

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

Online Only via BlueJeans Link

September 28, 2021

CONVENE: 9:01 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Kelly T. King, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (excused from
9:50 a.m. to 11:20 a.m.)

STAFF: Shelly Espeleta, Supervising Legislative Analyst
David Raatz, Deputy Director of Council Services
James Forrest, Legislative Attorney
Kasie Apo Takayama, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Pauline Martins, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk

Axel Beers, Executive Assistant to Councilmember King
Ellen McKinley, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Davideane Sickels, Executive Assistant to Councilmember Kama
Jordan Helle, Executive Assistant to Councilmember Sugimura
Kate Griffiths, Executive Assistant to Councilmember Johnson
Roxanne Morita, Executive Assistant to Councilmember Johnson
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Richelle Thomson, First Deputy Corporation Counsel, Department
of the Corporation Counsel
Ipo Mossman, Executive Assistant, Office of the Mayor
William Hankins, Lieutenant, Traffic Section, Department of Police
Nicholas Krau, Sergeant, DUI Task Force, Department of Police
Jordan Hart, Deputy Director, Department of Planning
John Rapacz, Planning Program Administrator, Current Planning
Division, Department of Planning

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Jeffrey Dack, Planner, Current Planning Division, Department of
Planning
Alexander de Roode, Energy Commissioner, Office of the Mayor

OTHERS: Jason Hew
David Dorn
Elaine Slavinsky
Daniel O'Brien
Scott Crawford
Plus (2) other people

PRESS: *Akakū Maui Community Television, Inc.*

CHAIR MOLINA: ...*(gavel)*... The Government Relations, Ethics, and Transparency Committee meeting for Tuesday, September 28th, 2021 will now come to order. It's one minute after the hour of 9:00. I'm Mike Molina, your Committee Chair. And for the record, I'm transmitting to you live from my residence here in Makawao in a room alone. In the other room is my wife and the family pets. We...this online meeting for today is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. A board holding a remote meeting, pursuant to this section, shall not be required to allow members of the public to join Board Members in person at non-public locations. For Board Members who are physically present or to identify those locations in the notice required by Section 92-7 HRS provided that at the meeting, each Board Member shall state who, if anyone, is present at the non-public location with the Member. In accordance with the Governor's mandate, if you are at a non-public workspace, when your name is called, please identify by name who is present with you in the room, vehicle, or workspace. Any questions before we continue, Members? Okay. With that said, it's time for Committee roll call. And let's start off with our Council Chair, our maven of cultural greetings, Alice Lee, to give us our greeting of the day. Good morning, Chair Lee.

COUNCILMEMBER LEE: Morning, Chair Molina, from...all the way from Scotland. Halò, dè do chor? Dè do chor? And I'm home alone.

CHAIR MOLINA: Okay. And I...okay. Halò, dè do chor? And aloha back to you, Chair Lee. And of course, we're doing this in recognition of our world traveler, Kelly King, who will be heading to those wonderful islands of Scotland, right? All righty. Let's go to Committee Vice-Chair, all the way from Moloka'i. Keani Rawlins-Fernandez, aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. I'm at the Moloka'i District Office by myself. Halò, dè do chor, kākou?

CHAIR MOLINA: Okay. Back at you too. Halò, dè do chor? That's a tricky one, Chair Lee, but good. Good. It's good practice for us. All right. Let's go all the way across the pond

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to Lānaʻi and check in on Councilmember Gabe Johnson. Aloha to you, Mr. Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Members. Halò and dè do chor to everybody. Boy, that just rolls off the tongue. I'm home alone, and I look forward to an exciting meeting.

CHAIR MOLINA: All right. Same here, Councilmember Johnson. Let's go now to East Maui and check in on Councilmember Shane Sinenci. Aloha.

COUNCILMEMBER SINENCI: Aloha and halò, Chair. Dè do chor from ma ka Hikina. I'm here at the Hāna Cultural Center with my EA, Dawn Lono, and it looks like hauʻoli lā hānau to Member Paltin as well.

CHAIR MOLINA: Oh, wow, awesome. Well, thank you for that reminder. And speaking of which, let's go to our birthday gal today. Good morning and aloha, Councilmember Paltin. Happy birthday.

COUNCILMEMBER PALTIN: Thank you. Halò. Dè do chor? And aloha kakahiaka mai Malu ʻUlu o Lele. I'm in the West Maui District Office by myself.

CHAIR MOLINA: All right. Hauʻoli lā hānau to you again, Member Paltin. 21 years young, I take. Terrific, terrific. Now you're an adult, right. Okay. Let's go check in on how the neighborhood is doing. Councilmember Tasha Kama, aloha.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and halò, and dè do chor to all of my colleagues. And hauʻoli lā hānau, Member Paltin.

CHAIR MOLINA: Mahalo, Member Kama. And last, but not least, let's go check in on Councilmember Sugimura in the land of Jacaranda. Halò and aloha.

COUNCILMEMBER SUGIMURA: Good morning, everybody. And happy birthday, Tamara. I was greeted with that, to wish you a happy birthday on Facebook. So I hope you got all of our messages, but happy day and good morning.

CHAIR MOLINA: Mahalo, Member Sugimura. Oh, I tell you, I get so emotional with birthdays. You folks are growing up so fast. All righty. And with that said, also joining us in attendance today will be, First Deputy Corporation Counsel Richelle Thompson...

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Yes, Member King.

COUNCILMEMBER KING: I didn't know that you had called on me. I thought you were just referring to me. So I...

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CHAIR MOLINA: Oh, oh, oh, yes. My apologies.

COUNCILMEMBER KING: Was that part of roll call? Okay.

CHAIR MOLINA: We're doing all these greeting in honor for you, and I forget to recognize you.

COUNCILMEMBER KING: Oh, okay. All right. I wanted to get my chance to say halò, dè do chor? And thank you for helping me with Scottish, Chair Lee. Aloha kakahiaka to everyone, and hau'oli lā hānau to Member Paltin.

CHAIR MOLINA: All right. Mahalo, Member King. Okay.

COUNCILMEMBER KING: And I'm by myself, just me.

CHAIR MOLINA: All righty. Thank you. And yeah, when that day comes, safe travels to you, Member King. And of course, I know everybody's got their wish list of maybe what you could consider sharing with us from the land of Scotland. All right. And continuing on with attendance, from the Office of the Mayor, we have Mr. Ipo Mossman, and we'll also have Mr. Alex de Roode from the Mayor's Office as well joining us for one of our items. From the Police Department, we'll have Lieutenant William Hankins, and from the Planning Department, Deputy Director Jordan Hart, and also John Rapacz. Our hard-working Committee Staff I'd like to recognize is Supervising Legislative Analyst Shelly Espeleta, Legislative Analyst Kasie Apo Takayama, Legislative Attorney James Forrest, Committee Secretary Pauline Martins, and Council Services Assistant Lei Dinneen. Members, we've got a very big agenda today. There is a chance we may have to look at a recess. Chair's looking at coming back after the APT meeting. However, if we keep everything tight and concise, there is a chance we could finish by noon, or maybe just a little after. So let's do our best and see what we can get done for today. Let me go over testimony rules real quickly. Oral testimony via phone or video conference will be accepted, and those wanting to testify...to provide video testimony can join the online meeting via the BlueJeans meeting link at bluejeans.com/175115369, as noted on the agenda. And those wanting to provide audio testimony, you can participate via phone conference by dialing 1-408-915-6290 and entering the meeting code that was mentioned. And written testimony is also highly encouraged using the eComment link listed for today's agenda on mauicounty.us/agendas. And instructions on how to submit testimony via eComment can also be found at the mauicounty.us/ecomment site. Oral testimony is going to be limited to three minutes per item, and if you are still testifying beyond that time, I will kindly ask you to complete the testimony. And when testifying, please state your full name for the record. If you are testifying on behalf of an organization, or if you are a paid lobbyist, please inform the Committee of that. And please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. And please, while others are testifying, be courteous by turning off your video and muting your microphone while waiting for your turn to testify. I've been informed by Akakū that the meeting will be broadcast on channel 54, and not the usual

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53, due to some technical difficulties. And I would like to remind Committee Members, Administration, and the public to please be patient with us if we run into any technical issues during the meeting. So with that said, like to proceed with oral testimony. Ms. Espeleta, do we have any testifiers for today?

MS. ESPELETA: Chair, I see an individual signed on by the name of Jeff Dack.

CHAIR MOLINA: Okay. Mr. Dack, if you intend to testify, please announce your full name for the record and proceed with your testimony on any of our agenda items.

MR. DACK: Thank you, Chair. This is Jeff Dack. I do not plan to testify. I'm with the Maui County Planning Department. I'm here as a resource in case Deputy Director Hart might...or the Chair might wish to have any input from me. Thank you, though.

CHAIR MOLINA: Okay. Thank you, Mr. Dack, and I appreciate you being here to serve as a resource. So with that said, any others...individuals at this point, Ms. Espeleta, that have signed up for testimony, or online?

MS. ESPELETA: No, Chair. There are no individuals that signed up to testify.

CHAIR MOLINA: Okay, Members. We'll take a few seconds and wait to see that there...if there's anybody that may be trying to get on, and provide them that opportunity to sign on. So we'll wait a few seconds, and then we'll get back to you.

MS. ESPELETA: Chair, there's an individual signed on by the name of Dave that may be a potential testifier.

CHAIR MOLINA: Okay. Dave, if you're listening and you...if you intend to testify, please announce your full name and proceed with your testimony on any of our agenda items. Calling for Dave. Dave, going once, twice, three times. Okay...David, yeah. It looks like David Dorn. Yeah. Mr. Dorn, if you'd like to go ahead and testify, please turn on your video.

MR. DORN: Hello.

CHAIR MOLINA: Aloha, Mr. Dorn.

MR. DORN: Can you hear me?

CHAIR MOLINA: Yes, we can hear you fine, and we can now see you. So please proceed with your testimony. Thank you for joining us.

MR. DORN: Okay. Fantastic. I think I'm testifying here for the support of the hotel moratorium; is that correct?

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CHAIR MOLINA: I believe we have something to do with the transient accommodation rentals. Member King.

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Like to clarify that?

COUNCILMEMBER KING: Yeah. I think there's a Planning Commission meeting today that's looking at that bill. So maybe he meant to go in...to go to the Planning Commission meeting.

CHAIR MOLINA: Yeah. . . .*(inaudible)*. . .

MR. DORN: That might be it. I think there's like three different meetings that I have to go to today. Okay.

CHAIR MOLINA: Yeah. Yeah, sorry. As far as the hotel moratorium bill goes...

MR. DORN: All right. I'll hang back and then I'll let the other guys go ahead.

CHAIR MOLINA: Okay.

MR. DORN: All right.

CHAIR MOLINA: I think you might be the only testifier thus far, but thanks for joining us nonetheless.

COUNCILMEMBER KING: Yeah. I think that's the meeting you want to be in, Dave, is the Planning Commission.

MR. DORN: Right on. Very good. Keep up the good work.

CHAIR MOLINA: Yeah. Okay.

MR. DORN: Talk to you later.

CHAIR MOLINA: All right. Thank you very much, Mr. Dorn. Okay. Last call for anyone else who would like to testify...going once, twice, three times. Ms. Espeleta, anyone else online before we close testimony?

MS. ESPELETA: No, Chair. No individuals.

CHAIR MOLINA: Okay. So noted. We have no one to testify. If there are no objections, Chair will close public testimony for our agenda today, as well as accept any written testimony. Any objections?

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COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: All right. Fantastic. So ordered. Okay. Let's go ahead and start. Members, I'd like to ask for your indulgence to take the agenda items out of order today. We have all those...well, we have the HSAC matters that are listed first. We do have three individuals who are up for consideration for Boards and Commissions that are here this morning, and my understanding is some of them are on some very tight schedules, work schedules. So I'd like to take up those nominations first, and then we can get back to the HSAC matters. Any objections with taking the agenda out of order?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Very good. Thank you, Members. So cooperative, that's why I love working with you guys.

**ITEM-2(24): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(BOARD OF WATER SUPPLY) (CC 21-42)**

CHAIR MOLINA: Okay. Let's go to GREAT Item 2(24). This has to do with the nomination of Jason Hew to the Board of Water Supply for a term expiring on March 31st, 2024 to fill a vacancy due to the resignation of Johanna Amorin. The 68 (*phonetic*) deadline for the Council to approve or disapprove the nomination is November 13th, 2021. At this point, I'd like to recognize Mr. Mossman from the Mayor's Office to give us opening comments on Mr. Hew's nomination. Mr. Mossman.

MR. MOSSMAN: Aloha. Sorry, I was having...Chair Mike, thank you very much, but I was having a little bit of a problem with my computer as we had some floor work done. So anyway, good to see everyone. Aloha and good morning. The...we'd like to recognize Mr. Jason Hew as the Mayor's nomination for the Board of Water Supply. Jason is a Kula resident, very active in his agriculture family farm, has been with the soil conservation, USDA Natural Resources Conservative Service for years. I...he's part of the Ka Ipu Kukui fellowship program, very well...very well recommended to us from his support and his background. We'd like to introduce Mr. Jason Hew as, again, the Mayor's nominee for the Board of Water Supply.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman, for that introduction. And we'd like to welcome Mr. Hew. Thank you for taking time out of your busy schedule to share with us your thoughts as to why you'd like to be part of the Board of Water Supply. I'd like to give you two minutes to just give us a brief introduction about yourself. Please proceed, Mr. Hew.

MR. HEW: Thank you, Chair Molina. Thank you, Councilmembers. So as Mr. Mossman alluded, I went through the Ka Ipu Kukui fellowship program recently. I moved back to

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Maui in 2014 and kind of settled in, wanted to get more involved in my community. I took on that program on my own, through that program met a lot of people, and you know, talked to a lot of my cohort members and figured that serving on a board, whether it be nonprofit or community board, would be, you know, my best way of serving the community and just participating and being more active in the community. Once I, you know, saw that there were some openings, I applied for the County boards. Lifelong Kula resident, so I do know the water issues facing mostly Upcountry, but the Island in general. Have a small family ranch and a small family farm that I help my dad with on. And yes, I worked with the Natural Resources Conservation Service for the past year and a half, and also I've worked with the Soil and Water Conservation Districts for the previous five years.

CHAIR MOLINA: Okay. Thank you very much for the opening remarks, Mr. Hew. And I know you come from a very well-established family in the Upcountry area. I know some of your relatives. So thank you for volunteering your time. Members, four individuals from this Council requested Mr. Hew's appearance this morning. That included myself, along with Committee Vice-Chair Rawlins-Fernandez, Committee Member Sinenci, and Committee Member King. So I'll do the lead up first. Members, I'm going to be a little tight on time today because of our huge agenda. I won't be as liberal as I normally am. So two minutes, okay. Two minutes for those of us who requested Mr. Hew's appearance. So I'll start off first, Mr. Hew. One of the big things the Council has been working on lately is the Water Use and Development Plan. Have you...I'd just like to ask you, have you had the chance to look at what's been done so far with the Water Use Development Plan, and any thoughts?

MR. HEW: I have. I have not read it in full, but I have been...mostly been looking at the agenda and meeting minutes for the past couple of months since I started applying. But that is something I would definitely look into more and read more thoroughly, but I have taken a look at it.

CHAIR MOLINA: Okay. And then is there any particular water issue for you, as a Board Member, that you would have a special interest in? By that, meaning something that you'd like to work on to see what we can do to improve our water situation here in Maui County?

MR. HEW: For me personally, just the Upcountry water meter issue as long...as well as, you know, increased source water development and storage, I think are our big issues to just help throughout these summer droughts and just the long-terms droughts that we've been having.

CHAIR MOLINA: Okay. Thank you, Mr. Hew.

MR. HEW: So that...for me, would be just focus mostly geographically Upcountry.

CHAIR MOLINA: Okay. Thank you. Appreciate those responses. Okay. I'll turn matters over

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now to Committee Vice-Chair Rawlins-Fernandez. Questions for Mr. Hew?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Hew. Mahalo for your willingness to serve our community on the board. My first question is regarding attendance. Do you foresee any reason you may miss meetings?

MR. HEW: So no. As long as they're, you know, scheduled the third Thursdays of the month at 1:30, I will block that out and make sure I don't have any other commitments to the best of my ability. I do have two young girls, but other than that, as far as work, I will be able to attend the meetings.

VICE-CHAIR RAWLINS-FERNANDEZ: Great. Mr. Mossman, did you go over our attendance policy for Boards and Commissions with Mr. Hew? Oh, you're muted.

MR. MOSSMAN: Sorry about that, Vice-Chair Rawlins. Yes, we have sent out...and Mr. Hew has the attendance policy attachment, as well as the little steps of preparedness that we ask him to do.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great. Mahalo, Mr. Mossman. Mr. Hew, have you ever attended any of the Board of Water Supply meetings or reviewed the minutes?

MR. HEW: I have not attended in person, but as I mentioned, once I submitted my application, I was looking at the meeting minutes for the past few months. So...

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great. And how do you intend to contribute to this board, particularly with your education, work experience, and your participation in Ka Ipu Kukui?

MR. HEW: So I think one of my better attributes is the ability to listen to a wide range of...you know, both sides of the spectrum, and be very levelheaded when it comes to especially hot topic issues, such as water, within Maui County. But also just serving my time and being, you know, a lifelong Kula resident with that knowledge of how it affects mostly ranchers and farmers and the agricultural community. I work with agricultural producers every day. So listening to their thoughts, but also, like I said, being a resident of Kula, I have, you know, my personal beliefs of residential water use as well.

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

CHAIR MOLINA: Mahalo, Committee Vice-Chair Rawlins-Fernandez. Let's go to Committee Member Mr. Sinenci. Questions for Mr. Hew.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Hew, for your willingness to serve in this capacity. My first question was, you know, the past Board of Water Supply group created a temporary investigative group on the acquisition of the East Maui Water System. Have you...are you aware of this TIG report? Have you seen it? What's your

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comments about it?

MR. HEW: I have not seen the TIG report itself, but I was...through the meeting minutes, know that it...you requested it to be due this month. I think that's probably about as far as I have seen, just mentioned in the meeting minutes.

COUNCILMEMBER SINENCI: All right. And then, Mr. Hew, the County receives East Maui Water to the Wailoa Ditch up in Upcountry. Do you see any strategies in the County keeping sustained this long...this long-term lease through the Wailoa Ditch?

MR. HEW: I'm not sure I understand your question, Councilmember Sinenci. Are you asking if the County should keep the lease or...

COUNCILMEMBER SINENCI: Or even apply for the lease from the Board of Land and Natural Resources. Right now it's through A&B that we get water through the Wailoa Ditch. Do you think the County should apply for their own lease?

MR. HEW: Okay. Thank you for the clarification. I believe they can, as long as the County believes that they will be able to, you know, maintain the infrastructure and all of the challenges that come along with that water system.

COUNCILMEMBER SINENCI: All right. Great. Thank you for that. And then, real quick, you mentioned drought...Upcountry farmers having water issues during drought. What are some of your ideas about increasing storage for Upcountry farmers?

MR. HEW: Well, just increasing capacity. You know, I think the land acquisition would be a challenge, but . . . *(timer sounds)*. . . being able to just increase storage where there's water tanks or reservoirs through...and then there's also the Upcountry pipeline that never got completed, but that is another issue.

COUNCILMEMBER SINENCI: Okay. Great. Thank you for those. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. Member King, questions for Mr. Hew?

COUNCILMEMBER KING: Okay. Thank you, Chair. You pretty much asked my question, but I wanted to say hi, Jason. Good to see you. Jason was a younger brother of one of my Girl Scouts when I had a Girl Scout troop up in Kula. So I haven't seen you in many years, and congratulations on your two kids. The one thing I didn't hear that maybe you wanted to speak to quickly is the importance of water for agriculture. Do you have any thoughts on that? Because I know that's what you're doing right now in NRCS.

MR. HEW: Yeah. So you know, when I work with agriculture producers, their two main concerns is land, and hopefully long-term leases...long-term land leases, and also the ability to get reliable water. I know people that do have maybe meters or access to water,

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but it may not be reliable. And in order to get a crop that is, you know, productive and successful to be...you know, in a business aspect, they need to have reliable water sources. So being able to create those and maintain those is vital for the agricultural community.

COUNCILMEMBER KING: Okay. That's the only question I really have, Chair. I'm in full support.

CHAIR MOLINA: Okay. Thank you very much, Member King.

COUNCILMEMBER KING: Thank you for your time, Jason. I really appreciate you stepping up.

CHAIR MOLINA: Okay. Thank you. All right. Being that these were the only four Members that requested your presence, Mr. Hew, the Chair would like to thank you for taking time out of your busy schedule to respond to questions from the Committee Members. So with that being said, Chair stands in full support, as well, of Mr. Hew's nomination to the Board of Water Supply. So therefore, the Chair will entertain a motion to approve the resolution of Mr. Jason Hew to the Board of Water Supply. There is someone to take the motion.

COUNCILMEMBER SUGIMURA: So moved, Chair.

CHAIR MOLINA: Okay. Moved by Member Sugimura, seconded by Member King. Any discussion on the motion? Seeing none, all those in favor...oh, sorry. Member Sugimura, as the movant.

COUNCILMEMBER SUGIMURA: I just want to speak to the motion. I fully support Jason Hew. I'm grateful that he's taking the step forward, and he can contribute a lot to the water situation Upcountry. He knows Kula well, and you're right, he comes from a great family. So thank you.

CHAIR MOLINA: Okay. Mahalo, Member Sugimura. Any other discussion? Okay. Seeing none, the Chair will call for the vote. All those in favor of approving Mr. Hew's nomination to the Board of Water Supply, signify by raising your hand and saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay. The Chair will mark it unanimous, nine ayes and zero opposition.

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**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez,
 Councilmembers Johnson, Kama, King, Lee,
 Paltin, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION TO APPROVE JASON HEW TO
 THE BOARD OF WATER SUPPLY.**

CHAIR MOLINA: Congratulations to you, Mr. Hew. Your matter will go to the full Council in the near future for a final vote. Mahalo.

MR. HEW: Mahalo. Thank you very much, Members and Chair.

CHAIR MOLINA: Thank you.

**ITEM-2(23): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
 (COUNCIL ON AGING) (CC 21-42)**

CHAIR MOLINA: All right. Members, going to be zigzagging a little bit on the agenda here. Let's go now back to GREAT Item 2(23). This is the nomination for the Council on Aging. This matter relates to the appointment of Elaine Slavinsky to the Council on Aging, and this will be for a term that expires on March 31st, 2023 due to a vacancy...well, due to the resignation of Katherine Smith. Again, like to recognize Mr. Mossman from the Mayor's Office to give us a brief overview on Ms. Slavinsky.

MR. MOSSMAN: Aloha, Chair Molina. Thank you very much. After having a conversation with Ms. Slavinsky, I'm not sure if she was able to make the call or not, and I don't have...

MS. SLAVINSKY: Yep. I am here.

MR. MOSSMAN: Is she on? Perfect.

MS. SLAVINSKY: Yep.

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MR. MOSSMAN: Thank you very much. So let me...let me just introduce the Mayor's nominee for this position on the Council of Aging. Elaine comes with...to us with some very, very strong credentials, and has many years of working with the kūpuna, particularly in the Maui County Office of Aging. So we're really interested in her application and her nomination. And rather than hear me ramble on, I'd really like to have her do her thing with you all. So I appreciate that. So Ms. Elaine Slavinsky.

CHAIR MOLINA: Right. Thank you very much, Mr. Mossman. And good morning, Ms. Slavinsky. Thank you for taking time out of your busy schedule to respond to questions from the Committee. We had four Committee Members that requested your presence, that was Committee Vice-Chair Rawlins-Fernandez, Committee Members Sinenci, King, and Paltin. So Ms. Slavinsky, if you can take up to two minutes to tell us a little about yourself. And right after you're done, I'll turn matters over to the Committee Members for questions.

MS. SLAVINSKY: Thank you. Aloha. My name is Elaine Slavinsky. I'm a nurse. I've been working in various organizations on Maui since the...1976, actually, I started at Kula San, and then I worked at Maui Memorial for many years. I retired from there, and since then have worked in Hāna at the Hāna Clinic, worked at hospice, the Alzheimer's Association, Mental Health Kokua, and I worked for about six to seven years as a contractor from the Maui County Office on Aging. The job was called hospital discharge planner, when I visited kūpuna who had recently been discharged from the hospital, and worked with them about what they needed to do, basically, to stay out of the hospital. I also teach at UH Maui College for 20 years, medical terminology to Allied Health professionals. So I have many years' experience working with kūpuna, and I'm one myself now. So I'm very interested in issues that affect the senior citizens of Maui County.

CHAIR MOLINA: Okay. Thank you very much for your opening comments, Ms. Slavinsky. So at this time, I'll turn matters over to the Committee for questions. We'll start with Committee Vice-Chair Rawlins-Fernandez. Questions for Ms. Slavinsky.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Slavinsky. Mahalo for your willingness to serve the County.

MS. SLAVINSKY: Hello.

VICE-CHAIR RAWLINS-FERNANDEZ: My first question is regarding attendance. Do you foresee any concern with your attendance?

MS. SLAVINSKY: No concern, and I did read the policy.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great. Wonderful. Mahalo for anticipating the next question. My second question is regarding your meeting experience. Have you

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ever attended any of the meetings or reviewed the meeting minutes?

MS. SLAVINSKY: I did once several years ago. I believe I was working at the Alzheimer's Association at the time. So I did attend one meeting.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo.

MS. SLAVINSKY: I've also worked at . . . *(inaudible)*. . .

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry? You also worked...

MS. SLAVINSKY: Oh, no, that's okay. That's okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then my last question is regarding how you envision contributing to the Commission.

MS. SLAVINSKY: Well, I'm fairly familiar with some of the services that are offered through the Maui County Office on Aging, and I hopefully can contribute with some ideas about that, and offer any kind of medical expertise about seniors, and their conditions, and what would keep them from availing themselves of services, or what would be helpful to get those who are homebound, that kind of thing, or have no transportation to the various services.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Mahalo for your responses. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. Okay. Let's go now to Committee Member Sinenci. Questions for Ms. Slavinsky.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Ms. Slavinsky, for your willingness to serve. I just had a question, you know, one general question. What would you advocate for, knowing some of the needs that our kūpuna require, especially during this current health crisis? Do you have...

MS. SLAVINSKY: Yeah, exactly. Yeah, COVID had really added. I think some of the needs are accessibility to care, and then just information, knowing that there are services out there for the kūpuna, getting the word out to them, and then working with access so they're able to access the services.

COUNCILMEMBER SINENCI: Okay. Great. Thank you for that. Thank you, Chair.

CHAIR MOLINA: Okay. Mahalo, Mr. Sinenci. Go to Councilmember King. Questions for Ms. Slavinsky.

COUNCILMEMBER KING: Thank you, Chair. Sorry. I had to click on my mute button three times before it came on. Aloha, Elaine Slavinsky. Thank you for being here and for

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your willingness to serve on this board. I'm...you pretty much had me at I'm a nurse, but the one question I have for you is, we've been getting a lot of resignations from Boards and Commissions. So I just wanted to ask you about your commitment. You know, are you willing to stay for the entire term?

MS. SLAVINSKY: What was that? I lost you after resignations from Boards and Commissions.

COUNCILMEMBER KING: Oh, yeah, we've been getting...we've been seeing a lot of resignations for Boards and Commissions. And so I just wondered if you are committed to serve the entire term that you're signing up for.

MS. SLAVINSKY: Oh, yes, I'm committed. I served on SHPD for 16 years. I'm committed.

COUNCILMEMBER KING: Okay. That's the main thing I'm worried about because, you know, we just...we've seen a lot of resignations. I think you're taking the place of somebody who resigned.

MS. SLAVINSKY: Oh, wow.

COUNCILMEMBER KING: So...but anyway, you know, I fully support, Chair. And thank you for...Mr. Mossman, for finding such a great candidate for this position.

CHAIR MOLINA: All right. Thank you very much, Member King. And let's go to Member Paltin. Questions for Ms. Slavinsky.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Slavinsky. Majority of my questions been answered. I just...I guess I just had a question maybe for both Ms. Slavinsky and Mr. Mossman. I would imagine that the Council of Aging is meeting remotely virtually right now; is that correct, Mr. Mossman?

MR. MOSSMAN: Yes. Yes, yes.

COUNCILMEMBER PALTIN: Thank you. And if Ms. Slavinsky is calling in by phone or is unable to have a computer, would the County be providing her so that she can have the kind of connectivity to see her Board Members and her colleagues and things like that? Or Ms. Slavinsky, do you have that capability?

MS. SLAVINSKY: Oh, yes. Not to worry. It's just that I'm at work right now, and I don't have my own computer with me, but I'll certainly have it for the meetings.

COUNCILMEMBER PALTIN: Oh, okay. And then, Mr. Mossman, would the County help folks out if they don't have that to make equal opportunity?

MR. MOSSMAN: We do...Council, Chair, Tamara, yes, we do have the capability of getting, you know, getting something worked out from the standpoint of getting them on a

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computer or they can...yeah. We have...we have the alternatives to do that. So I appreciate the question.

COUNCILMEMBER PALTIN: Okay. Thanks. Thank you for clarifying that, both of you. And so if you can't connect via computer, then they'll get your back. Full support.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. And good questions to ask about the accessibility to the meetings as well, just for everyone in general. All right. With that being said, these are the four individuals that requested Ms. Slavinsky's presence to respond to questions, and Ms. Slavinsky has done just that, and very satisfactorily, I might add. So with that said, Members, the Chair is in full support, and would recommend approval of the proposed resolution of the nomination of Ms. Elaine Slavinsky to the Council on Aging. Chair will entertain a motion to support.

COUNCILMEMBER KING: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay. So moved by Member King, seconded by Member Sugimura. Member King, as the movant, any additional discussion?

COUNCILMEMBER KING: No. I think it's just...the only question I had was about, you know, staying with it because she sounds so busy. She's done so many things. And I'm just really pleased to have someone of this caliber on that Commission.

CHAIR MOLINA: All right. Mahalo for those comments, Member King. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. I want to express my full support for her. She's a super hard worker. I met her with Alzheimer's Association and everything else that she's done in the community. I mean, she is like a...she is the rock. And I'm on the Board, and I look forward to working with her. We do meet online, and we are right now looking for a new Executive Director, or that, you know, Director's position, which...she'll make a...you know, Elaine will be able to contribute to this organization very well. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Any further discussion on the motion on the floor? Okay. Seeing none, Chair will call for the vote. All those in favor of approving Ms. Elaine Slavinsky's nomination to the Council on Aging, signify by raising your hand and saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it unanimous, 9-0.

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CHAIR MOLINA: Okay. Thank you very much for your opening comments, Mr. Mossman. And good morning, Mr. O'Brien. Thank you for making yourself available to give us a brief overview of yourself, and as well as to respond to questions. So you have the floor, Mr. O'Brien, two minutes.

MR. O'BRIEN: Thank you. Thank you, Councilmember. I'm really appreciative of being nominated. This will be my first Commission or Board to serve on, but I do have a history of volunteerism with AYSO as a coach, and I was on their South Maui Board years ago when my daughter was at the age of AYSO. And I've...for 14 years since I've moved here, I've really been looking for a way to give back and...give back to the Maui County community, and I thought that this was a really good fit for me. So I'm looking forward to being given the chance to give back.

CHAIR MOLINA: Well, thank you very much, Mr. O'Brien, for your opening comments. Four Committee Members requested your presence today, myself, Committee Vice-Chair Rawlins-Fernandez, Committee Member Sinenci, and Committee Member King. So I'll start off first. The Cost of Government Commission is certainly a very important Commission that oversees matters and looks at ways to suggest to our Departments more Government efficiency and less waste. Can you share your thoughts, as a potential Member of this Commission, what you would like to see or what areas of County Government you would like to see improved upon, and maybe ways that taxpayer dollars can be saved?

MR. O'BRIEN: I actually was really inspired by the recent report on the Maui Visitor Bureau and funding for MVB. Looking at...if those funds are...after analyzing it I think is the most important part, if those funds are being spent wisely. So I really...it's kind of what piqued my interest in the Committee...in the Commission, to be honest with you, just because of the analysis portion of it, how they broke down the numbers, really looked at how the money was being spent, and what the return on the investment for that money was. And I think that's kind of the area I'd like to focus on is a lot of the analysis of, you know, where some of that money...for some of the projects that have been ongoing for many years, where it's just assumed that we're getting some kind of return on our investment of tax dollars, seeing if that's true and kind of digging into the numbers like that. So the visitor industry is one area. Here at *Akakū*, we cover a lot of homeless issues. So maybe I'd like to see some analysis of what we're doing with homelessness, and houseless issues, and things like that.

CHAIR MOLINA: Thank you very much, Mr. O'Brien. Appreciate that response, and thank you for your work at *Akakū* as well. All right. I'll turn matters over to my Committee Vice-Chair, Keani Rawlins-Fernandez, for additional questions for Mr. O'Brien.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. O'Brien. Mahalo for your willingness to serve.

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MR. O'BRIEN: Thank you, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: I think you already give back a lot via *Akakū*. So you've been doing that.

MR. O'BRIEN: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: My first question is regarding attendance. Do you have any concerns with your ability to attend the...

MR. O'BRIEN: Not at all. My schedule at *Akakū* and being a father keeps me pretty busy, but we've got a really supportive team at *Akakū*, and if I do need to leave work early or, you know, adjust my schedule as needed to attend a meeting, I don't see a problem with that at all.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. And have you attended any of their meetings? I know you've read reports.

MR. O'BRIEN: I have watched some of their meetings, some of their past meetings. I haven't been in personal attendance myself to any of them.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Yeah. And Member...Chair Molina kind of...you responded to my third question about how you intend to contribute, but if you would like to say more about how you feel or how you envision contributing to the Cost of Government Commission?

MR. O'BRIEN: Well, I...you know, I was thinking about that question, and my experience in nonprofit media kind of is the answer to that. I think I've learned, through working with a lot of nonprofits in my whole career of 25 years in broadcast and video production, I've learned to do a lot with a little. And that's kind of the name of the game with any nonprofit is you really have to learn how to maximize the result of what you're...you know, the limited funds and the limited resources you're given. I mean, I think that's the mindset that I'll bring as a Member of this Commission is to see how we can analyze the numbers and make sure we're getting as much out of our tax dollars as we possibly can.

VICE-CHAIR RAWLINS-FERNANDEZ: Wonderful. And my last question is...so you already know this, but the . . .(*timer sounds*). . . Commission has been doing a lot of work beyond the meetings. Just...are you prepared to dive in and help them with that?

MR. O'BRIEN: Yes, I am. I know that there's a lot of analysis and a lot of time together, kind of digging into some very deep issues. I am prepared to work as needed outside of the Commission meetings themselves, if needed.

VICE-CHAIR RAWLINS-FERNANDEZ: Great. Mahalo for all your responses. Mahalo, Chair.

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MR. O'BRIEN: Thank you.

CHAIR MOLINA: All right. Mahalo, Vice-Chair Rawlins-Fernandez. Let's go to Committee Member Sinenci. Questions for Mr. O'Brien.

COUNCILMEMBER SINENCI: Mahalo, Chair. And aloha, Dan, and mahalo for your...for being here today. Yeah, just follow up on the question about the TAT revenue that we're...the County is anticipating. What are some of your ideas about using the additional funds in the County?

MR. O'BRIEN: That's a really good question. I think visitor education comes to mind, where we're actually telling the visitors that come here maybe what their expectation...what our expectations are of them when they come here to visit. So I used to work for the Maui Visitor Channel years ago when I first moved here. And although we did a lot of visitor marketing and advertising, I...what my focus kind of turned out to be was a little more the educational aspect of it. I mean, I'd like to see some of the TAT money go towards more visitor education. I think that would help out with a lot of the other issues that happen down the road from so many visitors coming to the Islands. So that's one area that I'd like to focus the TAT money on.

COUNCILMEMBER SINENCI: Oh, great. Thank you for that. Our Committee is proposing more cultural overlay districts where we can have more placards and more information, statues of our culture. Are you supportive of maybe putting some of this TAT money towards cultural districts?

MR. O'BRIEN: Absolutely. As a...as a resident of...I think at the time that the South Maui placards went up, I was probably living here for 12 years, and sadly unaware of some of the information that got put up along the roadways there. So I thought it was really valuable to...that whole effort was a huge success, I think, in my mind, and a great...a great expense of taxpayer money, very effective, very educational. So I would fully support that.

COUNCILMEMBER SINENCI: Oh, great. Mahalo, Mr. O'Brien. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Member Sinenci. And let's go to Member King. Questions for Mr. O'Brien.

COUNCILMEMBER KING: Thank you, Chair. I don't know what's left to ask you, Dan. I think that you already give back a lot through *Akakū*, your work over there. But thank you for mentioning that those placards were helping you because, you know, that was a project that I got funded that was near and dear to my heart. So it's good to see it's being effective. But I don't really have anything else to ask, Chair. I'm in full support. I think Mr. O'Brien would be a great addition to the Cost of Government Commission. The only thing I think you need to know is that this is probably the most active Cost of

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Government Commission we've ever had. So just be prepared to roll up your sleeves.

MR. O'BRIEN: I'll be ready.

COUNCILMEMBER KING: That's great. All right. Thank you, Chair. Thank you, Dan.

MR. O'BRIEN: Thank you.

CHAIR MOLINA: Thank you very much, Member King, and Chair...the Chair certainly concurs with your comments. And I like that statement you made, Mr. O'Brien, the mindset of doing a lot with a little. That's the perfect mindset for a commission like this. So thank you for that. Okay. If there's nothing else for Mr. O'Brien, the Chair will recommend the...a motion to approve Mr. O'Brien's nomination to the Cost of Government Commission. Chair would like a motion from the floor of approval.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KING: So moved.

CHAIR MOLINA: Okay. Motion made by Committee Vice-Chair Rawlins-Fernandez, seconded by Member King. All right. Is there any discussion on the motion? Vice-Chair Rawlins-Fernandez, as the movant, any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I fully support Mr. O'Brien. I think he would be a tremendous asset to our Cost of Government Commission, and I'm just really excited that he's willing to be part of the Commission. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Any other discussion as it relates to the motion on the floor? Oh, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I wanted to thank Mr. Mossman, the Mayor, and Mr. O'Brien. I'm really excited, you know, to see first-time Board and Commission Members step up, and with that kind of, you know, experience of knowing...like watching things through *Akakū*, obviously, and having lived in our community for a long time. I really support this candidate in that, you know, he's watched from, I guess, you know, behind the camera for so long, and now he's participating. And it's not...and not...nothing against folks that get reappointed, but it's...it is kind of like a breath of fresh air to have somebody that's knowledgeable and able step up for the first time. I really like to see that kind of thing. Thank you.

CHAIR MOLINA: Thank you very much, Member Paltin. Any other discussion as it relates to the motion on the floor to approve Mr. O'Brien's nomination to the Cost of Government Commission? Seeing none, then the Chair will call for the vote. All those in favor, signify by saying "aye" and raising your hand.

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COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposition? Seeing none. Okay. Great. We got another unanimous vote.

VOTE: **AYES:** **Chair Molina, Vice-Chair Rawlins-Fernandez,
Councilmembers Johnson, Kama, King, Lee,
Paltin, Sinenci, and Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **ADOPTION OF RESOLUTION TO APPROVE DANIEL
O'BRIEN TO THE COST OF GOVERNMENT COMMISSION.**

CHAIR MOLINA: Congratulations to you, Mr. O'Brien, on your nomination to the Cost of Government Commission. Your matter will go for one final vote before the full Council in the near future. Thank you for taking time out to respond to questions from the Committee.

MR. O'BRIEN: Thank you all.

CHAIR MOLINA: Mahalo. Okay. Members, we do have one other Board and Commission matter to deal with, but I've been informed by Staff they would like a little bit more time to look into that matter.

**ITEM-3(1): HAWAII STATE ASSOCIATION OF COUNTIES (2022 HSAC
LEGISLATIVE PACKAGE) (CC 21-43)**

CHAIR MOLINA: And also, I've been informed one of our resource personnel for the HSAC, I guess, proposal from Member King will have to leave real soon. So I'd like to go back to GREAT Item 3(1), related to the legislative packages, and go to the proposal from Member King that relates to approving for inclusion in the Hawai'i State HSAC for the County's legislative package a State bill relating to the use of intoxicants while operating a vehicle. So at this point, for Member King, as well as Member Paltin, again, it's...being

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that we're a little bit tight on time here today because of our large agenda, I'll give you two minutes to just share with the Committee what your proposal is all about. And right after Member King is done, then we'll go to Lieutenant Hankins from the Maui Police Department, who will be serving as a resource for this matter. So Member King, you have the floor.

COUNCILMEMBER KING: Thank you, Chair. You know, I think Lieutenant Hankins can speak better to the details of the bill, but this bill, this is the second year we've been looking at this. It was proposed last year, and of course we had the whole COVID thing, but this is a bill...a proposal to lower the legal blood alcohol limit for drivers from 0.08 to 0.05. When Lieutenant Hankins first approached me about this, the information he showed me, the only other state who has done this is Utah. And they lowered their alcohol-related deaths. I think the amount was like 40 percent the first year that this...after this passed, but I'll let Lieutenant Hankins correct me if I'm wrong on that. It's a...you know, it's a...it's not...and some...and I've talked to, you know, friends of mine who have kind of pushed back against it, and you know, basically the answer is we're not telling you you can't drink, we're telling you you can't drink and drive. So you know, they're...you're driving a weapon down the road if you're not completely coherent. So I'm going to...I'm going to just end there. I would like to get this...support this package because I understand that all four Counties...Police Departments in all four Counties support this legislative proposal, and I'm going to let...I'm going to stop there and let Lieutenant Hankins take over.

CHAIR MOLINA: Okay. Thank you very much, Member King. And good morning to you, Lieutenant Hankins. And before you start, if you could also introduce your fellow MPD colleague as well, in the background.

MR. HANKINS: Good morning, Council. I have Sergeant Nick Krau here with me. He's the DUI Task Force. He's the resident expert in the State for impaired driving, and he'll be able to help answer any questions when it comes to it. First of all, I want to thank Councilmember King for really pushing this, and Councilmember Sugimura, who's always been relentless in her support for what we're trying to do. This bill came about actually a few years back when Sergeant Krau and I went to a conference on impaired driving, and Utah had just changed over their State BAC laws from 0.08 to 0.05. Currently, Hawai'i State law is at 0.05 [sic]. The easiest way to think of it is 80 cents. So if you think if you have a BAC level of 80 cents or higher, you're considered impaired by law. What we'd like to do is have that lowered to 0.05, or think of it as 50 cents. The reason we want to do this is because it's been studied and been proven through NHTSA and recommended by NHTSA that this be done by all states. You know, this is something that came out in, I believe 2013, that they wanted all the States to lower it, and only one so far has. This is going to save lives. And like Councilmember King said, we're not advocating, you know, prohibition. We don't...we don't want people to say you can't drink. If you want to drink, fine. Go drink. Drink until you fall down, just don't get behind the wheel of a car. We have way too many fatalities on this island, and I'm telling you right now, we still have a problem. You know, if you followed the story last

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night on *Hawai'i News Now* that Chelsea Davis ran for the sentencing of Lynsey Jio, who killed Hannah Brown, it's heartbreaking, these two families coming together in court. Nobody wins. So what we're trying to do is head this off at the pass. You know, the liquor advocates and, you know, hotel industry and restaurant industry, they're going to push back on this. And we understand, but we want them to understand we're not advocating not drinking at all. We want them to work with us and try and come together with helping pass this law because it's going to benefit them and their customers. This is something that we know needs to pass State Legislature. Representative McKelvey, who came out to the Labor Day support for impaired driving, is aware of it, and he's 100 percent behind supporting this. Representative Hashimoto in the State House is also helping us with this. So we have a lot of support, and we would just ask for the County Council's support in pushing this through, and just letting the State Legislators know that we do need to make this change in law because we have to save people's lives. If we can have all kinds of restrictions for COVID and use that to say we're helping save people's lives, which it does, why are we not doing this for alcohol? There's no reason for it. We need to get this law changed. We need to be the second state in the nation to be proactive in this, and especially in Maui County, because we do have way too many fatal crashes involving alcohol.

CHAIR MOLINA: Okay. Thank you very much, Lieutenant Hankins, and thank you for that push to really get this legislation moving. All right. Members, again, I'll give you...we'll be a little bit tight on time today. So any questions for Lieutenant Hankins or Sergeant Krau at this point? You'll have two minutes if you have any questions on this proposed legislation to be included in the HSAC package. Let's go to Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And Mahalo, LT (*phonetic*), for this bill. Just clarification, you mentioned the other four Counties...or Chair King mentioned that the other four Counties is on board too?

MR. HANKINS: Yeah. This is something that's 100 percent supported by Police Union. This is supported by the other County police agencies. This is supported by the other County Councils as far as I'm aware, across the board. It's just a matter of we got to get it pushed through and through State Legislature. That's what...where the holdup is. It almost made it last year, and it basically didn't go nowhere. It didn't get voted down, it kind of died in Committee. And we're going to be bringing it up again. We want to keep pushing this because, you know, this will save lives. Undoubtedly, this will save lives. The numbers in Utah prove it.

COUNCILMEMBER SINENCI: Okay. Mahalo. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. Members, any other questions for Lieutenant Hankins or Sergeant Krau? Member Paltin...but before I get you, I...just one quick question, just for those who might be viewing, for informational purposes, the current...can you state the current blood alcohol level, Lieutenant Hankins, and the proposal would lower it to what percentage?

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MR. HANKINS: The legal per se law that we currently have is 0.08 percent blood alcohol concentration. So if someone comes in and their blood alcohol concentration is 0.08 or they give a breath sample and their breath alcohol concentration is 0.08, they are considered by law impaired. That is the legal definition of impaired for the DUI statute. What we want to do is lower that down to 0.05. One of the other things that I mentioned...or didn't mention, on lowering it down to 0.05, a lot of times, Sergeant Krau and his team are finding people out there on the roadways that are very close to a 0.08, and they're impaired. So they could be like a 0.085, a 0.090. They're over the limit. They're impaired. By the time we get them back to the station, run them through all the administrative driver's license sanctions, which can take up to several hours, when we get a sample, they're generally under at the time that they've given the sample. But you've got to remember, they were stopped, they're impaired. So this is another big reason that we want to get this pushed. Utah, when they pushed this, they had to drive sometimes two and three hours to get subjects for a blood test or a breath test. You know, Councilmember Sinenci, you know if the Intoxilyzer goes down in Hāna, we got to bring them all the way to Wailuku to get a test. So we can arrest them in Hāna at, you know, a certain time. They're impaired. By the time you get them over here, the blood alcohol level's low, you know. So that's going to also help benefit us. You know, and the main thing, like I said, is studies have shown...Councilmember King and Sugimura have been to drinking labs with Sergeant Krau. They've seen subjects at 0.05, and they see the impairment that these people have, and they'll tell you at 0.05 that they're impaired. There's no reason we can't push this through. And...

CHAIR MOLINA: Okay. Well, thank you for the information. Sergeant Krau, go ahead. You wanted to add something.

MR. KRAU: Yeah, if I may. So...and this isn't the first time that it's changed. So back in the '80s, the illegal...the legal per se limit for all 50 states was 0.100, and then research and evidence and crash data, you know, made them realize that that number needed to be lowered to 0.080. Now, updates and more research and more crash data have proven that this number actually needs to be lower, it needs to be 0.050 to...you know, to save lives and make the road safer. So the...you know, every...there's needs to periodically reevaluate and make those changes at that time.

CHAIR MOLINA: Thank you for that history on this whole blood alcohol level. It's very helpful. Okay. Member Paltin, thank you for your patience. Questions for either Lieutenant Hankins or Sergeant Krau?

COUNCILMEMBER PALTIN: Thank you, Chair. I'm generally supportive. I guess my question, looking at the placard behind you, buzzed driving is...probably says drunk driving. And you know, full disclosure, I don't really like to drink alcohol very much. And folks may not know that they're buzzed or whatever, or have a breathalyzer to know what their percent alcohol is. Why even allow 0.05? Why just not say zero because if you drink, you shouldn't drive, and then that eliminates all question?

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MR. HANKINS: If I could do that...I totally agree with you. There's actually a push by the Werner family over on O'ahu...they want zero tolerance. And you're going to get the firestorm of your life from hotel and liquor and restaurant industry if you do that. So you know, it's...you can have a drink and not be impaired, you know. And we're not advocating that. We're advocating impaired driving, and the impairment starts at 0.05. That's what the studies show. That's why we want to have it lowered to that number. That is a reasonable number that these liquor industry advocates should be able to live with. They're going to fight. They...we've already seen that. This is not the first time that this bill's come up. This is the third year now that we've been pushing this, and they're going to fight like hell to stop it. And they're going to give you all kinds of data telling you if you only drink one beer or you only drink one drink then you can get arrested, and we're going to be arresting people who aren't impaired. It's not true. It's a scare tactic. To answer your question, right now there's a zero tolerance for juveniles, but it's not a true zero tolerance, Councilmember. The zero tolerance for juveniles is 0.020 to 0.079. So if we arrest someone 19 years old, and they have a breath test of 0.021, they're going to get arrested for zero tolerance. So we've had that recently, and that law was passed several years ago. God, I think that was passed back in the early '90s. So again, if you want to push a zero tolerance all the way across the board, I'm willing to take that fight with you, but believe you me, it's going to be an ugly fight because you're going to get pushback like you've never seen.

MR. KRAU: And that's the most common question I'm ever asked by friends, families, and people out in the public is, Nick, how much can I drink and still drive? And you know, it's such a hard question because nowadays a lot of these bars, they really soup up the alcohol. They'll put...you know, they'll make a whatever, a Long Island iced tea or whatever, and they'll put like three shots of alcohol in there. That one drink's like equivalent to two or three or something. But I always tell people if you have a drink, you shouldn't drive . . . *(timer sounds)*. . . and that's just to keep it...you know, to keep it safe, and because it's a hard question to ask. There's no set number to that. It depends on what kind of drink you had and, you know, to some people one beer is, you know, it's...that's, you know, a big beer. So you know, it's hard, but...

COUNCILMEMBER PALTIN: So basically, the recommendation is don't even have one, but the law is a different...a different...

MR. HANKINS: Yeah, we got to...we got to have a...we got to have a number, and the number can't just be an arbitrary number. It's got to be a number where we know and it's been proven to show some kind of impairment. If someone is truly impaired, then they shouldn't be driving. You know, we're not going after everybody that...you know, the mothers, the fathers going out there taking their family out for, you know, a weekend dinner. That's not what we're targeting. We're targeting impaired drivers. And we don't want to base it solely on the number. We're looking for impairment. And that's what Sergeant Krau and his team does. You know, we need the help of having the 0.050 to make the law stronger, but we're looking for impairment. Impairment is the key of what

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we do. When we have our next drinking lab, if you'd like, I'd be more than glad to invite you to come, like Councilmember King and Sugimura have done in the past, and you'll see what a 0.05 looks like, and you'll see the impairment that we see.

COUNCILMEMBER PALTIN: Okay. Sounds like my time's up. Thanks.

CHAIR MOLINA: All right. Thank you very much, Member Paltin. And Members, again, just for your information, all of these HSAC proposals, by the way, we'll not be acting on them today. They will be acted on at this Friday's Council meeting. Just one quick thing before I go back to recognizing Member King. Lieutenant Hankins, you mentioned Utah. Myself and Member Sinenci will be going to Utah in the next couple of weeks for a conference there, and I happened to be...ironically, I was at a bar recently, watching a football game, and I happened to talk to this gentleman who works for a liquor distributorship. And he mentioned that in Utah, I guess beers, like say Budweiser's and Coors, their alcohol content for the State of Utah is lower, whereas the other 49 states it's the normal, whatever, 4 percent, but in Utah it's lower. I guess maybe it's because, by nature, Utah is a very conservative state and...any truth to that?

MR. KRAU: Yeah.

COUNCILMEMBER PALTIN: I think they recently raised it.

MR. KRAU: Oklahoma is that way as well. Beer cannot have more than, I think it's three point something percent alcohol, Oklahoma. So there are states...there's also states...oh, sorry.

CHAIR MOLINA: Oh, no, go ahead. I was going to say whereas our state is, what, 4 percent for beer, I guess? Is that what it is?

MR. KRAU: Oh. There's beers with 12 percent.

MR. HANKINS: Yeah, they can make it as high as they want.

MR. KRAU: Yeah.

MR. HANKINS: If they...you can brew it, you can get it up to 20 percent alcohol, they can serve it.

CHAIR MOLINA: Wow, that's interesting.

MR. KRAU: And that . . . *(inaudible)*. . .

CHAIR MOLINA: Member Paltin, you had something to add?

COUNCILMEMBER PALTIN: Oh, I was Googling it. I guess they recently raised it from 3.2 to

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5 percent alcohol by volume or 4 percent alcohol by weight. So it was 3.2, but it's not as high as over here yet.

CHAIR MOLINA: Okay. Thank you for that. Member King, as the proposer of this Legislation, final thoughts?

COUNCILMEMBER KING: Yeah. So I just want...well, first of all, I wanted to clarify that I did go to see that alcohol lab. I did not drink. I wasn't part of the experimenting, but I did notice...you know, one of the things that's true is that, you know, people assimilate alcohol differently depending on your size and, you know, how much alcohol you've...you're used to drinking. So the 0.05 is going to be different for different people. You know, and some people will get there after three or four drinks. Some people it takes longer, you know. So that...you know, I think...I think all the information that Lieutenant Hankins has is really pertinent, but as far as going to zero, there are certain things, like some cough medicines that you could take, that will...that have alcohol in them that will not impair you. But if you...if you...if we did at some point look at going to zero, we'd have to figure out what other...what medicines or things like that could...you could...could be in your system that could show you to have some miniscule amounts of alcohol that you would get in trouble for if it was a zero tolerance. So just keep that in mind too. That's down the road because we're not talking about that. What we're talking about right now is something that makes absolute sense and you know, especially since we have Uber over here, you know, if there's nobody in your party that can...that feels like they're under 0.05, then call an Uber. You know, leave everybody's car there. So you know, save lives. So you know, my last pitch is for...I think this is an awesome time for us to market this plan as the Hawai'i 5-0 plan.

CHAIR MOLINA: Very unique campaign...marketing campaign for that, but...all right. Very good. Members, again, because we've got a number of additional items on the docket here today, I'd like to thank Lieutenant Hankins and Sergeant Krau for their input on this very important matter. So again, we'll not be making a decision on this today, but we'll do it at this Friday. But again, very emotional and important issue. Vice-Chair Rawlins-Fernandez, one last question for the Department or Member King?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I didn't get a turn.

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: I didn't ask any questions yet.

CHAIR MOLINA: Yeah. All right. Go ahead. You have your turn now.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Okay. Mahalo, Lieutenant Hankins. My question is regarding the change from 0.11 to 0.08. Did you see a difference in deterrence after that change occurred?

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MR. HANKINS: Actually, I've been around long enough to see it change, and yeah. You know, when we...when we dropped the numbers down...I was very young in my career when that happened, but yeah, there was a change, you know. There was...fatals have dropped. With...like Sergeant Krau said, that's what the study showed. When it was at 0.10, you know, that's just more impairment, and we lowered it to 0.08. It's...anybody driving at 0.08 is definitely impaired, and people driving at point zero...you know, 0.05 is the same impairment. It's just at a lower level.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Mahalo, Lieutenant. My next question is regarding the penalty. I recently read something that talked about if the penalty is a monetary penalty only, then it disproportionately affects those with a lower income. And so I'm wondering...I know that it also takes away...I think like DUIs also...you lose your license for a year or something. So I think that would also disproportionately affect those with lower income. And so it...I'm wondering if...you know, I don't really like bills that are really focused and driven by penalty versus education, and finding out like why people are driving drunk. And instead of like a monetary, you know, fee penalty, if like there would be like a...like a program where those that would get arrested for DUI, one of the programs that they could participate in is providing rides from bars, you know, like a Uber, but for free. And then that would keep people off the road.

MR. HANKINS: You know, Councilmember Rawlins, to be honest with you...and you know me, I'm pretty straightforward. I'm going to tell you straight. We don't care about the socioeconomic impacts of what these fines can do to people, you know. Don't do the crime if you can't do the time, basically. If you can't afford to drive and do these things, then you shouldn't be drinking. I'll tell you right now, if you have to knock on some of these families' doors, that's the last question they ask you is if they were a poor person, if they...you know, that killed their daughter, that killed their son. So that, to me, is completely irrelevant. And I understand your point in making that, but there has to be some kind of a penalty for some of these things, you know. . . .*(timer sounds)*. . . The fines are ridiculously low as it is right now with, you know, first offenders only getting a \$250 license fee and a year's suspension of their driving. You know, you signed for your license as well. When you get stopped by police and are asked to take a test, you agreed to take that test, you know. This has nothing to do with social impacts of economics and, you know, class status, or whatever you want to call it. This has to do with saving lives. And I've knocked on people who're dirt poor, and I've knocked in people's doors who have all the money in the world, and the pain that they suffer is equal all across the board. So to try and change some of the penalties, I'd be honest with you, I'd like them to see a little bit more severe. That would hopefully change people's mindsets to get behind the wheel of a car and kill somebody. The amount of money on a fine for a DUI is nothing, nothing compared to what I saw yesterday in the courtroom between Lynsey Jio's family and Hannah Brown's family. Watch that footage on KITV 4, and you'll see the pain that the--or on *Hawai'i News Now* that Chelsea Davis did--and you'll see the pain that those families go through. That's all we care about in law enforcement. We don't worry about class, race, any of those things. We worry about the law, and we enforce the law. The penalty side of things is what the legislature sets. I think it should

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be much higher, to be honest with you. In some states, it's much higher than ours.

CHAIR MOLINA: Okay. Thank you. Thank you, Lieutenant. Yeah. Thank you, Lieutenant. Time is up, there. I appreciate your response. And thank you for the question, Vice-Chair Rawlins-Fernandez. Okay. Members, any last requests? I know the Lieutenant and Sergeant are both very busy. Any last questions for any Members who have not asked questions of our MPD personnel before we excuse them? Seeing none, thank you very much, Lieutenant and Sergeant, for your input on this very important piece of legislation.

MR. HANKINS: Okay. Thank you for your guys' time today.

MR. KRAU: Thank you.

CHAIR MOLINA: Okay. Aloha. Okay, Members. Thank you for that discussion, and again, we'll make a decision on that come this Friday. Chair would like to go back to the first proposal under GREAT 3(1), and that is the proposal from Councilmember Paltin. And that relates to approving for inclusion in the 2022 HSAC Legislative Package a State Bill to lower the size threshold for homes that are considered a development under the Coastal Zone Management Act. And as we did with Member King, Member Paltin, you'll have two minutes to just briefly tell us what this proposal is about, and then we'll go to our resource personnel. I believe we have...Mr. Dack, and I think Mr. Rapacz are standing by to share their thoughts on it. So Member Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, this is half and half spurred a little bit from Member King's presentation about the net zero homes, what they're doing, I think it was in Colorado, for houses greater than 5,000 square feet--like, those are very large houses--as well as, you know, our favorite, Nāpili Beach House LLC, which is a huge house that got a SMA exemption. You can probably see the pictures of it on the email sent to us daily from our friend, Mr. Sellum. And so, you know, it's...that's like a...kind of like a four-story house, or you know, more than two stories in the Nāpili Pacific improvement district, but imagine all that square footage being on one floor and getting an SMA exemption. So that's pretty much it. I think Colorado was saying they didn't even want houses greater than 5,000 square feet, and this kind of helped it. And you know, Colorado is part of the continent, where they have miles and miles and miles of land, and we have limited, you know. So just trying to make things more realistic for the average person. And 5,000, to me, is still very large. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin, for your opening remarks on this piece of legislation. I'd like to go to...I guess maybe we can go to either Mr. Dack, or even if...I was told initially Director Hart would be here. Apparently, he's unable to attend, but we do have Mr. Rapacz and Mr. Dack. So...oh, there he is. Okay. Deputy Director, would you like to share your thoughts on this? And I know we have Mr. Rapacz and Mr. Dack as additional resources from the Planning Department. Mr. Hart, you have the floor.

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MR. HART: Sure, Chair. Thank you very much. So the Department is not supportive or in opposition of this. We're basically neutral on it. There's repercussions each way. You know, there's a potential workload increase if more SMA majors go through. So that needs to be, you know, thought of, but we'd be prepared to address it. There's a potential reduction in real property tax values of properties as the development potential of properties goes down, but we are aware of the social impacts that have been raised on recent projects. And so understand exactly where this is coming from, and also understand that the average Maui resident isn't trying to build a 7,500 square foot home for themselves and their family. So we're here to provide any feedback that you may have, but understand where this is coming from, and happy to participate. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Director. . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Chair, can I clarify a little bit about what he was saying? 7,500 square foot home for them and their family in the shoreline management area, because it wouldn't really affect folks outside of the shoreline management area.

MR. HART: Thank you for clarifying. Yes, I'm...yes, this is for the special management area exemption status.

CHAIR MOLINA: Okay. Thank you very much, Mr. Director. All right, Members. Any questions for either Member Paltin or Director Hart and his resource personnel, Mr. Rapacz or Mr. Dack, at this point? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just have a question for Mr. Hart. So on a 5,000 square foot structure, how many bedrooms could you actually fit, how many bathrooms could you fit, and how big would each of those bedrooms and bathrooms or kitchen area be?

MR. HART: Chair, that's pretty difficult to answer off the top of my head.

COUNCILMEMBER KAMA: Okay. Can...Chair, I'd be okay if we got that in writing later.

CHAIR MOLINA: Okay.

MR. HART: But I just want to kind of...as a practical matter, there's any...almost any number of permutations or combinations that an architect could create.

COUNCILMEMBER KAMA: Yeah.

MR. HART: There's a...I believe that there may be room size limitations and other requirements --

COUNCILMEMBER KAMA: Yep.

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MR. HART: -- as part of the design review process for the building permit process that would dictate those.

COUNCILMEMBER KAMA: Yep.

MR. HART: But we can try and provide some information for context on that.

COUNCILMEMBER KAMA: Thank you. I appreciate that. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. Members, any questions for either Member Paltin or Director Hart and his resource personnel on this proposed legislation? Okay. Member King.

COUNCILMEMBER KING: Yeah. I support the motion. I just wanted...I wanted to ask Member Paltin if there are any advocates in the Legislature at this point.

CHAIR MOLINA: Member Paltin.

COUNCILMEMBER PALTIN: Not that I'm aware of. I was going to go to my go-to representative, Amy Perruso, who's, you know, shining star in my book.

COUNCILMEMBER KING: Okay. Well, I think she works really closely with Tina Wildberger too. So you might want to talk to both of those...both of them, but yeah, I think it's a fairly simple one. I think we just...all we did was take the HRS and change the number. So it's not hard to understand. That's all I have.

CHAIR MOLINA: All right. Thank you very much, Member King.

COUNCILMEMBER KING: . . .*(inaudible)*. . .

CHAIR MOLINA: Director Hart...Director Hart, go ahead.

MR. HART: Yeah. There's one thing I might add for consideration. If this is going to go forward, you might ask...also ask the State to provide some feedback or guidance on how to calculate the square footage. As it is, the County has guidelines on that, but the State doesn't have guidance. So . . .*(timer sounds)*. . . that would probably be helpful in implementing.

COUNCILMEMBER PALTIN: Was that guidelines on how to calculate the square footage on the area, and you would ask that to the State Office of Planning?

MR. HART: Well, we could probably provide some draft language, but if we're going to be opening this section up and making adjustments to it, it might be good to also...you're basically going to make a...this is the existing condition that you say, you know, a

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certain dwelling of this amount of square footage is exempt from a permit, but there's no specific guidance on how to calculate that square footage. And there's different things that may be excluded, like crawl spaces or, you know, various things. If you look at the...our zoning code defines floor area, but something of that nature to guide how to make...how to reach the calculation of 5,000 square feet would be helpful in the Legislation or Administrative Rules.

COUNCILMEMBER PALTIN: Chair.

CHAIR MOLINA: Thank you for that clarity. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Would it be okay if we worked with Mr. Hart a little bit on it before it goes to the Council for...or is it this Friday?

CHAIR MOLINA: It's this Friday. I believe, now, with regards to deadlines, Member King could shed some light on that. I mean, say for example, if you're not ready to move it forward come this Friday...

COUNCILMEMBER PALTIN: Could we do a floor amendment on Friday if we get something with Mr. Hart?

CHAIR MOLINA: Let me ask Corporation Counsel too, to chime in as well. I mean, just want to make sure we cover our bases with Sunshine Law and anything else related. Maybe Ms. Thomson, as far as any floor amendments to this proposal that would go before Council for final decision-making, any...no Sunshine issues or are there any things we need to be made aware of?

MS. THOMSON: Thank you, Chair. No. I think that your agenda item is broad enough for you to make amendments that would take...that you would take final action on later at Council.

CHAIR MOLINA: Okay. Thank you for that. Member Paltin, does that answer your question?

COUNCILMEMBER PALTIN: Yeah, yeah. And if Mr. Hart can just expect a call from me at some time today.

CHAIR MOLINA: Okay.

MR. HART: Sure. Chair, could I add a little bit on that subject?

CHAIR MOLINA: Go ahead, Mr. Hart.

MR. HART: So we have an existing definition in Title 19 that I can share. I would just say that when it becomes a State issue, this is how we define floor area in our Zoning Code. So there will be other Counties that may have different, you know, processes. So there

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would...if it's...if it's supported, there would be some fine tuning, but I think that our definition of floor area is a easy first start, and that's in our existing Code. I can send that right now.

CHAIR MOLINA: Great, that would be helpful. Thank you, Director Hart. Okay. Before I recognize Member King, any other Members who have not had a chance to ask questions of either Member Paltin or Director Hart? Okay. We'll go to Member King now. Go ahead.

COUNCILMEMBER KING: Well, thank you, Chair. I just wanted to say, as far as the process, we actually have a meeting at noon, the HSAC Executive Committee, to further talk about the process because, you know, we're the only...we're the only Council that's on time with any of this. But you know, we still have to take it to HSAC, and were going to have a discussion about the legislation in the October meeting. So if you wanted to...if it didn't happen, you could still try to make the change when it gets to HSAC. So I think that could happen at that stage fairly easily.

CHAIR MOLINA: Okay. Well, that's very good information to know, Member King. Thank you. All right. Before we close, any other Members who did not have a chance to ask questions of Director Hart or Member Paltin? Your last chance. Seeing none. Thank you. We'll move forward. So this matter will be up for consideration this Friday. And thank you, Mr. Director and to your Planning Department personnel for making yourselves available. Members, I see it's 10:23. Members, you want to do one more HSAC proposal, and then we can take our morning recess? Everybody up for that? Okay. I'll take that as a yes.

COUNCILMEMBER KING: Chair.

COUNCILMEMBER MOLINA: Yeah, let's go to number 3. Go ahead, Member King.

COUNCILMEMBER KING: Oh, I was just going to say we can take up the next two together because they're related.

CHAIR MOLINA: Okay. All right.

COUNCILMEMBER KING: They're both about green tourism fees.

CHAIR MOLINA: We'll go ahead and do that. Okay. We'll take up numbers 3 and 4, which come under GREAT-3(1). The first...well, number 3 has to do with inclusion in the 2022 HSAC Legislative Package a State Bill to assess a climate change mitigation impact fee for tourism-related vehicles. And moving down to number 4, this has to do with including in the HSAC Package a State Bill to establish a green fee surcharge on transient accommodations. And both of these proposals have been introduced by Member King. So I'll give you the floor. You get a little extra time since you have two...we're going to take up two proposals all at one time.

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COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Briefly tell us what this is all about. Go ahead.

COUNCILMEMBER KING: Appreciate that, Chair. And you know, I don't...I didn't bring any resources for this, but basically, they're both kind of the same idea. It's putting a...an impact fee on tourism. One is directly related to the rental vehicles, and the other one is a green fee surcharge on the transient accommodations. And this would be over and above the TAT and the 3 percent. But the one thing I wanted to say, too--they're pretty self-explanatory if you look at the bills--is that there are...there are going to be probably at least a half a dozen bills for green fees this year, impact fees. And these are a top priority. I was at a...in a meeting with--called Environmental Change--with Senator Gabbard, Representative Lowen, and Representative David Tarnas. That...they were giving their environmental priorities for this upcoming Legislative Session, and all of them have these fees as top priority. So I think we have a good chance of getting something passed. Whether it's these exact bills or not, it...I'm trying to get this concept into HSAC so that we can support it Statewide. And also, the other thing I'm trying to do...I'm going to try to do in this meeting today is get them to support, you know...make sure that we're supporting concepts so that if one bill dies and there's another bill that's exactly like it, that we can still support the bill. Because we had...we saw this last legislative session where we...there were like four versions of the bill, you know, to continue virtual meetings beyond the pandemic. And so the one that actually passed wasn't the one that we had in our package or that HSAC had in its package, but it was pretty much the same bill content-wise. And so, you know, at HSAC we're claiming that as a victory because, you know, it's really hard to get bills passed in these packages. And if the concept is exactly the same, but the number's different, or the bill...all the bills change a little bit anyway. So that's why...I don't want to spend a whole lot of time discussing the details of these bills because I think there's going to be other proposals that are exactly the same concept. And at some point we just...you know, I'm hoping that maybe the Council, as well as HSAC, can...if one bill...if our bill dies...if our bill number dies and then there's another bill that's just like it, that we can just roll it over and say, you know, this is part of our package. And then that way, you know, we can...we're actually supporting the green fee concept for rental cars and the green fee concept for transient accommodations. And the idea would be to create funds that this money would go into to help with climate change mitigation.

CHAIR MOLINA: Okay. Thank you very much for that overview, Member King. I've been informed Mr. de Roode has joined us as well from the Mayor's Office.

COUNCILMEMBER KING: Oh, is he? Okay.

CHAIR MOLINA: Yeah. Any additional thoughts on these proposals from Member King?

MR. DE ROODE: Thank you, Chair. Yes. Just you know, overall, I think an impact fee or a

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green fee is a sensible approach. There are certainly negative impacts associated with more vehicles being driven in our communities in terms of greenhouse gas emissions, in terms of other environmental impacts, such as, you know, vehicle fluids going into our storm water, et cetera. So there are certainly impacts that have to be addressed. With the transient accommodation, we know that there are also impacts at accommodations, right, whether it's consumption of water, production of more solid waste, et cetera. And so coming up with funding to offset these impacts is needed. We know that the efforts to offset these impacts or mitigate those impacts are always underfunded, right. We always have fewer resources than we need to really address them. That said, I think we need to try to take a reasonable approach to not...you know, we're still...there are a lot of efforts here to kind of shift and transition our economies away from being so heavily reliant on tourism, but it's still in transition, right. So if we overburden that primary economic driver, we have to just kind of balance those two things, right. But we also understand there's a need to preserve our natural resources. That's one of the things that attracts visitors here in the first place, and certainly it's, you know, even more important for residents to still have a pristine and sustainable place to live. So you know, a lot of reasons to justify that type of fee being assessed. We have seen it as well in other parts of the world. If you look at Palau, Bhutan, Costa Rica, you can see examples of these fees being assessed to help preserve and restore ecosystems in these places that are attractive to visitors. So that's about it. I think, as Member King said, we've, you know, seen different versions of these bills go through in previous Legislative Sessions. So it's not a new concept to our State Legislators. Hopefully, we get...we get some traction.

CHAIR MOLINA: Okay. Thank you very much for your comments, Mr. de Roode, and thank you for making the time to be here. All right. Members, the floor is open for any questions for either Member King or Mr. de Roode from the Mayor's Office. You're on a two-minute clock. Questions? Thoughts? Okay. We have Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: On the vehicle one, is it...can you explain to that one a little bit more?

COUNCILMEMBER KING: Okay. Let me pull up the bill again.

COUNCILMEMBER PALTIN: And I guess, in the context of the HiRUC setup, how it...how it would be.

COUNCILMEMBER KING: Context of what?

COUNCILMEMBER PALTIN: The HiRUC, the...I guess it's Hawai'i road usage charge. Because the gas tax pays into the Highway Fund, and...

COUNCILMEMBER KING: Well, yeah, that's...yeah. You're talking about the County, but this would be State, right? So you're...what you're...the gas...the fuel tax that we have at the County goes into the County Highway Fund, but we're...what we're talking about is

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supporting a State bill for a Statewide fee. So this would go on rental cars.

COUNCILMEMBER PALTIN: Oh, it's just a additional fee on rental cars?

COUNCILMEMBER KING: Right.

COUNCILMEMBER PALTIN: Is Turo included?

COUNCILMEMBER KING: Climate change mitigation impact fee.

COUNCILMEMBER PALTIN: Is Turo...would Turo be included in this?

COUNCILMEMBER KING: Well, it starts out saying beginning July 1st, 2022, every rental motor vehicle customer shall pay to the Department of Climate Change Mitigation an impact fee for renting, leasing, or utilizing a rental motor vehicle. So if you're renting a Turo, you're utilizing a rental motor vehicle, right, because you are paying to rent it. So the idea is to collect these fees, deposit them into the general fund, and they'll be deposited to the credit of climate change mitigation. There'll be a specific Climate Change Mitigation Special Fund established. That's what's in this bill. So the fees are collected from this particular...the money that's collected from this particular fee will go into climate mitigation efforts.

COUNCILMEMBER PALTIN: Okay. And even...so even like camper vehicles as well, it would...

COUNCILMEMBER KING: If they're rental...yeah, for tourist rental vehicles, they'll get that fee.

COUNCILMEMBER PALTIN: And . . .*(timer sounds)*. . . all right. I guess my time's up.

CHAIR MOLINA: No, Member Paltin, go ahead. I'll let you ask that last question.

COUNCILMEMBER PALTIN: I just was wondering, you know, on those like kind of not the big brand names, like Budget, Avis, Dollar, and like that, do we have a listing of all those folks that are doing small time rentals, and would that be a possible problem on it? I mean, I'm all for having them pay as well, but the practicality of implementation is just a...not a concern, but a question.

COUNCILMEMBER KING: Yeah. And usually when these kinds of laws pass, there'll be Administrative Rules written by the Department, and those kind of things would be handled by Administrative Rules. There is a definition in here of rental motor vehicle, and it...and it says rental motor vehicle does not include any vehicle that is used solely for the purposes of transporting individuals to and from a place of work or a public or private school, or transporting persons with disabilities. So there've been...this bill is conscientious of not, you know, charging every car, and making sure it's tourist rental vehicles.

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COUNCILMEMBER PALTIN: And just shuttles...would shuttles be included? Because I think...I would think that's the way we want to go, is more toward shuttles.

COUNCILMEMBER KING: Yeah, I think the shuttles would still be included because they're still rental...they're still tourist rental vehicles taking them from one place to another that's related to tourism. But you know, the other thing I wanted to say is that...just to respond to Alex on, you know, we may...if this impacts people and less people come here, that's kind of part of the goal too, you know. A lot of these impact fees and some of these mitigations and things like charging tourists for parking, we're trying to...we're trying...you know, all these other alternatives, and especially since the moratorium didn't pass, but we're trying other alternatives to try to limit over-tourism. And by definition, over-tourism is too many people coming here. So if we get...if the...if one of the results of this is less people come here, to me, that's not a negative, that's a positive.

MR. DE ROODE: Yeah. Thank you, Member King. You know, I would say if those fees collected could be reinvested in ways that help us shift our economy as well, right, so that the...those...the residents here who are reliant on those tourism-related jobs, if we can help spur other parts of the economy to help them with that shift. So I don't know if that would fall under, you know, the Office of Climate Change that would be taking those...taking in those fees...or it's not the Office of Climate Change. Which Office would actually be receiving the fees?

COUNCILMEMBER KING: The fees collected would go into, I believe it's DBEDT. Let me just double check. I forgot the Department. The other thing with these types of bills is, you know, to not get too hung up on...you know, it's a State...the State Department of Economic Development and Tourism--Business and Tourism. But you know, the other thing is not getting too caught up in trying to wordsmith the bill at this point because it's going to go through so many iterations. This...you know, there may be a similar bill that actually gets picked up, and this bill, by number, may not even be the one, but the main thing, I think, is if we can agree that this is a concept that we're behind. And if it...if there is a...if there are three or four bills...similar bills, which I'm hearing from the State that it...Senate...from Senator Gabbard and the two Representatives I talked to, then we should get behind whatever one gets traction.

CHAIR MOLINA: Okay. Thank you.

MR. DE ROODE: So whichever Office ends up having access to those funds, having them have enough flexibility to support...

COUNCILMEMBER KING: Well, and the thing that's in this particular one for the rental car green fee...the...it's says that the climate...the Climate Change Mitigation Special Fund shall be used by the Department for...and it gives...lists six different things. They're climate change mitigation, environmental management and planning, environmental conservation, management and protection of natural resources and ecosystem,

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environmental awareness and education, and sustainable tourism practices. So you know, to me, definitely, diversifying the economy is a sustainable tourism practice. But the point...the point I was making earlier is if you see something else and you want to put in there, then you know, that's when you go to the Legislature, to the hearing, and ask them, and you know, offer them amendments to these types of things. But I think it's a...it's not a good use of time to try to make every bill perfect before we send it out because it may not even be the bill that gets picked up by the Legislature anyway. And then also you're going to see that...

CHAIR MOLINA: That's a good point, Member King, yeah. This thing's going to morph.

COUNCILMEMBER KING: We're going to see changes.

CHAIR MOLINA: Yeah, it will morph along the way. So...

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: With that said, Members, any...those of you who have not had a chance to ask either Mr. de Roode or Member King a question, this is your last opportunity. Again, this is for Items 3 and 4, for the climate change mitigation impact fee for tourism-related vehicles, as well as a...establish a green fee surcharge on transient accommodations. I got one quick question for you, Member King. And as it relates to the fee for the tourism-related vehicles, any other municipalities, or is this something that would be, I guess, a first, a fee related to climate change matters as it relates to, I guess, carbon imprints caused by rental car vehicles? Is this a first, I guess, or...

COUNCILMEMBER KING: You know, I'll have to look that up. I mean, as far as municipalities in the U.S., I mean, Alex kind of mentioned other jurisdictions. And we've been looking at the...you know, we've been looking at Palau and the Galapagos, even, and you know, for some of these impact fees. I can try to get that information if you're really interested to see what other...unless...Alex, unless you have that. Do you have any other information, any other U.S. jurisdictions that are doing the same thing?

MR. DE ROODE: I don't know of any off the top of my head. We could certainly do some research and get back to you on that, specifically with the vehicles.

COUNCILMEMBER KING: Okay. That might be helpful. Yeah, we're so used to being the first that, you know, always doing things that no one else has done yet.

CHAIR MOLINA: Yep, Maui continues a reputation...sustaining a reputation of being...trying to be the first on the block and doing cutting edge stuff. And that's a good thing. That's a good thing.

COUNCILMEMBER KING: Yeah.

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CHAIR MOLINA: All righty. Okay. Anything else? If not, we will move forward with this, and again, for decision making on Friday. So Members, the time is 10:40. We've got one more HSAC proposal from Member King, but before we do that, I'd like to go ahead and take our morning recess. So Members, we'll take a recess until 10:50...11 minutes okay, Members?

COUNCILMEMBER KING: That's fine.

CHAIR MOLINA: Okay. The GREAT Committee meeting for September 28th, 2021 is now in recess until 10:50 a.m. . . .*(gavel)*. . .

RECESS: 10:39 a.m.

RECONVENE: 10:56 a.m.

CHAIR MOLINA: . . .*(gavel)*. . . The GREAT Committee meeting for Tuesday, September 28th, 2021 is now back in session. The time is 10:56 a.m. Members, we last left off on the HSAC Package proposals, which relates to GREAT Item 3(1), and we have one more for discussion. That is Item 5, which is from Councilmember King, and it relates to inclusion into the 2022 HSAC Association of Counties Legislative Package a State bill related to transient accommodations hosting platforms. But before I go any further, I was just informed by Chivo from *Akakū* that we are back on broadcasting on Channel 53. So just for the public's information, Channel 53 is back on televising our Committee meeting today. So with that said, I'll...we'll go to Member King, and also we have our resource personnel from the Planning Department to add any further comments as well on this proposal from Member King. So go ahead, Member King. You have the floor.

COUNCILMEMBER KING: Okay. Thank you, Chair. This is something that I actually worked on a couple of years ago with Michele McLean and Michael Hopper, and we had some...we had some question about whether counties had the ability to regulate some of these hosting platforms like Airbnb and Vrbo, and that Vacasa organization that's going around trying to actively advocate for people to turn their long-term rentals over to short-term rentals. And we were told by, I think it was Michael Hopper of Corp. Counsel, that counties don't have the ability to regulate hosting platforms because it's a business. And then in the interim, we've seen some of the counties trying to work with Airbnb and Vrbo to make some agreements, even though we don't legally have this authority. So this bill would...and the meat of the bill...of the proposal is on page 20 of the bill, if you have the bill in front of you. So I'll just read that. This is...this is part of the Hawai'i Revised Statutes that talks about the counties' authority. And so this adds number 28, notwithstanding any law to the contrary, any County may adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators conducting business within the County. For purposes of this paragraph, booking service means any reservation or payment service provided by a person who facilitates a transient accommodations transaction between

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a prospective transient user and a host. Hosting platform means a person who participates in a transient accommodations business by collecting or receiving a fee, directly or indirectly, through an agent or intermediary for conducting a booking service transaction using any medium of facilitation. So basically, if we got the authority to regulate hosting platforms, then we also would have the authority to fine them if they continue to advertise unpermitted transient accommodations. That's what this bill is about, is trying to give the counties the authority to do that. And you know, I sat in Brian Schatz's Affordable Housing Summit a couple of years ago. I think it was in 2019. And this came up, this idea of the short-term rentals being a problem for affordable housing. The Attorney General was there, and she couldn't tell us if we had the authority or not, but I was asked by Senator Donovan...Donovan Dela Cruz, to go ahead and...he said you need to go ahead and push this bill though, because I don't think you guys do have the authority. So just wanted to let folks know that there's still that question out there, you know, do we have the authority or not. So I'm going to try to...and I put in several requests to the Attorney General back then to try to get an answer, and I never got an answer. So I'm going to still keep trying because if we have it, we don't need this bill, but I'm just proposing this bill in the event that, you know, we don't have it and we...and we do want to...and I was just talking to Member Paltin about, you know, one of the groups called Vacasa that was sending letters around to our residents on the island. My sister got one. So anybody who had a long-term rental was getting this letter trying to urge them to go short term because they could make so much more money. And most of the people, like my sister who, you know, are good...are good residents, they like renting to long-term residents, they got really upset by getting these letters. It's like someone urging you to do something...first of all, it's illegal because you don't have a permit, and second of all, it's taking long-term rentals away from our residents. So these are the...these are the types of organizations and the types of problems I think we'd be able to address if we had the authority. So anyway, that's my...that's my reasoning for this particular legislation. Oh, and we couldn't...

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER KING: We couldn't get Mr. Hopper here, but I don't know, maybe Planning has a comment on it.

CHAIR MOLINA: Yeah. I know we have Mr. Rapacz waiting in the wings. But before I recognize Mr. Rapacz, just for those of you who may not be very technically astute with the latest terms, if you will, and I'm one of them, can you just, in layperson's terms, tell us what a transient accommodations hosting platform is?

COUNCILMEMBER KING: It's any kind of platform that people advertise their, you know, vacation rentals on. So Airbnb, Vrbo--I think it stands for vacation rental...I don't know that the B and O stand for, but--then there's that company Vacasa. There's more than just those two. So even though some of the counties are trying to make agreements with Airbnb and Vrbo, because those are the most widely known, there are actually other hosting platforms too. So anybody that creates a hosting platform and starts

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advertising for other people's short-term rentals would be subject to whatever regulations we would desire to put on them.

CHAIR MOLINA: Okay. So computer advertising, basically, in a nutshell, yeah? Okay.

COUNCILMEMBER KING: Yeah, pretty much.

CHAIR MOLINA: Member Kama, you have questions for Member King?

COUNCILMEMBER KAMA: Yes, I do, Chair. Thank you so very much. You know, I was watching...I forgot what I was watching when I saw it on TV, but there was an advertisement on TV by Vrbo, and Vrbo is vacation rentals by owners. So the owners themselves actually advertise on whatever platforms they decide to use. So when I saw that on TV...and then you were just mentioning today about how we would be able to get impact fees through that...does that include those advertisings that are on TV too? And how...

COUNCILMEMBER KING: Yeah, it includes any organization that's hosting advertisements for people...owners or other people who are doing vacation rentals.

COUNCILMEMBER KAMA: Oh. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Kama. Okay. I'd like to give Mr. Rapacz from the Planning Department to share his thoughts on this legislation. Mr. Rapacz?

MR. RAPACZ: Thank you, Mr. Chair. Good morning, Members. In terms of the Department's position on this, I would defer to Mr. Hart if he's still on the line, Deputy Director Hart. And if you have specific questions about enforcement and how the platforms work, or how this proposed legislation might affect our enforcement, I'd be happy to answer those.

CHAIR MOLINA: Okay. Mr. Rapacz [sic], if you're still on the line. Apparently don't see you yet.

COUNCILMEMBER KING: Mr. Hart, you mean.

CHAIR MOLINA: Mr. Hart, yeah. Sorry. Mr. Hart, I see...I guess he's still on...

COUNCILMEMBER KING: No, he's here. He's here.

CHAIR MOLINA: He's here. Okay. Mr. Rapacz [sic], if you'd like to go ahead and expound on the legislation from Member King, please proceed.

COUNCILMEMBER KING: Mr. Hart.

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MR. HART: Chair, this is Jordan Hart. I'll defer to John on the function of hosting platforms and to discuss details overall, but I would just say that overall, we'd be supportive of the greater ability to regulate this issue. The County of Maui is in agreement with hosting platforms right now for information sharing. However, prior to that, the counties were working together to try and pursue legislation like this on the State level. And that began to kind of fall apart when Kaua'i initiated their agreements with the hosting platforms. So I do think that a voluntary information sharing is probably less compelling than actual legislation with the ability to specifically act on these issues, but beyond that I would...you know, I do want to say that John Rapacz has really spent a lot of time on this subject matter, and I think he's a valuable resource for this discussion. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Director. So we'll go back to Mr. Rapacz. Proceed.

MR. RAPACZ: Thank you, Mr. Chair. Can you folks see me and hear me okay? Okay. Good morning, everybody. Thank you, Member King, for again, proposing this. I think that this type of proposed amendment has been proposed several times now. It always seems to be defeated for one reason or another. From the enforcement end, this is a...would be a very important tool in our toolbox. Right now, we can fight a violator or someone advertising. We cannot cite the hosting platform for advertising an illegal operation or an unpermitted operation. My understanding is that we can't do that as a land use regulation, but that it can be done as a business regulation, and that's what this proposal would be. The reason it's so important to us...and I've been trying to think of an analogy that's not going to raise eyebrows, but the problem we have is that there are currently about 20 to 25,000 advertisements every day for short-term rentals on Maui. That translates to about 11,000 units because many...most units advertise on more than one platform. The majority of the advertisement occurs on those...on the three big ones. It's HomeAway, Vrbo, which is vacation rental by owner, and Airbnb. It is impossible to fully enforce at all times against all units. We do our best with the Staff we have. Of course, we can use more Staff, in case anyone was wondering, and we would certainly appreciate that. But the difference here would be that if we could enforce against a platform that, for example, is listing hundreds, if not thousands, of advertisements for illegal units, it's far easier for us to enforce against that one source rather than going after the operators and trying to enforce hundreds or thousands of times against them individually. So it's really a matter of scale and efficiency. This would improve...assuming it would be effective, this would improve our efficiency greatly. And hopefully, after...if we were successful in actually enforcing and imposing fines, and the fines were of an amount that actually mattered to these hosting platforms, then they would stop advertising illegal units. Right now, in the memoranda of agreement or understanding that Mr. Hart referred to, the platforms Airbnb and Vrbo have agreed to list the...agreed to require the lister, the property owner, to include a TMK in their advertisement. If they don't include a TMK in their advertisement, the ad will be pulled down. That's essentially it. If we discover advertisements without TMKs, we can report those to these two platforms, and they say they will take the ads down. The problem is, people can post whatever TMK they want. They can put the wrong TMK

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in their ad. Now they have a TMK in their ad, and they're going to filter right through the Vrbo and Airbnb systems that we have agreement on. So while it may offer some assistance, we still have to do full enforcement checks anyway. So it doesn't offer . . . *(timer sounds)*. . . that much...sorry, is that my time, or should I continue?

CHAIR MOLINA: Yeah. Yeah. Thank you. You gave us a very, very interesting overview. So I can see the enforcement challenges with that. My God, it's mind-boggling, 25,000 a day on average. So...okay. All right. I'm going to open up the floor for questions again. Remember, Members, time parameter is two minutes each if you have any questions for either Member King or Mr. Rapacz or Director Hart. So I see Member Kama. We'll start with you. Go ahead.

COUNCILMEMBER KAMA: Thank you, Chair. So this is for Mr. Rapacz. For that to be successful, wouldn't it make sense for the County to have their stamp of approval on top of that particular agreement, if they're going to do that with Airbnb or whoever? Because that legitimizes the TMK, to me. So it doesn't make sense that they...you're right, anybody can put a TMK, but not anybody can put the County's seal of approval on top of that.

MR. RAPACZ: Yes. The hosting platforms have said that they are not willing to do their own check on whether the TMK is the correct one for the property. Now, we know that for both of those platforms at least, in order to list your property, you have to list the physical address. We know that they have the technology to simply connect to our real property tax system and confirm whether the TMK listed in the ad matches the physical address that the owner has given to Vrbo. Our own enforcement system does something similar to that, our online system. So we know they're capable of that, but that's not what they're offering at this point. And I would go back to Ms. King's point, which was yes, there are agreements, and yes, they're offering some things, and yes, they may be of some benefit, but it would be far better to have regulation at the State level so that then the County could decide what...how to best regulate in detail that would result in the best enforcement.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Kama. All right. Anyone else that would like a two-minute opportunity to ask Mr. Rapacz or Member King as it relates to this legislation? Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah. Just real quick, the...for Member King, you mentioned...clarification. So House Bill 504 and Senate Bill 643, those are similar bills that are...that are also on. So we wouldn't need to pursue with this one should those advance, yeah?

COUNCILMEMBER KING: Yeah. Actually, this is House Bill Number 504 that I'm reading from. So you know, we're trying to get this pushed through. And it's enabling

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legislation. So it would allow the County to be able to regulate, and then we could decide how we want to regulate, what kind of fines. And I loved...I loved Member Kama's idea of putting a seal of approval. And we can make that a requirement for hosting platforms if we had the ability to regulate.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Mr. Rapacz, you wanted to add a clarification?

MR. RAPACZ: Yes. Thank you. If I could, to Member King's last comment, rather than requiring the County to do the work, have the personnel run the system to approve what's in the ad, I think it would be better to require the hosting platform to do their own checking directly in our real property tax system. So it's no additional burden or workload on the County, it just places the full responsibility on the platform to access the County real property tax system online, which they can do, and just confirm that the TMK matches up with the address they've been given. Thank you.

CHAIR MOLINA: All right. Good point. Okay. Other Members? Two-minute opportunity. Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Rapacz or Deputy Director Hart. Did the County have an agreement...our County have an agreement with Airbnb now? And...

MR. RAPACZ: That's my understanding, with Airbnb and then with Vrbo through Expedia, I believe.

COUNCILMEMBER PALTIN: Would this affect it, or no?

MR. RAPACZ: Should I go ahead, Jordan? Okay. Thank you. So the agreement does specifically say that the County is not prohibited from opposing any legislation like this. The concern was that...and I just...my personal opinion is that when this proposal comes up, then the industry folks are going to say...or Airbnb and Vrbo are going to say, you don't need any State-wide legislation. We already have agreements with the counties. And...

COUNCILMEMBER PALTIN: But they're not the only game in town, right?

MR. RAPACZ: Excuse me?

COUNCILMEMBER PALTIN: They're not the only platforms around?

MR. RAPACZ: Correct. Yes. They are the largest. They're not the only ones. But also, these agreements, as...you know, as I explained, are not nearly as helpful as the regulation would be.

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COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR MOLINA: Thank you very much, Member Paltin. Anyone else for a two-minute opportunity to ask Member King or Mr. Rapacz questions on this proposed legislation for the HSAC package? Okay. Seeing none. Well, thank you very much, Mr. Rapacz and Director Hart. This matter will...again, no action will be taken today, and we'll take action on this this Friday. So I want to thank you guys for taking up your time to be here. Member King.

COUNCILMEMBER KING: Yeah, just real quickly, I misspoke when I said I had a meeting at noon. The meeting's tomorrow at noon. I'm having a hard time keeping my lunch hour meetings straight because we started adding all these meetings in because our time is so short. But I just wanted to mention that for Member Paltin in case she...as the alternate, she wants to attend the meeting tomorrow.

CHAIR MOLINA: Okay. Well, thank you for making aware...making us aware of that.

COUNCILMEMBER KING: Noon tomorrow.

CHAIR MOLINA: You know, please...yeah, please find time every now and then to actually have lunch instead of a meeting.

COUNCILMEMBER KING: Well, I told them the only way I would have a noon meeting is if they didn't mind if I ate lunch during the meeting on screen. So . . .*(inaudible)*. . .

CHAIR MOLINA: You're entitled to have lunch by yourself or in peace every now and then. Now, don't forget that. Okay. Members, that, I believe, takes care of all the proposals as it relates to GREAT 3(1) for the 2022 HSAC Legislative Package. So if there are no objections, the Chair will defer this item, and for future action at this Friday's Council meeting. Any objections to deferral?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused YLS)

ACTION: DEFER pending further discussion.

CHAIR MOLINA: Okay. So noted. All right. Members, looking at our agenda, we have the Hāna Advisory Committee matter to discuss, but I've been made aware of a situation that occurred, I was made aware of this morning, that may result in some additional discussion. And it'll involve Staff and some comments as well from Corporation Counsel. So what I'd like to do is, if you don't mind, I'd like to just take up the last item on the agenda, which should not take up very much time, and...so we can spend more time...we can close our day with the Hāna Advisory matter. So any objections to taking up Committee Item GREAT-7, Conservation Planning Committee?

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ITEM-7: CONSERVATION PLANNING COMMITTEE (CC 20-69)

CHAIR MOLINA: Okay. Thank you very much, Members, and thank you for being so accommodating to the Chair. This matter, of course, relates to the nomination process for the Conservation Planning Committee. As you recall, Members, Ordinance 5187, initiated in 2021, a copy of which the Chair put on your Granicus, outlines the membership requirements for the Conservation Planning Committee. And in accordance with Section 2.82.040, Maui County Code, the Council is responsible for appointing three voting Committee Members. One must be a full-time resident from Molokaʻi, one from Lānaʻi, and one full-time resident from East Maui. And Section 2.82.040F states that at least two voting Committee Members must have demonstrated expertise in Native Hawaiian traditional and customary practices, as evidenced by one or more of the following credentials, and that would include a college degree in a relevant field, such as Hawaiian studies, Native Hawaiian law, Native Hawaiian traditional and customary practices, which would include traditional environmental practices or related subject area, and a work history that demonstrates an appropriate level of knowledge in Native Hawaiian traditional and customary practices, which include traditional environmental practices, and substantial experience as a Native Hawaiian traditional and customary practitioner. Today's discussion will just focus on the process to appoint the Council's three Members from Molokaʻi, Lānaʻi, and East Maui. So therefore, your Chair's proposal is using the methodology or version of the board application, as we used for prior Commissions, and most recently, the South Maui and Pāʻiā-Haʻikū Advisory Committees. So we're going to go with that...Chair would like to recommend that to you. And after today's meeting on this, the Chair will issue a press release advertising the call for anyone interested in applying for the Molokaʻi, Lānaʻi, and East Maui seats on this Commission. And OCS Communications Staff will work with Administration to post a link to the applications and information about the Conservation Planning Committee on the County's website. And as noted on the bottom of the application, I propose completed applications to be emailed to the great.committee@mauicounty.us with a reference to GREAT-7. And applications may also be dropped off in a drop box located in front of the County building, or faxed or mailed to the Office of Council Services. And the application deadline, as recommended by your Chair, will be 4:30 p.m. on Friday, October 15th, 2021. And the Chair would also like to propose that the Committee defer to Vice-Chair Rawlins-Fernandez, as well as Committee Members Johnson and Sinenci, who are respectively representatives from Molokaʻi and East Maui--and of course Member Rawlins-Fernandez from Molokaʻi--on their recommendations to select a candidate that they feel will best represent their area on the Conservation Planning Committee. So anyway, that is my spiel, and again, I would like to hopefully bring this up for our November 2nd GREAT Committee meeting. So to our three colleagues from Molokaʻi, Lānaʻi, and East Maui, any comments on the proposed process? Who would like to go first? Any thoughts? Any objections? Okay. Well, Member Johnson.

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COUNCILMEMBER JOHNSON: Thank you, Chair. I fully support this, and I think it's very timely into a large project that is happening on Lānaʻi, specifically working with the NFWF, which is basically a Federal funding that's going to support a big conservation on...project on our east shores of Lānaʻi. And I think if we get some folks who are the boots on the ground, they can really add to this Committee. So I'm in full support. Thank you, Chair. That's all I have.

CHAIR MOLINA: Okay. Thank you very much, Mr. Johnson. Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, just a question. You did mention that you would...that you will entertain recommendations from us on November 2nd? Or you...are you going to be putting it out there, the press release?

CHAIR MOLINA: Well, you know, we...we'll put it out all the...that will be made public, certainly, all the people who applied, but then we'll lean on you, to each of you, to share with the Committee as to who you would like us to recommend. And we'll go from there, and see what happens with the voting Committee.

COUNCILMEMBER SINENCI: Okay. Great. Mahalo, Chair. I'm supportive of your process. Thank you.

CHAIR MOLINA: Thank you, Mr. Sinenci. Committee Vice-Chair Rawlins-Fernandez, any thoughts on the application process?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, no, I support the application process. I was just waiting for the application. I just got it this morning. So I'll send over the applicant this week. So I do have a question regarding the application itself. When we were going over it, the political affiliation...so we've already put a number of people, about...almost half of the Committee that was nominated by the Mayor, and most people, especially those that are in conservation and who identify as environmentalist are Democrats. So...yeah. Having the application with the party affiliation, and if we have...we're not allowed to have more than half of them Democrat. So I don't know if you have a proposal to mitigate that situation.

CHAIR MOLINA: You know, good question. And you do bring up a good point, and I guess there is that tendency to see people who are advocates for the environment tend to be more liberal, and lean with a more liberal political affiliation or party. That is, I guess, a policy decision, but then again, it's outlined in the Code [sic] too, yeah. So maybe let's get some suggestions or thoughts from Corporation Counsel. Maybe from Ms. Thomson, if you can share your thoughts?

VICE-CHAIR RAWLINS-FERNANDEZ: It's not in the Code, it's in the Charter.

CHAIR MOLINA: Charter. I mean Charter, yeah. Yeah. Ms. Thomson, any thoughts on, you

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know, if we encounter any challenges where all the applicants happen to be of one political party, or the existing Members that are already on this Committee already...you know, it's been quite tilted towards one side, any way to...not to say get around that, but any suggestions what we can do to kind of, you know, bring more balance, potentially?

MS. THOMSON: I...you know, I know that that is one of the issues that the Charter Commission is taking up in its consideration this session. So that...you know, that is important, and I know that it has caused issues in the past. You know, going back and looking at the Charter Commission historically--and I can pull that information out and transmit it to you--it doesn't appear to me that they were looking...the Charter Commissions from, you know, the past were looking at that restriction as being maybe as strict as it's been applied recently. You know, so they were really looking more at...the proper terminology is escaping me, but you know, very much like the...you know, the card-carrying, kind of upper echelon in the parties. They didn't want it weighted so heavily, but not necessarily your common voter who would vote Democrat or vote Republican, you know, and identify as maybe a member of the party, but not an active member. So I know that the Charter Commission...it's not quite fixed yet because it will take until the election, but that is something that they're looking at.

CHAIR MOLINA: Yeah. Good to know. But I guess...I mean, I know this Council, and especially most recently, we've made it a real emphasis on achieving as much political balance on our various Boards and Commissions. So I guess this would provide some challenges for us. So we'll see. We'll just take it as it comes and go from there, yeah? So any additional thoughts, Members, on that particular aspect? Okay. Seeing none. Well, we'll move forward with the application process. Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I just wanted to clarify Ms. Thomson's explanation to us. And so if...her understanding of Section 13-22 of the Charter is that the applicant shouldn't be like on the Executive Board or holding office in the Democrat...I'm sorry, in any political party. Would someone who votes Democrat or Republican just put none where it says party affiliation?

CHAIR MOLINA: Ms. Thomson.

MS. THOMSON: Thank you, Chair. That's a very good question. You know, maybe the best way for me to handle this is if we could do a written reply to the Committee, and just maybe provide some...you know, some analysis historically, and then guidance.

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

CHAIR MOLINA: Yeah. Good suggestion, yeah, because we have some time, because the Chair's intent is to take up these nominations on November 2nd. So if we could get a written response to your inquiry from Corp. Counsel by that time, I think that would be helpful for the Committee when we get to November 2nd. So...all right. Any other

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questions or comments on the Chair's recommendation for the application process for the Conservation Planning Committee as it relates to Moloka'i, Lāna'i, and East Maui? All right. Seeing none, then. So Members, we'll defer the matter, and we'll proceed with the advertising process, and then deadline, of course, again, will be October 15th for those members of the public interested, by 4:30 p.m. We can receive all applications by then. And then come November 2nd, we will address the nominees to this Planning...Conservation Planning Committee. So...all right. Any objections to deferral?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR MOLINA: All right. Fantastic. So ordered. All righty, Members. We are just moving really, really well.

**ITEM-2(22): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(HANA ADVISORY COMMITTEE) (CC 21-42)**

CHAIR MOLINA: So we are on our last item of the day, and that is the nomination for the Hāna Advisory Committee. That is GREAT Item 2(22), and as I mentioned earlier, a situation came up. As most of you know, recently, we passed legislation that applied to the soon-to-be-formed Pā'ia-Ha'ikū South Maui Advisory Committee as well--it applies to the Hāna Advisory Committee--where the Council would nominate five of these Advisory Committee Members, and two would come from the Mayor. But now there's been an issue that has arisen with...due to the resignation of David Kaina. And again, this proposal today comes from the Mayor, and it has to do with the Mayor's nomination of Scott Crawford to the Hāna Advisory Committee to fill out a term which expires on March 31st, 2022, due to the vacancy...due to...fill a vacancy due to the resignation of Mr. David Kaina. So I would like to ask Mr. Raatz from OCS to expand on this. And I know Mr. Mossman may be waiting in the wings to give us some comment, but I'd like to ask Mr. Raatz to provide us a rundown of this matter, something we'll have to consider...may have to make some modifications in this nomination process if need be. Mr. Raatz.

MR. RAATZ: Thank you, Chair. And I want to thank your Committee Staff and Department of Corporation Counsel for consulting with us this morning. The Advisory Committees are governed by Chapter 2.28 of the Maui County Code, including how appointments are made and vacancies are filled. As you mentioned, there have been recent ordinances that have amended Chapter 2.28, specifically Ordinances 5210 and 5241. An understandable question came up with this current vacancy: what is the proper procedure to fill the vacancy? If you look at the most recent ordinance, 5241, the language says that the Council will fill Council-appointed seats, and the Mayor will fill Mayor-appointed seats when there's a vacancy during the middle of a term. But as the Department of Corporation Counsel reminded us, this vacancy took effect on August

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4th of this year, and at that time, the operative language in Chapter 2.28 was based on Ordinance 5210. And that language says that the Council will fill all vacancies on the Hāna Advisory Committee unilaterally, at least until you reach five Council appointees. So based on that framework, this vacancy, we believe, would be appropriately filled by the Council on its own. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you for that overview, Mr. Raatz. So you know, I guess we have options today to consider. We can consider, I guess, Mr. Crawford, and make the appropriate language or amendment changes to the resolution to indicate the implementation of the ordinance, or we can, you know, not deal with it, or deal with it at another time. But Chair would like...I mean, I have no...I have no problems with Mr. Crawford's nomination. I want to just state that for the record. I know he's very well known to all of us, and I'm sure Mr. Sinenci would agree with me. He's certainly been a very active member of the community. But that's where the Chair's at. Member Paltin, your thoughts?

COUNCILMEMBER PALTIN: Can I nominate him right now, and then it'll be a Council nominee?

CHAIR MOLINA: I guess we can. Mr. Raatz, process-wise, can we just go ahead and do it that way? So now that...being that it should be...it's now in the Council's purview? So this is not the Mayor's nomination, so the Council's nomination, so Member Paltin would like to initiate a motion on the floor. Any issues with that? Can we proceed as such?

COUNCILMEMBER KAMA: Second.

MR. RAATZ: Thank you, Chair. We don't see a directive in the Code as far as the procedures you would need to follow. So I think you have wide discretion. And we would note you probably can work off of the resolution you have before you today that the title doesn't specify that this is a Mayoral nomination or a Council nomination. So if the body so chooses, we could substitute in some whereas clauses to clarify the provision of the Code that you're following and the process for filling the vacancy. Thank you, Chair.

CHAIR MOLINA: Okay. Very good. All right. Well, let's first take care of the motion on the floor, as proposed by Member Paltin, which is to nominate Mr. Crawford to the Hāna Advisory Committee. And the second, I believe, was made by Member Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: Okay. Now, Member Paltin, as the movant, any discussion?

COUNCILMEMBER PALTIN: Just, you know, I've worked with Mr. Crawford a lot through the years, and I know him to be, you know, really involved in the community, super diligent, and you know, I know that Hāna Advisory Committee often has hard time making quorum, and so they're unable to host the meetings. And I think, you know, that's

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really a disservice to the community. So the faster that we can get them at quorum, the faster then work can be done, and you know, more efficient the process. Sometimes things get held up when they aren't able to have meetings. And so, you know, just...I know him to be a pretty conscientious guy, and it's a short amount of time because it's filling in a vacant slot. So you know, it's been this problem for a while. And so my discussion.

CHAIR MOLINA: Thank you very much, Member Paltin. Member Sinenci, followed by Member Kama.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah. Speak in support of Mr. Crawford. So my question for David is, he's just taking the finishing up of the term that was left empty by Mr. Kaina; is that correct?

MR. RAATZ: Thank you, Chair and Councilmember Sinenci. Yes, that's our understanding. So the term would remain as it's presented in the resolution before you.

COUNCILMEMBER SINENCI: Okay. And then for...and then after that term expires, then the Mayor will forward another name for the...for the next term; is that correct?

MR. RAATZ: Chair, if I may? Thank you.

CHAIR MOLINA: Go ahead, Mr. Raatz.

MR. RAATZ: Thank you, Councilmember Sinenci. Under the most recently enacted ordinance, Chapter 2.28 has been amended to have a different procedure for appointments after terms end, where the Council will have unilateral appointment authority for, I believe, five seats, and the Mayor will have unilateral authority for the remaining seats.

COUNCILMEMBER SINENCI: Okay. Thank you, Mr. Raatz. Thank you, Chair.

CHAIR MOLINA: Yeah. And thank you for that question, Mr. Sinenci. So as I understand it...so would...the next four vacancies that occur on this Advisory Committee would be under the purview of the Council now with this ordinance change, as I understand it correctly. And then, after we fill the first five, then the Mayor comes in with two nominations from him as well. That is how I understand it to be. And of course, we may have to look at 2.82 again as well, make some adjustments to add more specifics in the near future. So...okay. Let's go to Member Kama, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KAMA: Thank you, Chair. So you know, when I saw Scott's name on the advisory, I just thought back of when I first met him, and the thing that came to mind...and I've known him from the early '90s when we were working on another project. But as I've also seen him after he moved out to Hāna and started to establish a new life out there, the same thing that caught my eye in the '90s caught my eye again; that he

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was diligent, consistent, competent, and he's a visionary. So I support this nominee. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Kama. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah. So the next five would be Council-appointed, and then the following two would be Mayor-appointed. So we wouldn't get the nominees come before us for a confirmation. I would like to amend the resolution.

CHAIR MOLINA: Go for it.

VICE-CHAIR RAWLINS-FERNANDEZ: I move...I move to amend the resolution by striking the three whereas clauses, and replacing it with three whereas clauses that will be read as follows: Whereas there is a vacancy on the Hāna Advisory Committee to the Maui Planning Commission for a term expiring on March 31st, 2022 based on the resignation by David Kaina, effective August 4th, 2021; and whereas under Ordinance 5210, in effect on August 4th, 2021, the Council has sole authority to fill the vacancy; and whereas the Council wishes to have Scott Crawford fill the vacancy, now therefore. And so that's the motion. And I'll put it in the chat.

CHAIR MOLINA: Is there a second for the motion to amend? Okay. Seconded by Member Sugimura. Okay. Vice-Chair Rawlins-Fernandez, any additional discussion? And thank you for that amendment. That will certainly provide more specificity and clarity as to this nomination today. Anything else on the amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: Absolutely. Mahalo, Chair. And Mahalo, Ms. Espeleta, for your kokua with this. Yeah. So you know, similar to the other Members, my experience with Mr. Crawford has always been very...my...you know, like he just loves the community and wants to contribute as much as he can to make Maui County a better place. So I fully support him filling this seat. I trust that his attendance will be great. I know that he has experience in participating with the Hāna Advisory Committee, and I've always seen his contribution to, you know, Maui, and to Hawai'i. And so I'm clear on how he would contribute. So I fully support Mr. Crawford. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. Okay. We are on the amendment. Any other discussion on the proposed amendment from Vice-Chair Rawlins-Fernandez? Seeing none. Okay. Chair will call for the vote. All those in favor of the amendment, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Any opposition? Okay. Thank you. Chair will mark the amendment passes unanimously, 9-0.

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VOTE: **AYES:** Chair Molina, Vice-Chair Rawlins-Fernandez,
 Councilmembers Johnson, Kama, King, Lee, Paltin,
 Sinenci, and Sugimura.

EXC.: None.

ACTION: AMEND RESOLUTION.

CHAIR MOLINA: Okay. Thank you very...thank you very much, Ms. Thomson, for that as well. And thank you to Mr. Crawford. He was online, by the way, this morning. He was not required to come by, but it shows you the type of person he is, very dedicated, and he wanted to make himself available in the event we had questions for him. So if there are no more questions on the motion as amended, the Chair will call for the vote. All those in favor of the nomination of Scott Crawford to the Hāna Advisory Committee, signify by raising your hand and saying “aye.”

CHAIR MOLINA: All those opposed? All right. Thank you, Members. Got another unanimous.

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VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura.

EXC.: None.

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CHAIR MOLINA: Okay. Thank you very much. All right. With that said, Members, don't forget we have an APT meeting at 1:30 under the leadership of Mr. Sinenci. And the good news is, no recess. All right. We are good after the APT meeting. Thanks, everyone, for your hard work. The time is 11:41 a.m. It is always an honor to serve as your meeting facilitator for the GREAT Committee. This GREAT Committee for September 28th, 2021, 11:41 a.m., is now adjourned. . . .(gavel). . .

ADJOURN: 11:41 a.m.

APPROVED BY:



MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:min:210928:bc

Transcribed by: Brenda Clark

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CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 57 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 1st day of November 2021, in Wailuku, Hawai'i

A handwritten signature in dark ink, appearing to read "Brenda Clark", is written over a horizontal line.

Brenda Clark