially approved and able to be included in charges for rooms.

Moreover, timeshare resorts will need to update their Hawaii disclosure statements and file with the Department of Commerce and Consumer Affairs ("DCCA"). This is often a time-consuming process requiring approval from the DCCA. Having Bill 101 be effective upon approval and levied on October 1, 2021, will lead to inadequate disclosure to customers. Imposing the County TAT in this manner will make it impossible for developers and operators to provide full and fair disclosure to buyers, owners, and other occupants.

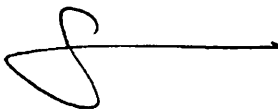
Accordingly, ARDA Hawaii respectfully requests the County TAT not be levied until, at a minimum, the date immediately subsequent to being officially passed to allow: 1) appropriate notice to be given to travel partners that the law has been signed; 2) hotel operators to charge for the County TAT that is officially passed; 3) booking engines to be updated with the new County TAT; and 4) rental agreements to be modified with the new required language. Further, the any additional time will provide developers and timeshare operators time to update disclosure statements with DCCA and provide consumers with full and fair disclosure.

Specifically, ARDA Hawaii recommends the following amendment to Bill 101:

1. Amend 3.47.010 to state " This tax is considered levied on the date after the Bill has passed."

Mahalo for your consideration of our comments. We look forward to working with the Council on implementing a policy that will enhance the ability of developers and operators to comply with the new existing laws and requirements that compel fair and full disclosure of the County TAT to consumers.

Respectfully Submitted,



Mitchell A. Imanaka  
Chair  
American Resort Development Association of Hawaii

DAVID Y. IGE  
GOVERNOR



DENISE ISERI-MATSUBARA  
EXECUTIVE DIRECTOR

**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of  
**DENISE ISERI-MATSUBARA**  
Hawaii Housing Finance and Development Corporation  
Before the

**COUNCIL OF THE COUNTY OF MAUI**  
Regular Meeting of October 1, 2021  
9:00 a.m.

RECEIVED  
2021 SEP 30 AM 10:36  
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COUNTY CLERK

In consideration of  
**Committee Report No. 21-87**  
**Recommending First Reading of a Bill to establish a countywide workforce housing interest list and related policies for residents interested in workforce housing rental or ownership units.**

The Hawaii Housing Finance and Development Corporation (HHFDC) offers the following comments on Committee Report 21-87, recommending First Reading of a bill that would amend Sections 2.96.090 and 2.96.100 of the Maui County Code to change wait list procedures and the methods for selecting applicants for units in for-sale and rental workforce housing developments in the County of Maui.

This bill proposes ranking applicants for selection priority for both rental and for-sale project units by length of residency in the County. This selection method could potentially violate the Internal Revenue Service's general public use requirement applicable to Low-Income Housing Tax Credits (LIHTC) and multifamily bonds, which are the primary financing tools for the development of rental housing affordable to households at or below 60 percent of the area median income. Adoption of this policy could therefore preclude the use of LIHTCs and multifamily revenue bonds as financing sources for rental projects developed in the County of Maui.

We further note that residency preferences in housing placements could violate Fair Housing laws if they are determined to have a disparate impact on the basis of a protected class under the Fair Housing Act. For example, U.S. Department of Housing and Urban Development regulations, 24 C.F.R. §982.207(b), states that residency preferences must not be based on length of residency.

Thank you for the opportunity to provide written comments on this bill.



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2021 SEP 30 AM 7: 54

TESTIMONY: COUNCIL OF THE COUNTY OF MAUI  
NO. 21-481

OFFICE OF THE  
COUNTY CLERK

Aloha and Good Day!

My name is Ralph Overton, let me take a minute to share Who we are & Why we Care!

I've been a Maui County resident since 1997; my spouse, for over 50 years. Nancy & I have been very fortunate to call Maui home, benefitting from the great quality of life our island affords. In turn, our ohana has supported the community through charity donations and volunteerism.

Nancy is on the Board of Directors...for the **Maui Health Foundation** and the **Friends of the Children's' Justice Center**. She also serves as Treasurer for the **Maui Contractors Women's' Auxiliary**.

I volunteer for the **Pu'u Kukui Watershed Preserve**, am a **Founders Circle member of the Maalaea Village Association**; Volunteer for the **Sentry Tournament of Champions**; and, a Member of the **Realtors Association of Maui (RAM)**, however, I am not providing this testimony on RAM's behalf, only as a concerned resident.

Nancy is an executive for the Dorvin D. Leis Company, I'm a **REALTOR®** specializing in Short Term Vacation Rentals which we own, manage, and truly **LOVE IT!**

In a nutshell, these investments contribute to our livelihood, our retirement, and our Keiki's futures! **Hence our deep concern** with this current proposal! Banning future short term vacation rental opportunities will directly affect our ability to maintain current living standards and affect our future!

We realize that there are many issues on this PROPOSAL'S table and on many fronts, including legal, budgetary, and Big Business! We have empathy regarding housing issues; however, we certainly don't agree that prohibiting Short Term Vacation Rental investment opportunities will best address!

This proposed ban will not only affect our family but also other Maui ohana who strive to gain access to real estate investing on Maui!

**Please consider the NEGATIVE IMPACT:**

**First**, prohibiting our children with an opportunity to invest on Maui and help defray Maui's high cost of living.

**Second**, removing & losing...our opportunity for a stake in the tourism industry, maintain our livelihood, and create wealth opportunities?

**SO, WHAT CAN WE DO IN OUR HUMBLE OPINION?**

**1) GREAT PLANS ARE IN THE WORKS!!**

- The recently announced 100% Affordable Rental Project for Waiehu is the type of proposal that should be passed hands down.
- More developments like this can effectively address our housing issue!

**2) HOLD US MORE ACCOUNTABLE!**

- Illegal Short-Term Vacation Rentals: TAT & GET cheats; Vacation Rental owners without an on-island manager; Vacation Rental owners whose guest count exceed the 2 X's the number of bedrooms.
- IMPROVED efforts to catch violators and consider governmental police powers to convert these into subsidized affordable housing?

We do have additional ideas, however not quite ready to expand on.

We hope that you will Consider our Concerns and We are very appreciative of your efforts to Move Maui Forward!

Mahalo Nui Loa!



Ralph W. Overton



Nancy Leis Overton



Mobile: 808.428.8717  
Email: lindaschatz@schatzcollaborative.com  
Schatzcollaborative.com

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2021 SEP 30 AM 10:36  
OFFICE OF THE  
COUNTY CLERK

September 30, 2021

**Council of the County of Maui**

200 South High Street, 8<sup>th</sup> Floor

Wailuku, Hawaii

**SUBJECT: CR 21-87, Maui County Code, Section 2.96.100 Proposed Amendments in Opposition (Hearing: October 1, 2021)**

Aloha Council Chair and Members,

I **strongly oppose** the amendments suggested in CR21-87.

I am a housing developer focusing on housing at 30%AMI to 140%AMI levels on Maui and Honolulu County. I am submitting written testimony to express my concerns over the proposed draft amendments to Maui County Code, Section 2.96.100.

All our rental housing projects are highly regulated by State and Federal agencies, which includes the application process, investors, and lenders. There is a standard in qualifying tenants and income eligibility requirements to ensure compliance with fair housing, accessibility, and financial qualifications.

We understand the intention of the amendments is to ensure there is a preference for Maui residents. This can be done by the current ordinance and workforce housing agreements required by the Department of Housing and Human Concerns (DHHC). Requiring DHHC or its designee to qualifying tenants is not necessary.

DHHC is not equipped to handle this type of process and it will only impact and increase the time it already takes to do this. If a project requires federal and state subsidies, there is also a period in which the qualified applicant's information is relevant, once that period expires the process must be started over again. The qualification process should be fully managed by the developer and the leasing company versus DHHC who may not know when projects will be ready to accept tenants. For developers, giving up this responsibility means more risk for the developer and potentially for tax credit investors, debt financiers, and private equity investors. The County/DHHC would also be liable if income qualifications are not done properly because developers are responsible for the tax credits issued to investors. And if for some reason DHHC or its designee makes an error and cannot rectify income qualification



Mobile: 808.428.8717  
Email: [lindaschatz@schatzcollaborative.com](mailto:lindaschatz@schatzcollaborative.com)  
[Schatzcollaborative.com](http://Schatzcollaborative.com)

errors, the developer will be held liable for the tax credits and push that liability onto the County.

The sales period from 90-120 days will only create additional carrying costs for projects and in the end make housing more expensive. Ninety days is ample time to sort out qualified prospects. Projects on Maui have interest lists with sometimes 5-8Xs the number of units. Providing more time to sell these units does not actually mean you will find a qualified family to meet the income and credit qualifications necessary given the sizable interest list available. It only increases carrying costs to a project.

Thank you again for the opportunity to submit this testimony. If there are any questions, or if additional information is needed, please do not hesitate to contact me at (808)428-8717.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Linda Schatz", written in a cursive style.

Linda Schatz  
Principal